

Title 6

ANIMALS

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Chapter 6.04

GENERAL PROVISIONS

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6.04.010 Title for citation.

This title shall be known as the “animal control ordinance.” [Ord. 4490 § 1, 1998; Ord. 540, 1957; prior code § 8.05.100].

6.04.020 Definitions.

For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, certain terms used in this title are defined as follows:

(A) “Adoption” means the establishment or transfer of an animal’s ownership.

(B) “Animal” means any mammal, bird, reptile, fish or other vertebrate creature, domestic or wild.

(C) “Animal at large” means:

(1) Any dog found off the owner’s premises, that is not under actual physical restraint or control, such as a leash, tether, or in the grasp of a competent person;

(2) Any dog while on the owner’s premises or the premises of a third party with the permission of that party, that is not confined to the premises either by a leash, tether, adequate fencing, or other adequate physical custody or control. A dog shall be considered under adequate physical custody or control if it has not left the premises of its owner or caretaker;

(3) Any livestock or wild animal as referred to in SCCC 6.12.120, while on the owner’s premises, or the premises of a third party with the permission of that party, that is not confined to the premises either by a leash, tether, adequate fencing, or other adequate physical custody or control.

(D) “Animal exhibitions” means to present any animal for public view, for the purpose of entertainment, sale or competition, and includes but is not limited to rodeos, circuses, zoos and animal auctions.

(E) “Bucking strap” or “flank strap” means any device, strap or object generally made of leather and sometimes padded with a woolen lining, which is placed around the flank regions of a horse or bull, behind the rib cage and just forward of the hind legs, and which is tightened immediately before the animal is scheduled to perform.

(F) “Cat” means any member of *Felis domesticus* and shall be considered personal property, to the extent permitted by law.

(G) “Director,” unless otherwise stated, means the Director of Animal Control Services.

(H) “Director of Animal Control Services” means the independent contractor or employee of the public agency having custody and control of the animal shelter and of animals therein, otherwise referred to as the poundmaster or poundkeeper.

(I) “Dog” means any member of *Canis familiaris* or any combination of *Canis familiaris* and other *Canis* species including, but not limited to, dog hybrids.

(J) “Dog hybrid” means any animal which is a cross between a member of the *Canis familiaris* family and a member of a different *Canidae* family such as wolves or coyotes.

(K) “Euthanasia” means putting an animal to death in a humane manner.

(L) “Habitual offender” shall mean that the offending animal has had three or more violations, involving separate incidences, of any provision of this title.

(M) “Impounded” means having been received into the custody of the animal shelter, or of any authorized agent or representative thereof, or of any duly sworn law enforcement officer in the course of their duty.

(N) “Livestock” means animals kept for husbandry, including but not limited to horses, mules, burros, asses, cattle, sheep, swine and poultry.

(O) “Livestock facility” means any facility for the keeping of livestock.

(P) “Owner” means any natural person, association, partnership or corporation.

(Q) “Person” means any natural person, association, partnership or corporation.

(R) “Pet shop” means any person, firm or corporation engaged in a commercial business where small animals are kept for the purpose of either wholesale or retail sale. “Pet shop” does not include any place or premises not operated as a commercial business and where pet animals are only occasionally sold.

(S) “Protective custody” means the status of any animal impounded by an animal control officer acting under the direction of a peace officer, or when an animal control officer acts to enforce a provision of the California Penal Code.

(T) “Sexually unproductive” means being incapable of reproduction by reason of age or physical condition, or incapable of being subjected to a medical procedure to be rendered unproductive and certified by a licensed veterinarian as such.

(U) “Unidentified dog” means any dog that does not have an identification tag, tattoo, or microchip that is securely fastened to, displayed upon and/or implanted in the animal.

(V) “Unlicensed dog” means any dog for which a current license has not been paid or to which the tag provided for in this title is not attached.

(W) “Vicious animal” means any animal, except a dog assisting a peace officer engaged in law enforcement duties, which bites any human being or any domestic animal or which threatens or attempts to bite or attack human beings or domestic animals, but does not include an animal which bites, attacks or threatens to bite or attack a trespasser on the property of its owner or harms or menaces anyone who has tormented, tortured or exhibited cruelty to such animal as such terms are defined in Section 599(b) of the California Penal Code. [Ord. 4673 § 1, 2002; Ord. 4490 § 1, 1998; Ord. 4503 §§ 1, 2, 1998; Ord. 4502 § 1, 1998; Ord. 3728 § 1, 1986; Ord. 3675 § 1, 1985; Ord. 2170, 1975; Ord. 540, 1957; prior code § 8.05.110].

6.04.030 Director of Animal Control Services—Office established.

The Office of Director of Animal Control Services is established. The Director of Animal Control Services may be either a person, firm, association or corporation, or an employee of a separate public agency or the County of Santa Cruz. Broad experience, education and/or training in the fields of animal control or animal management is desirable. The Director of Animal Control Services shall receive such compensation as shall be established by contract executed by the Board of Supervisors or by employee salary resolution. [Ord. 4673 § 2, 2002; Ord. 4490 § 1, 1998; Ord. 2170, 1975; Ord. 1220, 1966; Ord. 540, 1957; prior code § 8.05.120].

6.04.040 Director of Animal Control Services—Powers and duties.

The Director of Animal Control Services shall supervise the animal shelter, and the care of animals impounded therein, and shall administer and enforce the sections of this chapter and applicable State laws relative to animal control. [Ord. 4490 § 1, 1998; Ord. 2170, 1975; Ord. 540, 1957; prior code § 8.05.130].

6.04.050 Director of Animal Control Services—Delegation of duties.

Whenever a power is granted to, or a duty is imposed upon, the Director of Animal Control Services or other public officer, the power may be exercised by a person authorized pursuant to law by the said officer unless this chapter expressly provides otherwise. [Ord. 4490 § 1, 1998; Ord. 1447, 1969; prior code § 8.05.131].

6.04.060 Animal shelter.

All animals which are subject to being impounded, as provided in this title, shall be kept, safely held and, as authorized herein, disposed of, in a suitable building or enclosure which shall be known and designated as the “Santa Cruz County Animal Shelter.” [Ord. 4490 § 1, 1998; Ord. 2170, 1975; prior code § 8.05.125].

6.04.070 Charges for services—Accounting and expenditure.

(A) All charges collected by the Director of Animal Control Services for impounding and keeping animals pursuant to this chapter, together with all sales proceeds received by the Director from the sale of animals impounded or brought in from the unincorporated area of the County, shall be paid over to the County.

(B) All fees for the issuance of County dog license tags and all fines collected under the provisions of this chapter shall be paid into the County Treasury and shall be used:

(1) First, to pay fees, salaries, costs, expenses, or any or all of them for the enforcement of Division 14 of the Agricultural Code, commencing with Section 30501, and of this chapter;

(2) Second, to pay damages to owners of livestock which are killed by dogs;

(3) Third, to pay costs of any hospitalization or emergency care of animals pursuant to Section 597f of the Penal Code. [Ord. 4490 § 1, 1998; Ord. 2170, 1975; Ord. 1572, 1971; Ord. 1447, 1969; Ord. 1220, 1966; Ord. 595, 1959; Ord. 587, 1959; Ord. 540, 1957; prior code § 8.05.140].

6.04.080 Stray animals.

(A) Every person except the Director of Animal Control Services or a designated deputy taking up any stray animal found at large contrary to the provisions of this chapter shall, within eight hours thereafter, give notice to the Santa Cruz County Animal Shelter of:

(1) The fact that he has such animal in his possession;

(2) A complete description of such animal, including tattoos or other distinguishing marks, if any;

(3) The license number of such animal, if any, and by what county or municipal corporation issued. If such animal has no license, such person shall so state;

(4) The place where such animal is confined.

(B) The Director of Animal Control Services shall pick up and shall thereupon hold and dispose of such animal in the same manner as though such animal had been found at large and impounded. [Ord. 4490 § 1, 1998; Ord. 1220, 1966; Ord. 540, 1957; prior code § 8.05.150].

6.04.090 Animal bite reporting.

Whenever any person has knowledge that such animal has bitten any person, the person having such knowledge shall report that fact forthwith to the County Health Officer or to the Director of Animal Control Services or their deputies. The report shall state the name and address of the person bitten and the time and place such person was bitten, and the location, description, and ownership of the animal involved. [Ord. 4490 § 1, 1998; Ord. 3728 § 2, 1986; Ord. 1447, 1969; Ord. 1220, 1966; prior code § 8.05.160].

6.04.100 Quarantine of biting dogs and cats.

(A) Whenever there is cause to believe that any dog or cat has bitten a person, the owner of that animal shall quarantine the animal for a period of 10 days. Whenever there is cause to believe that any other kind of animal has bitten a person, the Director of Animal Control Services shall consult with the County Health Officer before deciding whether to order the animal quarantined.

(B) Unless the biting animal's owner has proof of a current rabies shot, and the enforcement officer determines that the owner has the proper facilities in which to confine the animal adequately, biting dogs and cats shall be immediately quarantined at the owner's expense at the animal shelter, at a veterinary facility, or at a boarding kennel. If a vaccination is determined to be necessary, the animal shall be vaccinated at the owner's expense.

(C) If the owner of such animal fails to quarantine the animal and keep it confined for the period required, the Director of Animal Control Services shall impound such animal for the required period and charge the owner for the impounding and keeping of such animal in accordance with SCCC 6.20.050 and 6.20.060, respectively. [Ord. 4490 § 1, 1998; Ord. 3728 § 3, 1986; Ord. 1447, 1969; Ord. 1220, 1966; prior code § 8.05.170].

6.04.110 Impoundment of other biting animals.

In conjunction with the County Health Officer, the Director of Animal Control Services may order the impoundment of any animal other than a dog or cat which has bitten any person. [Ord. 4490 § 1, 1998; Ord. 3728 § 4, 1986; prior code § 8.05.171].

6.04.120 Sale or adoption of dogs and cats.

(A) Any person who provides or offers any dog or cat to the public, whether or not for compensation, shall provide to the prospective owner, free of charge, information relating to the vaccination status of the dog or cat. In addition, the provider shall supply to the client, free of charge, information related to pet care and ownership, including information on County laws pertaining to animal control and spay/neuter programs available in the County. This information will be prepared and made available either free of charge or at cost by the Director of Animal Control Services.

(B) Any person offering a dog for sale, barter, exchange or adoption, whether or not for compensation, shall disclose to any prospective owner, information regarding the licensing requirements of the County applicable to such animal.

(C) No person shall present any dog or cat for sale, barter, exchange or adoption, whether or not for compensation, in any public place. "Public place" includes, but is not limited to, streets, highways, sidewalks, carnivals, shopping malls, flea markets and areas in front of commercial establishments. This prohibition shall not apply to:

(1) Any animal rescue or humane organization or agency recognized by the Director of Animal Control Services; or

(2) Any cat breeder selling cats at a nationally sanctioned cat show.

