



**Agenda Item B.3**  
**DISCUSSION/ACTION ITEM**  
**Meeting Date: February 5, 2019**

---

**TO:** Mayor and Councilmembers

**FROM:** Vyto Adomaitis, Neighborhood Services and Public Safety Director

**CONTACT:** Jaime A. Valdez, Senior Project Manager

**SUBJECT:** Adoption of Santa Barbara County Animal Regulations by Reference

**RECOMMENDATION:**

Introduce and conduct first reading (by title only) of Ordinance No. 19-\_\_ entitled "An Ordinance of the City Council of the City of Goleta Amending Chapter 6.01 (Animals and Fowl) of Title VI of the Goleta Municipal Code to Adopt the Most Recent Version of the Santa Barbara County Animals and Fowl Code by Reference;" and

**BACKGROUND:**

Upon incorporation, the City of Goleta ("City") adopted via urgency ordinance the Santa Barbara County Code and other relevant non-codified Santa Barbara County ordinances for a period of 120 days (Ordinance 02-01). Ordinance 02-17, passed, approved and adopted on April 22, 2002, superseded the urgency ordinance. The adopted code (Goleta Municipal Code, or "GMC") addressing animals and fowl in the City (Chapter 6.01 Animals and Fowl) has remained unchanged from the adopted regulations in place since 2002 (Attachment 1).

Santa Barbara County Public Health Department's Animal Services Administration ("County Animal Services," or CAS) has provided a wide range of animal control-related services to the City since incorporation in 2002, which include animal vaccination services; veterinary assistance; licensing; public education; animal adoptions; enforcement of animal services laws; and responding to emergency animal service requests from the public and law enforcement. CAS has the expertise and infrastructure needed to provide animal control services for the City.

CAS also currently provides services to the cities of Buellton, Solvang, Santa Maria, Lompoc and Guadalupe. In the most recent set of animal services contract discussions, CAS encouraged participating jurisdictions to consider adopting a more uniform set of regulations that is continually updated to reflect changes in State law and best practices.

The Cities of Buellton in 2011, and most recently Solvang, in April of this year, adopted Chapter 7 of the Santa Barbara County Code (Attachment 2) by reference as the animal regulations for their jurisdictions. The goal in doing so was to conform their respective animal control regulations to match those of the County to ensure effective enforcement of the regulations. Pursuant to Government Code Section 50022.9, cities may enact ordinances that adopt by reference county ordinances and codes.

With the FY 2018-19 budget adoption on June 5, 2018, and the subsequent approval of a contract with CAS on June 19, 2018 for animal control services, there was a desire to further pursue the idea of adopting the County's animal control regulation by reference.

As a follow-up to the aforementioned discussion, City staff met with the Ordinance Review Standing Committee ("Committee") on July 31, 2018, to discuss potentially adopting Santa Barbara County Animal regulations by reference. The Committee requested additional information and further staff analysis.

On November 26, 2018 the Committee was provided the information they requested and after review, Committee members supported staff's recommendation to adopt the County's Animals and Fowl Code by reference, and to bring this item to the full City Council for consideration and adoption.

However, as a result of two Dangerous Dog findings and orders issued in December of 2018, there was a decision to come back to the Committee for additional input on how the City Council might want to deal with initial and appeal hearings to determine whether a dog is dangerous.

On January 16, 2019, the Committee was provided additional information including potential new options included in this staff report regarding the continued role of City staff as the hearing officer and the possible role of the City Council as the appellate body regarding vicious or restricted dog determinations. The Committee's recommendations are noted below.

## **DISCUSSION:**

The City's existing animal control regulations are antiquated and need to be updated. For example, the City still uses the antiquated "Dangerous Dogs" set of regulations to deal with a dog found to be a potential danger to the public safety. Section 6.01.280 of the GMC states that a "Dangerous dog" means any dog which:

- A. *On one or more occasions has bitten or caused serious injury to a person or domestic animal upon private property not owned by the dog owner; or*
- B. *Menaces or attempts to bite or attack any person or domestic animal without provocation; or*

- C. Engages in an attack which requires a defensive action by any person to prevent bodily injury when such person is acting in a peaceful and lawful manner; or*
- D. Engages in or is found to have been trained to engage in exhibitions of fighting; or*
- E. Is a protection dog that is straying or has escaped from confinement or restraint, is at large or otherwise unrestrained, uncontrolled or unleashed on or in a public street, sidewalk, park, beach, or other public place or property, or in or upon any private property or building during such time that said private property or building is open to the general public, or in or upon the private property of another person without the consent of the person.*

*The provisions of this section shall not apply to any Police K-9 dog assisting a peace officer engaged in law enforcement duties.*

Using the existing regulations, the GMC states that any dog declared to be dangerous shall be humanely destroyed. The GMC does not provide the option of returning the dog back to its owner with conditions that will hopefully solve the problem that occurred if the dog was deemed "Dangerous." The County has a "Vicious and Restricted Dogs" section in its set of regulations, which takes a more in-depth and flexible approach to making a determination and setting of restrictions that does not automatically result in euthanasia. The County's "Vicious and Restricted Dogs" section allows for increasing action if the problem is not solved all the way up to euthanasia if there is a dog attack on a person or animal that is "less than severe" as defined in the code.

A Restricted Dog determination provides for releasing the dog to its owner with restrictions to avoid the problematic behavior in the future. Examples of restrictions that the administrative hearing officer may impose include, but are not be limited to, (1) Fence or enclosure requirements; (2) Yard inspections; (3) Muzzling when in public; (4) Notification to animal services of incidents involving the restricted dog; (5) Training; (6) Maintenance of general liability insurance. A Restricted Dog may subsequently be determined to be a Vicious Dog if, after its owner or custodian has been notified of this determination, it continues the behavior that resulted in designating it a restricted dog, engages in other behavior described in the "restricted dog" definition, or is maintained in violation of Section 7-60 (Consequences of restricted dog determination), an administrative decision, a court order or restrictions placed on it.

A Vicious Dog determination may result in euthanasia when it is found that the release of the dog would create a significant threat to the public health, safety and welfare. If the dog determined to be vicious is not in the County's possession, the owner or custodian shall surrender the dog to CAS. If it is determined that a dog found to be vicious shall not be destroyed, the administrative hearing officer shall impose conditions necessary to protect the public health, safety and welfare. These conditions are limited to release to an approved animal rescue sanctuary for the remainder of the animal's life and no possibility of adoption. The Ordinance Committee recommended adoption of the County's Vicious Dog determination process.

By adopting the County's Chapter 7 Animals and Fowl, the County through the existing animal services agreement would conduct the required hearings involving animal regulations instead of City staff. The setting of a hearing date, location, staffing, and determinations would all be provided by CAS thereby alleviating the City's limited resources in the enforcement and administration of relevant regulations and the conduct of the associated hearings. The Ordinance Committee supported the recommendation that County staff conduct the hearing process.

With respect to appeals of hearing officer determinations, staff presented to the Ordinance Committee the question of whether appeals should be heard by the Superior Court (Food and Agricultural Code default option) or whether the City Council should hear the appeals. Whether a dog that has been deemed restricted or vicious should be returned to the community with conditions or euthanized is in large part a policy consideration and the question was presented to the Ordinance Committee on whether this policy decision should be made by the Council. The members of the Ordinance Committee recommended that the Superior Court hear the appeals. Therefore, the proposed ordinance adds a section to provide that appeals to the Superior Court of hearing officer determinations would be conducted in accordance with the Food and Agricultural Code. If the Council approves this recommendation, the City's contract with CAS will be clarified to provide for the County (County Counsel) to handle the appeals. This contract amendment will be brought to Council at a later public meeting.

There were some sections of the County's Animals and Fowl Code that the Ordinance Committee did not feel applied to Goleta, and they asked that those sections not be adopted by reference. Accordingly, the GMC would not adopt by reference Sections 7-10 ("Violations."), 7-39 ("District attorney enforcement remedies."), 7-41 ("Use of steel-jawed leg-hold traps."), 7-63 ("Violation—Penalty for infraction.") or a *portion* of Section 7-43 ("Violations—Penalty—Enforcement.") of the Santa Barbara County Code. Instead the GMC would remove the reference to use of steel-jawed leg-hold traps, have its own set of penalties as articulated in the amended Chapter 6.01 of the GMC, while also removing the portions of the County Code related to violations that are more appropriately addressed with the GMC (Attachment 3).

The Ordinance Committee, CAS and City staff recommend that the City adopt Chapter 7 of the Santa Barbara County Code by reference as the animal regulations for the City, with the exceptions noted above. In addition to having a far more up-to-date set of regulations, the logistics in enforcing them would be easier. CAS staff would seamlessly operate in multiple jurisdictions with the same animal control regulations, rather than having a different set of regulations to enforce in the City. This would improve service delivery while reducing the chance of applying incorrect regulations in a jurisdiction.

The Current Chapter 7 of the Santa Barbara County Code is based on an adoption date of October 3, 2017. If changes to Chapter 7 of the Santa Barbara County Code are made in the future, the City would need to consider readopting the future code at that time. The GMC would not automatically adopt any changes by reference.

**GOLETA STRATEGIC PLAN:**

**City-Wide Strategy:** Maintain a Safe Community.

**Strategic Goal:** Participate in regional public safety collaboration.

**FISCAL IMPACTS:**

Aside from the staff time to review and bring an ordinance to the full Council for action, there would be a net savings in terms of eliminating staff time involved in conducting hearings as well as writing and disseminating findings and orders. Since 2014, the City has held eight dangerous dog hearings (four in 2018). Typically, a dangerous dog hearing involves about three hours of the Assistant City Attorney's time, two hours of the Hearing Officer's (currently the Neighborhood Services and Public Safety Department Director) and about four hours of the Senior Project Manager's time.

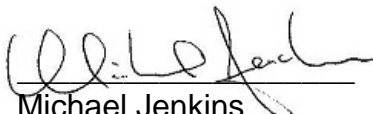
The City already has a contract with CAS for enforcement of animal control regulations and provisions of other animal control services. At the June 5, 2018 City Council Meeting, Council approved the revised FY 2018-19 Budget, which included an allocation for the animal control services contract of \$249,188 in account (101-5-6100-559). The animal control services agreement for FY 2019-20 is anticipated to be \$252,926 and will be included in the Fiscal Year 2019-20 Budget.


**ALTERNATIVES:**

The City Council could elect to keep the animal control regulations currently in the City's Municipal Code. However, doing so would require a major update to the City's animal control regulations and would not further the goal of improving operations and enforcement among the contract cities as it relates to animal control services—particularly cases related to Vicious and Restricted Dogs.

**Legal Review By:**

**Approved By:**

  
Michael Jenkins  
City Attorney

  
Michelle Greene  
City Manager

**ATTACHMENTS:**

1. City of Goleta Municipal Code, Chapter 6.01 Animals and Fowl
2. County of Santa Barbara County Code, Chapter 7 Animals and Fowl (last revised October 3, 2017)
3. An Ordinance of the City Council of the City of Goleta Amending Chapter 6.01 (Animals and Fowl) of Title VI (Animals) of the Goleta Municipal Code to Adopt the most recent version of the Santa Barbara County Animals and Fowl Code by reference

## **ATTACHMENT 1**

City of Goleta Municipal Code, Chapter 6.01 Animals and Fowl





**Chapter 6.01 ANIMALS AND FOWL****Article I. Generally****6.01.010 Definitions.**

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. Animal. Any live, vertebrate creature other than a human being.
- B. Animal Control Officer. Any employee designated by the City as primarily responsible for animal control and regulation.
- C. Animal Control Supervisor. The employee designated as responsible for the direct supervision of Animal Control Officers.
- D. Cattery. Any premises or area where four or more cats four months of age or older are kept and cared for; provided, that this definition shall not include a duly licensed veterinary hospital, a Santa Barbara Humane Society facility or any City facility.
- E. Dangerous Animal. Any animal which, as determined by the City, may cause injury to any person or other animal.
- F. Grooming Shop. Any commercial establishment where animals are bathed, clipped, plucked or otherwise groomed; provided, that this definition shall not include a duly licensed veterinary hospital, a Santa Barbara Humane Society facility or any City facility.
- G. Impound. Under the control and in the possession of the City.
- H. Isolation. The confinement of any animal in such a manner so the animal may not expose to contagious disease or injury any person or other animal.
- I. Kennel. Any premises or area where four or more dogs four months of age or older are kept and cared for; provided, that this definition shall not include a duly licensed veterinary hospital, a Santa Barbara Humane Society facility or any City facility.
- J. Pet Shop. Shall be defined as set forth in the CA [Penal Code](#), Section 597(1).
- K. Restraint. Secured by an adequate leash or lead six feet in length or less and under the immediate control of a responsible person, or physically confined on or within the premises of the owner or custodian of the animal. (Ord. 02-01 § 1)

**6.01.020 Fees.**

The amount of any charge, fee and penalty relating to animal control and regulation shall be set by the City Council by resolution. (Ord. 02-01 § 1)

**6.01.030 Animal Control Officers.**

A. It shall be unlawful for any person to interfere with, molest, hinder, resist or obstruct an Animal Control Officer during the performance of official duties.

