

Title 6

ANIMALS

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<u>6.08</u>	<u>Animal Control</u>

Chapter 6.04

ANIMAL REGULATIONS\*

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\* For statutory provisions on animals at large, see Food and Agric. Code §16301 et seq.; for provisions authorizing local regulation of estrays, see Food and Agric. Code §17003; for statutory provisions authorizing cities to license dogs, see Gov. Code §38792 and Food and Agric. Code §30501 et seq.; for statutory provisions on impoundment of dogs, see Food and Agric. Code §31101 et seq.

6.04.010 Definitions.

For the purpose of this title, the following definitions shall be used:

A. "Person" means and includes all natural persons and any firm, partnership, corporation, trust and any as-

sociation of persons, government agency or political subdivision.

B. "Owner" means and includes any person who owns, possesses, controls, keeps, cares for, harbors or has custody of the animal for fifteen (15) or more consecutive days, except a veterinarian or an operator of a grooming shop, a kennel or a pet shop engaged in the regular practice of this business as such.

C. "Cat, housecat" means any domesticated carnivore, felis domestica.

D. "Dog" means a domesticated animal of the canine type; young animals (puppies) of this type are considered dogs.

E. "Altered dog" means a dog which has been certified in writing by a veterinarian as being nonreproductive.

F. "Companion dog" means a dog specially trained and used to assist the blind, hearing impaired or physically impaired.

G. "Unlicensed dog" means a dog for which a required license fee has not been paid, or to which the tag or tattoo required by this division is not attached.

H. "Exotic or wild animals" means animals which are considered to be dangerous, exotic or wild include but are not limited to: apes, buffalo, coyotes, foxes, wolves, bears, cougars, lynx, bobcats, wild boars, cheetahs, jaguars, African lions, tigers, leopards, panthers, ocelots, monkeys, elephants, camels, llamas, undomesticated mammals and any other animal, reptile, amphibian, bird or fowl which bites, attacks or in any way harasses any person or animal, or which has a disposition or propensity to attack or bite any person or animal, without provocation.

I. "Administrative review board" means a five (5) member panel, one (1) member being an employee of the city (other than the animal control officer) designated by the city manager, the other four members being noncity employees familiar with animals or animal control and designated by the city manager. Whenever practical the city manager shall appoint at least two (2) of the panel members from veterinary associations and humane societies.

J. "Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats except a facility operated by a humane society, or

governmental agency, or its authorized agents for the purpose of impounding or caring for animals.

K. "Grooming shop" means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

L. "Pet shop" means any person, partnership or corporation, whether operated separately or in connection with another business enterprise except for a kennel, that buys, sells or boards any species of animal.

M. "Dog hobbyist" means any person who owns or keeps, within or adjoining a private residence, four or more dogs for personal and noncommercial purposes, which are limited to hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding or to enhance or perpetuate a given breed, and who has secured a permit for such activity in accordance with the provisions of this title.

N. "Ranch dog permittee" means any person who owns or keeps within or adjoining a residence, building, lot or area which is zoned for agricultural uses, four or more dogs for personal, recreational, noncommercial purposes, or purposes related to agricultural pursuits including, but not limited to, the control, herding and protection of livestock and other domesticated animals, and who has secured a permit for such activity in accordance with the provisions of this title.

O. "Guard/rescue dog permittee" means any person who owns, keeps and uses a dog in connection with (1) a commercial business engaged in patrolling and/or protecting private property or (2) law enforcement or search and rescue association activities, and who has secured a permit for such activity in accordance with the provisions of this title. (Ord. 225 (part), 1988: Ord. 11 §1, 1961).

#### 6.04.020 Dog license tag--License tattoo.

A. A dog license tag shall be delivered to each person who complies with the dog vaccination requirement and pays the license or permit fee required by this section. The tag shall be stamped with the words "City of Arvin Dog License," the license number and the month and year that the tag expires. The tag shall be secured to a collar or harness which shall be worn at all times by the dog for which it is issued except when the dog is in competition, being trained or being used lawfully to pursue

game (provided the handler has the license tag in his or her possession), being groomed or confined within a kennel, yard or pen.

B. Tattoo. In lieu of a tag, a permittee may have a tattoo license number. issued for any dog which shall be permanently marked in the dog's left flank or left ear by a veterinarian. The license number shall be preceded by the letters "CTY ARV." to indicate "City of Arvin." Numbers shall be issued by the city, when the license fee is paid. The tattoo shall be marked within four (4) days of paying the license fee.

C. The city manager may delegate the duty to issue licenses and collect fees when he determines such delegation is necessary for a city-wide and uniform service to the public.

D. Lost License Tag. Whenever, during the period for which it is effective, a dog tag issued pursuant to this section is lost, taken or stolen the owner of the dog for which the tag was issued may upon payment of one dollar (\$1.00) and exhibition of evidence of current rabies vaccination receive a duplicate tag for the remaining portion of the period for which the original dog tag was issued. (Ord. 225 (part), 1988: Ord. 194, 1984: Ord. 129 §1, 1977: Ord. 123 §1, 1977: Ord. 83 §1, 1971: Ord. 70 §1, 1970: Ord. 11 §2, 1961).

