

KERN COUNTY, CALIFORNIA CODE – ANIMAL LAW

Note: Kern County is a vast agricultural county. The latter Chapters of the Animal Ordinance pertain to agriculture. The companion animal provisions were last amended in 2002 following a lengthy review process by a committee and a series of public meetings. A 2006 ordinance created a permanent 5 member Animal Control Commission to which the Board of Supervisors refers animal related matters for review and recommendation in addition to its independent functions. This provision is set forth immediately below, followed by the Chapter 7 animal provisions. Additional animal provisions are in the Zoning Ordinance, not included here but significant for land use issues.

Title 2 ADMINISTRATION

Chapter 2.150 ANIMAL CONTROL COMMISSION

- 2.150.010 Members.
- 2.150.020 Responsibilities.
- 2.150.030 Administration.
- 2.150.040 Personnel.
- 2.150.050 Reimbursement of travel expenses.

2.150.010 Members.

There is an animal control commission in the county. The commission shall be composed of five (5) members who shall be appointed by the board of supervisors of the county. Each member appointed shall serve in office for a term of four (4) years to run concurrent with the term of the supervisor who makes his nomination, except that the first appointment nominated by the supervisors from the second and the third supervisorial districts shall each serve for a one (1) year term, and the first appointment nominated by the supervisors from the first, fourth and fifth supervisorial districts shall each serve for a three (3) year term, and thereafter nominees from all districts shall serve for four (4) year terms. Appointees filling vacancies shall serve the unexpired portion of the term of their predecessors. These members shall be the voting members of the commission. A member of the board of supervisors, as designated by the board, shall be a nonvoting member of the commission and his term shall correspond to his official tenure. The board shall also designate from the board of supervisors an alternate nonvoting member to act as a member in the absence of the first nonvoting member named. The board of supervisors may remove any member of the commission from office at any time upon majority vote of the board. (Ord. G-7335 § 2 (part), 2006)

2.150.020 Responsibilities.

A. It shall be the responsibility of the commission:

1. To engage in a long-term planning process through which it identifies major issues and establishes recommendations for the board of supervisors for policies and procedures on animal control program operations;
2. To promote public awareness of the goals and operations of the animal shelters and to enhance public confidence and improve community relations with respect to animal control program operations;
3. To investigate and provide advisory recommendations to the board of supervisors on all proposed amendments to Chapter 7.04—Definitions and Chapter 7.08—Animal Regulations of

the Kern County Ordinance Code;

4. To review and investigate citizen complaints regarding animal control program operations and, if appropriate, provide advisory recommendations to the board of supervisors concerning matters brought to its attention by members of the public;

5. To serve as the administrative review board for the consideration of appeals to orders regarding the designation of a dangerous animal and the impoundment of a dangerous animal for euthanasia under Section 7.08.280 of the Kern County Ordinance Code; and

6. To serve as the administrative review board for consideration of appeals to the revocation of permits under section 7.08.400 of the Ordinance Code.

7. To advise and assist the board of supervisors in conducting public education and outreach programs to Kern county residents regarding animal owner responsibility for licensing, spaying and neutering and proper care of animals.

8. To review and recommend proactive enforcement programs that will result in reducing cases of animal overpopulation, neglect, abuse and public nuisance.

B. The commission shall hold at least one public meeting for the purpose of receiving evidence and public comments on the matters assigned to it.

C. The commission shall act on any matters referred by the board of supervisors or the director in accordance with the instructions provided with said referrals. (Ord. G-7354 §§ 2, 3, 2006; Ord. G-7335 § 2 (part), 2006)

2.150.030 Administration.

At the first meeting of the commission each year one (1) of its voting members shall be elected chairman and one (1) of its voting members shall be elected vice chairman. The commission may hold as many meetings as determined necessary for the performance of the duties prescribed in this chapter. Three (3) voting members shall constitute a quorum for the transaction of business at commission meetings. A voting member's absence from three consecutive meetings shall constitute a resignation from the commission unless the chairman has excused the member from attendance for a good and sufficient reason. The members of the animal control commission shall also adopt such rules as they deem necessary and proper to conduct the business of the animal control commission, subject to approval by the board of supervisors. (Ord. G-7335 § 2 (part), 2006)

2.150.040 Personnel.

The director of the animal control division shall furnish the animal control commission with such clerical, administrative and other personnel deemed necessary in order to perform the duties of the animal control commission. The animal control director or his designated representative shall attend the meetings of the animal control commission in the capacity of administrative advisor and secretary of the commission. (Ord. G-7335 § 2 (part), 2006)

2.150.050 Reimbursement of travel expenses.

Members of the animal control commission shall be reimbursed for expenses actually and necessarily incurred while traveling on the business of the commission. Such travel expenses shall include the cost of transportation, meals, lodging, and other incidental items, and transportation by private automobile pursuant to the rates and per diem expenses allowed county offices and employees on similar business. (Ord. G-7335 § 2 (part), 2006)

Title 7 ANIMALS

Chapter 7.04 DEFINITIONS

- 7.04.010 Generally.
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- 7.04.030 Animal, dangerous.
- 7.04.040 Animal, wild or exotic.
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- 7.04.060 Cat.
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- 7.04.150 Kennel.
- 7.04.160 Owner.
- 7.04.170 Person.
- 7.04.180 Shop, grooming.
- 7.04.190 Shop, pet.
- 7.04.010 Generally.

For the purpose of this title, the definitions set out in this chapter shall be used. (Ord. G-6942 § 3 (part), 2002)

7.04.020 Administrative review board.

“Administrative review board” means the animal control commission created pursuant to Chapter 2.150 of the Kern County Ordinance Code. (Ord. G-7335 § 3, 2006; Ord. G-6942 § 3 (part), 2002)

7.04.030 Animal, dangerous.

"Dangerous animal" means any animal that is declared to be dangerous by the director pursuant to the provisions of Section 7.08.270. (Ord. G-6942 § 3 (part), 2002)

7.04.040 Animal, wild or exotic.

"Wild or exotic animal" means apes, coyotes, foxes, wolves, bears, cougars, lynx, bobcats, wild boars, cheetahs, jaguars, African lions, tigers, leopards, panthers, ocelots, monkeys, elephants or similar animals as determined by the director. (Ord. G-6942 § 3 (part), 2002)

7.04.050 Animal shelter, public.

"Animal shelter" or "public animal shelter" means a facility operated by a humane society, or a governmental agency or its authorized agents for the purposes of impounding or caring for animals. (Ord. G-6942 § 3 (part), 2002)

7.04.060 Cat.

"Cat" means a domesticated animal of the feline type (*Felis domesticus*), except for a feral cat. (Ord. G-6942 § 3 (part), 2002)

7.04.070 Cat, feral.

"Feral cat" is a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is unsocialized to people. (Ord. G-6942 § 3 (part), 2002)

7.04.080 Director.

"Director" means the director of the Resource Management Agency or his or her designee. (Ord. G-7307 § 4, 2005; Ord. G-6942 § 3 (part), 2002)

7.04.090 Dog.

"Dog" means a domesticated animal of the canine type (*Canis familiaris*); young animals (puppies) of this type are considered dogs. (Ord. G-6942 § 3 (part), 2002)

7.04.100 Dog, altered.

"Altered dog" means a dog which has been certified in writing by a veterinarian as being nonreproductive. (Ord. G-6942 § 3 (part), 2002)

7.04.110 Dog, ranch.

"Ranch dog" means any dog which is utilized for agricultural related purposes. (Ord. G-6942 § 3 (part), 2002)

7.04.120 Dog, service.

"Service dog" means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair or fetching dropped items. (Ord. G-6942 § 3 (part), 2002)

7.04.130 Dog, fancier.

"Dog fancier" means any person who owns or keeps, within or adjoining a private residence, four (4) or more dogs for personal and noncommercial purposes, which are

limited to hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, or to enhance or perpetuate a given breed, and who has secured a permit for such activity in accordance with the provisions of this title. (Ord. G-6942 § 3 (part), 2002)

7.04.140 Dog, unlicensed.

"Unlicensed dog" means a dog for which a required license fee has not been paid, or to which the license tag required by this title is not attached. (Ord. G-6942 § 3 (part), 2002)

7.04.150 Kennel.

"Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, except a facility operated by a humane society, or a governmental agency or its authorized agents, for the purpose of impounding or caring for animals. (Ord. G-6942 § 3 (part), 2002)

7.04.160 Owner.

"Owner" of an animal means any person who owns, possesses, controls, keeps, cares for, harbors or has custody of the animal for fifteen (15) or more consecutive days, except feral cat caretakers, a veterinarian or an operator of a grooming shop, a kennel or a pet shop engaged in the regular practice of this business as such. (Ord. G-6942 § 3 (part), 2002)

7.04.170 Person.

"Person" means and includes all natural persons and any firm, sole proprietorship, limited liability corporation (LLC), partnership, corporation, trust and any association of persons, government agency or political subdivision. (Ord. G-6942 § 3 (part), 2002)

7.04.180 Shop, grooming.

"Grooming shop" means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed. (Ord. G-6942 § 3 (part), 2002)

7.04.190 Shop, pet.

"Pet shop" means any person, sole proprietorship, limited liability corporation (LLC), partnership or corporation, whether operated separately or in connection with another business enterprise, except for a kennel, that buys, gives away, sells or takes on consignment any species of animal. (Ord. G-6942 § 3 (part), 2002)

Chapter 7.08 ANIMAL CONTROL REGULATIONS

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- 7.08.030 License fees and regulations.
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- 7.08.420 Public education program.
- 7.08.430 Spaying and neutering of dogs and cats program.
- 7.08.440 Monitoring.
- 7.08.010 Authority of director.

- A. The director is authorized to impound any and all animals which are kept, maintained or found at large in violation of any of the provisions of this title and otherwise enforce all statutes, regulations and ordinances within the unincorporated areas of the county and within the area of any incorporated city within the county which has made the provisions of this title applicable to its jurisdiction and which has in effect an agreement with the county to enforce these animal control provisions within such city.
- B. The director shall be vested with the authority to administer this title. In the course of these duties, the director shall have the authority to interpret the provisions of this title. Where there is a question as to the meaning or the intent of any requirement of this title, including interpretations of conditions of approval required in conjunction with the approval of any ministerial or discretionary permit authorized therein, the director shall provide any necessary interpretation.
- C. The director is further authorized to cooperate with veterinarians within the county to develop a comprehensive licensing and spay and neuter program.
- D. Kern County animal control services is the designated enforcement agency of the director.
- E. The director shall annually promulgate proposed fees based on the actual cost for animal control services to be submitted to the board of supervisors. The director shall charge fees in accordance with the fee schedule as established by the board of supervisors by ordinance. (Ord. G-6942 § 5 (part), 2002)

7.08.020 Dogs--Licensing required.

- A. It is unlawful for an owner of a dog to keep or maintain the dog in any place in the county unless it is licensed pursuant to this chapter or is specifically exempt from such licensing requirements. This section shall not apply to the following:
1. Dogs wearing a valid license issued by an incorporated city within the county;
 2. Dogs wearing unexpired license tags from another jurisdiction;
 3. Dogs under the age of four (4) months which are secured by the owner or confined within the private property of their owner;
 4. Any dog owned by or in the charge of any person who is a nonresident of the county and is traveling through the county or temporarily visiting therein for a period not exceeding thirty (30) days, provided the dog has been vaccinated consistent with county requirements and the owner or person in charge presents proof of such vaccination upon demand, and further provided that the dog is confined on the property of the person in charge of it while temporarily in the county;
 5. Any dog brought into and maintained in the county for a period not to exceed thirty (30) days for the exclusive purpose of entering it in any show, exhibition, field trials, training or competition or for breeding purposes, provided the dog has been vaccinated consistent with county requirements and the owner or person in charge presents proof of such vaccination upon demand, and further provided that the dog is confined on the property of the person in charge of it while in the county, except when being groomed, trained, bred, shown, exhibited or in competition.
- B. No license tag shall be issued for any dog until satisfactory written evidence is presented that the dog has been vaccinated against rabies in a manner approved by the

director which must be consistent with the Rabies Compendium of the Centers for Disease Control. (Ord. G-6942 § 5 (part), 2002)

7.08.030 License fees and regulations.

A. Every owner of a dog over the age of four (4) months in the unincorporated areas of the county, and within the incorporated city within the county which has made provisions of this title applicable to its jurisdiction and which has effect in an agreement with the county for the county to enforce the animal control provisions within such city, shall pay fees in accordance with the fee schedule as established by the board of supervisors.

B. The license fee is due and payable within thirty (30) days of having the dog vaccinated against rabies.

C. All licenses expire at the same time their supporting rabies vaccination expires, or the previous license fees expire whichever comes first.

D. Penalty. An unpaid dog license fee shall become delinquent thirty (30) days after it is due and payable. Upon delinquency, a penalty shall be added to the regular fee in accordance with the fee schedule as established by the board of supervisors. Penalty fees shall accumulate and be added to each successive license period.

E. Offenses--Failure to Furnish Information. Any owner of any dog in the county who refuses, fails or neglects to furnish to the director fee collector, or veterinarian authorized to vaccinate and license dogs and collect the license fees thereon, as provided in this chapter, information necessary to properly vaccinate and license such dog, or who resists, hinders or obstructs the director in the exercise of the director's duties, or who fails, neglects or refuses to pay any required license fee at the time and in the manner herein provided, is guilty of a misdemeanor and shall be punished as provided in Section 1.12.030 of this code.

F. Any person sixty-two (62) years of age or older may purchase a discounted dog license for not more than three (3) altered dogs in accordance with the fee schedule as established by the board of supervisors. Proof of age is required at time of purchase. (Ord. G-6942 § 5 (part), 2002)

7.08.040 Permit in lieu of license.

A. A person may apply for a permit to operate a kennel. The annual fee shall be in accordance with the fee schedule as established by the board of supervisors. Said permit fees shall be in lieu of any dog license required by Section 7.08.030, and the permit holder shall be entitled to maintain any number of animals provided the permit holder complies with the provisions of this title and any and all laws relating to kennels and the treatment of animals.

