

Title 7

ANIMALS

Chapters:

7.04 Animals

Chapter 7.04

ANIMALS

Sections:

- 7.04.010 Country code provisions adopted.
- 7.04.020 Stray dogs generally.
- 7.04.030 Dogs prohibited on Anime Field in Detert Park

7.04.010 Country code provisions adopted. Title 7, Animals, of this code is adopted to read in its entirety, exactly the same as Title 8, Animals, of the county code in all of its chapters and sections, together with any amendments thereto, except that the definition of animal-control officer as described in Section 8.04.015 of the county code, shall be added to as follows for purposes of the adoption and administration of this chapter by city:

"Animal-control" officer means the person designated by the county or the city as the person in charge of animal control in the county or city and his duly authorized deputies. (Ord. 614 §1, 2000; Ord. 480 §2, 1983).

7.04.020 Stray dogs generally. It shall be unlawful for any person owning or having charge of any stray dog, as defined herein, to cause, permit or allow such dogs, whether licensed or unlicensed, to stray, wander or otherwise be at loose or at large upon any public street, alley, park, way or other public property within the city of Jackson, or upon any private property within the city other than private property of which the owner of the dog has ownership or control, unless such dog is kept securely confined on a leash, rope, cord or chain not over ten feet in length held by some person or securely attached to some stationary object. Nothing contained in this section shall be deemed to prevent a dog from being used without a leash to herd, guard or gather domestic animals or fowls in the normal and customary manner of working dogs. Nor shall this section be deemed to prohibit participation in obedience trials or dog shows without a leash so long as the dog is under the charge and control of a person competent to control such

dog and the dog does not harm or damage, or threaten to harm or damage, any person or public or private property. (Ord. 617 §1 {part}, 2001).

7.04.030 Dogs Prohibited on Aime Field in Detert Park. It shall be unlawful for any person owning or having the charge of any dog, to cause, permit or allow such dogs, whether licensed or unlicensed, and whether leashed or unleashed, to be guided, stray, wander or otherwise be loose or at large on Aime Field, the baseball field at Detert Park. (Ord. 973, 2012)

Ordinance No. 617

An Ordinance of the City of Jackson Concerning an Amendment to the Animal Control Regulation For Leash Control

The City Council of Jackson does hereby ordain as follows:

Section 1.

Chapter 7.04.020 of the Jackson City Code is hereby added to the Jackson City Code as designated in Exhibit A attached hereto and incorporated herein by reference.

Section II.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

The City Council of the City of Jackson hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses, phrases, or other portions might subsequently be declared invalid or unconstitutional.

Section III.

Effective Date. This ordinance shall become effective ninety (90) days after its final passage and adoption.

Section IV.

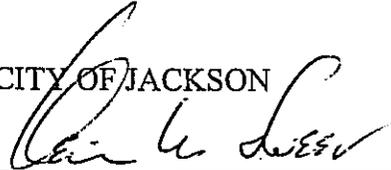
Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance, or a summary thereof, to be published in accordance with Section 36933 of the California Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council the 11th day of December 2000, and by unanimous vote of the Council members present, further reading was waived.

On a motion by Vice-Mayor Nunes, seconded by Councilmember Taylor, the foregoing ordinance was duly passed and adopted by the City Council of the City of Jackson at a regular meeting thereof held on this 8th day of January, 2001 by the following vote:

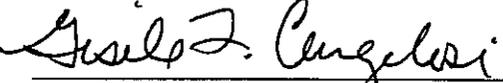
AYES: Nunes, Pryor, Taylor, Sweet
NOES: Lewis
ABSENT: None
ABSTAIN: None

CITY OF JACKSON



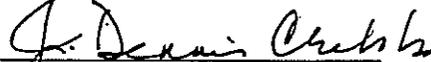
Keith M. Sweet, Mayor

ATTEST:



Gisele L. Cangelosi, City Clerk

APPROVED AS TO FORM:



J. Dennis Crabb, City Attorney

Exhibit A

Chapter 7.04.020

7.04.020 Stray Dogs Generally. It shall be unlawful for any person owning or having charge of any stray dog, as defined herein, to cause, permit or allow such dogs, whether licensed or unlicensed, to stray, wander or otherwise be at loose or at large upon any public street, alley, park, way or other public property within the City of Jackson, or upon any private property within the city other than private property of which the owner of the dog has ownership or control, unless such dog is kept securely confined on a leash, rope, cord or chain not over 10 feet in length held by some person or securely attached to some stationary object. Nothing contained in this section shall be deemed to prevent a dog from being used without a leash to herd, guard or gather domestic animals or fowls in the normal and customary manner of working dogs. Nor shall this section be deemed to prohibit participation in obedience trials or dog shows without a leash so long as the dog is under the charge and control of a person competent to control such dog and the dog does not harm or damage, or threaten to harm or damage, any person or public or private property.

Title 8

ANIMALS

Chapters:

- 8.04 Definitions
- 8.08 General Provisions
- 8.12 Animal-Control Officer
- 8.16 Impoundment
- 8.20 Rabies Control
- 8.24 Dogs
- 8.28 Wild Animals
- 8.32 Appeal Procedure--Penalties
- 8.36 Bovine Disease Control
- 8.40 Grazing Areas

*See
Am. Amador
County
Animal
Control
file*

RECEIVED

Chapter 8.04

DEFINITIONS

JUL 7 1989

CITY OF JACKSON

BY _____

Sections:

- 8.04.010 Animal control.
- 8.04.015 Animal-control officer.
- 8.04.020 Animal, domestic.
- 8.04.025 Animal shelter.
- 8.04.030 Animal, wild.
- 8.04.040 At large.
- 8.04.050 Health department.
- 8.04.060 Impoundment.
- 8.04.070 Owner.
- 8.04.100 Vaccination.
- 8.04.110 Veterinarian.

