

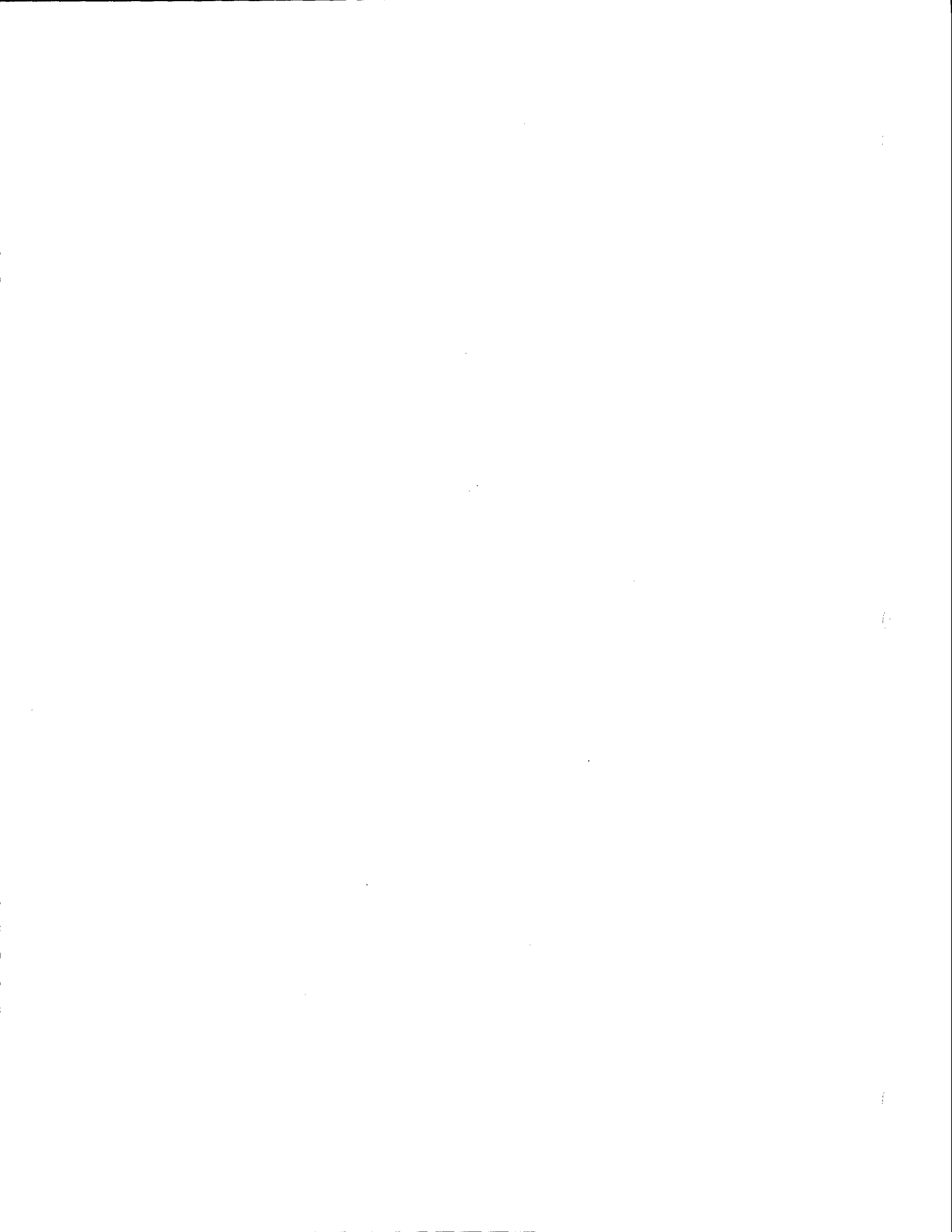
## **Title 8**

### **ANIMALS\***

#### **Chapters:**

- 8.04 Definitions**
- 8.08 Administration and Enforcement**
- 8.10 Administrative Enforcement – Animal Control Regulations**
- 8.12 Impoundment**
- 8.14 Dogs and Other Domesticated Animals**
- 8.16 Breeding, Sale and Adoption of Animals**
- 8.18 Care and Keeping of Animals**

\* Editor's Note: Prior history for ordinances in effect at the time of amendment of Title 8 by Ord. 88-63: Ords.70-12, 72-31, 76-2 and portions of Ords.80-10 and 81-43.



## Chapter 8.04

### DEFINITIONS

#### Sections:

- 8.04.010 Definition of terms.  
8.04.020 Charges, fees and penalties.

#### 8.04.010 DEFINITION OF TERMS.

For the purposes of this title, unless it is apparent from the context that a different meaning is intended, certain terms used herein are as follows:

(a) "Animal" shall mean any mammal, bird, reptile, fish or other vertebrate creature, domestic or wild.

(b) "Animal at large" shall mean:

(1) While on the owner's premises, or while on the premises of a third party with the permission of that party, any animal which is not confined to the premises by a leash, tether, adequate fence or other physical control or constraint or which is not under the immediate custody and control of its owner. The phrase "immediate custody and control" shall be construed narrowly. Any dog which is not within both sight and range of verbal command of its owner while on the owner's premises shall be presumed to be outside of the immediate custody and control of its owner and shall be presumed to be "at large."

(2) While off the owner's premises, any animal: (i) not restrained by a leash, tether or other physical control not exceeding six feet in length; and (ii) not under the physical control of a person, shall be presumed to be "at large."

(c) "Animal control officer" shall mean the poundmaster, deputy poundmaster, State Humane Officer and such deputies as they may appoint to carry out their duties.

(d) "Animal exhibitions" shall mean 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" shall mean 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" shall mean any member of *Felis domesticus* and shall be considered personal property.

(g) "Director" shall mean the executive director of the Santa Cruz County animal services authority ("ASA") or such other officer as the city council shall appoint to administer this chapter.

(h) "Dog" shall mean any member of the *Canis familiaris* and other *Canis* species including but not limited to wolf-dog or coyote-dog crosses.

(i) "Impounded" shall mean having been received into the custody of the animal shelter, any authorized agent or representative thereof or any duly sworn law enforcement officer in the course of his/her duty.

(j) "Leash" shall mean a device specifically manufactured, sold, designed and intended to lead or restrain animals that takes the form of a line or cord composed of leather, rope or similar strong and durable material with a clip that attaches to the animal's collar.

(k) "Livestock" shall mean animals kept for husbandry including but not limited to horses, mules, burros, asses, cattle, sheep, swine and poultry.

(l) "Owner" shall mean any person, firm or corporation owning, having an interest in or having control, custody or possession of any animal.

(m) "Person" shall mean any natural person, association, partnership or corporation.

(n) "Pet shop" shall mean any store, department of any store or any place of business where dogs, cats, monkeys, birds, reptiles or any other animals are kept for hire or sale.

(o) "Poundmaster" shall mean an independent contractor, including the Santa Cruz County animal services authority, or employee

of the city having custody of the animal shelter and animals therein.

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

(q) Society for the Prevention of Cruelty to Animals (“SPCA”). All references in this title to the “Society for the Prevention of Cruelty to Animals” or “SPCA” shall be superseded and replaced by “Santa Cruz County animal services authority” or “ASA.”

