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MODEL ORDINANCE

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6.04.010 Title for citation.

This title shall be known as the “Animal Services Ordinance.”

6.04.020 Definitions.

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

- (A) "Adoption" means the establishment or transfer of an animal's ownership.
- (B) "Alter" means to spay or neuter.
- (C) "Animal" means any mammal, bird, reptile, fish or other vertebrate creature, domestic or wild.
- (D) "Animal care center" or "animal shelter" means a place where animals impounded by the Director are placed for their humane care and keeping.
- (E) "Animal Shelter" or "Shelter" means the Santa Cruz County Animal Shelter.
- (F) "Approved rabies vaccine" means a rabies vaccine approved by the California Department of Public Health.
- (G) "At large", when used in reference to an animal, means:
- (1) Any dog found off the owner's premises that is not under actual physical restraint or control, such as a leash, tether, or in the grasp of a competent person; or
 - (2) Any livestock or wild animal as referred to in SCCC [6.12.120](#) that is not confined by a leash, tether, adequate fencing, or under other adequate physical custody or control.
- (H) "Bucking strap" or "flank strap" means any device, strap or object generally made of leather and sometimes padded with a woolen lining, which is placed around the flank regions of a horse or bull, behind the rib cage and just forward of the hind legs, and which is tightened immediately before the animal is scheduled to perform.
- (I) "Cat" means any member of *Felis domesticus* and shall be considered personal property, to the extent permitted by law.
- (J) "Competition cat" means a cat used to show, compete, or breed, and which is a breed registered with the Cat Fanciers Association ("CFA") or other valid registry approved by the Director, and which meets one of the following requirements:
- (1) Within the last 365 days, the cat has competed in at least one cat show approved by a national registry or the Director;
 - (2) The cat has earned a conformation title from a purebred cat registry; or

(3) The owner or custodian of the cat is a member of a purebred cat breed club, approved by the Director, which enforces a code of ethics that includes restrictions on breeding cats with genetic defects or life-threatening health problems.

(K) "Competition dog" means a dog used to show, compete, or breed, and which is a breed registered with the American Kennel Club ("AKC"), United Kennel Club ("UKC"), American Dog Breeders Association ("ADBA"), or other valid registry approved by the Director, and which meets one of the following requirements:

(1) Within the last 365 days, the dog has competed in at least one dog show or sporting competition approved by a national registry or the Director;

(2) The dog has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working, or other title from a purebred dog registry referenced above or other registry or dog sport association approved by the Director; or

(3) The owner or custodian of the dog is a member of a purebred dog breed club, approved by the Director, which enforces a code of ethics that includes restrictions on breeding dogs with genetic defects or life-threatening health problems.

(L) "Department" means the public agency supervised by the Director of Animal Services, responsible for providing animal services in the unincorporated area of Santa Cruz County and operating and managing the Animal Shelter.

(M) "Director," unless otherwise stated, means the Director of Animal Services or their designated representative.

(N) "Director of Animal Services" means the independent contractor or employee of the public agency responsible for supervising the Department and having custody and control of the Animal Shelter and of animals therein. The Director may also be referred to as the General Manager of the Animal Shelter.

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

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

(R) "Domestic Animal" is defined as cats, dog, and other small animals intended to live inside a residential home and does not include livestock.

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

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

(U) "Livestock" means animals kept for husbandry, including but not limited to horses, mules, burros, asses, cattle, sheep, swine and poultry. Rabbits raised for commercial purposes are considered livestock.

(V) A livestock guardian dog is a [dog type](#) bred for the purpose of protecting livestock from predators. Livestock guardian dogs stay with the group of animals they protect as a full-time member of the flock or herd.

(W) "Owner" means any person who intentionally and continually provides care or sustenance for any animal, has title to or an interest in, or harbors or has control of any animal, including, but not limited to, a dog or cat, including any person who keeps or harbors the animal with the permission of the owner, such as a custodian or caretaker.

(X) "Person" means any natural person, association, partnership or corporation.

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

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

(AA) "Service Animal" means an animal, such as a guide dog, seeing-eye dog, signal dog, or miniature horse, which is trained by a person licensed under California Business and Professions Code Section 7200 et seq., to do work or perform tasks for the benefit of a person with a disability, as defined in Code of Federal Regulations, Title 28, Part 35, including but not limited to 28 C.F.R. 35.104 and 28 C.F.R. 35.136 and California Code of Civil Procedure Section 54.1(b)(6)(C). Such tasks include, but are not limited to, guiding persons with impaired vision, alerting persons with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

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

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

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

(EE) “Wild animal” means a non-domesticated, exotic, or dangerous animal including, but not limited to, the following: wild/domestic animal hybrids, other mammals, wildfowl, fish, and reptiles.

6.04.030 Director of Animal Services—Office established.

The Office of Director of Animal Services is established. The Director of Animal Services may be either a person, firm, association or corporation hired by the County of Santa Cruz, or an employee of a separate public agency such as the Santa Cruz County Animal Services Authority. Broad experience, education and/or training in the fields of animal control or animal management is desirable. If the Director of Animal Services is employed directly by the County of Santa Cruz, the Director shall receive such compensation as shall be established by contract executed by the Board of Supervisors or by employee salary resolution.

6.04.040 Director of Animal Services—Powers and duties.

The Director of Animal Services shall supervise the animal shelter, and the care of animals impounded therein, and shall administer and enforce the sections of this chapter and applicable State laws relative to animal control.

6.04.050 Director of Animal Services—Delegation of duties.

Whenever a power is granted to, or a duty is imposed upon, the Director of Animal Services, the power may be exercised by a person authorized by the Director unless this chapter or an applicable law expressly provides otherwise.

6.04.054 Interference with an animal control officer.

No individual may interfere with an animal control officer in the legal performance of their duties. This includes, but is not limited to, striking or attempting to strike the animal control officer, providing the animal control officer with false information, taking or attempting to take any animal from any animal control officer in the legal performance of their duties, from any official vehicle used by the Department to

transport animals, or from the Department without proper authority, or to taking or damaging any County property used in conjunction with the legal performance of the animal control officer's duties.

6.04.060 Animal shelter.

All animals which are subject to being impounded as provided in this title shall be kept and safely held in a suitable building or enclosure which shall be known and designated as the "Santa Cruz County Animal Shelter", where they shall be either provided for adoption or humanely euthanized as authorized in this title.

6.04.080 Stray animals.

(A) Every person except the Director or a designated deputy taking possession of any animal at large shall, within eight hours thereafter, give notice to the Santa Cruz County Animal Shelter of:

- (1) The fact that they have the animal in their possession;
- (2) A complete description of the animal, including tattoos or other distinguishing marks, if any;
- (3) The license number of the animal, if any, and the county or city that issued the license, or, alternatively, that the animal has no visible license; and
- (4) The place where the animal is confined.

(B) The Director shall pick up and shall thereupon hold and care for the animal in the same manner as though the Director had found the animal at large and impounded it.

6.04.090 Animal bite reporting.

Whenever any person has knowledge that an animal has bitten any person, the person having such knowledge shall report that fact forthwith to the Director or the County Health Officer. The report shall state the name and address of the person bitten, the time and place the person was bitten, and the location, description, and ownership of the animal involved.

6.04.100 Quarantine of biting dogs and cats.

(A) Whenever there is reason to believe that any dog or cat has bitten a person, except as otherwise set forth in subsection (D), below, the owner of that animal shall quarantine the animal for a period of 10 days. Whenever there is reason to believe that any other kind of animal has bitten a person, the Director shall consult with the County Health Officer before deciding whether to order the animal quarantined.

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

(C) If the owner of the animal fails to quarantine it and keep it confined for the period required, the Director shall impound the animal for the required period and charge the owner for the impounding and keeping of the animal in accordance with SCCC 6.20.030.

(D) Dogs or cats which have been isolated in strict confinement under proper care and under observation of a licensed veterinarian, in the shelter, a veterinary hospital, or other adequate facility in a manner approved by the County Health Officer, may be released from isolation by the County Health Officer after five days of veterinary observation if upon conducting a thorough physical examination on the fifth day or more after infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease. Notwithstanding the foregoing provisions, the County Health Officer may authorize, with the permission of the owner and other legal restrictions permitting, the humane euthanasia of a biting dog or cat for the purpose of laboratory examination for rabies using the fluorescent rabies antibody (FRA) test in an approved public health laboratory.

6.04.110 Impoundment of other biting animals.

In conjunction with the County Health Officer, the Director may order the impoundment of any animal other than a dog or cat which has bitten any person.

6.04.120 Sale or adoption of dogs, cats, and rabbits.

(A) Any person who provides or offers any dog, cat, or rabbit 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, cat, or rabbit. In addition, the person shall supply to the prospective owner, free of charge, information related to pet care and ownership, including information on County laws pertaining to animal control and spay/neuter programs available in the County. This information will be prepared and made available free of charge by the Director. This does not include rabbits that are defined as livestock.

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

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

(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, cat, or rabbit as an inducement to enter a place of business.

(F) No person shall sell, barter, exchange or offer for adoption, whether or not for compensation, any dog, cat, or rabbit to any person who is under the age of 18, without the written permission of the minor's parent or legal guardian.

(G) An animal that is known to be suffering from or afflicted with a contagious or infectious disease shall not be transferred, sold, bartered, or disposed of without first disclosing to the person to whom the same is transferred, sold, bartered, or disposed of that such animal is so diseased, nor shall such animal be or knowingly allowed to come into contact with any animal of another person without their knowledge or permission.

6.04.130 Spaying or neutering of adopted animals.

Unless a licensed veterinarian states in writing that the date specified in the adoption agreement is inappropriate for the animal in question, any person adopting an unspayed or unneutered dog, cat, or rabbit from any animal shelter, humane society, or SPCA shelter or animal welfare or rescue group in the unincorporated area of the County shall have the animal spayed or neutered on or before a date specified in the adoption agreement. On submission of a written statement from a licensed veterinarian to the officer at the shelter responsible for ensuring compliance with this section, the adoption agreement will be modified accordingly.

6.04.140 Biomedical livestock animal treatment standards.

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

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

method of euthanasia to be applied, the standards contained in the American Veterinary Medical Association Euthanasia Guidelines shall prevail.

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

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

(D) These provisions only affect animals used in biomedical livestock operations and not to commercial farming operations.

6.04.150 Public Spay and Neuter Clinic—Establishment—Services and fees.

(A) The Director may establish a clinic where dogs, cats, and rabbits can be spayed or neutered upon payment of the applicable fees.

(B) A person requesting that a dog, cat, or rabbit be spayed or neutered must provide written consent to the procedure and confirm in writing that they are the owner of the animal. A custodian who is not the owner of the dog, cat, or rabbit must provide written authorization from the owner of the animal. The owner's written authorization must contain a waiver of liability of the County, the Santa Cruz County Animal Services Authority, and any employees of those agencies for injury or death to an animal arising from the requested procedure, or any related services.