(D) No person shall give away any dog or cat as a prize or as an inducement to enter any contest, lottery, drawing, game or competition.

(E) No person shall give away any dog or cat as an inducement to enter a place of business or to enter into a business arrangement. This prohibition shall not apply to any licensed veterinarian who offers dogs or cats for sale or adoption.

(F) No person shall sell, barter, exchange or offer for adoption, whether or not for compensation, any dog or cat to any person who is under the age of 18, without the written permission of the minor's parent or legal guardian. [Ord. 4490 § 1, 1998; Ord. 4305 § 4, 1994].

6.04.130 Biomedical livestock animal treatment standards.

(A) The following provisions shall apply to those animals used in a biomedical livestock operation issued a development permit pursuant to SCCC 13.10.647:

(1) No person shall use any procedure for animal care or treatment unless it is consistent with the most recently enacted or published provisions of the Federal Animal Welfare Act, the National Research Council's "Guide for the Care and Use of Laboratory Animals," and the American Veterinary Medical Association Euthanasia Guidelines. In the event of a conflict between these standards concerning the method of euthanasia to be applied, the standards contained in the American Veterinary Medical Association Euthanasia Guidelines shall prevail.

(2) No person shall perform a dehorning, disbudding or castration on an animal without the use of local or general anesthetic.

(3) Notwithstanding the standards established by subsection (A)(1) of this section, euthanasia shall be performed by either a licensed veterinarian, a registered veterinary technician, or a euthanasia technician trained and certified as prescribed by the State Humane Association of California. [Ord. 4524 § 1, 1998].

Chapter 6.08

LICENSING

Sections:

- 6.08.005** **Dog identification.**
- 6.08.010** **Dog licensing requirements—Term of license.**
- 6.08.015** **Display of tags—License nontransferable.**
- 6.08.020** **Vaccination—Requirements.**
- 6.08.024** **Certificate of antirabies vaccination.**
- 6.08.040** **Licensing authority—Remittance of fees.**
- 6.08.050** **Fees—Licenses, duplicates and transfers.**
- 6.08.070** **Fees—Late payment penalty.**
- 6.08.074** **Waiver or reduction of license fees.**
- 6.08.076** **Dog licensing compliance programs—Vendor fees.**
- 6.08.080** **Dogs with licenses from other jurisdictions.**

6.08.005 **Dog identification.**

Each dog shall have an identification tag, tattoo or microchip, and such identification must be securely fastened to and/or displayed upon the dog at all times, except while the dog is confined to the owner's premises or while displayed in an exhibition. [Ord. 4490 § 2, 1998].

6.08.010 **Dog licensing requirements—Term of license.**

(A) Dogs shall be licensed within 30 days of reaching the age of four months, or within 30 days of acquisition by the owner, whichever occurs later.

(B) Licenses shall be valid for 12 months from the date of issuance and shall be issued upon payment of the fee set by resolution of the Board of Supervisors.

(C) Licenses issued under prior existing County ordinances shall remain valid until expiration.

(D) No license shall be issued unless proof of antirabies vaccination is presented and is valid for the license period.

(E) A license may be sold for less than the full 12-month license period if the antirabies vaccination expires prior to the full license period. Fees for partial-term licenses will be prorated on a monthly basis, with a minimum fee of \$5.00 to cover administrative costs. [Ord. 4490 § 2, 1998; Ord. 3675 § 2, 1985; Ord. 2259, 1976; Ord. 2170, 1975; Ord. 1220, 1966; Ord. 540, 1957; prior code § 8.05.300].

6.08.015 **Display of tags—License nontransferable.**

(A) License tags shall be securely displayed upon dogs at all times, except when the dog is confined to the owner's premises or displayed in an exhibition.

(B) A license is not transferable to another dog and shall be void upon transfer of a licensed dog to another owner; provided, however, that a new license may be purchased for the license replacement fee as set by County resolution. [Ord. 4490 § 2, 1998; Ord. 3675 § 3, 1985; prior code § 8.05.305].

6.08.020 **Vaccination—Requirements.**

Every owner of any dog, other than a dog hybrid, over the age of four months within the limits of Santa Cruz County shall, at intervals specified by the California State Department of Health Services, procure the vaccination of the dog by a licensed veterinarian with an approved canine antirabies vaccine. Every owner of a dog hybrid over the age of four months within the County is required to provide proof of annual rabies vaccination with an inactivated canine rabies product. [Ord. 4490 § 2, 1998; Ord. 3675 § 4, 1985; Ord. 2259, 1976; Ord. 2170, 1975; Ord. 1220, 1966; prior code § 8.05.310].

6.08.024 **Certificate of antirabies vaccination.**

Any veterinarian who vaccinates or causes or directs to be vaccinated in the County of Santa Cruz any dog with the antirabies vaccine shall:

(A) Use a certificate approved by the Santa Cruz County Animal Shelter to certify that such animal has been vaccinated; and

(B) Send a copy of the completed certificate to the Santa Cruz County Animal Shelter within 30 days from the date the dog is vaccinated; and

(C) If the dog is vaccinated for rabies by a veterinarian located outside the County of Santa Cruz, the owner/guardian or person with a right to control the dog must submit a copy of the vaccination certificate to the Santa Cruz County Animal Shelter within 30 days from the date that a dog is vaccinated or brought into the County, whichever date is later in time. [Ord. 5097 § 1, 2011].

6.08.040 Licensing authority—Remittance of fees.

The Board of Supervisors shall designate the independent contractor or public agency to serve as the Pet Licensing Authority for the County. License fees and related fees shall be collected and remitted to the County for licenses sold to pet owners residing in the unincorporated parts of the County. [Ord. 4673 § 3, 2002; Ord. 4490 § 2, 1998; Ord. 3675 § 6, 1985; Ord. 2170, 1975; Ord. 1220, 1966; prior code § 8.05.330].

6.08.050 Fees—Licenses, duplicates and transfers.

(A) Fees for licenses, duplicate tags and transfer of ownership shall be as established by resolution of the Board of Supervisors.

(B) The full amount of such fees will be payable for any portion of the year. The license collector shall keep a record of the name and address of the owner, and the number and date of issuance of the certificate and tag. [Ord. 4490 § 2, 1998; Ord. 2551, 1978; Ord. 1220, 1966; prior code § 8.05.340].

6.08.070 Fees—Late payment penalty.

(A) A penalty fee, as set by resolution of the Board of Supervisors, shall be charged for late renewal of a license. “Late renewal” is defined as the first day of the month past the due date.

(B) A penalty fee, as set by County resolution, shall be charged to any owner who fails to apply for an initial Santa Cruz County license within the times specified in this chapter.

(C) Any penalty shall be in addition to the applicable license fee and payable at the time of issuance. [Ord. 4490 § 2, 1998; Ord. 3675 § 8, 1985; Ord. 2170, 1975; Ord. 2022, 1974; Ord. 1220, 1966; prior code § 8.05.346].

6.08.074 Waiver or reduction of license fees.

(A) Fees shall be waived for licenses issued for any dog documented as having been appropriately trained and actually being used as a service dog such as a guide dog, hearing dog, assistance dog, seizure alert dog or social/therapy dog. A service dog license shall be valid for the life of the dog, or so long as the dog remains the property of the person issued the license.

(B) License fees for dogs owned by persons aged 65 or older shall be reduced by the amount equal to the license fee for a sexually unproductive dog for one dog per household.

(C) A fee may be waived by the Director of Animal Control Services if he or she determines that payment of such fee would create an extreme financial hardship for the animal owner or the adopting party. Fee waivers granted pursuant to this section shall be limited to no more than a combined total of \$200.00 during any fiscal year. The Director shall submit an annual report to the County Administrative Office providing the basis upon which each fee waiver was granted. [Ord. 4490 § 2, 1998; Ord. 4216 § 1, 1992; Ord. 3675 § 10, 1985; prior code § 8.05.360].

6.08.076 Dog licensing compliance programs—Vendor fees.

(A) The Licensing Authority may establish a program to promote dog licensing compliance by training and authorizing outside sales persons and vendors to sell licenses to the public at specified places or areas throughout the County.

(B) The Licensing Authority may also deduct a fee, as set by resolution of the Board of Supervisors, from each license fee collected by the Authority, to cover commissions paid to outside sales persons. The commission shall only be deducted from licenses actually sold by outside sales persons.

(C) The Licensing Authority may deduct a fee, as set by resolution of the Board of Supervisors, from each license fee collected by the Authority, to cover fees paid to license vendors. The vendor fee shall only be deducted from licenses actually sold by vendors. [Ord. 4490 § 2, 1998; Ord. 3675 § 11, 1985; prior code § 8.05.380].

6.08.080 Dogs with licenses from other jurisdictions.

A dog displaying a current license from jurisdictions outside Santa Cruz County, but within the State, shall not require licensing under this chapter until expiration of the current license; provided, that the dog remains in the possession of the

owner to whom the license was duly issued and the appropriate transfer fee, as set by County resolution, is paid by the dog owner. [Ord. 4490 § 2, 1998; Ord. 3675 § 9, 1985; Ord. 2551, 1978; Ord. 2022, 1974; Ord. 1220, 1966; prior code § 8.05.350].

Chapter 6.10**REGULATION OF ANIMAL BREEDING****Sections:**

6.10.010	Findings.
6.10.020	Definitions.
6.10.030	Mandatory spaying/neutering.
6.10.040	Care of feral cats.
6.10.050	Unaltered animal certification—Administration.
6.10.060	Use of certification revenue.
6.10.070	Penalty for violation.
6.10.080	Enforcement responsibility.
6.10.090	Severability.
6.10.100	Review.

6.10.010 Findings.

The Board of Supervisors finds and declares that a program for mandatory spaying/neutering of cats and dogs combined with a certification system for unaltered cats and dogs owned, harbored or kept within the unincorporated areas of Santa Cruz County is a reasonable and effective means of reducing the population of homeless or stray cats and dogs, reducing the need to euthanize healthy cats and dogs, and providing for the health, safety and welfare of the public. [Ord. 4490 § 3, 1998; Ord. 4305 § 1, 1994].

6.10.020 Definitions.

“Feral cat” means a feline which is by its nature wild, or is no longer domesticated.

“Feral cat colony” means a group of two or more feral cats.

“Unaltered animal certification” means a written authorization, issued annually by the Director of Animal Control Services, giving permission to maintain an unaltered dog or cat. Fees for the certification shall be established by resolution of the Board of Supervisors. [Ord. 4490 § 3, 1998; Ord. 4305 § 1, 1994].

6.10.030 Mandatory spaying/neutering.

(A) No person shall own, harbor or keep within the unincorporated area of Santa Cruz County, a dog or cat over the age of six months, which has not been spayed or neutered unless such person holds an unaltered animal certification for the animal issued pursuant to SCCC 6.10.050.