8.04.010 Animal control. "Animal control" means that section of the county government which is specifically charged with the regulation of, and the enforcement of laws dealing with animals, existing within the unincorporated territory of the county and the incorporated areas thereof which may, from time to time, contract with the county for such services. (Ord. 465 §1(1), 1972).

8.04.015 Animal-control officer. "Animal-control officer" means the person designated by the county as the person in charge of animal control in the county, and his duly authorized deputies. (Ord. 709 §4, 1980).

8.04.020 Animal, domestic. "Domestic animal" means dogs as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, rabbits and fowl commonly kept or raised in Amador County as farm animals or beasts of burden. (Ord. 465 §1(3), 1972).

8.04.025 Animal shelter. "Animal shelter" means the facilities provided by the county for the impounding of animals. (Ord. 709 §2, 1980).

8.04.030 Animal, wild. "Wild animal" means any of the following:

A. The following members of the Class MAMMALIA:

Order CARNIVORA, expressly excepting the domestic dog (*canis familiaris*) and the domestic cat (*felis catus*), but including, but not limited to, the family FELIDAE (such as ocelots, margays, tigers, jaguars, leopards and cougars), and the family CANIDAE (such as wolves, dingos, coyotes and jackals);

B. Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to constitute the likelihood of danger to the animals themselves, or to human beings or to the property of human beings; and

C. Any species of animal which is venomous to human beings whether its venom is transmitted by bite, sting, touch or other means, except honey producing bees. (Ord. 465 §1(13), 1972).

8.04.040 At large. "At large" means an animal off the premises of its owner and not under restraint by leash, or not under the control and in the immediate presence of the owner. (Ord. 465 §1(2), 1972).

8.04.050 Health department. "Health department" means the health officer of the county and any health department employee or other person duly authorized by the health officer to act on his behalf. (Ord. 465 §1(4), 1972).

8.04.060 Impoundment. "Impoundment" means the taking up and confining of an animal by the animal-control officer in a manner consistent with recognized standards of humane treatment. (Ord. 709 §6(part), 1980; Ord. 465 §1(6), 1972).

8.04.070 Owner. "Owner" means a person who possesses, has title to or an interest in, harbors or has control, custody or possession of an animal, and the verb forms of "to own" include all these shades of meaning. (Ord. 465 §1(7), 1972).

8.04.100 Vaccination. "Vaccination" means the inoculation of a dog with a vaccine approved by, and in the manner approved by, and in the manner prescribed by the State Department of Public Health: (Ord. 465 §1(11), 1972).

8.04.110 Veterinarian. "Veterinarian" means a person licensed by the state to practice veterinary medicine. (Ord. 465 §1(12), 1972).

465 §1(12), 1972).

Chapter 8.08GENERAL PROVISIONS*Sections:

- 8.08.010 Title.
- 8.08.020 Legal effect of license.
- 8.08.030 Prohibited conduct..
- 8.08.040 Proper care,
- 8.08.050 Cooperation of public.
- 8.08.060 Duty to report bite.
- 8.08.070 Public display in public places of animals for sale prohibited.

8.08.010 Title. This title shall be known as and may be cited and referred to as the "Animal Control Ordinance." (Ord. 465 §2(1), 1972).

8.08.020 Legal effect of license. The issuance of any license or permit to keep an animal as provided for in this title is prima facie evidence that the owner has satisfied the basic licensing requirements under this title, but such issuance shall be given no evidentiary weight to indicate that the owner has conformed to zoning regulations, building regulations, health and safety regulations or to any other applicable rule, regulation or statute, unless, pursuant to the issuance, official written approval has been given by the office or agency responsible for the administration of the rule, regulation or statute in question. If such approval has been given, it shall be deemed prima facie evidence that the matter approved is in accordance with the rule, regulation or statute in question. (Ord. 465 §2(2), 1972).

8.08.030 Prohibited conduct. No owner of any animal, wild or domestic, except the domestic cat, shall permit or suffer said animal to do any of the following things:

* For the statutory provisions authorizing counties to fix limits within which animals shall not run at large, see Gov. Code §25802.

- A. Run at large;
- B. Trespass upon public property or upon any private property without the consent of the owner of the property;
- C. Habitually make loud noise or act in such other manner so as to constitute a public nuisance. (Ord. 465 §2(part), 1972).

8.08.040 Proper care. The owner of any animal, wild or domestic, shall provide proper and adequate food, water, shelter, care and attention for such animal. (Ord. 465 §2(4), 1972).

8.08.050 Cooperation of public. No person shall prevent, oppose, resist or otherwise interfere with the animal-control officer in the performance of his duties as provided for in this title. (Ord. 709 §6(part), 1980; Ord. 465 §2(5), 1972).

8.08.060 Duty to report bite. It is the duty of any person having knowledge that any animal capable of transmitting rabies has bitten a human being within Amador County to immediately report the fact to the health department, the animal-control officer or the sheriff, and to furnish complete information thereof. (Ord. 709 §6(part), 1980; Ord. 465 §2(6), 1972).

8.08.070 Public display in public places of animals for sale prohibited. The placing on public display in any public place in the unincorporated area of Amador County, such as streets, sidewalks, parking lots, malls, walkways, or common areas of shopping centers, of any dog, cat, puppy or kitten or other animal for the purpose of the offering to sell, give away, or otherwise dispose of said animal is prohibited. Violation of this section is a misdemeanor. (Ord. 709 §5, 1980).