B. Prior to issuing such permits the director shall determine that:

1. The permittee's facilities are so constructed as to prevent dogs maintained or kept therein from running at large off the premises;
2. The permittee's facilities are constructed in a manner that will ensure that the animals maintained therein will enjoy a healthy, safe, sanitary and humane environment and not become a nuisance to the neighborhood;

3. The permittee has not committed any activity which, in the director's judgment, would constitute cruelty to animals;
 4. The permittee agrees that the director may, at all reasonable times, inspect the permittee's premises and operations;
 5. The permittee agrees to comply with the provisions of this title;
 6. The permittee provides evidence satisfactory to the director that all dogs maintained on the premises have been vaccinated consistent with this chapter.
- C. The director may revoke a permit upon determining that any of the conditions described herein are not being maintained by the permittee, that the permittee is in violation of this title or that the facility is being operated in a manner that constitutes a nuisance including, but not limited to, noise and odor disturbances.
- D. Licensed veterinary hospitals are not required to obtain kennel permits. (Ord. G-6942 § 5 (part), 2002)

7.08.050 Dog license tag.

- A. Tag. A dog license shall be delivered to each person who complies with the dog vaccination requirement and pays the license fee required by this chapter. The tag shall be stamped with the words "Kern County", the license number and year that the tag expires. The tag shall be secured to a collar or harness which shall be worn at all times by the dog for which it is issued except when the dog is in competition, being trained or being used lawfully being groomed or confined within a kennel, yard or pen (provided the handler has the license tag in his or her possession).
- B. Delegation of Licensing Duties. The director may delegate the duty to issue licenses and collect fees when he/she determines such delegation is necessary for a county-wide and uniform service to the public.
- C. Lost License Tags. Whenever, during the period for which it is effective, a dog tag issued pursuant to this chapter is lost, taken or stolen, the owner of the dog for which the tag was issued may, upon payment consistent with the fee ordinance and exhibition of evidence of current rabies vaccination, receive a duplicate tag for the period for which the original dog tag was issued. (Ord. G-6942 § 5 (part), 2002)

7.08.060 Dogs--Rabies vaccination required.

- A. All dogs shall be vaccinated with a canine antirabies vaccine approved by the director within ten (10) days after becoming four (4) months of age.
- B. All dogs shall be vaccinated at the following intervals:

Age of Dog Vaccination Expires License Expires

More than four months but less than one year old (first vaccination) One year from date given Same time the vaccination expires

More than one year old (no prior vaccination) One year from date given Same time the vaccination expires

More than one year old (previously vaccinated) on schedule Three years from date given Same time the vaccination expires

C. No vaccine is licensed for use on wildlife. (Ord. G-6942 § 5 (part), 2002)

7.08.070 Vaccination--Performance.

Rabies vaccination shall be performed by or under direct supervision of a California state licensed veterinarian, hereinafter referred to as the "vaccinator." The vaccinator shall issue to the owner of the dog which he/she has vaccinated a certificate in form approved by the director showing the date of the vaccination and such other information as is required by state law or the director. The vaccinator shall also make available or submit a report of the vaccination to the animal control program of the county within ten (10) days of the giving of the vaccination. (Ord. G-6942 § 5 (part), 2002)

7.08.080 Reports of animal bites.

The owner of any animal that bites any person, and any person who treats any person for an animal bite, shall report the circumstances of the animal bite incident to the director who in his or her discretion shall place the animal under regulation or quarantine in a humane manner for such time as may be required or permitted by state law. The regulation or quarantine may be conducted at the home of the owner of the animal or at such other place as may be designated by the director and the animal shall be kept securely confined while under observation. Dogs or cats that have bitten any person and are not vaccinated for rabies may be quarantined at the county animal shelter and the owner shall be liable for the board and care fees. (Ord. G-6942 § 5 (part), 2002)

7.08.090 Dog/Cat--Symptoms of rabies.

If it appears to the director that any dog or cat is afflicted with rabies, the director may apprehend and shall take such other action as the director deems necessary to prevent the spread of the disease.

On the order of a veterinarian the dog or cat shall be destroyed forthwith. If the dog or cat is destroyed the head shall be submitted to the department of public health for testing. (Ord. G-6942 § 5 (part), 2002)

7.08.100 Exposure to animal suspected of rabies.

Whenever any animal susceptible to rabies is exposed to another animal suspected of having rabies, the owner of the animal so exposed shall, upon learning thereof, immediately notify the director. Exposed animals shall be treated as required by state law. When any animal is quarantined by the director, it shall be unlawful for the owner of the animal or any other person to violate the quarantine. Any of the following acts shall constitute a violation of the quarantine:

- A. Removing the animal from the quarantine premises;
- B. Allowing the animal to run at large;

- C. Destroying the animal without director authorization;
- D. Failing to notify the director the animal's death immediately upon the occurrence thereof;
- E. Disobeying any of the quarantine restrictions imposed by the director; or
- F. Allowing the animal to come in contact with other animals or persons. (Ord. G-6942 § 5 (part), 2002)

7.08.110 Animal care requirements.

Every person within the county who owns any domesticated animal or who owns, conducts, manages or operates any facility to this chapter shall comply with each of the following conditions:

- A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- B. All animals shall be supplied with sufficient good and wholesome food and water as often as the feeding habits of the respective animals require.
- C. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- D. All animals shall be so maintained as to eliminate excessive noise.
- E. No animals shall be without proper care more than eighteen (18) consecutive hours.
- F. Whenever an animal is left unattended at a kennel, pet shop, or grooming shop, the telephone number of Kern County animal control services or the name, address and telephone number of the owner shall be posted in a conspicuous place at the front of the property.
- G. Every reasonable precaution shall be used to ensure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.
- H. No condition shall be maintained or permitted that is or could be injurious to the animals.
- I. Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of animals. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- J. Every animal establishment shall be made to isolate sick animals sufficiently so as not to endanger the health of other animals. Sick animals shall at all times be isolated from the other animals.
- K. Every building or enclosure wherein animals are maintained shall be constructed of material easily cleaned and shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.
- L. Such person shall take any animal to a veterinarian for examination or treatment, if the director finds this is necessary in order to maintain the health of the animal and orders the owner or custodian to do so.
- M. All animal rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.

N. Every violation of an applicable regulation shall be corrected within a reasonable time to be specified by the director.

O. All persons shall provide proper shelters and protection from the weather for all animals at all times.

P. No person shall give an animal any alcoholic beverages, illegal drugs or controlled substances, unless prescribed by a veterinarian.

Q. No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together, or so near each other as to cause injury, fear or torment. If two (2) or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to the others, such animals shall be deemed not to be natural enemies.

R. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.

S. Proper rest periods shall be given to all working animals. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.

T. No person shall work, use or rent any animal which is overheated, weakened, exhausted, sick, injured, diseased, lame or otherwise unfit.

U. No person shall allow any animal which the director has suspended from use to be worked or used until released by the director.

V. No person shall display animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition.

W. No person shall allow any animal to constitute or cause a hazard, or be a menace to the health, peace or safety of the community. (Ord. G-6942 § 5 (part), 2002)

7.08.115 Restraint.

A. A dog or puppy shall not be restrained by a fixed point chain or tether for more than twelve (12) consecutive hours in a twenty-four (24) hour period. This chain shall be at least fifteen (15) feet long.

B. A dog or puppy may be exclusively restrained by a chain or tether provided that it is at least fifteen (15) feet in length and attached to a pulley or trolley mounted on a cable which is also at least fifteen (15) feet in length and mounted no more than seven (7) feet above ground level.

C. Any tethering system employed shall not allow the dog or puppy to leave the owner's property.

D. No chain or tether shall weigh more than one-eighth (1/8) of the dog or puppy's weight.

E. Any chain or tether shall be at least fifteen (15) feet in length and have swivels on both ends.

F. Any chain or tether shall be attached to a properly fitting collar (no choke chain collars) or harness worn by the animal. (Ord. G-6942 § 5 (part), 2002)

7.08.120 Control of neglected and mistreated animals.

It is the intent of the board of supervisors that no animals be exposed to or involved in conditions which constitute a violation of Section 597(f) of the California Penal Code or other state laws or county ordinances as may be in effect from time to time.

A. Notwithstanding any other provisions of this code to the contrary, it is unlawful for any person to have, keep, maintain or harbor any animals on any premises wherein the physical conditions of the premises constitute a violation of state laws or county ordinances.

B. A conviction for violation of any of the sections listed in subsection (A) of this section arising out of circumstances involving the keeping or harboring of animals shall be prima facie evidence that the person in control or possession of the premises on which the animals are located cannot or will not keep the animals in a healthy condition or cannot, or will not keep the premises in a sanitary condition; whereupon the director may order the person to remove some or all of the animals from the premises, and if the animals are not removed within forty-eight (48) hours after the date of the order, the director may remove the animal for appropriate disposition. Upon a veterinarian's examination and determination that an animal has been neglected or mistreated, the animal may be impounded by the county animal control service subject to normal board and care fees pending a hearing within seven (7) days of impoundment.

C. Failure to comply with any order given by the director under subsection (B) of this section is an infraction. (Ord. G-6942 § 5 (part), 2002)

7.08.130 Transporting dogs in open vehicles.

A. No person shall transport any dog in or on the back of any open truck or other open vehicle while traveling on any county road, street, highway, lane or alley.

B. This section shall not apply to any person who transports a dog in any open truck or other open vehicle which is sufficiently enclosed by stakes, racks, or is equipped with other devices which prevent the dog from falling, hanging, or escaping from the vehicle.

C. This section shall not apply to any person while engaged in agricultural livestock activities. (Ord. G-6942 § 5 (part), 2002)

7.08.140 Public animal shelters.

Public animal shelters are authorized and established in the county of Kern under the supervision of the director. (Ord. G-6942 § 5 (part), 2002)

7.08.150 Dogs at large prohibited--Confinement.

A. It is unlawful for the owner of any dog to allow it to be on the private property of another person or on public property without the consent of the person owning, occupying or controlling the property. Animals on the property of another person with the consent of the person in charge of the property shall be under such restraint as is necessary to protect persons and other animals from injury and to protect the property from damage. In particular, dogs shall be restrained by a leash and under the immediate control of the handler or confined within an enclosed pen when on public property, unless

the officer in charge of the property has consented to the owner exercising another form of restraint.

B. Any person who at any time finds any animal at large in violation of any of the provisions of this section may take up, confine and hold the animal, provided that such person shall within twenty-four (24) hours thereafter notify the director of the fact that he has the animal in his possession and shall surrender possession of the animal to the director upon demand when deemed by the director to be in the animal's best interest and in accordance with the law. If the animal is taken up at a time when an animal shelter is not open for business, the person confining it shall within twenty-four (24) hours after the shelter reopens, notify the director. (Ord. G-6942 § 5 (part), 2002)

7.08.160 Treatment and record of animal seized.

The director shall require that a true and faithful record be kept of the number and description of all animals taken into custody, the date of their impounding and the date and manner of their disposition. The director shall require that the necessary subsistence be provided for animals while in custody, that no tattoo thereon be altered and that no animal suffers from inhumane treatment. Every dog and cat shall be scanned for a microchip. (Ord. G-6942 § 5 (part), 2002)

7.08.170 Notice of impoundment.

Upon impounding any animal, the director may cause to be published in any newspaper circulated within the community or by any other electronic means where the animal was captured, a notice describing the animal, the date of its impoundment and the address of the animal shelter where it is being kept. (Ord. G-6942 § 5 (part), 2002)

7.08.180 Conditions for animal release.

The director shall not release to its owner, or adopt any animal that has been impounded in accordance with the provisions of this chapter unless the person to whom the animal is released or adopted provides satisfactory proof that the animal will be maintained in accordance with the provisions of this chapter and any other applicable law. (Ord. G-6942 § 5 (part), 2002)

7.08.190 Payment for redemption of animals.

A. The owner of any animal impounded but not quarantined may, at any time during regular working hours and before the adoption or other disposition thereof, redeem the animal by showing proof of ownership and paying the director all the fees and charges thereon including, but not limited to, license fee if unlicensed, impound fees, care and feeding charges, and veterinary charges if applicable.

B. In accordance with Sections 30804.7 and 31751.7 of the Food and Agriculture Code, the owner of any non-spayed or un-neutered dog or cat that is impounded shall be fined as follows:

First occurrence \$35;
Second occurrence \$50;
Third & subsequent occurrences \$100.

(Ord. G-6942 § 5 (part), 2002)

7.08.200 Adoption and impoundment charges.

The director shall charge proposed fees for animal control services, including adoption, impoundment, food and care, in accordance with the fee schedule as established by the board of supervisors. (Ord. G-6942 § 5 (part), 2002)

7.08.210 Redemption of unvaccinated dogs.

A. The director shall charge, in addition to redemption fees, a deposit for vaccination of any impounded dog which has not been vaccinated against rabies, and shall issue a separate receipt to the person paying them.

B. All sums received by the director shall be deposited in the county treasury forthwith and shall be kept in a separate account or trust fund which may be appropriately designated and provided for by the board of supervisors.

C. A vaccination deposit shall be collected by the director in accordance with the fee schedule as established by the board of supervisors.

D. The receipt referred to in subsection (A) of this section shall contain the following statement:

Any licensed veterinarian accepting this receipt in payment for the rabies vaccination of any dog shall be reimbursed by the County of Kern a sum not to exceed the amount shown hereon upon presentation of this receipt to the Board of Supervisors or any person designated by the Board to pay such claims.

E. Vaccinators who accept receipts in payment for rabies vaccinations of dogs shall, upon presenting receipts and claim forms approved by the director to the board of supervisors, be entitled to payment from the county treasury of the amount stated on the receipt. (Ord. G-6942 § 5 (part), 2002)

7.08.220 Disposition of unredeemed animals.

A. All impounded and unredeemed live dogs or cats without identification markings/tags/microchips may be adopted, released or destroyed by the director after being impounded in accordance with state law. All other species of live animals impounded or unredeemed shall be disposed of in accordance with state law.

B. The director may dispose of dogs and cats as in subsection (A) above with license or identification tags/microchips/tattoos after service of written notice to the person whose name appears on the identification tag or license record. Written notice may be given by hand delivery, by posting on the premises of said person at his or her last known address

and by mailing a copy to the person by registered or certified mail. Proof of notification or attempted notification is required.