(C) The owner or custodian of the animal must pick up the animal on the return date stated by the Director or be subject to a reasonable board-and-care fee starting the day after the return date. An animal that is not picked up within 14 days after the return date is deemed abandoned and the Director may provide it for adoption or humanely euthanize it.

6.04.160 Animal care—Requirements for animal owners and animal facilities.

A person who owns a domesticated animal or who owns or operates an animal facility must comply with each of the following conditions, violation of which constitutes a misdemeanor (this section does not apply to livestock):

(A) Housing facilities for animals must protect the animals from injury, contain the animals, and restrict the entrance of other animals.

(B) All animals must be supplied with sufficient wholesome food and fresh water suitable for the age, species, and nutritional requirements of the animal. Animals must have access at all times to water, unless otherwise directed by a veterinarian. All animal food must be properly stored to prevent contamination, infestation by vermin, and exposure to the elements.

- (C) Animals must be groomed and kept in a manner that is not injurious to their health. All animal buildings or enclosures must be maintained in a clean and sanitary condition to control odors and prevent the spread of disease.
- (D) All animals must be maintained in a manner that eliminates excessive noise and nighttime noise.
- (E) No animals may be without attention for more than 14 consecutive hours; whenever an animal is left unattended at a commercial animal facility, the telephone number of the Department, or the name, address, and telephone number of the responsible person, must be posted in a conspicuous place at the front of the property.
- (F) Animals may not be neglected, teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer.
- (G) No condition may be maintained or permitted that is or could be injurious to the animals.
- (H) Tethering of animals is prohibited except as permitted under California Health and Safety Code Section 122335, SCCC 6.12.022 and SCCC 6.12.025.
- (I) Animal buildings and enclosures must be constructed and maintained to prevent escape of animals. All reasonable precautions must be taken to protect the animals and the public.
- (J) An animal facility must isolate sick animals so as to not endanger the health of other animals.
- (K) A building or enclosure for animals must be kept in a sanitary condition and in good repair and must be constructed of material easily cleaned. The building must be properly ventilated to prevent drafts and to remove odors. Heating and cooling must be provided to meet the physical needs of the animals, with sufficient light to allow observation of the animals and proper sanitation
- (L) An animal must be taken to a veterinarian for examination or treatment if the Director orders the owner to do so.
- (M) All animal enclosures, including but not limited to rooms, cages, and kennel runs, must be of a sufficient size to provide adequate and proper accommodations for the animals housed there. An enclosure with a wire bottom may be used temporarily for dogs, and only if it complies with Health and Safety Code Sections 122065 and 122065.5. If enclosures such as crates and other mobile containers are stacked upon one another, or on a surface other than the floor, the crates/containers must be securely fastened and designed and arranged so that there is no danger of an enclosure falling, the animals do not have direct access to one another, and waste from one enclosure cannot be transmitted to another enclosure. Food and water containers must be secured to prevent spillage. Crates may be stacked no more than two high.
- (N) A violation of an ordinance must be corrected within the time specified by the Director.

- (O) Proper shelter and protection from the weather must be provided at all times.
- (P) An animal must not be given any alcoholic beverage or illegal drug. An animal must not be given any legal drug unless prescribed by a veterinarian.
- (Q) Animals that are natural enemies, temperamentally unsuited, or otherwise incompatible must not be housed together or so near to each other as to cause injury, fear, or torment. Two or more animals can be housed together if they do not harm each other.
- (R) Any equipment, device, substance, or material that is, or could be, injurious or cause unnecessary cruelty to an animal may not be used.
- (S) Working animals must be given adequate rest periods. Confined or restrained animals must be given appropriate exercise.
- (T) An animal that is weak, exhausted, sick, injured, lame, or otherwise unfit may not be worked or used.
- (U) An animal that the Department has suspended from use may not be worked or used until released by the Department.
- (V) A person may not violate any condition imposed by the Director on any license issued by the Department.
- (W) It shall be unlawful for any owner or person having the charge, care, control, or possession of an animal to stake out, herd, or graze it upon any lot or land in any manner so that such animal may be or go beyond the boundary of such lot or land. No owner shall stake or tie or leave staked or tied within 100 feet of an inhabited residence any horse, cow, or goat in an open lot without the written consent of the occupant of such residence.
- (X) 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.

6.04.164 Maintenance of fowl, goats, rabbits, and guinea pigs.

It shall be unlawful for any person to keep or maintain within the unincorporated area of the County, or cause to be kept or maintained, any chickens, ducks, geese, pigeons, or other fowl or any goats, rabbits, or guinea pigs, except under the following conditions:

- (A) Such fowl and animals shall under no circumstances be permitted to run at large. They shall be confined at all times to the owner's property and be provided a suitable house or coop with an enclosed runway. Free range animals are permitted, but must remain on the owner's property.

(B) Such house or coop and runway shall be at all times maintained in a clean and sanitary condition and shall at all times be free from offensive odors.

(C) Such house or coop shall be predator-proof. .

(D) No part of any such house, coop, or runway shall be less than twenty-five (25) feet from any dwelling or place of business occupied by human beings for dwelling or business purposes without the written consent of the occupant of such dwelling or place of business.

6.04.170 Capture and custody of animals.

The Director is authorized to capture and take into custody:

- (A) Any animal being kept or maintained in violation of a State statute or local ordinance;
- (B) Dogs and other animals running at large in violation of a State statute or local ordinance;
- (C) Sick, injured, stray, unwanted, neglected or abandoned animals;
- (D) Unvaccinated dogs;
- (E) Animals relinquished to the Director or the Animal Shelter; and
- (F) Animals for which the owner or custodian is unable to care because of imprisonment, illness, bankruptcy litigation, or other contingency, or in cases in which the owner or custodian cannot be found.

6.04.180 Inhumane treatment—Enforcement of State law.

The Director will enforce the California Penal Code provisions relating to the inhumane treatment of animals and take possession of abandoned or neglected animals in accordance with the law.

6.04.190 Right of entry for inspection.

(A) The Director or a law enforcement officer may enter a building or property to inspect the premises for violation of this title only if:

- (1) The owner or occupant of the building or property consents to the entry and inspection after the Director or law enforcement officer presents their credentials and explains the reasons for the entry and inspection;
- (2) The Director or the law enforcement officer obtains a warrant for the entry and inspection of the building or property under California Code of Civil Procedure Sections 1822.50 to 1822.57 or California Penal Code Section 830.9; or
- (3) The Director or law enforcement officer has reasonable cause to believe that the keeping of an animal on the property is so dangerous that an immediate inspection is necessary to

safeguard an animal or public health and safety and there is insufficient time to obtain a search warrant given the safety concerns. Under these circumstances, the Director or law enforcement officer may use reasonable means to immediately enter and inspect the building or property after presenting their credentials to the owner or occupant and requesting entry, if it is possible under the circumstances.

(B) This section does not prohibit the Director or a law enforcement officer from entering property for the purpose of capturing an animal running at large in violation of this title or another applicable law.

6.04.200 Authorization of property owners to capture domestic animals.

Any person who finds any domestic animal upon their property without permission, or on public property in violation of this title, may use any reasonable and humane means to capture the animal and deliver it to the Director for impoundment. The Director shall encourage any person intending to capture an animal to first attempt to notify the animal's owner, if the owner's identity is known.

6.04.210 Statements by animal owners—Requirements.

No person owning or having charge, care or control of any dog, cat or other animal shall fail or refuse to state their true name and residence address, or to exhibit evidence of any vaccination or license certificate when requested to do so by the Director, the Health Officer, or any peace officer of this County.

6.04.220 Sale of live animals prohibited in public venues other than pet shops.

Outside of licensed pet shops, live animals may not be displayed, sold, or promoted for sale in public venues such as a swap meet, flea market, farmers market, or other public venue. "Live animal" includes, but is not limited to, dogs, cats, birds, fish, poultry, rabbits, and livestock. This does not include educational events or activities such as 4H or Future Farmers of America or sales between private parties at the Santa Cruz County Fairgrounds, on private property or online auctions.

6.04.230 Transportation of wild animals.

A person transporting a wild animal through the unincorporated area of Santa Cruz County must take adequate precautions to protect the public and must notify the Sheriff's Office and the Department if an animal escapes from the person's custody or control.

6.04.240 Furnishing animals for research purposes.

The Director shall not furnish any animals from the Animal Shelter for research purposes.

Chapter 6.08 LICENSING

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6.08.005 Dog identification.

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

6.08.010 Dog licensing requirements and term of license.

- (A) Dogs shall be licensed within 30 days of reaching the age of four months, or within 30 days of acquisition by the owner, whichever occurs later.
- (B) Licenses shall be valid for at least 12 months from the date of issuance and shall be issued upon payment of the fee set by resolution of the Board of Supervisors.
- (C) Licenses issued under prior existing County ordinances shall remain valid until expiration.
- (D) No license shall be issued unless proof of antirabies vaccination is presented and is valid for the license period. The Director may accept payment for the license fee for a dog that has not been vaccinated against rabies, if the owner or custodian has the dog vaccinated within 30 days of payment and submits written proof of vaccination to the Director.

(E) A license may be sold for less than the full 12-month license period if the antirabies vaccination expires prior to the full license period. Fees for partial-term licenses will be prorated on a monthly basis, with a minimum fee of \$5.00 to cover administrative costs.

6.08.011 Microchip of dogs, cats, and rabbits.

(A) Microchip Requirement. All dogs, cats, and rabbits over the age of three months must be implanted with an identifying microchip. Nothing in this section supersedes, eliminates, or alters the licensing requirements of this chapter.

(B) Exemptions. The microchip requirements shall not apply to any of the following:

(1) A dog, cat, or rabbit with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to the health conditions of the animal. The owner must obtain written confirmation of that fact from a California licensed veterinarian. If the dog, cat, or rabbit is able to be safely implanted with an identifying microchip at a later date, the date must be stated in the written confirmation.

(2) A dog, cat, or rabbit that is kenneled or trained in the County of Santa Cruz but is owned by an individual that does not reside in the County of Santa Cruz. The owner must keep and maintain the animal in accordance with the applicable laws and ordinances of the jurisdiction in which the owner of the animal permanently resides, including but not limited to the applicable licensing and rabies vaccination requirements of that jurisdiction.

(3) Rabbits used for commercial purposes or rabbits used for educational purposes such as FFA or 4H.

(C) Transfer, Sale of Dogs, Cats, and Rabbits.

(1) An owner who offers any dog, over the age of three months, for sale, trade, or adoption must provide the microchip identification number and the valid dog license number with the offer of sale, trade or adoption. The license and microchip numbers must appear on a document transferring the dog to the new owner.

(2) An owner who offers any cat or rabbit, over the age of four months, for sale, trade, or adoption must provide the microchip identification number with the offer of sale, trade or adoption. The microchip number must appear on a document transferring the cat or rabbit to the new owner.

(D) Impounded Animals. When an impounded dog, cat, or rabbit is without microchip identification, the Animal Shelter shall, at the expense of the owner, implant microchip identification in the animal before releasing it to the owner.