(B) Any person intentionally providing care or sustenance for a dog or cat shall be deemed the owner of such dog or cat and shall comply with this section.

(C) The following animals are exempt from the provisions of this section:

(1) Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement activities, or dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Control Services after consultation with knowledgeable professionals;

(2) Dogs documented as having been appropriately trained and actually being used as a service dog such as a guide dog, hearing dog, assistance dog, seizure alert dog or social/therapy dog, or a dog designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Control Services after consultation with knowledgeable professionals;

(3) Dogs documented as having been appropriately trained and actually being used by search and rescue agencies for search and rescue activities, or dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Control Services after consultation with knowledgeable professionals;

(4) Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed/neutered;

(5) Dogs which are appropriately trained and actually being used for herding of other animals, or as livestock guardian dogs, or dogs designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Control Services after consultation with knowledgeable professionals;

(6) Dogs or cats boarded in a licensed kennel or a business which boards such animals for professional training or resale. [Ord. 4490 § 3, 1998; Ord. 4305 § 1, 1994].

6.10.040 Care of feral cats.

(A) It is unlawful for any person within the unincorporated area of the County intentionally to provide food, water or other forms of sustenance to a feral cat colony unless the person furnishes the Director of Animal Control Services with a signed statement agreeing to the following conditions:

- (1) Register with the Director of Animal Control Services as caring for feral cats;
- (2) Regularly feed the cat colony, including weekends and holidays;
- (3) Regularly and frequently trap the cats over the age of eight weeks and have them spayed or neutered;
- (4) Arrange to have all trapped cats tested for feline leukemia and feline immune deficiency virus, and to have those who test positive humanely euthanized or isolated indoors;
- (5) Identify all trapped cats by tipping their ears; and
- (6) Arrange to have all trapped cats vaccinated for rabies in addition to any other vaccination or immunization requirement imposed by the State. [Ord. 4490 § 3, 1998; Ord. 4305 § 1, 1994].

6.10.050 Unaltered animal certification—Administration.

(A) The Director of Animal Control Services shall administer a certification program to allow for unaltered animals over the age of six months when the Director of Animal Control Services determines that the following conditions have been met:

- (1) The animal is examined annually by a licensed veterinarian and is following the preventative health care program recommended by the veterinarian;
- (2) The owner has not been convicted of one or more violations of the following offenses within the preceding 24 months:
 - (a) SCCC 6.12.100 (harassment, threat or injury by dog),
 - (b) SCCC 6.12.110 (dog killing domesticated animal),
 - (c) SCCC 6.12.130 (dog threatening or injuring livestock or wild game),
 - (d) SCCC 6.12.140 (unrestrained vicious animal),
 - (e) SCCC 6.16.020 (failure to acquire permit for a kennel/pet shop),
 - (f) SCCC 6.20.020(E) (refusing demand to produce animal),
 - (g) SCCC 6.24.060 (failure to provide requested information),
 - (h) SCCC 6.24.080 (interference with Director of Animal Control Services),
 - (i) Health and Safety Code Section 121705 (concealing bite information),
 - (j) Penal Code Section 286.5 (sexual assault on animal),
 - (k) Penal Code Section 596 (poisoning of animal),
 - (l) Penal Code Section 597 (animal cruelty),
 - (m) Penal Code Section 597.5 (fighting dogs),
 - (n) Penal Code Section 599aa (seizure of fighting dogs),
 - (o) Penal Code Sections 487e, 487f, or 487g (theft of animal);
- (3) The owner has not been convicted of two or more violations of the following offenses involving the dog for whom the unaltered animal certification is sought, within the preceding 24 months:
 - (a) SCCC 6.12.010 (dog at large),
 - (b) SCCC 6.12.020 (dog off leash);
 - (c) SCCC 6.08.020 (vaccination required);
- (4) Within the preceding 24 months, the owner has not received a Director of Animal Control Services order involving the dog for whom the unaltered animal certification is sought, pursuant to:
 - (a) SCCC 6.04.100(A) (quarantine a dog for biting a person),
 - (b) SCCC 6.04.100(C) (impounding a dog for nonconfinement),
 - (c) SCCC 6.20.020(D) (impounding a vicious animal without notice); and such determination has not been expressly overturned by the Animal Nuisance Abatement Appeals Commission;
- (5) The dog for whom the unaltered animal certification is sought has not been determined by the Director of Animal Control Services to be a “vicious animal” pursuant to SCCC 6.24.070, unless such determination has been expressly overturned by the Animal Nuisance Abatement Appeals Commission;
- (6) The animal is properly housed and cared for as follows:
 - (a) The animal is provided a sufficient quantity of good and wholesome food and water,
 - (b) The animal is provided shelter that will allow the animal to stand up, turn around, and lay down without laying in his/her feces. That the area where the animal is kept is properly cleaned and disinfected,

(c) If the animal is a dog, it must be fully contained on the owner's property and be provided appropriate exercise,

(d) The animal owner otherwise complies with any applicable State law concerning the care and housing of animals;

(7) The owner furnishes the Director of Animal Control Services with a signed statement agreeing to the following conditions:

(a) The female unaltered animal will have no more than one litter per year, unless the owner furnishes the Director of Animal Control Services in advance of any breeding, a written statement from a licensed veterinarian recommending that the female feline be allowed to have up to two litters per year. This written recommendation may result from the annual examination required pursuant to subsection (A)(1) of this section,

(b) Offspring of the unaltered animal will not be sold or adopted until they are at least seven weeks of age,

(c) Records will be kept documenting how many offspring were produced and who adopted or purchased them;

(8) The dog for whom the unaltered animal certification is sought is currently licensed as required by Chapter 6.08 SCCC.

(B) Any person advertising to the public the availability of any dog or cat subject to certification pursuant to this chapter, for adoption, sale, barter or other transfer must prominently display his or her unaltered animal certification number in the advertisement. The certification number shall also be provided to any person adopting or purchasing any dog or cat subject to certification pursuant to this chapter that is bred in the unincorporated area of the County.

(C) Any owner of an unspayed or unneutered dog or cat who has been cited for failing to obtain an unaltered animal certification shall have his or her citation dismissed if they are subsequently issued an unaltered animal certification, or if there is proof that the animal has been spayed or neutered within 30 days of the issuance of the citation.

(D) Any owner who is denied an unaltered animal certification or whose certification is revoked by the Director of Animal Control Services for failure to comply with the requirements of this section may appeal such denial or revocation to the Nuisance Abatement Appeals Commission pursuant to the provisions of Chapter 2.66 SCCC. [Ord. 4490 § 3, 1998; Ord. 4409 § 1, 1996; Ord. 4305 § 1, 1994].

6.10.060 Use of certification revenue.

(A) All certification revenue collected pursuant to this chapter, unless otherwise specified, shall be applied by the Board of Supervisors as follows:

(1) To recover and/or offset the costs for the enforcement, administration and support of this chapter;

(2) To advance the purposes of this chapter by providing for the spaying and neutering of animals, and/or providing for the testing and immunization of feral cats. [Ord. 4490 § 3, 1998; Ord. 4305 § 1, 1994].

6.10.070 Penalty for violation.

(A) Except as otherwise provided, any person violating or causing or permitting the violation of this chapter shall be deemed guilty of an infraction, and shall be punished by a fine in accordance with SCCC 1.12.040.

(B) Any person who has been cited for his or her first violation of SCCC 6.10.040 shall not be subject to a fine, but may be ordered to comply with the requirements of said section. [Ord. 4490 § 3, 1998; Ord. 4305 § 1, 1994].

6.10.080 Enforcement responsibility.

The Director of Animal Control Services shall be responsible for the enforcement and administration of this chapter. [Ord. 4490 § 3, 1998; Ord. 4305 § 1, 1994].

6.10.090 Severability.

The provisions of this chapter are severable. If any section, paragraph, sentence, phrase or word of this chapter is declared invalid for any reason by a court of competent jurisdiction, such invalidity thereof shall not affect the validity of any other portion of this chapter, which shall remain in full force and effect. [Ord. 4490 § 3, 1998; Ord. 4305 § 1, 1994].

6.10.100 Review.

The ordinance codified in this chapter shall be reviewed by the Board of Supervisors one year after its effective date, or earlier upon the direction of the Board of Supervisors or the recommendation of staff, and annually thereafter. The Director of Animal Control Services shall prepare a written report concerning the effectiveness of this chapter for consideration by the Board in its review. [Ord. 4490 § 3, 1998; Ord. 4305 § 1, 1994].

Chapter 6.12

ANIMAL CONTROL

Sections:

- 6.12.010** **Dogs at large prohibited.**
- 6.12.020** **Leash required for dogs off premises.**
- 6.12.030** **Safety of animals in motor vehicles.**
- 6.12.040** **Safety of animals in parked vehicles.**
- 6.12.080** **Animal defecation prohibited where.**
- 6.12.090** **Noisy animals.**
- 6.12.100** **Harassment, threat or injury by animals.**
- 6.12.110** **Dogs killing domesticated animals or other dogs.**
- 6.12.120** **Livestock or wild animals—At large prohibited.**
- 6.12.130** **Livestock or wild game—Threat or injury by animals prohibited.**
- 6.12.132** **Cinches, saddle girths, and bucking and flanking straps.**
- 6.12.134** **Electric prods.**
- 6.12.136** **Bloodless bullfights.**
- 6.12.138** **Animal control officers present at rodeos and similar events.**
- 6.12.140** **Vicious animals unrestrained.**
- 6.12.150** **Wild animals.**
- 6.12.155** **Use of steel-jawed, leg-hold traps.**
- 6.12.160** **Violation—Evidence.**

6.12.010 **Dogs at large prohibited.**

(A) It is unlawful for the owner or caretaker of any dog, licensed or not, to permit or allow such dog to be at large anywhere in the unincorporated area of Santa Cruz County when there is reasonable cause to believe that the dog has caused or is likely to cause harm to persons or property, or other nuisances such as urinating, defecating, dumping garbage, digging or making noise on the property of others.

(B) The owner or caretaker of any dog found in violation as described above may be contacted by an animal control officer or peace officer and issued a citation for the violation. If the owner or caretaker is not present, and there is no reasonable way to secure the dog to the owner's or caretaker's property to prevent subsequent violations, it may be impounded. If a dog is impounded from the property where the owner or caretaker is not present, a notice of such impound will be left with information about the nature of the impound, the name and address of the impounding agency, and an indication of the ultimate disposition of the dog if it is not reclaimed within a specified period of time. [Ord. 4503 § 3, 1998].

6.12.020 **Leash required for dogs off premises.**

It is unlawful for the owner of any dog, whether licensed or unlicensed, to permit or allow such dog to be away from the premises of its owner at any time if not under actual physical restraint or control, such as a leash, tether, or in the grasp of a person. [Ord. 4490 § 4, 1998; Ord. 3728 § 20, 1986; Ord. 2170, 1975; Ord. 1447, 1972; Ord. 1371, 1968; prior code § 8.05.401].