C. The director make an attempt to contact the person listed on the identification tag or license record by telephone within twenty-four (24) hours of a weekday impounding or on the weekday following a weekend or holiday impounding. (Ord. G-6942 § 5 (part), 2002) 7.08.220

7.08.230 Adoption of unredeemed animals.

A. Any impounded and unredeemed live animal held the required time and not suffering from any infectious or communicable disease may be adopted upon the adopter meeting the following conditions:

1. Dogs may be adopted upon payment of an adoption fee, a rabies vaccination fee, a license fee and a spay and neuter fee.

2. Cats may be adopted upon payment of an adoption fee and compliance with the provisions of state law dealing with the spaying and neutering of cats.

3. All other animals may be adopted upon payment of an adoption fee.

B. The director shall not knowingly make a gift of, sell or adopt any live dog or cat to any person or institution intending to use the animal for breeding, experimental or consumptive purposes. (Ord. G-6942 § 5 (part), 2002)

7.08.240 Disposition of cats and dogs at owner's request.

If an animal control officer picks up any cat or dog at the request of the owner, or if the owner of a cat or dog brings his or her animal to the animal shelter for the purpose of destroying or disposing of same, the director shall charge and collect a fee in accordance with the fee schedule established by the board of supervisors. (Ord. G-6942 § 5 (part), 2002)

7.08.250 Disposition of infirm animals.

A. It is unlawful for any person to keep, abandon or turn loose without care any animal suffering distress from disease, injury or other infirmity. Any such animal taken up by the director may be euthanized.

B. This section shall not apply to persons keeping diseased, injured, or infirmed animals which are under medical care from a veterinarian. A written statement prepared by a veterinarian shall be deemed sufficient evidence of such care. (Ord. G-6942 § 5 (part), 2002)

7.08.260 Disposition of dead animals.

The owner of any animal which dies shall bury or otherwise dispose of such animal in a manner so as not to create a nuisance or health hazard. Whenever a dead animal is discovered within the unincorporated areas of the county, which has not been properly disposed of, the director shall order its owner to dispose of it properly. If the order is not promptly obeyed, the director may employ any person to dispose of the dead animal and

shall charge against and collect from its owner the reasonable cost of the disposal of the animal. In the event the owner of the animal is unknown, the director may employ any person to remove and dispose of the animal, the costs of which shall be a charge against the county. (Ord. G-6942 § 5 (part), 2002)

7.08.270 Dangerous animals.

The director may declare an animal to be dangerous if he has evidence to believe that it poses a potential hazard to the health and safety of humans, other animals or property. In determining whether or not an animal is dangerous, the director shall be guided by, but not limited to, the following criteria:

A. Whether the animal has bitten any person or other animal, damaged property, or has attempted or threatened to do so;

B. Circumstances indicating the temper or ferocity of the animal; and

C. Its general menace to the public;

D. In addition to other circumstances that the director may consider, an animal shall not be declared dangerous under the following conditions:

1. No dog may be declared dangerous 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 keeper 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 dangerous 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 dangerous if an injury or damage was sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

2. No dog may be declared dangerous if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, predator control dog or ranch dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog. (Ord. G-6942 § 5 (part), 2002)

7.08.280 Handling of dangerous animals.

A. If the director determines that an animal is dangerous, he shall thereupon give a written order to the owner of the animal to keep it at all times securely fastened or confined within the owner's property in a specified manner so as to prevent it from having the opportunity to bite any person or other animal or damage any property.

B. The director will perform periodic inspections to ensure compliance.

C. Any animal determined to be dangerous by the director that bites or otherwise injures a person or other animal or damages property may be impounded for euthanasia. At the time of impoundment the director shall notify the animal's owner in writing of the right to appeal the euthanasia and the appeal procedures in subsection (D) of this section.

D. The appeal shall be made in writing to the director and filed within five (5) working days of the impoundment. The appeal shall list the name, address and phone number of the legal owner(s) of the animal(s) and shall state the reason(s) for opposition to the

euthanasia. The appeal shall be heard within two (2) weeks of its filing by the administrative review board. The disposition of the appeal shall be as described by a majority of the review board.

E. Notwithstanding the foregoing, if upon investigation by the director that probable cause exists to believe the animal in question poses an immediate threat to public safety, then the director may seize and impound the animal pending a hearing as provided in subsection (D) of this section. The owner or keeper of the animal shall be liable to the county for the costs and expenses of keeping the animal, if the animal is later determined to be dangerous. When an animal has been impounded pursuant to this paragraph, and it is not contrary to public safety, the director shall permit the animal to be confined at the owner's expense in an approved kennel or veterinary facility. (Ord. G-7335 § 4, 2006; Ord. G-6942 § 5 (part), 2002)

7.08.290 Violation of order on dangerous animal.

Any violation by the owner of a dangerous animal of an order of the director pertaining to that animal constitutes a misdemeanor punishable as provided in Section 1.12.030 of this code. (Ord. G-6942 § 5 (part), 2002)

7.08.300 Wild or exotic animals--Possession without permit unlawful.

A. It is a misdemeanor for any person to have, keep, maintain, breed, sell, trade, exhibit or let for hire any wild, exotic or carnivorous undomesticated animal without first obtaining a special permit from the director pursuant to this section.

B. Animals Otherwise Licensed. The licensing provisions of this section shall not be applicable to licensed circuses, carnivals, pet shops, veterinary hospitals or zoos. (Ord. G-6942 § 5 (part), 2002)

7.08.310 Wild or exotic animals--Permit fees.

No person shall keep a wild or exotic animal without a permit issued by the director. Permit fees for keeping wild or exotic animals, which shall be collected in accordance with the fee schedule as established by the board of supervisors, are due and payable before the permit is issued and in each and every year thereafter on the anniversary date that the permit was issued. The fee is delinquent thirty (30) days after it is due and if not paid within thirty (30) days of the delinquent date will be increased by fifty percent (50%). (Ord. G-6942 § 5 (part), 2002)

7.08.320 Wild or exotic animals--Inadequate care--Permit refused.

Any person who in the opinion of the director is unable to maintain and provide for any wild, exotic or carnivorous undomesticated animal adequately and safely shall not be issued a permit. (Ord. G-6942 § 5 (part), 2002)

7.08.330 Wild or exotic animals--Permit denial--Appeal.

Any person denied a permit for a wild, exotic or carnivorous undomesticated animal may appeal the denial to the director within thirty (30) days of the denial. The permit applicant(s) shall be notified in writing at the time of denial of the right of appeal and the procedures pertaining to the appeal process. Appeals must be in writing and state the name, address and phone number of the applicant(s) for the permit. The director shall appoint an administrative review board to hear the appeal. The appeal shall be heard within two (2) weeks of its filing with the director and the disposition of the permit application shall be as decided by a majority of the administrative review board. (Ord. G-6942 § 5 (part), 2002)

7.08.340 Wild or exotic animals--Inspections--Permit revocation.

The director may at any time inspect the premises where any wild, exotic or carnivorous undomesticated animal is proposed to be kept or is kept, and may investigate the conditions under which any such animal will be or is maintained in order to determine the appropriate requirements to include in any permit to be issued or whether the existing conditions comply with requirements of an issued permit. The director may at any time add to or modify the requirements of an issued permit when in the director's opinion the public health and safety so require. The director may, after notice and hearing, revoke such permit upon a showing of persistent violations of the terms or requirements thereof. (Ord. G-6942 § 5 (part), 2002)

7.08.350 Wild or exotic animals--Notice of escape.

Any person keeping or maintaining a wild, exotic animal which escapes from its confinement shall immediately notify the director of such escape. (Ord. G-6942 § 5 (part), 2002)

7.08.360 Wild or exotic animals running loose--Impoundment--Disposition.

Wild, exotic or carnivorous undomesticated animals found running loose may be impounded in accordance with the provisions of this chapter. Neither the county nor its officers, agents or employees shall be liable for injury to or disease contracted by such animal while being captured, transported or impounded. Wild, exotic animals found at large and injuring, damaging or threatening to injure or damage any person or property will be deemed to be a public nuisance and may be summarily destroyed. Neither the county nor its officers, agents or employees shall be liable for any such summary destruction. Reclamation by an owner or keeper of any impounded wild, exotic animal may be permitted upon payment to the director of the actual costs of the impounding and care of such animal. (Ord. G-6942 § 5 (part), 2002)

7.08.370 Sale, adoption and other transfers of live animals.

A. Any person who offers or provides, whether for compensation or otherwise, any dog or cat for sale or other type of transfer, shall disclose to the transferee information

regarding the license requirements of the county of Kern applicable to the transferred animal.

B. No person shall present any live animal for sale, adoption, barter, exchange or adoption, whether for compensation or otherwise, in any public place. The term "live animal" as defined by this section shall include, but is not limited to, dogs, cats, birds, fish, poultry, rabbits and livestock. The term "public place" as defined by this section, shall include, but not be limited to, streets, highways, sidewalks, carnivals, shopping malls, swap meets, and areas in front of commercial establishments. This prohibition shall not apply to:

1. Government agencies; non-profit animal rescue organizations exempt from taxation under Internal Revenue Code Section 501(c)(3); or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110;

2. Dog or cat shows;

3. Pet stores which sell or otherwise transfer live animals, whether for compensation or otherwise, within the store; or

4. Livestock auctions or similar activities.

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

D. No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.

E. No person shall sell, barter, exchange or offer for adoption, whether for compensation or otherwise, any live animal to any minor under the age of eighteen (18) years, without the written permission of one of the minor's parents or legal guardians. (Ord. G-6942 § 5 (part), 2002)

7.08.380 Animals creating a nuisance.

A. The keeping or harboring of any animal or fowl, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys any considerable number of persons or any neighborhood is unlawful and is a public nuisance, and each day that such act is continued constitutes a separate offense. It is unlawful to suffer or permit any animal or fowl to trespass on private or public property so as to damage or destroy any property or thing of value, or so as to commit any other act dangerous to public health or safety, and any animal or fowl committing such act is a public nuisance.

B. Upon proof satisfactory to the director or any peace officer, of a misdemeanor violation of subsection A, the case may be directly filed with the district attorney. When the director, any animal control officer or peace officer personally witnesses a public nuisance, as described by the complainant and this section, he may issue a citation. The first violation of this section shall be punishable as an infraction. The second and subsequent violations of this section shall be a misdemeanor punishable as provided in Section 1.12.030 of this code. (Ord. G-7076 § 2, 2004; Ord. G-6942 § 5 (part), 2002)

7.08.390 Resisting actions of the director.

- A. No person shall obstruct or interfere with the director in the performance of the duties under this chapter or aid or abet others in so doing.
- B. No person shall remove or attempt to remove any animal taken into custody by the director without authorization.
- C. No person shall cause or aid the escape of any animal sought for custody by the director aid or abet others in doing so.
- D. Any person who commits any act prohibited by this section is guilty of a misdemeanor punishable as provided in Section 1.12.030 of this code. (Ord. G-6942 § 5 (part), 2002)

7.08.400 Permit revocation--Hearing and notice.

- A. Prior to revoking a permit or seizing any animal from the owner or the owner's property, the permittee or owner of such animal shall be afforded an opportunity for a hearing, as set forth herein, unless such animal poses a present danger to life or property or is not confined and has been observed committing a nuisance and its immediate seizure is necessary to prevent harm or nuisance to humans, animals or property, and except as set forth in Section 7.08.120 of this chapter, or the seizure is pursuant to court order.
- B. Written notice containing the information required by this section shall be sufficient if it provides reasonable time and opportunity to appear at the hearing and a copy of the notice is served on the permittee or owner or person in control of the animal as follows:
 - 1. By personal delivery. Service in this manner shall be deemed complete at the time of such delivery, or
 - 2. Posting a copy of the notice in a conspicuous place on the door or near the doorway of the main entryway of the permittee's premises or the premises at which the animal is found, or mailing a copy to the permittee or owner at the permittee's or owner's last known address, by registered or certified mail. Service in this manner shall be deemed complete seventy-two (72) hours after such posting and mailing has been accomplished.
 - 3. Actual notice of the hearing shall be deemed sufficient service of the notice.
- C. The notice shall be in bold ten (10) point type or larger and shall contain the following information:
 - 1. A description of the animal or permit;
 - 2. The address or description of the location where the permittee's facility or animal is located;
 - 3. The grounds for revoking the permit or seizing the animal, stating the time(s), locations(s), circumstances and events giving rise to the necessity for the seizure of the animal or revocation of the permit;
 - 4. The proposed action to be taken with respect to the animal or to the permit;
 - 5. The time, date and place of the hearing conspicuously placed in the notice;
 - 6. The right to oppose the proposed action by written, documentary, physical or oral evidence;
 - 7. The right to be represented by an attorney or other person at the hearing; and
 - 8. The name and telephone number of the person to contact if the permittee or owner wishes to continue the hearing to a more convenient date or time.

D. At the time and place set forth in the notice a hearing shall be held before the administrative review board if any person appears to oppose the revocation of the permit or the seizure of the animal. The board shall consider all relevant evidence submitted at the hearing; however, all evidence in support of the proposed action shall be in the form of sworn testimony, affidavits or declarations under penalty of perjury made in conformance with Section 2015.5 of the California Civil Code.

E. If the permitholder or owner expresses a desire to continue the hearing prior to the hearing or set the hearing at a different time, such request shall be granted; but any continuance shall not exceed seventy-two (72) hours from the time originally set for the hearing unless good cause therefor is shown. In determining whether the reason given for continuing the hearing constitutes good cause, the administrative review board shall consider the danger, if any, to the public such continuance will pose. (Ord. G-6942 § 5 (part), 2002)

7.08.410 Violations--Penalties.

With the exception of those acts expressly declared in any section of this chapter to be misdemeanors, any act in violation of the provisions of any section in this chapter is an infraction punishable by a fine. These fines shall be in addition to any cost or fee provided for in this chapter for the redemption or disposition of impounded animals. A person is guilty of a separate offense for each animal and for every day during which a violation of any of the provisions of this chapter is committed, continued or permitted by such person. (Ord. G-6942 § 5 (part), 2002)

7.08.415 Arrests and notices to appear.

A. Pursuant to the provisions of Penal Code Section 836.5, any of the officers and employees of the animal control division who are in the animal control officer classifications, other than clerical and secretarial personnel, authorized to make arrests and issue written notices to appear, may arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor or infraction in his presence which is a violation of any of the following:

1. Orders and ordinances of the board of supervisors pertaining to animal control matters; or
2. Statutes, orders, quarantines and other regulations, as well as rules prescribed by the State of California related to animal control.