(E) Fees for Microchip Identification. The fee for the identifying microchip shall be included in the cost of adoption when adopting a dog, cat, or rabbit from the Animal Shelter.

(F) Allocation of Fees and Fines Collected. All costs, fees and fines collected under this section shall be paid to the Animal Shelter for the purpose of defraying the cost of the implementation and enforcement of this chapter.

6.08.015 Display of tags—License nontransferable.

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

(B) A license is not transferable to another dog and shall be void upon transfer of a licensed dog to another owner; provided, however, that a new license may be purchased for the required license replacement fee as set by resolution of the Board of Supervisors.

6.08.020 Vaccination—Requirements.

(A) Every owner of any dog, other than a dog hybrid, over the age of three months or older, within the unincorporated area of Santa Cruz County shall, at intervals specified by the California Department of Public Health, procure the vaccination of the dog by a licensed veterinarian with an approved canine antirabies vaccine and administered according to the vaccine label, unless a licensed veterinarian determines, on an annual basis, that a rabies vaccination would endanger the dog's life due to disease or other considerations that the veterinarian can verify and document. Every owner of a dog hybrid over the age of three months within the County is required to provide proof of annual rabies vaccination with an inactivated canine rabies product.

(B) Exemptions.

(1) A request for an exemption from the requirements of this section shall be submitted on an approved form developed by the California Department of Public Health and shall include a signed statement by a licensed veterinarian explaining the inadvisability of the vaccination and a signed statement by the dog owner affirming that the owner understands the consequences and accepts all liability associated with owning a dog that has not received the canine antirabies vaccine. The request shall be timely submitted to the County Health Officer, who may issue an exemption from the canine antirabies vaccine.

(2) The County Health Officer shall report exemptions issued pursuant to this section to the California Department of Public Health.

(3) A dog that is exempt from the vaccination requirements of this section shall be considered unvaccinated.

(4) A dog that is exempt from the vaccination requirements of this section shall, at the discretion of the County Health Officer or the Officer's designee, be confined to the premises of the owner, keeper, or harbinger, and when off the premises, shall be on a leash the length of which shall not exceed six feet and shall be under the direct physical control of an adult. A dog that is exempt from the provisions of this section shall not have contact with a dog or cat that is not currently vaccinated against rabies.

6.08.024 Certificate of antirabies vaccination.

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

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

(2) Send a copy of the completed certificate to the Animal Shelter within 30 days from the date the dog is vaccinated.

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

6.08.040 Licensing authority.

The Department shall serve as the Pet Licensing Authority for the County..

6.08.050 Fees—Licenses, duplicate tags, and transfers of ownership.

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

(B) The full amount of such fees will be payable for any portion of the calendar year. The license issuer shall keep a record of the name and address of the owner, and the number and date of issuance of the certificate and tag.

6.08.070 Penalty fees.

- (A) A penalty fee, as set by resolution of the Board of Supervisors, shall be charged for late renewal of a license. "Late renewal" is defined as the first day of the month past the due date.
- (B) A penalty fee, as set by resolution of the Board of Supervisors, shall be charged to any owner who fails to apply for an initial Santa Cruz County license within the times specified in this chapter.
- (C) Any penalty shall be in addition to the applicable license fee and payable at the time the license is issued or renewed.

6.08.074 Waiver or reduction of license fees.

- (A) Fees shall be waived for licenses issued for any dog documented as having been appropriately trained and actually being used as a service dog such as a guide dog, hearing dog, or seizure alert dog. A service dog license shall be valid for the life of the dog, or so long as the dog remains the property of the person issued the license and is still providing the services documented on the application.
- (B) License fees for dogs owned by persons aged 65 or older shall be reduced by the amount equal to the license fee for a sexually unproductive dog for one dog per household.
- (C) A fee may be waived by the Director if they determine that payment of such fee would create an extreme financial hardship for the animal owner or the adopting party.

6.08.076 Dog licensing compliance programs—Vendor fees.

- (A) The Department may establish a program to promote dog licensing compliance by training and authorizing outside sales persons and vendors to sell licenses to the public at specified places or areas throughout the County.
- (B) The Department may deduct a fee, as set by resolution of the Board of Supervisors, from each license fee collected by the Department, to cover commissions paid to outside sales persons. Commissions shall only be deducted from licenses actually sold by outside sales persons.
- (C) The Department may also deduct a fee, as set by resolution of the Board of Supervisors, from each license fee collected by the Department, to cover fees paid to license vendors. The vendor fee shall only be deducted from licenses actually sold by vendors.

6.08.080 Dogs with licenses from other jurisdictions.

A dog displaying a current license from a jurisdiction outside the unincorporated area of Santa Cruz County, but within the State, shall be licensed locally within thirty (30) days of being housed in the unincorporated area. If licensed locally within thirty (30) days of being housed in the unincorporated area,

and if the dog remains in the possession of the owner to whom the license was originally issued, the owner shall not pay any license or transfer fees associated with such licensure.

6.08.090 License not required for specific animals.

A license is not required for the keeping of the following animals as pets: birds; domestic rodents (e.g., mice, rats, guinea pigs, hamsters, and chinchillas); fish; non-venomous reptiles less than six feet in length; and rabbits.

6.08.100 Animal facility licenses.

(A) Definitions. For purposes of this section, the words and terms set forth below are defined as follows:

(1) "Animal facility" means any premises used by an animal-related business or organization, including a non-profit humane organization, grooming shop, kennel, pet shop, stockyard, slaughterhouse, domestic animal boarding facility, or domestic animal breeding facility. This section does not apply to equestrian boarding facilities.

(2) "Animal Facility Grade Card" means a card issued by the Director, showing the letter grade earned by an animal facility, as stated in the most recent Animal Facility Inspection Report. The letter grade received by the facility is based on the final score reflected on the grade card.

(3) "Animal Facility Inspection Report" means the report of the Director stating the conditions existing at the facility at the time of the inspection.

(4) "Boarding facility" means an animal facility used for the care and temporary boarding, including day care, of dogs, cats, and other animals normally kept as pets, in return for money or other consideration. "Boarding facility" does not include an animal hospital that only boards animals receiving medical treatment.

(5) "Breeding facility" means an animal facility that breeds dogs, cats, or other animals normally kept as pets, for sale or exchange.

(6) "Domestic Animal" is defined as cats, dog, and other small animals intended to live inside a residential home and does not include livestock.

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

(B) General Requirements. A person, including a new owner of an existing organization or business, cannot conduct or operate an animal facility within the unincorporated area of the County without first obtaining a license from the Director and any other applicable agency. Operation of an animal facility without a license constitutes a misdemeanor.

(C) Requirements for Specific Animals.

(1) Dogs. It is unlawful to keep more than three dogs at any business or organization without an animal facility license. For purposes of this section, a service dog serving a person who is disabled within the meaning of Government Code Section 12926(i) or (j) is not counted toward the number of dogs kept or maintained. If a dog at an animal facility is kept as a pet and is not kept exclusively in a kennel run or cage, that dog must be separately licensed as set forth above in Section 6.08.010.

(2) Cats. It is unlawful to keep more than five cats at any business or organization without an animal facility license. Each cat must be kept primarily indoors.

(D) License Application.

(1) A person who seeks to operate an animal facility must file an application with the Director and pay the required fee. The fee is non-refundable.

(2) A person who operated an animal facility without the required license must pay the required penalty in addition to the license fee.

(3) An animal shelter maintained and operated by a Society for the Prevention of Cruelty to Animals duly incorporated under Title 1, Division 2, Part 4, of the California Corporations Code shall not pay license fees.

(E) Inspection of Premises. Prior to issuing or renewing a license, the Director will inspect the relevant premises and, at their discretion, conduct any further investigation necessary regarding the application. If an initial license or renewal fee has been paid within the preceding 12 months, and a re-inspection is necessary to determine compliance with licensing requirements, the licensee shall pay a re-inspection fee.

(F) License Issuance.

(1) The Director shall issue a license if the following requirements are met:

(a) The maintenance of the animals at the facility will not violate any federal law, state law, or ordinance of the County of Santa Cruz, or constitute a menace to the health, peace, or safety of the community;

(b) The applicant has received confirmation from the County Planning Director that the maintenance of the animals at the facility will not violate a zoning ordinance or other land-use plan; and

(c) The applicant has not had an animal facility license denied or revoked within the County of Santa Cruz within the 12-month period before the date of the application. However, the Director may issue a license within that 12-month period if the applicant can show that the grounds for the denial or revocation no longer exist.

(2) If a ground exists to deny a license, the Director may issue the license subject to conditions rather than denying it.

(G) License Term. The term of an animal facility license is 12 months following the date of issuance, unless sooner revoked by the Director, or unless the licensee changes the location of the facility or sells or otherwise transfers ownership of the animal facility, in which case the license shall terminate immediately.

(H) Display of License. The holder of an animal facility license must post the current license in a conspicuous place at the premises.

(I) License Suspension or Revocation. The Director may suspend or revoke a license for violation of any provision of this Code, or State or Federal law, relating to the care and treatment of animals; or if it becomes clear that false statements were made to obtain the license; or if the facility changes locations.

(J) License Renewal. If the holder of an animal facility license wishes to continue operations after the license term expires, the holder must file a renewal application and pay the required renewal fee before their current license expires. A person who has not applied for a renewal license within 30 days after their prior license expired must obtain a new license and pay the applicable fees and penalties.

(K) Inspection and Grading Authority. The Director is authorized to inspect an animal facility at any time, grade the conditions at the facility, and report any relevant findings in an Animal Facility Inspection Report. The Director shall issue a letter grade based on the findings reflected on the Animal Facility Grade Card and in the Animal Facility Inspection Report. The Director is authorized to take appropriate licensing or other legal action as a result of their findings.

(L) Animal Facility Grading.

(1) Purpose and Basis for Grading. The Director shall grade animal facilities to provide notice to the public of the conditions at the facility at the time of the most recent inspection. The grading standards shall be set forth in the Animal Facility Inspection Report. The Report shall be available to the public upon request.

(2) Metric for Grading. The letter grade reflected in the Animal Facility Inspection Report is based on the facility's level of compliance with applicable Federal and State laws, local ordinances, and stated internal policies relating to the care and treatment of animals. The grade is based on the facility's score as follows:

- (a) Grade of A: 90% and above;
- (b) Grade of B: 80% to 89%;
- (c) Grade of C: 70% to 79%.

A score of 70% is the minimum grade required to maintain a license in good standing. A score of less than 70% will result in denial of an original or renewal application or suspension or revocation of an animal facility license.

(3) Display of Grading Card.

- (a) The facility is required to post the Animal Facility Grade Card as follows:
 - (i) In the front window of the facility within five feet of the front door;
 - (ii) In a display case mounted on the outside front wall of the facility within five feet of the front door;
 - (iii) In a location as determined by the Director to ensure proper notice to the general public and to patrons; or
 - (iv) If an animal facility is operated in the same building or space or shares a common customer entrance as a separate business, in the initial customer contact area, or in a location determined by the Director.

