



KERN COUNTY, CALIFORNIA ANIMAL CONTROL PROPOSES SWEEPING NEW RESTRICTIONS

The Issue.

Kern County Animal Control will be holding a series of public workshops to address revisions to the Kern County Ordinance Code relating to Animal Control regulations. Workshops have been planned in six different towns throughout the county (see below). Amendments to the code include new definitions, licensing and fee requirements, animal care requirements and penalties.

The Impact.

Two ordinances have been proposed in Kern County to amend animal control regulations and to establish licensing and permit fees. Proposed amendments state that “no person shall own, operate, conduct or maintain in the unincorporated area of the county, a commercial animal facility, a non-commercial animal facility or rescue/sanctuary without first having obtained a permit as prescribed by the director of animal control”. A “commercial animal facility” is defined as “any person who engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.” In order to obtain a permit, facilities must apply with the Department of Animal Control and provide how many dogs/cats are kept at the facility. The amendments also propose that the department may have the right to inspect facilities at any time.

A list of animal care requirements have also been offered for consideration including food and shelter standards, pet store and grooming facility obligations as well as veterinarian care requirements. (See a full list of [proposed requirements](#) attached). Other areas to be revised include penalties for permit/fee violators, adoptions and impoundments, animals creating a nuisance and public education programs.

A separate ordinance proposal has been made to address licensing and fees. The proposal includes licensing fees for altered/unaltered dogs and cats, commercial animal facility permits, impoundment fees and adoption fees. License fees for owning an unaltered dog range from \$75 to \$195. Also, commercial animal facility permits range from \$50 to \$125 depending on the number of **altered** animals a facility maintains. The fee **triples if more than one-third of a facilities dogs or cats are unaltered**. Please see the attached [fee/permit proposal](#) for more details.



Recommended Action.

The Department of Animal Control has planned the following workshops to discuss proposed amendments:

- Taft – Tuesday October 20th
Taft Veterans Building
218 Taylor Street
- Inyokern – Wednesday, October 21st
Inyokern Senior Center
1247 Broadway
- Mojave – Thursday, October 22nd
Mojave Veterans Building
15580 “O” Street
- Bakersfield – Tuesday, October 27th
Board of Supervisors Chamber
1st Floor, Administrative Building
1115 Truxtun Avenue
- Lake Isabella – Wednesday, October 28th
Kern River Valley Veterans Building
6405 Lake Isabella Boulevard
- Lamont – Thursday, October 29th
David Head Community Center
10300 San Diego Street

All workshops will begin at 6 p.m.

For more information, please log on to www.co.kern.ca.us/acd, or contact Guy Shaw, Director, at (661) 868-7102.

We urge all interested parties to attend on of the workshops or contact the department with any questions and/or concerns. Complete text of the proposed amendments is attached to this alert.

If you have any further questions please feel free to contact PIJAC’s Michael Maddox at (202) 452-1525 or via email at michael@pijac.org .

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA AMENDING, ADDING, DELETING VARIOUS SECTIONS WITHIN CHAPTER 7.08 OF THE ORDINANCE CODE OF THE COUNTY OF KERN RELATING TO ANIMAL CONTROL REGULATIONS

The following ordinance, consisting of fifteen (15) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Kern, State of California, at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Chairman of the Board of Supervisors of the County of Kern, State of California

(SEAL)

ATTEST:

KATHLEEN KRAUSE
Clerk of the Board of Supervisors

By _____, Deputy Clerk

THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAINS AS FOLLOWS:

Section 1. This ordinance shall take effect and be in full force on and after the _____ day of _____, 2009, and shall be published once in _____, a newspaper of general circulation, published in the County of Kern, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

Ord. No. _____

Section 2. Section 7.08.005 is hereby added to Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern to read as follows:

7.08. 005 Purpose.

The purpose of this chapter is to protect the public health and safety of Kern County residents and to promote the general welfare of the citizens and animals residing within the unincorporated area of the county. Animal ownership is encouraged and welcomed within this county; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged and required to respect the rights of their fellow residents and to behave responsibly concerning the care of their animals. Primary responsibility is placed upon animal owners to properly maintain and/or secure their animals so as to prevent the animals from causing injury and/or creating a nuisance.

Section 3. Section 7.08.010 of Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern is hereby amended to read as follows:

7.08.010 Authority of director.

A. The director 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 title and otherwise enforce all statutes, regulations and ordinances within the unincorporated areas of the county and within the area of any incorporated city within the county which has made the provisions of this title applicable to its jurisdiction and which has in effect an agreement with the county to enforce these animal control provisions within such city.