6.04.021 Dogs--Rabies vaccination required.

A. All dogs shall be vaccinated with a canine anti-rabies vaccine approved by the animal control officer within ten (10) days after becoming four (4) months of age.

B. Effective July 1, 1987, all dogs shall be vaccinated at the following intervals:

<b>Age of Dog</b>	<b>Vaccination Expires</b>	<b>License Expires</b>
More than 4 months but less than 1 year old (first vaccination)	One year from month given	All licenses expire at the same time the vaccination expires
More than 1 year old (no prior vaccination)	Three years from month given	All licenses expire at the same time the vaccination expires
More than 1 year old (previously vaccinated)	Three years from month given	All licenses expire at the same time the vaccination expires

C. No vaccine is licensed for use on wildlife.  
(Ord. 225 (part), 1988).

6.04.022 Vaccination--Performance.

Rabies vaccination shall be performed by a California State Licensed Veterinarian, hereinafter referred to as the "vaccinator." The vaccinator shall issue to the owner of the dog which he has vaccinated a certificate in form approved by the city manager showing the date of the vaccination and such other information as is required by state law or the city. The vaccinator shall also submit a report of the vaccination to the city ten (10) days of the giving of the vaccination on a form furnished by the city. (Ord. 225 (part), 1988).

6.04.023 Reports of animal bites.

The owner of any animal that bites any person, and any person who treats any other person for an animal bite, shall report the circumstances of the animal bite incident to the animal control officer who in his discretion shall place the animal under regulation or quarantine in a humane manner for such time as may be required or permitted by state law. The regulation or quarantine may be conducted at the home of the owner of the animal or at such other place as may be designated by the animal control officer, and the animal shall be kept securely confined while under observation. Dogs or cats that have bitten any person and are not vaccinated for rabies shall be quarantined at the county animal shelter and the owner shall be liable for the board and care fees. (Ord. 225 (part), 1988).

6.04.024 Animals--Symptoms of rabies.

Whenever the owner of an animal observes or learns that the animal shows symptoms of rabies or acts in a manner which would lead to a reasonable suspicion that it may have rabies, the owner of the animal shall immediately notify the animal control officer. If it appears to the animal control officer that any animal is afflicted with rabies, he may apprehend and destroy the animal forthwith and shall take such other action as he deems necessary to prevent the spread of the disease. (Ord. 225 (part), 1988).

6.04.025 Exposure to animal suspected of rabies.

Whenever any animal susceptible to rabies is exposed to another animal suspected of having rabies the owner of the animal so exposed shall, upon learning thereof, immediately notify the animal control officer. Exposed animals shall be treated as required by state law. When any animal is quarantined by the animal control officer, it shall be unlawful for the owner of the animal or any other person to violate the quarantine. Any of the following acts shall constitute a violation of the quarantine:

- A. Removing the animal from the quarantine premises;
- B. Allowing the animal to run at large;
- C. Destroying the animal without animal control officer authorization;
- D. Failing to notify the animal control officer of the animal's death immediately upon the occurrence thereof;
- E. Disobeying any of the quarantine restrictions imposed by the animal control officer;
- F. Allowing the animal to come in contact with other animals or persons. (Ord. 225 (part), 1988).

6.04.030 Dogs--Licensing required.

A. It shall be unlawful for any owner of a dog to keep or maintain the dog in any place in the city unless it is licensed pursuant to this chapter or is specifically exempt from such licensing requirements. This chapter shall not apply to the following:

- 1. Dogs wearing unexpired license tags from another jurisdiction; or
- 2. Dogs under the age of four (4) months which are secured or confined within the private property of their own;
- 3. Any dog owned by or in the charge of any person who is a nonresident of the city and is traveling through the city or temporarily visiting therein for a period not exceeding thirty (30) days provided the dog has been vaccinated consistent with city requirements and the owner or person in charge presents proof of such vaccination upon demand; and further provided, that the dog is confined on the property of the person in charge of it while temporarily in the city;

4. Any dog brought into and maintained in the city for a period not to exceed thirty (30) days for the exclusive purpose of entering it in any show, exhibition, field trials, training or competition or for breeding purposes, provided the dog has been vaccinated consistent with city requirements and the owner or person in charge presents proof of such vaccination upon demand; and further provided, that the dog is confined on the property of the person in charge of it while in the city except when being groomed, trained, bred, shown, exhibited or in competition.

B. No license tag or tattoo shall be issued for any dog until satisfactory written evidence is presented that the dog has been vaccinated against rabies in a manner approved by the animal control officer. (Ord. 225 (part), 1988: Ord. 123 §2, 1977: Ord. 83 §3, 1971: Ord. 11 §3, 1961).