B. Animal Control Officers shall carry appropriate identification indicating their status as an Animal Control Officer of the City.

C. Upon request of an Animal Control Officer, Police Officers shall assist in the performance of their duties.

D. Animal Control Officers shall have the duty to enforce the provisions of this chapter and applicable state or local animal control laws.

E. An Animal Control Officer may arrest without a warrant any person reasonably believed to have committed in the presence of the officer a violation of the provisions of this chapter or of applicable state or local animal control laws. (Ord. 02-01 § 1)

#### **6.01.040 Animal Control Officers on Private Property.**

Animal Control Officers may go in or upon private property to carry out the provisions of this chapter; provided, that except in cases of emergency, they shall not enter occupied living quarters without either first obtaining: (1) the consent of an adult occupant; or (2) a warrant. (Ord. 02-01 § 1)

#### **6.01.050 Adoption of Standards, Rules and Regulations by Animal Control Supervisor.**

The Animal Control Supervisor shall adopt standards for the proper care and comfort of animals kept in kennels or catteries and may adopt rules and regulations necessary to carry out the proper and orderly administration of local animal control and regulation laws. (Ord. 02-01 § 1)

#### **6.01.060 Kennel, Cattery, Pet Shop and Grooming Shop Permits.**

A. It shall be unlawful to establish or maintain a kennel, cattery, pet shop or grooming shop without having obtained a kennel, cattery, pet shop or grooming shop permit from the City of Goleta.

B. A kennel or cattery permit shall be granted only after the Animal Control Supervisor has determined that: (1) the facilities of the kennel or cattery meet the standards set forth for the proper care and comfort of the animals; (2) the location of the kennel or cattery is a permitted use under applicable zoning ordinance; and (3) the current year's kennel or cattery permit fee has been paid. The permit fee for kennel or cattery shall be paid annually and shall be due on the first day of January of each year.

C. A pet shop or grooming shop permit shall be granted only after the Animal Control Supervisor has determined that: (1) the pet shop or grooming shop meets the standards set forth in [Penal Code](#), Section 597(1); (2) the location of the pet shop or grooming shop is a permitted use under the zoning ordinance; and (3) the current year's pet shop or grooming shop permit fee has been paid. The permit fee for a pet shop or grooming shop shall be paid annually and shall be due on the first day of January of each year. (Ord. 02-01 § 1)

#### **6.01.070 Revocation of Kennel, Cattery, Pet Shop and Grooming Shop Permits.**

A. The permit for the establishment of a kennel or cattery may be revoked by the Animal Control Supervisor upon his or her determination that: (1) the facilities for the proper care and comfort of the animals no longer meet the established standards; or (2) that the location of the kennel or cattery is not a permitted use under the zoning ordinance; or (3) the annual permit fee for a kennel or cattery has not been paid on or before February 1st of that year.

B. The permit for the establishment of a pet shop or grooming shop may be revoked by the Animal Control Supervisor upon determination that: (1) the facilities for the proper care and comfort of the animals no longer meet the standards set forth in the [Penal Code](#), Section 597(1); or (2) that the location of the pet shop or grooming shop is not a permitted use under the zoning ordinance; or (3) the annual permit fee for a pet shop or grooming shop has not been paid on or before February 1st of that year. (Ord. 02-01 § 1)

#### **6.01.080 Certain Animals on Sidewalks.**

It is unlawful for any person to ride or drive or cause to be ridden or driven any bovine, horse, mule, burro, sheep, goat or swine on any sidewalk. The term “sidewalk” shall not include any public riding or hiking trail. (Ord. 02-01 § 1)

### **Article II. Restraint and Impoundment**

#### **6.01.090 Generally.**

A. It is unlawful for any person owning or having custody and control of any animal to fail to keep such animal under restraint when such animal is in or upon any public or private property or area without the express permission of the owner or custodian of such property or area.

B. It is unlawful for any person owning or having custody and control of any animal to stake out or tether such animal in such a manner that would permit or allow such animal to go in or upon any public or private property or area without the express permission of the owner or person in possession and control of such property or area.

C. It is unlawful for the owner or person having custody and control of any female dog in heat to fail to confine or enclose such female dog so that she cannot come in contact with any male dog except for the purpose of planned breeding.

D. Any animal not kept under restraint or so confined or enclosed is hereby declared to be a menace and a nuisance to public health and safety.

E. The City may seize and impound any animal not kept under restraint or so confined or enclosed. (Ord. 02-01 § 1)

#### **6.01.100 Impoundment—Duties Generally.**

Animal shelters shall keep accurate records on each animal taken in, medically treated or impounded. The records shall include all of the following information and any other information

required by the California Veterinary Medical Board:

- A. The date the animal was taken in, medically treated, euthanized or impounded.
- B. The circumstances under which the animal was taken in, medically treated, euthanized or impounded.
- C. The names of the personnel who took in, medically treated, euthanized or impounded the animal.

D. A description of any medical treatment provided to the animal and the name of the veterinarian of record.

E. The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the adopting party. These records shall be maintained for three years after the date the animal's impoundment ends. (Ord. 02-01 § 1)

**6.01.110 Impoundment—Time Limit—Notification of Owner—Destruction of Animals—Use of Animals for Research or Testing.**

A. 1. Except as provided in subsections A through E and G of this section, any cat or dog impounded shall remain so for a period of six business days, not including the day of impoundment, except if the animal shelter has made the animal available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment. The animal shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption the remainder of the holding period.

2. After the expiration of such four- or six-day holding period set forth in subsection (A)(1) of this section, the shelter may continue to hold the animal for adoption or humanely destroy any animal not reclaimed or adopted. Prior to the killing of that animal for any reason other than irremediable suffering, the shelter shall release the animal to a nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of the Internal Revenue Code, if requested by the organization prior to the scheduled killing of the animal.

B. All other animals that are typically impounded by the shelter, and legally allowed as personal property, shall remain impounded for a period of six business days, not including the day of impoundment, except if the shelter has made the animal available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment. The animal shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption the remainder of the holding period. After the expiration of such four- or six-day holding period, the shelter may continue to hold the animal for adoption or humanely destroy any animal not reclaimed or adopted. Prior to the killing of that animal for any reason other than irremediable suffering, the shelter shall release the animal to a nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of the Internal Revenue Code, if requested by the organization prior to the scheduled killing of the animal.

C. If it is determined by a veterinarian or by qualified City personnel that any animal impounded is irremediably suffering from a serious illness or severe injury, such animal shall not be held for owner redemption or adoption and may be humanely destroyed. Newborn animals that need maternal care and have been impounded without their mothers may be euthanized without being held for owner redemption or adoption.

D. If an apparently feral cat has not been reclaimed by its owner or caretaker within the first three days of the required holding period, shelter personnel qualified to verify the temperament of the animal shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined to be docile or a frightened or difficult tame cat, the cat shall be held for the entire required holding period specified in subsection A of this section for owner redemption and adoption. If the cat is determined to be truly feral, the cat may be euthanized or relinquished to a nonprofit animal rescue or adoption.

organization as defined in Section 501(c)(3) of the Internal Revenue Code, that agrees to the spaying or neutering of the cat if it is not already spayed or neutered.

E. Except as provided in subsection C of this section, any animal relinquished by the purported owner that is of a species impounded by the shelter, shall be held for two full business days, not including the day of impoundment. The animal shall be available for owner redemption for the first day, not including the day of impoundment, and shall be available for owner redemption or adoption for the second day. After the second required day, the animal may be held longer, euthanized or relinquished to a nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of the Internal Revenue Code, under the same conditions and circumstances provided for stray animals in subsection A of this section.

F. Except as provided in subsections A through E and G, the Animal Control Supervisor may establish minimum holding periods and terms and conditions for release, adoption or euthanasia of other species of animals impounded by the shelter.

G. This section shall not apply to any of the following animals:

1. Animals impounded for biting;
2. Animals impounded for rabies control purposes;
3. Wild animals subject to euthanasia, release, relocation or other disposition under applicable laws; and
4. Animals held in protective custody.

H. The City may not release or transfer title to any impounded live animal to anyone for the intended use of the animal for research or testing, or for use for fur or as food for humans or for other animals.

I. The City shall, prior to selling, giving away or destroying any animal, attempt to notify the owner or person entitled to custody and control of such animal. The City shall also provide the owners of lost animals and those who find lost animals with all of the following:

1. Ability to list the animals they have lost or found on "Lost and Found" lists maintained by the pound or shelter;
2. Referrals to animals listed that may be the animals the owners or finders have lost or found;
3. The telephone numbers and addresses of other pounds and shelters in the same vicinity;
4. Advice as to means of publishing and disseminating information regarding lost animals; and
5. The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.

J. In addition to any required spay or neuter deposit, the City may by resolution establish fees, not to exceed the standard adoption fee, for animals released to nonprofit animal rescue or adoption organizations pursuant to this section. (Ord. 02-01 § 1)

#### **6.01.120 Claiming Impounded Animals.**

The owner or custodian of any animal impounded may at any time before the sale or other disposition of such impounded animal, reclaim such animal during the county business hours upon a payment of any charge, fee or penalty due under the provisions of this chapter. (Ord. 02-01 § 1)

#### **6.01.130 Certain Unclaimed Animals.**

Any bovine, horse, mule, burro, sheep, goat or swine impounded, unless claimed by the person or owner entitled to custody thereof, may after 72 hours be released to the Director of Agriculture of the State pursuant to the California Agricultural Code. (Ord. 02-01 § 1)

#### **6.01.140 Spay or Neuter of Unaltered Animals Released for Adoption.**

A. No dog or cat shall be released for adoption unless such dog or cat is spayed or neutered or unless the payment of such spaying or neutering has been deposited with the City, and the person to whom the dog or cat is released agrees in writing to cause such dog or cat to be spayed or neutered. Upon notice to the City that the dog or cat has been neutered, the deposit shall be forwarded to the licensed veterinarian performing such neutering.

B. Where any dog or cat has been released to any person for adoption in connection with an agreement entered into pursuant to subsection A of this section, the person shall spay or neuter such dog or cat by the age of six months, or prior to adoption if the dog or cat is older than six months, unless the Animal Control Supervisor grants a written waiver for the requirements of this subdivision to spay or neuter the dog or cat. (Ord. 02-01 § 1)

#### **6.01.150 Procedure When Person Takes Custody of Any Non-Restrained Animal.**

A. Any person may take temporary custody of any animal not under restraint as required by this chapter.

B. It shall be unlawful for any person to fail within 24 hours after obtaining temporary custody of such animal to notify the owner or custodian of such animal or an Animal Control Officer of such temporary custody.

C. The City shall, upon receiving notification under this section, seize and impound the animal.

D. If an animal impounded under this section is not reclaimed after the expiration of the first three business days of the impoundment period required by Section 6.01.110 by the owner or person entitled to custody, the person taking temporary custody under this section shall have the first right to adopt such animal, subject to compliance with applicable adoption procedures and approval criteria. (Ord. 02-01 § 1)

### **Article III. Animal Licenses and Tags**

### **6.01.160 Required Licenses.**

#### **A. Dog Licenses.**

1. It is unlawful to own or have custody of a dog four months of age or older unless a dog license from the City has been procured.
2. A City dog license shall be issued if proof of current vaccination against rabies by a method approved by a licensed veterinarian is presented. The rabies certificate shall include information as prescribed by the City.
3. Upon payment of the license fee, furnishing of required information, and the presentation of a valid rabies vaccination certificate, the City dog license and dog tag may be issued to the owner of the dog. The dog tag shall be securely affixed and maintained affixed to the dog.
4. City dog licenses shall be valid for a period of up to three years, but shall not exceed the expiration date of the rabies vaccination.

#### **B. Unaltered Animal License.**

1. Requirement. Any owner of a dog or cat in the City that is over six months of age shall obtain a City unaltered animal license or have the dog or cat spayed or neutered.
2. Owners of dogs and cats may purchase a City unaltered animal license, if a California licensed veterinarian issues a veterinary certificate stating in writing that:

The owner has discussed the objectives and purpose for owning the dog or cat with the veterinarian, and after considering the overall circumstances, including the age and health of the animal, the veterinarian determines that it is acceptable for the owner of the domestic animal to purchase an unaltered animal license.