6.12.030 **Safety of animals in motor vehicles.**

No person shall transport or carry on any public highway or public roadway any dog or other animal in a motor vehicle unless the animal is safely enclosed within the vehicle, or if traveling in an unenclosed vehicle (including but not limited to convertibles, pick-up and flat-bed trucks) shall be confined by a container, cage or other device that will prevent the animal from falling from or jumping from the motor vehicle. [Ord. 3728 § 25, 1986; prior code § 8.05.406].

6.12.040 **Safety of animals in parked vehicles.**

No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety or welfare. An animal control officer, State Humane Officer, or police or safety officer is hereby authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered. [Ord. 3728 § 26, 1986; prior code § 8.05.407].

6.12.080 Animal defecation prohibited where.

It is unlawful for the owner of any animal to allow or permit such animal to defecate on any public property or improved private property, other than that of the owner. It is the responsibility of the animal's owner to properly dispose of any solid waste resulting from an act in violation of this section. [Ord. 4490 § 5, 1998; Ord. 2170, 1975; prior code § 8.05.420].

6.12.090 Noisy animals.

(A) It is unlawful for any person to keep or harbor any dog, cat or other animal, whether licensed or not, which by habitual howling, yelping, barking or other noise unreasonably disturbs or annoys any person with ordinary sensitivities. When determining if there has been a violation of this section, the use and character of the property where the animal is located as well as the neighboring properties shall be taken into consideration.

(B) Notwithstanding any other provisions of this section, commercial agricultural activities, operations or facilities shall be exempt from the provisions of this section to the extent provided by Section 3482.5 of the California Civil Code. [Ord. 3979 § 1, 1989; Ord. 2170, 1975; Ord. 540, 1957; prior code § 8.05.460].

6.12.100 Harassment, threat or injury by animals.

It is unlawful for the owner of any dog or animal to suffer or permit the same to annoy and harass, chase, threaten to inflict or inflict injury of any kind on any person. [Ord. 4490 § 6, 1998; Ord. 2170, 1975; prior code § 8.05.410].

6.12.110 Dogs killing domesticated animals or other dogs.

It is unlawful for the owner of any dog or other domesticated animal to suffer or permit the same to cause the death of another dog or other domesticated animal, except where the offending animal is acting in self-defense, or where the incident occurs on the property of the owner of the offending animal. The Director of Animal Control Services may impound any dog or domesticated animal found at large in violation of this section, and the Director of Animal Control Services may declare the dog or domesticated animal to be a vicious animal and proceed under the procedure set forth in SCCC 6.24.070. [Ord. 4490 § 7, 1998; Ord. 3060, 1981; prior code § 8.05.412].

6.12.120 Livestock or wild animals—At large prohibited.

No person owning or having care, custody or control of any ox, steer, bull, cow, horse, calf, sheep, goat or hog, or any animal commonly referred to as a "wild species" shall:

(A) Permit such animal to be at large in the unincorporated areas of the County; or

(B) Cause or permit any such animal to be pastured, herded, staked or tied in any street, lane, alley, park or other public place; or

(C) Tie, stake or pasture, or permit the tying, staking or pasturing of any such animal upon any private property within the unincorporated areas of the County, without the consent of the owner or occupant of such property, or in such a way as to permit any such animal to trespass upon any street or public place, or upon any such private property; or

(D) Permit any such animal to be or remain during the nighttime secured by a stake, or secured in any manner other than by enclosing such animal in a pen, corral or barn sufficient and adequate to restrain such animal. [Ord. 540, 1957; prior code § 8.05.470].

6.12.130 Livestock or wild game—Threat or injury by animals prohibited.

It is unlawful for the owner of any animal to suffer or permit the same, under any circumstances, to chase, threaten to inflict, or inflict injury of any kind on any wild game, as defined in Fish and Game Code Section 3950, or on any domestic livestock, including cows, sheep, horses and chickens. [Ord. 4490 § 8, 1998; Ord. 2170, 1975; prior code § 8.05.415].

6.12.132 Cinches, saddle girths, and bucking and flanking straps.

No sharp or cutting objects in cinch, saddle girth or flank straps shall be permitted. Only sheepskin-lined flanking straps shall be used on bucking stock and shall be of the quick-release type. Flank straps shall be placed on the animal so the sheepskin-covered portion is over both flanks and belly of the animal. Flanking straps shall be released immediately upon the completion of any event in which they are employed. Bucking or flanking straps shall not be overtightened, or otherwise used to torment, torture or practice any cruelty on any animal, as such terms are defined in Section 599(b) of the California Penal Code. [Ord. 3728 § 27, 1986; prior code § 8.05.416].

6.12.134 Electric prods.

The use of electric prods on livestock in rodeos and similar contests shall not be permitted to torture, torment or practice cruelty on any animal, as such terms are defined in Section 599(b) of the California Penal Code. [Ord. 3728 § 28, 1986; prior code § 8.05.417].

6.12.136 Bloodless bullfights.

Bloodless bullfights are prohibited. [Ord. 3728 § 29, 1986; prior code § 8.05.418].

6.12.138 Animal control officers present at rodeos and similar events.

Animal control officers shall be present at all rodeos and similar events to ensure that animals participating in or being utilized in those types of events are not tortured, tormented or treated with cruelty as such terms are defined in Section 599(b) of the California Penal Code or as defined by local ordinance. [Ord. 3728 § 30, 1986; prior code § 8.05.419].

6.12.140 Vicious animals unrestrained.

It is unlawful to permit any vicious animal to go unrestrained. Any vicious animal may be required by written order of the Director of Animal Control Services to be confined to its owner's premises, and allowed at liberty only under the direct control of its owner while on a leash and properly muzzled to prevent harm or injury to the public. [Ord. 4490 § 9, 1998; Ord. 2170, 1975; prior code § 8.05.430].

6.12.150 Wild animals.

(A) Prohibition. No person shall possess, keep or have care, custody or control of any animal belonging to a "wild species," as defined in Section 2118 of the California Fish and Game Code, anywhere in the unincorporated area of the County.

(B) Exemption. This section shall not apply to persons having a valid permit from the State Department of Fish and Game under Fish and Game Code Sections 2150 et seq., to possess an animal belonging to a "wild species" on the effective date of the ordinance codified in this chapter. However, this section shall apply to any such person whose preexisting valid permit expires and is not renewed, or is revoked. [Ord. 2427, 1977; prior code § 8.05.475].

6.12.155 Use of steel-jawed, leg-hold traps.

It is unlawful for any person to set, trigger, activate or otherwise use, or cause to be set, triggered, activated or used, any steel-jawed, leg-hold trap to be used for the capture of any animal, except as provided in California Health and Safety Code Section 1803. [Ord. 3728 § 32, 1986; prior code § 8.05.480].

6.12.160 Violation—Evidence.

Proof that an animal was found at large in violation of any of the provisions of this chapter, together with proof that the defendant was the owner of such animal at the time, shall constitute prima facie evidence that the defendant allowed or permitted the animal to be at large or otherwise act in violation of the provisions of this chapter. [Ord. 2170, 1975; Ord. 1747, 1972; prior code § 8.05.440].

Chapter 6.16

KENNELS AND PET SHOPS

Sections:

- 6.16.010** **Definitions.**
- 6.16.020** **Permit—Required.**
- 6.16.030** **Permit—Application, fees, expiration and delinquency.**
- 6.16.040** **Permit—Exceptions to fees.**
- 6.16.050** **Permit—Suspension or revocation.**
- 6.16.060** **Permit—Notice of suspension or revocation.**
- 6.16.070** **Appeal—Procedure.**
- 6.16.080** **Appeal—Hearing—Notice.**

6.16.010 **Definitions.**

(A) “Kennel” means any site meeting the definition of a kennel under SCCC 13.10.700-K. For the purposes of this chapter, “kennel” shall not include any place or premises not operated as a commercial business and where pet animals are only occasionally sold, boarded, groomed or trained.

(B) “Pet shop” means any person, firm or corporation engaged in a commercial business where small animals are kept for the purpose of either wholesale or retail sale. “Pet shop” does not include any place or premises not operated as a commercial business and where pet animals are only occasionally sold. [Ord. 4502 § 2, 1998; Ord. 4490 § 10, 1998; Ord. 540, 1957; prior code § 11.44.010].

6.16.020 **Permit—Required.**

No person shall operate any kennel or pet shop as defined in this chapter without first obtaining a permit from the Health Officer. The granting of such permit shall be within the discretion of the Health Officer, taking into consideration the type of construction as it relates to sanitation and the manner in which animals, birds or fowl are to be housed, zoning regulations, and the character of the person making the application. [Ord. 1662, 1971; Ord. 540, 1957; prior code § 11.44.020].

6.16.030 **Permit—Application, fees, expiration and delinquency.**

(A) Applications. Applications for a permit to operate a kennel or a pet shop, or for renewal thereof, shall be filed with the Health Officer upon such forms as he may prescribe.

(B) Fees. The permit fee for the calendar year or any part thereof during which the permitted activity is carried on and the fee for renewal thereof shall be that established by resolution of the Board of Supervisors.

(C) Plan Check Charge. The applicant shall pay the plan check charge established by resolution of the Board.

(D) Expiration of Permits. Each permit shall expire on December 31st of the current year, provided such permit may be renewed without penalty on or before February 15th next following the expiration date.

(E) Delinquent Permits. Permittees who do not renew the permit on or before February 15th shall pay the extra amount established by the Board. [Ord. 1662, 1971; Ord. 540, 1957; prior code § 11.44.030].

6.16.040 **Permit—Exceptions to fees.**

The provisions of this chapter requiring the payment of an annual license fee shall not apply to an animal shelter maintained and operated by a Society for the Prevention of Cruelty to Animals duly incorporated under Title 1, Division 2, Part 4, of the Corporation Code of the State of California. [Ord. 540, 1957; prior code § 11.44.040].

6.16.050 **Permit—Suspension or revocation.**

Any permit issued under this chapter may be revoked or suspended if, after due investigation, the Health Officer finds that:

(A) The permittee, 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 provision of this chapter; or

(B) The permittee, his agent or employee has, at the place for which the permit was issued, failed to provide any animal, fowl or reptile in his possession, care or control with proper and sufficient food, drink, shelter or protection, or subjected any such animal, fowl or reptile to needless suffering, unnecessary cruelty, or abuse; or

(C) The permittee, his agent or employee, has failed to maintain the premises in a clean and sanitary condition; or

(D) The permittee, his agent or employee, has violated any rule or regulation of the Health Officer. [Ord. 540, 1957; prior code § 11.44.050].