(b) The Animal Facility Grade Card must not be defaced, marred, camouflaged, hidden, or removed. Except as provided in sub-section (c), below, it is unlawful to operate an animal facility unless the Animal Facility Grade Card is displayed as required by this section.

(c) The Director may waive posting of the Animal Facility Grade Card when the animal facility consists of animals maintained solely as personal pets that are not used to breed, show, sell, adopt, or otherwise transfer ownership or custody.

(M) Records Required for Each Animal.

(1) The operator of an animal facility must keep the following records available on the premises for inspection:

- (a) The name and current contact information of the owner of each animal kept at the facility;
- (b) The date the animal entered and left the facility, including any animal that died while at the facility;
- (c) The reason that the animal was at the facility, such as for boarding, sale, breeding, or grooming; and
- (d) The description of the animal, including its age, breed, sex, color, and other available identifying information, such as an animal license number, tattoo, or microchip registration number.

(2) A current, valid rabies certificate must be maintained for every dog and cat older than four months of age while the dog or cat is kept at the animal facility. Vaccination records must be provided to a new owner upon transfer.

(3) Any animal facility selling dogs and/or cats to the public must post a notice containing the breeder's name, address, and license number on each dog or cat's cage. If the breeder's name is not known, the name and address of the person from whom the dog or cat was obtained must be displayed.

(4) A violation of any requirement of this sub-section is a misdemeanor.

(N) Liability of Licensees for Acts of Employees. Licensees are liable for the acts and omissions of individuals employed at the facility.

(O) Miscellaneous Requirements.

(1) Provision of Lists of Animals Sold. Licensees must complete and maintain a form provided by the Department listing all animals sold and submit it to the Department upon demand.

(2) Advertisements for Sale. An advertisement for the sale or adoption of an animal must include the animal facility license number or breeding license number of the seller.

6.08.110 Male Old English Game, male Game Bird or male Game Cock facility licenses.

(A) (A) Obtaining a License. A Male Old English Game, male Game Bird or male Game Cock facility license may only be issued to a person who resides in a Residential Agricultural Zone District in Santa Cruz County, is approved by the Director and complies with the following requirements:

(1) A person who seeks to keep or maintain more male Old English Games, male Game Birds or male Game Cocks than allowed under SCCC 6.12.145 must file an application for a rooster facility license and pay the required fee.

(2) The number of additional male Old English Games, male Game Birds or male Game Cocks allowed to be kept with a license will be determined according to several factors relating to the public health, welfare, and safety, including but not limited to the following: parcel size, proximity to neighbors, sanitation, and ability to meet animal care standards. No more than 10 male Old English Game, male Game Bird or male Game Cock may be kept or maintained on any property with a license.

(3) Any person who seeks a license is subject to an onsite inspection of the premises by an animal control officer, State Humane Officer, or peace officer upon demand.

(4) A person who seeks a facility license as part of a local chapter of 4-H or Future Farmers of America (FFA) must meet all of the following requirements:

(a) Provide written proof of current membership in 4-H or FFA to the licensing official;

(b) The male Old English Games, male Game Birds or male Game Cocks on the property are designated in the 4-H or FFA project documentation.

(B) Fees and Penalties. The amount charged for a license and the amount charged for penalties for exceeding the license limitations and late renewal of the license will be determined by resolution of the Board of Supervisors and set forth in the Santa Cruz County Unified Fee Schedule.

Chapter 6.10 REGULATION OF ANIMAL BREEDING

Sections:

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

6.10.010 Findings.

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

6.10.020 Definitions.

- (A) “Director” means the Director of Animal Services or their designated representative.
- (B) “Feral cat” means any undomesticated member of *Felis domesticus*.
- (C) “Feral cat colony” means a group of two or more feral cats.
- (D) “Unaltered animal certification” means a written authorization, issued annually by the Director, giving permission to maintain an unaltered dog, cat, or rabbit. Fees for the certification shall be established by resolution of the Board of Supervisors.

6.10.030 Mandatory spaying/neutering.

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

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

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

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

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

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

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

(5) Rabbits used for commercial purposes or rabbits used for educational purposes such as FFA or 4H.

6.10.040 Care of feral cats.

It is unlawful for any person within the unincorporated area of the County to intentionally provide food, water or other forms of sustenance to a feral cat colony unless the person also performs the following acts and furnishes the Director with a signed statement verifying such performance:

(A) The person shall register with the Director as caring for feral cats;

(B) The person shall regularly provide water, shelter, and a sufficient quantity of wholesome food for the cat colony, including on weekends and holidays;

(C) The person shall regularly and frequently humanely trap those cats over the age of eight weeks and have them spayed or neutered by a licensed veterinarian;

- (D) The person shall 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;
- (E) The person shall ensure that all trapped cats have their ears tipped by a licensed veterinarian at the same time they receive spay/neuter surgery;
- (F) The person shall arrange to have all trapped cats vaccinated for rabies in addition to any other vaccination or immunization requirement imposed by the State; and
- (G) The person shall provide veterinary care for sick or injured cats.

6.10.050 Unaltered animal certification—Administration.

- (A) The Director shall administer a certification program to allow for unaltered dogs, cats or rabbits over the age of six months when the Director determines that the following conditions have been met:
 - (1) The dog, cat or rabbit is examined annually by a licensed veterinarian and is following the preventative health care program recommended by the veterinarian;
 - (2) The Director has not received a complaint, signed under penalty of perjury, stating that the applicant, custodian, or licensee has allowed an unaltered dog, cat, or rabbit to run loose or escape, or has neglected it or another animal;
 - (3) The applicant or licensee has not been cited or had an animal impounded for violating a State law or local ordinance relating to the care and control of animals;
 - (4) A court or agency of appropriate jurisdiction has not determined that the dog, cat, or rabbit is a nuisance, or that the animal is a potentially dangerous or vicious animal under a State law or local ordinance;
 - (5) The animal is properly housed and cared for as follows:
 - (a) The animal is provided a sufficient quantity of wholesome food and fresh water,
 - (b) The animal is provided shelter that will allow the animal to stand up, turn around, and lay down without laying in their feces and the area where the animal is kept is properly cleaned and disinfected,
 - (c) If the animal is a dog, it must be fully contained on the owner's property and be provided appropriate exercise,

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

(6) The owner furnishes the Director with a signed statement agreeing to the following conditions:

(a) The unaltered female dog, cat, or rabbit will have no more than one litter per year, or five litters in her lifetime;

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

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

(7) The dog for whom the unaltered animal certification is sought is currently licensed as required by SCCC [6.08](#);

(8) Another unaltered dog license held by the applicant has not been revoked; and

(9) The license application does not contain a material misrepresentation of fact.

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

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

(D) Any owner who is denied an unaltered animal certification or whose certification is revoked by the Director for failure to comply with the requirements of this section may appeal such denial or revocation as set forth in SCCC 6.26.

6.10.060 Use of certification revenue.

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

- (1) To recover and/or offset the costs for the enforcement, administration and support of this chapter;
- (2) To advance the purposes of this chapter by providing for the spaying and neutering of animals, and/or providing for the testing and immunization of feral cats.

6.10.070 Penalty for violation.

(A) Except as otherwise provided, any person violating or causing or permitting the violation of this chapter shall be deemed guilty of an infraction and shall be punished by a fine in accordance with SCCC 6.24.080(A).

(B) Any person who has been cited for their first violation of SCCC 6.10.040 shall not be subject to a fine but may be ordered to comply with the requirements of said section.

6.10.080 Enforcement responsibility.

The Director of Animal Services shall be responsible for the enforcement and administration of this chapter.

6.10.090 Severability.

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

Chapter 6.12 ANIMAL CONTROL

Sections:

- 6.12.010 Dogs at large prohibited.**
- 6.12.020 Leash required for dogs off premises.**
- 6.12.022 Control of dogs in public places.**
- 6.12.025 Restrictions on dog tethering.**
- 6.12.030 Safety of animals in moving motor vehicles.**
- 6.12.040 Safety of animals in parked motor vehicles.**
- 6.12.080 Animal defecation prohibited as specified.**
- 6.12.085 Leaving dead animals in public places prohibited.**
- 6.12.090 Excessive animal noise.**
- 6.12.100 Harassment, threat or injury by animals.**
- 6.12.110 Dogs killing domesticated animals or other dogs.**
- 6.12.120 Owner's control and management of livestock.**
- 6.12.130 Livestock or wild game mammals—Threat or injury by animals prohibited.**
- 6.12.132 Cinches, saddle girths, and bucking and flanking straps.**
- 6.12.134 Electric prods.**
- 6.12.136 Bloodless bullfights prohibited.**
- 6.12.138 Animal control officers present at rodeos and similar events.**
- 6.12.139 Food poisoning prohibited.**
- 6.12.140 Unrestrained potentially dangerous and vicious animals prohibited.**
- 6.12.145 Restrictions on roosters.**
- 6.12.150 Wild animals.**
- 6.12.155 Use of steel-jawed leghold traps.**
- 6.12.160 Violation—Evidence.**

6.12.010 Dogs at large prohibited.

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

(B) The owner of any dog found in violation as described above may be contacted by an animal control officer or peace officer and issued a citation for the violation. If the owner is not present, and there is no reasonable way to secure the dog to the owner's property to prevent subsequent violations, it may be

impounded. If a dog is impounded from the property where the owner is not present, a notice of such impound will be left with information about the nature of the impound, the name and address of the impounding agency, and an indication of the ultimate disposition of the dog if it is not reclaimed within a specified period of time.

6.12.020 Leash required for dogs off premises.

It is unlawful for the owner of any dog, whether licensed or unlicensed, to permit or allow such dog to be away from the premises of its owner at any time if not under actual physical restraint and control, such as a leash, tether, or in the grasp of a person.

6.12.022 Control of dogs in public places.

Any person who owns or has custody, control, or possession of a dog in a public place shall abide by the following:

- (A) The dog shall at all times be on leash, except at legally designated dog off-leash areas.
- (B) The dog shall at all times be accompanied by its owner or the person that has custody, control, or possession of the dog and shall at no time be left unattended for more than 15 minutes.
- (C) 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 for more than 15 minutes.
- (D) Any dog showing a propensity for aggression when tethered shall not be allowed to be unattended for any period of time and must be at all times physically connected by leash to the owner or other person who has custody, control or possession of the dog.

6.12.025 Restrictions on dog tethering.

In addition to the restrictions set forth in Health and Safety Code Section 122335, the following requirements apply to any dogs attached to a tether, running line, pulley, or trolley system (together "tether system"):

- (A) The tether system shall not allow a dog to reach an object or hazard, including but not limited to a window sill, edge of a pool, fence, public road or highway, porch, or terrace railing that poses a substantial risk of injury or strangulation to such dog if the dog were to walk into or jump over such object or hazard.
- (B) The tether system shall not have weights attached or contain metal chain links more than one quarter of an inch thick.