Chapter 8.12

ANIMAL-CONTROL OFFICER

Sections:

- 8.12.010 Jurisdiction.
- 8.12.020 Responsibility.
- 8.12.030 Rules and regulations.
- 8.12.040 Authority to arrest.
- 8.12.050 Authority to pursue.
- 8.12.060 Authority to use tranquilizer gun.
- 8.12.070 Authority to carry firearms.

8.12.010 Jurisdiction. The Amador County animal shelter, the animal-control officer, and other related personnel shall be under the supervision of the Amador County board of supervisors. (Ord. 709 §§6(part), 7(part), 1980; Ord. 465 §3(1), 1972).

8.12.020 Responsibility. The animal-control officer, is responsible for the enforcement of this title, and his duties shall include, but not be limited to the following:

A. To administer the Amador County animal shelter and keep such records as may be required by the board;

B. To take up and impound animals which are in violation of this title;

C. To remove and dispose of the carcass of any animal found on any county road, street, alley or other public place; provided, however, that this duty shall not apply to any state highway or other state public place over which state of California CalTrans has jurisdiction to perform those duties;

D. To quarantine animals and to cooperate with the county health officer;

E. To administer licensing programs as provided for in this title. (Ord. 745 §2, 1981; Ord. 709 §§6(part), 7(part), 1980; Ord. 465 §3(2), 1972).

8.12.030 Rules and regulations. The animal-control officer may formulate rules and regulations in conformity with, and for the purpose of carrying out the intent of this title, and compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any license or permit provided for in this title. (Ord. 709 §§6(part), 7(part), 1980; Ord. 465 §3(3), 1972).

8.12.040 Authority to arrest. In the performance of his duties, the animal-control officer and each deputy animal-control officer shall have the authority and immunities of public officers and employees, as set forth in Penal Code Section 836.5, to make arrests, and issue citations without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of any of the provisions of this title, or of any ordinance or statute which he has the duty to enforce. (Ord. 709 §9, 1980; Ord. 501 §7, 1974; Ord. 465 §3(4), 1972).

8.12.050 Authority to pursue. In the performance of his duties, the animal-control officer and each animal-control officer shall have the authority, when in pursuit of an animal which is in violation of a provision of this title, to go upon the property of the owner or a third person for the purpose of impounding the animal; provided, that in the course of such pursuit he shall exercise reasonable care to avoid causing damage to the property. (Ord. 709 §6(part), 1980; Ord. 465 §3(5), 1972).

8.12.060 Authority to use tranquilizer gun. In the performance of his duties, the animal-control officer and each animal-control officer shall have the authority to employ the use of the tranquilizer gun and all other animal control services commonly used by other animal control agencies located within the state. (Ord. 709 §6(part), 1980; Ord. 465 §3(6), 1972).

8.12.070 Authority to carry firearms. The animal-control-officer and such animal-control-officers as he may designate in writing, are authorized to carry firearms when acting in the course and scope of their employment pursuant to Section 12031 of the Penal Code of the state. (Ord. 709 §6(part), 1980; Ord. 465 §3(7), 1972).

Chapter 8.16IMPOUNDMENT*Sections:

- 8.16.010 Animals subject to impoundment.
- 8.16.020 Duration.
- 8.16.030 Redemption.
- 8.16.035 Neutering of all dogs required--Deposit therefor.
- 8.16.040 Disposition of impounded animals.
- 8.16.050 Impoundment fees.
- 8.16.060 Livestock hauling fee.
- 8.16.070 Absence of liability.
- 8.16.080 Fees established.

8.16.010 Animals subject to impoundment. Any animal which is, to the knowledge of the animal-control officer, engaged in an activity or existing in a condition prohibited by this title, shall be taken and impounded at the Amador County animal shelter or at such other place as may be approved by the board of supervisors. (Ord. 709 §§6(part), 7(part), 1980; Ord. 465 §4(1), 1972).

8.16.020 Duration. A. All impounded dogs found wearing a current dog license tag shall be kept in the animal shelter for a period of not less than three days unless redeemed within such period.

B. All impounded dogs not wearing a current dog license tag shall be kept in the animal shelter for a period of not less than three days unless redeemed within such period.

* For statutory authority empowering counties to maintain, regulate and govern public pounds, see Gov. Code §25802.

C. Any impounded animal which is of a type referred to in Section 17003 of the State Agricultural Code shall be kept in the animal shelter for at least five days unless it is redeemed within that period. If the animal is a bovine animal and is not redeemed, it shall be turned over to the State Bureau of Livestock Identification for disposition by that office.

D. Any other impounded animal shall be kept in the animal shelter for at least three days unless it is redeemed within such period.

E. Any animal which is voluntarily surrendered to or deposited with the animal shelter or authorized personnel thereof, by the owner, shall not be deemed to be impounded and need to be kept or retained for any minimum period of time. (Ord. 709 §8, 1980; Ord. 465 §4(2), 1972).

8.16.030 Redemption. The owner of any animal impounded may, at any time before the disposition thereof, redeem the same by paying all proper fees and charges accrued as provided for by this title; provided, however, that if the animal is one which is subject to a license herein, the licensing requirements must be satisfied before the animal's release, except that an impounded dog that has not been vaccinated against rabies, or exempted therefrom by an exemption as provided in this title, may be released to an owner who has paid all fees required herein, including the license fee, on condition that such owner shall:

A. Have the dog vaccinated for rabies within ten days; and

B. Exhibit a valid certificate of vaccination to the poundmaster within ten days, at which time the license will be issued. (Ord. 465 §4(3), 1972).