6.16.060 Permit—Notice of suspension or revocation.

The Health Officer may order an immediate suspension of any permit granted under this chapter for a period of 10 days; such order shall set forth the finding of the Board. The Health Officer shall not revoke a permit granted under this chapter unless written notice of a hearing on such revocation is served upon the owner, occupant or other person in charge of the permittee's business, at least five days before the hearing by the Health Officer on the revocation of said permit. Where, after diligent search, such owner, occupant or person in control cannot be found, a copy of such notice shall be mailed to the permittee at said place of business at least five days before the hearing on the revocation of the permit. No person shall operate said business in the unincorporated limits of the County during any time in which the permit for such business has been suspended or revoked. [Ord. 540, 1957; prior code § 11.44.060].

6.16.070 Appeal—Procedure.

The owner or operator of any kennel or pet shop who shall be aggrieved by any action of the Health Officer may take an appeal to the Board of Supervisors. Notice of such appeal shall be in writing, and filed with the Health Officer and the Board of Supervisors on or before 10 days after the action of the Health Officer appealed from, and shall state the grounds upon which such appeal is based. [Ord. 540, 1957; prior code § 11.44.070].

6.16.080 Appeal—Hearing—Notice.

(A) Upon receipt of such notice of appeal, the Board of Supervisors shall hear the appeal within 60 days after such notice. Written notice of the time and place of hearing on the appeal shall be given by the Clerk of the Board of Supervisors to the appellant and to the Health Officer, and upon receipt of such notice of hearing, the Health Officer shall forward to the Board of Supervisors all papers and records related to the appeal and relating to all proceedings had by the Health Officer in connection with appellant's case.

(B) Upon the hearing of the appeal, the Board of Supervisors may take such action or make such order as the Board of Supervisors may deem just and proper in the disposition of such appeal. [Ord. 540, 1957; prior code § 11.44.080].

Chapter 6.18**AMERICAN BULLFROG PROHIBITIONS****Sections:**

6.18.010	Findings.
6.18.020	Prohibitions.
6.18.030	Enforcement.

6.18.010 Findings.

(A) American bullfrogs (*Rana catesbeiana*; also known as *Lithobates catesbeianus*) are not native to Santa Cruz County.

(B) American bullfrogs are widely regarded as one of the world's most harmful invasive species.

(C) American bullfrogs cause significant and lasting damage to the County's ecosystems by preying on native wildlife, spreading harmful infectious diseases, and competing with native wildlife for limited food resources.

(D) Efforts to eradicate or manage feral American bullfrog populations are expensive.

(E) American bullfrogs delay or prevent the recovery of many of the County's legally protected endangered species, such as the California red-legged frog and California tiger salamander.

(F) The presence of American bullfrog populations forms a significant obstacle to amphibian conservation efforts in Santa Cruz County. [Ord. 5118 § 1, 2012].

6.18.020 Prohibitions.

The importation, purchase, sale, or offering to purchase or sell an American bullfrog (*Rana catesbeiana*; also known as *Lithobates catesbeianus*) in the unincorporated area of the County of Santa Cruz is prohibited. This section shall apply to all sales, regardless of whether the seller is a commercial business or a private individual. [Ord. 5118 § 1, 2012].

6.18.030 Enforcement.

A violation of this chapter shall be considered an infraction punishable in accordance with the provisions of SCCC 6.24.090(A). [Ord. 5118 § 1, 2012].

Chapter 6.20

IMPOUNDMENT

Sections:

6.20.010	Animals at large.
6.20.020	Impoundment of vicious animals.
6.20.040	Care of animals.
6.20.050	Charges for impoundment—Basic.
6.20.055	Charges for impoundment—Daily costs.
6.20.060	Charges for impoundment—Hearing.
6.20.070	Disposal of animals—On owner’s request.
6.20.080	Disposal of animals—Infirm or dangerous animals.
6.20.090	Reclaiming impounded animals.
6.20.100	Adoption of impounded animals.
6.20.105	Spaying or neutering of adopted animals.
6.20.110	Disposal of unclaimed animals.
6.20.115	Furnishing animals for research purposes.
6.20.120	Recordkeeping requirements.

6.20.010 Animals at large.

It shall be the duty of the Director of Animal Control Services to impound on sight, after making such investigation as is reasonable under the circumstances for the purpose of locating the owner, any animal found at large contrary to any of the provisions of Chapters 6.04 through 6.12 and 6.24 SCCC or of Division 14 of the Agricultural Code (commencing with Section 30501), and to keep any such animal so impounded as provided in this chapter and Chapters 6.04 through 6.12 and 6.24 SCCC. [Ord. 4490 § 11, 1998; Ord. 3728 § 5, 1986; Ord. 2393, 1977; Ord. 540, 1957; prior code § 8.05.200].

6.20.020 Impoundment of vicious animals.

(A) Whenever an animal is in violation of SCCC 6.12.100, 6.12.110, 6.12.130 or 6.12.140, or whenever a vicious animal as described in SCCC 6.04.020(W) has done any of the acts described in that section, the victim or any citizen with personal knowledge may submit to the Director of Animal Control Services a signed written statement describing the incident and the animal or animals involved.

(B) If, after making such investigation as is reasonable under the circumstances to determine the validity of the allegations contained in the statement, the Director of Animal Control Services or his or her designated deputy finds that the animal or animals should be impounded, the Director shall personally serve upon the owner written notice of his intent to impound said animal or animals at the expiration of 72 hours, and the reasons therefor, a copy of the victim or citizen’s statement and notice of the owner’s right to request an administrative hearing prior to the impoundment. The administrative hearing shall be held within two days, excluding weekends and legal holidays, after receipt of the request. The Director of Animal Control Services, or some other officer, employee or outside hearing officer designated by the Director, may conduct the hearing. Failure of the owner or keeper, or his or her agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to challenge the Director’s impound order.

(C) Upon the expiration of the 72-hour period, the Director of Animal Control Services is expressly authorized to impound the animal or animals whether found on or off the premises of its owner, and to keep or abate any such animal so impounded as provided in this title.

(D) However, if after making his or her investigation, the Director of Animal Control Services or his or her designated deputy finds that extraordinary circumstances exist such that immediate seizure of the animal or animals is necessary to protect the personal safety of the public, the Director is expressly authorized to immediately impound the animal or animals, whether found on or off the premises of its owner, and to keep or abate any such animal so impounded as provided in this title, without otherwise complying with the requirements of subsection (B) of this section.

(E) Refusal of the owner to release or deliver the animal to the Director of Animal Control Services or his or her designated deputy, upon demand made pursuant to this section, is a misdemeanor. [Ord. 4490 § 11, 1998; Ord. 3728 § 5, 1986; Ord. 2393, 1977; Ord. 540, 1957; prior code § 8.05.200].

6.20.040 Care of animals.

When any animal is so impounded, it shall be provided with proper and sufficient food and water by the Director of Animal Control Services. [Ord. 4490 § 11, 1998; Ord. 540, 1957; prior code § 8.05.220].

6.20.050 Charges for impoundment—Basic.

(A) The Director of Animal Control Services shall charge, and collect from the owner, the charges for impounding animals as established by resolution of the Board of Supervisors.

(B) For cats and dogs impounded for the first time, the Director of Animal Control Services may waive the impounding fee for any unaltered dog or cat when, prior to the release of the animal, the reclaiming owner volunteers his animal for spaying or neutering, and deposits the fees for the spaying or neutering with the Director.

(C) Upon the second or subsequent impoundment of a dog or cat, the Director of Animal Control Services may not waive the impounding fee for any such unaltered animal. Prior to the release of this subsequently impounded dog or cat, the Director shall require that the animal be spayed or neutered and shall require the owner to pay the impounding fee as established by resolution, and to deposit the fees for the spaying or neutering with the Director.

(1) The Director shall serve upon the owner of the animal either personally or by first-class mail with return receipt requested, written notice that said animal shall be spayed or neutered upon the expiration of the appeal period, unless the owner requests an administrative hearing.

(2) The notice shall contain: (a) the name, business address and telephone number of the person providing the notice; (b) the authority for the order to spay or neuter the animal; (c) a description of the animal, including any known identification upon the animal; (d) notice of the owner's right to request an administrative hearing to appeal the Director's order by signing and returning the enclosed declaration of ownership or right to keep the animal to the Director within three days, excluding weekends and legal holidays, of the date on the notice. Having served such notice, the Director shall continue to detain the animal at the owner's expense until a hearing is held or the animal is spayed or neutered. The notice shall also include a statement that the cost of caring and treating any animal is a lien on the animal, and that the animal shall not be returned to its owner until the charges are paid.

(3) The administrative hearing shall be held within two days, excluding weekends and legal holidays, after receipt of the request. The Director of Animal Control Services, or some other officer, employee or outside hearing officer designated by the Director, may conduct the hearing as long as the hearing officer was not involved with the impoundment and is not junior in rank to that person. Failure of the owner or keeper, or his or her agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to challenge the Director's order to spay or neuter the animal.

(4) The decision of the hearing officer may be appealed to the Animal Nuisance Abatement Appeals Commission pursuant to Chapter 2.66 SCCC. The Commission may order the animal spayed or neutered, or returned to its owner without being spayed or neutered. Except as modified by the provisions of this section, the procedures established, and fees required by Chapter 2.66 SCCC shall govern any appeal to the Commission.

(5) The owner shall pay all impound charges required by law before the animal is released from the shelter. If the owner refuses to make such payment, the Director shall dispose of the animal as provided in SCCC 6.20.100 or 6.20.110. [Ord. 4490 § 11, 1998; Ord. 3728 § 8, 1986; Ord. 2551, 1978; Ord. 2170, 1975; Ord. 1670, 1972; Ord. 1220, 1966; Ord. 540, 1957; prior code § 8.05.230].

6.20.055 Charges for impoundment—Daily costs.

In addition to the charges specified in SCCC 6.20.050, the Director of Animal Control Services shall charge and collect from the owner for care and feeding of impounded animals the following charges for each day or portion thereof following the day in which the animal was impounded: for each animal, the reasonable cost incurred in caring for and feeding the animal, as established by Board of Supervisors' resolution. [Ord. 4490 § 11, 1998; Ord. 3728 § 9, 1986; prior code § 8.05.231].

6.20.060 Charges for impoundment—Hearing.

(A) Whenever an owner objects to payment of impound charges on the ground that the impoundment of his or her animal was not lawfully accomplished as provided in this title, the owner shall be notified that he or she has a right to an administrative hearing before the Director of Animal Control Services personally (or before some other impartial officer or official designated by the Director for this purpose) on the sole issue of the lawfulness of the seizure of the animal. Such hearing shall be held no later than 12 hours after a request is made by the owner.

(B) The hearing shall be informal in nature, and the owner, the impounding officer, and any other person having personal knowledge of any fact relevant to the issue of the lawfulness of the seizure of the animal may appear and testify.