(r) “Unlicensed dog” shall mean any dog for which a current license fee has not been paid or to which the tag provided for in this chapter is not attached.

(s) “Vicious animal” shall mean 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 demonstrates menacing behavior toward human beings or domestic animals but does not include an animal which bites, attacks or menaces 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. 2011-08 § 1, 2011: Ord. 88-63 § 1, 1988: Ord. 85-61 § 1, 1985: Ord. 70-7 (part), 1970).

**8.04.020 CHARGES, FEES AND PENALTIES.**

Any reference in this title to charges, fees or penalties incurred or imposed pursuant to any provision of this title shall now refer to charges, fees and penalties promulgated by the Santa Cruz County animal services agency (“ASA”) as documented in a schedule of such charges, fees and penalties duly adopted by the ASA board of directors.

(Ord. 2011-08 § 5, 2011).

**Chapter 8.08**

**ADMINISTRATION AND ENFORCEMENT**

**Sections:**

- 8.08.010 Poundmaster.
- 8.08.020 Interference with poundmaster.
- 8.08.030 Authority to enter premises.
- 8.08.040 Impoundment duties.
- 8.08.050 Citations.
- 8.08.060 Prima facie evidence of violations.
- 8.08.070 Penalties for violations.
- 8.08.080 Dog capture or dispatch powers.
- 8.08.100 Property owners authorized to capture.
- 8.08.110 Badges.
- 8.08.120 Statements by dog owners – requirements.
- 8.08.130 Detention and destruction of animals declared to be vicious or habitual offenders.
- 8.08.140 Appeals.

**8.08.010 POUNDMASTER.**

The office of poundmaster is created. The poundmaster shall supervise the animal shelter and the care of animals impounded therein and shall administer and enforce this title and all laws concerning animal shelters, animals and the impounding thereof within the city. He shall also enforce such other provisions of this code or of ordinances or state laws relative to the care, treatment or impounding of animals for the prevention of cruelty thereto. It is the further duty of the poundmaster to: (1) call for, take up, seize and impound any and all stray animals on the streets of the city and from the possession and custody of any person upon whose property the same may be, upon the call or request of such person, and to dispose of same in the manner provided by this title; (2) patrol the city streets for violations of this title and to seize and impound said animals from the public streets of the city; and (3) to call for, take

up, take away and dispose of animals if such have died and are upon the public streets or upon property of any person not the owner thereof.

(Ord. 88-63 § 2, 1988: Ord. 70-7 § 1 (part), 1970).

**8.08.020 INTERFERENCE WITH  
POUNDMASTER.**

It is unlawful for any person to resist or interfere with the poundmaster or deputy poundmasters in the discharge of their official duties. (Ord. 88-63 § 2, 1988: Ord. 70-7 § 1 (part), 1970).

**8.08.030 AUTHORITY TO ENTER  
PREMISES.**

Animal control officers and city police are authorized to enter and inspect any premises upon which any animal is kept. Such officer may demand that the owner produce proof that

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the animal is licensed in compliance with this title.

(Ord. 88-63 § 2, 1988: Ord. 70-7 § 1 (part), 1970).

#### **8.08.040 IMPOUNDMENT DUTIES.**

It shall be the duty of the poundmaster and his deputies to take up and deliver to the animal shelter those animals which are directed to be taken up and impounded by this title or which are found or kept contrary to the provisions of this title.

(Ord. 88-63 § 2, 1988: Ord. 70-7 § 1 (part) 1970).

#### **8.08.050 CITATIONS.**

For the purpose of discharging the duties imposed by this title, the poundmaster and animal control officers are authorized to arrest persons for violations of this title and to issue citations to persons arrested pursuant to Section 853.6 of the Penal Code of the state of California.

(Ord. 88-63 § 2, 1988: Ord. 70-7 § 1 (part), 1970).

#### **8.08.060 PRIMA FACIE EVIDENCE OF VIOLATIONS.**

Upon proof by the poundmaster that a dog was found running at large in violation of the provisions of this title, together with proof that the defendant was the owner or was a person having charge, care or control of such dog at the time, shall constitute prima facie evidence that the owner or such other person did allow or permit the dog to run at large.

(Ord. 88-63 § 2, 1988: Ord. 70-7 § 1 (part), 1970).

#### **8.08.070 PENALTIES FOR VIOLATIONS.**

Any person in violation of any provision of this title is subject to the penalties provided in Chapter 1.08 of this code.

(Ord. 88-63 § 2, 1988: Ord. 70-7 § 1 (part), 1970).

#### **8.08.080 DOG CAPTURE OR DISPATCH POWERS.**

Animal control officers are hereby expressly authorized, when acting in the course and scope of their official duties, to capture or, if no other reasonably effective means of control is available, to kill any dog found at large in the act of violating Section 8.14.430.

(Ord. 88-63 § 2, 1988).

#### **8.08.100 PROPERTY OWNERS AUTHORIZED TO CAPTURE.**

Any person who finds any dog upon his or her property without permission, in violation of this chapter, may use any reasonable means to capture such dog for the purpose of delivering it to the poundmaster for impoundment.

(Ord. 88-63 § 2, 1988).

#### **8.08.110 BADGES.**

Animal control officers, while engaged in the execution of their duties, shall wear in plain view a badge having, in the case of the poundmaster, the word "Poundmaster," and in the case of the deputy poundmaster, the words, "Deputy Poundmaster" engraved thereon.

(Ord. 88-63 § 2, 1988).

#### **8.08.120 STATEMENTS BY DOG OWNERS – REQUIREMENTS.**

Upon request of an animal control officer or any peace officer, the owner of any dog shall state his/her true name and residence address and produce evidence that the dog has a current rabies vaccination or the license certificate required by this title.

(Ord. 88-63 § 2, 1988).

**8.08.130 DETENTION AND DESTRUCTION OF ANIMALS DECLARED TO BE VICIOUS OR HABITUAL OFFENDERS.**

(a) Whenever the poundmaster 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 subsection (d) of this section, the poundmaster may declare the animal a habitual offender.

(b) Whenever the poundmaster or his or her deputy lawfully impounds any animal for acting as a vicious animal as defined in Section 8.04.010(q) (based upon the observations of the officer or the sworn written statement of one or more persons), the poundmaster may declare the animal a vicious animal.

(c) Upon declaring an animal either a habitual offender or a vicious animal, the poundmaster 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 city's administrative enforcement hearing officer. 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 poundmaster, if any; (5) a statement from the poundmaster 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 hearing officer to appeal the poundmaster's order by signing and returning the enclosed declaration of ownership or right to keep the animal to the poundmaster within three days, excluding weekends and legal holidays, of the date on the notice. Having

served such notice, the poundmaster 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 hearing officer may order the animal's destruction or may order appropriate mitigation measures. If the hearing officer 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.

(d) As used in this section, the term "habitual offender" shall refer to any offending animal which has violated the provisions of Title 8 on three or more separate occasions. To be a habitual offender the animal need not violate the same provision of Title 8 three times but, rather, have a total of three violations of one or more of Title 8's provisions. (Ord. 2001-09 § 1, 2001: Ord. 88-63 § 2, 1988).