B. In any case in which a person is arrested and the person does not demand to be taken before a magistrate, the public officer or employee making the arrest shall prepare a written notice to appear and release the person on his promise to appear, as prescribed by Chapter 5C of Title 3 of Part 2 of the Penal Code. The provisions of that chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear. (Ord. G-7307 § 4 (part), 2005)

7.08.420 Public education program.

A. For five (5) years from the adoption of the ordinance codified in this title there shall be an intense public education campaign in effect. Pet owners will be provided information

on local spay/neuter clinics and spay/neuter voucher assistance programs. The public education program will include, but not be limited to, public advertising, school programs, informational campaigns to encourage licensing and the responsible, humane treatment of dogs and cats, the prevention of unwanted, ill-advised and accidental breeding of dogs and cats.

B. Educational materials will be provided to those individuals who allow any dog or cat owned, harbored or kept by that person within the unincorporated areas of Kern County to breed or reproduce during this five (5) year period. (Ord. G-6942 § 5 (part), 2002)

7.08.430 Spaying and neutering of dogs and cats program.

A. Department will develop a spaying and neutering program to include:

1. Financial assistance with the costs of spaying and neutering dogs and cats,
2. Offer information on other programs and veterinary services to pet owners,
3. Develop and disseminate spay/neuter education materials,
4. Implement programs encouraging spaying and neutering as well as other aspects of humane animal care,
5. Develop and maintain statistical information for use by the department to determine the best methodologies for pet population control, and
6. Run a foster/adoption program.

B. The following requirement shall apply to the sale, adoption, giving away or other release of any dog or cat by the breeder:

1. Animals shall be eight (8) weeks of age or older.
2. There will be a limit of one (1) litter per year, per female dog or cat. (Ord. G-6942 § 5 (part), 2002)

7.08.440 Monitoring.

Kern County animal control shall provide an annual report to the board of supervisors no later than fourteen (14) months from the adoption of the ordinance codified in this chapter and annually thereafter.

An ordinance review by the board of supervisors as to the effectiveness of the ordinance codified in this chapter shall be performed five (5) years after adoption of the ordinance codified in this chapter. Any modifications required by this review shall be implemented. (Ord. G-6942 § 5 (part), 2002)

Chapter 7.12 ANIMAL ENCLOSURES

7.12.010 Purpose.

7.12.020 Powers of health officer.

7.12.030 Distance from other structures.

7.12.040 Distance on irregular lots.

7.12.050 Sanitary conditions.

7.12.060 Violations.

7.12.070 Penalties.

7.12.010 Purpose.

Every stable, poultry house, corral, pen, enclosure or other structure used for the purpose of confining, housing, keeping or maintaining any animals or poultry, whether domestic or otherwise, now existing or hereafter constructed on or moved onto any lot or parcel of land in the unincorporated territory of the county, shall be located as far from any dwelling or any place where food for human consumption is prepared or served as can reasonably be done, having due regard for the direction of prevailing winds and for the size and dimensions of such lot or parcel of land. For the purpose of determining what such location shall be, according to the aforesaid standards, the rules and regulations set out in Section 7.12.030 of this chapter are prescribed. (Prior code § 3550)

7.12.020 Powers of health officer.

The county health officer is given the power and duty of enforcing this chapter. He shall have the right to make inspection of all places where he suspects violations of this chapter occurring. If he finds any of the structures described in Section 7.12.010 of this chapter being maintained in an unsatisfactory condition, contrary to the provisions of Section 7.12.050 of this chapter, he may prescribe those certain methods, such as the use of chemicals or other deodorants, insecticides or cleansing compounds, to the owner or owners or other person or persons responsible for the maintenance of or using such structures as he considers reasonably necessary to correct such conditions. (Prior code § 3554)

7.12.030 Distance from other structures.

The minimum distance which must extend between the location of any of the structures described in Section 7.12.010 of this chapter and the location of any dwelling or place where food for human consumption is prepared or served shall be as follows:

- A. In no event shall such distance be less than twenty-five (25) feet.
- B. In event the lot or parcel on which the structures are located is more than one hundred fifty (150) feet but less than two hundred (200) feet in both width and length, such distance shall not be less than fifty (50) feet.
- C. In event the lot or parcel on which the structures are located is more than two hundred (200) feet but less than two hundred fifty (250) feet in both width and length, such distance shall not be less than one hundred (100) feet.
- D. In event the lot or parcel on which said structures are located is more than two hundred fifty (250) feet in both width and length, such distance shall not be less than one hundred fifty (150) feet. (Prior code § 3551)

7.12.040 Distance on irregular lots.

In event the said structures are located on lots or parcels of such irregular shape or size so as not to be practically susceptible of classification by the foregoing methods without inflicting unreasonable and unnecessary requirements, the county health officer shall have the power to approve a location for said structure without regard to subsections B, C or D of Section 7.12.030 of this chapter, and such location as determined by him shall be deemed to be in compliance with this chapter; provided that in making such

determination the officer shall be guided by the general rules set out in Section 7.12.010 of this chapter and by subsection A of Section 7.12.030 of this chapter. (Prior code § 3552)

7.12.050 Sanitary conditions.

Every structure referred to in Sections 7.12.010, 7.12.030 and 7.12.040 of this chapter shall be kept and maintained at all times in a dry, clean and sanitary condition satisfactory to the county health officer, who is given the power and duty of determining such condition. In exercising such determination the officer shall be guided by the following rules.

A. The property shall be kept as nearly as possible free from offensive odors and any other conditions which tend to breed flies or other insects or furnish food or breeding places for rats or mice.

B. All manure and other offal shall be removed at least once a week and more often when necessary to prevent the odors thereof from becoming offensive or to prevent the creating of conditions described in subsection A of this section. (Prior code § 3553)

7.12.060 Violations.

The following acts are declared to be violations of this chapter:

A. The placing, constructing or locating, after November 2, 1944, of any structures described in Section 7.12.010 of this chapter contrary to the rules and regulations set out in Section 7.12.030 of this chapter, and without the approval of the county health officer given under Section 7.12.040 of this chapter;

B. Continuing to maintain any existing structures described in Section 7.12.010 in the same location as they were on November 2, 1944, contrary to the rules and regulations set out in Section 7.12.030, after thirty (30) days' written notice of such act has been given by the county health officer, unless such health officer has approved such location under the provisions of Section 7.12.040;

C. Failing to keep any of the structures described in Section 7.12.050 in dry, clean and sanitary condition, to the satisfaction of the county health officer, contrary to the provisions of said Section 7.12.050;

D. Failing to carry out such methods as may be prescribed by the county health officer as necessary to restore such structures to a satisfactory sanitary condition, as provided in Section 7.12.020, within five (5) days after having received the notice referred to in said section. (Prior code § 3555)

7.12.070 Penalties.

Any person, firm or corporation violating or contributing in any way to the violation of any provisions of this chapter shall be deemed guilty of an infraction. Every violation of any of the provisions of this chapter shall be construed as a separate offense for each day during which such violation continues. (Prior code § 3556)

Chapter 7.16 ESTRAYS

- 7.16.010 Estrays--Grazing areas designated.
- 7.16.020 Parcel A.
- 7.16.030 Parcel B.
- 7.16.040 Parcel C.
- 7.16.050 Parcel D.
- 7.16.055 Parcel E.
- 7.16.060 Unlawful to permit livestock to be at large on cultivated land.
- 7.16.010 Estrays--Grazing areas designated.

Pursuant to the provisions of Section 17124 of the Food and Agriculture Code of the state of California, the board of supervisors of the county declares that those portions of the county described as parcels in alphabetical order in the next succeeding sections of this chapter are devoted chiefly to grazing. (Ord. G-4461 § 15, 1987: prior code § 5200)

7.16.020 Parcel A.

All that territory described in this section shall be Parcel A:

Beginning at the southwest corner of Township 32 South, Range 31 East, MDB&M, thence north along Township line 8 3/4 miles, more or less, to a point in the easterly boundary line of the Rancho El Tejon; thence northeasterly along said easterly boundary line to Corner Number 15 of said Rancho; thence northwesterly along the boundary line of said Rancho to a point in the west boundary line of Township 30 South, Range 31 East, MDB&M, thence north along township lines one mile, more or less, to the southeast corner of Township 29 South, Range 30 East, MDB&M, thence westerly along section lines 6 miles to the southwest corner of Section 31, last named township and range; thence northerly along section lines 2 1/2 miles to the southeast corner of the northeast quarter of Section 24, Township 29 South, Range 29 East, MDB&M; thence westerly to the southwest corner of the northeast quarter of said Section 24; thence northerly to the northwest corner of the northeast quarter of said Section 24; thence easterly along the section line to the northeast corner of last named Section 24; thence northerly along section line 2 1/2 miles, more or less, to the southeasterly right-of-way line of State Highway Route 178; thence northeasterly along last named right-of-way line to the north line of Section 6, Township 29 South, Range 30 East, MDB&M, and a point on the Seventh Standard Parallel South, MDB&M, thence westerly along said parallel to the centerline of Kern River; thence southwestly along the centerline of Kern River to the south line of Section 1, Township 29 South, Range 29 East, MDB&M; thence west along section lines to the southwest corner of Section 2, last named township and range; thence northerly along section lines 1 mile to the northwest corner of said Section 2, and a point on the Seventh Standard Parallel South, MDB&M; thence east along said parallel 1/2 mile, more or less, to the southeast corner of Section 34, Township 28 South, Range 29 East, MDB&M; thence northerly along section lines 6 miles to the northwest corner of Section 2, last named township and range; thence easterly along section lines 2 miles to the southwest corner of Section 31, Township 27 South, Range 30 East, MDB&M; thence northerly along section lines 6 miles to the northwest corner of Section 6, Township 27 South, Range 30 East, MDB&M; thence easterly along section lines 8 miles

to the southwest corner of Section 33, Township 26 South, Range 31 East, MDB&M; thence northerly along section lines 4 miles to the northwest corner of Section 16, Township 26 South, Range 31 East, MDB&M; thence easterly along the section line 1 mile to the southwest corner of Section 10, last named township and range; thence northerly along section lines 2 1/2 miles to the northwest corner of the south half of Section 24, Township 25 South, Range 31 East, MDB&M; thence easterly along the mid-section line 1 mile to the southeast corner of the northeast quarter of last named Section 34; thence northerly along section lines 2 1/2 miles to the southeast corner of Section 15, Township 25 South, Range 31 East, MDB&M; thence westerly along the section line 1 mile to the southwest corner of last named Section 15; thence northerly along section lines 2 miles to the southeast corner of Section 4, Township 25 South, Range 31 East, MDB&M; thence westerly along the south line of said Section 4, 1/2 mile to the southwest corner of the east half of said Section 4; thence northerly along the mid-section line 1 mile to the north line of last named Section 4 and a point on the north line of the county of Kern; thence east along section lines 56 1/2 miles to the northeast corner of Section 2, Township 25 South, Range 40 East, MDB&M, said corner being the northeast corner of the county of Kern; thence south along section lines and the easterly boundary of the county of Kern, 48 miles to the southeast corner of Section 36, Township 32 South, Range 40 East, MDB&M, said corner being a point in the Eighth Standard Parallel; thence west along the Eighth Standard Parallel 60 miles to the southwest corner of Section 31, Township 32 South, Range 31 East, MDB&M, said corner being the point of beginning of this description.

In addition, All of Sections 3, 4, 5, 7, 8, 9, 10, 15, 16, 17, 18, 21, 22, 27, 28 and 29, the NE1/4 of the NW1/4, the NE 1/4, the S1/2 of the S1/2 and the NE1/4 of SE1/4 of Section 6, and the E1/2 of Section 20, T28S, R28E; and All of Sections 1 and 12, and the S1/2 of the NE1/4 and the SE1/4 of Section 2 and the N1/2 of Section 3 of T28S, R28E, MDB&M, County of Kern, State of California.

Containing 12,800 acres, more or less.

EXCEPTING THEREFROM the following described territory, to wit:

PARCEL 1. Beginning at the southwest corner of Section 33, Township 30 South, Range 37 East, MDB&M; thence north along section lines 2 miles to the northwest corner of Section 28 of the said township and range; thence east 1 mile to the southwest corner of Section 22; thence north 1 mile to the northwest corner of Section 22; thence east 1 mile to the southwest corner of Section 14 of said township and range; thence north along section lines 2 miles to the northwest corner of Section 11, Township 30 South, Range 37 East, MDB&M; thence east along section lines 3 miles to the southwest corner of Section 5, Township 30 South, Range 38 East, MDB&M; thence north 1 mile to the northwest corner of said Section 5; thence east along section lines 2 miles to the northeast corner of Section 4 of said township and range; thence south along section lines 3 1/2 miles to the southeast corner of the northeast quarter of Section 21, Township 30 South, Range 38 East, MDB&M; thence west 2 miles to the southwest corner of the northwest quarter of Section 20 of last named township and range; thence south along section lines 1 1/2 miles to the southeast corner of Section 30, Township 30 South, Range 38 East, MDB&M; thence west along section lines 3 miles to the northeast corner of Section 34, Township 30 South, Range 37 East, MDB&M; thence south 1 mile to the southeast corner of said Section 34; thence west along section lines 2 miles to the

southwest corner of Section 33, Township 30 South, Range 37 East, MDB&M, said corner being the place of beginning of this description.

PARCEL 2. Beginning at the southwest corner of Section 21, Township 25 South, Range 33 East, MDB&M; thence north along section lines 2 miles to the northwest corner of Section 16; thence east along section lines 2 miles to the northeast corner of Section 15; thence south along section lines 2 miles to the southeast corner of Section 22; thence west along section lines 2 miles to the southwest corner of said Section 21, said corner being the place of beginning. The above named sections refer to the Mount Diablo Base and Meridian.