8.16.035 Neutering of all dogs required; deposit therefor. A. No dog shall be released from the animal shelter unless: (1) the dog has been neutered, or (2) the person to whom the dog is being released agrees to, within ten days from the date of release, have the released dog neutered and deposits in a fund maintained by the animal control officer a neutering deposit fee. The animal control officer shall approve a claim for refunding the deposit fee to the person upon proof satisfactory to the animal control officer that the dog has been neutered within the ten-day period, which period may be extended when in the opinion of the animal control officer the age, health, or condition of the released dog makes a longer period appropriate. Within the ten-day period, the person to whom the dog has been released may return the dog to the animal shelter in which case the deposit shall be refunded. No other refunds shall be made.

B. The neutering requirements of this section shall not apply to dogs being reclaimed by a person who owns a dog which has been picked up by the animal control officer pursuant to Sections 8.12.020B or 8.16.010. (Ord. 965 §2, 1983).

8.16.040 Disposition of impounded animals. A. Except as otherwise provided in this title, an impounded animal which is not redeemed within the applicable holding period specified herein may, in the discretion of the animal-control officer, be sold for its fair market value as determined by the animal-control officer plus a sum equal to six percent of that value to be collected for state sales tax, be destroyed, or otherwise be disposed of; provided, however, that no animal shall be sold or destroyed or otherwise disposed of until seventy-two hours after notice of the impoundment has been given to the owner, if he is known; and provided further, no animal may be sold or otherwise disposed of for the purpose of experimentation.

B. If an animal is sold, the receipt signed by the animal-control officer shall be valid title to the purchaser.

C. Notwithstanding any other provision of this title to the contrary, an impounded animal which is determined by the animal-control officer to constitute a health hazard may be destroyed or otherwise disposed of as ordered by the animal-control officer upon the concurrence of the county health officer. (Ord. 709 §11, 1980; Ord. 465 §4(4), 1972).

8.16.050 Impoundment fees. The animal control officer shall charge and collect the impoundment fees established by resolution of the board of supervisors. (Ord. 965 §4, 1983).

8.16.060 Livestock hauling fee. When it is necessary for the impoundment of large quadruped domestic animals such as horses, donkeys, mules, burros, cattle, sheep, goats and swine to haul such animals with livestock hauling equipment, the owner of the animals shall be charged a livestock hauling fee. (Ord. 965 §6, 1983).

8.16.070 Absence of liability. No liability shall be incurred for the disposition of any animal made pursuant to the provisions of this title. (Ord. 465 §4(7), 1972).

8.16.080 Fees established. All fees described in this chapter shall be established by resolution of the board of supervisors and shall be incorporated into an animal control fee schedule. (Ord. 965 §7, 1983).

Chapter 8.20RABIES CONTROLSections:

- 8.20.010 Quarantine.
- 8.20.020 Delivery of carcass.
- 8.20.030 Epidemics.
- 8.20.040 Vaccination--Required.
- 8.20.050 Vaccination--Certificate.

8.20.010 Quarantine. A. The animal-control officer shall ensure that all animals falling into the following categories shall be isolated or quarantined at the place and under the conditions prescribed by the health officer and pertinent state laws and regulations:

8.20.050

1. A licensed veterinarian has examined said dog and certified at such time that a vaccination would endanger the dog's health because of physiological reasons; and
2. Such certificate is presented to the health officer within five days of such examination; and
3. The health officer concurs in the opinion of the veterinarian, contained in such certificate, and endorses on such certificate his approval thereof. Such certificate must bear the date of issuance and must be renewed each year. (Ord. 465 §5(4)(part), 1972).

8.20.050 Vaccination--Certificate. Every veterinarian, after vaccinating a dog for rabies, shall issue a certificate to the owner. The certificate shall include the following information:

- A. Owner's full name, address and telephone number;
- B. Vaccination tag number;
- C. Breed, age, sex and color or markings of the dog;
- D. A statement which provides: "This certificate that the dog described herein was vaccinated against rabies with:
 1. Chick Embryo Origin (CEO) vaccine, two-year type; i.e., modified live virus (MLV) vaccine, or
 2. Nerve Tissue (NT), phenolized killed virus vaccine, one-year type;"
- E. Signature of the veterinarian administering the vaccination, or his agent;
- F. The date of the vaccination. (Ord. 465 §5(4)(part), 1972).

Chapter 8.24DOGS*Sections:

- 8.24.010 Control--In public places.
- 8.24.020 Control--Dog who has bitten person.
- 8.24.030 Control--Owner responsibility.
- 8.24.040 Unlicensed dogs.
- 8.24.050 Unvaccinated dogs.
- 8.24.060 Keneled dogs.
- 8.24.070 Annual license fee--When due.
- 8.24.075 Additional license required.
- 8.24.080 License fee--Dogs not subject to Section 8.24.070.
- 8.24.100 License tags--Issuance.

* For statutory provisions authorizing counties to tax the possessors of dogs, see Gov. Code §25803.

Sections: (Continued)

- 8.24.110 License tags--Attachment to collar.
 8.24.120 License not required for certain dogs.
 8.24.130 Validity of out-of-county license.
 8.24.140 Complaints against dogs.
 8.24.150 Fees established.
 8.24.170 Determination of dangerous animal status.
 8.24.180 Evidence to be considered.
 8.24.190 Violation--Penalties.
 8.24.200 Veterinarian report of unlicensed dog.

8.24.010 Control--In public places. No person shall permit any dog in his possession to run at or bite any person or animal on any public street or in any public place or public park, or to drop excreta upon or befoul any public street, public park or place in the county. (Ord. 252 §3, 1950).