#### 6.04.040 Impounding.

All city police officers or any person appointed by the city council as an animal control officer shall seize and impound and destroy in the manner provided by law in this chapter any dog subject to license under this chapter which is not licensed or is not wearing the license tag provided in this chapter, or is running at large in violation of and contrary to the provisions of this chapter; provided, however, that not later than twenty-four (24) hours after the impounding of any dog the owner, if known to the officer, shall be notified. The owner of any dog so impounded may reclaim each dog within five (5) days upon payment of the license fee, if unpaid, and of all costs and charges incurred by the city for impounding and maintenance of such dog. The charges for redemption, impounding, keeping and the procedure therefor not otherwise provided for in this chapter shall be as provided for by resolution adopted by the city council. No dog may be redeemed unless such dog is properly vaccinated against rabies effective for the current calendar year. In the event the owner does not claim the dog and pay the fees provided in this chapter for redemption within five (5) days after seizure and in the event the city continues to hold the possession, the city may deliver the dog to any other person desiring the dog upon his paying the fees provided in this chapter and complying with the vaccination require-

ments of this chapter, or the city may otherwise dispose of or destroy the dog in a humane manner. If it appears to the impounding officer that a dog is afflicted with rabies, he shall forthwith kill and destroy such dog or shall take such other action as in his discretion he deems necessary to prevent the spread of such disease and in such case the dog shall not be released. (Ord. 302, 1996: Ord. 157, 1980: Ord. 106 §1, 1975: Ord. 11 §4, 1961).

6.04.050 Dogs at large prohibited--Confinement.

A. It shall be unlawful for the owner of any dog to allow it to be on the private property of another person or public property without the consent of the person owning, occupying or controlling the property. Animals on the property of another person with the consent of the person in charge of the property shall be under such restraint as is necessary to protect persons and other animals from injury and to protect the property from damage. In particular, dogs shall be restrained by a leash not longer than six feet (6') in length and under the immediate control of the handler or confined within an enclosed pen when on public property unless the officer in charge of the property has consented to the owner exercising another form of restraint.

B. Any person who at any time finds any animal at large in violation of any of the provisions of this section may take up, confine and hold the animal; provided, that such person shall within four (4) hours thereafter notify the animal control officer of the fact that he has the animal in his possession and shall surrender possession of the animal to the animal control officer upon demand. If the animal is taken up at a time when an animal shelter is not open for business, the person confining it shall within four (4) hours after the shelter reopens, notify the animal control officer that he has the animal in his possession and shall surrender the animal to the animal control officer upon demand. (Ord. 225 (part), 1988: Ord. 11 §5, 1961).

6.04.060 Limitation on number of dogs kept.

It is unlawful for any residence other than a duly licensed veterinarian to keep, harbor or maintain in the city more than four (4) dogs subject to license under this

chapter. (Ord. 189, 1983: Ord. 36 §1, 1962: Ord. 11 (part), 1961).

6.04.070 Keeping noisy animals.

No person shall keep or maintain, or cause or permit to be kept or maintained upon any premises in the city, or upon any public street, highway, sidewalk, alley, park, playground or other public place in the city, any animal, bird or fowl which by any barking, howling, whining, crowing or by any sound or cry whatsoever disturbs the peace and comfort of any neighborhood or interfere with the reasonable and comfortable enjoyment of life or property by any person. Every day during which any person continues to keep or maintain any such animal, bird or fowl shall be a separate violation of this chapter. (Ord. 201, 1984).

6.04.080 Authority of animal control officer.

A. The animal control officer is authorized to impound any and all animals which are kept, maintained or found at large in violation of any of the provisions of this section and otherwise enforce all statutes, regulations and ordinances relating to the control of animals within the incorporated areas of the city.

B. The animal control officer is further authorized to cooperate with veterinarians within the city to develop a comprehensive licensing and spay and neuter program.

C. City animal control officer is the designated enforcement agency of the city. (Ord. 225 (part), 1988: Ord. 209, 1985).

Chapter 6.08

ANIMAL CONTROL

Sections:

- 6.08.010 License fee--Amount--When due.
- 6.08.020 Adoption and impoundment charges.
- 6.08.030 Payment for redemption of animals.
- 6.08.040 Disposition of unredeemed animals.
- 6.08.050 Sale of unredeemed animals.
- 6.08.060 Disposition of cats and dogs on owner's request.

- 6.08.070 Disposition of infirm animals.
- 6.08.080 Disposition of dead animals.
- 6.08.090 Dangerous animals.
- 6.08.100 Handling of dangerous animals.
- 6.08.110 Violation of order on dangerous animal.
- 6.08.120 Permit--Kennel, dog hobbyist, ranch dog, guard/rescue dog.
- 6.08.130 Exotic, wild animals.
- 6.08.140 Control of neglected and mistreated animals.
- 6.08.150 Sale or disposal of live animals.
- 6.08.160 Offenses--Resisting actions of the animal control officer.
- 6.08.170 Animals creating a nuisance.
- 6.08.180 Penalties.
- 6.08.190 Hearing and notice.
- 6.08.200 Transporting dogs in open vehicles.
- 6.08.210 Animal care requirements.
- 6.08.220 Treatment and record of animal seized.
- 6.08.230 Notice of impoundment.
- 6.08.240 Conditions for animal release.

6.08.010 License fee--Amount--When due.

A. Every owner of a dog over the age of four (4) months in the incorporated area of the city, shall pay the following applicable dog licensing fee for the stated license interval:

Type of Dog	Fee	License Interval
Natural dog over 4 months but less than 1 year old	\$12.00	First year only
Altered dog over 4 months but less than 1 year old	3.00	First year only
Natural dog over 1 year old	12.00	One year, or
	30.00	Three years
Altered dog over 1 year old	3.00	One year, or
	9.00	Three years
Companion dog	No fee	Must still obtain required license

The license fee is due and payable within ten days of having the dog vaccinated against rabies.