PARCEL 3. Beginning at the southwest corner of Section 12, Township 27 South, Range 32 East, MDB&M; thence north 1 mile to the northwest corner of said Section 12; thence east 1 mile to the northeast corner of said Section 12; thence north along the west line of Section 6, Township 27 South, Range 33 East, MDB&M, to the southeast corner of Lot 59 of Tract 1648 according to map of said Tract recorded in Book 8 of Maps at Page 88, Kern County Records; thence westerly and northerly along the westerly boundary line of said Tract 1648 to the northwest corner of Lot 46 of said Tract 1648, said corner being a point in the west line of said Section 6; thence north along the west line of said Section 6 to the northwest corner of said Section 6; thence east along the north line of said Section 6 to a point in the westerly right-of-way line of California State Highway Route 57; thence northerly along said westerly right-of-way line to a point in the north line of the southeast quarter of Section 31, Township 26 South, Range 33 East, MDB&M; thence west to the southwest corner of the northeast quarter of said Section 31; thence north along the west line of the northeast quarter of said Section 6 to a point in the southerly right-of-way line of California State Highway Route 142; thence west along said southerly right-of-way line to a point in the west boundary line of said Section 31; thence north along the west boundary line of Sections 31 and 30 to a point in the south boundary line of the Isabella Lake reservation; thence easterly along said south boundary line to the easterly right-of-way line on the Southern California Edison Company Power Canal known as the Borel Canal; thence southerly along said easterly right-of-way line to a point in the north line of Section 6, Township 27 South, Range 33 East, MDB&M; thence easterly along the north line of Section 6 and Section 5, Township 27 South, Range 33 East, MDB&M, to the northeast corner of said Section 5; thence south along section line 2 miles to the southeast corner of Section 8, Township 27 South, Range 33 East, MDB&M; thence west 1 mile to the southwest corner thereof; thence north 1 mile to the northwest corner of said Section 8; thence west 1 mile to the northeast corner of Section 12, Township 27 South, Range 32 East, MDB&M; thence south 1 mile to the southeast corner of said Section 12; thence west one mile to the southwest corner of said Section 12, Township 27 South, Range 32 East, MDB&M, said corner being the place of beginning of the description.

PARCEL 4. Beginning at the southeast corner of Section 26, Township 27 South, Range 40 East, MDB&M, and a point on the exterior boundary of the county of Kern; thence departing from said boundary westerly on and along section lines to a point in the northeasterly boundary line of California State Highway IX-KER-145; thence northwesterly on and along last named northeasterly line of said state highway to intersect the west line of Section 30, Township 27 South, Range 40 East, MDB&M; thence northerly on and along section lines to intersect the exterior boundary line of

Naval Ordnance Test Station as said boundary is shown by Record of Survey filed March 19, 1945, in Book 5, Page 26 of Record of Surveys in the Office of the Kern County of the State of California; thence easterly on and along said boundary line the following courses as shown by said Record of Survey, North 89° 23' 53" East, 5200.78 feet, thence North 89° 25' 53" East, 5303.50 feet; thence North 89° 24' 38" East, 5304.49 feet; thence North 89° 19' 31" East, 29.88 feet; thence South 0° 35' 05" East, 30 feet; thence South 0° 53' 05" East, 5329.83 feet; thence South 0° 28' 19" East, 5269.93 feet; thence North 89° 15' 06" East, 5265.96 feet; thence North 89° 12' 47" East, 5297.22 feet, more or less, to intersect the east line of Section 35, Township 26 South, Range 40 East, MDB&M, and a point on the east boundary line of the county of Kern; thence departing from the exterior boundary of said Naval Ordnance Test Station southerly on and along section lines and exterior boundary of said county to the point of beginning.

PARCEL 5. Beginning at the intersection of the centerline of French Gulch with the westerly line of California State Highway VI-KER 142, Sec. F opposite Engineers Station 554 plus 00 of said highway as shown by Sheet 11 of Plans of said highway approved May 7, 1951 said intersection being in the northwest quarter of Section 19, Township 26 South, Range 33 East, MDB&M; thence in a northwesterly and northeasterly direction along last named westerly line to a point on the north line of Section 5, Township 26 South, Range 33 East, MDB&M; thence easterly along last named line to the north quarter corner of said Section 5; thence south along the east line of the northwest quarter of said Section 5 to a point in the west line of County Road No. 1517 as said road is shown by records of the Kern County board of supervisors; thence northerly along the west line of said County Road No. 1517 to a point in the northerly line and extensions thereof of the Kernville Cemetery as described in Quitclaim Deed dated the 27th day of February, 1946 and recorded April 17, 1946 in Book 1131, Page 487, Official Records of the Kern County recorder; thence easterly along last named northerly line and extensions thereof to a point in the 2617 foot contour line of the Isabella Lake Reservoir; thence in a general direction along said contour line to the point of beginning.

Except from said area described, all of that portion lying west of the west line of said state highway contained within limits of said 2617 foot contour line.

PARCEL 6. Beginning at a point in the south boundary line of the Isabella Reservoir reservation at its intersection with the westerly right-of-way line of State Highway Route 155 (former State Highway No. 142) in the northwest quarter, Section 30, Township 26 South, Range 33 East, MDB&M; thence northerly along said westerly right-of-way line to a point on the north side of French Gulch in the 2617 foot contour line of Isabella Reservoir; thence in a general northeasterly direction along said 2617 foot contour line to a point in the northerly line and extensions thereof of the Kernville Cemetery as described in Quitclaim Deed dated the 27th day of February, 1946 and recorded April 17, 1946 in Book 1131, Page 487 of Official Records of the Kern County recorder; thence westerly along last named northerly line and extensions thereof to a point in the westerly right-of-way line of County Road No. 2167, also known as Burlando Road; thence northeasterly along last named right-of-way line to a point in the south line of Section 22, Township 25 South, Range 33 East, MDB&M; thence east along said south line to a point in the easterly right-of-way line of Sierra Way; thence southerly along said easterly right-of-way line to a point in the east line of Section 10, Township 26 South, Range 33

East, MDB&M; thence southerly along section lines to a point in the southwesterly line of California State Highway 178 (formerly California State Highway VI-KER-57); thence in a general westerly direction along last named southwesterly line to a point in the easterly boundary line of the right-of-way of the Southern California Edison Company Power Canal known as Borel Canal; thence northerly along last named easterly boundary line to a point in the exterior boundary line of said Isabella Reservoir Reservation in the east half of Section 30, Township 26 South, Range 33 East, MDB&M; thence in a general westerly direction along last named exterior boundary line to the point of beginning.

PARCEL 7. Beginning at Property Corner No. 42 of that certain agreement line shown on Book 10, Pages 95 and 96 of Record of Survey on file in the office of the county recorder, county of Kern, state of California, said point bears North 47° 33' 35" East from El Tejon Rancho Corner No. 14; thence (1) South 88° 51' 03" East, 5213.64 feet to Corner No. 43 as shown on said Record of Survey Map; thence (2) South 00° 23' 83" East, 1329.73 feet to Corner No. 44 as shown on said Record of Survey Map; thence (3) North 88° 22' 56" East, 2773.97 feet to Corner No. 45 as shown on said Record of Survey Map; thence (4) North 02° 09' 39" West, 662.38 feet to Corner No. 46 as shown on said Record of Survey Map; thence (5) along said agreement line North 88° 25' 54" East, a distance of 2728.49 feet to Corner No. 47 as shown on said Record of Survey Map; thence (6) South 01° 46' 15" East along that certain agreement line, a distance of 2052.06 feet to Corner No. 48 as shown on said Record of Survey Map to a point; thence (7) North 89° 49' 00" East, 2589.52 feet to Corner No. 49 as shown on said Record of Survey Map; thence (8) South 00° 41' 17" East, 826.80 feet to Corner No. 50 as shown on said Record of Survey Map; thence (9) South 79° 58' 07" East, 2612.26 feet to Corner No. 51 as shown on said Record of Survey Map; thence (10) North 89° 56' 14" East, 2103.90 feet to Corner No. 52 as shown on said Record of Survey Map; thence (11) South 37° 23' 04" East, 880.20 feet to Corner No. 53 as shown on said Record of Survey Map; thence (12) South 00° 27' 24" West, 594.13 feet to Corner No. 54 as shown on said Record of Survey Map; thence (13) South 89° 58' 32" East, 983.87 feet to Corner No. 55 as shown on said Record of Survey Map; thence (14) South 76° 49' 01" East, 1712.83 feet to Corner No. 56 as shown on said Record of Survey Map; thence (15) South 01° 07' 48" East, 977.84 feet to Corner No. 57 as shown on said Record of Survey Map; thence (16) North 89° 27' 37" East 753.71 feet to Corner No. 58 as shown on said Record of Survey Map; thence (17) South 60° 54' 43" East, 647.28 feet to Corner No. 59 as shown on said Record of Survey Map; thence (18) South 01° 00' 50" East, 2443.64 feet to Corner No. 60 as shown on said Record of Survey Map; thence (19) South 89° 59' 56" East, 2616.11 feet to Corner No. 61 as shown on said Record of Survey Map; thence (20) South 00° 46' 28" East, 1198.36 feet to Corner No. 62 as shown on said Record of Survey Map; thence (21) North 87° 45' 11" East, 1305.64 feet to Corner No. 63 as shown on said Record of Survey Map; thence (22) North 89° 52' 30" East, 5265.47 feet to Corner No. 1 of Record of Survey, Book 10, Page 61 as per Map filed in the office of the Kern County recorder; thence (23) along said agreement line South 00° 07' 55" West, 5259.01 feet to Corner No. 2 as shown on said Record of Survey Map, said corner also being the southwest corner of Section 31, Township 31 South, Range 32 East, MDB&M; thence (24) along said agreement line North 88° 46' 14" East, 4417.00 feet to Corner No. 3 as shown on said Record of Survey Map; thence (25) South 04° 39' 28" West, 5292.75

feet to Corner No. 4 as shown on said Record of Survey Map; thence (26) North 88° 55' 32" East, 1267.13 feet to Corner No. 5 in said agreement line; thence (27) along said agreement line South 01° 10' 43" West 7578.43 feet to Corner No. 6 as shown on said Record of Survey Map; thence (28) along said agreement line, North 70° 20' 00" West, 423.88 feet to a point in a non-tangent curve concave southwesterly having a radius of 1055.00 feet, a radial line of said curve to said point bears North 35° 42' 21" East; thence (29) Southeasterly along said curve through a central angle of 32° 18' 57", an arc distance of 595.04 feet to a point, a radial line of said curve to said point bears North 68° 01' 18" East; thence (30) South 01° 10' 43" West, 414.88 feet; thence (31) North 88° 45' 17" West, 25.00 feet along a radial line to a non-tangent curve concave southwesterly and having a radius of 945.00 feet, concentric with said course (29); thence (32) northerly and northwesterly along said curve through a central angle of 59° 40' 28", an arc distance of 984.22 feet; thence (33) tangent to said curve North 58° 29' 45" West, 118.25 feet to a point in said agreement line between Corner No. 7 and Corner No. 8 as shown on said Record of Survey Map, said point bears South 83° 20' 00" East, a distance of 93.25 feet from Corner No. 8 as shown on said Record of Survey Map; thence (34) along said agreement line North 83° 20' 00" West, 93.25 feet to Corner No. 8 as shown on said Record of Survey Map; thence (35) along said agreement line South 42° 51' 57" West, 47.52 feet to Corner No. 9 as shown on said Record of Survey Map; thence (36) North 82° 06' 48" West, 762.85 feet to Corner No. 10 as shown on said Record of Survey Map; thence (37) North 63° 09' 46" West, 209.13 feet to Corner No. 11; thence (38) North 84° 41' 41" West, a distance of 349.05 feet to Corner No. 12; thence (39) South 81° 09' 50" West, a distance of 360.48 feet to Corner No. 13; thence (40) South 01° 13' 53" West, along said agreement line, a distance of 685.92 feet; thence (41) departing from said agreement line, South 89° 02' 00" West, a distance of 177.01 feet to Corner No. 16 of said Record of Survey; thence (42) continuing along said Agreement Line South 89° 02' 00" West, 2752.39 feet to Corner No. 17 as shown on said Record of Survey Map; thence (43) South 01° 13' 46" West, 2619.77 feet to Corner No. 18 as shown on said Record of Survey Map; thence (44) North 89° 43' 57" West, 5352.89 feet to Corner No. 19 as shown on said Record of Survey Map; thence (45) South 00° 25' 12" West, 2607.92 feet to Corner No. 20 as shown on said Record of Survey Map; thence (46) North 89° 35' 33" West, 5222.00 feet to Corner No. 21 as shown on said Record of Survey Map; thence (47) North 89° 35' 33" West, 86.09 feet to Corner No. 22 as shown on said Record of Survey Map; thence (48) South 88° 41' 07" West, 1336.83 feet to Corner No. 23 as shown on said Record of Survey Map; thence (49) South 00° 37' 14" East, 1300.21 feet to Corner No. 24 as shown on said Record of Survey Map; thence (50) South 88° 38' 27" West, 2671.31 feet to Corner No. 25 as shown on said Record of Survey Map; thence (51) North 00° 43' 30" West, 1302.25 feet to Corner No. 26 as shown on said Record of Survey Map; thence (52) South 88° 41' 07" West, 1336.83 feet to Corner No. 27 as shown on said Record of Survey Map; thence (53) North 00° 46' 37" West, 2606.55 feet to Corner No. 28 as shown on said Record of Survey Map; thence (54) North 89° 54' 20" West, 5348.84 feet to Corner No. 29 as shown on said Record of Survey Map; thence (55) North 01° 03' 07" East, 2594.87 feet to Corner No. 30 as shown on said Record of Survey Map; thence (56) South 89° 55' 10" West, 3339.84 feet to Corner No. 31 as shown on said Record of Survey Map; thence (57) North 00° 24' 34" East, 7763.16 feet to Corner No. 32 as shown on said Record of Survey Map; thence (58)

South 89° 07' 18" West, 7528.69 feet to Corner No. 33 as shown on said Record of Survey Map, said Corner also being the southeast corner of Section 1, Township 32 South, Range 30 East, MDB&M; thence (59) north, along section lines, a distance of 4 miles, more or less, to a point in the easterly boundary of the Rancho El Tejon; thence (60) North 47° 33' 35" East, a distance of 385.91 feet, along last named boundary to the point of beginning.

PARCEL 8. All lots situated within the boundaries of Parcel Map 190 which comprises lands lying within a portion of Sections 22 and 27, Township 32 South, Range 32 East, MDB&M.

PARCEL 9. All that portion of the NW 1/4 of Section 20, T31S, R32E, MDB&M, Kern County, California, lying southwesterly of the southwesterly right-of-way line of State Route 58.