8.24.020 Control--Dog who has bitten person. The animal-control officer, upon receiving an affidavit from any person who has been bitten by a dog or from any person who has witnessed such occurrence, shall notify the owner of such dog, in writing, to keep such dog at all times on the property or premises where such owner resides or on the property or premises of the person to whom the owner has given the custody of such dog, or to securely hold the dog by a leash or other device or means so as to prevent the dog from wandering, straying or getting beyond the control of its custodian. (Ord. 709 §6(part), 1980; Ord. 501 §9, 1974; Ord. 252 §4, 1950).

8.24.030 Control--Owner responsibility. After the receipt by owner of such dog of the notice provided for in Section 8.24.020, the owner shall at all times thereafter keep such dog on the property or premises where such person resides or on the property or premises of the person to whom the owner has given the custody of such dog, or such owner shall securely hold the dog by a leash or other device or means, to prevent the dog from wandering, straying or getting beyond the control of said owner or said custodian. (Ord. 252 §5, 1950).

8.24.040 Unlicensed dogs. Every owner of an unlicensed or untagged dog shall be in violation of this title except as otherwise provided herein. (Ord. 465 §6(1), 1972).

8.24.050 Unvaccinated dogs. Every owner of a dog which does not have a current vaccination for rabies as evidenced by an official certificate therefor shall be in violation of this title except as otherwise provided herein. (Ord. 465 §6(2), 1972).

8.24.060 Keneled dogs. Dogs kept in or at a kennel shall be subject to all the regulations and controls herein pertaining to nonkennel dogs. (Ord. 465 §6(3), 1972).

8.24.060 Kenneled dogs. Dogs kept in or at a kennel shall be subject to all the regulations and controls herein pertaining to nonkennel dogs. (Ord. 465 §6(3), 1972).

8.24.070 Animal license fee--When due. Dogs over four months of age shall be subject to license fees. The fees shall be due and payable upon expiration of the current license. A penalty shall be imposed on every dog owner who fails to license his or her dog within thirty calendar days of the date of expiration of said current license. The animal control officer shall not issue a license for any dog until all penalties applicable to the dog have been paid in full. This penalty is in addition to, and not in lieu of, any other penalty imposed by this chapter. (Ord. 1168 §1 (part), 1988: Ord. 965 §9, 1983).

8.24.075 Additional license required. In addition to the dog licensing requirement set forth in Section 8.24.070, any owner or breeder who owns or breeds dogs for the purpose of selling or giving away the dogs shall pay an annual license fee. This fee shall be waived by the animal control officer upon being provided with satisfactory proof that the dog subject to the fee has been neutered or spayed. (Ord. 965 §11, 1983).

8.24.080 License fee--Dogs not subject to Section 8.24.070. Should any dog, which for any reason, not be subject to the dog licensing provisions described in this chapter and should subsequently become subject to the requirements, the license fee shall become due and payable in full by the owner ten days after the date the dog becomes subject to the requirements. (Ord. 1168 §1(part), 1988: Ord. 465 §6(4) (B), 1972).

8.24.100 License tags. The animal control officer shall procure and issue serial-numbered license tags stamped with the name of the county. With the approval of the animal control officer, which may be revoked at any time by the animal control officer at his sole discretion, any licensed veterinarian within the county may issue the license tags and retain that percentage of the license fees as specified by resolution of the board of supervisors. The tags shall only be issued upon the application of owners who have complied with the vaccination and fee provisions of this title. (Ord. 1168 §1(part), 1988: Ord. 965 §14, 1983).

8.24.110 License tags--Attachment to collar. Every dog shall be provided by the owner with a suitable collar or other device to which a dog license tag shall be attached. (Ord. 1197 §2, 1989).

8.24.120 License not required for certain dogs. Dogs owned by the county, any city in the county, or any special district located in the county, and Seeing Eye and hearing dogs, shall be licensed without the owner having to pay the fee established by this chapter. (Ord. 709 §16, 1980; Ord. 465 §6(4)(F), 1972).

8.24.130 Validity of out-of-county license. Despite anything in this title to the contrary, when an owner brings into the county a dog which has been licensed in another county or city within the state, the dog shall not be subject to the licensing provisions of this title for so long as the out-of-county license would be current and valid at its place of issuance. (Ord. 465 §6(4)(G), 1972).

8.24.140 Complaints against dogs. A. When the owner of any livestock or poultry which are harassed, injured or killed by any dog makes a written complaint to the animal control officer or his duly authorized deputies concerning said dog, the animal control officer may take up and impound the dog. The written complaint shall be signed by the owner, state when, where and what damage was done by the dog, and name, if known, of the person that owns the dog or was in charge of the dog when the loss or damage was sustained. The owner of the dog shall pay a complaint fee to the animal control officer at the time of the filing of the complaint.

B. The person making the complaint to the animal control officer shall then file a complaint with the justice court pursuant to Agricultural Code Section 31503 within three days of the filing of the written complaint with the animal control officer. The animal control officer shall continue to impound the dog until the disposition of the complaint against the dog pursuant to Agricultural Code Section 31504 et seq. The animal control officer shall release any impound dog if a complaint is not filed with the justice court within the three-day period. (Ord. 965 §16, 1983).

8.24.150 Fees established. All fees and penalties described in this chapter shall be established by resolution of the board of supervisors and shall be incorporated into an animal control fee schedule. (Ord. 965 §17, 1983).

8.24.170 Determination of dangerous animal status. A. Upon receiving a written complaint in which the complainant's name, address, and telephone number are indicated which alleges facts which would support a finding pursuant to Section 8.24.170 that an animal is a dangerous animal, the animal control officer shall, by written notice, require the complainant or complainants and the owner of the animal to appear at a hearing before the county code enforcement

officer, as hearing officer, for a determination whether or not the animal is a dangerous animal, and if so found, what disposition of the animal should be made. If the owner fails to appear before the hearing officer or representative, and there is evidence that the animal is a dangerous animal, as defined in Section 8.24.160, the hearing officer may hear such evidence presented by persons other than the owner of the animal, and may base his finding upon such evidence.