3. A current veterinary certificate is required each time a City unaltered animal license is purchased.
4. Term. A veterinary certificate is valid for either one year or the term of a City unaltered animal license, whichever is longer. A City unaltered animal license for cats shall not exceed a term of one year.
5. Breeders License. A City unaltered animal license constitutes a breeders license. The license number shall be displayed in any advertisements to sell or give away offspring of the animal.
6. Ineligibility. The following categories of owners of dogs or cats do not qualify for a City unaltered animal license:
  - a. Owners of a dog or cat which have had any animal impounded and/or cited at large three times within a year.

b. Owners of dogs or cats known by the City to be convicted in California for crimes against animals and/or domestic violence.

c. Owners of dogs whose owners have been found guilty of an infraction or misdemeanor under GMC 6.01.290 or any other city or county ordinance within the County of Santa Barbara, as a result of their dog having bitten, attacked, or caused injury to a human being or animal while the dog was running at large.

C. Enforcement Responsibility. The City shall be responsible for the implementation, administration and enforcement of this Chapter and may delegate those duties hereunder. Any request for review of a denial for a City unaltered animal license shall be submitted in writing within five days after receipt of such notice to the City.

D. Violation of any provisions contained in this Article which are declared to be unlawful shall be an infraction punishable by a fine not exceeding the sum set forth in a schedule of fees adopted by resolution of the City Council. Such fine shall be in addition to any required fees or deposits. (Ord. 12-03 § 3)

#### **6.01.170 License Exceptions.**

A. Dog Licenses. The requirements for a City dog license do not apply to the following:

1. Dogs owned or in the custody and control of nonresidents of the City who are traveling through or in the City for less than 30 days.

2. Dogs recognized as service animals under Title II (State and Local Government Services) and Title III (Public Accommodations and Commercial Facilities) of the Americans with Disabilities Act.

3. Dogs owned and trained for public emergency service duties which are currently serving in that capacity.

B. Unaltered Animal Licenses. The requirements for a City unaltered animal license do not apply to dogs or cats in the custody and control of nonresidents of the City who are traveling through or in the City for less than 30 days. (Ord. 12-03 § 4)

#### **6.01.180 Duplicates License.**

A duplicate dog or cat tag may be issued upon presentation of: (1) the animal license; (2) a declaration under penalty of perjury, on a form prescribed by the City that the tag has been lost; and (3) upon the payment of a duplicate tag fee. (Ord. 12-03 § 5)

#### **6.01.190 Unlawful Acts.**

A. It is unlawful for any person to remove the dog or cat tag from any dog or cat not their own or not in their lawful custody.

B. It is unlawful for any person to place a dog or cat tag on any dog or cat for which the tag was not issued.



C. It is unlawful for any person to place any imitation or false dog or cat tag on any dog or cat. (Ord. 12-03 § 6)

#### **6.01.195 Transfer of Dogs and Cats.**

A. "Transfer" means any transaction in which a dog, puppy, cat or kitten is delivered to a new owner, and includes, but is not limited to, the sale, sale at auction, barter, exchange, gift or adoption of any dog, puppy, cat or kitten.

B. Any individual who transfers a dog, cat, puppy or kitten to a new owner shall authorize access to all of the animal's health and vaccination records, including the name of the licensed veterinarian who examined the animal. The individual transferring the animal(s) shall also provide the new owner with a copy of the ordinance codified in this Article if the new owner resides in the City; or the requirements of California [Health and Safety Code](#) Sections 122045 through 122110 and 122125 through 122315 (Polanco-Lockyer Pet Breeder Warranty Act and the Lockyer-Polanco-Farr Pet Protection Act, respectively) if the new owner resides in California.

C. Any person advertising the availability of a puppy or kitten for transfer must prominently display the Unaltered Animal License number of the mother dog or cat in the advertisement.

D. No dog, puppy, cat or kitten shall be transferred as a prize. (Ord. 12-03 § 7)

#### **6.01.200 K-9 Dogs Used by Police Department.**

A. Any Police K-9 dog has a right to enter or be present in or at any place, public or private, in the performance of official law enforcement duties, where the handler in the performance of official duties shall have the right to enter or be present in or at any such place.

B. It is unlawful for any person to willfully torture, tease, torment, beat, kick, strike, mutilate, injure, disable, or kill any Police K-9 dog in the performance of its functions or duties, or to interfere with or meddle with any such dog which is used or being used by the Police Department, or any officer or member thereof, in the performance of any of the functions or duties of the Police Department or of such officer or member. (Ord. 02-01 § 1)

### **Article IV. Diseased, Dangerous and Nuisance Animals**

#### **6.01.210 Dangerous Animals Generally.**

A. It is unlawful for the owner or person having custody of any animal, determined to be a dangerous animal, after notification from the City, to fail to take such action as may be required to protect persons or other animals from such dangerous animal.

B. After notification from the City of the determination that an animal is dangerous, if the owner or person having custody of a dangerous animal fails forthwith to take such action as required by the City to protect persons or other animals from such dangerous animal, the dangerous animal may be seized and humanely destroyed.

C. Compliance with this section shall in no way absolve the owner or custodian of a dangerous animal from civil liability or other criminal liability. (Ord. 02-01 § 1)

#### **6.01.220 Procedure When Animal Bites Person or Animal.**

A. The City may direct the owner or custodian of any animal which is determined to have bitten any person or other animal to comply with one of the following procedures:

1. Isolate the biting animal on the premises of the owner or custodian of such animal for a period of time determined by the City.

2. Surrender the biting animal to the City for isolation and impoundment for the period of time determined by the City.

3. Surrender the animal to a licensed veterinarian for isolation for the period of time determined by the City.

B. It shall be unlawful for the owner or custodian of a biting animal to fail to comply with the requirements of this section.

C. If the animal isolated is determined not to be infected with rabies at the end of the period of isolation, it shall be released to the owner or custodian of the animal upon the payment of any fee, charge or penalty including any fee for veterinary services. If such fee, charge or penalty is not paid within five days after notification by the City, such animal may be sold, given away or humanely destroyed. (Ord. 02-01 § 1)

#### **6.01.230 Notification to City of Suspected Rabies.**

It is unlawful for any person to fail to immediately notify the City of the observation or knowledge of any animal which shows symptoms of rabies or which acts in a manner which would lead a reasonable person to believe that the animal may have rabies. (Ord. 12-02 § 2; Ord. 02-01 § 1)

#### **6.01.240 Procedure When Rabies Suspected.**

A. The City shall investigate any report of any animal which shows symptoms of rabies or acts in a manner which would lead a reasonable person to believe that the animal may have rabies. Upon determination by the City or a designated veterinarian that an animal may be infected with rabies, the owner or custodian of such animal shall be required to comply with one of the following procedures:

1. Surrender the animal to the City for isolation and impoundment for the period of time determined by the City.

2. Surrender the animal to a licensed veterinarian for isolation for the period of time determined by the City.

B. It is unlawful for the owner or custodian of an animal which may be infected with rabies to fail to comply with the requirements set forth in this section.

C. If the animal isolated is determined not to be infected with rabies at the end of the period of isolation, it shall be released to the owner or custodian of the animal upon the payment of any fee, charge or penalty including any fee for veterinary services. If such fee, charge or penalty is not paid within five days after notification by the City, such animal may be sold, given away or humanely destroyed. (Ord. 12-02 § 3; Ord. 02-01 § 1)

#### **6.01.250 Examination and Destruction of Rabid Animals.**

Any animal isolated shall be examined by the City or veterinarian. If the animal is infected with rabies, the City shall order in writing that the animal be humanely destroyed. A copy of this order shall be given to the owner or custodian of the animal. (Ord. 12-02 § 4; Ord. 02-01 § 1)

#### **6.01.260 Dog Noise Nuisances.**

A. It shall be unlawful and a public nuisance for any person to keep, maintain or permit any dog under his or her charge, care, custody or control to emit excessive noise.

B. For purposes of subsection A of this section, the term “excessive noise” shall mean the utterance of barks, cries or sounds which are loud, frequent and continued over a period of time so as to deprive persons residing in the immediate area or neighborhood of the peaceful and quiet enjoyment of their homes or property.

C. The provisions of this section shall not apply to any commercial animal establishment permitted by the zoning laws applicable to the parcel. (Ord. 02-01 § 1)

### **Article V. Dangerous Dogs**

#### **6.01.270 Public Menace.**

The provisions of this section set forth administrative procedures by which a dog found to be a potential danger to the public safety shall become subject to appropriate regulations designed to protect the public from such dangerous dog. This section is intended to supplement rather than supplant any other remedy available under state statute or Code provision. (Ord. 02-01 § 1)

#### **6.01.280 Definition.**

“Dangerous dog” means any dog which:

- A. On one or more occasions has bitten or caused serious injury to a person or domestic animal upon private property not owned by the dog owner; or
- B. Menaces or attempts to bite or attack any person or domestic animal without provocation;  
or
- C. Engages in an attack which requires a defensive action by any person to prevent bodily injury when such person is acting in a peaceful and lawful manner; or
- D. Engages in or is found to have been trained to engage in exhibitions of fighting; or

E. Is a protection dog that is straying or has escaped from confinement or restraint, is at large or otherwise unrestrained, uncontrolled or unleashed on or in a public street, sidewalk, park, beach, or other public place or property, or in or upon any private property or building during such time that said private property or building is open to the general public, or in or upon the private property of another person without the consent of the person.

The provisions of this section shall not apply to any Police K-9 dog assisting a peace officer engaged in law enforcement duties. (Ord. 02-01 § 1)

#### **6.01.290 Dog Running at Large.**

An owner of a dog who permits, allows or causes a dog to run, stray or be uncontrolled or at large upon a public street, sidewalk, park or other public property, or in or upon private property of another person is guilty of a public offense if the dog bites, attacks or causes injury to any human being or other animal, or exhibits dangerous behavior towards humans or animals. (Ord. 02-01 § 1)

#### **6.01.300 Impoundment.**

A. Impoundment. An Animal Control Officer may upon a showing of good cause that a dog engaged in any behavior as defined in Section 6.01.290, immediately cause the impoundment of any such dog reported to have caused the injury or exhibited such dangerous behavior if such impoundment appears necessary to prevent immediate injury to person or property, or if it appears that the owner of such dog is either unwilling or incapable of maintaining confinement and control of such dog.

B. Surrender of Dog. Any owner of a dog subject to the provisions of this section shall immediately surrender custody and control of such dog at the request of the Animal Control Officer.

C. Notice of Impoundment. Within 72 hours after impoundment of any dog pursuant to this chapter, the Animal Control Officer shall give written notice of such impoundment to the owner with a summary of the facts justifying impoundment. Such notice shall be mailed to the owner's last known address giving the date, time and place for a hearing on the impoundment, and advising the owner of the right to be present with or without counsel. (Ord. 02-01 § 1)

#### **6.01.310 Hearing on Impoundment.**

A. Time of Hearing. Not later than 30 days after impoundment of any dog pursuant to this chapter or after the taking of any action in lieu of impoundment pursuant to this chapter, the City Manager shall conduct a hearing to determine whether or not the impounded dog is a dangerous dog as defined in this chapter. The City Manager may adopt written guidelines for the conduct of hearings.

B. Notice of Hearing. The Animal Control Officer shall serve notice of a hearing upon the owner. The notice shall be in writing and may be served either by personal delivery of a copy or by certified mail, return receipt requested, to the person to be served. The notice shall include the following:

1. A statement that the dog is a dangerous dog as defined by this chapter;
2. State the time, date and place of the hearing, which shall be no less than 15 calendar days after the date of service of the notice;
3. A copy of this chapter.

C. Hearing. The hearing shall be public and shall be held before the City Manager at the time and place noticed or at such other time or place as may be mutually agreed to by the parties. In the event that a mutually agreeable time and place cannot be agreed upon, the Manager may set the date for the hearing.

Notwithstanding the foregoing, the City Manager may continue the hearing to such time and place as may be reasonably necessary for the convenience of witnesses or other parties. Failure of the owner to appear at the hearing or any continuance thereof shall constitute a default. (Ord. 02-01 § 1)

#### **6.01.320 Oaths.**

The City Manager or City Clerk shall have the power to administer oaths or affirmations when necessary in conjunction with the hearing. (Ord. 02-01 § 1)

#### **6.01.330 Evidence.**

A. Oral evidence shall be taken under oath or affirmation. Testimony may be given in an informal narrative style. The owner and the Animal Control Officer shall have the right to call, examine and cross-examine witnesses on any matter relevant to the issues even though such matter was not covered on direct examination, and to impeach any witness. Any relevant evidence shall be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence or objection in a civil action.

