

ARTICLE VI. KENNEL, CATTERY AND OTHER ANIMAL FACILITIES

Sec. 4-80. Purpose

The purpose of this Article is to establish special regulations applicable to the following:

- (a) The operation of a commercial or hobby kennel as defined in section 4-11 of this chapter.
- (b) The operation of a commercial or hobby cattery as defined in section 4-11 of this chapter.
- (c) The keeping of wild or exotic animals as defined in section 4-11 of this chapter.
- (d) The operation of an animal facility as defined in section 4-1 1 of this chapter.
- (e) The operation of a kennel or cattery and the keeping of wild or exotic animals or the operation of any other animal facility constitutes a type of activity which requires a special investigation, review and regulation to ensure that both public and animal health, safety, and welfare are protected.

(Ord. No. 1444, §1)

Sec. 4-81. License required

Any person owning or operating any kennel, cattery or animal facility as defined in this chapter shall obtain a license. Applications for license shall be on forms provided by the director of animal control. Any person applying for a license to operate a kennel or cattery shall pay a license fee in accordance with the fee schedule set forth by the Board of Supervisors.

(Ord. No. 927, § 2; Ord. No. 1444, §1; Ord. No. 1624, §6)

Sec. 4-82. Exotic animals

All exotic animals required to have a state license shall be registered with animal control. Registration shall be made on forms provided by the animal control director, which shall include the name, address, and phone number of the owner, and a description of the animal to aid animal control in finding the owners of any lost animal. The establishment and amount of any fee for registration shall be determined by resolution of the board of supervisors.

(Ord. No. 927, §2; Ord. No. 1101, §1; Ord. No. 1444, §1)

Sec. 4-83. Kennel, cattery and other animal facilities

(a) A commercial kennel or cattery is operated, for remuneration as a business. The activities allowed therein include keeping of animals of any species for the purpose of boarding, breeding, buying, selling, renting, exhibiting or the training of dogs or cats.

(b) In a hobby kennel or cattery conducted at the domicile of the owner thereof, the activities allowed include the owning and breeding of animals primarily for personal recreational use such as participation in recognized conformation shows, field or obedience trials, racing, scenting, specialized hunting, or working trials, and water trials, improving physical soundness, temperament and conformation of a given breed to a standard. Activities shall not include the breeding, boarding or training for remuneration from others.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-84. Licenses

Within the context of the article and unless otherwise stated, "licenses" shall include licenses issued by the director pursuant to the provisions of this article which authorize either the maintaining and operating of a kennel or cattery (a kennel/cattery permit) or the keeping of a wild or exotic animal (a wild or exotic animal permit) or animal facility. It shall not include licenses issued by the director pursuant to the provisions of Article VIII which authorizes the keeping of a dog or cat.

(Ord. No. 1444, §1)

Sec. 4-85. License Requirements

(a) No person shall maintain or operate a kennel or cattery or keep, harbor, or maintain a wild or exotic animal within the geographic area of the county governed by this chapter without first, being appropriately zoned for such activity and second, applying to and receiving from the director an annual license or permit to do so.

(b) A person shall be deemed to maintain or operate a commercial kennel if the person, without an applicable general business license in effect, keeps, harbors, or maintains dogs over four (4) months of age.

(c) A person shall be deemed to maintain or operate a commercial cattery if the person, without an applicable general business license in effect, keeps, harbors, or maintains cats over four (4) months of age.

(d) The following shall be exempt from the requirements of this article:

(1) Persons keeping wild or exotic animals solely and exclusively as part of a bona fide rehabilitation or educational activity sanctioned by the State of California, Department of Fish and Game; and

(2) Non-profit enterprises recognized by the State of California as animal shelters or humane societies which shelter animals.

(e) If a person operates more than one kennel or cattery or animal facility or maintains wild or exotic animals at more than one address, a separate permit shall be required for each location where the person maintains a kennel or cattery, or keeps a

wild or exotic animal.

(f) The issuance of a license pursuant to this Article shall not be deemed to relieve or excuse the owner from the provisions and requirements of chapter 4 of this code in its entirety; nor from a requirement, under chapter 14 of the county code, that a general business license be obtained as required; nor from any other applicable requirement as set forth in existing federal, state, or local zoning codes, health and safety codes, business codes or other laws, ordinances, or requirements governing the operation of such a kennel, cattery, animal facility or the keeping of such wild or exotic animals.