B. The director shall be vested with the authority to administer this title. In the course of these duties, the director shall have the authority to interpret the provisions of this title. Where there is a question as to the meaning or the intent of any requirement of this title, including interpretations of conditions of approval required in conjunction with the approval of any ministerial or discretionary permit authorized therein, the director shall provide any necessary interpretation.

C. The director is further authorized to cooperate with veterinarians within the county to develop a comprehensive licensing and spay and neuter program.

D. Kern County Animal Control ~~services~~ Department is the designated enforcement agency of the director.

E. The director shall annually promulgate proposed fees based on the actual cost for animal control services to be submitted to the board of supervisors. The director shall charge fees in accordance with the fee schedule as established by the board of supervisors by ordinance.

F. The Director of the Department may grant an administrative variance to the provisions of this chapter where a determination has been made upon the basis of evidence submitted by the owner or his representative demonstrating that a modification of the animal control standards as provided herein will not endanger the health or safety of the animals, or the public generally, or contribute to creation of a nuisance and strict compliance would be unreasonable in view of all the circumstances.

Section 4. Section 7.08.015 is hereby added to Chapter 7.07 of Title 7 of the Ordinance Code of the County of Kern to read as follows:

7.08.015 Definitions

A. "Administrative review board" means the animal control commission created pursuant to Chapter 2.150 of the Kern County Ordinance Code.

B. "Dangerous animal" means any animal that is declared to be dangerous by the director pursuant to the provisions of Section 7.08.270.

C. "Animal wild or exotic " means apes, coyotes, foxes, wolves, bears, cougars, lynx, bobcats, wild boars, cheetahs, jaguars, African lions, tigers, leopards, panthers, ocelots, monkeys, elephants or similar animals as determined by the director.

D. "Animal shelter" means a facility operated by a humane society, or a governmental agency or its authorized agents that keeps or legally impounds stray, homeless, abandoned or unwanted animals.

E. "Commercial Animal Facility" 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 as defined in subsection 7.08.015(D).

F. "Cat" means a domesticated animal of the feline type (Felis domesticus), except for a feral cat.

G. "Cat feral" is a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is unsocialized to people.

H. "Director" means the director of the animal control department or his or her designee.

I. "Dog" means a domesticated animal of the canine type (Canis familiaris); young animals (puppies) of this type are considered dogs upon reaching the age of four months.

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

K. "Ranch dog" means any dog which is utilized for agricultural related purposes.

L. "Service dog" means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.

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

N. "Noncommercial Animal Facility" means any premises wherein any person who owns or keeps, when accessory to an established residential use, any combination of dogs and/or cats totaling a minimum of eleven (11) for personal and noncommercial purposes, which includes but is not limited to companion animal keeping, hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, and other uses determined by the director to be similar in nature.

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

P. "Person" means and includes all natural persons and any firm, sole proprietorship, limited liability corporation (LLC), partnership, corporation, trust and any association of persons, government agency or political subdivision.

Q. "Rescue/Sanctuary Animal Facility" means either a for-profit organization or non-profit organization exempt from taxation under Internal Revenue Code Section 501(c) (3), or a collaboration of individuals associated with said organization, with at least one of its purposes being the keeping, sale or placement of dogs or cats that have been removed from the animal shelter or that have been previously owned by any person other than the original breeder of the dog or cat. Rescue/Sanctuary animal facilities are considered to be commercial animal facilities for the purpose of permitting, inspection and enforcement actions pursuant to this code only if those entities or their agents own, possess and/or care for a minimum of eleven 11 dogs and or cats at an onsite facility.

R. "Grooming shop" means a business enterprise where animals are bathed, clipped, plucked or otherwise groomed. A grooming shop that boards animals shall be known as a commercial animal facility for permitting, inspection and enforcement purposes.

S. "Pet shop" means any person, sole proprietorship, limited liability corporation (LLC), partnership or corporation, whether operated separately or in connection with another business enterprise, except for an animal shelter, noncommercial animal facility, or a rescue/sanctuary animal facility, that buys, gives away, sells or takes on consignment any species of animal. A pet shop shall be considered to be a commercial animal facility for permitting, inspection and enforcement purposes.

T. "Department" means the Kern County Animal Control Department.

Section 5. Section 7.08.040 of Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern is hereby amended to read as follows:

7.08.040 Animal Facility Permit in lieu of license.

A. A person may apply for a permit to operate a kennel. No person shall own, operate, conduct or maintain in the unincorporated area of the county, a Commercial Animal Facility, a Non-Commercial Animal Facility or a Rescue/Sanctuary without first having obtained a permit as prescribed by the director. The payment of an annual permit fee for the operation of the animal facility shall ~~The annual fee shall~~ be in accordance with the fee schedule as established by the board of supervisors. ~~Said permit fees shall be in lieu of any dog license required by Section 7.08.030, 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 laws relating to kennels commercial, noncommercial, or rescue/sanctuary animal facilities, the cat and/or dog numerical limitations established as a condition of the permit, and the treatment of animals.