B. Hearsay evidence shall be admissible for any purpose, but shall not be sufficient by itself to support the written findings and decision rendered unless otherwise found to likely be truthful by the City Manager. (Ord. 02-01 § 1)

#### **6.01.340 Subpoena Power.**

A. The subpoena powers of the City are delegated to the City Manager and shall apply to all hearings under this chapter.

B. Before or after the hearing has commenced, the City Manager shall, at the request of the owner or the Animal Control Officer, issue subpoenas for attendance of witnesses or the production of documents at the hearing. (Ord. 02-01 § 1)

#### **6.01.350 Record.**

The City Manager shall record the hearing and make such recording available to the parties upon request. The Manager shall provide a copy of the recording or a transcript of the recording to any party who requests it and pays the cost of making such copy or preparing such transcript. (Ord. 02-01 § 1)

#### **6.01.360 Findings and Order.**

A. Determination. At the conclusion of the hearing, or within a reasonable time thereafter, the City Manager shall make a written decision and written findings in support of the decision. The decision shall be supported by evidence presented at the hearing. However, if the owner has defaulted by failing to appear, the finding shall be that the dog is dangerous.

B. Notice of Decision. The City Manager shall determine whether or not the impounded dog is a dangerous dog as defined herein, and shall issue a written notice of decision and findings based upon the evidence presented at the hearing provided, that no dog shall be a dangerous dog if such dog is found to have:

1. Bitten, attacked or menaced a trespasser while such dog was confined on the property of its owner; or
2. Injured or menaced a person who was tormenting or abusing it; or
3. Injured or menaced a person while defending its owner.

C. Surrender of Dog. Any dog declared after a hearing to be dangerous, if not already impounded by the City, shall be immediately surrendered.

D. Destruction. Any dog declared to be dangerous shall be humanely destroyed.

E. Return. Any dog declared, after hearing, not to be dangerous, shall be returned to the owner.

F. Conditions on Return. Where a dog is returned to the owner pursuant to subsection E of this section and if it is determined that the bite, attack or injury was the result of negligent or improper training, handling or maintenance, the City Manager may establish appropriate conditions that prevent the recurrence of a similar incident. Such conditions may include, but need not be limited to, the requirement that the owner of the dog maintain general liability insurance or bond with a combined single limit of up to \$300,000.00 per occurrence and that the owner show proof thereof to the City. The City Manager shall give written notice of any conditions imposed immediately upon the release of the dog to the owner. The failure to comply with the conditions imposed by the City Manager upon an owner of a dog released after a hearing is unlawful and a violation of this Code. (Ord. 02-01 § 1)

#### **6.01.370 Impound Alternatives Pending Hearing and Costs of Impound.**

A. Alternatives. Pending a hearing on the matter and in lieu of impoundment, the Animal Control Officer may permit a dog subject to the provisions of this chapter to be confined in a dog kennel or veterinary facility, approved by animal health and regulation, at the owner's expense or at the owner's residence provided that:

1. The owner shall make the dog available for observation and inspection upon request by City personnel or members of law enforcement agencies; and
2. The owner shall not remove the dog from any kennel, veterinary facility or residence approved for impoundment pending a hearing without approval of the City Manager.

B. Costs. All costs incurred by the City in impound and related expenses under this chapter, including care and feeding, shall be chargeable to the owner of the dog, unless it is determined that such owner is not liable for any criminal penalty as provided for in this chapter or it is determined that such dog is not dangerous. (Ord. 02-01 § 1)

#### **6.01.380 Final Decision.**

The decision of the City Manager is final. (Ord. 02-01 § 1)





## **ATTACHMENT 2**

County of Santa Barbara County Code, Chapter 7 Animals and Fowl  
(last revised October 3, 2017)



Footnotes:

--- (1) ---

**Editor's note**— Ord. No. 4948, adopted Nov. 17, 2015, amended Ch. 7 in its entirety, in effect repealing and reenacting said chapter to read as set out herein. The former Ch. 7, §§ 7-1—7-66, pertained to similar subject matter and derived from Ord. No. 2580, §§ 2—6; Ord. No. 3364, § 1; Ord. No. 3775, § 1; Ord. No. 3856, § 1; Ord. No. 3936, § 1; Ord. No. 3397, §§ 1, 2; Ord. No. 4059 § 1; Ord. No. 4375, §§ 2, 3; Ord. No. 4397, § 1; and Ord. No. 4737, adopted Dec. 1, 2009.

For provisions pertaining to livestock and livestock products, see §§ 3-5 and 3-8 of this Code. For provisions pertaining to burying animals, etc., see § 18-5. For prohibition against stabling animals in parks and recreational areas, see § 26-50. For prohibition against stabling animals in open areas, see § 26-25. As to prohibition against animals at large in Cachuma Recreation Area, see § 26-51. For provisions pertaining to dogs in Cachuma Recreation Area, see § 26-54. For provision requiring horses to be ridden on trails only, see § 26-55. For provisions pertaining to hunting in Cachuma Recreational Area, see § 26-26.

#### Article I. - In General

##### Sec. 7-1. - Definitions.

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Animal.** Any live, vertebrate creature other than a human being.

**Animal Control Officer.** Any county employee designated by resolution of the board of supervisors as primarily responsible for animal control and regulation.

**Animal Control Supervisor.** The county employee designated by the board of supervisors as the county employee responsible for the direct supervision of animal control officers and/or animal shelter operations.

**Animal Services.** The county of Santa Barbara Animal Services program.

**Animal Services Director.** The county employee designated by the board of supervisors as the county employee responsible for the administration and operations of the animal services program.

**Cattery.** Any premises or area where four or more cats four months of age or older are kept and cared for; provided, that this definition shall not include a duly licensed veterinary hospital, a humane society facility or any county facility.

**County.** The county of Santa Barbara and if the context so indicates county employees designated to carry out the provisions of this chapter.

**Domestic Animal.** An animal that has been tamed and kept by humans as a work animal, food source, companion animal or a pet.

**Grooming Shop.** Any commercial establishment, including mobile grooming businesses, where animals are bathed, clipped, plucked or otherwise groomed; provided, that this definition shall not include a duly licensed veterinary hospital, a humane society facility or any county facility.

**Impound.** Under the control and in the possession of the county.

**Kennel.** Any premises or area where four or more dogs four months of age or older are kept and cared for; provided, that this definition shall not include a duly licensed veterinary hospital, a humane society facility or any county facility.

Optional Cat License. Voluntary license for an altered cat for up to three years or the term of the rabies vaccination.

Pet Store. Shall be defined as set forth in the State Health and Safety Code Section 122350(i).

Protective Custody. Animals that are impounded under exigent circumstances when no animal control violation has occurred. Some examples include owner arrested, owner hospitalized, owner died, automobile accident, owner is at a shelter, vehicle impound, law enforcement activity, or disaster such as house fire or flood.

Quarantine. The confinement of any animal in such a manner so the animal may not expose to contagious disease or injure any person or other animal.

Relinquished. An animal whose owner has given up ownership to a county animal services shelter.

Restraint. Secured by an adequate leash or lead six feet in length or less and under the immediate control of a responsible person, or physically confined on or within the premises of the owner or custodian of the animal.

Stray. A domestic animal not kept under restraint.

(Ord. No. 4948, 11-17-2015)

#### Sec. 7-2. - Fees generally.

The amount of any charge, fee and penalty relating to county animal services shall be set by the board of supervisors of the county by ordinance.

(Ord. No. 4948, 11-17-2015)

#### Sec. 7-3. - Animal control officers generally.

- (a) It shall be unlawful for any person to interfere with, molest, hinder, resist or obstruct an animal control officer during the performance of his/her duties.
- (b) While performing his/her duty an animal control officer shall carry identification which indicates his/her status as an animal control officer.
- (c) Upon request of an animal control officer, all county employees including but not limited to peace officers shall assist animal control officers in the performance of their duties.
- (d) Animal control officers shall have the duty to enforce the provisions of this chapter and applicable state or local animal control laws.
- (e) An animal control officer may arrest without a warrant any person whom he/she has probable cause to believe has committed in his/her presence a misdemeanor or infraction which is in violation of the provisions of this chapter or of applicable state or local animal control laws.
- (f) An animal control officer may serve warrants as specified in California Penal Code Sections 1523 and 1530 during the course and within the scope of their employment.
- (g) Animal control officers will successfully complete training in Penal Code 832 within the first year of employment.

(Ord. No. 4948, 11-17-2015)

#### Sec. 7-4. - County employees on private property.

County employees may go in or upon private property to carry out the provisions of this chapter; provided, that except in cases of emergency, they shall not enter occupied living quarters without either first obtaining (1) the consent of an adult occupant, or (2) authorization from a court of law having jurisdiction to grant the same.

(Ord. No. 4948, 11-17-2015)

Sec. 7-5. - Adoption of standards, rules and regulations by animal services director.

The animal services director shall adopt standards for the proper care and comfort of animals kept in kennels or catteries and may adopt rules and regulations necessary to carry out the proper and orderly administration of county animal control and regulation laws.

(Ord. No. 4948, 11-17-2015)

Sec. 7-6. - Kennel, cattery, pet store and grooming shop permits generally.

- (a) It shall be unlawful to establish or maintain a kennel, cattery, pet shop or grooming shop without having obtained a county kennel, cattery, pet store or grooming shop permit.
- (b) A kennel or cattery permit shall be granted only after the animal services director or designee has determined that:
  - (1) The facilities of the kennel or cattery meet the standards adopted pursuant to section 7-5 that are set forth for the proper care and comfort of the animals;
  - (2) The location of the kennel or cattery is a permitted use under applicable county zoning ordinances; and
  - (3) The current year's kennel or cattery permit fee has been paid.

The permit fee for kennel or cattery shall be purchased annually and shall be due on the first day of January of each year.

- (c) A pet store or grooming shop permit shall be granted only after the animal services director or designee has determined that:
  - (1) The pet store or grooming shop meets the standards set forth in Penal Code Section 5971;
  - (2) The location of the pet store or grooming shop is a permitted use under applicable county zoning ordinances; and
  - (3) The current year's pet store or grooming shop permit fee has been paid.

The permit fee for a pet store or grooming shop shall be purchased annually and shall be due on the first day of January of each year.

(Ord. No. 4948, 11-17-2015)

Sec. 7-7. - Same—Revocation.

- (a) The kennel, cattery, pet store or grooming shop will be provided notice of a violation that could lead to revocation of the permit. The notice will include what is required to cure the violation and shall set forth a deadline for compliance.
- (b) The permit for the establishment or maintenance of a kennel or cattery may be revoked by the animal services director or designee upon his/her determination that:

- (1) The facilities for the proper care and comfort of the animals no longer meet the established standards; or
  - (2) That the location of the kennel or cattery is not a permitted use under the applicable county zoning ordinances; or
  - (3) The annual permit fee for a kennel or cattery has not been paid within thirty days after it is due.
- (c) The permit for the establishment or maintenance of a pet store or grooming shop may be revoked by the animal services director or designee upon his/her determination that:
- (1) The facilities for the proper care and comfort of the animals no longer meet the standards set forth in the Penal Code Section 5971; or
  - (2) That the location of the pet store or grooming shop is not a permitted use under the applicable zoning ordinances; or
  - (3) The annual permit fee for a pet store or grooming shop has not been paid within thirty days after it is due.

(Ord. No. 4948, 11-17-2015)

Sec. 7-8. - Certain animals on sidewalks.

It shall be unlawful for any person to ride or drive or cause to be ridden or driven any bovine, horse, mule, burro, sheep, goat or swine on any sidewalk. The term "sidewalk" shall not include any public riding or hiking trail.

(Ord. No. 4948, 11-17-2015)

Sec. 7-9. - Removal of animal waste and sanitation of quarters where animals are housed.

No person owning or having custody or control of any animal shall knowingly or through failure to exercise due care or control permit such animal to defecate or commit any other nuisance, and allow such nuisance to thereafter remain on any beach, in any public park, or other public property, upon the sidewalk or parkway of any street, or upon any private property which is improved or occupied, without the consent of the owner or person in lawful occupation thereof. A person shall not be considered in violation of this Section if the person has the necessary equipment, i.e., shovel, bag, etc., readily available and does take immediate and necessary action to accomplish the removal of such nuisance.

It shall be unlawful for any person to own or maintain any cage, hutch, aviary, place, property or area in which any animal is kept in an unsanitary manner due to the accumulation of feces, urine, uneaten food or other matter that is harmful to the health, safety or welfare of the animal, other-animals or any human being. Any feces, uneaten food, or other matter that emits an offensive odor or encourages the breeding of flies or other insects shall be collected daily, not be allowed to accumulate and shall be properly disposed of.