(C) If no hearing is requested within 48 hours after notification of a right to hearing, or if a hearing is held and the hearing officer determines that the animal was lawfully impounded, the owner shall pay all impound charges required by law before the animal is released from the pound. If the owner refuses to make such payment, the Director of Animal Control Services shall dispose of the animal as provided in SCCC 6.20.100 or 6.20.110. If, after hearing, the Director determines that the animal was not lawfully impounded, the animal shall be returned to its owner and no impound charges of any kind shall be imposed. [Ord. 4490 § 11, 1998; Ord. 3728 § 10, 1986; Ord. 2393, 1977; prior code § 8.05.235].

6.20.070 Disposal of animals—On owner's request.

It shall be the duty of the Director of Animal Control Services to dispose of any domestic animal pet or pets at the request of the owner thereof when such owner delivers the pet to the Director. [Ord. 4490 § 11, 1998; Ord. 1371, 1968; prior code § 8.05.245].

6.20.080 Disposal of animals—Infirm or dangerous animals.

The Director of Animal Control Services is authorized, directed and empowered forthwith to destroy in a humane manner any animal lawfully impounded which is by reason of disease or injury unfit for further use, or is dangerous to keep impounded. [Ord. 4490 § 11, 1998; Ord. 3728 § 11, 1986; Ord. 540, 1957; prior code § 8.05.240].

6.20.090 Reclaiming impounded animals.

The owner of any impounded animal shall have the right to reclaim the same at any time prior to the lawful disposition thereof, provided payment is made to the Director of Animal Control Services of the costs and charges specified for the impounding and keeping of the animals; and provided further, that as to any dog without a current license, a deposit is made with the Director to cover the license fee and the cost of a rabies vaccination. [Ord. 4490 § 11, 1998; Ord. 3728 § 13, 1986; Ord. 1572, 1971; Ord. 540, 1957; prior code § 8.05.260].

6.20.100 Adoption of impounded animals.

Unless impounded animals without proper identification are redeemed within 72 hours, or animals with proper identification or under protective custody status are redeemed within seven days, they may be offered for adoption by the Director of Animal Control Services, provided all reasonable effort has been made to notify the owner of the animal; and provided further, that the adopter shall not be given possession of any dog or dogs, including dogs under six months of age, until he has deposited with the Director a sum sufficient to cover the cost of a rabies vaccination for any dog which does not have a current vaccination. [Ord. 4490 § 11, 1998; Ord. 3728 § 14, 1986; Ord. 1573, 1971; Ord. 1447, 1969; Ord. 540, 1957; prior code § 8.05.270].

6.20.105 Spaying or neutering of adopted animals.

Unless a licensed veterinarian states in writing that the date specified in the adoption agreement is inappropriate for the animal in question, any person adopting an unspayed or unneutered dog or cat from any animal shelter, humane society, or SPCA shelter in the County shall have the animal spayed or neutered on or before a date specified in the adoption agreement. On submission of a written statement from a licensed veterinarian to the officer at the shelter or pound responsible for ensuring compliance with this section, the adoption agreement will be modified accordingly. [Ord. 4490 § 11, 1998; Ord. 3728 § 15, 1986; prior code § 8.05.275].

6.20.110 Disposal of unclaimed animals.

(A) The Director of Animal Control Services may, and is authorized and empowered to, destroy in a humane manner, or otherwise dispose of, any animal lawfully impounded without proper identification which remains unclaimed by its owners, if any, for more than 72 hours excluding weekends and legal holidays.

(B) Stray dogs and cats with proper identification or under protective custody status, that are impounded by the Director of Animal Control Services, shall be held for a minimum of seven days. During the period that the animal is held by the Director of Animal Control Services, the Director shall attempt to inform the owner of the location of the impounded animal and how the owner may claim the animal. If telephone contact is unsuccessful, the owner shall be notified by mail sent to the last recorded address of the owner. Seven days after mailed notice is sent, the Director may destroy or otherwise dispose of such animal in a humane manner.

(C) Disposal of unclaimed livestock shall be in accordance with Food and Agriculture Codes and regulations. [Ord. 4490 § 11, 1998; Ord. 3728 § 12, 1986; Ord. 2170, 1975; prior code § 8.05.250].

6.20.115 Furnishing animals for research purposes.

The Director of Animal Control Services shall not furnish any animals from the animal shelter for research purposes. [Ord. 4490 § 11, 1998; Ord. 3728 § 16, 1986; prior code § 8.05.285].

6.20.120 Recordkeeping requirements.

The Director of Animal Control Services shall keep a record of the number of all animals impounded showing in detail in the case of each animal the description, dates of receipt, the date and manner of disposal, the name of any person redeeming or adopting, and any fees and charges received on account thereof, and such additional records as may be required by the Board of Supervisors. [Ord. 4490 § 11, 1998; Ord. 1220, 1966; prior code § 8.05.280].

Chapter 6.24

ENFORCEMENT

Sections:

- 6.24.010** **Director of Animal Control Services—Arrest powers.**
- 6.24.020** **Director of Animal Control Services—Animal capture or dispatch powers.**
- 6.24.030** **Director of Animal Control Services—Inspection authority.**
- 6.24.040** **Property owners authorized to capture domestic animals when.**
- 6.24.050** **Badges for Director of Animal Control Services and deputies.**
- 6.24.060** **Statements by animal owners—Requirements.**
- 6.24.070** **Detention or destruction of certain animals—Conditions.**
- 6.24.080** **Interference with Director of Animal Control Services prohibited.**
- 6.24.090** **Violation—Penalties.**

6.24.010 **Director of Animal Control Services—Arrest powers.**

Pursuant to the provisions of Section 830.9 of the Penal Code, the Director of Animal Control Services and his or her designated deputies are authorized to arrest a person without a warrant whenever he or she has reasonable cause to believe that the person has committed a misdemeanor in his or her presence which is a violation of this chapter and Chapters 6.04 through 6.12 and 6.20 SCCC or State law relative to animal control. Upon making such an arrest, the Director or his or her delegated deputy shall release the person arrested pursuant to Section 853.6 of the Penal Code, the provisions of which are adopted by reference as part of this section. The Director and his or her delegated deputies are further authorized to issue citations for any violation of this chapter and Chapters 6.04 through 6.12, 6.18 and 6.20 SCCC or State law relative to animal control and care. [Ord. 5118 § 2, 2012; Ord. 4490 § 12, 1998; Ord. 3728 § 34, 1986; Ord. 2259, 1976; Ord. 2170, 1975; prior code § 8.05.500(a)].

6.24.020 **Director of Animal Control Services—Animal capture or dispatch powers.**

The Director of Animal Control Services, or his or her designated deputies, are expressly authorized, when acting in the course and scope of his or her official duties, to capture or, if no other reasonable effective means of control is available, to humanely destroy any animal found at large in the act of violating SCCC 6.12.100 or 6.12.130. [Ord. 4490 § 12, 1998; Ord. 3728 § 34, 1986; Ord. 2259, 1976; Ord. 2170, 1975; prior code § 8.05.500(b)].

6.24.030 **Director of Animal Control Services—Inspection authority.**

The Director of Animal Control Services and his or her designated deputies are empowered to inspect and take necessary actions:

(A) To stop all practices that cause animal torment or torture, or practices of cruelty on any animal, as such terms are defined in Section 599b of the California Penal Code. To ensure that minimum standards for animal housing and care are being provided, pet shops and kennels shall also be inspected and licensed. Subject to Board of Supervisors approval, the Director of Animal Control Services shall have the authority to promulgate regulations to enforce this section;

(B) To ensure compliance with the biomedical livestock animal treatment standards set forth in SCCC 6.04.130. [Ord. 4524 § 2, 1998; Ord. 4490 § 12, 1998; Ord. 3728 § 36, 1986; prior code § 8.05.600].

6.24.040 **Property owners authorized to capture domestic animals when.**

Any person who finds any domestic animal upon his or her property without permission, or on public property in violation of this chapter and Chapters 6.04 through 6.12 and 6.20 SCCC, may use any reasonable and humane means to capture such animal and shall deliver it to the Director of Animal Control Services for impoundment. The Director shall encourage any person intending to capture an animal to first attempt to notify the animal's owner, if the owner's identity is known. [Ord. 4490 § 12, 1998; Ord. 3728 § 34, 1986; Ord. 2259, 1976; Ord. 2170, 1975; prior code § 8.05.500(c)].

6.24.050 **Badges for Director of Animal Control Services and deputies.**

The Director of Animal Control Services and his or her designated deputies, while engaged in the execution of their duties, shall wear in plain view a badge having, in the case of the Director, the words "Director of Animal Control Services," and in the case of the deputy, the words "animal control officer" engraved therein. [Ord. 4490 § 12, 1998; Ord. 1220, 1966; prior code § 8.05.510].

6.24.060 Statements by animal owners—Requirements.

No person owning or having charge, care or control of any dog, cat or any animal shall fail or refuse to state his or her true name and residence address, or to exhibit evidence of any vaccination or license certificate when requested to do so by the Director of Animal Control Services, his or her designated deputies, the County License Collector, or any peace officer of this County or the County Health Officer. [Ord. 4490 § 12, 1998; Ord. 2170, 1975; Ord. 1220, 1966; Ord. 540, 1957; prior code § 8.05.530].

6.24.070 Detention or destruction of certain animals—Conditions.

(A) Whenever the Director of Animal Control Services or his or her deputy lawfully impounds any animal and he or she has reasonable cause to believe that the impounded animal is a habitual offender as defined in SCCC 6.04.020(L), the Director shall declare the animal a habitual offender.

(B) Whenever the Director of Animal Control Services or his or her deputy lawfully impounds any animal for acting as described in SCCC 6.04.020(W) (based upon the observations of the officer or the sworn written statement of one or more persons), the Director may declare the animal a vicious animal.

(C) Upon declaring an animal either a habitual offender or vicious, the Director of Animal Control Services shall serve upon the owner of the animal either personally or by first-class mail with return receipt requested, written notice that such animal shall be destroyed or otherwise subject to appropriate mitigation measures, upon the expiration of the appeal period, unless the owner requests a hearing before the Animal Nuisance Abatement Appeals Commission. The notice shall contain: (1) the name, business address and telephone number of the person providing the notice; (2) the authority for the order; (3) a description of the animal, including any known identification upon the animal; (4) a copy of the complainant's statement and report of the Director, if any; (5) a statement from the Director specifying whether the animal shall be destroyed or proposing mitigation measures and (6) notice of the owner's right to request a hearing before the Commission to appeal the Director's order by signing and returning the enclosed declaration of ownership or right to keep the animal to the Director within three days, excluding weekends and legal holidays, of the date on the notice. Having served said notice, the Director shall detain the animal at the owner's expense until the animal is destroyed, or appropriate mitigation measures are ordered, or a hearing held. At the conclusion of the hearing, the Animal Nuisance Abatement Appeals Commission may order the animal's destruction or it may order appropriate mitigation measures. If the Commission determines that the animal was not lawfully impounded, the animal shall be returned to its owner and no impound charges of any kind shall be imposed. Except as modified by the provisions of this section, the procedures established, and fees required by Chapter 2.66 SCCC shall govern any appeal to the Commission. [Ord. 4490 § 12, 1998; Ord. 4366 § 5, 1995; Ord. 4331 § 2, 1994; Ord. 2170, 1975; prior code § 8.05.540].