PARCEL 10. All that portion of Tract 3445 located in Sections 31, 32 and 33 of T32S, R31E, MDB&M, county of Kern, state of California.

PARCEL 11. All of Section 12 and the N 1/2 and the N 1/2 of the N 1/2 of the S 1/2 of Section 13, T26S, R32E, MDB&M, county of Kern.

PARCEL 12. Sections 19 through 36, T31S, R34E, MDB&M, and Sections 1 through 12 and 14 through 18 and portions of Sections 22 and 27 lying easterly of Sand Canyon Road and the Sand Canyon Specific Plan boundary and westerly of Cache Creek, T32S, R34E, MDB&M, county of Kern, state of California.

PARCEL 13. All those portions of Sections 1, 2, 11, 12, 13, 14, 23, 24 and 25 of Township 32 South, Range 32 East, MDM, and Sections 6, 7, 18, 19 and 30 of Township 32 South, Range 33 East, MDM, county of Kern, state of California being parcels of land described as:

Beginning at the northwest corner of the southwest quarter of said Section 6;

THENCE (1) North 89° 25' 29" East, a distance of 871 feet more or less to a point in the westerly right-of-way line of the Southern Pacific Company;

THENCE (2) Southerly along said westerly line, a distance of 16,920 feet more or less to a point in the south line of said Section 18;

THENCE (3) South 89° 56' 06" West, along last named south line, a distance of 1,560 feet more or less to the northerly extension of the east line of Lot 57 of the Tehachapi Red Apple Tract as shown on map of said tract filed in Book 2, Page 64 of Maps in the office of the Kern County recorder;

THENCE (4) South 0° 18' 00" West along said extension and lot lines, a distance of 3,366.88 feet to the southeast corner of Lot 28 of said tract;

THENCE (5) South 89° 52' 00" West along lot lines, a distance of 666.47 feet to the northeast corner of Lot 22 of said tract;

THENCE (6) South 0° 18' 00" West, along the east line of said Lot 22, a distance of 651.02 feet to the southeast corner of said lot;

THENCE (7) South 89° 52' 00" West, a distance of 333.235 feet;

THENCE (8) South 0° 18' 00" West, a distance of 1,364.04 feet to the south line of said Section 19;

THENCE (9) South 89° 52' 00" West along the south line of Section 19, a distance of 216.64 feet, to a point on the northerly prolongation of the east line of Lot 49 of the amended map of the Tehachapi Fruit and Land Company Tract as recorded in Book 2, Page 37 in the office of the recorder of said county;

THENCE (10) Southerly a distance of 1,386.5 feet to a point 1,476.14 feet easterly of the west line of Section 30, said point also being the southeast corner of said Lot 49;
THENCE (11) Westerly a distance of 639.16 feet to a point 836.98 feet easterly of said west line, said point also being the northeast corner of Lot 70 of said tract;
THENCE (12) Southerly a distance of 1,362.585 feet to a point 833.68 feet easterly of said west line, said point also being the southeast corner of said Lot 70;
THENCE (13) Westerly a distance of 833.68 feet along said south line to the southwest corner of said northwest quarter, said point also being the northeast corner of the southeast quarter of Section 25;
THENCE (14) Southerly along the east line of said southeast quarter to the southeast corner of said southeast quarter;
THENCE (15) Westerly along the south line of said southeast quarter to a point 820 feet easterly of the southwest corner of said southeast quarter;
THENCE (16) North 00° 11' 23" East, a distance of 55.00 feet;
THENCE (17) North 34° 00' 00" East, a distance of 620.00 feet;
THENCE (18) North 17° 30' 00" East, a distance of 272.90 feet;
THENCE (19) North 89° 44' 03" West, a distance of 1,245.09 feet to a point on the west line of said southeast quarter, said point being 832.34 feet northerly of said southwest corner;
THENCE (20) Northerly along said west line to a point 495.00 feet southerly of the center of Section 25, said point also being the southeast corner of Parcel B of Parcel Map No. 5525 as recorded in Book 24, Page 156 in the office of the recorder of said county;
THENCE (21) South 89° 51' 30" West a distance of 220.00 feet to a point also being the southwest corner of said Parcel B;
THENCE (22) North 0° 08' 07" East a distance of 495.00 feet to a point on the south line of the northwest quarter of Section 25, also being the northwest corner of said Parcel B;
THENCE (23) North 89° 33' 26" West along the south line of the northwest quarter of said Section 25, a distance of 2,450.32 feet to the west one-quarter corner of said Section 25;
THENCE (24) North 00° 43' 20" East along the west line of said section, 660.70 feet to the centerline of State Highway 202;
THENCE (25) North 40° 30' 56" East along the centerline of State Highway 202, a distance of 1,466.66 feet;
THENCE (26) North 49° 29' 04" West, 350.53 feet;
THENCE (27) North 40° 35' 50" East, 235.64 feet;
THENCE (28) South 89° 51' 21" West, 348.18 feet;
THENCE (29) North 0° 49' 22" East, 37.30 feet;
THENCE (30) North 89° 16' 40" West, 472.52 feet to the west line of said Section 25;
THENCE (31) North 0° 43' 20" East, along the west line of said section, 416.71 feet to the northwest corner of said section;
THENCE (32) North 88° 30' 26" East, along the north line of said section, 1164.23 feet to a point on the centerline of Jeffery Road (County Road No. 405) being the beginning of a curve, concave to the northeast, having a radius of 383.07 feet, from which point the center of said curve bears North 1° 29' 34" West;
THENCE (33) Northwesterly along said curve through a central angle of 78° 00' 00", an arc length of 521.49 feet;

THENCE (34) North 13° 29' 34" West, 493.30 feet, to the beginning of a curve, concave to the southwest, having a radius of 573.69 feet;

THENCE (35) Northwesterly along said curve through a central angle of 15° 14' 00" an arc length of 152.53 feet;

THENCE (36) North 28° 43' 34" West, 398.70 feet to the beginning of a curve, concave to the southwest, having a radius of 287.94

THENCE (37) Northwesterly along said curve, through a central angle of 24° 27' 04", an arc length of 122.88 feet, to a point on the west line of Tract No. 2334, from which the center of said curve bears South 36° 49' 22" West;

THENCE (38) North 0° 16' 47" East, along the west line of Tract No. 2334, a distance of 1,373.21 feet to a point on the north line of the southwest quarter of said Section 24;

THENCE (39) South 89° 54' 17" East, along the north line of said southwest quarter and Tract No. 2334, a distance of 2,339.60 feet to the center of said section;

THENCE (40) North 0° 19' 24" East, along the east line of the northwest quarter of said Section 24, a distance of 2,702.72 feet to the northeast corner of said northwest quarter;

THENCE (41) North 89° 24' 56" West, 4.35 feet, to a point on the centerline of County Road No. 393 (Woodford-Tehachapi Road);

THENCE (42) Along said centerline the following 8 courses, North 37° 33' 00" West, 142.89 feet;

THENCE (43) North 29° 37' 00" West, 223.00 feet;

THENCE (44) North 47° 15' 00" West, 210.20 feet;

THENCE (45) North 26° 17' 00" West, 97.80 feet;

THENCE (46) North 17° 27' 00" East, 83.20 feet;

THENCE (47) North 41° 33' 00" East, 284.10 feet;

THENCE (48) North 22° 48' 00" East, 403.00 feet;

THENCE (49) North 19° 04' 00" East, 54.12 feet;

THENCE (50) North 89° 49' 58" West, a distance of 40.12 feet to a point on the centerline of County Road 421-A (Old Town Road);

THENCE (51) South 35° 58' 00" West, a distance of 209.40 feet;

THENCE (52) South 49° 33' 00" West, a distance of 280 feet;

THENCE (53) South 56° 06' 00" West, a distance of 120.99 feet;

THENCE (54) North 33° 54' 00" West, a distance of 200 feet;

THENCE (55) South 56° 06' 00" West, a distance of 218 feet;

THENCE (56) South 33° 54' 00" East, a distance of 200 feet;

THENCE (57) South 56° 06' 00" West, a distance of 213.42 feet;

THENCE (58) South 54° 32' 04" West, a distance of 425.40 feet;

THENCE (59) South 51° 53' 44" West, a distance of 434.50 feet;

THENCE (60) Southwesterly along a tangent circular curve, concave to the southeast, having a radius of 750 feet, through a central angle of 7° 06' 29" an arc length of 93.04 feet to the south line of said Section 13;

THENCE (61) North 89° 24' 56" West, along last named south line, a distance of 1,053.93 feet to the southwest corner of said Section 13;

THENCE (62) South 0° 45' 00" West, along the east line of said Section 23, a distance of 468.5 feet;

THENCE (63) South 65° 15' 00" East, a distance of 675 feet;

THENCE (64) South 44° 15' 00" West, a distance of 308 feet;

THENCE (65) South 50° 20' 00" West, a distance of 124.2 feet;
 THENCE (66) South 89° 50' 00" West, a distance of 86.9 feet;
 THENCE (67) North 54° 10' 00" West, a distance of 273 feet;
 THENCE (68) North 65° 44' 00" West, a distance of 30 feet;
 THENCE (69) North 67° 15' 00" West, a distance of 46.1 feet;
 THENCE (70) South 75° 30' 00" West, a distance of 531 feet more or less to the north line of a parcel of land shown on a map in Book 6 at Page 76 of Record of Surveys in the office of the Kern County recorder;
 THENCE (71) West along last named north line, a distance of 571 feet more or less to the northwest corner of said parcel;
 THENCE (72) South, along the west line of said parcel, a distance of 339.2 feet to a point in the south line of the north half of the north half of said Section 23;
 THENCE (73) South 89° 37' 40" West, along last named south line, a distance of 4,121.37 feet to the west line of said Section 23;
 THENCE (74) North 0° 00' 12" West, along last named west line, a distance of 1,340.73 feet to the northwest corner of said Section 23;
 THENCE (75) North 0° 41' 56" West, along the west line of said Section 14, a distance of 5,434.3 feet to the northwest corner of said Section 14;
 THENCE (76) South 89° 07' 15" East, along the north line of said Section 14, a distance of 2,697.33 feet to the northeast corner of the northwest quarter of said Section 14;
 THENCE (77) North 19° 51' 45" East, a distance of 564.29 feet to the southwest corner of Tract No. 2529;
 THENCE (78) Along the boundary of said tract the following 37 courses, North 18° 38' 17" East, a distance of 517.15 feet;
 THENCE (79) North 2° 52' 20" East, a distance of 218.84 feet;
 THENCE (80) North 12° 17' 04" East, a distance of 401.15 feet;
 THENCE (81) North 9° 15' 03" East, a distance of 675.31 feet;
 THENCE (82) North 6° 55' 24" West, a distance of 283.67 feet;
 THENCE (83) South 89° 59' 09" East, a distance of 865.80 feet;
 THENCE (84) North 0° 02' 12" East, a distance of 4,886.58 feet to a point in the northerly right-of-way line of County Road No. 393 (Woodford-Tehachapi Road);
 THENCE (85) South 78° 41' 11" East, a distance of 109.75 feet;
 THENCE (86) Southeasterly, along a tangent circular curve concave to the north, having a radius of 120 feet, through a central angle of 59° 39' 03", an arc length of 124.93 feet;
 THENCE (87) North 41° 39' 46" East, a distance of 264.56 feet;
 THENCE (88) Northeasterly, along a tangent circular curve, concave to the southeast, having a radius of 250 feet, through a central angle of 24° 56' 48" an arc length of 108.85 feet;
 THENCE (89) North 66° 36' 34" East, a distance of 62.60 feet;
 THENCE (90) Northeasterly along a tangent circular curve, concave to the northwest, having a radius of 200 feet, through a central angle of 25° 29' 55" an arc length of 89.0 feet;
 THENCE (91) North 41° 06' 39" East, a distance of 78.88 feet;
 THENCE (92) Northeasterly, along a tangent circular curve, concave to the southeast, having a radius of 150 feet, through a central angle of 49° 37' 40", an arc length of 129.93 feet;

THENCE (93) South 89° 15' 41" East, a distance of 107.80 feet;
THENCE (94) Northeasterly, along a tangent circular curve, concave to the north, having a radius of 500 feet, through a central angle of 12° 30' 54" an arc length of 109.21 feet;
THENCE (95) North 78° 13' 25" East, a distance of 51.83 feet;
THENCE (96) Northeasterly along a tangent circular curve, concave to the south, having a radius of 200 feet, through a central angle of 19° 04' 20", an arc length of 66.58 feet;
THENCE (97) South 82° 42' 15" East, a distance of 83.9 feet;
THENCE (98) Northeasterly along a tangent circular curve, concave to the northwest, having a radius of 100 feet, through a central angle of 89° 46' 30" an arc length of 156.69 feet;
THENCE (99) North 7° 31' 15" East, a distance of 325.98 feet;
THENCE (100) Northeasterly, along a tangent circular curve, concave to the southeast, having a radius of 140 feet, through a central angle of 69° 27' 30", an arc length of 169.72 feet;
THENCE (101) North 76° 58' 45" East, a distance of 64.76 feet;
THENCE (102) Northeasterly along a tangent circular curve, concave to the northwest, having a radius of 300 feet, through a central angle of 15° 02' 30" an arc length of 78.76 feet;
THENCE (103) North 61° 56' 115" East, a distance of 129.72 feet;
THENCE (104) Southeasterly along a tangent circular curve, concave to the southwest, having a radius of 120 feet, through a central angle of 75° 42' 16" an arc length of 158.56 feet;
THENCE (105) South 42° 21' 29" East, a distance of 61.34 feet;
THENCE (106) Southeasterly along a tangent circular curve, concave to the northeast, having a radius of 160 feet, through a central angle of 37° 34' 24" an arc length of 104.93 feet;
THENCE (107) South 79° 55' 53" East, a distance of 24 feet;
THENCE (108) Southeasterly along a tangent circular curve, concave to the southwest, having a radius of 120 feet, through a central angle of 86° 21' 51" an arc length of 180.88 feet to a point of reverse curvature;
THENCE (109) Southeasterly along last named reverse curve, having a radius of 147.6 feet, through a central angle of 42° 51' 35" an arc length of 110.41 feet;
THENCE (110) South 36° 25' 37" East, a distance of 102.68 feet;
THENCE (111) Southeasterly, along a tangent circular curve, concave to the southwest, having a radius of 200 feet, through a central angle of 23° 36' 17", an arc length of 82.4 feet to a point of reverse curvature;
THENCE (112) Southeasterly along said reverse curve, having a radius of 244.61 feet, through a central angle of 25° 53' 22" an arc length of 110.53 feet;
THENCE (113) South 38° 42' 42" East, a distance of 62.96 feet to a point in the north line of the south half of said Section 1;
THENCE (114) North 89° 02' 17" East, along said north line, a distance of 4,427.74 feet to the point of beginning.