**8.08.140 APPEALS.**

The owner served with a notice pursuant to Section 8.08.130(c) may appeal the decision of the poundmaster to the city's administrative enforcement hearing officer in the manner specified in Chapter 4.20 of the Santa Cruz Municipal Code and for purposes of that chapter, the poundmaster's order shall be considered an administrative abatement notice and order. However, notwithstanding Section 4.20.010(1), the appeal of any such administrative abatement notice and order must be filed in writing within three days, excluding weekends and legal holidays, of the date on the administrative abatement notice and order. When appealed, the poundmaster's order shall not be carried out until an appeal hearing is held and the hearing officer either upholds or overturns the order. (Ord. 2001-09 § 2, 2001: Ord. 88-63 § 2, 1988).



## Chapter 8.10

### ADMINISTRATIVE ENFORCEMENT – ANIMAL CONTROL REGULATIONS

#### Sections:

- 8.10.010 Purpose.
- 8.10.020 Scope.
- 8.10.030 Administrative citation.
- 8.10.040 Procedure for administrative citations.
- 8.10.050 Service of administrative citations.
- 8.10.060 Opportunity to correct violation.
- 8.10.070 Satisfaction of an administrative citation.
- 8.10.080 Appeal of administrative citation.
- 8.10.090 Administrative hearing officers.
- 8.10.100 Notice of administrative appeal hearing.
- 8.10.110 Administrative hearing officer disqualification.
- 8.10.120 Hearing procedures.
- 8.10.130 Penalties and costs assessed.
- 8.10.140 Failure to pay civil penalties.
- 8.10.150 Civil or criminal actions not affected.

#### 8.10.010 PURPOSE.

The purpose of this chapter is to provide a clear and explicit process for the administrative enforcement of animal control regulations as set forth in Title 8 of the Santa Cruz Municipal Code. The administrative enforcement procedures are in addition to, and not in lieu of, any other applicable enforcement procedures set forth in this code or in state law, including those set forth in this title and Title 4. As used herein the term “animal shelter general manager” shall refer to the animal shelter general manager employed by the Santa Cruz County animal services authority, and the term “animal shelter control officer” shall refer to any animal

shelter control officer employed by the Santa Cruz County animal services authority. (Ord. 2014-03 § 1 (part), 2014).

#### 8.10.020 SCOPE.

This chapter sets forth procedures for the administrative enforcement of animal control regulations in the jurisdictional limits of the city.

(Ord. 2014-03 § 1 (part), 2014).

#### 8.10.030 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.

(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.

(Ord. 2014-03 § 1 (part), 2014).

#### 8.10.040 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 per-

son 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. 2014-03 § 1 (part), 2014).

**8.10.050 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 proceed-

ing. 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. 2014-03 § 1 (part), 2014).

#### **8.10.060 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 thirty 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. 2014-03 § 1 (part), 2014).

#### **8.10.070 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 Section 8.10.060, 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 Section 8.10.060 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. 2014-03 § 1 (part), 2014).

#### **8.10.080 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 ten 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 conclu-

sive evidence of the named owner or responsible party's liability.  
(Ord. 2014-03 § 1 (part), 2014).

**8.10.090 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. 2014-03 § 1 (part), 2014).

**8.10.100 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 ten days prior to the date of the administrative hearing. The hearing officer shall be designated by the animal shelter general manager.  
(Ord. 2014-03 § 1 (part), 2014).

**8.10.110 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 ten 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. 2014-03 § 1 (part), 2014).

**8.10.120 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).

(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 twenty 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 fifteen 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 Santa Cruz 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 Santa Cruz 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 Santa Cruz County ani-

mal services authority and Santa Cruz County animal shelter in any court of competent jurisdiction to obtain compliance with the administrative decision or Title 8 regulations, to 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's 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. 2014-03 § 1 (part), 2014).

### **8.10.130 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) or the civil penalty schedule provided for in subsection (A).

(C) Except as otherwise provided by subsection (D), the civil penalty assessed by adminis-

trative citation for violation of a provision of this title shall be as follows:

(1) First administrative citation – one hundred dollars;

(2) Second administrative citation within one year for violation of the same code section – two hundred dollars;

(3) Third or subsequent administrative citation within one year for violation of the same code section – five hundred dollars.

(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): fifty dollars.

(2) Dog off leash, first offense: fifty dollars.

(3) Dog off leash, second offense within one year: one hundred dollars.

(4) Dog off leash, third offense within one year: one hundred fifty dollars.

(5) Failure of owner to pick up after dog or cat defecation: one hundred dollars.

(6) Noisy animals (Section 8.14.390): one hundred dollars.

(7) Permitting livestock to trespass, per offense: two hundred dollars.

(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. 2014-03 § 1 (part), 2014).

#### **8.10.140 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 gen-

eral 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's 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 animal shelter general manager, or his or her designee.

(Ord. 2014-03 § 1 (part), 2014).

#### **8.10.150 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 city 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. 2014-03 § 1 (part), 2014).

**Chapter 8.12**

**IMPOUNDMENT**

vicious animal as described in Section 8.04.010(s) has done any of the acts described in that section, the victim or any

**Sections:**

- 8.12.020 Animals at large.
- 8.12.030 Vicious animals.
- 8.12.040 Care of impounded animals.
- 8.12.050 Basic charges for impounding animals.
- 8.12.055 Additional charges for keeping animals.
- 8.12.060 Hearing regarding lawfulness of impoundment.
- 8.12.070 Disposal of animals – Owner request.
- 8.12.080 Disposal of infirm or dangerous animals.
- 8.12.090 Reclaiming impounded animals
- 8.12.100 Sale of impounded animals.
- 8.12.105 Spaying or neutering of adopted animals.
- 8.12.110 Disposal of unclaimed animals.
- 8.12.115 Prohibition against furnishing animals for research purposes.
- 8.12.120 Records of impounded animals.

**8.12.020 ANIMALS AT LARGE.**

It shall be the duty of the poundmaster 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 this title or of Division 14 of the Agricultural Code commencing with Section 30501, and to keep such animal so impounded as provided in this chapter.

(Ord. 88-63 § 3, 1988).

**8.12.030 VICIOUS ANIMALS.**

(a) Whenever an owner is in violation of Section 8.14.310, 8.14.320, 8.14.390, 8.14.400, 8.14.410, 8.14.430 or 8.14.440 or whenever a



citizen with personal knowledge may submit to the poundmaster 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 poundmaster or designated deputy finds that the animal or animals should be impounded, he/she shall personally serve upon the owner written notice of intent to impound said animal or animals at the expiration of seventy-two hours, and the reasons therefor, a copy of the victim's or citizen's statement and the notice of the owner's right to respond either orally or in writing to the poundmaster or designated deputy prior to said impoundment.

(c) Upon the expiration of the seventy-two hour period, the poundmaster is hereby expressly authorized to impound said animal or animals whether found on or off the premises of owner and to keep or abate any such animal so impounded as provided in this chapter.