1. The permit fees for a commercial animal facility or rescue/sanctuary shall be in lieu of any dog license required by Section 7.08.050,

2. A permit application, furnished by the department, shall be filed with the department, accompanied by an appropriate permit fee. The application form shall include the following information:

a. The name and address of the applicant, the property owner or leaseholder;

b. The address, legal description or other sufficient identifying description of the property;

c. The number of cats and dogs kept on the property.

d. Such additional information as may be required by the department to facilitate any required investigation.

3. The person filing the application shall sign a statement under penalty of perjury that the facts stated in the application are true and correct and that all information required has been set forth in the application. The owner or authorized representative of the property shall also sign the application acknowledging the intended use to be made of the property.

4. Applicants shall be notified of incomplete or inaccurate applications within twenty (20) working days after the date of the filing of the application. The applicant shall make the necessary corrections and additions and resubmit the application within thirty (30) calendar days of notification. The department shall evaluate the information provided in the application to determine whether or not the land application proposal will be in compliance with the applicable requirements of this chapter.

5. The director shall have thirty (30) working days after the date of filing of a complete application to approve or deny all complete and accurate applications. If an application is denied, the applicant may amend the application and resubmit the amended application within thirty (30) calendar days of the date on which the denial was mailed to the applicant. Such submittal of an amended application is not subject to an additional fee.

6. Written notice of the denial of a permit shall be delivered in

person or by U.S. mail, postage prepaid, to the applicant at the address on file with the department

B-7. Prior to issuing such permits the director shall determine that:

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

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

~~3. c.~~ The applicant has not committed any activity which, in the director's judgment, would constitute cruelty to animals;

~~4. d.~~ The applicant agrees that the director may, at all reasonable times, inspect the applicant's permitted premises, records and operations;

~~5. e.~~ The applicant agrees to comply with the provisions of this title;

~~6. f.~~ The applicant provides evidence satisfactory to the director that all dogs maintained on the premises have been vaccinated consistent with this chapter;

g. The number of animals in the applicant's facilities will not endanger the health or safety of the animals, the public generally, or contribute to creation of a nuisance;

h. The commercial, or noncommercial, or rescue/sanctuary animal facility proposal would be in conformance with the applicable requirements of this chapter;

i. The permit application information is complete and accurate.

B. Records of all animals at a commercial, or a noncommercial, or a rescue/sanctuary animal facility shall be kept at the address specified in the permit application. The records shall include, but are not limited to, the name and address of any and all owner(s) of the dog(s), cat(s) or other animal(s), date of transaction (when applicable), species/breed, specific identifying characteristics, gender, age, microchipping identification and name of veterinarian.

C. A record of communicable disease immunizations, including rabies, shall be kept for each animal at a noncommercial, a commercial, or a rescue/sanctuary animal facility, recording the date on which immunizations were given or the expiration date. These records shall be retained by the commercial, or the rescue/sanctuary animal facility for a period of 30 days after the animal is removed from the commercial, or rescue/sanctuary animal facility.

D. The director shall issue the permit within forty-eight (48) hours of approving the application.

E. Permits shall be reviewed annually from the date of issuance or reissuance. Permit review and reissuance are subject to the following:

1. A permit does not expire at the end of one (1) year absent an express permit term or condition limiting the period of the permit;

2. The department shall reissue the permit upon payment of the annual fee.

C. F. The director may suspend or 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. If the director intends to suspend or revoke the permit, a written notice to this effect shall be delivered in person or by certified mail to the mailing address of the permit applicant. The written notice shall state the grounds for the proposed suspension or revocation. The suspension or revocation shall become effective ten (10) days after service of the notice unless the permit holder files an appeal with the administrative review board within that time period.

G. The applicant may appeal a denial, suspension or revocation of a permit. Any appeal or revocation shall be made to the administrative review board by filing a written request for a hearing before the administrative review board with the secretary of the animal control commission not more than ten (10) calendar days after notice of the proposed denial, suspension or revocation has been delivered. Upon receipt of a written request for a hearing, the secretary of the animal control commission shall set the matter for public hearing on a date not more than sixty (60) calendar days following receipt of such written request, and shall give the permit applicant and the administrative review board at least thirty (30) calendar days written notice of the time, date, and place of the hearing. After the hearing, the administrative review board shall issue its written order on the appeal. Any aggrieved party may file a notice of appeal to the Board of Supervisors within ten (10) days of the date of the order.