- (C) The tether system shall have swivels on both ends to prevent twisting and tangling.
- (D) The tether system shall allow the dog to walk at least ten feet in any one direction, excluding the length of such dog as measured from the tip of the dog's nose to the base of the dog's tail.
- (E) The dog may not be attached to a tether system outside in periods of extreme weather, including but not limited to extreme heat or cold, thunderstorms, or lightning.
- (F) The tether system must be connected to the dog by a commercially available buckle type collar or body harness made of nylon or leather that is of sufficient size to adequately and safely restrain the dog.

6.12.030 Safety of animals in moving motor vehicles.

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

6.12.040 Safety of animals in parked motor 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 due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. An animal control officer, State Humane Officer, or law enforcement officer is hereby authorized to use reasonable force to remove the animal from the vehicle whenever there is reasonable belief that the animal's health, safety or welfare is or will be endangered.

6.12.080 Animal defecation prohibited as specified.

It is unlawful for the owner of any animal to allow or permit such animal to defecate on any public property or improved private property, other than that of the owner. It is the responsibility of the animal's owner to properly dispose of any solid waste resulting from an act in violation of this section.

6.12.085 Leaving dead animals in public places prohibited.

It is unlawful for any person to place or leave the body of any dead animal in any street, park, or public place. The bodies of any dead animals shall be promptly removed as directed by any animal control officer. In the event the County knows the identity of the owner of such dead animal and it is necessary for the County to remove the animal, the owner shall pay the costs of the removal. The charges to be paid for removal of dead animals shall be set by resolution of the Board of Supervisors.

6.12.090 Excessive animal noise.

(A) Prohibition. It is unlawful for an owner of an animal to allow the animal to emit any excessive noise after the Department has issued a written notice of an excessive noise complaint. For purposes of this section, the term “excessive noise” means a noise that is unreasonably annoying, disturbing, or offensive to a person with ordinary sensibilities, or which unreasonably interferes with the comfortable enjoyment of life or property.

(B) Complaints. All complaints to the Department regarding violations of subsection (A) must be made in writing, signed under penalty of perjury, and must include the name, address, and telephone number of the complainant(s), as well as the address of the animal owner and a description of the noise, including the date(s) and approximate times of the excessive noise.

(C) Violations. Notwithstanding other provisions of this code, the following penalties apply to violations of this section:

(1) First violation. The Department will issue a written notice to the owner of the animal advising of the noise complaint after it receives a verifiable written complaint. The notice will order the owner to abate the excessive noise within 10 days of the notice (“compliance date”).

(2) Second violation. A second violation occurs if the animal’s owner fails to stop the excessive noise by the compliance date. A second violation is an infraction punishable by a fine of up to \$100.

(3) Third violation. A third violation occurs if the animal’s owner fails to stop the excessive noise within 10 days after the notice of the second violation is mailed. A third violation is an infraction punishable by a fine of up to \$200.

(4) Subsequent violations. Each subsequent violation after the third violation within one year of the original complaint is an additional infraction punishable by a fine of up to \$500.

6.12.100 Harassment, threat or injury by animals.

It is unlawful for the owner of any dog or other animal to suffer or permit the same to annoy and harass, chase, threaten to inflict or inflict injury of any kind on any person.

6.12.110 Dogs killing domesticated animals or other dogs.

It is unlawful for the owner of any dog or other domesticated animal to suffer or permit the same to cause the death of another dog or other domesticated animal, except where the offending animal is acting in self-defense, or where the incident occurs on the property of the owner of the offending animal. The Director may impound any dog or domesticated animal found at large in violation of this section, and the

Director may declare the dog or domesticated animal to be a potentially dangerous or vicious animal and take appropriate further action as authorized under this code.

6.12.120 Owner’s control and management of livestock.

Persons owning or having care, custody or control of any ox, steer, bull, cow, horse, calf, sheep, goat, hog, or other livestock animal, including any wild animal as defined in California Fish and Game Code Section 2118 that is kept as livestock, shall not:

- (A) Permit such animal to be at large in the unincorporated areas of the County;
- (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 or pasture, or permit the tying, staking or pasturing of any such animal upon any private property within the unincorporated areas of the County without the consent of the owner or occupant of such property, or in such a way as to permit any such animal to trespass upon any street or public place or upon any such private property; or
- (D) Permit any such animal to be or remain during the nighttime secured by a stake or secured in any manner other than by enclosing such animal in a pen, corral, or barn sufficient and adequate to restrain the animal.

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

It is unlawful for the owner of any animal to allow the animal, under any circumstances, to chase, threaten to inflict, or inflict injury of any kind on any wild game mammals, as defined in California Fish and Game Code Section [3950](#), or on any domestic livestock, including cows, sheep, horses and chickens.

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

No sharp or cutting objects in cinch, saddle girth or flank straps shall be permitted. Only sheepskin-lined flanking straps shall be used on bucking stock and those straps shall be of the quick-release type. Flank straps shall be placed on an animal so the sheepskin-covered portion is over both the 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 California Penal Code Section [599](#)(b).

6.12.134 Electric prods.

The use of electric prods shall not be permitted to torture, torment or practice cruelty on any animal, as such terms are defined in California Penal Code Section [599](#)(b).

6.12.136 Bloodless bullfights prohibited.

Bloodless bullfights are prohibited.

6.12.138 Animal control officers present at rodeos and similar events. 

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

6.12.139 Food poisoning prohibited.

No person shall place, leave, or expose, in any place accessible to birds, fowl, dogs, cats, or any domestic animal, with the intent to kill or harm such birds, fowl, or animals, any edible item which has in any manner been treated or prepared with any poisonous substance or ingredient.

6.12.140 Unrestrained potentially dangerous or vicious animals prohibited.

It is unlawful to permit any potentially dangerous or vicious animal to go unrestrained. Any potentially dangerous or vicious animal may be required by written order of the Director 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.

6.12.145 Restrictions on male Old English Game, male Game Bird or male Game Cock.

(A) Purpose. The purpose of this section is to limit the number of roosters that may be kept on a single property to reduce public nuisances, illegal cockfighting, and the raising of birds used for cockfighting, and to protect the health and safety of the County’s residents. For purposes of this section a single property is defined as any parcel or combination of parcels operated as one unit.

(B) Male Old English Game, male Game Bird or male Game Cock Keeping Requirements.

(1) It is unlawful to keep or maintain on any single property more male Old English Games, male Game Birds or male Game Cocks than are listed in the following table without a license issued under SCCC 6.08.110.

| Size of Property | Maximum number of roosters |
|---------------------------|----------------------------|
| Less than one-half acre | 2 |
| One-half acre to one acre | 4 |
| One to five acres | 6 |
| More than five acres | 10 |

(2) This section does not apply to commercial poultry ranches whose primary commodity is the production of eggs or meat for sale and which are regulated by the United States Department of Agriculture (USDA) Food Safety Inspection Service, or government-operated animal shelters or other animal welfare organizations that employ humane officers as described in California Corporations Code Section 14502.

(3) Each individual male Old English Game, male Game Bird or male Game Cock over the number listed in the table above for the applicable size of a single property constitutes a separate violation.

(4) The construction and location of rooster cages or coops must not conflict with the requirements of any building code or setback line and must be at least 50 feet from any residence other than the owner's residence.

(5) Nothing in this section may be construed as authorizing the keeping of male Old English Game, male Game Bird or male Game Cock in violation of any other applicable law or ordinance.

6.12.150 Wild animals.

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

(B) Exemption. This section shall not apply to persons having a valid, unexpired permit from the California Department of Fish and Wildlife under Fish and Game Code Section [2150](#) et seq., to possess a wild animal as enumerated in, or designated pursuant to, California Code of Regulations, Title 14, Section 671, on the effective date of the ordinance codified in this chapter.

(C) Injuring wildlife prohibited. No person shall willfully injure, kill, capture, or take any wildlife within the unincorporated area of Santa Cruz County. "Wildlife" includes mammals and birds of any kind which live in the wild, except for rodent pests. This section does not apply to any County employees or Animal Shelter employees acting within the scope of their employment for the protection of public health and safety. This does not include legal hunting or fishing with a valid license from the California Department of Fish and Wildlife. This section does not prevent owners of livestock or domesticated animals to shoot a wild animal that is caught in the act of attacking their domestic animal or livestock.

6.12.155 Use of steel-jawed leghold traps.

It is unlawful for any person to set, trigger, activate or otherwise use, or cause to be set, triggered, activated or used, any steel-jawed leghold trap to be used for the capture of any animal, except to address rodent infestation as set forth in California Health and Safety Code Section 116125.

6.12.160 Violation—Evidence.

Proof that an animal was found at large in violation of any of the provisions of this chapter, together with proof that the person accused was the owner of such animal at the time, shall constitute prima facie evidence that the person allowed or permitted the animal to be at large or otherwise act in violation of the provisions of this chapter.

Chapter 6.14
WATERFOWL AND PIGEONS – REGULATIONS CONCERNING FEEDING, SALE AND RELEASE

Sections:

6.14.010 Definitions.

6.14.020 Feeding, sale and release of fowl prohibited.

6.14.030 Exceptions.

6.14.010 Definitions.

For purposes of this chapter, the terms set forth below are defined as follows:

(A) "Release" means to set free.

(B) "Waterfowl" means and refers to any ducks, geese, or other birds which can be found in Santa Cruz County and which have used the waterways as a habitat or are reasonably capable of using the waterways as a habitat.

6.14.020 Feeding, sale and release of waterfowl and pigeons prohibited.

(A) It is prohibited to feed waterfowl or pigeons, or to place or release food which may be consumed by waterfowl or pigeons. It is also prohibited for any adult to allow any minor in their care or custody to allow such feeding by the minor.

(B) It is prohibited to sell or offer to sell (or conduct a business in which there is a sale or offer to sell) live waterfowl or pigeons as pets or for release.

(C) It is prohibited to abandon or release any waterfowl or pigeons.

6.14.030 Exceptions.

The Director may grant permission to feed or release waterfowl upon a showing of some health, wildlife management, or stream management reason that sufficiently justifies the activity.

Chapter 6.17
WILD RODENTS AND VERMIN

Sections:

6.17.010 Feeding wild rodents and vermin prohibited.

6.16.020 Penalty.

6.17.010 Feeding wild rodents and vermin prohibited.

It is prohibited on any street or sidewalk, or in any other outdoor place open to the public including but not limited to parks and beaches, to feed any wild rodent or vermin, or to place or release food which may be consumed by wild rodents or vermin, without the express written permission of the Director. It is also prohibited for any adult to allow any minor in their care or custody to allow such feeding by the minor. As used in this section, the terms "wild rodent" and "vermin" include rats and mice but do not include domesticated pets that reside indoors on the private premises of the owners.

6.17.020 Penalty.

A violation of this chapter shall constitute an infraction.

Chapter 6.18 AMERICAN BULLFROG PROHIBITIONS

Sections:

6.18.010 Findings.

6.18.020 Prohibitions.

6.18.030 Enforcement.

6.18.010 Findings.

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

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

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

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

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

(F) The presence of American bullfrog populations forms a significant obstacle to amphibian conservation efforts in Santa Cruz County.