(d) If, after investigation, the poundmaster finds that extraordinary circumstances exist such that immediate seizure of the animal or animals is necessary to protect the personal safety and/or property rights of the public, the poundmaster is hereby expressly authorized to immediately impound said animal or animals, whether found on or off the premises of their owner, and to keep and abate any such animal so impounded as provided in this chapter without otherwise complying with the requirements of subsection (b).

(e) The owner shall release or deliver said animal to the poundmaster upon demand. (Ord. 88-63 § 3, 1988).

#### **8.12.040 CARE OF IMPOUNDED ANIMALS.**

The poundmaster shall provide impounded animals with proper and sufficient food and water. (Ord. 88-63 § 3, 1988).

#### **8.12.050 BASIC CHARGES FOR IMPOUNDING ANIMALS.**

(a) The poundmaster shall charge, and collect from the owner, the charges for impounding animals as established by resolution of the Santa Cruz City Council.

(b) For cats and dogs impounded for the first time, the poundmaster may waive the impounding fee for any such unaltered dog or cat when, prior to the release of the animal, the reclaiming owner volunteers this animal for spaying or neutering and deposits the fees for the spaying or neutering with the poundmaster.

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

(Ord. 88-63 § 3, 1988).

#### **8.12.055 ADDITIONAL CHARGES FOR KEEPING ANIMALS.**

In addition to the charges specified in Section 8.12.050, the poundmaster shall charge and collect from the owner the daily cost for care and feeding of impounded animals established by resolution of the Santa Cruz city council.

(Ord. 88-63 § 3, 1988).

#### **8.12.060 HEARING REGARDING LAWFULNESS OF IMPOUNDMENT.**

(a) Whenever an owner objects to payment of impound charges on the grounds that the impoundment of his/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 poundmaster personally (or before some other impartial officer or official designated by the poundmaster for this purpose) on the sole issue

of the lawfulness of the seizure of the animal. Said hearing shall be held no later than twelve (business) hours after a request is made by the owner. The owner shall pay any and all care and feeding and other lawful charges prior to any impoundment hearing.

(b) The hearing shall be informal and the owner, the impounding officer and any other person with 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 forty-eight 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 poundmaster shall dispose of the animal as provided in Section 8.12.100 or 8.12.110. If, after the hearing, the poundmaster 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. 88-63 § 3, 1988).

#### **8.12.070 DISPOSAL OF ANIMALS – OWNER REQUEST.**

It shall be the duty of the poundmaster to dispose of any domestic animal pet or pets at the request of the owner thereof when said owner delivers the pet to the poundmaster. (The fee for such disposal shall be established by resolution of the Santa Cruz city council.)

(Ord. 88-63 § 3, 1988).

#### **8.12.080 DISPOSAL OF INFIRM OR DANGEROUS ANIMALS.**

The poundmaster 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. 88-63 § 3, 1988).

#### **8.12.090 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 poundmaster of the costs and charges specified for the impounding and keeping of said animals; and further provided, that as to any dog without a current license, a deposit is made with the poundmaster to cover the license fee and the cost of a rabies vaccination.

(Ord. 88-63 § 3, 1988).

#### **8.12.100 SALE OF IMPOUNDED ANIMALS.**

Unless impounded animals without a license or identification tags shall have been redeemed within seventy-two hours, or animals wearing a license or identification tags, within seven days, they may be sold by the poundmaster, provided all reasonable effort has been made to notify the owner of said animals; and provided further, that the purchaser shall not be given possession of any dog or dogs, including dogs under six months of age, until he/she deposits with the poundmaster a sum sufficient to cover the license fee required hereunder, together with the cost of a rabies vaccination for any dog which does not have a current vaccination.

(Ord. 88-63 § 3, 1988).

#### **8.12.105 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 residing in the city of Santa Cruz adopting an unspayed or unneutered dog or cat from any animal shelter, pound, humane society or ASA shelter shall have the animal spayed or neutered on or before the 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 com-

pliance with this section, the adoption agreement will be modified accordingly.  
(Ord. 2011-08 § 2, 2011: Ord. 88-63 § 3, 1988).

#### **8.12.110 DISPOSAL OF UNCLAIMED ANIMALS.**

(a) The poundmaster may, and is hereby authorized and empowered to, destroy in a humane manner or sell any animal lawfully impounded without a license or identification tag which remains unclaimed by its owner, if any, for more than seventy-two hours excluding Sundays and holidays.

(b) Stray dogs and cats impounded by the poundmaster, if wearing a license or identification tags, shall be held for a minimum of seven days. During the period that the animal is held by the poundmaster, the poundmaster shall attempt to inform the owner of the location of the impounded animal and how the owner may reclaim 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 poundmaster 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. 88-63 § 3, 1988).

#### **8.12.115 PROHIBITION AGAINST FURNISHING ANIMALS FOR RESEARCH PURPOSES.**

The poundmaster shall not furnish any animals from the animal shelter for research purposes.  
(Ord. 88-63 § 3, 1988).

#### **8.12.120 RECORDS OF IMPOUNDED ANIMALS.**

The poundmaster shall keep a record of the number of all animals impounded showing in detail for each animal the description, dates of receipt, the date and manner of disposal, the name of any person redeeming or purchasing, as well as any fees, charges and proceeds from

sales received on account thereof, and such additional records as may be required by the city of Santa Cruz.  
(Ord. 88-63 § 3, 1988).

### **Chapter 8.14**

#### **DOGS AND OTHER DOMESTICATED ANIMALS**

##### **Sections:**

- 8.14.010 Dog license required; Period of license.
- 8.14.020 Licenses.
- 8.14.030 Exceptions from licensing and waiver of fees.
- 8.14.040 Vaccination requirements.
- 8.14.045 Certificate of antirabies vaccination.
- 8.14.050 Vaccination exemptions.
- 8.14.060 Licensing authority.
- 8.14.070 Commissions and vendor fees.
- 8.14.120 Vaccination upon impounded dog.
- 8.14.130 Number of female dogs kept in any one place.
- 8.14.199 Dogs on UCSC campus.
- 8.14.200 Dogs in public places – Prohibited locations.
- 8.14.201 Exemptions to prohibition.
- 8.14.205 Dogs downtown.
- 8.14.215 Removal of dog droppings required.
- 8.14.310 Prohibition against permitting dogs at large.
- 8.14.320 Leash required for dogs off premises.
- 8.14.330 Safety of animals in motor vehicles.
- 8.14.340 Safety of animals in parked vehicles.
- 8.14.380 Animals defecating on public or private property.
- 8.14.390 Animal noises.

8.14.010

- 8.14.400 Prohibition against dogs harassing, threatening or injuring persons.
- 8.14.410 Prohibition against dogs or other domesticated animals killing or injuring other dogs or other domesticated animals.
- 8.14.420 Prohibition against permitting livestock or wild animals to trespass or be at large.
- 8.14.430 Prohibition against dogs threatening or injuring wild game or livestock.
- 8.14.432 Cinches, saddle girths and bucking and flanking straps.
- 8.14.434 Electric prods.
- 8.14.436 Bloodless bullfights.
- 8.14.438 Animal control officers present at rodeos and similar events.
- 8.14.440 Unrestrained vicious animals.
- 8.14.445 Possession of wild animal species prohibited.
- 8.14.455 Use of steel-jawed, leg-hold traps.
- 8.14.560 Animal shelter.
- 8.14.580 Stray animals. (Reserved)
- 8.14.590 Duty to report animal bites.
- 8.14.600 Quarantine of dogs and cats.
- 8.14.610 Impoundment of other biting animals.
- 8.14.700 Kennel license.
- 8.14.710 Transfer of ownership – Notice required.