(Ord. No. 4948, 11-17-2015)

Sec. 7-10. - Violations.

Violation of any provisions contained in articles I, II and III of this chapter which are declared to be unlawful shall be an infraction. Every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars for a first violation, (2) a fine not exceeding two hundred dollars (for a second violation of the same ordinance within one year), (3) a fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year. Such fine shall be in addition to any required fees or deposits.

(Ord. No. 4948, 11-17-2015)

## Article II. - Restraint and Impoundment

### Sec. 7-11. - Generally.

- (a) It shall be unlawful for any person owning or having custody and control of any animal to fail to keep such animal under restraint when such animal is in or upon any public or private property or area without the express permission of the owner or custodian of such property or area.
- (b) It shall be unlawful for any person owning or having custody and control of any animal to stake out or tether such animal in such a manner that would permit or allow such animal to go in or upon any public or private property or area without the express permission of the owner or person in possession and control of such property or area.
- (c) It shall be unlawful for the owner or person having custody and control of any female dog in heat to fail to confine or enclose such female dog so that she cannot come in contact with any male dog except for the purpose of planned breeding.
- (d) Any animal not kept under restraint or so confined or enclosed is hereby declared to be a menace and a nuisance to public health and safety.
- (e) The county may seize and impound any animal not kept under restraint or so confined or enclosed.

(Ord. No. 4948, 11-17-2015)

### Sec. 7-12. - Impoundment—Duties of county generally.

County animal shelters shall keep accurate records on each animal taken up, medically treated, euthanized or impounded. The records shall include all of the following information and any other information required by the California Veterinary Medical Board:

- (a) The date the animal was taken up, medically treated, euthanized or impounded.
- (b) The circumstances under which the animal was taken up, medically treated, euthanized or impounded.
- (c) The names of the personnel who took up, medically treated, euthanized or impounded the animal.
- (d) A description of any medical treatment provided to the animal and the name of the veterinarian of record.
- (e) The final disposition of the animal, including the name of the person who euthanized the animal or the name and address of the owner reclaiming the animal, the name and address of the adopting party or the entity receiving the animal as a transfer. These records shall be maintained for three years after the date the animal's impoundment ended.

(Ord. No. 4948, 11-17-2015)

### Sec. 7-13. - Same—Time limit; notification of owner; euthanasia of animals; use of animals for research or testing.

- (a) (1) Except as provided in subsections (c), (d), (e) and (g) of this section, any stray cat or dog impounded shall remain so for a period of six business days, not including the day of impoundment, except if the county animal shelter has made the animal available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment. The animal shall be

held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption the remainder of the holding period.

- (2) After the expiration of such four- or six-day stray holding period set forth in subsection (a)(1) of this section, the county may continue to hold the animal for adoption or humanely euthanize any animal not reclaimed or adopted. Prior to the euthanasia of that animal for any reason other than irremediable suffering, the county shall release the animal to a nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of the Internal Revenue Code, if requested by the organization prior to the scheduled euthanasia of the animal. However, the county shall not release either of the following:
    - (i) A dog that has been seized pursuant to section 7-56 for which a vicious dog hearing pursuant to section 7-57 has not yet been held; or
    - (ii) A dog that has been ordered to be euthanized pursuant to section 7-59.
  - (3) During any period in which an animal is available for both owner redemption and adoption, requests for owner redemption and adoption will be considered in the order in which they are received.
- (b) All other stray animals that are typically impounded by the shelter, and legally allowed as personal property, shall remain impounded for a period of six business days, not including the day of impoundment, except if the shelter has made the animal available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment. The animal shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption the remainder of the holding period. After the expiration of such four- or six-day holding period, the county may continue to hold the animal for adoption or humanely euthanize any animal not reclaimed or adopted. Prior to the euthanasia of that animal for any reason other than irremediable suffering, the county shall release the animal to a nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of the Internal Revenue Code, if requested by the organization prior to the scheduled euthanasia of the animal.
- The owner or custodian of any animal impounded may at any time before the adoption, transfer or other disposition of such impounded animal, reclaim such animal during the county business hours upon a payment to the county of any charge, fee or penalty due under the provisions of this chapter, except as otherwise provided in this chapter or by law.
- (c) If it is determined by a California licensed veterinarian or by the animal services director or designee that any animal impounded is irremediably suffering from a serious illness or severe injury, such animal shall not be held for owner redemption or adoption and may be humanely euthanized. After best efforts by animal services to find a rescue partner or foster placement, newborn animals that need maternal care and have been impounded without their mothers may be euthanized without being held for owner redemption or adoption.
  - (d) If an apparently feral cat has not been reclaimed by its owner or caretaker within the first three days of the required holding period, shelter personnel qualified to verify the temperament of the animal shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined to be docile or a frightened or difficult tame cat, the cat shall be held for the entire required holding period specified in subsection (a) of this section for owner redemption and adoption. If the cat is determined to be truly feral, the cat may be euthanized or relinquished to a nonprofit animal rescue or adoption organization as defined in Section 501(c)(3) of the Internal Revenue Code, that agrees to the spaying or neutering of the cat if it is not already spayed or neutered.
  - (e) Except as provided in subsection (c) of this section, any animal relinquished by the purported owner that is of a species impounded by the shelter, shall be held for two full business days, not including the day of impoundment. The animal shall be available for owner redemption or adoption for the holding period. After the holding period, the animal may be held longer, adopted, euthanized or transferred to a nonprofit animal rescue or adoption organization, as defined in Section 501(c)(3) of



the Internal Revenue Code, under the same conditions and circumstances provided for stray animals in subsection (a) of this section. However, the county shall not be required to release any dog that has a history of vicious or dangerous behavior documented by the county. Such dogs may be made available for immediate euthanasia.

- (f) Except as provided in subsections (a), (b), (c), (d), (e) and (g), the animal services director may establish minimum holding periods and terms and conditions for release, adoption, transfer or euthanasia of other species of animals impounded by the shelter.
- (g) This section shall not apply to any of the following animals:
  - (1) Animals impounded for biting pursuant to section 7-23;
  - (2) Animals impounded for rabies control purposes;
  - (3) Wild animals subject to euthanasia, release, relocation or other disposition under applicable laws;
  - (4) Animals held in protective custody.
- (h) The county may not release or transfer title to any impounded live animal to anyone for the intended use of the animal for research or testing, or for use for fur or as food for humans or for other animals.
- (i) The county shall, prior to adoption, transfer or euthanizing any animal, attempt to notify the owner or person entitled to custody and control of such animal. The county shall also provide the owners of lost animals and those who find lost animals with all of the following:
  - (1) Ability to list the animals they have lost or found on "Lost and Found" lists maintained by the shelter;
  - (2) Referrals to animals listed that may be the animals the owners or finders have lost or found;
  - (3) The telephone numbers and addresses of other pounds and shelters in the same vicinity;
  - (4) Advice as to means of publishing and disseminating information regarding lost animals;
  - (5) The telephone numbers and addresses of volunteer groups that may be of assistance in locating lost animals.
- (j) In addition to any required spay or neuter deposit, the board of supervisors may by ordinance establish fees, not to exceed the standard adoption fee, for animals released to nonprofit animal rescue or adoption organizations pursuant to this section.

(Ord. No. 4948, 11-17-2015)

#### Sec. 7-14. - Claiming impounded animals.

The owner or custodian of any animal impounded may at any time before the adoption, transfer or other disposition of such impounded animal, reclaim such animal during the county business hours upon a payment to the county of any charge, fee or penalty due under the provisions of this chapter, except as otherwise provided in this chapter or by law.

(Ord. No. 4948, 11-17-2015)

#### Sec. 7-15. - Certain unclaimed animals.

Any horse, mule, burro, sheep, goat or swine impounded by the county, unless claimed by the person or owner entitled to custody thereof, may after seventy-two hours be released for adoption or transfer or other disposition as deemed appropriate.

(Ord. No. 4948, 11-17-2015)

Sec. 7-16. - Spay or neuter of unaltered animals released for adoption.

- (a) No dog or cat shall be released by the county for adoption unless such dog or cat is spayed or neutered.
- (b) If a veterinarian licensed to practice veterinary medicine in California certifies that the dog or cat is too sick or injured to be spayed or neutered, or that it would be otherwise detrimental to the health of the dog or cat, the adopter shall pay animal services a deposit consistent with the amount set for the in California Food and Agricultural Code Section 31761, as this section may be amended from time to time.
- (c) The deposit shall be temporary and shall be retained until the dog or cat is healthy enough to be spayed or neutered, as certified by a veterinarian licensed to practice veterinary medicine in California.
  - (1) The dog or cat shall be spayed or neutered within fourteen business days of that certification.
  - (2) The adopter shall obtain written proof of spaying or neutering from the veterinarian performing the surgery.
  - (3) If the adopter presents proof of spaying or neutering to animal services within thirty days of obtaining the surgery, the adopter shall receive a full refund of the deposit.
  - (4) If the dog or cat is spayed or neutered by animal services, the deposit will be converted to the fee for the service and retained by animal services.
  - (5) Unclaimed deposits will be forfeited and expended for programs to spay or neuter dogs or cats.
- (d) Notwithstanding section 7-10 of article II of this chapter, a violation of this section may be filed as either an infraction or a misdemeanor at the discretion of the Santa Barbara County district attorney.

(Ord. No. 4948, 11-17-2015)

Sec. 7-17. - Procedure when person takes custody of any non-restrained animal.

- (a) Any person may take temporary custody of any animal not under restraint as required by this article.
- (b) It shall be unlawful for any person to fail within twenty-four hours after obtaining temporary custody of such animal to notify the owner or custodian of such animal or animal services of such temporary custody.
- (c) The county shall, upon receiving notification under this section, seize and impound such animal.
- (d) If an animal impounded under this section is not reclaimed after the expiration of the stray holding period of the impoundment period required by section 7-13 by the owner or person entitled to custody, the person taking temporary custody under this section shall have the first right to adopt such animal, subject to compliance with applicable adoption procedures and approval criteria.

(Ord. No. 4948, 11-17-2015)

Article III. - Licenses and Tags

Sec. 7-18. - Licenses and tags—Required.

- 1. Unaltered Animal License for Responsible Owners.

- (a) Owners of dogs and cats shall act responsibly when considering whether to breed their dog or cat.
    - (1) Spaying or neutering of dogs and cats is recommended.
    - (2) Owners of dogs and cats may purchase an unaltered animal license from animal services if a California licensed veterinarian issues a veterinary certificate stating in writing that the owner has discussed the objectives and purpose for owning the dog or cat with the veterinarian, and after considering the overall circumstances, including the age and health of the animal, the veterinarian either:
      - (i) Concludes that the owner and dog or cat will best be served by authorizing the owner to purchase an unaltered animal license; or
      - (ii) Otherwise authorizes the owner to purchase an unaltered animal license.
    - (3) A current veterinary certificate is required each time an unaltered animal license is purchased.
    - (4) A veterinary certificate is valid for either one year or the term of the license, whichever is longer.
  - (b) For every owner in the county who owns a dog or cat over six months of age and whose animal does not meet the requirements to purchase an unaltered animal license, the owner shall have the dog or cat spayed or neutered.
  - (c) These requirements do not apply to owners of dogs and cats temporarily visiting the county for thirty days or less.
  - (d) These requirements do not apply to owners of dogs and cats residing on parcels that are designated as AG-II and a minimum parcel size of forty acres.
2. Does Not Qualify for an Unaltered Animal License. The following owners of dogs or cats do not qualify for an unaltered animal license:
- (1) Owners of dogs or cats impounded and/or cited at large three times within a year.
  - (2) Owners of dogs or cats convicted in California for crimes against animals and/or domestic violence.
  - (3) Dog owners who have been found guilty of an infraction or misdemeanor under article VIII of this chapter after their dog has bitten, attacked, or caused injury to a human being or animal while the dog was running at large.
3. Dog Licenses.
- (a) It shall be unlawful to own or have custody of a dog four months of age or older unless a county altered or unaltered dog license has been procured.
  - (b) The county shall only issue a dog license after the dog to be licensed has been vaccinated against rabies by a method approved by a licensed veterinarian who shall issue to the owner or person entitled to custody of the dog to be licensed a rabies certificate which shall include information as prescribed by the State of California. The owner shall present the rabies certificate to the county prior to being issued a dog license.
  - (c) Upon payment of the license fee and the presentation of a valid rabies vaccination certificate, the county shall issue a dog license and dog tag to the person paying the license fee. The dog tag shall be worn by the dog at all times.
  - (d) A county dog license shall be valid for a period not to exceed three years and the license period shall not extend beyond the remaining period of validity for the current rabies vaccination.
4. Unaltered Cat Licenses.