H. The department may temporarily suspend any permit issued under this chapter, prior to any hearing when, in the opinion of the department director, such action is necessary to protect the residents of the county from immediate threats to health and safety. The department shall notify the permit holder of the temporary suspension and the effective date thereof and at the same time shall set the matter for hearing as soon as possible before the board of supervisors as set forth in subsection (K) herein. The temporary suspension shall remain in effect until the administrative review board has taken final action on the merits.

I. No permit may be transferred.

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

K. A non-commercial animal facility or a commercial animal facility or a rescue/sanctuary located in a residential zoning district, as described in Kern County Ordinance Code Section 19.08.420, must obtain approval from the Kern County Planning Department prior to being issued a permit.

Section 6. Section 7.08.045 is hereby added to Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern to read as follows:

7.08.045 Inspection.

A. The department shall inspect all sites at least one (1) time per year and may inspect more frequently or at any time.

B. The department shall charge for services not specifically described that are rendered by personnel that are necessary for the enforcement of the provisions of this chapter. The charge will be calculated on the per-hour fee as established in Ordinance G-6943.

Section 7. Section 7.08.110 of Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern is hereby amended to read as follows:

7.08.110 Animal care requirements.

Every person within the county who owns any domesticated animal or who owns, conducts, manages or operates any facility pursuant to this chapter shall comply with each of the following conditions:

A. All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require. 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 and all animal buildings or enclosures shall be maintained in a clean and sanitary condition. All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require.

C. Every building wherein animals are maintained shall be water resistant, constructed of durable materials that are easily cleaned, properly ventilated to prevent drafts and to remove odors, and routinely maintained to allow animals to stay dry and clean and to provide convenient access to clean food and water. There shall be sufficient light to allow observation of animals and sanitation conditions. Heating and cooling shall be provided as required, according to the physical need of the animals. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

D. Primary animal enclosures shall be so constructed and maintained as to prevent the escape of animals and to prevent the entrance of other animals/predators into the enclosure. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public. All animals shall be so maintained as to eliminate excessive noise.

E. All animal enclosures, rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein, with flooring that is constructed to prevent injury to the animals' feet and legs. No animals shall be without proper care more than eighteen (18)

consecutive hours.

F. All persons shall provide proper shelter and protection from the weather for all animals at all times. This includes, but is not limited to, shade to protect animals from the direct rays of the sun and prevent overheating with care given to proportion of animal and positioning to provide maximum protection; flooring or platforms raised off the ground, of suitable size to accommodate the animal and allow for retention of body heat. When animals are housed outdoors when the mean temperature is 45 degrees Fahrenheit or below or is 80 degrees or above, animals shall be so acclimated. Whenever an animal is left unattended at a kennel, pet shop, or grooming shop, the telephone number of Kern County animal control services or the name, address and telephone number of the owner shall be posted in a conspicuous place at the front of the property.

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

H. No animals shall be without proper care more than eighteen (18) consecutive hours. No condition shall be maintained or permitted that is or could be injurious to the animals.

I. Whenever an animal is left unattended at a commercial animal facility, or a rescue/sanctuary animal facility, pet shop, or grooming shop, the name and telephone number of the owner or operator of the facility shall be posted in a conspicuous place at the front of the property. 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.

J. 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. Every animal establishment shall be made to 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.

K. All animals shall be so maintained as to eliminate excessive noise. 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.

L. Every animal facility shall have the means to be able to 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. Such person shall take any animal to a veterinarian for examination or treatment, if the director finds this is necessary in order to maintain the health of the animal and orders the owner or custodian to do so.

M. The owner or custodian shall take any animal to a veterinarian for examination or treatment, if the director finds this is necessary in order to maintain the health of the animal and orders the owner or custodian to do so. All

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

N. No person shall give an animal any alcoholic beverages, illegal drugs or controlled substances, unless prescribed by a veterinarian. Every violation of an applicable regulation shall be corrected within a reasonable time to be specified by the director.

O. No person shall 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 (2) 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. All persons shall provide proper shelters and protection from the weather for all animals at all times.

P. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal. No person shall give an animal any alcoholic beverages, illegal drugs or controlled substances, unless prescribed by a veterinarian

Q. Proper rest periods shall be given to all working animals. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions. No person shall 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 (2) 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.

R. No person shall work, use or rent any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.

S. No person shall allow any animal which the director has suspended from use to be worked or used until released by the director. Proper rest periods shall be given to all working animals. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.

T. No person shall keep animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition. No person shall work, use or rent any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit.

U. No person shall allow any animal to constitute or cause a hazard, or be a menace to the health, peace or safety of the community. No person shall allow any animal which the director has suspended from use to be worked or used until released by the director.

V. Every violation of an applicable regulation shall be corrected within a reasonable time to be specified by the director. No person shall display animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition.