**8.14.010 DOG LICENSE REQUIRED; PERIOD OF LICENSE.**

(a) Dogs shall be licensed within thirty days of obtaining the age of four months or within thirty days of acquisition by owner, whichever occurs later.

(b) Licenses shall be valid for up to thirty-six months from date of issuance and shall be issued upon payment of the fee required by city of Santa Cruz resolution.

(c) Licenses issued under prior existing city of Santa Cruz 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 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. 88-63 § 4, 1988: Ord. 85-61 § 1, 1985: Ord. 81-43 § 1, 1981: Ord. 70-7 § 1 (part), 1970).

**8.14.020 LICENSES.**

(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 city of Santa Cruz resolution.

(c) A dog displaying a current license from a California jurisdiction outside Santa Cruz County shall not require licensing under this chapter until expiration of the current license if the dog remains in the possession of the license holder and the appropriate Santa Cruz transfer fee is paid.

(d) A penalty as set by city of Santa Cruz resolution shall be charged for late renewal of a license. Late renewal is defined as the first day of the month past the due date.

(e) A penalty as set by city of Santa Cruz 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.

(f) Any penalty shall be in addition to the applicable license fee and payable at the time of issuance.

(Ord. 88-63 § 4, 1988; Ord. 85-61 § 1, 1985; Ord. 81-43 § 1, 1981; Ord. 70-7 § 1 (part), 1970).

**8.14.030 EXCEPTIONS FROM LICENSING AND WAIVER OF FEES.**

(a) Fees shall be waived for licenses issued for any recognized guide, signal or service dog upon presentment of an affidavit by the dog's owner. A guide, signal or service dog license shall be valid for the life of the dog or so long as the dog remains the property of the person named in the affidavit.

(b) License fees for dogs owned by persons aged sixty-five or older shall be reduced by the amount equal to the license fee for a sexually unproductive dog for one dog per household. (Ord. 88-63 § 4, 1988; Ord. 85-61 § 1, 1985; Ord. 70-7 § 1 (part), 1970).

**8.14.040 VACCINATION REQUIREMENTS.**

Every owner of any dog over the age of four months within the limits of the city of Santa Cruz shall, at intervals specified by the California State Department of Health Services, procure the vaccination of said dog by a licensed veterinarian with an approved canine antirabies vaccine.

(Ord. 88-63 § 4, 1988; Ord. 85-61 § 1, 1985; Ord. 70-7 § 1 (part), 1970).

**8.14.045 CERTIFICATE OF ANTIRABIES VACCINATION.**

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

(1) Use a certificate approved by the Santa Cruz County animal services authority to certify that such animal has been vaccinated; and

(2) Send a copy of the completed certificate to the Santa Cruz County animal services

authority within thirty days from the date the dog is vaccinated.

(3) If a 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 services authority within thirty days from the date that the dog is vaccinated or brought into the county, whichever date is later in time.

(Ord. 2011-08 § 8, 2011).

**8.14.050 VACCINATION EXEMPTIONS.**

The provisions of Section 8.14.040 shall not apply to require the vaccination of any dog that has been certified in writing by a licensed veterinarian to be unable to undergo a vaccination because of a danger to the health of the dog.

(Ord. 88-63 § 4, 1988; Ord. 85-61 § 1, 1985; Ord. 70-7 § 1 (part), 1970).

**8.14.060 LICENSING AUTHORITY.**

The Santa Cruz SPCA is hereby authorized and declared the pet licensing authority for the city of Santa Cruz and shall collect all related fees. License fees shall be remitted to the agency in whose jurisdiction the fee originated. (Ord. 88-63 § 4, 1988; Ord. 85-61 § 1, 1985; Ord. 70-7 § 1 (part), 1970).

**8.14.070 COMMISSIONS AND VENDOR FEES.**

(a) The licensing authority may deduct a fee, as set by resolution, from each license fee collected by the authority to cover commissions paid to outside salespersons. The commission shall only be deducted from licenses actually sold by outside salespersons.

(b) The licensing authority may deduct a fee, as set by resolution, 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. 88-63 § 4, 1988; Ord. 85-61 § 1, 1985; Ord. 70-7 § 1 (part), 1970).

**8.14.120 VACCINATION UPON IMPOUNDED DOG.**

Prior to the release of any dog from the animal shelter by either redemption or sale, the party redeeming or purchasing shall either present proof of antirabies vaccination or pay a fee to the poundmaster for the services of a licensed veterinarian to vaccinate the dog.

(Ord. 88-63 § 4, 1988; Ord. 85-61 § 1, 1985; Ord. 70-7 § 1 (part), 1970).

**8.14.130 NUMBER OF FEMALE DOGS KEPT IN ANY ONE PLACE.**

It is unlawful for any person other than a duly licensed veterinarian or dog kennel operator to keep or maintain more than one unspayed female dog at or within any one residence within the city.

(Ord. 88-63 § 4, 1988; Ord. 85-61 § 1, 1985; Ord. 70-7 § 1 (part), 1970).

**8.14.199 DOGS ON UCSC CAMPUS.**

(a) It is unlawful for any person having ownership, custody or control of any dog to cause, suffer or permit such dog to be anywhere on the campus of the University of California at Santa Cruz, whether with or without a leash. "Campus" includes all land owned by the University of California at Santa Cruz which is located within the city limits of the city of Santa Cruz in the vicinity of Empire Grade, High Street, Glenn Coolidge Drive and McLaughlin Drive including all portions of such land that are occupied by campus facilities and all contiguous, undeveloped portions of such land.

(b) This section shall not apply to any of the following:

(1) Dogs that are fully confined within a vehicle; and

(2) Dogs which are on the campus in conformity with rules adopted by the University of

California at Santa Cruz and filed with the UCSC campus police department; three copies of such rules shall also be filed with the office of the city clerk of the city of Santa Cruz.

(Ord. 88-63 § 4, 1988; Ord. 79-18 § 1, 1979).

**8.14.200 DOGS IN PUBLIC PLACES – PROHIBITED LOCATIONS.**

(1) Except as provided in subsection (2) and Section 8.14.201, it is unlawful for any person owning, having an interest in, harboring or having charge of the care, custody, control or possession of any dog to cause or permit such dog to be in any of the following locations, whether with or without a leash;

(a) On any public beach within the city of Santa Cruz;

(b) Within any portion of the watercourse of the San Lorenzo River within the city of Santa Cruz; said "watercourse" includes the river and all portions of its banks up to the highest point of the bank on each side of the river;

(c) On any portion of the street, sidewalk or other public property within that area generally known or defined as the Pacific Avenue Mall:

(A) Pacific Avenue between Water Street and Laurel Street;

(B) Locust Street, Church Street, Walnut Avenue and Lincoln Street between Cedar Street and Pacific Avenue and Front Street, unless completely confined within a motor vehicle (as provided in Section 8.14.340);

(d) On any portion of the street, sidewalk or other public property of the Santa Cruz Municipal Wharf, unless completely confined within a motor vehicle (as provided in Section 8.14.340);

(e) On any portion of San Lorenzo Park; and

(f) On the Depot Park athletic field.