B. If the hearing officer determines, after the hearing, that the animal is a dangerous animal, the hearing officer may do any of the following:

1. Allow the return of the animal to its owner upon conditions which will protect the public, including, but not limited to, requiring strict confinement of the animal so that it cannot come in contact with the public, muzzling the animal should it be allowed among the public, and/or requiring the owner to maintain liability insurance in amounts deemed appropriate in the event of subsequent incidents of attack or threatened attack by the animal; or

2. If the hearing officer determines that there is no way to adequately protect the public from the animal, he may order that it be impounded and humanely destroyed by the animal control officer in the manner presently used for unclaimed stray animals. Failure to surrender such animal to the animal control officer is a violation of this section. If an animal found to be dangerous is ordered destroyed after such hearing, the owner shall have the right to appeal such order to the Amador County board of supervisors by requesting such an appeal within ten days after the order is issued and

notice thereof given to the owner. The animal shall not be destroyed until the date of expiration of the ten-day appeal period or the final disposition of the case by the board of supervisors in the event an appeal is requested. (Ord. 1152 §1(part), 1987).

8.24.180 Evidence to be considered. Respecting hearings to be conducted pursuant to Sections 8.24.160 and 8.24-.170, such hearings need not be conducted according to technical rules relating to evidence or witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. (Ord. 1152 §1(part), 1987).

8.24.190 Violation--Penalties. Notwithstanding any other provision of this code, and in addition to all other remedies provided, every violation of any of the provisions of this chapter shall be punishable as an infraction as follows:

A. Upon a first conviction, by a fine of twenty-five dollars;

B. Upon a second conviction, and the offense occurred within one year of a prior violation of a provision of this chapter which resulted in a conviction, by a fine of forty-five dollars; and

C. Upon a third or subsequent conviction, and the offense occurred within one year of a prior violation of a provision of this chapter which resulted in a second or subsequent conviction, by a fine of sixty-five dollars. (Ord. 1152 §1 (part), 1987).

8.24.200 Veterinarian report of unlicensed dog. Any veterinarian treating a dog within Amador County which does not have a valid license tag shall report this fact to the animal control officer, together with the name and address of the dog's owner or the person who was in control of the dog when it was treated by the veterinarian. (Ord. 1163 §1, 1988).

Chapter 8.28WILD ANIMALSSections:

- 8.28.010 Permit--Required.
- 8.28.020 Permit--Application.
- 8.28.030 Permit--Fee.
- 8.28.040 Permit--New animals.
- 8.28.050 Permit--Expiration.
- 8.28.060 Application--Approval by county departments.
- 8.28.070 Application--Approval by animal-control officer.
- 8.28.080 Permit--Revocation and suspension.
- 8.28.090 Fees established.

8.28.010 Permit--Required. No person shall own any wild animal without first applying to and receiving from the animal-control officer a permit to do so. (Ord. 709 §6(part), 1980; Ord. 465 §7(1), 1972).

8.28.020 Permit--Application. The application for a permit shall contain the name of the applicant, his address, the address of the proposed location of the animal if different from the applicant's, and a brief description of the applicant's plan for keeping the animal, which shall include the specie or species of animal, the number of individuals of each specie, and a description of the housing facilities of the animal. (Ord. 465 §7(2)(part), 1972).

8.28.030 Permit--Fee. The initial fee for the issuance of each permit shall be valid for a period of one year from the date of issuance unless the permit is revoked or suspended. The fee shall cover each animal and the maximum number of specimens permitted to be kept shall be specified in the permit. Whenever a new animal or collection is added so as to exceed the maximum number permitted, a new permit must be secured and a new fee must be paid, subject to the exceptions in Section 8.28.040. The fee shall be due and payable at the time of issuance of the permit and shall be a prerequisite to such issuance. (Ord. 965 §19, 1983).

8.28.040 Permit--New animals. Whenever, in any given permit year, there are new animals in a collection due to the reproduction of members of the collection or due to trade, exchange or replacement in the same number of the same zoological order as the members of the collection traded, exchanged or replaced, such new animals shall not require an additional

permit during that year, provided the animal-control officer is notified in writing of such new animals within thirty days of acquisition. (Ord. 709 §6(part), 1980; Ord. 465 §7(2) (part), 1972).

8.28.050 Permit--Expiration. Upon the expiration of the permit, the holder of the permit shall obtain a renewal permit to keep wild animals. The fee for the issuance of the renewal permit shall be due and payable each year on the anniversary of the date of the issuance of the initial permit. If during the preceding year or years more than one renewal permit has been issued an applicant, the former permits may be consolidated so that only one renewal permit is required; provided, however, that the renewal date for the consolidated permit shall be the date of the issuance of the earliest initial permit. (Ord. 965 §21, 1983).

8.28.060 Application--Approval by county departments. Upon receipt of an application for an initial permit by the animal-control officer, the application shall be forwarded to the building inspection section of the county department of public works and the public health department of the county and designated employees of these departments shall ascertain whether or not the applicant's plan is in conformity with county law governing their respective departments.

If the applicant's plan is in conformity with the law governing said departments, departmental approval shall be indicated on the face of the application. If the applicant's plan is not in conformity with the law governing said departments, the face of the application shall be marked "Not Approved" and the reason for nonapproval noted thereon, along with any provisions or changes in the applicant's plan which, if made, would result in approval by the department in question. (Ord. 709 §6(part), 1980; Ord. 465 §7(4) (part), 1972).