W. Every stable, poultry house, corral, pen, enclosure or other

structure used for the purpose of confining, housing, keeping or maintaining any animals or poultry, whether domestic or otherwise now existing or hereafter constructed on or moved onto a lot or parcel of land in the unincorporated territory of the county shall be kept and maintained at all times in a dry, clean and sanitary condition. The property shall be kept as nearly as possible free from offensive odors and any other conditions which tend to breed flies or other insects or furnish food or breeding places for rats or mice. All manure and other offal shall be removed at least once a week and more often when necessary to prevent the odors thereof from becoming offensive or to prevent the creating of conditions described in this section. No person shall allow any animal to constitute or cause a hazard, or be a menace to the health, peace or safety of the community.

~~X. Every stable, poultry house, corral, pen, enclosure or other structure used for the purpose of confining, housing, keeping or maintaining any animals or poultry, whether domestic or otherwise, now existing or hereafter constructed on or moved onto any lot or parcel of land in the unincorporated territory of the county shall be kept and maintained at all times in a dry, clean and sanitary condition. The property shall be kept as nearly as possible free from offensive odors and any other conditions which tend to breed flies or other insects or furnish food or breeding places for rats or mice. All manure and other offal shall be removed at least once a week and more often when necessary to prevent the odors thereof from becoming offensive or to prevent the creating of conditions described in this section.~~

Section 8. Section 7.08.190 of Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern is hereby amended to read as follows:

7.08.190 Payment for redemption of animals Return of Animals to Owner:

A. The owner of any animal impounded but not quarantined may, at any time during regular working hours and before the adoption or other disposition thereof, redeem the animal by showing proof of ownership and paying the director all the fees and charges fines thereon including, but not limited to, applicable administrative penalties, rabies vaccination fee if not current, vaccinations for other communicable diseases in accordance with current practice as determined by the director, license fee if unlicensed, County impound fees, board and care and feeding charges, spay/neuter fee or cost of providing the service, microchipping fee, other service fees and veterinary charges if applicable in accordance with the fee schedule as established by the board of supervisors.

1. Such spay/neuter fee shall be refundable upon submission, to the director, of a written request and proof that the animal has been altered by a licensed veterinarian within sixty (60) days of redemption unless the animal is certified by a licensed veterinarian as too ill or injured to be sterilized. In such cases, the spay/neuter fee shall be refundable upon submission, to the director, of a written request and written certification from a licensed veterinarian within thirty (30) days of redemption, that the animal can not be sterilized. Such

spay/neuter fee shall also be refundable if the owner submits, within thirty (30) days of redemption, a written certification from a licensed veterinarian stating that, in the professional judgment of the veterinarian, the animal has previously been altered. The spay/neuter fee shall be forfeited to the County if such proof of sterilization or written certification has not been presented to the director within the specified period. All such forfeited deposits shall be deposited into a trust fund used to issue sterilization vouchers and to pay for sterilization by the director of adoptable animals.

2. No animal shall be released to its owner after a third impoundment unless it has been sterilized. The owner of the animal shall be liable for the cost of the sterilization procedure and related expenses as well as the other enumerated charges contained in this section.

B. In accordance with Section 30804.7 and 31751.7 of the Food and Agriculture Code, the owner of any non-spayed or un-neutered dog or cat that is impounded shall be fined as follows:

First Occurrence	\$ 35;
Second Occurrence	\$ 50;
Third & Subsequent Occurrences	\$100.

C. The director shall collect, in addition to redemption fees and administrative penalties if applicable, a vaccination deposit for any impounded dog under the age of four (4) months which has not been vaccinated against rabies, and shall issue a rabies voucher to the person paying them.

D. Vaccinators who accept rabies vouchers in payment for rabies vaccinations of dogs shall, upon presenting rabies vouchers and claim forms approved by the director, is entitled to payment from the county treasury of the amount stated on the voucher.

E. All dogs and cats shall be microchipped prior to redemption.

Section 9. Section 7.08.200 of Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern is hereby amended to read as follows:

7.08.200 Adoption and impoundment charges.

The director shall charge ~~proposed fees for animal control services, including adoption, impoundment, food and care,~~ in accordance with the fee schedule as established by the board of supervisors as follows:

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

1. Dogs may be adopted upon payment of an adoption fee, a rabies vaccination fee or rabies voucher, a license fee, a spay/neuter fee, a microchipping fee and other services in accordance with the fee schedule as established by the board of supervisors; and, must be in compliance with the provisions of state law dealing with the sterilization of dogs.

2. Cats may be adopted upon payment of an adoption fee, a vaccination fee, a spay/neuter fee, microchipping fee and other services in accordance with the fee schedule as established by the board of supervisors; and, must be in compliance with the provisions of state law dealing with the sterilization of cats.