All licenses expire at the same time their supporting rabies vaccinations expire.

B. Penalty. An unpaid dog license fee shall become delinquent thirty (30) days after it is due and payable. Upon delinquency, a ten dollar (\$10.00) penalty shall be added to the regular fee. Penalty fees shall accumulate and be added to each successive license period.

C. Offenses--Failure to Furnish Information. Any owner of any dog in the city who refuses, fails or neglects to furnish to the animal control officer, fee collector or veterinarian authorized to vaccinate and license dogs and collect the license fees thereon, as provided herein, information necessary to properly vaccinate and license such dog, or who resists, hinders or obstructs the animal control officer or any of his assistants in the exercise of the animal control officer's duties, or who fails, neglects or refuses to pay any required license fee at the time and in the manner herein provided, shall be guilty of a misdemeanor and shall be punished as provided in this title. (Ord. 225 (part), 1988: Ord. 220 §1, 1987).

6.08.020 Adoption and impoundment charges.

Thirty (30) days prior to the start of each and every calendar year the animal control officer shall promulgate proposed fees for adoption, impoundment and food and care of animals based on his actual cost of the same. He shall then submit the proposed fees to the city council for adoption. A list of the adopted fees shall be filed at the health department, and shall be effective until changed. Until such time as the city council adopts new fees, the fees are as follows:

A. For care and feeding of a dog or cat, the sum of five dollars (\$5.00) per animal per day;

B. For care and feeding of any animal weighing less than one hundred (100) pounds, except cats or dogs, the sum of five dollars (\$5.00) per animal per day;

C. For care and feeding of any animal weighing more than one hundred (100) pounds but less than five (500) pounds, except cats or dogs, the sum of ten dollars (\$10.00) per animal per day;

D. For care and feeding of any animal weighing five hundred (500) pounds or over, the sum of twenty dollars (\$20.00) per animal per day;

E. For redemption of each dog impounded for violation of Section 6.04.050:

First violation	\$ 25.00
Second violation within any twelve-month period	100.00
Third and subsequent violations within any twelve-month period	200.00
For redemption of each female dog in season	an addition \$20.00 surcharge;

F. For redemption of each dangerous animal, as defined in Section 6.08.090, the sum of one hundred dollars (\$100.00); second violation, the sum of two hundred dollars (\$200.00) and third or more violation, the sum of four hundred dollars (\$400.00);

G. For adoption of:

	<b>Adopt Fee</b>	<b>Spay Neuter Deposit</b>	<b>Vaccinate Deposit</b>	<b>License Deposit</b>	<b>Total Incl. Tax</b>
Female cat	\$5.30	\$25.00	\$0	\$0	\$30.30
Male cat	5.30	15.00	0	0	20.30
Puppy up to 4 mos. old	5.30	40.00	0	0	45.30
Adult dog	10.60	40.00	10.00	3.00	74.20
Registered dog with papers	21.20	40.00	10.00	3.00	74.20

(Ord. 225 (part), 1988; Ord. 220 §2, 1987).

6.08.030 Payment for redemption of animals.

The owner of any animal impounded but not quarantined may, at any time during regular working hours and before the sale or other disposition thereof, redeem the animal by showing proof of vaccination and paying the animal control officer all of the fees and charges thereon including, but not limited to, license fee if unlicensed, impound fees, care and feeding charges, and veterinary charges if applicable and, in the absence of proof the animal is altered, a spay or neuter fee in an amount identical to that set forth in Section 6.08.020 ("spay neuter deposit"); such spay or neuter fee to be used for the purposes described in the California Food and Agricultural Code Section 30503. (Ord. 225 (part), 1988).

6.08.040 Disposition of unredeemed animals.

A. All impounded and unredeemed live animals other than bovines, horses, mules, burros and animals with identification markings or tags may be sold, released or destroyed by the animal control officer three (3) days (seventy-two (72) hours) after being impounded. Bovines, horses, mules and burros shall be disposed of in accordance with state provisions dealing with estrays.

B. The animal control officer may dispose of dogs and cats with license or identification tags/tattoos five (5) days (one hundred twenty (120) hours) after service of written notice to the person whose name appears on the identification tag or license record. Written notice may be given by hand delivery, by posting on the premises of such person at his or her last known address or by mailing a copy to such person by registered or certified mail.

C. The animal control officer shall make an attempt to contact the person listed on the identification tag or license record by telephone within twenty-four hours of a weekday impounding or on the weekday following a weekend or holiday impounding. (Ord. 225 (part), 1988).

6.08.050 Sale of unredeemed animals.

A. Any impounded and unredeemed live animal held the required time and not suffering from any infectious or communicable disease may be sold upon the purchaser meeting the following conditions:

1. Dogs may be sold upon payment of a placement fee, a rabies vaccination fee, a license fee and a spay or neuter fee.

2. Cats may be sold upon payment of a placement fee and compliance with the provisions of state law dealing with the spaying or neutering of cats.

3. All other animals may be sold upon payment of a placement fee.

B. The animal control officer shall not knowingly make a gift of or sell any dog or cat, to any person or institution intending to use the animal for experimental or consumption purposes. (Ord. 225 (part), 1988).