(Ord. No. 1444, §1)

Sec. 4-86. Application for licenses

(a) All applications for a license shall be filed, with the required fees, with the director. Applications for a kennel/cattery license shall be accompanied by copies of the rabies vaccination certificates for all dogs or cats to be kept pursuant to the kennel cattery license being issued. The director shall review the application, assure that the application is complete, and conduct such investigation as deemed appropriate.

(b) The application for a license shall contain such information and be filed on a form as is prescribed by the director and shall include the following:

(1) A complete description of either the type, nature, and extent of the kennel or cattery or animal facility to be operated, and for which the kennel/cattery license application is made; the type, nature, and place of keeping of the animal for which the wild or exotic animal license application is being made, or a fanciers license application is being made.

(2) The street address of the location of the kennel or cattery or animal facility or place of keeping an exotic animal.

(3) A copy of the plot map of the property where the kennel or cattery or animal facility is to be located.

(4) The number and description of the animals to be kept thereat.

(5) The name, street address, and business and home telephone numbers of the person who owns the kennel or cattery or animal facility or wild or exotic animal for which the license application is made.

(6) The name, street address, and business and home telephone number of the applicant.

(7) A history of the animal, including any information, record, or citation which indicates that the animal is or has been dangerous or vicious within the meaning of this chapter or an affidavit affirming that the animal, if of a type capable of transmitting

rabies, has no known history of having attacked or bitten a human being.

(8) Copies of zoning clearance and/or conditional use permits if applicable.

(9) Submit application fee.

(10) Such other and further information as is deemed necessary to administer the provisions of this article.

(Ord. No. 1444, §1)

Sec. 4-87. License fees

The fees for a commercial kennel or cattery, a hobby kennel or cattery, or for an animal facility, shall be determined and set by ordinance of the board of supervisors. Payment of the required license fees shall entitle the commercial kennel or cattery licensee to maintain and operate ten runs. For each additional run, an additional fee determined and set by ordinance of the board of supervisors shall be charged. The fee shall also entitle the licensee to five animal license tags, to be issued in the name of the kennel. The licensee of a hobby kennel or cattery shall be entitled to three animal license tags, to be issued in the name of the kennel.

(Ord. No. 927, §2; Ord. No. 1101, §1; Ord. No. 1207, §1; Ord. No. 1444, §1; Ord. No. 1624, §7)

Sec. 4-88. Exceptions to license fees

The provisions of this article requiring the payment of an annual license fee shall not apply to an animal shelter maintained and operated under title 1, division 2, part 4 of the Corporations Code of the state.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-89. Inspection certificate

No kennel, cattery, or animal facility, license shall be issued until the animal control director shall have first issued a certificate that the same has been inspected and is operated or is to be operated in accordance with the laws of the state relating to animal control and the provisions of this chapter, and such certificate shall be presented to the tax collector with the application for such license.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-90. Confinement of animals to premises

All kennels, catteries, or animal facilities or other places where animals are kept in the county for breeding, training, sale or other purposes shall be so constructed as to keep the animals confined therein from running at large off the premises where such kennel, cattery or animal facility is maintained, and shall be maintained, operated and constructed in a sanitary and proper manner so that the same will not become a

nuisance to the neighborhood thereof. Animals may be removed from kennels, catteries and other animal facilities for training or treatment purposes; provided, that competent control and supervision is maintained over such animal at all times.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-91. Dog license required upon removal of dog from kennel or pet shop

Whenever a dog is removed from any kennel or animal facility, the owner thereof shall forthwith apply for and obtain an annual license as otherwise required by this chapter.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-92. Public notice

Within fourteen (14) calendar days of receipt of an application for a new license or licenses, the director shall make public notice of said application by conspicuously posting such notice in the immediate vicinity of the location for which the license is sought. Such notice shall give the name of the applicant, the address of the kennel or cattery or animal facility or the place of keeping of a wild or exotic animal, and direction to interested parties that information applicable to the issuance of the license should be made in writing and mailed to the director at the address of the animal shelter as indicated in the notice within fourteen (14) calendar days of the posting of the public notice.