- (a) It shall be unlawful to own or have custody of an unaltered cat six months of age or older unless an unaltered animal license has been procured.
- (b) Upon payment of the license fee and the presentation of a current veterinary certificate, the county shall issue an unaltered animal license and cat license tag to the person paying the license fee. The cat tag shall be worn by the cat at all times.
- (c) An unaltered animal license for a cat shall be valid for one year.

5. General.

- (a) An unaltered animal license constitutes a breeders license. The unaltered animal license number will be displayed in any advertisements to sell or give away offspring of the animal.
- (b) For each unaltered animal license sold, ten dollars will be deposited into the animal services spay/neuter agency fund to be used for education and spay or neuter related activities.

The fees for license penalties will be deposited into the animal services spay/neuter agency fund to be used for education and spay or neuter related activities.

The fees for licenses sold include the following amounts to be deposited into the animal services capital improvement agency fund:

One dollar for one-year altered, new adoptions duplicate tags and all six-month licenses.

Two dollars for two-year altered and one-year unaltered licenses.

Three dollars for three-year altered and optional cat licenses.

Four dollars for two-year unaltered licenses.

Six dollars for three-year unaltered licenses.

- 6. Enforcement Responsibility. The animal services director shall be responsible for the administration and enforcement of this chapter. Any request for review of a denial for an unaltered animal license shall be submitted in writing to the animal services director who shall hold a hearing. The decision of the animal services director shall be final.

7. Certificate of Anti-Rabies Vaccination.

Any veterinarian who vaccinates or causes or directs to be vaccinated in the county any dog with the antirabies vaccine shall:

- (a) Provide a certificate to certify that such animal has been vaccinated that contains the following information:
  - (1) The manufacturer, lot number and type of vaccine used;
  - (2) The date of the vaccination;
  - (3) The duration of vaccination;
  - (4) Description of the dog, including age, breed, sex and color;
  - (5) Name and address and phone number of owner of the dog;
  - (6) Veterinarian's signature; and
- (b) Send a copy of the completed certificate to the county animal services division of the public health department.

(Ord. No. 4948, 11-17-2015; Ord. No. 5013, 10-3-2017)

Sec. 7-19. - Same—Exceptions.

A dog need not be licensed if:

- (1) Such dog is owned or in the custody and control of nonresidents of the county who are traveling through or sojourning in the county for less than thirty days; or
- (2) Such dog is used to assist a person with impaired vision; or
- (3) Such dog is trained for official law enforcement duties and which are used for said purposes by the sheriff's department.

(Ord. No. 4948, 11-17-2015)

Sec. 7-20. - Same—Duplicates.

A duplicate dog tag shall be issued by the county upon presentation to the county of:

- (1) The dog license;
- (2) A declaration under penalty of perjury, on a form prescribed by the county, that the tag has been lost; and
- (3) Upon the payment of a duplicate tag fee.

(Ord. No. 4948, 11-17-2015)

Sec. 7-21. - Same—Unlawful acts.

- (a) It shall be unlawful for any person to remove the dog tag from any dog of which a person is not the owner or entitled to custody.
- (b) It shall be unlawful for any person to place a dog tag on any dog for which the tag was not issued.
- (c) It shall be unlawful for any person to place any imitation or false dog tag on any dog.

(Ord. No. 4948, 11-17-2015)

Sec. 7-21.1. - Dogs used by sheriff's department.

- (a) Where a deputy sheriff has a right to enter or be present in or at any place, public or private, in the performance of official law enforcement duties, any dog, and the handler of any dog, used by the sheriff's department in the performance of official duties shall have the right to enter or be present in or at any such place.
- (b) It shall be unlawful for any person to willfully torture, tease, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the sheriff's department in the performance of its functions or duties or to interfere with or meddle with any such dog which is used or being used by the sheriff's department, or any officer or member thereof, in the performance of any of the functions or duties of the sheriff's department or of such officer or member.
- (c) The provisions of section 7-11(a) through (e) shall not apply to dogs which have been trained for official law enforcement duties and which are used for said purposes by the sheriff's department.

(Ord. No. 4948, 11-17-2015)

Article IV. - Rabies Suspect Animals

Sec. 7-22. - Rabies suspect animals generally.

- (a) Dogs and cats, as well as other domestic mammals (excluding rodents and rabbits) involved in a bite to a human that breaks the skin are considered under state law to be rabies suspect.
- (b) Consistent with state law, animals considered to be rabies suspect are required to be placed in quarantine, defined as strict confinement upon the private premises of the owner, or at a veterinary facility or animal shelter facility, in a closed cage, or paddock, isolated for a specified time.
- (c) The rabies suspect animal will remain in quarantine until released by an animal services employee or a veterinarian licensed to practice veterinary medicine in the state of California.

(Ord. No. 4948, 11-17-2015)

Sec. 7-23. - Procedure when animal bites person or animal.

The county may direct the owner or custodian of any animal which is determined by the county to have bitten any person or other animal to comply with one of the following procedures if so required by the county:

- (a) Quarantine the biting animal on the premises of the owner or custodian of such animal for a period of time determined by the county.
- (b) Surrender the biting animal to the county for quarantine and impoundment for the period of time determined by the county.
- (c) Surrender the animal to a licensed veterinarian for quarantine for the period of time determined by the county.

It shall be unlawful for the owner or custodian of a biting animal to fail to comply with the county's requirements set forth in this section.

Except as otherwise provided in this chapter or by state law, if the animal quarantined is determined not to be infected with rabies at the end of the period of isolation, it shall be released to the owner or custodian of the animal upon the payment of any fee, charge or penalty including any fee for veterinary services. If such fee, charge or penalty is not paid within five days after notification by the county such animal may be adopted, transferred or humanely euthanized.

(Ord. No. 4948, 11-17-2015)

Sec. 7-24. - Notification to county health officer of suspected rabies.

It shall be unlawful for any person to fail to immediately notify the county health officer or designee of the observation or knowledge of any animal which shows symptoms of rabies or which acts in a manner which would lead a reasonable person to believe that the animal may have rabies.

(Ord. No. 4948, 11-17-2015)

Sec. 7-25. - Procedure when rabies suspected.

The county shall investigate any report of any animal which shows symptoms of rabies or acts in a manner which would lead a reasonable person to believe that the animal may have rabies. Upon determination by the county health officer or designee that an animal may be infected with rabies, the owner or custodian of such animal shall be required by the county to comply with one of the following procedures:

- (a) Surrender the animal to the county for quarantine and impoundment for the period of time determined by the county; or

- (b) Surrender the animal to a licensed veterinarian for quarantine for the period of time determined by the county.

It shall be unlawful for the owner or custodian of an animal which may be infected with rabies to fail to comply with the county's requirements set forth in this section.

If the animal quarantined is determined not to be infected with rabies at the end of the period of quarantine, it shall be released to the owner or custodian of the animal upon the payment of any fee, charge or penalty including any fee for veterinary services. If such fee, charge or penalty is not paid within five days after notification by the county, such animal may be adopted, transferred or humanely euthanized.

(Ord. No. 4948, 11-17-2015)

Sec. 7-26. - Examination and destruction of rabid animals.

The county shall cause any animal quarantined to be examined by the county health officer or designee. If the animal is determined to be possibly infected with rabies, the county health officer shall order in writing that the animal be humanely euthanized and tested for rabies. A copy of this order shall be given to the owner or custodian of the animal.

(Ord. No. 4948, 11-17-2015)

Article V. - Beekeeping

Sec. 7-27. - Generally, construction of provisions.

The unregulated and improper keeping of bees and apiaries in the county has become a nuisance and a hazard to the safety of landowners, road users and the public generally.

This article shall in all respects be construed to supplement and harmonize with the provisions of law of the state pertaining to bees and the beekeeping industry.

(Ord. No. 4948, 11-17-2015)

Sec. 7-28. - Definitions.

Any word or phrase hereinafter used in this article and not herein defined shall be given the meaning established for such word or phrase by the California Agricultural Code as it now is or may hereafter be amended. Whenever in this article the term "commissioner" is used, it shall mean the county agricultural commissioner or designee and regularly appointed employees of the county department of agriculture acting pursuant to his instructions.

Whenever in this article the term "fire chief" is used, it shall mean and include the county fire chief, the state forester, the district rangers and officers and foresters of the United States government or any of their deputies and employees, and the chief engineer or fire chief or chief executive officer of any fire district, or any of their deputies and employees.

(Ord. No. 4948, 11-17-2015)

Sec. 7-29. - Identification of apiary.

Every person owning an apiary located on premises other than where he resides shall identify such apiary as is now provided or hereafter may be provided by the laws of the state.

(Ord. No. 4948, 11-17-2015)

Sec. 7-30. - Right of commissioner and fire chief to enter premises; interference with commissioner or fire chief.

The commissioner and fire chief or designee are hereby empowered to enter upon any premises where bees are kept, or upon which they have reason to believe that bees are kept, in order to carry into effect the provisions of this article, respectively enforceable by each.

It shall be unlawful for any person to interfere with the official actions of the commissioner or fire chief.

(Ord. No. 4948, 11-17-2015)

Sec. 7-31. - Restrictions on location of apiary.

No person shall place or keep an apiary, or cause to allow an apiary to remain so close to a public or private road used by the public as to constitute a nuisance or hazard to persons using such road. Except when pollinating crops, no apiary shall be located within three hundred feet of a property line or road.

No person shall place or keep an apiary, or cause or allow an apiary, to remain closer than six hundred feet to any building used as a dwelling other than buildings owned by such person, without the permission of the occupant of such building.

(Ord. No. 4948, 11-17-2015)

Sec. 7-32. - Permission of landowner or tenant required for placement of apiary.

No person shall place or keep an apiary, or cause or allow an apiary to remain on land not owned or possessed by such person without first obtaining the written permission of the owner or person lawfully in possession of such land.

(Ord. No. 4948, 11-17-2015)

Sec. 7-33. - Transportation of bees.

Except in case of an emergency, hives of bees being transported on public roads or highways at a time when the bees are flying shall have the bees substantially confined by screens or other means to the vehicle by which the bees are being transported.

(Ord. No. 4948, 11-17-2015)

Sec. 7-34. - Apiary water supply.

Every apiary shall be provided with water by the apiary owner at the time that the set is made, and such water shall be maintained by the apiary owner so long as the apiary stays on such property, unless the landowner gives written permission for the apiary to use water situated on the land where the apiary is located.

(Ord. No. 4948, 11-17-2015)

Sec. 7-35. - Fire prevention.



Any person owning, leasing, controlling, operating or maintaining any apiary in, upon or adjoining any hazardous fire area, and any person owning, leasing or controlling any land adjacent to such apiary shall at all times:

- (a) Maintain around and adjacent to such apiary an effective firebreak made by removing and clearing away, for a distance therefrom of not less than thirty feet on each side thereof, all flammable vegetation or other combustible growth. This article shall not apply to single specimens of trees, ornamental shrubbery or similar plants used as ground covers; provided, that they do not form a means of rapidly transmitting fire from the native growth to any structure.
- (b) Maintain around and adjacent to any such apiary additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth located from thirty feet to one hundred feet from such apiary as may be required by the fire chief when he finds that because of extra hazardous conditions a firebreak of only thirty feet around such apiaries is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than thirty feet from such apiary and less than eighteen inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

No person shall use any lighted or smoldering material in connection with smoking bees except by the authority of a written permit from the fire chief.

(Ord. No. 4948, 11-17-2015)

Sec. 7-36. - Notice of violation of article.

Any person who violates any provisions of this article may be served with a written notice to cease or remedy such violation by the commissioner. Any person who violates the fire provisions of this article may be served with a written notice to cease or remedy such violation by the fire chief. Such notice shall require that such person cease or remedy the violation within forty-eight hours. Any person who fails to cease or remedy the violation within such forty-eight-hour period is guilty of a misdemeanor. The notices required by this section shall be served personally on such person or, if he cannot be readily found, shall be served by mail, return receipt requested; or, if he cannot be served by mail, then service shall be accomplished by posting a notice in a conspicuous place on or near the apiary where the violation occurred. The forty-eight-hour period for which such notices provide shall commence to run from the time on the day a notice is served pursuant to this section.

(Ord. No. 4948, 11-17-2015)

Article VI. - Dog Noise

Sec. 7-37. - Dog noise nuisances.

- (a) It shall be unlawful and a public nuisance for any person to keep, maintain or permit any dog under his or her charge, care, custody or control to emit excessive noise.
- (b) For purposes of subsection (a) of this section, the term "excessive noise" shall mean the utterance of barks, cries or sounds which are loud, frequent and continued over a period of time so as to deprive persons residing in two or more dwelling units in the neighborhood, of the reasonable comfortable enjoyment of their homes or property.