6.08.060 Disposition of cats and dogs on owner's request.

The animal control officer may, upon the request of the owner of any cat or dog which is maintained in the

city at the time of the request, take up, destroy and dispose of the same, for which service he shall charge and collect a fee of fifteen dollars (\$15.00). If the owner delivers the cat or dog to the facility at which the animal control officer destroys and disposes cats and dogs, the animal control officer may charge a lower fee. (Ord. 225 (part), 1988).

6.08.070 Disposition of infirm animals.

A It shall be unlawful for any person to keep, abandon or turn loose without care any animal suffering distress from disease, injury, old age or other infirmity. Any such animal taken up by the animal control officer may be euthanized.

B. This section shall not apply to persons keeping diseased or old pets which are under medical care from a veterinarian. A written statement prepared by a duly licensed veterinarian shall be deemed sufficient evidence of such care. (Ord. 225 (part), 1988).

6.08.080 Disposition of dead animals.

The owner of any animal which dies shall bury or otherwise dispose of such animal in a manner so as not to create a nuisance or health hazard. Whenever he discovers a dead animal within the incorporated areas of the city which has not been properly disposed, the animal control officer shall order its owner to dispose of it properly. If his order is not promptly obeyed, the animal control officer is authorized to employ any person to dispose of the dead animal and shall charge against and collect from its owner a disposal fee of not less than thirty-five dollars (\$35.00) per hour of disposal work. In the event the owner of the animal is unknown, the animal control officer is authorized to employ any person to remove and dispose of the animal, the costs of which shall be a charge against the city. (Ord. 225 (part), 1988).

6.08.090 Dangerous animals.

The animal control officer may declare an animal to be dangerous if he has evidence to believe that it poses a potential hazard to the health and safety of humans, other animals or property. In determining whether or not an animal is dangerous, the animal control officer shall be guided by, but not limited to, the following criteria:

A. Whether the animal has bitten any person or other animal, damaged property, or has attempted or threatened to do so;

B. Circumstances indicating the temper or ferocity of the animal; and

C. Its general menace to the public. (Ord. 225 (part), 1988).

6.08.100 Handling of dangerous animals.

A. If the animal control officer determines that an animal is dangerous, he shall thereupon give a written order to the owner of the animal to keep it at all times securely fastened or confined within the owner's property in a specified manner so as to prevent it from having the opportunity to bite any person or other animal or damage any property.

B. Any animal determined to be dangerous by the animal control officer that bites or otherwise injures a person or other animal or damages property may be impounded for euthanasia. At the time of impoundment the animal control officer shall notify the animal's owner in writing of the right to appeal the euthanasia and the appeal procedures in subsection C of this section.

C. The appeal shall be made in writing to the animal control officer and filed within five (5) working days of the impoundment. The appeal shall list the name, address and phone number of the legal owner(s) of the animal(s) and shall state the reason(s) for opposition to the euthanasia. The appeal shall be heard within two (2) weeks of its filing by an administrative review board appointed by the city manager. The disposition of the appeal shall be decided by a majority of the review board. (Ord. 225 (part), 1988).

6.08.110 Violation of order on dangerous animal.

Any violation by the owner of a dangerous animal of an order of the animal control officer pertaining to that animal shall constitute a misdemeanor punishable as provided in this title. (Ord. 225 (part), 1988).

6.08.120 Permit--Kennel, dog hobbyist, ranch dog, guard/rescue dog.

A. A person may apply for a permit to operate a kennel or to be considered a dog hobbyist, ranch dog per-

mittee or guard/rescue dog permittee from the animal control officer. The annual fee for applying for such permits are described in subdivision E of this section. Such permit fees shall be in lieu of any dog license fee required in Section 6.08.010 and the permit holder shall be entitled to maintain any number of animals provided the permit holder complies with the provisions of this title and any and all state laws relating to the treatment of animals.

B. Prior to issuing such permits the animal control officer shall determine that:

1. The permittees' facilities are so constructed as to prevent dogs maintained or kept therein from running at large off the premises;

2. The permittees' facilities are constructed and maintained in a manner that will insure that the animals maintained therein will enjoy a healthy, safe, sanitary and humane environment and not become a nuisance to the neighborhood;

3. The permittee has not committed any activity which, in the animal control officer's judgment would constitute cruelty to animals;

4. The permittee agrees that the animal control officer may, at all reasonable times, inspect the permittees' premises and operations;

5. The permittee agrees to comply with the provisions of this title;

6. The permittee provides evidence satisfactory to the animal control officer that all dogs maintained on the permittee's premises have been vaccinated consistent with this ordinance.

C. The animal control officer may revoke a permit upon determining that any of the conditions described herein are not being maintained by the permittee, that the permittee is in violation of this title or that the facility is being operated in a manner that constitutes a nuisance including, but not limited to, noise and odor disturbances.