(Ord. No. 1444, §1)

Sec. 4-93. Contents of license

The license shall contain a complete description of the kennel or cattery, or animal facility authorized by the license; the business name (if applicable), address, and telephone number of the location so licensed; the name, address, and business and home telephone numbers of the owner of the kennel or cattery or animal facility, the number of animals to be kept pursuant to the license; and any conditions upon which the license is issued.

(Ord. No. 1444, §1)

Sec. 4-94. Changes of status

During the term of any license issued pursuant to this article, the holder of the license shall immediately file, in writing with the director, notice of any changes in the kennel, cattery, or animal facility, and the location of keeping of the animals which relate to the information given in the application for the license. The director shall issue an amended license which shows any changes in the license or licenses.

(Ord. No. 1444, §1)

Sec. 4-95. Standards

The director shall set minimum standards for the proper care and maintenance of a kennel or cattery, or animal facility, for the facility and for the animals kept therein which are, at a consistent with applicable state and federal standards. A copy of such standards shall be provided in writing to the applicant with each application for a license.

(Ord. No. 1444, §1)

Sec. 4-96. Failure to comply with standards

(a) If the applicant or license holder fails to meet the requirements set in the standards, the director may so notify the applicant or license holder in writing within three (3) calendar days of discovery of the failure to comply with the standards. The written notice shall advise the applicant or license holder of any existing deficiencies and the corrective measures that must be taken and completed to bring the premises, facilities, cages, vivariums, aquariums and equipment into compliance with the standards. The applicant or license holder shall be given no more than thirty (30) calendar days and no less than fourteen (14) calendar days to complete the corrective measures, except that if any deficiency threatens the health or welfare of the animals kept or of the public, such corrective measures shall be made immediately or no later than one (1) day after notification of the deficiency.

(b) Failure to correct the noted deficiencies as required shall be deemed failure to comply with the standards and shall be cause for denial of application or revocation of the license and may be considered cause for legal action.

(Ord. No. 1444, §1)

Sec. 4-97. Method of denial or revocation

(a) A denial of application or renewal of a license or revocation of an existing license shall be in writing, with the reasons for denial or revocation stated. Written notice of the denial or revocation shall accompany a copy of the provisions of this article, the standards, and any other provisions of this chapter which are applicable to the license, all of which shall be served either in person or by mail upon the applicant or license holder.

(b) Denial of an application or renewal of a license or revocation of an existing license shall prohibit operation of the kennel or cattery or animal facility or fancy.

(Ord. No. 1444, §1)

Sec. 4-98. Appeals

The holder of a license or applicant may file an appeal from the following:

(a) The denial of an application for or renewal of a license.

(b) The imposition of conditions at the time of issuance of an initial or renewed license or licenses, pursuant to the provisions of this article.

(c) The revocation of an existing license or licenses pursuant the provisions of this article.

(d) Any appeal shall be in writing, shall state the specific reasons and grounds asserted for relief, shall be signed under penalty of perjury, and shall be filed with the director no later than fourteen (14) calendar days after the date of service of the notices of denial or revocation prescribed in this chapter. If an appeal is not filed within the time or in the manner prescribed above, the right to review the denial, conditions, or revocation shall be deemed to have been waived.

(e) Upon receipt of the appeal, a hearing shall be set in accordance with the provisions of article VII of this chapter.

(f) In the event of denial for renewal of a license or revocation of an existing license, the immediately preceding license shall be deemed to be in full force and effect pending resolution of the appeal, for a period of fourteen (14) calendar days following the date of service upon the applicant or license or license holder of the notice of denial or revocation. In the event the applicant files an appeal from the denial or revocation in the manner and within the time prescribed herein, the immediately preceding license or licenses shall continue in full force and effect during the pendency of the appeal, until the date of final decision by the hearing officer.

(Ord. No. 1444, §1)

Sec. 4-99. Removal of animals

Upon revocation of the license or denial of the application for renewal, the owner or license holder shall have fourteen (14) calendar days in which to remove from the county or otherwise dispose of the animals kept pursuant to the license or licenses or to appeal the decision of the hearing officer. Should the owner fail to take such action, the director shall have the authority to seize the animals in a manner provided by law and dispose of them in accordance with the provisions of this chapter.

(Ord. No. 1444, §1)