3. Dogs and cats too young or infirm to be sterilized may be adopted subject to the adopter establishing proof of sterilization, or returning the animal for sterilization to Animal Control, on a date determined at the time of adoption. Anyone who fails to comply with this sterilization requirement is guilty of a misdemeanor punishable as provided in Section 1.12.030 of the Kern County Ordinance Code.

4. All other animals may be adopted upon payment of an adoption fee.

B. The director shall not knowingly make a gift of, sell or adopt any live dog or cat to any person or institution intending to use the animal for breeding, experimental or consumptive purposes.

C. All dogs and cats shall be microchipped prior to adoption.

Section 10. Section 7.08.230 of Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern is hereby repealed.

~~7.08.230 Adoption 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 adopted upon the adopter meeting the following conditions:~~

~~1. Dogs may be adopted upon payment of an adoption fee, a rabies vaccination fee, a license fee and a spay and neuter fee.~~

~~2. Cats may be adopted upon payment of an adoption fee and compliance with the provisions of state law dealing with the spaying and neutering of cats.~~

~~3. All other animals may be adopted upon payment of an adoption fee.~~

~~B. The director shall not knowingly make a gift of, sell or adopt any live dog or cat to any person or institution intending to use the animal for breeding, experimental or consumptive purposes.~~

Section 11. Section 7.08.380 of Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern is hereby amended to read as follows:

7.08.380 Animals creating a nuisance.

A. The keeping or harboring of any animal or fowl, whether licensed or not, which by ~~habitual~~ howling, yelping, barking or other noise or smell which is offensive to the senses, is injurious to health, disturbs or annoys any considerable number of persons or any neighborhood, so as to interfere with the

enjoyment of life or property, 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.

B. Upon proof satisfactory to the director or any peace officer, of a misdemeanor violation of subsection (A), the case may be directly filed with the district attorney. When the director, any animal control officer or peace officer personally witnesses a public nuisance, as described by the complainant and this section, he may issue a citation. The first violation of this section shall be punishable as an infraction. The second and subsequent violations of this section shall be a misdemeanor punishable as provided in Section 1.12.030 of this code.

Section 12. Section 7.08.400 of Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern is hereby repealed.

~~7.08.400 Permit revocation--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 7.08.120 of this chapter, 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 the permittee's or owner's 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 permittee's facility or animal is located;~~

~~_____ 3. _____ The grounds for revoking the permit or seizing the animal,~~

~~stating the time(s), locations(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 number 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 permitholder 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.~~

Section 13. Section 7.08.420 of Chapter 7.08 of Title 7 of the Ordinance Code of the County of Kern is hereby amended to read as follows:

7.08.420-Public education program.

A. ~~For five (5) years from the adoption of the ordinance codified in this title there shall be an intense public education campaign in effect.~~ Pet owners will be provided information on local spay/neuter clinics and spay/neuter voucher assistance programs. The public education program will include, but not be limited to, public advertising, school programs, informational campaigns to encourage licensing and the responsible, humane treatment of dogs and cats, the prevention of unwanted, ill-advised and accidental breeding of dogs and cats.

B. Educational materials will be provided to those individuals who allow any dog or cat owned, harbored or kept by that person within the unincorporated areas of Kern County to breed or reproduce. during this five (5) year period.

Section 14. Section 7.08.440 of Chapter 7.08.440 of Title 7 of the Ordinance Code of the County of Kern is hereby repealed.

~~7.08.440 — Monitoring.~~

~~— Kern County animal control shall provide an annual report to the board of supervisors no later than fourteen (14) months from the adoption of the ordinance codified in this chapter and annually thereafter.~~

~~— An ordinance review by the board of supervisors as to the effectiveness of the ordinance codified in this chapter shall be performed five (5) years after adoption of the ordinance codified in this chapter. Any modifications required by this review shall be implemented.~~

Section 15. Section 7.08.460 is hereby added to Chapter 7.08 of Title 7 of the Ordinance Code to read as follows:

7.08.460 Administrative penalties and fines.

In addition to the other provisions contained in this chapter, owners of animals or facilities in violation of the provisions of this title that have been confirmed by the director, are subject to the regulations pertaining to the imposition and collection of administrative fines and penalties as provided for in Chapter 8.54 of the Ordinance Code of Kern County. These fines or administrative penalties shall be in addition to any cost or fee provided for in this chapter for the redemption or disposition of impounded animals.