6.24.080 Interference with Director of Animal Control Services prohibited.

It is unlawful for any person to resist or interfere with the Director of Animal Control Services or his or her designated deputy in the discharge of their official duties. [Ord. 4490 § 12, 1998; Ord. 2170, 1975; Ord. 540, 1957; prior code § 8.05.520].

6.24.090 Violation—Penalties.

(A) Violation of any of the provisions of this title, except for violation of SCCC 6.04.090, 6.04.100, 6.12.110, 6.12.132, 6.12.134, 6.12.136, 6.12.138, 6.12.140, 6.12.155, 6.20.020(E), 6.24.060 and 6.24.080, is an infraction punishable by a fine not exceeding \$100.00 for a first violation, a fine not exceeding \$200.00 for a second violation of the same code provision that occurs within one year of the first violation, and a fine not exceeding \$500.00 for each additional violation of the same code provision that occurs within one year of the first violation.

(B) Violation of any of the provisions of SCCC 6.04.090, 6.04.100, 6.12.110, 6.12.132, 6.12.134, 6.12.138, 6.12.140, 6.12.155, 6.20.020(E), 6.24.060 and 6.24.080 is a misdemeanor and punishable as such by fine and/or imprisonment. [Ord. 5137 § 2, 2012; Ord. 4673 § 4, 2002; Ord. 4490 § 12, 1998; Ord. 3728 § 35, 1986; Ord. 3060, 1981; Ord. 2170, 1975; Ord. 1747, 1972; Ord. 1572, 1971; Ord. 1447, 1969; prior code § 8.05.550].

Chapter 6.25

CITATION AND ADMINISTRATIVE ABATEMENT

Sections:

6.25.010	Purpose.
6.25.020	Scope.
6.25.030	Enforcement alternatives.
6.25.040	Administrative citation.
6.25.050	Procedure for administrative citations.
6.25.060	Service of administrative citations.
6.25.070	Opportunity to correct violation.
6.25.080	Satisfaction of an administrative citation.
6.25.090	Appeal of administrative citation.
6.25.100	Administrative hearing officers.
6.25.110	Notice of administrative appeal hearing.
6.25.120	Administrative hearing officer disqualification.
6.25.130	Hearing procedures.
6.25.140	Penalties and costs assessed.
6.25.150	Failure to pay civil penalties.
6.25.160	Severability.
6.25.170	Civil or criminal actions not affected.

6.25.010 Purpose.

The purpose of this chapter is to provide a clear and explicit process for the enforcement of animal control regulation as set forth in the Santa Cruz County Code related to the protection of the health, safety and welfare of animals. [Ord. 5137 § 1, 2012].

6.25.020 Scope.

This chapter sets for procedures for the enforcement of County animal control regulations in the unincorporated area of Santa Cruz County. [Ord. 5137 § 1, 2012].

6.25.030 Enforcement alternatives.

- (A) Any violation of animal control regulations shall be enforced through one or more of the following remedies:
- (1) Abatement as a public nuisance pursuant to this title and Chapter 1.12 SCCC.
 - (2) Criminal prosecution.
 - (3) Administrative citation, for the recovery of civil penalties and enforcement costs pursuant to this chapter and Chapter 1.12 SCCC.
 - (4) Civil action for injunction, civil penalties, or other appropriate remedies provided by law including, but not limit to, Chapter 1.12 SCCC.
 - (5) Any other remedies provided by law. [Ord. 5137 § 1, 2012].

6.25.040 Administrative citation.

The Animal Shelter General Manager or any Animal Shelter Control Officer may issue an administrative citation assessing a civil penalty to any person violating any provision of this title.

(A) Administrative penalties established pursuant to this chapter shall be imposed and collected as set forth herein including, but not limited to, Chapter 1.12 SCCC.

(B) Each provision of this title that is violated constitutes a separate offense. Each and every day a violation of any provision of this title exists constitutes a separate and distinct offense.

(C) A civil penalty assessed by an administrative citation shall be payable directly to the Santa Cruz County Animal Shelter.

(D) Civil penalties assessed by an administrative citation shall be collected in accordance with the procedures specified in this chapter and Chapter 1.12 SCCC. [Ord. 5137 § 1, 2012].

6.25.050 Procedure for administrative citations.

(A) The Animal Shelter General Manager or any Animal Shelter Control Officer may issue an administrative citation to any person responsible for a violation of this title.

(B) When a violation of any of the provisions of this title is identified, the Animal Shelter General Manager or an Animal Shelter Control Officer shall identify the owner or responsible party and issue an administrative citation. A responsible party shall be deemed to be the person who is in immediate control of the animal or activity that constitutes a violation.

(C) The administrative citation shall be issued on a form prescribed by the Animal Shelter General Manager and shall contain the following information:

- (1) The form shall be titled "Administrative Citation."
- (2) The date, approximate time, and address or definite description of the location where the violation(s) was observed.
- (3) The provisions of this title violated and a description of the violation.
- (4) A description of the action required to correct the violation.
- (5) An order to the owner or responsible party to correct the violation(s) within a time specified and an explanation of the consequences of failure to correct the violation(s).
- (6) The amount of monetary penalty for each violation.
- (7) An explanation of how the penalty shall be paid and directing that it be made payable to the Santa Cruz County Animal Shelter, the time period within which it shall be paid, and the address at which the penalty payment shall be remitted or mailed.
- (8) A statement regarding the right to appeal the administrative citation, including the time within which the appeal must be filed, the place to obtain a notice of appeal and request for administrative citation appeal hearing form.
- (9) The name and signature of the officer issuing the administrative citation and, if possible, the signature of the owner or responsible party acknowledging receipt of the citation.
- (10) A single administrative citation may charge a violation for one or more days on which a violation exists, and for the violation of one or more provisions of this title. [Ord. 5137 § 1, 2012].

6.25.060 Service of administrative citations.

The Animal Shelter General Manager or his/her designee shall issue any required notice to the owner or responsible party of the violation in the following manner:

(A) Personal Service. The Animal Shelter General Manager, or his/her designee, shall attempt to locate and personally serve the owner or responsible party and, if possible, obtain the signature of the owner or responsible party on the administrative citation. If the owner or responsible party served refuses or fails to sign the citation, the failure or refusal to sign shall not affect the validity of the citation or subsequent proceedings and the Animal Shelter General Manager or his/her designee shall make service of the citation as otherwise provided herein.

(B) Mail. If for any reason the Animal Shelter General Manager or his/her designee is unable to personally serve the citation on the owner or responsible party, the citation shall be mailed to the owner or responsible party by first class mail, postage prepaid, with a declaration of service under penalty of perjury. The declaration of service shall be made by the person mailing the citation showing the date and manner of service by mail and reciting the name and address of the citation addressee. The failure of any owner, responsible party, or person with an interest in the animal, where applicable, to receive a properly addressed citation shall not affect the validity of any proceeding under this chapter. Service of the citation in the manner described above shall be effective on the date of mailing.

(C) Posting of Citation. As an alternative to service by mail, and if the Animal Shelter General Manager or his/her designee is unable for any reason to personally serve the owner or responsible party, the Animal Shelter General Manager or his/her designee may post the citation by affixing the citation to a surface in a conspicuous location on any real property in which the owner or responsible party has a legal interest, and such posting shall be deemed effective service. Failure of a posted citation to remain in place after posting shall in no way affect the validity of the citation or the proceeding. Service shall be deemed effective pursuant to posting on the date that the citation is actually posted.

(D) The failure of any owner or responsible party to receive any notice served in accordance with this section will not affect the validity of any proceedings taken under this chapter when the owner or responsible party has actual notice of these proceedings. [Ord. 5137 § 1, 2012].

6.25.070 Opportunity to correct violation.

Upon the issuance of an administrative citation that has been served upon an owner or responsible party, the owner or responsible party shall be allowed seven days to correct or remedy the violation(s), except 30 days are allowed to correct

a spay/neuter violation. If the owner or responsible party properly corrects the violation(s), he or she shall not be assessed an administrative penalty. If the owner or responsible party fails to correct or remedy the violation(s), administrative penalties shall be assessed from the date written upon the citation. This section shall not be construed to waive any fee or payment that would ordinarily be required pursuant to this title. [Ord. 5137 § 1, 2012].

6.25.080 Satisfaction of an administrative citation.

(A) Upon receipt of an administrative citation, the owner or responsible party must do the following:

- (1) Pay the administrative penalty to the Santa Cruz County Animal Shelter; and
- (2) Demonstrate to the Animal Shelter General Manager or his/her designee that the violation has been corrected or remedied, if the violation(s) is of such a nature that it can be remedied. The Animal Shelter General Manager or his/her designee may not accept payment of an administrative penalty unless the owner or responsible party has demonstrated that the violation(s) has been corrected or remedied. If the violation(s) is corrected or remedied within the time set forth in SCCC 6.25.070, no administrative penalty shall be imposed.

(B) If an owner or responsible party fails to properly correct or remedy a continuing violation in accordance with SCCC 6.25.070 or otherwise, the owner or responsible party shall pay the accrued administrative penalty amount to the Santa Cruz County Animal Shelter. Penalty amounts shall continue to accrue as specified until the date the owner or responsible party satisfies the administrative citation or files a notice of appeal. Payment of an accrued penalty shall not excuse or discharge the owner's responsibility to correct or remedy the cited violation, nor shall it bar further enforcement action by the Animal Shelter General Manager. [Ord. 5137 § 1, 2012].

6.25.090 Appeal of administrative citation.

(A) An owner or responsible party receiving an administrative citation may contest that there was a violation of this title or that he or she is the responsible party by completing a notice of appeal and request for appeal hearing form and filing it with the Santa Cruz Animal Shelter within 10 calendar days from the date of issuance of the citation. Any appeal of the administrative citation must include a detailed written explanation of the grounds for appeal.

(B) The filing of a notice of appeal does not stay, postpone or excuse the owner or responsible party's duty to correct or remedy a violation. If the administrative hearing officer upholds the administrative citation, the applicable penalty shall accrue as of the date on the administrative citation.

(C) The failure to submit a timely and complete notice of appeal shall terminate a person's right to contest the administrative citation, result in a failure to exhaust administrative remedies and the administrative citation shall then serve as a final determination and conclusive evidence of the named owner or responsible party's liability. [Ord. 5137 § 1, 2012].