8.28.070 Application--Approval by animal-control officer. Upon approval by said departments of an application for an initial permit, or upon the receipt of an application for a renewal permit, the animal-control officer shall make any investigation he deems proper. He shall approve an application if he finds all of the following:

A. The keeping of the wild animal at the location specified in the application will not violate any law or ordinance of this county or any law of the state;

B. The keeping and maintaining of the wild animal will not endanger the peace, health or safety of persons in the immediate vicinity, or in the county as a whole;

C. The premises and housing where the wild animal is to be kept are in a clean and sanitary condition, and any

wild animal will not be subject to suffering, cruelty or abuse;

D. The applicant has not had a permit, provided for herein, revoked within a year prior to the date of application;

E. The keeping and maintaining of the wild animal does not constitute a public nuisance. (Ord. 709 §6(part), 1980; Ord. 465 §7(4)(part), 1972).

8.28.080 Permit--Revocation and suspension. Any permit issued pursuant to this chapter may be revoked or suspended as herein provided if, after investigation, the animal-control officer finds any of the following to be true:

A. The owner, his agent or employee has been convicted of any offense involving the violation of Section 597 of the Penal Code of the state, or any provisions of this title, or is in violation of the zoning, health and safety or building ordinances relating to the keeping of wild animals; or

B. The owner has failed to keep and maintain the premises or housing for the wild animals in a clean and sanitary condition; or

C. The owner has, at the place for which the permit is issued, failed to provide any wild animal with proper food, water, shelter or attention; or

D. The owner has violated any rules, regulations or conditions adopted by the animal-control officer as necessary to insure that the wild animals will not endanger the safety of any person or property. (Ord. 709 §6(part), 1980; Ord. 465 §7(5), 1972).

8.28.090 Fees established. All fees described in this chapter shall be established by resolution of the board of supervisors and shall be incorporated into an animal control fee schedule. (Ord. 965 §22, 1983).

Chapter 8.32APPEAL PROCEDURE--PENALTIESSections:

- 8.32.010 Administrative remedy.
8.32.020 Violation--Penalty.
8.32.030 Continuing violation a separate offense.

8.32.010 Administrative remedy. Any person aggrieved by any decision or action resulting from the application of this title may appeal to the board of supervisors. Such appeal must be in writing and must be received by the clerk of the board not more than fifteen days after service of written notice of such decision or action. (Ord. 465 §8(1), 1972).

8.32.020 Violation--Penalty. Any person violating any provision of this title is guilty of a misdemeanor and upon conviction thereof is punishable by a fine of not more than

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five hundred dollars, or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Ord. 465 §8(2), 1972).

8.32.030 Continuing violation a separate offense. Every person violating any provision of this title is guilty of a separate offense for each day or portion thereof during which such violation continues, and is punishable therefor as provided in Section 8.32.020. (Ord. 465 §8(3), 1972).

Chapter 8.36BOVINE DISEASE CONTROL*Sections:

- 8.36.010 Definitions.
- 8.36.020 Voluntary tuberculosis control area.
- 8.26.030 Testing of cattle.
- 8.36.040 Branding of reactors.
- 8.36.050 Disposition of reactors.
- 8.36.060 Disinfection.
- 8.36.070 Importation of cattle.
- 8.36.080 Identification of cattle under test.
- 8.36.090 Owners to provide facilities and assistance for testing.
- 8.36.100 Unlawful conduct.
- 8.36.110 Right of entry.
- 8.36.120 Lien for certain expense.
- 8.36.130 Violation--Penalty.

8.36.010 Definitions. A. "Bureau" means the Bureau of Animal Industry of the United States Department of Agriculture.

B. "Cattle" and "bovine animals" mean meat cattle.

C. "Disease" means tuberculosis of cattle.

D. "Premises" means any place or thing where, or in which, cattle have been, are kept, or transported.

E. "Reactor" or "reacting bovine animal" means any bovine animal that reacts positively to a tuberculin test or that is adjudged tuberculous on physical examination by the authorized federal or state veterinarian, working under provisions of this chapter.

F. "State" means the Department of Agriculture of the state of California.

* For statutory provisions authorizing counties to enact ordinances necessary for the preservation of the health of domestic livestock, see Gov. Code §25800.

G. "Tuberculin" means the product of the growth of the tubercle bacillus from any source, used or intended to be used in diagnosing tuberculosis in cattle.

H. "Tuberculin test" means the use of tuberculin for the purpose of diagnosing tuberculosis in cattle.

I. "Veterinarians" means veterinarians employed by state or bureau, or otherwise acting under the authority of state or United States government. (Ord. 186 §1, 1936).

8.36.020 Voluntary tuberculosis control area. The board of supervisors declares the whole of Amador County a voluntary tuberculosis control area for the purpose of eradicating bovine tuberculosis therein. (Ord. 186 §2, 1936).

8.36.030 Testing of cattle. All bovine animals within the voluntary tuberculosis control area herein created shall be tuberculin tested by the authorized state or federal veterinarian, as often, in the opinion of said authorized federal or state veterinarian as may be deemed necessary to accomplish the purpose of this chapter. Bovine animals of beef herds may, in the discretion of said veterinarian, be tested provided all dairy herds in said area have received this first test. The provisions of this section shall not apply to the following:

A. Bovine animals, the testing of which is otherwise provided for in Section 8.36.070;

B. Bovine animals of beef breeds imported for feeding or grazing purposes; provided, that said animals do not remain within the county more than nine months and are kept at all times under fence or natural barrier, separate and apart from tested cattle; such fenced enclosures or natural barriers must be so located that the drainage from such fenced enclosures or natural barriers does not flow on or into the premises occupied by other cattle;

C. Bovine animals imported for purposes of slaughter; provided, that said animals do not remain within the county more than ten days and are kept at all times under fence or natural barrier separate and apart from tested cattle; such fenced enclosures or natural barriers must be so located that the drainage from such fenced enclosure or natural barrier does not flow on or into the premises occupied by other cattle. (Ord. 186 §3, 1936).