6.18.020 Prohibitions.

The importation, purchase, sale, or offering to purchase or sell an American bullfrog in the unincorporated area of the County of Santa Cruz is prohibited. This section shall apply to all sales, regardless of whether the seller is a commercial business or a private individual.

6.18.030 Enforcement.

A violation of this chapter shall be considered an infraction punishable in accordance with the provisions of SCCC 6.24.080(A).

Chapter 6.19 REGULATION OF DANGEROUS ANIMALS

Sections:

6.19.010 Definitions.

6.19.020 Habitual offender, potentially dangerous, and vicious animals.

6.19.010 Definitions.

For purposes of this chapter, the words and terms set forth below are defined as follows:

- (A) "Enclosure" means a fence or structure that will prevent the entry of young children and that will confine a potentially dangerous or vicious animal, in conjunction with other measures that may be required to be taken by the owner or custodian of the animal. "Confine" means that the enclosure must be designed to prevent the animal from escaping.
- (B) "Habitual offender" shall mean an animal that has had three or more violations, involving separate incidences, of any provision of this title.
- (C) "Owner" means the person who owns an animal and includes any person who has or maintains custody of the animal with the owner's permission.
- (D) "Potentially dangerous animal" means any of the following:
- (1) An animal that on two separate occasions within the prior 36-month period engages in any unprovoked behavior, off the property of the owner, that requires a defensive action to prevent bodily injury to a person, domestic animal, or livestock;
 - (2) An animal that, when unprovoked, bites a person or otherwise engages in aggressive behavior causing a non-severe injury; or
 - (3) An animal that, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal or livestock off the property of the owner.
- (E) "Severe injury" means any physical harm to a human being that results in a serious illness or injury, including but not limited to a major fracture, muscle tears, or disfiguring lacerations requiring multiple sutures or corrective cosmetic surgery.
- (F) "Vicious animal" means any of the following:
- (1) An animal that engages in or has been bred or trained to engage in exhibitions of fighting;

(2) An animal that, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a person; or

(3) An animal previously designated as and currently listed as a potentially dangerous animal in Santa Cruz County, or to be a dangerous animal in another jurisdiction, which, after its owner has been notified of that designation, continues the behavior described in subsection (D) above, or is maintained in violation of a stipulation, an administrative decision, a court order, or restrictions placed upon it by another jurisdiction.

6.19.020 Habitual offender, potentially dangerous, and vicious animals.

(A) Director's Authority to Determine Animal to be Habitual Offender, Potentially Dangerous, or Vicious.

(1) The Director is hereby authorized to declare an animal to be a habitual offender, potentially dangerous, or vicious based on the animal meeting the definition of those terms as set forth in this chapter.

(2) Exceptions. No animal may be determined to be potentially dangerous or vicious under this chapter if:

(a) The injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner of the animal, or was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime;

(b) The animal was protecting or defending a person from an unjustified attack or assault within the immediate vicinity of the animal;

(c) The injury was sustained by an animal that, at the time of the injury, initiated an attack against the animal; or

(d) The injury was sustained by an animal while the animal was working as a hunting, herding, or predator-control animal while under the control of its owner and the injury was to a type of animal appropriate to the work of the animal.

(B) Consequences of Habitual Offender Determination. Upon declaring an animal to be a habitual offender, the Director may impose reasonable conditions which are designed to cease further violations of this Code. To the extent possible, the conditions should be narrowly designed to address the specific violation at issue. In the alternative, and if necessary, the Director may impound the animal and humanely euthanize it as set forth in SCCC 6.20.040.

(C) Consequences of Potentially Dangerous Animal Determination. Upon declaring an animal to be potentially dangerous, the Director shall impose the following conditions:

(1) The animal must be properly licensed, microchipped, and vaccinated at the owner's expense before release to its owner. If the animal was not impounded, the animal owner must provide proof that the animal is licensed, microchipped, and vaccinated within 14 calendar days after the Director's determination is served on the owner. The Department may include the designation in the registration records of the animal.

(2) The animal, while on the owner's property, must be kept indoors or in a securely fenced yard or enclosure from which the animal cannot escape, and into which children cannot enter. The Department must inspect and give written approval of the yard or enclosure before the animal is released to its owner. If the animal was not impounded, the Department must inspect and give written approval of the yard or enclosure within 14 calendar days after the Director's determination is served on the owner.

(3) The animal may be off the owner's premises only if it is muzzled with a Department-approved basket muzzle and restrained by a substantial leash, not exceeding six feet in length, and at all times under the control of an adult capable of restraining and controlling the animal (the muzzle and leash requirement applies only to dogs). At no time may the animal be left unattended while off the owner's premises.

(4) The owner of the animal must notify the Department immediately if the animal is at large or has committed an attack on any person, domestic animal, or livestock. If the animal no longer resides with the owner or has been transferred to another person, the owner must advise the Department of the animal's new location in writing, under penalty of perjury, and provide a copy of the Director's determination to the new owner. Each subsequent owner must provide each new owner with a copy of the Director's determination during the effective period of the determination. Likewise, if the animal is moved to another jurisdiction, the owner is required to provide the animal control authorities in the new jurisdiction with a copy of the Director's determination during the effective period of the determination.

(5) For dogs, the owner of the dog and the dog must complete a Department-approved obedience course for a minimum of ten hours of training, at the owner's expense, within 60 calendar days of the Director's determination. If the dog was impounded, the course must be approved by the Department before the release of the dog to the owner. If the dog was not

impounded, the owner must obtain approval of the course within 14 calendar days after the Director's determination.

(6) If the animal was impounded, it must be spayed or neutered at the expense of the owner before release. If the animal was not impounded, the animal owner must provide proof that the animal has been spayed or neutered within 30 calendar days after the Director's determination is served on the animal's owner.

(7) The owner of the animal may be required to maintain general liability insurance covering property damage and bodily injury caused by an animal declared to be potentially dangerous, with a combined single limit of \$300,000 per occurrence. If required to maintain insurance, the owner must show proof of insurance within 14 calendar days after the Director's determination is served on the animal's owner.

(8) If the animal is impounded, all charges for services performed by the Department and all fines must be paid before the release of the animal to its owner or within 14 days after the services are performed or the charges and fines are ordered to be paid. If the owner does not take possession of the animal and pay the charges and fines within 14 calendar days after the services are performed or the charges and fines are ordered to be paid, the animal will be deemed abandoned and may be humanely euthanized by the Department as set forth in this chapter.

(9) The Director may impose additional conditions that are necessary to protect the public safety and welfare.

(D) Consequences of Vicious Animal Determination. The following consequences apply to an animal determined by the Director to be vicious.

(1) An animal determined to be a vicious animal may be humanely euthanized by the Department when it is found, after the opportunity for an appeal hearing pursuant to subsection (F), below, that the release of the animal would create a significant threat to the public health, safety, or welfare.

(2) If it is determined that an animal found to be vicious will not be euthanized, the Director shall impose the conditions set forth above for potentially dangerous animals, the conditions required by this section, and any other conditions necessary to protect the public health, safety, and welfare.

(3) A vicious animal must be kept in an enclosure that is sealed on all sides and locked with a padlock when not under the immediate control of the owner. The Director may require that the enclosure have a top and a cement floor. If the animal was impounded, the enclosure must be approved by the Department in writing before the release of the animal to the owner. If the animal was not impounded, the animal owner must obtain the written approval of the Department within 14 calendar days after the Director's determination is served on the animal owner.

(4) The owner of a vicious animal must give written notice of the vicious animal determination to the local branch of the United States Post Office and to all utility companies providing services to the premises where the animal is kept. If the animal was impounded, the owner must provide a copy of the notices to the Department before the animal is released from impound. If the animal was not impounded, the animal owner must provide a copy of the required notices to the Department within 14 calendar days of the Director's determination.

(5) The owner of the animal must post one or more signs on the premises, at a location(s) approved by the Department, stating that a vicious animal resides on the premises. The sign(s) must be posted within 14 calendar days after the Director's determination.

(6) The owner of an animal determined to be a vicious animal may be prohibited from owning, keeping, possessing, controlling, or having custody of any animal for a period of up to three years, if the Director determines that ownership or possession of an animal by that person would create a significant threat to the public health, safety, or welfare.

(E) Notice to Owner of Director's Determination.

(1) Upon declaring an animal a habitual offender, potentially dangerous, or vicious, the Director shall serve upon the owner of the animal either personally or either by first-class mail with return receipt requested or priority mail a written notice that such animal shall be humanely euthanized or otherwise subject to appropriate conditions upon the expiration of the appeal period unless the owner requests an appeal hearing pursuant to SCCC 6.26.

(2) The notice shall contain (a) the name, business address, and telephone number of the person providing the notice; (b) the authority for the order; (c) a description of the animal, including any known identification upon the animal; (d) a copy of the complainant's statement and report of the Director, if any; (e) a statement from the Director specifying whether the animal should be humanely euthanized or proposing conditions as outlined above; and (f) notice of the owner's right to request an appeal hearing pursuant to SCCC 6.26. Having served the notice, the

Director shall detain the animal at the owner's expense until the animal is humanely euthanized, appropriate conditions outlined above have been implemented, or an appeal hearing is held.

(F) Appeal of Director's Determination or Conditions Imposed. Parties may appeal a decision of the Director under this chapter as set forth in SCCC 6.26.

(G) Violation of Conditions Imposed on Habitual Offender, Potentially Dangerous, and Vicious Animals.

(1) The failure to comply with any condition imposed upon a potentially dangerous or vicious animal is a misdemeanor punishable by a fine not exceeding \$1,000 or by imprisonment in the County Jail for a period not to exceed six months, or by both a fine and imprisonment.

(2) A violation of any condition imposed upon a potentially dangerous or vicious animal may be the subject of a civil action for injunctive relief to enjoin the person who violated the condition. The filing and prosecution of such an action does not limit the authority or ability of the County to take any other action permitted by law.

Chapter 6.20 IMPOUNDMENT OF ANIMALS

Sections:

6.20.010 Impoundment of animals at large and animals posing an immediate threat to health and safety.

6.20.020 Care of impounded animals.

6.20.030 Charges for impoundment.

6.20.040 Managing impounded animals.

6.20.050 Reclaiming impounded animals.

6.20.060 Recordkeeping requirements.

6.20.010 Impoundment of animals at large and animals posing an immediate threat to health and safety.

(A) It shall be the duty of the Director 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 in violation of any of the provisions of this title or of Division 14 of the California Food and Agricultural Code (commencing with Section 30501), and to keep any such animal so impounded as provided in this chapter.

(B) An animal control or law enforcement officer may seize and impound an animal when probable cause exists that the animal poses an immediate threat to public safety. The owner of the animal is liable for the impound fee and costs if the animal is determined to be potentially dangerous or vicious. The fees and costs must be paid before the release of the animal, but no later than 14 days after the animal is available to be released.

(C) When an animal has been impounded under subsection (B) and it is not contrary to public safety, the Director may allow the animal to be confined at the owner's expense in a Department-approved animal or veterinary facility.