ALSO Including:

That portion of Section 30, Township, 32 South, Range 33 East, MDB&M, described as Lot 47 of Tehachapi Fruit and Land Company Subdivision No. 1, recorded in Book 2,

Page 32, in the office of the county recorder, county of Kern, California, more particularly described as follows:

Beginning at the southeast corner of Tract 3230, recorded in Book 18, Page 80 of Subdivision Maps, Kern County, California, said point being the southerly terminus of afore-described Course (8);

THENCE (115) Departing said existing boundary, east along the north line of said Section 30, a distance of 464 feet, more or less, to the northerly prolongation of the east line of said Lot 47;

THENCE (116) South along the northerly prolongation of the east line and the east line of said Lot 47, a distance of 1,360.2 feet, more or less, to the southeast corner of said Lot 47;

THENCE (117) West along the south line of said Lot 47, a distance of 320.29 feet, more or less, to the southwest corner of said Lot 47;

THENCE (118) North along the west line of said Lot 47 and the northerly prolongation thereof, 1,360.8 feet, more or less, to the north line of said Section 30;

THENCE (119) West along the north line of said Section 30, a distance of 144.00 feet, more or less, to the True Point of Beginning.

PARCEL 14. The south half of Section 23 and the west half of Section 26 and the west half of the east half of Section 26 and Parcel 5 of Parcel Map No. 8, filed February 19, 1968 in Book 1 of Parcel Maps at Pages 57 through 59, in the office of the county recorder, all in Township 32 South, Range 31 East, MDM, county of Kern, state of California. Containing 812 acres, more or less.

PARCEL 15. The following territory shall be excluded from Parcel A:

Portions of T31S, R31E, T31S, R32E, T32S, R32E, and T32S, R31E, MDM and is generally described as follows:

Township 31 South, Range 31 East, MDM. The southwest quarter of the southeast quarter and the east half of the east half of Section 12, lying south of State Highway 58; the east half and the east half of the west half of Section 13; the northeast quarter and the north half of the southeast quarter of Section 24.

Township 31 South, Range 32 East, MDM. All of Sections 7, 17 and 18, lying south of State Highway 58; all of Section 19; all of Section 20 lying southerly of State Highway 58 and lying southwesterly of Woodford-Tehachapi Road, excepting that portion thereof described in Book 250 of Deeds at Page 334; all of Section 21, lying southwesterly of Woodford-Tehachapi Road and lying southwesterly of the S.P.R.R. R/W, excepting that portion thereof described in Book 6224 of Official Records at Page 1143; all of Section 28, lying southwesterly of Woodford-Tehachapi Road; all of Sections 29, 30, 31 and 32; all of Sections 33, 34 and 35, lying southwesterly of Woodford-Tehachapi Road.

Township 32 South, Range 32 East, MDM. All of the north half of Section 2, lying southwesterly of Woodford-Tehachapi Road; all of Sections 3, 4, and 5; all of Section 6, excepting those portions lying within Tract No. 3471 and within the parcel shown on R/S Book 11, Page 160; all Sections 8, 9, 10, 15, and 16.

The 120 acres of BLM land is an inholding with no public access. The land is described as: East half of the northeast quarter, and the northeast quarter of the southeast quarter of Section 32, Township 31 South, Range 32 East.

PARCEL 16. The following territory shall be excluded from Parcel A:

All that portion of Township 32 South, Range 33 East, MDM; Township 32 South, Range 34 East, MDM; Township 12 North, Range, 14 West, SBM; Township 11 North, Range 14 West, SBM; county of Kern, state of California, described as:

- (1) All of Sections 31, 32 and 33 of Township 32 South, Range 34 East, MDM;
- (2) All that portion of Section 36 of Township 32 South, Range 33 East, MDM, described as follows:

PARCEL 1. That portion of Section 36, Township 32 South, Range 33 East, MDM, county of Kern, state of California, described as follows:

Beginning at the Southeast corner of said Section 36;

THENCE (1) Westerly along the Southerly line of said Section 36 to the Southwest corner of the Southeast quarter of said Section 36;

THENCE (2) Northerly along the North -- South Midsection line, a distance of 1730.00 feet to an iron pipe;

THENCE (3) North 45° 48' 00" East, a distance of 1400.00 feet to an iron pipe;

THENCE (4) North 39° 07' 00" East, a distance of 2547.60 feet to a point in the Easterly line of said Section 36;

THENCE (5) Southerly along the Easterly line of said Section 36, a distance of 4682.62 feet to the point of beginning.

Except that portion of said land described as follows:

Commencing at a point on the Easterly line of said Section 36, which lies 660.24 feet South of the Northeast corner of said Section 36, said point being the most Northerly corner of that certain real property deeded to Monolith Portland Cement Company in said Section 36;

THENCE (1) South 00° 55' 35" West along the Easterly line of said Section 36, a distance of 2079.55 feet;

THENCE (2) North 88° 38' 01" West, a distance of 53.25 feet;

THENCE (3) North 89° 12' 27" West, a distance of 365.00 feet;

THENCE (4) South 00° 47' 33" West, a distance of 10.00 feet to the true point of beginning;

THENCE (5) North 89° 12' 27" West, a distance of 100.00 feet;

THENCE (6) South 00° 47' 33" West, a distance of 100 feet;

THENCE (7) South 89° 12' 27" East, a distance of 100.00 feet;

THENCE (8) North 00° 47' 33" East, a distance of 100.00 feet, to the true point of beginning. (Ord. G-5763 § 2, 1992; Ord. G-5609 § 2, 1991; Ord. G-4942 § 2, 1989; Ord. G-4697 § 2, 1988; Ord. G-4359 § 2, 1986; Ord. G-4173 § 2, 1986; prior code § 5201)

7.16.030 Parcel B.

All that territory described in this section shall be Parcel B:

Beginning at the southwest corner of Township 11 North, Range 14 West, SBB&M;

THENCE (1) North, along the west line of Township 11 North, Range 14 West and Township 12 North, Range 14 West, SBB&M, a distance of 7 miles, more or less, to the northwest corner of said Township 12 North, Range 14 West, being a point in the Eighth Standard Parallel South, MDB&M;

THENCE (2) East, along last named standard parallel, a distance of 13 miles, more or less, to the westerly right-of-way line of the main line of the Southern Pacific Railroad;

THENCE (3) Southerly, along said westerly right-of-way line, a distance of 2 1/4 miles to the north line of the southeast quarter of the northwest quarter of Section 8, Township 11 North, Range 12 West, SBB&M;

THENCE (4) West, along last named north line to the northwest corner of the southeast quarter of the northwest quarter of said Section 8;

THENCE (5) South, along quarter-quarter section lines a distance of 1 1/2 miles to the southwest corner of the northeast quarter of the southwest quarter of Section 17, Township 11 North, Range 12 West, SBB&M;

THENCE (6) East, along the south line of the north half of the south half of said Section 17, one-half mile, more or less, to said westerly right-of-way line of the Southern Pacific Railroad;

THENCE (7) Southerly, along last named westerly line, a distance of 3 1/4 miles, more or less, to the south line of Township 11 North, Range 12 West, SBB&M;

THENCE (8) West, along Township lines, a distance of 14 3/4 miles, more or less, to the point of beginning.

PARCEL 1. The following territory shall be excluded from Parcel B:

(1) The east half of Section 32 and all of Sections 33 and 34 of Township 12 North, Range 14 West, SBM;

(2) The Northwest quarter of section 3 of Township 11 North, Range 14 West, SBM, EXCEPTING the Southwest quarter of the Northwest quarter;

(3) All of Section 4 of Township 11 North, Range 14 West, SBM, EXCEPTING the South half of the Southeast quarter;

(4) All that portion of Section 5, Township 11 North, Range 14 West, SBM, described as follows:

(a) All of the Southeast quarter;

(b) The South half of the Southeast quarter of the Southwest quarter;

(c) The Northeast quarter of the Northeast quarter;

(d) The Southeast quarter of the Northeast quarter, EXCEPTING the North half of the Northwest quarter of the Southeast quarter of the Northeast quarter;

(e) The Southeast quarter of the Southwest quarter of the Northeast quarter;

(5) All that portion of Section 8, Township 11 North, Range 14 West, SBM, lying Easterly of the Easterly right-of-way of the Tehachapi -- Willow Springs Road, described as follows:

(a) The Northeast quarter of the Northwest quarter, EXCEPTING the South half of the South half of the Northeast quarter of the Northwest quarter;

(b) The North half of the Northeast quarter, EXCEPTING the Southeast quarter of the Northeast quarter of the Northeast quarter;

(c) The East half of the Southwest quarter of the Northeast quarter;

(d) The West half of the Southeast quarter of the Northeast quarter. (G-5763 § 3, 1992: prior code § 5202)

7.16.040 Parcel C.

All that territory described in this section shall be Parcel C.

Beginning at the southwest corner of Section 16, Township 11, North, Range 23 West, San Bernardino Base and Meridian; thence north along section lines, a distance of one

and three-fourths (1 3/4) miles, more or less, to the point of intersection of the west line of Section 9 of said township and range with the north boundary line of the right-of-way of California State Highway Route 57 (State Highway 166); thence east along said north boundary line, a distance of four (4) miles to a point in the east boundary line of Section 12 of Township 11 North, Range 23 East, San Bernardino Base and Meridian; thence south along section lines, a distance of three and three-fourths (3 3/4) miles, more or less, to the southeast corner of Section 25 of said township and range; thence west one (1) mile to the southwest corner of Section 26 of said township; thence northwesterly in a direct line to the northwest corner of said Section 26; thence west along section lines two and one-fourth (2 1/4) miles to the southwest corner of the southeast quarter of the southeast quarter of Section 20, Township 11 North, Range 23 West, San Bernardino Base and Meridian; thence north one (1) miles to the northeast corner of the northeast quarter of the northeast quarter of said Section 20; thence east one-fourth(1/4) miles to the southwest corner of Section 16, Township 11 North, Range 23 East, San Bernardino Base and Meridian, said corner being the place of beginning of this description. (Prior code § 5203)

7.16.050 Parcel D.

All that territory described in this section shall be Parcel D:
Beginning at the southeast corner of Section 32, Township 9 North, Range 7 West, San Bernardino Base and Meridian, being the southeast corner of Kern County; thence west along section lines twenty-nine and one-half (29 1/2) miles, more or less to the west boundary line of the right-of-way of the Southern Pacific Railroad; thence northerly along said boundary line to intersect the south boundary line of the north one-half (N 1/2) of the southwest quarter (SW 1/4) of Section 21, Township 9 North, Range 12 West, San Bernardino Base and Meridian; thence east to the southeast corner of the northeast quarter (NE 1/4) of the southwest quarter (SW 1/4) of said Section 21; thence north one (1) mile to the northeast corner of the southeast quarter (SE 1/4) of the southwest quarter (SW 1/4) of Section 16, Township 9 North, Range 12 West, San Bernardino Base and Meridian; thence west along the north line of the south one-half (S 1/2) of the southwest quarter (SW 1/4) of said Section 16 to a point in the west boundary line of the right-of-way of the Southern Pacific Railroad; thence north along said right-of-way to the south line of the north one-half (N 1/2) of the southeast quarter (SE 1/4) of Section 17, Township 11 North, Range 12 West, San Bernardino Base and Meridian; thence east to the southeast corner of the northwest quarter (NW 1/4) of the southwest quarter (SW 1/4) of Section 16, Township 11 North, Range 12 West; thence north one (1) mile to the northeast corner of the southwest quarter (SW 1/4) of the southwest quarter (SW 1/4) of Section 9 of last named township and range; thence west one-half (1/2) mile to the southeast corner of the northwest quarter (NW 1/4) of the southeast quarter (SE 1/4) of Section 8; thence north one-half (1/2) mile to the northeast corner of the southwest quarter (SW 1/4) of the northeast quarter (NE 1/4) of said Section 8; thence west along the north line of the south one-half (S 1/2) of the north one-half (N 1/2) of said Section 8 to the west line of the right-of-way of the main line of the Southern Pacific Railroad; thence northerly along said right-of-way to intersect the south boundary line of Township 32 South, Range 35 East, Mount Diablo Base and Meridian; thence easterly along section

lines thirty-one (31) miles, more or less, to the northeast corner of fractional Section 32, Township 12 North, Range 7 West, San Bernardino Base and Meridian; thence south along section lines five and three-fourths (5 3/4) miles, more or less, to the northeast corner of Section 32, Township 11 North, Range 7 West, San Bernardino Base and Meridian; thence west along section lines two (2) miles to the northwest corner of Section 31; Township 11 North, Range 7 West; thence south along section lines two (2) miles to the southeast corner of Section 6, Township 10 North, Range 7 West; thence east along section lines two (2) miles to the southeast corner of Section 5 of last named township and range: thence south along section lines eleven (11) miles to the southeast corner of Section 32, Township 9 North, Range 7 West, San Bernardino Base and Meridian, said corner being the place of beginning of this description.

EXCEPTING THEREFROM the following described territory, to wit:

Beginning at the point of intersection of the north boundary line of California State Highway Route 58 with the west line of Section 32, Township 11 North, Range 9 West, San Bernardino Base and Meridian; thence north along section lines two and one-fourth (2 1/4) miles, more or less, to the northwest corner of Section 20 of said township and range; thence east along section lines four (4) miles to the northeast corner of Section 23, Township 11 North, Range 9 West; thence south along section lines two and three-fourths (2 3/4) miles, more or less, to the north boundary line of said Highway Route 58; thence westerly along said boundary line four (4) miles, more or less, to the place of beginning. (Prior code § 5204)

7.16.055 Parcel E.

All that territory described in this section shall be Parcel E.

All of Sections 6, 7, 18, 19, 29, 30, 31, 32, 33 and the W 1/2 of the SW 1/4 of Section 17 and the SE 1/4 of Section 28 T. 31 S., R. 22 E., MDB&M, County of Kern, State of California.