8.36.040 Branding of reactors. Each reactor shall, immediately upon the determination of such reactions, be marked for identification by the owner or his agent under the supervision of the authorized federal or state veterinarian, by permanently branding the letter "T" on the left jaw, not less than three inches high and two inches wide at the top, and by attaching to the left ear a metal tag bearing a serial number and the inscription "U.S.B.S.I. Reactor," or a similar tag. (Ord. 186 §4, 1936).

8.36.050 Disposition of reactors. Any bovine animal in Amador County reacting positively to a tuberculin test conducted by a veterinarian as provided in Section 8.36.030, shall immediately be segregated from the bovine animals which are not reactors and shall be slaughtered within thirty days from the date of completion of test, except that in extraordinary and meritorious cases and in the discretion of the authorized federal or state veterinarian, such time limit of thirty days may be waived; however, no such waiver shall be given in order to allow a cow to produce a calf. The reacting cattle shall be slaughtered under supervision of a federal, state or state approved municipal meat inspector. (Ord. 186 §5, 1936).

8.36.060 Disinfection. After removal of reactors, the premises occupied and used by the reactors must be cleaned and disinfected by the owners thereof at their expense, to the satisfaction of a veterinarian. (Ord. 186 §6, 1936).

8.36.070 Importation of cattle. Cattle of the following classes may enter Amador County in accordance with the requirements indicated:

- A. From federal-state accredited herds;
- B. From federal-state accredited counties, if said cattle have been regularly tuberculin tested therein;
- C. From tuberculosis control areas or voluntary tuberculosis control areas of California when the cattle originate in herds regularly tuberculin tested;
- D. From within the state, either from herds not regularly tuberculin tested in tuberculosis control areas or voluntary tuberculosis control areas, or from counties not declared tuberculosis control areas, if accompanied by a certificate showing the animals to have been negative to a legally conducted tuberculin test applied within thirty days prior to movement and to have originated from a herd or herds in which all of the cattle have been tuberculin tested and not more than ten percent reactors found. The certificate must be issued on a form obtained from the state and duplicate copies of the certificate must be forwarded to that office on or before date of movement.

Such cattle must be held under supervision and tuberculin retested by anyone legally qualified at the owner's expense within ninety days from date of last tuberculin test;

E. From without the state, if in accordance with federal interstate regulations, but unless such cattle originate in federal-state accredited herds or counties, they must be held under supervision and tuberculin retested by anyone legally qualified at the owner's expense within ninety days from date of last tuberculin test;

F. Beef breeds, not otherwise admissible hereunder, for feeding or grazing purposes, but unless tuberculin tested, they must be accompanied by owner's affidavit stating the cattle are of beef breeds for feeding and grazing purposes and will be kept under fence or natural barriers separate and apart from tested cattle; such fenced enclosures or natural barriers must be so located that the drainage from such fenced enclosures or natural barriers does not flow on or into premises occupied by other cattle. A copy of the affidavit must be forwarded to the state on or before date of shipment;

G. Cattle tested and found to be reactors and branded, when shipped into the county for immediate slaughter. (Ord. 186 §7, 1936).

8.36.080 Identification of cattle under test. The authorized federal or state veterinarian may ear tag or otherwise identify any bovine animal to establish the identity of said animal while applying a tuberculin test thereto. (Ord. 186 §8, 1936).

8.36.090 Owners to provide facilities and assistance for testing. All owners or persons in charge of cattle subject to examination and tuberculin test under the provisions of this chapter shall provide such reasonably necessary facilities and render such reasonable assistance as the authorized federal or state veterinarian may require for conducting tuberculin tests. (Ord. 186 §9, 1936).

8.36.100 Unlawful conduct. It is unlawful:

A. To obstruct, attack or interfere with, or permit to be obstructed, attacked or interfered with, anyone testing cattle under the provisions of this chapter;

B. To attempt to defeat, obstruct or interfere with the application of a tuberculin test under the provision of this chapter;

C. To neglect or fail to properly secure and restrain any bovine animal subject to the provisions of this chapter to be tuberculin tested, or under tuberculin test, for examination, injection, observation or other procedure pertaining to a tuberculin test as provided in this chapter;

D. To apply a tuberculin test to any bovine animal which has at any time been found to be a reactor by anyone legally authorized to conduct such test. (Ord. 186 §10, 1936).

8.36.110 Right of entry.* To carry out the provisions of this chapter, the authorized federal or state veterinarian, designated in this chapter may at any time enter any premises, except dwelling houses. (Ord. 186 §11, 1936).

* For further provisions regarding right of entry for inspection, see Chapter 1.08 of this code.

8.36.120 Lien for certain expense. If any owner or person in charge or possession of cattle, after ten days' notice in writing, refuses to properly confine in corrals or stanchions any cattle which are subject to examination, tuberculin testing, branding or slaughter, the sheriff of Amador County may employ such help and incur such expense as is necessary to properly examine, tuberculin test, brand or slaughter said cattle. The expense so incurred is a lien upon said cattle, and, unless paid within ten days after written notice of the amount of the same has been given by the sheriff of said county to the owner or person in charge or possession of said cattle, the lien shall be enforced in the manner prescribed in Section 3052 of the Civil Code of the state. (Ord. 186 §12, 1936).

8.36.130 Violation--Penalty. Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. (Ord. 186 §13, 1936).