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ORDINANCE NO. G-7107

AN UNCODIFIED ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA ESTABLISHING LICENSE AND PERMIT FEES RELATED TO ANIMAL CONTROL SERVICES AND REPEALING UNCODIFIED ORDINANCE G-7107

The following ordinance, consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Kern, State of California, at a regular meeting of the Board of Supervisors held on the day of _____, 2009, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Chairman of the Board of Supervisors of
the County of Kern, State of California

(SEAL)

ATTEST:

KATHLEEN KRAUSE
Clerk of the Board of Supervisors

By _____ Deputy Clerk

THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAINS AS FOLLOWS:

Section 1. This ordinance shall take effect and be in full force on and after The _____ day of _____, 2009, and shall be published once in The Bakersfield Californian, a newspaper of general circulation, published in the County of Kern, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

Book No. _____
Ord. No. _____

FEE ORDINANCE

Section 2. Ordinance G-7107 is hereby repealed effective Insert date

Section 3. A new Uncodified Ordinance is hereby added to the Kern County ordinance code to read as follows:

1. LICENSE AND PERMIT FEES:

Delinquent Penalty	\$10.00
Duplicate license tag	\$5.00
Service Dog	No Fee
Dangerous Animal (per year in addition to the fee below)	\$120.00
Non-Compliance	\$20.00

A. DOGS

1. Natural Dog

One year option	\$60.00 \$ 75.00
Two year option	\$120.00 \$150.00
Three year option	\$150.00 \$195.00

20% of the above Natural Dog license fees, rounded up to the nearest dollar, is to be deposited in a Sterilization Trust Fund to augment the Kern County Low Cost Spay/Neuter Program

2. Altered Dog

One year option	\$15.00
One year option/senior citizen	\$ 5.00
Two year option	\$25.00
Two year option/senior citizen	\$10.00
Three year option	\$30.00
Three year option/senior citizen	\$15.00

If a licensed natural dog is altered, and one or more full years remain on the term of its license, the owner is eligible for a refund of the difference between the natural and altered license rate for each full year remaining.

3. Other

Delinquent Penalty	\$10.00
Duplicate license tag	\$5.00
Service Dog	No Fee
Dangerous Animal (per year in addition to the fee ABOVE)	\$135

Kennel

Administrative Fee	
Kennel: per year for over 20 dogs	\$100.00
Kennel: per year for 11 to 20 dogs	\$75.00
Kennel: per year 1-10 dogs	\$50.00

B. Cats

Owner I.D. Tag license (optional): per cat per year	\$ 6.00
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Duplicate license tag \$ 5.00

C. Wild or Exotic Animals Permit Fee – Administrative fee
One (1) or more animals per year \$150.00

D. Commercial Animal Facility, Noncommercial Animal Facility.

1. Commercial Animal Facility, per year:

1-10 altered dogs and/or altered cats	\$ 50.00
11-19 altered dogs and/or altered cats	\$ 75.00
20-49 altered dogs and/or altered cats	\$100.00
50-100 altered dogs and/or altered cats	\$125.00
>100 altered dogs and/or altered cats	\$125.00
<u>plus \$10 per dog/cat over 100</u>	

If more than one-third of dogs and/or cats are natural, the applicable fee above is tripled.

2. Noncommercial Animal Facility:

11-19 altered dogs and/or altered cats	\$ 75.00
20-49 altered dogs and/or altered cats	\$100.00
50-100 altered dogs and/or altered cats	\$125.00
>100 altered dogs and/or altered cats	\$125.00
<u>plus \$10 per dog/cat over 100</u>	

If more than one-third of dogs and/or cats are natural, the applicable fee above is tripled.

E. Inspections to Ensure Compliance

1. Compliance Inspection Fee \$40.00-\$60.00/hour
(Per officer per hour after initial inspection(s))

2. CHARGES FOR CARE AND FEEDING:

Animals: up to 100 lbs., per day per animal	\$15.00
Animals: over 100 lbs., per day per animal	\$25.00

3. COUNTY IMPOUND FEES:

A. Dogs Licensed

1. Altered Dog:

Unaltered first impoundment	\$25.00
Altered- First impoundment	\$15.00
(subsequent impoundments charged unlicensed rates)	
Second impoundment	30.00
Third and subsequent impoundments	\$60.00

2. Natural Dog: (includes Food and Agriculture Code Fines)

First impoundment	\$50.00
Second impoundment	\$65.00
Third and subsequent impoundments	\$160.00
<u>(owner is also responsible for cost of sterilization upon third impound)</u>	