(2) Notwithstanding subsection (1), the parks and recreation director may, by regulation, designate certain beach and park areas, roads and trails for use by dogs or, by regulation, designate that any such park area, road or trail shall not be used by dogs. The director shall promulgate regulations to protect such

beach and park property so as to ensure that use by persons with dogs is compatible with use of these areas by other persons.

(Ord. 2005-07 § 1, 2005: Ord. 93-07 § 1, 1993: Ord. 92-25 § 1, 1992: Ord. 88-63 § 4, 1988: Ord. 85-76 § 3, 1986: Ord. 79-39 § 2, 1979: Ord. 76-23 § 1, 1976: Ord. 70-7 § 1 (part), 1970).

#### **8.14.201 EXEMPTIONS TO PROHIBITION.**

Sections 8.14.199 and 8.14.200 shall not apply to the following circumstances:

(a) To any recognized guide, signal or service dog, when such dog is accompanying a totally or partially blind person, or a totally or partially deaf person or a person otherwise handicapped so as to require the assistance of such dog for the purpose of guiding such person; or when such dog is accompanying a person licensed to train such dogs for the purpose of receiving training as a guide, signal or service dog;

(b) Dogs used by or under the authority of authorized police or law enforcement agencies for law enforcement purposes.

(Ord. 88-63 § 4, 1988: Ord. 79-39 § 2, 1979: Ord. 76-23 § 2, 1976).

#### **8.14.205 DOGS DOWNTOWN.**

(1) Notwithstanding any provision to the contrary set forth in Section 8.14.200 and subject to the restrictions set forth in this subsection and all other applicable regulations set forth in this title, any person who owns or has custody, control or possession of a dog may bring that dog to the city's downtown neighborhood as defined in subsection (2).

(a) The dog shall at all times be on a leash, as defined in Section 8.04.010(j). No more than one dog shall be clipped to any such leash. The dog shall at all times be no further than three feet away from the person holding the dog's leash.

(b) The dog shall be in the company of no more than one other dog. Groups or packs of

dogs comprised of three or more dogs are prohibited.

(c) The dog shall at all times be accompanied by its owner or the person who has custody, control or possession of the dog and shall at no time be left unattended by the owner or the person who has custody, control or possession of the dog. Any unattended dog may immediately be taken into custody by the police department, animal services authority or any other person or entity appointed by the city manager to perform this function.

(d) The dog shall at no time be tied or tethered to any pole, bench, planter or other structure or object on the street or sidewalk or to any structure in the public right-of-way affixed to any building. The dog shall at all times be physically connected by leash to the dog's owner or other person who has custody, control or possession of the dog.

(e) Dogs shall not be permitted in the downtown neighborhood as defined in subsection (2) between sunset and sunrise.

(f) The dog must visibly display collar tags evidencing the fact that the dog is currently vaccinated and currently licensed by the city of Santa Cruz or another valid licensing jurisdiction.

(2) As used in this section the term "downtown" or "downtown neighborhood" shall refer to that area of the city of Santa Cruz within the following boundaries and to the following parks:

(a) North boundary – Water Street; South boundary – Laurel Street; West boundary – Cedar Street; East boundary – Front Street;

(b) Scope Park;

(c) Town Clock.

(3) A violation of this section shall constitute an infraction. Any violation of this section committed within forty-eight hours of a prior violation of this section shall constitute a misdemeanor.

(Ord. 2011-08 § 7, 2011).

**8.14.215 REMOVAL OF DOG DROPPINGS REQUIRED.**

Any person owning, having an interest in, harboring or having charge of the care, custody, control or possession of any dog which defecates upon public property (including, but not limited to, streets, walkways and parks) in the city of Santa Cruz must immediately remove and properly dispose of the feces. Failure to so remove and dispose of the feces shall constitute an infraction. Nothing herein shall be deemed to authorize any person to enter upon the private property of another without permission. (Ord. 88-63 § 4, 1988; Ord. 82-22 § 2, 1982).

**8.14.310 PROHIBITION AGAINST PERMITTING DOGS AT LARGE.**

It shall be unlawful for the owner of any dog, whether licensed or unlicensed, to permit or allow such dog to be at large anywhere in the city of Santa Cruz. The provisions of this section shall not apply to a dog entered in a dog show or field trial and under reasonable control. (Ord. 88-63 § 4, 1988).

**8.14.320 LEASH REQUIRED FOR DOGS OFF PREMISES.**

It shall be 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 securely restrained by a leash as defined in Section 8.04.010(j). (Ord. 2011-08 § 6, 2011; Ord. 88-63 § 4, 1988).

**8.14.330 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, pickup and flat-bed trucks), confined by a container, cage, or other device that will prevent the animal from falling or jumping from the motor vehicle. (Ord. 88-63 § 4, 1988).

**8.14.340 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 enter and remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered. (Ord. 88-63 § 4, 1988).

**8.14.380 ANIMALS DEFECATING ON PUBLIC OR PRIVATE PROPERTY.**

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. (Ord. 88-63 § 4, 1988).

**8.14.390 ANIMAL NOISES.**

It is unlawful for any person to keep or harbor any dog, cat or other animal, whether licensed or not, which by howling, yelping, barking or other noise disturbs any person. (Ord. 88-63 § 4, 1988).

**8.14.400 PROHIBITION AGAINST DOGS HARASSING, THREATENING OR INJURING PERSONS.**

It shall be unlawful for the owner of any dog to suffer or permit the same to annoy and harass, chase, threaten to inflict or inflict injury of any kind on any person. (Ord. 88-63 § 4, 1988).



**8.14.410 PROHIBITION AGAINST DOGS OR OTHER DOMESTICATED ANIMALS KILLING OR INJURING OTHER DOGS OR OTHER DOMESTICATED ANIMALS.**

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 poundmaster may impound any dog or domesticated animal found at large in violation of this section and the poundmaster may declare the dog or domesticated animal to be a vicious animal and act according to the procedure set forth in Sections 8.08.130 and 8.08.140 of this code. (Ord. 88-63 § 4, 1988).

**8.14.420 PROHIBITION AGAINST PERMITTING LIVESTOCK OR WILD ANIMALS TO TRESPASS OR BE AT LARGE.**

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

(a) Permit such animal to be at large in the city of Santa Cruz;

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

(c) Tie, stake, pasture or permit the tying, staking or pasturing of any such animal upon any private property within the city of Santa Cruz, 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;

(d) Permit any such animal to be or remain during the nighttime secured in an unsafe manner 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; and

(e) Nothing in this section is intended to supersede any provision of Santa Cruz Municipal Code Title 24, the Zoning Ordinance. (Ord. 88-63 § 4, 1988).