D. Licensed veterinary hospitals are not required to obtain kennel permits.

E. Permit Fees. The annual fee for each type of permit shall be as follows:

Kennel w/ facilities to house/board over 20 dogs and permittees keeping over 20 dogs	\$100.00
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Kennel w/ facilities to house/board not more than 20 dogs and permittees keeping not more than 20 dogs	75.00
Kennel w/ facilities to house/board not more than 10 dogs and permittees keeping not more than 10 dogs	50.00

F. It shall be a misdemeanor for any person to operate and/or maintain a pet shop without first obtaining a permit from the animal control officer. The annual permit fee of one hundred dollars (\$100.00) shall be due and payable before the permit is issued and in each and every year thereafter on the anniversary date that the permit was issued. Prior to issuing such a permit the animal control officer shall make the determinations described in subsection B of this section. In addition, the animal control officer shall, in connection with the issuance of any such permit, establish such conditions as may be necessary to provide for the humane care and treatment of dogs, cats and other animals, either domestic or wild. The permit holder shall be entitled to maintain any number of animals provided the permit holder complies with the provisions of this title and any and all state laws relating to the treatment of animals. (Ord. 225 (part), 1988).

6.08.130 Exotic, wild animals.

A. Possession Without Permit Unlawful. It is a misdemeanor for any person to have, keep, maintain, breed, sell, trade, exhibit or let for hire any wild, exotic or carnivorous undomesticated animal without first obtaining a special permit from the animal control officer pursuant to this section.

B. Animals Otherwise Licensed. The licensing provisions of this section shall not be applicable to licensed circuses, carnivals, zoos or other collections of wild, exotic or carnivorous undomesticated animals under the jurisdiction of a city, the county, the state or the federal government.

C. Authority of Animal Control Officer. The animal control officer may authorize by permit the keeping or maintaining of any wild, exotic or carnivorous undomesticated animal when, in his opinion, the animal may be kept or maintained without endangering the safety of any person, other animal or property or creating a nuisance; provided, however, that the animal control officer may re-

quire that the animal be properly caged, tethered or restrained and may impose such additional requirements as he deems necessary and proper under the circumstances.

D. Inadequate Care of Animals. Any person who in the opinion of the animal control officer is unable to maintain and provide for any wild, exotic or carnivorous undomesticated animal adequately and safely shall not be issued a permit.

E. Right to Appeal. Any person denied a permit may appeal the denial to the animal control officer within thirty (30) days of the denial. The permit applicant(s) shall be notified in writing at the time of denial of the right of appeal and the procedures pertaining to the appeal process. Appeals must be in writing and state the name, address and phone number of the applicant(s) for the permit. The animal control officer shall appoint an administrative review board to hear the appeal. The appeal shall be heard within two (2) weeks of its filing with the animal control officer and the disposition of the permit application shall be as dedicated by a majority of the administrative review board.

F. Right to Inspect Conditions--Revocation. The animal control officer may at any time inspect the premises where any such animal is proposed to be kept or is kept and may investigate the conditions under which any such animal will be or is maintained in order to determine the appropriate requirements to include in any permit to be issued or whether the existing conditions comply with requirements of an issued permit. He may at any time add to or modify the requirements of an issued permit when in his opinion the public health and safety so require. The animal control officer may, after notice and hearing, revoke such permit upon a showing of persistent violations of the terms or requirements thereof.

G. Notice of Escape. Any person keeping or maintaining a wild, exotic animal which escapes from its confinement shall immediately notify the animal control officer of such escape.

H. Disposition. Wild, exotic or carnivorous undomesticated animals found running loose may be impounded in accordance with the provisions of this chapter. Neither the city nor its officer, shall be liable for injury to or disease contracted by such animal while being captured, transported or impounded. Wild exotic animals found at

large and injuring, damaging or threatening to injure or damage any person or property will be deemed to be a public nuisance and may be summarily destroyed. Neither the city nor its officer, shall be liable for any such summary destruction. Reclamation by an owner or keeper of any impounded wild, exotic animal may be permitted upon payment to the animal control officer of his actual costs of the impounding and care of such animal.

I. Fees. The following yearly permit fees are due and payable before the permit is issued and in each and every year thereafter on the anniversary date that the permit was issued. The fee is delinquent thirty (30) days after it is due and if not paid within days of the delinquent date will be increased by fifty percent (50%):

EXOTIC/WILD ANIMAL PERMIT

One or more animals each weighing less than 25 pounds	\$30.00
One or more animals each weighing 25--50 pounds	36.00
One or more animals each weighing 50--100 pounds	48.00
One or more animals each weighing 100 pounds or more	72.00

(Ord. 225 (part), 1988).

6.08.140 Control of neglected and mistreated animals.

It is the intent of the city council that no animals be exposed to or involved in conditions which constitute a violation of sections on unsanitary premises, unsanitary animal pens or public nuisance of this code or section on neglected animals of the California Penal Code 597(f) or other state laws or city ordinances as may be in effect from time to time.

A. Notwithstanding any other provision of this code to the contrary, it shall be unlawful for any person to have, keep, maintain or harbor any animals on any premises wherein the physical conditions of the premises constitute a violation of state laws or city ordinances.