6.20.020 Care of impounded animals.

The Director shall ensure that impounded animals are provided with proper and sufficient wholesome food and fresh water suitable for the age, species, and nutritional requirements of the animal. Food shall be of a nature compatible with the dietary habits and needs of the animal. Animals must have access at all times to potable water, unless otherwise directed by a veterinarian. All animal food must be properly stored to prevent contamination, infestation by vermin, and exposure to the elements.

6.20.030 Charges for impoundment.

(A) Basic Charges.

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

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

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

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

(b) The notice shall contain: (i) the name, business address and telephone number of the person providing the notice; (ii) the authority for the order to spay or neuter the animal; (iii) a description of the animal, including any known identification upon the animal; (iv) a statement that the cost of caring and treating any animal is a lien on the animal, and that the animal shall not be returned to its owner until the charges are paid; and (v) notice of the owner's right to request an administrative hearing to appeal the Director's order under the provisions of SCCC 6.26. Having served such notice, the Director shall continue to detain the animal at the owner's expense until a hearing is held or the animal is spayed or neutered.

(c) The owner shall pay all impound charges required by law before the animal is released from the shelter. If the owner refuses to make such payment, the Director shall manage the animal as provided in SCCC 6.20.040.

(B) Daily Costs.

In addition to the charges specified in subsection (A), the Director shall charge and collect from the owner the reasonable cost incurred in caring for and housing the impounded animal, as established by resolution of the Board of Supervisors.

(C) **Appealing Charges For Impoundment.**

(1) Whenever an owner objects to payment of impound charges on the ground that the impoundment of their animal was not lawfully accomplished as provided in this title, the owner may appeal the decision under the provisions of SCCC 6.26.

(2) If no hearing is requested within 48 hours after impoundment, 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 Animal Shelter. If the owner refuses to make such payment, the Director shall make the animal available for adoption or humanely euthanize it as provided in SCCC 6.20.040. If, after hearing, the Director determines that the animal was not lawfully impounded, the animal shall be returned to its owner and no impound charges of any kind shall be imposed.

6.20.040 Managing impounded animals.

(A) **Impounding Pet Based on Owner's Request.** It shall be the duty of the Director to impound any domestic animal pet at the request of the owner when the owner delivers the pet to the Director.

(B) **Humanely Euthanizing Dangerous or Infirm Animals.** The Director is authorized, directed and empowered to humanely euthanize any animal lawfully impounded which is dangerous to keep impounded or is, by reason of disease or injury, appropriate for humane euthanizing.

(C) **Adoption of Impounded Animals.** Unless impounded animals without proper identification are redeemed within 72 hours, or animals with proper identification or under protective custody status are redeemed within seven days, they may be offered for adoption by the Director, provided all reasonable effort has been made to notify the owner of the animal. The adopter shall not be given possession of any dog or dogs, including dogs under six months of age, until they have deposited with the Director a sum sufficient to cover the cost of a rabies vaccination for any dog which does not have a current vaccination.

(D) **Humanely Euthanizing Unclaimed Impounded Animals.**

(1) The Director may humanely euthanize any animal lawfully impounded without proper identification which remains unclaimed by its owner, if any, for more than 72 hours excluding legal holidays.

(2) Stray dogs and cats with proper identification or under protective custody status that are impounded by the Director shall be held for a minimum of seven days. During the period that the animal is held, the Director shall attempt to inform the owner of the location of the impounded animal and how the owner may claim the animal. If telephone contact is unsuccessful, the owner shall be notified by mail sent to the last recorded address of the owner. Seven days after mailed notice is sent, the Director may humanely euthanize the animal if it remains unclaimed.

(3) Humane euthanizing of unclaimed livestock shall be performed in accordance with the provisions of the California Food and Agricultural Code.

6.20.050 Reclaiming impounded animals.

The owner of any impounded animal shall have the right to reclaim the animal at any time prior to the lawful disposition thereof, provided payment is made to the Director of the costs and charges specified for the impounding and keeping of the animal; and provided further, that as to any dog without a current license, a deposit is made with the Director to cover the license fee and the cost of a rabies vaccination.

6.20.060 Recordkeeping requirements.

The Director shall keep a record of the number of all animals impounded showing in detail in the case of each animal the description, dates of receipt, the date and manner of disposal, the name of any person redeeming or adopting, and any fees and charges received on account thereof.

Chapter 6.24 ENFORCEMENT AUTHORITY AND ALTERNATIVES

Sections:

- 6.24.010 Director of Animal Services—Arrest powers.**
- 6.24.020 Director of Animal Services—Animal capture or dispatch powers.**
- 6.24.030 Director of Animal Services—Investigation and inspection authority.**
- 6.24.040 Badges for Director of Animal Services and deputies.**
- 6.24.050 Interference with Director of Animal Services prohibited.**
- 6.24.060 Enforcement alternatives.**
- 6.24.070 Administrative citations.**
- 6.24.080 Violation—Non-administrative penalties.**
- 6.24.090 Severability.**

6.24.010 Director of Animal Services—Arrest powers.

Pursuant to the provisions of California Penal Code Section [830.9](#), the Director of Animal Services is authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed a misdemeanor in their presence which is a violation of this title or State law relative to animal control and care. Upon making such an arrest, the Director shall release the person arrested pursuant to Penal Code Section [853.6](#), the provisions of which are adopted by reference as part of this section. The Director is further authorized to issue citations for any violation of this title or State law relative to animal control and care.

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

The Director of Animal Services is 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 humanely euthanize any animal found at large and annoying, harassing, chasing, or threatening to inflict or inflicting injury of any kind on a person, any wild game mammals as defined in California Fish and Game Code Section 3950, or any domestic livestock, including cows, sheep, horses and chickens.

6.24.030 Director of Animal Services—Investigation and inspection authority.

The Director of Animal Services is empowered to investigate, inspect, and take necessary actions to:

- (A) Stop all practices that cause animal torment or torture, or practices of cruelty on any animal, as such terms are defined in California Penal Code Section [599b](#).
- (B) Ensure that pet shops and kennels are meeting minimum standards for animal housing and care and operations are properly licensed; and

(C) Ensure compliance with the biomedical livestock animal treatment standards set forth in SCCC 6.04.140.

Subject to the approval of the Board of Supervisors, the Director shall have the authority to promulgate regulations to enforce this section.

6.24.040 Badges for Director of Animal Services and deputies.

The Director of Animal Services and their designated deputies, while engaged in the execution of their duties, shall wear in plain view a badge having, in the case of the Director, the words “Director of Animal Services,” and in the case of the deputy, the words “Animal Control Officer” engraved therein.

6.24.050 Interference with Director of Animal Services prohibited.

It is unlawful for any person to resist or interfere with the Director of Animal Services or their designated deputy in the discharge of their official duties.

6.24.060 Enforcement alternatives.

Violation of animal control regulations shall be enforced through one or more of the following remedies:

- (A) Abatement as a public nuisance pursuant to this title and SCCC [1.14](#).
- (B) Criminal prosecution.
- (C) Administrative citation for the recovery of civil penalties and enforcement costs pursuant to SCCC 6.24.070 and [1.12](#).
- (D) Civil action for injunction, civil penalties, or other appropriate remedies provided by law including, but not limited to, SCCC [1.12](#).
- (E) Any other remedies provided by law.

6.24.070 Administrative citations.

- (A) Purpose. The purpose of this section is to provide a clear and explicit process for issuing administrative citations to those persons violating the animal control regulations set forth in the Santa Cruz County Code related to the protection of the health, safety and welfare of animals.
- (B) Scope. This chapter sets forth procedures for issuing and adjudicating administrative citations to those persons violating animal control regulations in the unincorporated area of Santa Cruz County.
- (C) Director’s Authority to Issue Citation. The Director may issue an administrative citation assessing a civil penalty to any person violating any provision of this title.

(1) Civil penalties established pursuant to this chapter shall be imposed and collected as set forth herein including, but not limited to, SCCC [1.12](#).

(2) 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.

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

(4) Civil penalties assessed by an administrative citation shall be collected in accordance with the procedures specified in this chapter and SCCC [1.12](#).

(D) Procedure for Issuing Citation.

(1) When a violation of any of the provisions of this title is identified, the Director shall identify the owner or responsible party and may issue them an administrative citation. A responsible party shall be deemed to be the person who is in immediate control of the animal or activity that constitutes a violation.

(2) The administrative citation shall be issued on a form titled "Administrative Citation" and shall contain the following information:

(a) The date, approximate time, and address or definite description of the location where the violation was observed.

(b) The provisions of this title violated and a description of the violation.

(c) A description of the action required to correct the violation.

(d) An order to the owner or responsible party to correct the violation within a time specified and an explanation of the consequences of failure to correct the violation.

(e) The amount of monetary penalty for each violation.

(f) 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.

-(g) A statement regarding the right to appeal the administrative citation, including the time within which the appeal must be filed, and the place to obtain a notice of appeal and request for administrative citation appeal hearing form.

(h) 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.

(3) 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.

(E) Service of Administrative Citations.

(1) The Director shall issue any required notice of the violation to the owner or responsible party in the following manner:

(a) Personal Service. The Director 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 Director shall make service of the citation as otherwise provided herein.

(b) Mail. If for any reason the Director is unable to personally serve the citation on the owner or responsible party, the citation shall be mailed to the owner or responsible party either by first class mail, postage prepaid, or priority mail, 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 Director is unable for any reason to personally serve the owner or responsible party, the Director may post the citation by affixing the citation to a surface in a conspicuous location on any real property in which the owner or responsible party has a legal interest, and such posting shall be deemed effective service. Failure of a posted citation to remain in place after

posting shall in no way affect the validity of the citation or the proceeding. Service shall be deemed effective pursuant to posting on the date that the citation is actually posted.

(2) 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.

(F) Opportunity to Correct Violation. Upon the service of an administrative citation for a correctible violation, the owner or responsible party shall be allowed seven days to correct or remedy the violation, except 30 days are allowed to correct a spay/neuter violation. If the owner or responsible party properly corrects the violation, they shall not be assessed a civil penalty. If the owner or responsible party fails to correct or remedy the violation, civil 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.

(G) Satisfaction of Administrative Citation.

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

(a) Pay the civil penalty to the Santa Cruz County Animal Shelter; and

(b) Demonstrate to the Director that the violation has been corrected or remedied, if the violation is of such a nature that it can be remedied. The Director may not accept payment of a civil penalty unless the owner or responsible party has demonstrated that the violation has been corrected or remedied. If the violation is corrected or remedied within the time set forth in subsection (F) of this section (correctible violation), no civil penalty shall be imposed.

(2) If an owner or responsible party fails to properly correct or remedy a continuing violation in accordance with subsection (F) of this section or otherwise, the owner or responsible party shall pay the accrued civil 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 Director.

(H) Appeal of Administrative Citation. Administrative citations may be appealed as set forth in SCCC 6.26.

(I) Penalties and Costs Assessed.