**8.14.430 PROHIBITION AGAINST DOGS THREATENING OR INJURING WILD GAME OR LIVESTOCK.**

It shall be unlawful for the owner of any dog 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 kind of any domestic livestock, including cows, sheep, horses and chickens. (Ord. 88-63 § 4, 1988).

**8.14.432 CINCHES, SADDLE GIRTHS AND BUCKING AND FLANKING STRAPS.**

No sharp or cutting objects in cinch, saddle 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. 88-63 § 4, 1988).

**8.14.434 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. 88-63 § 4, 1988).

**8.14.436 BLOODLESS BULLFIGHTS.**

Bloodless bullfights are prohibited.  
(Ord. 88-63 § 4, 1988).

**8.14.438 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. The event organizer shall notify the poundmaster at least one week prior to the event.  
(Ord. 88-63 § 4, 1988).

**8.14.440 UNRESTRAINED VICIOUS ANIMALS.**

It is unlawful to permit any vicious animal to go unrestrained. Any vicious animal may be required by written order of the poundmaster 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. 88-63 § 4, 1988).

**8.14.445 POSSESSION OF WILD ANIMAL SPECIES PROHIBITED.**

(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 city of Santa Cruz.

(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 Section 2150 et seq. to possess an animal belonging to a "wild species." However, this section shall apply to any such person whose preexisting valid permit expires and is not renewed or is revoked.  
(Ord. 88-63 § 4, 1988).

**8.14.455 USE OF STEEL-JAWED, LEG-HOLD TRAPS.**

It shall be 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. 88-63 § 4, 1988).

**8.14.560 ANIMAL SHELTER.**

All animals which are subject to being impounded, as provided herein, 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 ASA."

(a) Every person except the poundmaster or a deputy poundmaster taking up any stray animal found at large contrary to the provisions of this chapter shall, within eight business hours thereafter, give notice of possession to the Santa Cruz County ASA along with the following information:

- (1) The name and address of the person possessing the animal;
- (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; and
- (4) The place where such animal is confined.

(b) The poundmaster 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. 2011-08 § 3, 2011; Ord. 88-63 § 4, 1988).

**8.14.580 STRAY ANIMALS.**

(Reserved)

**8.14.590 DUTY TO REPORT ANIMAL BITES.**

Whenever any person has knowledge that an animal has bitten any person, the person having such knowledge shall report this fact forthwith to the county health officer or to the poundmaster. The report shall state the name and address of the person bitten, the time and place such person was bitten and the location, description and ownership of the animal involved. (Ord. 88-63 § 4, 1988).

**8.14.600 QUARANTINE OF DOGS AND CATS.**

(a) Whenever there is cause to believe that any dog or cat has bitten a person, or whenever ordered by the poundmaster, the owner of that animal shall quarantine the animal for a period of ten days.

(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, a veterinary facility or 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 such animal and keep it confined for the period required, the poundmaster shall impound such animal for the required period and charge the owner for the impounding and keeping of such animal in accordance with Sections 8.12.050 and 8.12.060 respectively. (Ord. 88-63 § 4, 1988).

**8.14.610 IMPOUNDMENT OF OTHER BITING ANIMALS.**

In conjunction with the county health officer, the poundmaster may order the impoundment of any animal other than a dog or cat which has bitten any person. (Ord. 88-63 § 4, 1988).

**8.14.700 KENNEL LICENSE.**

The license tax required by this chapter to be paid by the owner or person having the custody or control of any dog for the privilege of having or keeping any such dog in the city shall not apply to any person conducting a breeding or sales dog kennel in the city, but every person conducting such dog kennel shall pay to the city for the privilege of keeping any such dog in such dog kennel a business license fee as set by resolution of the city council. The amount of such license shall be paid to the city treasurer and upon payment thereof the city treasurer shall issue as many metal tags as the person conducting such dog kennel shall require, not to exceed the maximum number which the payment of such license shall entitle him to keep. The city treasurer shall enter in a register kept for that purpose the name and address of the person conducting such dog kennel, the location of such dog kennel, the number of dogs therein for which licenses were issued, the number of tags issued and the date of their issuance.

(Ord. 88-63 § 4, 1988; Ord. 70-7 § 1 (part), 1970).

**8.14.710 TRANSFER OF OWNERSHIP – NOTICE REQUIRED.**

Each owner or operator of any dog kennel, dog hospital or pet shop and any person engaged in the business of breeding dogs or as a veterinarian who sells, gives away or in any manner causes the ownership or permanent possession of any dog, whether over four months of age or not, to be transferred to any person who is a resident of the city of Santa Cruz shall notify the city treasurer in writing of that fact within five days after the date of such sale or transfer. Such notice shall state the kind of dog, the name of the dog, if any, and the name and address of the person to whom the dog has been sold or transferred.

(Ord. 88-63 § 4, 1988; Ord. 70-7 § 1 (part), 1970).

**Chapter 8.16**

**BREEDING, SALE AND ADOPTION OF ANIMALS**

**Sections:**

- 8.16.010 Findings.
- 8.16.020 Definitions.
- 8.16.030 Mandatory spaying/neutering.
- 8.16.040 Care of feral cats.
- 8.16.050 Unaltered animal certification – Administration.
- 8.16.060 Use of certification revenue.
- 8.16.070 Sale or adoption of dogs, cats and other animals.
- 8.16.080 Penalty for violation.
- 8.16.090 Enforcement responsibility.
- 8.16.100 Severability.
- 8.16.110 Review.

**8.16.010 FINDINGS.**

The city council 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 city of Santa Cruz 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. 94-45 § 1 (part), 1994).

**8.16.020 DEFINITIONS.**

As used in this chapter:

“Director of animal control” means the person employed by the Santa Cruz County animal services agency in this position.

“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, giving permission to maintain an unaltered dog or cat. Fees for the

certification shall be established by resolution of the city council.

(Ord. 2011-08 § 4, 2011: Ord. 94-45 § 1 (part), 1994).

**8.16.030 MANDATORY SPAYING/NEUTERING.**

(a) No person shall own, harbor or keep within the city of Santa Cruz 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 Section 8.16.050.

(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 for law enforcement purposes by an appropriate agency or organization approved by the director of animal control after consultation with knowledgeable professionals;

(2) Dogs documented as having been appropriately trained and actually being used as service dogs, such as a guide dog, hearing dog, or social/therapy dog, or dogs designated as breeding stock for these purposes by an appropriate agency or organization approved by the director of animal control 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 for these purposes by an appropriate agency or organization approved by the director of animal control 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 for these purposes by an appropriate agency or organization approved by the director of animal control 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;

(7) Dogs or cats which are owned and in the custody and control of persons who do not reside in the city of Santa Cruz, but who are temporarily visiting the city of Santa Cruz or traveling through the city of Santa Cruz.

(Ord. 94-45 § 1 (part), 1994).

#### **8.16.040 CARE OF FERAL CATS.**

(a) It shall be unlawful for any person within the city of Santa Cruz to intentionally provide food, water, or other forms of sustenance to a feral cat colony unless the person furnishes the director of animal control with a signed statement agreeing to the following conditions:

(1) Register with the director of animal control 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. 94-45 § 1 (part), 1994).