B. A conviction for violation of any of the sections listed in subsection A of this section arising out of circumstances involving the keeping or harboring of animals shall be prima facie evidence that the person in control or possession of the premises on which the animals

are located cannot or will not keep the premises in a sanitary condition; whereupon the animal control officer may order the person to remove some or all of the animals from the premises and if the animals are not removed within forty-eight (48) hours after the date of his order, the animal control officer may remove and dispose of them. Upon a veterinarians examination and determination that an animal has been neglected or mistreated, the animal may be impounded by the city animal control officer subject to normal board and care fees pending a hearing within seven (7) days of impoundment.

C. Failure to comply with any order given by the animal control officer under subsection B of this section is an infraction. (Ord. 225 (part), 1988).

6.08.150 Sale or disposal of live animals.

A. Live animals shall be given away or sold only on private property which is the residence of their owner. Businesses licensed to sell animals are exempt from this section.

B. Any person who maintains, operates, leases, rents or lends space at a swap meet shall not permit, cause, display for or promote the sale of live animals at such swap meet. "Live animal" as defined by this section shall include, but is not limited to dogs, cats, birds, fish, poultry, rabbits and livestock. (Ord. 225 (part), 1988).

6.08.160 Offenses--Resisting actions of the animal control officer.

A. No person shall obstruct or interfere with the animal control officer in the performance of his duties under this chapter or, aid or abet others in so doing.

B. No person shall remove or attempt to remove any animal taken into custody by the animal control officer without his authorization.

C. No person shall cause or aid the escape of any animal sought for custody by the animal control officer or aid or abet others in doing so.

D. Any person who commits any act prohibited by this section is guilty of a misdemeanor punishable as provided in this code. (Ord. 225 (part), 1988).

6.08.170 Animals creating a nuisance.

A. The keeping or harboring of any dog, cat or other animal or fowl, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys any considerable number of persons or any neighborhood is unlawful and is a public nuisance, and each day that such act is continued constitutes a separate offense. It is unlawful to suffer or permit any animal or fowl to trespass on private or public property so as to damage or destroy any property or thing of value, or so as to commit any other act dangerous to public health or safety, and any animal or fowl committing such act is a public nuisance. In addition, any dog which is impounded or whose owner is cited under this section because of the dog's disturbances three (3) or more times within any twelve (12) month period is a public nuisance.

B. Whenever the animal control officer has reasonable cause to believe that a public nuisance as defined in this section exists, he may conduct an investigation of such alleged nuisance. Whenever it is affirmed in writing by two or more persons having separate residences or regularly employed in the neighborhood that a public nuisance as defined in this section exists, the animal control officer shall investigate the alleged public nuisance; provided, however, that where there is only one resident or one person regularly employed within one hundred yards of the alleged public nuisance, written affirmation of only that one person is required for the animal control officer to investigate the alleged public nuisance.

C. If, upon investigation, the animal control officer determines that the animal is a public nuisance, he may declare it to be such and may issue an order to the owner of the offending animal directing that the nuisance be abated. In the event that the owner does not comply with the abatement order, the animal control officer may immediately refer the matter to the district attorney for prosecution of the public nuisance.

D. If the owner of any animal declared a public nuisance fails to comply with an abatement order of the animal control officer and has been convicted of violating this section three (3) or more times, the animal control officer may issue an order directing the owner to appear at a hearing before the administrative hearing board, to show cause why the owner of the animal should not be re-

quired to surrender the animal to the animal control officer. At the conclusion of the hearing, the board may order that the animal be surrendered and destroyed or that specified lesser measures as it deems necessary to abate the nuisance be followed by the animal's owner. Any violation by the animal's owner of the board's order is a misdemeanor punishable as provided in this title, and upon conviction thereof the owner shall surrender the animal to the animal control officer for disposal. (Ord. 225 (part), 1988).

6.08.180 Penalties.

With the exception of those acts expressly declared in any section of this chapter to be misdemeanors, any act in violation of the provisions of any section in this chapter is an infraction punishable by a fine of fifty dollars (\$50.00) for the first offense, and for a second or subsequent offense a fine of one hundred dollars (\$100.00). These fines shall be in addition to any cost or fee provided for in this chapter for the redemption or disposition of impounded animals. A person is guilty of a separate offense for each animal and for every day during which a violation of any of the provisions of this chapter is committed, continued or permitted by such person. (Ord. 225 (part), 1988).

6.08.190 Hearing and notice.

A. Prior to revoking a permit or seizing any animal from the owner or the owner's property, the permittee or owner of such animal shall be afforded an opportunity for a hearing, as set forth herein, unless such animal poses a present danger to life or property or is not confined and has been observed committing a nuisance and its immediate seizure is necessary to prevent harm or nuisance to humans, animals or property and except as set forth in Section 6.08.130 or the seizure is pursuant to court order.

B. Written notice containing the information required by this section shall be sufficient if it provides reasonable time and opportunity to appear at the hearing and a copy of the notice is served on the permittee or owner or person in control of the animal as follows:

1. By personal delivery. Service in this manner shall be deemed complete at the time of such delivery; or

2. Posting a copy of the notice in a conspicuous place on the door or near the doorway of the main entryway of the permittee's premises or the premises at which the animal is found or mailing a copy to the permittee or owner at its last known address, by registered or certified mail. Service in this manner shall be deemed complete seventy-two (72) hours after such posting and mailing has been accomplished;

3. Actual notice of the hearing shall be deemed sufficient service of the notice.

C. The notice shall be in bold ten (10) point type or larger and shall contain the following information:

1. A description of the animal or permit;

2. The address or description of the location where the permittees' facility or animal is located;

3. The grounds for revoking the permit or seizing the animal stating the time(s), location(s), circumstances and events giving rise to the necessity for the seizure of the animal or revocation of the permit;

4. The proposed action to be taken with respect to the animal or to the permit;

5. The time, date and place of the hearing conspicuously placed in the notice;

6. The right to oppose the proposed action by written, documentary, physical or oral evidence;

7. The right to be represented by an attorney or other person at the hearing; and

8. The name and telephone of the person to contact if the permittee or owner wishes to continue the hearing to a more convenient date or time.