(1) The Department 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 Government Code Section [53069.4\(a\)\(1\)](#) and may, in connection therewith, also authorize the reductions specified therein for timely payment.

(2) If the animal owner or responsible party fails to correct the violation, subsequent administrative citations may be issued for the same continuing violation. The amount of the penalty shall increase at a rate specified in subsection (3) of this section or the civil penalty schedule provided for in subsection (1) of this section.

(3) Except as otherwise provided by subsection (4) of this section, the civil penalty assessed by administrative citation for violation of a provision of this title shall be as follows:

(a) First administrative citation—\$100.00;

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

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

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

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

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

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

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

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

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

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

(6) Penalties collected in the manner described in this section may be deposited in an animal shelter fund or other appropriate designated account.

(J) Failure to Pay Civil Penalties.

(1) Any person who fails to pay a civil penalty imposed pursuant to this chapter shall owe a debt to the Department. To enforce the debt the Director may file a claim with the small claims court or pursue any other legal remedy to collect the amount owed.

(2) 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 Department for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs and attorney fees. Such collection costs are in addition to any required costs, penalties, interest and late charges.

(3) In addition to all of the procedures set forth in this section, the Director shall have the ability and discretion to impose necessary conditions, to forgive portions of a debt or penalty owed to the Department 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 Director.

(K) Civil or Criminal Actions Not Affected by Administrative Citation. An administrative citation issued pursuant to this chapter shall not prejudice or adversely affect any other action, civil or criminal, that may be brought to abate a public nuisance or violation or prevent the County from seeking compensation for damages suffered. A civil or criminal action may be brought concurrently with any other process regarding the same public nuisance or violation.

6.24.080 Violation—Non-administrative penalties.

(A) Violation of any of the provisions of this title, except for violation of SCCC 6.04.090, 6.04.100, 6.04.250, 6.08.100(B) and (M), 6.12.110, 6.12.132, 6.12.134, 6.12.136, 6.12.140, 6.12.155, 6.19.020(G), and 6.24.050, is an infraction punishable by a fine not exceeding \$100.00 for a first violation, a fine not exceeding \$200.00 for a second violation of the same code provision that occurs within one year of the first violation, and a fine not exceeding \$500.00 for each additional violation of the same code provision that occurs within one year of the first violation.

(B) Violation of any of the provisions of SCCC 6.04.090, 6.04.100, 6.04.250, 6.08.100(B) and (M), 6.12.110, 6.12.132, 6.12.134, 6.12.136, 6.12.140, 6.12.155, 6.19.020(G), and 6.24.050 is a misdemeanor and punishable as such by fine and/or imprisonment.

6.24.090 Severability.

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

Chapter 6.26 ADMINISTRATIVE APPEALS

Sections:

6.26.010 Actions subject to administrative appeal.

6.26.020 Appeal procedures.

6.26.030 Costs of appeal.

6.26.010 Actions subject to administrative appeal.

(A) The following actions or decisions of the Director are subject to administrative appeal pursuant to the provisions of this chapter:

- (1) Denial, conditional issuance, suspension, or revocation of an animal facility license.
- (2) Declaring an animal to be a habitual offender, potentially dangerous, or vicious.
- (3) Order to humanely euthanize or impose other conditions upon an animal based on a habitual offender, potentially dangerous, or vicious designation.
- (4) Notice that an impounded animal will be spayed or neutered.
- (5) Impound charges.
- (6) Denial or revocation of unaltered animal certification for failure to comply with SCCC 6.10.050.
- (7) Administrative citation.

(B) All other actions or decisions of the Director are final when issued or made and are not subject to further administrative appeal.

6.26.020 Appeal procedures.

(A) Filing an Appeal.

- (1) An owner or responsible party wishing to appeal a decision of the Director on an action subject to administrative appeal may do so by completing a notice of appeal and request for appeal hearing form and filing it with the Santa Cruz County Animal Shelter. Any appeal must include a detailed written explanation of the grounds for appeal.

(2) Time Deadlines for Filing Appeal. All appeals must be filed within the time frames set forth in the following table:

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Denial, conditional issuance, suspension, or revocation of an animal facility license (SCCC 6.26.010(A)(1).) | 14 calendar days from the date the decision is communicated to the appellant. |
| Declaring an animal to be a habitual offender, potentially dangerous, or vicious. (SCCC 6.26.010(A)(2).) | 72 hours from the date the decision is communicated to the appellant. |
| Order to humanely euthanize or impose other conditions upon an animal based on a habitual offender, potentially dangerous, or vicious designation. (SCCC 6.26.010(A)(3).) | 72 hours from the date the decision is communicated to the appellant. |
| Notice that an impounded animal will be spayed or neutered. (SCCC 6.26.010(A)(4).) | 72 hours from the date the decision is communicated to the appellant. |
| Impound charges. (SCCC 6.26.010(A)(5).) | 48 hours from the date impound charges are communicated to the appellant. |
| Denial or revocation of unaltered animal certification for failure to comply with SCCC 6.10.050. (SCCC 6.26.010(A)(6).) | 10 calendar days from the date of the decision. |
| Administrative citation. (SCCC 6.26.010(A)(7).) | 10 calendar days from the date the citation is issued. |

(3) 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 an administrative citation, the applicable penalty shall accrue as of the date on the administrative citation.

(4) The failure to submit a timely and complete notice of appeal shall terminate a person's right to appeal, result in a failure to exhaust administrative remedies, and the Director's decision shall not be subject to further administrative appeal.

(5) For an appeal concerning an impounded animal, at the same time the appeal is filed the appellant must pay the cost of the care and housing of the animal for the time period during which the appeal is pending. Appeals shall not be accepted without advance payment of such costs. Costs shall be assessed in 14-day increments and must be regularly maintained on an on-going

basis in order to continue the appeal process. If costs are not timely paid, the appeal shall be considered abandoned. Any excess collected costs shall be returned to the animal's owner as determined by the administrative hearing officer or the Director.

(B) Administrative Hearing Officers.

The Department 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 any violation.

(C) Notice of Administrative Appeal Hearing.

Upon receipt of a timely and complete notice of appeal, the Director shall provide written notice of the time, date and location of a hearing before the administrative hearing officer by personal service or either by first class mail, postage prepaid, or priority mail, including a copy of the affidavit or certificate of mailing, to the appellant at least 10 days prior to the date of the administrative hearing. The hearing officer shall be designated by the Director. The notice period may be collapsed to 48 hours in the discretion of the Director, where the Director determines it is necessary to hold a hearing on an expedited basis.

(D) Administrative Hearing Officer Disqualification.

Administrative hearing officers shall be licensed attorneys of the State Bar of California in good standing. Administrative hearing officers shall disqualify themselves from serving as hearing officers in a particular matter where they have a conflict of interest within the meaning of the Political Reform Act (California 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 identify the administrative hearing officer designated to conduct the hearing and advise the appellant of their right to submit within 10 business days of the date of the notice of hearing a written objection to the designated hearing officer. In the event of such a disqualification, a new administrative hearing officer shall be randomly selected from the panel of alternate hearing officers established by the Department. Each party shall have the right to disqualify one administrative hearing officer for a particular matter.

(E) Hearing Procedures.

(1) Failure to Appear. The failure of the appellant to appear at the administrative appeal hearing or, in the alternative, to present written or demonstrative evidence supporting their position, shall

constitute an abandonment of the appeal and an admission that the Director's decision (including the amount of any civil penalty) is appropriate.

(2) 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, their clerk, or other designee shall have the power to administer oaths and affirmations. Oaths of witnesses may be given individually or to a group. 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.

(3) Appellant's Evidence. The appellant shall be given the opportunity to testify and present witnesses and evidence concerning the alleged violation.

(4) Department's Evidence. Any documents submitted by the Director shall constitute prima facie evidence of the respective facts contained in those documents.

(5) Only Relevant Evidence Considered. The administrative hearing officer shall only consider evidence relevant to the decision being appealed.

(6) Recording of Hearing. 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.

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

(8) 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.

(9) Administrative Hearing Officer Decisions.

(a) At the conclusion of the administrative hearing, 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:

(i) Reverses the decision of the Director;

(ii) Determines whether the appellant has committed, maintained or permitted an alleged violation of this title;

(iii) Orders the appellant to pay the total verified amount of the enforcement costs, impound charges, and any other abatement costs associated with a violation of this title by a date certain;

(iv) Orders the appellant to pay civil penalties for any violations of this title by a date certain;

(v) Orders action to be taken to correct any violation by the appellant;

(vi) Determines whether any enforcement costs, other abatement costs, and civil penalties are to be the personal obligation of the appellant.

(b) In determining the amount of civil penalties to be assessed against the appellant, which would otherwise be an infraction or a misdemeanor, the administrative hearing officer shall take into consideration the following:

(i) The extent to which the appellant knowingly and willingly committed the violation;

(ii) The magnitude of the violation;

(iii) Any prior history of related violations by the appellant;

(iv) The financial ability of the appellant to pay based on submitted documentation; and

(v) Any corrective action voluntarily undertaken by the appellant prior to the hearing to eliminate the violation and any other mitigating circumstances justifying a reduction of the amount of the penalties.

(c) 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 (9)(d) of this section.

(d) The decision of the administrative hearing officer shall be subject to judicial review. The administrative hearing officer shall submit the decision to the Director pursuant to the

provisions of Government Code Section [53069.4](#). Pursuant to Section 53069.4 a notice of appeal must be filed with the Santa Cruz County Superior Court Clerk, together with the applicable appeal fee, within 20 days after service of the administrative hearing officer's decision by first class mail, postage prepaid, including a copy of the affidavit or certificate of mailing. Any person filing a Superior Court appeal shall serve a copy of the notice of appeal in person or by first class mail on the administrative hearing officer with a copy to the Director. Within 15 days after the Superior Court sets a date for the appeal hearing, 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.

(e) The County Counsel, upon receipt of a final decision of an administrative hearing officer which orders payment of civil penalties or payment of enforcement costs or other abatement costs, or upon obtaining authorization from the Director, may, in addition to any other collection procedures provided by this chapter, prepare and file a civil action in any court of competent jurisdiction to obtain compliance with the administrative decision and the provisions of this code, and to recover the civil penalties and costs of enforcement provided by this chapter, as well as for injunctive relief or any other available legal remedy. In addition, the Director may prepare and file small claims actions in this regard or pursue collection by any available legal remedy.

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

(g) The remedies and civil penalties provided for in this chapter shall be in addition to any other remedies and penalties provided for by law.

6.26.030 Costs of appeal.

(A) The appellant is responsible for paying the costs for the administrative appeal process, unless the Director's decision is reversed on appeal.

(B) At the time the appellant files a notice of appeal with the Animal Shelter, the appellant shall place a deposit of \$250. The deposit shall be applied to those costs on appeal set forth in the Unified Fee Schedule. If the costs of the administrative appeal exceed \$250, the appellant shall supplement the deposit such that all appellate fees have been received before a decision on the administrative appeal is issued.

(C) If the Director's decision is reversed on appeal, all costs assessed to the appellant shall be returned to the appellant.