#### **8.16.050 UNALTERED ANIMAL CERTIFICATION – ADMINISTRATION.**

(a) The director of animal control shall administer a certification program to allow for unaltered animals over the age of six months when the director of animal control 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 had more than two violations of Title 8 of this code within the preceding twenty-four months;

(3) The animal is properly housed and cared for as follows:

(A) The animal is provided 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 lie down without lying in his/her feces;

(C) The area where the animal is kept is properly cleaned and disinfected;

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

(E) The animal owner otherwise complies with any applicable state or local law concerning the care and housing of animals;

(4) The owner furnishes the director of animal control 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, 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);

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

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

(b) Any owner advertising to the public the availability of any dog 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 bred in the city of Santa Cruz.

(c) Commercial establishments selling locally bred dogs or cats shall prominently display the unaltered animal certification number of the animal's owner.

(d) Any owner of an unspayed or unneutered dog or cat who has been cited for failing to obtain an unaltered animal certification may have his or her citation dismissed if there is proof that the animal has been spayed or neutered within thirty days of the issuance of the citation.

(e) Any owner who is denied an unaltered animal certification or whose certification is revoked by the director of animal control for failure to comply with the requirements of this section may appeal such denial or revocation to the city council or the city council's designee. The decision of the city council or of the city council's designee shall be final. Appeals to the city council shall be made pursuant to Chapter 1.16 of this code. Appeals to a person designated by the city council to hear the appeal shall be governed by the same appellate rules and procedure set forth in Chapter 1.16 of this code. (Ord. 94-45 § 1 (part), 1994).

#### **8.16.060 USE OF CERTIFICATION REVENUE.**

(a) All certification revenue collected pursuant to this chapter, unless otherwise specified, shall be applied by the city council as follows:

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

(2) To advance the purpose of this chapter by providing for the spaying and neutering of animals, and/or providing for the testing and immunization of feral cats.

(Ord. 94-45 § 1 (part), 1994).

#### **8.16.070 SALE OR ADOPTION OF DOGS, CATS AND OTHER ANIMALS.**

(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 city laws pertaining to animal control and spay/neuter programs available in the city. This information will be prepared and made available either free of charge or at cost by the director of animal control.

(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 city 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 in the city. "Public place" shall include, but not be 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; 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 pro-

hibition 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 eighteen, without the written permission of the minor's parent or legal guardian.

(g) It shall be unlawful to buy, sell, transport, release or otherwise possess live American bullfrogs (*Rana catesbeiana*) within the city of Santa Cruz and on property owned and operated by the city of Santa Cruz.

(Ord. 2012-02, 2012: Ord. 94-45 § 1 (part), 1994).

#### **8.16.080 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 Chapter 4.04 of this code.

(b) Any person who has been cited for his or her first violation of Section 8.16.040 shall not be subject to a fine, but shall be advised of, and ordered to comply with, the requirements of said section.

(Ord. 94-45 § 1 (part), 1994).

#### **8.16.090 ENFORCEMENT RESPONSIBILITY.**

The director of animal control shall be responsible for the enforcement and administration of this chapter.

(Ord. 94-45 § 1 (part), 1994).

#### **8.16.100 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 shall not affect the validity of any other portion of this chapter, which shall remain in full force and effect.

(Ord. 94-45 § 1 (part), 1994).

#### **8.16.110 REVIEW.**

The impacts and enforcement of this chapter shall be reviewed by the city council one year after its effective date (October 27, 1994), or earlier upon the direction of the city council or the recommendation of staff, and annually thereafter. The director of animal control shall prepare a written report concerning the effectiveness of this chapter for consideration by the city council in its review.

(Ord. 94-45 § 1 (part), 1994).

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## Chapter 8.18

### CARE AND KEEPING OF ANIMALS

#### Sections:

- 8.18.040 Right to take possession of neglected animals—Names and telephone numbers posted at pet shop entrance.
- 8.18.050 Repealed by Ord. 84-67 § 2.
- 8.18.060 Permit for keeping wild animals.
- 8.18.070 Keeping diseased animals.
- 8.18.100 Dead animals in public places.
- 8.18.120 Injury to wildlife.
- 8.18.140 Penalties,

#### **8.18.040 RIGHT TO TAKE POSSESSION OF NEGLECTED ANIMALS – NAMES AND TELEPHONE NUMBERS POSTED AT PET SHOP ENTRANCE.**

(a) Whenever animals are kept within any building or on any premises without food, water or proper care and attention, it shall be the duty of the poundmaster and the police of the city to enter the building or premises to take possession of and remove the animals so abandoned or neglected.

(b) Every person maintaining a pet shop shall cause a notice, framed and enclosed under glass, to be posted on the premises near the entrance, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night who will proceed immediately to the location so as to permit entry to the premises by the poundmaster or the police of the city. Such notice is to be in such a position as to be legible from the sidewalk or ground level adjacent to the building.

(Ord. 88-63 § 5, 1988: Ord. 70-7 § 1 (part), 1970).

#### **8.18.050 Repealed by Ord. 84-67 § 2.**

#### **8.18.060 PERMIT FOR KEEPING WILD ANIMALS.**

It is unlawful for any person to have, keep or maintain, or have in his/her possession or control any elephant, bear, hippopotamus, rhinoceros, lion, tiger, leopard, wolf, monkey or any poisonous reptile of any kind, or any dangerous or carnivorous wild animal or reptile without first applying to and receiving from the city manager a permit to do so.

(Ord. 88-63 § 5, 1988: Ord. 70-7 § 1 (part), 1970).

#### **8.18.070 KEEPING DISEASED ANIMALS.**

No person shall have, keep or harbor any animal which is known or believed to be infected with any dangerous or communicable disease or which is afflicted with any painful disease which is believed by such person to be incurable except as otherwise provided in this title.

(Ord. 88-63 § 5, 1988: Ord. 70-7 § 1 (part), 1970).

#### **8.18.100 DEAD ANIMALS IN PUBLIC PLACES.**

It is unlawful for any person to place the body of any dead animal in any street, park or public place or in any refuse receptacle. If removal is accomplished by the city, the owner shall pay such cost of removal of such animal as set by resolution of the city council.

(Ord. 88-63 § 5, 1988: Ord. 70-7 § 1 (part), 1970).

#### **8.18.120 INJURY TO WILDLIFE.**

No person shall willfully injure, kill, capture or take any wildlife within the city limits of the city of Santa Cruz. "Wildlife" includes mammals and birds of any kind which live in the wild, except for rodent pests. This section does not apply to any city employees or employees of the poundmaster acting within the

8.18.140

scope of their employment for the protection of public health and safety.

(Ord. 88-63 § 5, 1988; Ord. 80-34 § 1, 1980; Ord. 70-7 § 1 (part), 1970).

**8.18.140 PENALTIES.**

Violation of any of the provisions of this chapter is an infraction punishable by a fine of up to \$1,000.00. A second offense violation within any twelve-month period of Sections 8.08.020, 8.08.120, 8.12.030, 8.14.410, 8.14.432, 8.14.434, 8.14.436, 8.14.438, 8.14.440, 8.14.455, 8.14.590 and 8.14.600 may be charged as a misdemeanor.

(Ord. 88-63 § 5, 1988).