D. At the time and place set forth in the notice a hearing shall be held before the administrative review board if any person appears to oppose the revocation of the permit or the seizure of the animal. The board shall consider all relevant evidence submitted at the hearing; however, all evidence in support of the proposed action shall be in the form of sworn testimony, affidavits or declarations under penalty of perjury made in conformance with Section 2015.5 of the California Civil Code.

E. If the permit holder or owner expresses a desire to continue the hearing prior to the hearing or set the hearing at a different time, such request shall be granted but any continuance shall not exceed seventy-two (72) hours from the time originally set for the hearing unless

good cause therefore is shown. In determining whether the reason given for continuing the hearing constitutes good cause, the administrative review board shall consider the danger, if any, to the public such continuance will pose. (Ord. 225 (part), 1988).

6.08.200 Transporting dogs in open vehicles.

A. No person shall transport any dog in or on the back of any open truck or other open vehicle while traveling on any city road, street, highway, lane or alley.

B. This section shall not apply to any person who transports a dog in any open truck or other open vehicle which is sufficiently enclosed by stakes, racks or is equipped with other devices which prevent the dog from falling or escaping from the vehicle.

C. This section shall not apply to any person while engaged in agricultural livestock activities. (Ord. 225 (part), 1988).

6.08.210 Animal care requirements.

Every person, within the city, who owns any animal or who owns, conducts, manages or operates any facility for which a permit is issued pursuant to this title, shall comply with each of the following conditions:

A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

B. All animals shall be supplied with sufficient good and wholesome food and water as often as the feed habits of the respective animals require.

C. All animals and all animal buildings or enclosures shall be so maintained in a clean and sanitary condition.

D. All animals shall be so maintained as to eliminate excessive and nighttime noise.

E. No animals shall be without attention more than eighteen (18) consecutive hours. Whenever an animal is left unattended at a kennel, pet shop, grooming shop or facility operated pursuant to a permit issued by the animal control officer, the telephone number of Arvin animal control services or the name, address and telephone number of the permittee shall be posted in a conspicuous place at the front of the property.

F. Every reasonable precaution shall be used to ensure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.

G. No condition shall be maintained or permitted that is or could be injurious to the animals.

H. Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.

I. Every animal establishment shall isolate sick animals sufficiently so as not to endanger the health of other animals. Sick animals shall at all times be isolated from the other animals.

J. Every building or enclosure wherein animals are maintained shall be constructed of material easily cleaned and shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.

K. Such person shall take any animal to a veterinarian for examination or treatment, if the animal control officer finds this is necessary in order to maintain the health of the animal and orders the owner or custodian to do so.

L. All animal rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.

M. Every violation of an applicable regulation shall be corrected within a reasonable time to be specified by the animal control officer.

N. Such person shall provide proper shelter and protection from the weather for all animals at all times.

O. Such person shall not give an animal any alcoholic beverage, unless prescribed by a veterinarian.

P. Such person shall not allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together, or so near each other as to cause injury, fear or torment. If two or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, such animals shall be deemed not to be natural enemies.

Q. Such person shall not allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.

R. Such person shall give working animals proper rest periods. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.

S. Such person shall not work, use or rent any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit.

T. Such person shall not allow any animal which the animal control officer has suspended from use to be worked or used until released by the animal control officer.

U. Such person shall not display animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition.

V. Such person shall not allow any animal to constitute or cause a hazard, or be a menace to the health, peace or safety of the community. (Ord. 225 (part), 1988).

#### 6.08.220 Treatment and record of animal seized.

The animal control officer shall require that a true and faithful record be kept of the number and description of all animals taken into custody, the date of their impounding and the date and manner of their disposition. He shall require that the necessary subsistence be provided for animals while in custody, that no mark or brand thereon be altered and that no animal suffers from inhumane treatment. (Ord. 225 (part), 1988).

#### 6.08.230 Notice of impoundment.

Upon impounding any animal the animal control officer may cause to be published in any newspaper circulated within the community where the animal was captured a notice describing the animal, the date of its impoundment and the address of the animal shelter or pound where it is being kept. The cost of the publication shall be charged against and collected from the owner of the animal before the animal may be released from impound. (Ord. 225 (part), 1988).

#### 6.08.240 Conditions for animal release.

The animal control officer shall not release to its owner, or sell, any animal that has been impounded in ac-

cordance with the provisions of this chapter unless the person to whom the animal is released or sold provides satisfactory proof that the animal will be maintained in accordance with the provisions of this chapter and any other applicable law. (Ord. 225 (part), 1988).