6.25.100 Administrative hearing officers.

Duties. The Board of the Santa Cruz County Animal Services Authority shall provide independent contractor hearing officers to conduct administrative appeal hearings, to issue subpoenas, to receive evidence, to administer oaths, to rule on questions of law and the admissibility of evidence, to prepare a record of the proceedings, to issue enforcement orders with regard to violations of this title, and to provide for the recovery of enforcement costs, any civil penalties and any other costs of abatement as a personal obligation of the owner or responsible party violating, causing, permitting or continuing the violation(s). [Ord. 5137 § 1, 2012].

6.25.110 Notice of administrative appeal hearing.

Upon receipt of a timely and complete notice of appeal, the Animal Shelter General Manager or his/her designee shall provide written notice of the time, date and location of a hearing before the administrative hearing officer by personal service or by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing to the owner or responsible party alleged to have violated this chapter, and to any other person known to own or possess the animal(s) which are the subject of the citation, at least 10 days prior to the date of the administrative hearing. The hearing officer shall be designated by the Animal Shelter General Manager. [Ord. 5137 § 1, 2012].

6.25.120 Administrative hearing officer disqualification.

Administrative hearing officers shall be licensed attorneys of the State Bar of California in good standing. An administrative hearing officer shall disqualify himself/herself from serving as hearing officer in a particular matter where he/she has a conflict of interest within the meaning of the Political Reform Act (Government Code Section 87100 et seq.), and shall otherwise comply with the disqualification provisions of Canon 3.E. of the Code of Judicial Ethics. The notice of hearing shall also identify the administrative hearing officer designated to conduct the hearing and advise the recipient(s)

of their right to submit within 10 business days of the date of the notice of hearing a written objection to the designated hearing officer. In the event of such a disqualification, a new administrative hearing officer shall be randomly selected from the panel of alternate hearing officers established by the Santa Cruz County Animal Services Authority. Each party shall only have the right to disqualify one administrative hearing officer for a particular matter. [Ord. 5137 § 1, 2012].

6.25.130 Hearing procedures.

(A) Requirements for Taking Testimony. In any appeal hearing before an administrative hearing officer, oral testimony offered as evidence shall be taken only on oath or affirmation, and the hearing officer, his/her clerk, or other designee shall have the power to administer oaths and affirmations. Oaths of witnesses may be given individually or en masse. Witnesses shall be asked to raise their right hands and to swear or affirm that the testimony they shall give will be the truth, the whole truth, and nothing but the truth.

(B) The owner, agent, persons responsible for the violation and appealing the administrative citation shall be given the opportunity to testify and present witnesses and evidence concerning the alleged violation(s).

(C) The administrative hearing officer may impose conditions and deadlines for correction of violations or payment of outstanding penalties.

(D) The failure of the owner or responsible party who receives an administrative citation to appear at the administrative appeal hearing or, in the alternative, to present written or demonstrative evidence shall constitute an admission of the violation by that owner or responsible party and an admission that the amount of the civil penalty is appropriate and shall also constitute a failure to exhaust administrative remedies that may bar judicial review.

(E) The administrative citation and any additional documents submitted by the Animal Shelter General Manager, or his/her designee, shall constitute prima facie evidence of the respective facts contained in those documents.

(F) The administrative hearing officer shall only consider evidence relevant to whether the violation(s) occurred and whether the owner or responsible party has caused, maintained, or allowed the violation(s) of this title that was subject to the citation.

(G) The administrative hearing officer shall not be required to provide transcripts of hearings, but shall be required to tape record the hearings and make the recordings of the hearings available for a fee.

(H) Continuances. The administrative hearing officer may continue the administrative hearing for good cause as determined by the administrative hearing officer.

(I) Administrative Interpretations. In conducting the hearing, the administrative hearing officer shall consider as controlling the previously established interpretation of any provision of this title by the officials charged with its enforcement unless that interpretation is shown to be clearly erroneous or unauthorized.

(J) Administrative Hearing Officer Decisions. At the conclusion of the administrative hearing held on the alleged violation(s), the administrative hearing officer shall have the authority, subject to the limitations set forth in this chapter, to render a decision, supported by written findings, which:

(1) Determines whether the owner or responsible party has committed, maintained or permitted the alleged violation(s) of this chapter.

(2) Orders the payment of the total verified amount of the enforcement costs and other abatement costs by any such owner or responsible party found to have committed or permitted the violation(s).

(3) Orders the payment of civil penalties to be paid by any such owner or responsible party found to have committed or permitted the violation(s).

(4) Orders action to be taken to correct any violation(s) by any such owner or responsible party found to have committed or permitted the violation(s).

(5) Determines whether any enforcement costs, other abatement costs, and civil penalties are to be the personal obligation of the owner or responsible party committing or permitting the violation(s).

(6) In determining the amount of civil penalties to be assessed against any owner or responsible party violating a provision of this chapter, which would otherwise be an infraction or a misdemeanor, the administrative hearing officer shall take into consideration the following:

(a) The extent to which the owner or responsible party knowingly and willingly committed the violation(s);

(b) The magnitude of the violation(s);

(c) Any prior history of related violation(s) by the same owner or responsible party;

(d) The financial ability of the owner or responsible party to pay based on submitted documentation;

(e) Any corrective action voluntarily undertaken by the owner or responsible party prior to the hearing to eliminate the violation(s) and any other mitigating circumstances justifying a reduction of the amount of the penalties.

(7) The decision of the administrative hearing officer shall be final when issued in writing and shall be thereafter immediately enforceable. The decision of the administrative hearing officer shall include a statement of the judicial appeal rights of any party to the proceeding as set forth in subsection (J)(8) of this section.

(8) The decision of the administrative hearing officer shall be subject to judicial review pursuant to the provisions of California Government Code Section 53069.4. Pursuant to Section 53069.4 a notice of appeal must be filed with the Santa Cruz County Superior Court Clerk, together with the applicable appeal fee, within 20 days after service of the administrative hearing officer's decision by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing. Any person filing a Superior Court appeal shall serve a copy of the notice of appeal in person or by first class mail on the administrative hearing officer with a copy to the Animal Shelter General Manager. Within 15 days of the Superior Court's request, the administrative hearing officer shall forward to the court the file of the hearing together with the subject notice of violation, the notice of administrative appeal hearing before an administrative hearing officer, and the decision of the administrative hearing officer. If a Superior Court appeal is not timely filed in accordance with this subsection, all persons shall thereafter be barred from commencing or prosecuting any such action or proceeding concerning the underlying violation or asserting any defense of invalidity or unreasonableness of the administrative hearing officer's decision, proceedings, determinations or actions taken in connection therewith.

(9) The administrative hearing officer shall submit the decision to the Animal Shelter General Manager.

(10) The County counsel upon receipt of a final decision of an administrative hearing officer which orders payment of civil penalties or payment of enforcement costs or other abatement costs, or upon obtaining authorization from the Board of the County Animal Services Authority, may, in addition to any other collection procedures provided by this chapter, prepare and file a civil action on behalf of the County Animal Services Authority and County Animal Shelter in any court of competent jurisdiction to obtain compliance with the administrative decision, SCCC Title 6 regulations, and recover the civil penalties and costs of enforcement provided by this chapter and for injunctive relief or any other available legal remedy. In addition, the Animal Shelter General Manager, or his or her designee, may prepare and file small claims actions in this regard or pursue collection by any available legal remedy.

(11) In the event a civil action is initiated to obtain enforcement of the decision of the administrative hearing officer, and judgment is entered to enforce the decision, the person against whom the order of enforcement has been entered shall be liable to pay the County's total costs of enforcement, including reasonable attorney fees.

(12) The remedies and civil penalties provided for in this chapter shall be in addition to any other remedies and penalties provided for by law. [Ord. 5137 § 1, 2012].

6.25.140 Penalties and costs assessed.

(A) The Santa Cruz County Animal Services Authority may establish a civil penalty schedule setting forth the penalty to be assessed by an administrative citation for violation of a particular provision of this title in accordance with California Government Code Section 53069.4(a)(1) and may, in connection therewith, also authorize the reductions specified therein for timely payment.

(B) If the animal owner or responsible party fails to correct the violation(s), subsequent administrative citations may be issued for the same continuing violation(s). The amount of the penalty shall increase at a rate specified in subsection (C) of this section or the civil penalty schedule provided for in subsection (A) of this section.

(C) Except as otherwise provided by subsection (D) of this section, the civil penalty assessed by administrative citation for violation of a provision of this title shall be as follows:

(1) First administrative citation—\$100.00;

(2) Second administrative citation within one year for violation of the same code section—\$200.00;

(3) Third or subsequent administrative citation within one year for violation of the same code section—\$500.00.

(D) The civil penalty assessed by the administrative citation for the following violations shall be as set forth below:

(1) Failure to display license (each dog): \$50.00.

(2) Dog off leash, first offense: \$50.00.

(3) Dog off leash, second offense within one year: \$100.00.

(4) Dog off leash, third offense within one year: \$150.00.

(5) Failure of owner to pick up after dog or cat defecating: \$100.00.

(6) Habitual noisy animals (SCCC 6.12.090): \$100.00.

(7) Permitting livestock to trespass, per offense: \$200.00.

(E) Payment of the civil penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the Santa Cruz County Animal Services Authority or the Santa Cruz County Animal Shelter. All assessed penalties and enforcement costs assessed shall be payable to the Santa Cruz County Animal Shelter.

(F) Penalties collected in the manner described in this section may be deposited in an animal shelter fund or other appropriate designated account. [Ord. 5137 § 1, 2012].

6.25.150 Failure to pay civil penalties.

(A) Any person who fails to pay a civil penalty imposed pursuant to this chapter shall owe a debt to the Santa Cruz Animal Services Authority. To enforce the debt the Animal Shelter General Manager may file a claim with the small claims court, or pursue any other legal remedy to collect the amount owed.

(B) Any person who fails to pay any civil penalty imposed pursuant to this chapter on or before the penalty payment due date shall also be liable in any action brought by the Santa Cruz Animal Services Authority and/or the Santa Cruz County Animal Shelter for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs and attorney fees. Such collection costs are in addition to any required costs, penalties, interest and late charges.

(C) In addition to all of the procedures set forth in this section, the Animal Shelter General Manager shall have the ability and discretion to impose necessary conditions, to forgive portions of a debt or penalty owed to the Santa Cruz County Animal Services Authority under this chapter, and to otherwise coordinate collection and enforcement efforts. A written finding explaining the basis for each action taken pursuant to this subsection shall be prepared and maintained by the General Manager, or his or her designee. [Ord. 5137 § 1, 2012].

6.25.160 Severability.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. [Ord. 5137 § 1, 2012].

6.25.170 Civil or criminal actions not affected.

Any administrative citation pursuant to this chapter shall not prejudice or adversely affect any other action, civil or criminal, that may be brought to abate a public nuisance or violation or prevent the County from seeking compensation for damages suffered. A civil or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation. [Ord. 5137 § 1, 2012].