A dwelling unit is defined as a county assessor's parcel unit, except that for the purposes of this article, condominiums and apartment units shall be deemed to be one assessor's parcel unit.

However, the provisions of this article shall not apply to any commercial animal establishment permitted by zoning law or any parcel having a comprehensive plan designation for agriculture and agricultural uses or zoned exclusively for agriculture.

- (c) A public nuisance proscribed by subsection (a) of this section may be abated in the manner set forth in this chapter and in the administrative policies, procedures and guidelines adopted by the Animal Services Division of the Santa Barbara County Public Health Department (hereinafter referred to as animal services division). This chapter and the administrative policies, procedures and guidelines adopted by the animal services division are in addition to any other remedies, which may be available by law.

(Ord. No. 4948, 11-17-2015)

Sec. 7-38. - Administrative policies, procedures and guidelines.

- (a) The animal services division shall adopt written administrative policies, procedures and guidelines to process complaints, which complaints are deemed to be public records open to public inspection, regarding dogs that emit noise. Said administrative policies, procedures and guidelines shall include, but not be limited to, the processing of complaints, notification to responsible persons of complaints, investigation of complaints, voluntary and informal meetings with concerned parties regarding complaints, voluntary community mediation regarding said complaints, voluntary dog obedience training, and/or referral to the district attorney for enforcement of this chapter under section 7-39.
- (b) The board of supervisors may adopt fees by ordinance to recover the costs to implement the administrative policies, procedures and guidelines adopted by the animal services division pursuant to this chapter.

(Ord. No. 4948, 11-17-2015)

Sec. 7-39. - District attorney enforcement remedies.

(1) Civil Actions.

- (a) Injunctive Relief. Whenever the director of the animal services division or his or her designee chooses to refer to the district attorney a complaint under this article, or on the district attorney's own initiative without a referral from the director of the animal services division, the district attorney may make application to the Superior Court for an order enjoining the conduct that constituted the nuisance, and upon a showing by the district attorney that such person has engaged in or is about to engage in any conduct which would constitute a nuisance as described in section 7-37, a permanent or temporary injunction, restraining order or other may be granted.
- (b) Civil Remedies and Penalties.
  - (i) Civil Penalties. Any person, who willfully violates any of the provisions of section 7-37, shall be liable for a civil penalty not to exceed two thousand dollars.
  - (ii) Costs and Damages. Any person violating section 7-37 shall be liable to the county of Santa Barbara for the cost incurred in prosecuting a civil action pursuant to subsection (1) of this section 7-39, including the cost of litigation.

(2) Criminal Actions and Penalties. Any person who willfully violates any provision of section 7-37 is guilty of a crime. The offense may be filed as either an infraction or a misdemeanor at the discretion of the district attorney.

- (a) Infractions. If filed as an infraction and upon conviction thereof, the crime shall be punishable by:
  - (i) A fine not exceeding one hundred dollars for a first violation;
  - (ii) A fine not exceeding two hundred dollars for a second violation of this article in one year; and

- (iii) A fine not exceeding five hundred dollars for each additional violation of this article within one year.
- (b) Misdemeanors. If filed as a misdemeanor and upon conviction thereof, the punishment shall be a fine of not less than five hundred dollars nor more than one thousand dollars or imprisonment in the county jail for a period not exceeding six months or by both a fine and imprisonment.

(Ord. No. 4948, 11-17-2015)

#### Article VII. - Use of Steel-Jawed Leg-Hold Traps

##### Sec. 7-40. - Legislative findings and declaration.

The board of supervisors finds and declares that the use of steel-jawed leg-hold traps creates a hazard to the residents of Santa Barbara County and their pets.

It is necessary to regulate the use of steel-jawed leg-hold traps on certain public lands in the county to ensure the safety and welfare of persons and pets using said lands for recreational purposes.

The impact on trapping in Santa Barbara County is minimal compared to the local safety and welfare concerns of the county's citizenry.

(Ord. No. 4948, 11-17-2015)

##### Sec. 7-41. - Use of steel-jawed leg-hold traps.

Except as provided in section 7-42, it shall be unlawful for any person to set, trigger, activate or otherwise use or cause to be set, triggered, or activated, any steel-jawed leg-hold traps for the capture of any animals in any of the following areas:

- (a) Within all public lands in the Los Padres National Forest which are located within the boundaries delineated on the map marked Exhibit A attached to the ordinance codified in this article and described as follows:

The eastern boundary begins at the Taro Canyon Road proceeding north to the end of the road and continuing due north to Divide Peak Road, continuing northwest to the junction of Camuesa Road.

The boundary line then proceeds east along Camuesa Road to Juncal Campground.

The northern boundary line begins at Juncal Campground and Camuesa Road (5N15) and proceeds northwest along Camuesa Road to the Big Caliente Hot Springs Road (5N16). The boundary proceeds north on Big Caliente Hot Springs Road to Big Caliente Hot Springs.

Forest Management boundary 63(a) is then followed west from Big Caliente Hot Springs to Little Caliente Hot Springs. The road from Little Caliente Springs is followed to the junction of Mono Creek Channel. Mono Creek Channel proceeds southward to confluence with the Santa Ynez River.

The boundary continues west along the Santa Ynez River Channel to the Red Rock day use parking area.

The boundary then continues along the road from Red Rock to the Upper Oso Road, proceeding north on Upper Oso Road to the junction of the Santa Cruz Trail (27W09). It continues due west to the forest boundary.

The western boundary of the regulated area is due north and south from the Winchester Gun Club.

- (b) The firearms closure area within the Figueroa Mountain Recreation area as depicted on the Los Padres Forest Service recreation map.
- (c) Within five hundred yards from the boundaries of the following high use developed campgrounds and day use areas:
  - Juncal Campground
  - Upper Oso Campground
  - Lower Oso Campground
  - Davy Brown Campground
  - Nira Campground
  - Cachuma Campground
  - Big Caliente Hot Springs
  - Little Caliente Hot Springs
- (d) On all public lands in the unincorporated area of the county south of the southernmost boundary of the Los Padres National Forest.

(Ord. No. 4948, 11-17-2015)

Sec. 7-42. - Exception to prohibition.

Notwithstanding section 7-41, it shall be lawful to utilize a steel-jawed leg-hold trap in any regulated areas when:

- (a) Such traps are utilized for predator control programs by federal trappers.
- (b) Such traps are used by grazing permittees where active grazing allotments have been authorized.
- (c) Such traps are utilized for the control of disease outbreaks as authorized by State Fish and Game Code 4011.

(Ord. No. 4948, 11-17-2015)

Sec. 7-43. - Violations—Penalty—Enforcement.

Any person who violates the provisions of this article is guilty of an infraction, which shall be punishable by a fine not to exceed one hundred dollars for the first violation; not to exceed two hundred dollars for a second violation within one year; and not to exceed five hundred dollars for each additional violation of the same ordinance within one year. Further, when complaints are received, the animal control officers of the county shall have the duty to investigate and enforce the provisions of this article. The provisions of this article may also be enforced by any peace officer having the jurisdictional authority to do so.

(Ord. No. 4948, 11-17-2015)

Secs. 7-44—7-52. - Reserved.

Article VIII. - Vicious and Restricted Dogs

Sec. 7-53. - Purpose.

Public Menace. Within the county there are dogs that the presence of which has become a serious and widespread threat to the safety and welfare of the residents and/or domestic animals of the county that should be abated. The provisions of this article set forth the procedures by which a dog is determined to be a vicious dog or determined to be a restricted dog, thereby becoming subject to appropriate controls and other actions.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-54. - Definitions.

1. "Restricted dog" means:

- (a) Any dog which when unprovoked, engages in any behavior that requires a defensive action by a person to prevent bodily injury to any person, domestic animal or livestock, off the property of the owner or custodian of the dog; or
- (b) Any dog which, when unprovoked, bites a person or otherwise engages in aggressive behavior when off the property of the owner or custodian of the dog, causing a less severe injury than as defined as "severe injury to a human" in section 7-54; or
- (c) Any dog which, when unprovoked, has inflicted an injury less severe than a "severe injury to an animal", as defined in section 7-54, to a domestic animal or livestock when off the property of the owner or custodian of the dog; and
- (d) Any dog for which an administrative hearing has been held and the dog has been determined to need to be closely controlled by the owner or custodian and restrictions have been designated by a hearing officer with jurisdiction in the county.

2. "Vicious dog" means:

- (a) Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury to a person, as defined in section 7-54, or kills a person; or
- (b) Any dog that kills or inflicts on another domestic animal or livestock a severe injury to an animal as defined in section 7-54, when the killed or injured animal is properly contained on the property of its owner or custodian or is being lawfully walked on leash by its owner or custodian or is physically under the control of the owner or custodian (such as being held in the arms of the owner or custodian); or
- (c) Any dog that has exhibited the behaviors defined under "restricted dog" (a), (b), or (c) and that has a documented prior history of such behaviors in animal services database or the records of another jurisdiction, which may include, but is not limited to, a prior warning following investigation of an incident, a documented bite to a human, or a determination that the dog is vicious or potentially dangerous pursuant to Chapter 9 of Division 14 of the California Food and Agricultural Code; or
- (d) Any dog previously determined to be and currently designated as a restricted dog in the county, which, after its owner or custodian has been notified of this determination, continues the behavior that resulted in designating it a restricted dog, engages in other behavior described in the "restricted dog" definition in section 7-54, or is maintained in violation of section 7-60, an administrative decision, a court order or restrictions placed on it.

3. "Severe injury to a human" means any physical harm to a human being that results in a serious illness or injury, including but not limited to a fracture, muscle tears or disfiguring lacerations requiring sutures or corrective or cosmetic surgery.

4. "Severe injury to an animal" means physical harm to a domestic animal that results in a serious illness or injury, requiring veterinary treatment for such injuries, including but not limited to fracture repairs, suturing of lacerations, internal injuries requiring surgery, and injuries ultimately resulting in the death or euthanasia of the animal.

5. "Impounded" means under the control and in the possession of the county.
6. "Director" means the animal services director, or designee.
7. "Owner" means the owner of the dog subject to the provisions of this article.
8. "Custodian" means the person responsible for caring for and looking after the dog on behalf of the owner of the dog subject to the provisions of this article.
9. "Business day" means Monday through Friday, not including a county holiday.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-55. - Dog bites by dogs at large—Penalty.

- (a) An owner or custodian of a dog who permits, allows or causes the dog to run, stray or be uncontrolled or at large upon a public street, sidewalk, park or other public property, or in or upon private property of another person without the consent of the property owner or person in lawful occupation or possession, is guilty of a public offense punishable as an infraction under section 7-64.
- (b) If said dog or other animal bites, attacks or causes injury to any human being or other domestic animal while stray or uncontrolled or at large upon a public street, sidewalk, park or other public property, or in or upon private property of another person or person in lawful occupation or possession, the owner or custodian is guilty of a public offense punishable as a misdemeanor.
- (c) When a violation of this section is punishable as a misdemeanor, the misdemeanor is punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-56. - Authority to seize and impound animal posing an immediate threat to public safety.

- (a) If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists that a dog poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the dog pending the hearing to be held pursuant to section 7-57. The owner or custodian of the dog shall be liable for the costs and expenses of keeping the dog impounded if the dog is later adjudicated restricted or vicious. Such costs and expenses shall be paid prior to release of the dog. If the dog is not determined to be restricted or vicious, the owner or custodian is not liable for the costs and expenses of keeping the impounded dog.
- (b) Surrender of Dog. Any owner of a dog subject to the provisions of this section shall immediately surrender custody and control of such dog at the request of the animal control officer or law enforcement officer. A violation of the provisions of this subsection is a misdemeanor punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.
- (c) When a dog has been impounded pursuant to subsection (a) and it is not contrary to public safety, the director may permit the dog to be confined at the owner's expense in a department-approved animal or veterinary facility or at the owner's residence if conditions of confinement can be met.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-57. - Vicious or restricted dog hearing.