<u>B.</u>	Dogs Unlicensed	
	<u>1. Altered Dog:</u>	
	First impoundment	\$40.00
	Second impoundment	\$80.00
	Third and subsequent impoundments	\$160.00
	<u>2. Natural Dog: (includes Food and Agriculture Code Fines)</u>	
	First impoundment	\$75.00
	Second impoundment	\$130.00
	Third and subsequent impoundments	\$260.00
	(owner is also responsible for cost of sterilization upon third impound)	
	<u>3. Female Dog In Season</u>	
	Per Dog	\$20.00
	(in addition to care, feeding, impound fees and fines)	
<u>C.</u>	Cats	
	<u>1. Altered</u>	
	First impoundment	\$15.00
	Second impoundment	\$30.00
	Third and subsequent impoundments	\$60.00
	<u>2. Natural (includes Food and Agriculture Code Fines)</u>	
	First impoundment	\$50.00
	Second impoundment	\$80.00
	Third and subsequent impoundment	\$160.00
	(owner is also responsible for veterinarian cost of sterilization upon third impound)	
	Cat Spay fee — female	\$25.00
	Cat Neuter fee — male	\$15.00
<u>D.</u>	Small Animals (under 25 lbs., except <u>cats and dogs</u>)	
	First impoundment	\$15.00
	Second impoundment	\$50.00
	Third and subsequent impoundments	\$75.00
	(owner is also responsible for cost of sterilization upon third impound)	
<u>E.</u>	Large Animals (over 25 lbs., except <u>cats and dogs</u>)	
	First impoundment	\$50.00
	Second impoundment	\$150.00
	Third and subsequent impoundments	\$300.00
	(owner is also responsible for cost of sterilization upon third impound)	

F. Dangerous Animals	
First impoundment	\$100.00
Second impoundment, <u>within 36 months</u>	\$200.00
Third and subsequent impoundments, <u>within 36 months</u> (owner is also responsible for cost of sterilization upon third impound)	\$400.00

Impound Fines For Unaltered Cats & Dogs

First Occurrence	\$35.00
Second Occurrence	\$50.00
Third and Subsequent Occurrences	\$100.00

Redemption and Adoption Services Charges:

Vaccinations, dog or cat, each	Actual Cost
Flea & tick dip, each animal	\$5.00
Feline Leukemia Test	Actual Cost

4. ADOPTION FEES:

	Adoption Fee Deposit*	Spay/Neuter	Rabies/Feline Vaccination	License Deposit Fee	Microchip Fee	TOTAL
Female Cat	\$5.00	\$25.00	\$10.00 <u>5.00</u>	-0-	\$15.00	\$40.00 <u>\$50.00</u>
Male Cat	\$5.00	\$15.00	\$10.00 <u>5.00</u>	-0-	\$15.00	\$30.00 <u>\$40.00</u>
<u>Puppy up to 4 mos. Old</u>	<u>\$10.00</u>	<u>\$40.00</u>	<u>\$10.00 voucher</u>	-0-	\$15.00	<u>\$75.00</u>
Registered dog Dog w/papers	\$10.00	\$40.00	\$10.00 <u>5.00</u>	<u>\$5.00** or \$15.00</u>	\$15.00	\$60.00 <u>\$75.00** or \$85.00</u>

fee includes core vaccinations for dogs and cats

** Senior Rate for altered dog

Adoption fees for other animals to be determined by the Director of Environmental Health Service Animal Control

Variable

Response to Loose, Injured or Dead Animals \$40.00/ hour/per officer

5. ACCEPTANCE OF OWNER SURRENDERED ANIMALS DOGS AND CATS

<u>Delivered to at the Shelter, per animal (live)</u>	\$20.00
<u>Delivered to the Shelter, per animal (dead)</u>	\$10.00

6. ACCEPTANCE OF COMMERCIAL SURRENDERED DOGS AND CATS

<u>Delivered to the Shelter, per animal</u>	<u>\$15.00</u>
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Requested Euthanasia and/or Disposal of Cats and Dogs:

Animal presented to the shelter owner requesting euthanasia and/or disposal, per animal	\$10.00
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Picked up by animal Control, per animal _____ \$40.00

7. MISCELLANEOUS FEE PROVISIONS:

Rabies Test	\$40.00
Rabies Voucher (under 4 months of age)	\$10.00
Rabies Vaccination, Dog	\$5.00
Veterinary costs for impounded and redeemed animals	actual cost
<u>Extended Service Fee (per hour)</u>	<u>\$60.00</u>
Spay/Neuter Voucher	\$20.00
Core Vaccinations, dog or cat, each (except adoptions)	\$3.00
Feline Leukemia/FIV Test	\$15.00
Microchip	\$15.00
<u>Cat Spay fee – female</u>	<u>\$25.00</u>
<u>Cat Neuter fee – male</u>	<u>\$15.00</u>
<u>Dog Spay/Neuter fee</u>	<u>\$40.00</u>

Document Duplication, Postage and Handling Per Kern County
Administrative Bulletin #4

8. FEES MAY BE WAIVED, OR REDUCED, OR PAYMENT PLANS APPROVED, FOR SPECIAL EVENTS AND/OR CIRCUMSTANCES, IN THE INTEREST OF ADVANCING HUMANE PURPOSES, AT THE DISCRETION OF THE DIRECTOR OF ANIMAL CONTROL.