- (a) Hearing. If an animal control officer or a law enforcement officer has investigated and determined that there is probable cause that a dog is potentially vicious or restricted, the director shall set an administrative hearing, to determine whether or not the dog in question should be declared restricted or vicious.
- (b) Notice of Hearing and Petition.
  - (1) Subsequent to the investigation showing probable cause that a dog is potentially vicious or restricted, the animal control supervisor, animal control officer or law enforcement officer shall prepare a petition, which is a document that lays out the allegation that the dog is potentially vicious or restricted and the supporting evidence.
  - (2) Whenever possible, a complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition.
  - (3) A notice of the hearing shall be personally served on the owner or custodian or deposited in the mail to the owner or custodian within fifteen calendar days of the seizure of the dog. The director shall notify the owner or custodian of the dog that an administrative hearing will be held, at which time he or she may present evidence as to why the dog should not be declared restricted or vicious.
  - (4) The owner or custodian shall be served the notice of the hearing, the time, date and location of the hearing, a copy of article VIII Vicious and restricted dogs, and a copy of the petition, either personally, and/or by first class mail and certified mail return receipt requested. The hearing shall be held promptly within no less than five business days nor more than ten business days after the service upon the owner or custodian of the dog. For the purposes of this article, service is complete either (i) when the documents are personally served, or (ii) five business days after the documents are deposited in the mail or when the return receipt is received back from the recipient, whichever is earlier.
- (c) Conduct of Hearing. The hearing shall be conducted as an administrative hearing open to the public. The administrative hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The administrative hearing officer may find, upon a preponderance of the evidence, that the dog is restricted or vicious and shall make other orders or findings required or authorized by this article. The administrative hearing officer may decide all issues for or against the owner or custodian of the dog, even if the owner or custodian fails to appear at the hearing. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admissions of such evidence over objection in civil actions. The rules of privilege shall be effective in to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant or unduly repetitious evidence shall be excluded.
- (d) Administrative Hearing Officer. The hearing shall be conducted by a neutral hearing officer. The department may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who signed the petition or directed the seizure or impoundment of the dog, and is not junior in rank to that person(s). In the alternative, the department may utilize the services of a hearing officer from outside the department who is employed either by the county or by a city or other county with which the county has an agreement for such services.
- (e) Administration of Oaths. The administrative hearing officer shall have the power to administer oaths or affirmations when necessary in conjunction with the hearing.
- (f) Record. The administrative hearing officer shall record the hearing on a recording device and shall make such recording available to the parties upon request. Animal services shall provide a copy of the recording or a transcript prepared therefrom to any party who requests it and pays the cost of making such copy or preparing such transcript.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-58. - Notice of decision.

- (a) Following an administrative hearing conducted pursuant to section 7-57, a written notice of the decision shall be served on the department and the owner or custodian of the dog either personally and/or by first class mail and certified mail return receipt requested within fourteen calendar days after the date of the hearing.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-59. - Consequences of vicious dog determination.

- (a) A dog determined to be a vicious dog shall be euthanized by the department when it is found, after proceedings conducted under section 7-5, that the release of the dog would create a significant threat to the public health, safety and welfare. If the dog determined to be vicious is not in the county's possession, the owner or custodian shall surrender the dog to the county.
- (b) If it is determined that a dog found to be vicious shall not be destroyed, the administrative hearing officer shall impose conditions necessary to protect the public health, safety and welfare. These conditions are limited to release to an approved animal rescue sanctuary for the remainder of the animal's life and no possibility of adoption. The owner or custodian is responsible for ensuring payment of all fees, charges and associated costs related to this release. The owner or custodian will provide proof to animal services within fourteen calendar days of the fully executed contract with the county approved animal sanctuary. If the owner or custodian fails to pay all fines and charges for services performed by animal services pursuant to section 7-56 through 7-59 and/or fails to provide proof of a contract with a county approved animal sanctuary within fourteen days of the owner's or custodian's receipt of the notice of the decision, the dog will be deemed abandoned and may be transferred, adopted or euthanized by the department at its discretion.
- (c) The owner or custodian of a dog determined to be a vicious dog may be prohibited from owning, keeping, possessing or having custody of any dog for a period of up to three years, if it is found at the hearing conducted pursuant to the petition to declare the dog vicious, that ownership or possession of a dog by that person would create a significant threat to the public health, safety and welfare.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-60. - Consequences of restricted dog determination.

- (a) A dog determined to be a restricted dog shall be properly licensed, microchipped, spayed or neutered, and vaccinated at the owner or custodian's expenses, prior to release to the owner or custodian if the dog was impounded.
- (b) If a dog determined to be a restricted dog was not impounded, the dog owner or custodian shall provide proof that the dog is licensed, microchipped, spayed or neutered, and vaccinated within fourteen calendar days after the decision declaring the dog to be a restricted dog is served on the dog owner or custodian.
- (c) Animal services will include the designation "restricted" in the license registration records of the dog.
- (d) The administrative hearing officer may impose other restrictions as are determined by the hearing officer to be necessary to protect the public health, safety and welfare. This determination shall take into consideration factors presented at the hearing, including but not limited to the nature of the attack, the size and strength of the dog, and the circumstances of the aggressive behavior. If the dog has been impounded, the administrative hearing officer may order that the dog not be released back



to the owner until the owner has demonstrated compliance to animal services. The restrictions that the administrative hearing officer may impose pursuant to this subsection may include, but will not be limited to, the following:

- (1) Fence or enclosure requirements;
  - (2) Yard inspections;
  - (3) Muzzling when in public;
  - (4) Notification to animal services of incidents involving the restricted dog;
  - (5) Training;
  - (6) Maintenance of general liability insurance;
- (e) All charges for services performed by animal services pursuant to section 7-56 through 7-60 and all fines shall be paid prior to the release of the dog to its owner or custodian within fourteen calendar days after the services are performed or the charges and fines are ordered to be paid. If the charges and fines are not paid within fourteen days after the services are performed or the fines are ordered to be paid, the dog shall be deemed to be abandoned and may be transferred, adopted or euthanized by the department at its discretion.
- (f) The owner will advise animal services of his/her new address whenever the owner moves his/her residence or prior to re-homing the dog with the information of the name, address and phone number of the new owner.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-61. - Compliance with conditions and consequences of violation of conditions.

- (a) The hearing officer who heard the petition to determine if a dog is potentially vicious or restricted or other administrative hearing officer may schedule follow-up hearing dates to ensure compliance with all conditions imposed.
- (b) Consequences that may result from the failure of an owner or custodian of a dog to comply with any of the conditions imposed under section 7-59 or 7-60 include, but are not limited to the following:
- (1) The failure to comply with any condition shall be a violation of this article that is punishable as a misdemeanor punishable by a fine not exceeding one thousand dollars or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment;
  - (2) A violation of any part of an administrative decision or court order may be the subject of a civil action for injunctive relief to enjoin the person who violated the decision or order. The filing and prosecution of an action for injunctive relief shall not limit the authority or ability of the county to take any other action permitted by law;
  - (3) A violation of an administrative decision following a determination that a dog is a restricted dog, may result in the filing of a new action conducted pursuant to section 7-57 to determine if the dog is vicious as defined under the "vicious dog" definition at subsection 7-54(2)(d).
  - (4) The hearing officer may order seizure of the dog to ensure compliance with the conditions placed on the owner following the hearing that have not been met.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-62. - Exceptions.

- (a) No dog may be declared restricted or vicious if any 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 or custodian of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared restricted or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared restricted or vicious if an injury or damage was sustained by a domestic animal or livestock which at the time of the injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog.

- (b) No dog may be declared restricted or vicious if the injury or damage to a domestic animal or livestock was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or custodian, and the damage or injury was to a species or type of domestic animal or livestock appropriate to the work of the dog.
- (c) No dog may be declared restricted or vicious if the injury or damage to a person or domestic animal was sustained while the dog was a law enforcement dog performing law enforcement duties.
- (d) This article does not apply to humane society shelters, municipal animal control facilities, or to veterinarians or veterinary clinics.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-63. - Violation—Penalty for infraction.

Unless otherwise designated as a misdemeanor, any violation of this article shall constitute an infraction punishable by:

- (a) A fine not exceeding one hundred dollars for a first violation;
- (b) A fine not exceeding two hundred dollars for a second violation of this article within one year;
- (c) A fine not exceeding five hundred dollars for each additional violation of this article within one year.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

Sec. 7-64. - Severability.

The provisions of this article are severable; and if any provision, clause, sentence, section, word, or part herein is found to be invalid, unconstitutional or inapplicable to any person or circumstances, such invalidity or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the article or its applicability to other persons or circumstances.

(Ord. No. 4948, 11-17-2015; Ord. No. 5011, 10-3-2017)

### **ATTACHMENT 3**

An Ordinance of the City Council of the City of Goleta Amending Chapter 6.01 (Animals and Fowl) of Title VI (Animals) of the Goleta Municipal Code to Adopt the most recent version of the Santa Barbara County Animals and Fowl Code by reference



**ORDINANCE NO. 19-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF GOLETA AMENDING CHAPTER 6.01 (ANIMALS  
AND FOWL) OF TITLE VI (ANIMALS) OF THE GOLETA  
MUNICIPAL CODE TO ADOPT THE MOST RECENT  
VERSION OF THE SANTA BARBARA COUNTY  
ANIMALS AND FOWL CODE BY REFERENCE**

THE CITY COUNCIL OF THE CITY OF GOLETA DOES ORDAIN AS FOLLOWS:

**SECTION 1 CODE AMENDMENT.**

Chapter 6.01 (Animals and Fowl) of Title 6 (Animals) of the Goleta Municipal Code is hereby amended to read as follows:

**Chapter 6.01 ANIMALS AND FOWL**

- 6.01.010 - Short title.
- 6.01.020 - County ordinance adopted.
- 6.01.030 - Exceptions.
- 6.01.040 – Violations – Penalty.
- 6.01.050 – Appeals

**6.01.010 - Short title.**

This chapter shall be known as the Animals and Fowl Code of the City and may be cited as such.

**6.01.020 - County ordinance adopted.**

Chapter 7, entitled “Animals and Fowl,” of the Santa Barbara County Code, as amended and in effect on February 5, 2019, is adopted by reference as the Animals and Fowl Code of the City.

A copy of the Santa Barbara County Animals and Fowl Code has been deposited in the office of the City Clerk and shall be maintained by the City Clerk for use and examination by the public. In the event there is any inconsistency between the provisions of Chapter 7 of the Santa Barbara County Code and other provisions of this Code, the other provisions of this Code shall prevail.

#### **6.01.030 - Exceptions.**

Santa Barbara County Code, Section 7-10, entitled “Violations,” in Chapter 7 of the Santa Barbara County Code, as amended and in effect on February 5, 2019, is excluded from this Code and is not adopted by reference by the City.

Santa Barbara County Code, Section 7-39, entitled “District attorney enforcement remedies,” in Chapter 7 of the Santa Barbara County Code, as amended and in effect on February 5, 2019, is excluded from this Code and is not adopted by reference by the City.

Santa Barbara County Code, Section 7-41, entitled “Use of steel -jawed leg-hold traps,” in Chapter 7 of the Santa Barbara County Code, as amended and in effect on Month Date, 2019, is excluded from this Code and is not adopted by reference by the City.

The following portion of Santa Barbara County Code, Section 7-43, entitled “Violation—Penalty for infraction,” in Chapter 7 of the Santa Barbara County Code, as amended and in effect on February 5, 2019, “Any person who violates the provisions of this article is guilty of an infraction, which shall be punishable by a fine not to exceed one hundred dollars for the first violation; not to exceed two hundred dollars for a second violation within one year; and not to exceed five hundred dollars for each additional violation of the same ordinance within one year. Further,” is excluded from this Code and is not adopted by reference by the City.

Santa Barbara County Code, Section 7-55, entitled “Dog bites by dogs at large—Penalty,” in Chapter 7 of the Santa Barbara County Code, as amended and in effect on February 5, 2019, is excluded from this Code and is not adopted by reference by the City.

Santa Barbara County Code, Section 7-63, entitled “Violation—Penalty for infraction,” in Chapter 7 of the Santa Barbara County Code, as amended and in effect on February 5, 2019, is excluded from this Code and is not adopted by reference by the City.

#### **6.01.040 – Violations – Penalty.**

Violation of this Chapter by any person shall be subject to the administrative penalty provisions set forth in Chapter 1.02.

#### **6.01.050 – Appeals**

Appeals of any determination made after a Vicious or Restricted Dog Hearing may be appealed pursuant to the Food and Agricultural Code.

**SECTION 2 EFFECTIVE DATE.**

This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

**SECTION 3 CERTIFICATION.**

The City Clerk is directed to certify the passage and adoption of this Ordinance and shall cause the same to be published or posted in accordance with California law.

INTRODUCED ON the 5<sup>th</sup> day of February, 2019.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
PAULA PEROTTE, MAYOR

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
DEBORAH S. LOPEZ  
CITY CLERK

\_\_\_\_\_  
MICHAEL JENKINS  
CITY ATTORNEY

STATE OF CALIFORNIA                                 )  
COUNTY OF SANTA BARBARA                     ) ss.  
CITY OF GOLETA                                     )

I, Deborah S. Lopez, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 19-\_\_ was introduced on February 5, 2019, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

(SEAL)

---

DEBORAH S. LOPEZ  
CITY CLERK