Containing 7,942 acres, more or less. (Ord. G-4655 § 2, 1988: prior code § 5205)

7.16.060 Unlawful to permit livestock to be at large on cultivated land.

Every person within the area described in Parcel B of this chapter owning or having charge, care, custody or control of any cow, bull, steer, horse, mule, jack, hinny, sheep or other stock, who willingly or knowingly permits the same to run at large in or upon any cultivated or improved land owned by any person other than the owner of such animals, unless the consent of the owner is first obtained, except upon a public highway under adequate supervision, is guilty of a misdemeanor. Animal control services for achieving the control of said animals, as provided by the county to enforce the provisions of this section, shall be charged to the owner or the person having charge, care, custody, or control of animals at large at the hourly rate as set forth in the fee schedule established by the board of supervisors. (Ord. G-6241 § 10, 1995: Ord. G-5785 § 3, 1992: Ord. G-5263 § 12, 1990; prior code §§ 5210, 5211)

Chapter 7.20 CONCENTRATED ANIMAL FEEDING

7.20.010 Applicability..
7.20.020 Purpose.
7.20.030 Authority.
7.20.040 Definitions.
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7.20.060 Permit requirement.
7.20.070 Entry.
7.20.080 General requirements..
7.20.090 Operator/owner responsibility.
7.20.100 Abatement actions.
7.20.110 Review of abatement orders.
7.20.120 Conduct of hearings.
7.20.130 Liability.
7.20.140 Civil penalties.
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7.20.160 Criminal penalties.
7.20.010 Applicability..

The provisions of this chapter shall apply to any person who stables, confines, feeds, and/or maintains any domestic livestock or poultry for commercial purposes for a total of forty-five (45) days or more in a twelve (12) month period in Kern County. (Ord. G-7336 § 3 (part), 2006)

7.20.020 Purpose.

The purpose of this chapter is to establish standards for the permitting and operation of facilities where animals as specified in section 7.20.040 (A) of this chapter are confined in concentration, fed, maintained, or stabled for commercial purposes; ensure that public nuisance, health hazards, and/or pollution do not occur from the improper handling, storage, and/or disposal of manure wastes, feedstuffs, animal byproducts, dust, odors, and/or waste materials from such facilities; and, in order to protect the quality of the environment and safeguard the health and safety of the local population. (Ord. G-7336 § 3 (part), 2006)

7.20.030 Authority.

A. This chapter is adopted pursuant to the police power of Kern County as set forth in the California Constitution, Article XI, Section 7. In addition, this chapter includes elements of the California Code of Regulations, Title 14, "Natural Resources," Article 8, Sections 17801—17824, "Agricultural Solid Waste Management Standards," Kern County Ordinance Code, Chapter 14.08, "Water Supply Systems," Kern County Ordinance Code, Chapter 7.12, "Animal Enclosures," the Code of Federal Regulations, Title 40, Chapter 1, Part 122, and Kern County Ordinance Code, Title 8, "Health and Safety."

B. It shall be the duty of the director to enforce this chapter and regulations adopted pursuant to it.

1. The director or his designee may enter, inspect, issue citations, secure samples, photographs, or other evidence from any concentrated animal feeding operation or facility suspected of operating as a concentrated animal feeding operation without an approved health permit or in violation of the health permit or the conditional use permit.
2. The director or his designee may inspect and secure as evidence any documents or copies thereof for the purpose of determining compliance with this chapter.
3. A written report of the inspection shall be made and a copy shall be supplied or mailed to the operator, owner, or management of the concentrated animal feeding operation, citing the results of the inspection. (California Code of Regulations, Title 14, Article 10, Section 17810.3; California Civil Code Section 3482.5.) (Ord. G-7336 § 3 (part), 2006)

7.20.040 Definitions.

- A. "Concentrated Animal Feeding Operation" or "CAFO" shall mean a facility where cattle, calves, swine, chickens or turkeys are corralled, penned, stabled, or otherwise restricted in confined, concentrated groups in enclosures such as corrals, pens, stables, hutches or bird houses for commercial agricultural purposes; where fed or maintained for forty-five (45) days or more in any twelve (12) month period. These commercial animal feeding operations include farms, stockyards, feedlots, dairies, poultry ranches, and hog ranches which are located on parcels zoned as "Exclusive Agriculture" of twenty (20) or more gross acres and contain eighty-one (81) or more hooved animals, and/or parcels zoned as "Exclusive Agriculture" or "Limited Agriculture" of twenty (20) or more gross acres and contain 1,761 or more poultry birds, used for commercial agricultural purposes.
- B. "Department" shall mean the Kern County Environmental Health Services Department.
- C. "Director" shall mean the director of the Department or his/her designee.
- D. "Dry manure" shall mean manure that has received sufficient air drying and/or had quantities of soil and/or bedding added to raise the solid content where it will stack with little or no seepage.
- E. "Enforcement officer" shall mean the resource management agency director or his/her designee. When enforcing the provisions of this chapter, the employees of the enforcement officer shall have the power to issue citations for violation of the provisions of this chapter.
- F. "Excessive vectors" shall mean the presence of domestic flies, mosquitoes, cockroaches, rodents, and/or any other vectors associated with agricultural wastes or feed products which:
 1. Occur as immature stages and adults in numbers considerably in excess of those found in the surrounding environment; and
 2. Are associated with the design, layout, and management of agricultural operations; and
 3. Disseminate widely from the property; and
 4. Cause detrimental effects on the public health or well being of the surrounding population, as determined by the enforcement agency or the Department.
- G. "Excessive odor, dust and/or feathers" shall mean the presence of odors, dust and/or feathers which:
 1. Are associated with design, layout and management of agricultural operations; and
 2. Disseminate widely from the property; and

3. Cause detrimental effects on the public health or well being of the majority of the surrounding population, as determined by the enforcement agency or the Department.
- H. "Facility" shall mean any confinement area, corral, milk barn, feed storage area, free stall, stable, poultry house, equipment storage area, settling basin, retention pond, silage or manure holding area.
- I. "Liquid manure" shall mean manure which has been diluted by water and can be pumped easily.
- J. "Manure" shall mean the fecal and urinary excretion of livestock, which may also contain bedding, spilled feed, soil and/or water.
- K. "Person" shall mean any individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate, city, county or other political subdivision or any other group or combination acting as a unit.
- L. "Silage" shall mean feed preserved and changed by an anaerobic fermentation process.
- M. "Waste water" shall mean water which has been in contact with animal manure. This includes storm drainage water that has been in contact with animal manure. (Ord. G-7336 § 3 (part), 2006)

7.20.050 Excluded activities.

- A. The activities listed in this section do not constitute commercial concentrated animal feeding operations or facilities for the purpose of this chapter and are not required to meet the requirements set forth herein. Nothing in this section precludes the Department from inspecting an excluded activity to verify that the activity is being conducted in a manner that qualifies as an excluded activity or from taking any appropriate enforcement action.
1. School projects;
 2. Future Farmers of America projects;
 3. 4-H projects;
 4. Fair projects;
 5. Individual educational and research projects;
 6. Pastured animals;
 7. Native range grazing;
 8. Operations as defined in Kern County Zoning Ordinance Sections 19.14.130, 19.16.130, 19.18.130, 19.60.020 and 19.60.130. (Ord. G-7336 § 3 (part), 2006)

7.20.060 Permit requirement.

- A. It shall be unlawful for any person who does not possess a current, valid health permit issued by the Department to operate or maintain a CAFO within the County of Kern.
- B. A permit shall be issued by the Department after investigation has determined that the proposed CAFO conforms to the requirements of this chapter and has met the conditions outlined in any applicable conditional use permit. The Department shall act on the permit within thirty (30) days of receiving a completed application and permit fees.
- C. Permits shall be issued for a period of up to three (3) years, beginning on the date of issuance and ending on June 30th of the third year hence pursuant to the provisions of Section 8.04.060 (H). The permit shall be reissued if the permit holder remains in

compliance with this chapter, continues to comply with the conditions of any applicable conditional use permit and pays all permit and service fees.

D. A permit shall be valid only for the person to whom it was issued and is valid only for the location and under the terms and conditions set forth in this chapter.

E. A permit is not transferable and is valid only for the permit holder of record. (Ord. G-7336 § 3 (part), 2006)

7.20.070 Entry.

The applicant for the permit/permit holder shall agree, as a prerequisite to issuance of the permit, to allow the Director or any of his agents or officers, at reasonable times, upon presentation of credentials and utilization of appropriate bio-security measures, to:

A. Enter the permit holder's facility, barns, storage facilities, outbuildings, corrals, paddocks, stables, pens, poultry houses, lanes, access roads and alleyways for the purpose of engaging in inspection activities authorized by the permit.

B. Have access to records required to conduct investigation of operations of the facility.

C. Obtain liquid manure, dry manure, feed, soil samples, or other samples and photographic evidence as may be necessary to conduct an investigation. (Ord. G-7336 § 3 (part), 2006)

7.20.080 General requirements..

All concentrated animal feeding operations shall comply with the following requirements:

A. Wastewater discharge and maintenance of wastewater disposal systems shall meet the regulations and requirements of the Regional Water Quality Control Board.

B. The off-site discharge of tail water or tile water shall meet the discharge and receiving requirements of the local irrigation district and/or the Regional Water Quality Control Board.

C. The CAFO facility and access roads shall meet the requirements of the Air Pollution Control District.

D. Any CAFO operating under the authority of a conditional use permit must be maintained and operated in compliance with all mitigation measures and conditions of approval.

E. All CAFO facilities shall comply with the following requirements unless there is a conflict with the requirements of this Section 7.20.080, subsections (A), (B), (C), or (D) above:

1. All contaminated storm drainage water that is or has been in contact with manure or other organic waste and wastewater shall be maintained on site and directed into the manure management system. Grading on the facility shall not result in contaminated storm drainage water or wastewater flowing onto adjacent properties, public roads or rights-of-way, or into any surface water or waterway.

2. No corral, stable, pen, or animal enclosure shall be located within one hundred (100) feet of a water well used for domestic or agricultural purposes.

3. Contaminated storm water or wastewater shall not be allowed to stand or accumulate around or near any domestic or agricultural well.

4. Neither the storage nor the discharge of wastewater or manure shall create a condition of nuisance or pollution.
5. All water systems, water distribution lines, and watering troughs and/or watering units shall be maintained free of leaks.
6. All water wells and water distribution systems shall have adequate backflow protection.
7. Liquid manure utilized for irrigation purposes shall be managed so that it does not stand more than twenty-four (24) hours in the field where applied.
8. The operator of the facility shall notify the Regional Water Quality Control Board and Kern County Environmental Health Services Department of any off-site discharge of facility wastewater within twenty-four (24) hours, to be followed by a written report within fourteen (14) days of the discharge. The written report shall contain the following information:
 - a. The date(s) of the discharge;
 - b. The estimated volume of the discharge;
 - c. The location or point of discharge;
 - d. The source of the discharge;
 - e. Action taken to correct and mitigate the effect of the discharge;
 - f. Preventive measures taken to avoid a future discharge.
9. Manure solids shall be removed from corrals a minimum of two times per year.
10. Dry manure with less than seventy-five percent (75%) moisture shall not be applied during windy conditions where the wind speed exceeds twenty-five (25) miles per hour.
11. Sprinkler irrigation of liquid manure is prohibited.
12. Tail water from crop land irrigated with liquid manure shall be returned to the CAFO facility liquid manure and/or wastewater management disposal system.
13. Tile drainage water off site shall be monitored for total dissolved solids, nitrates, and selenium and other constituents which may be designated by the Department.
14. The CAFO facility shall manage the storage areas, feed areas, corrals, stables, pens, watering systems, wastewater disposal, and manure management storage and handling so as to minimize nuisances caused by fly or mosquito vector and/or rodent entry, breeding, and/or harborage.
15. Vegetative plant barriers may be required by the Department to filter suspended particulates to protect the local population from nuisance conditions in certain sensitive areas.
16. Dead animals shall be removed from the site within three calendar days and notification to the hauler shall be made within twenty-four (24) hours. Dead animals shall be removed and disposed of at a licensed rendering facility or by other methods approved by the Department. Storage of dead animals shall be in locations shielded from public view.
17. Silage storage areas shall be constructed of impervious materials to prevent groundwater degradation from leachate.
18. Silage storage areas shall be constructed so as to be protected from storm water encroachment.
19. Silage or composting material shall be stored at least three hundred (300) feet from any off-site residence.

20. Silage shall be covered and stored in a sanitary condition with minimum amounts of leachate.

21. Milk barns, feeding barns, poultry houses, stables, barns, and enclosed animal housing facilities shall be constructed, designed, managed, and kept so as to minimize the breeding and/or harborage of excessive vectors, rodents, and/or other conditions which adversely affect the public health or well being. Moist or wet manure and/or other offal shall be removed as necessary to prevent excessive breeding of vectors and/or larvae, odors and dust.

22. Feeding and watering areas and water systems shall be kept in a sanitary condition, constructed, designed, and maintained so as not to allow the accumulation of old feedstuffs, standing water and manure and/or managed so as to minimize the breeding and/or harborage of excessive vectors, dust and odors or other conditions which adversely affect the local population.

23. Ponds, lagoons, ditches, or other conveyances used for the transfer, holding, treatment and/or stabilization of manure, offal, or other wastes shall be managed so as to minimize the reproduction and/or harborage of excessive vectors, odors, or other conditions which adversely affect the local population. Accumulations of floating solids, scum, thick aquatic vegetation, and the growth of weeds and emergent vegetation shall be continuously maintained at minimal levels to assist in the prevention of adverse conditions.

24. Premises shall be kept in a sanitary condition. Accumulations of weeds, junk, debris, old tires, and refuse shall be kept to a minimum and properly stored.

25. Animal density numbers shall be maintained at approved levels unless approved for increase by the enforcement agency. (Ord. G-7336 § 3 (part), 2006)

7.20.090 Operator/owner responsibility.

The owner, operator, or management of any CAFO is responsible for any violation of this chapter. Each day the violation occurs shall be a separate and distinct offense. The person operating the CAFO may also be held responsible for the cost of enforcement and/or cleanup of any area where contamination, pollution, or nuisance has occurred in violation of this chapter. (Ord. G-7336 § 3 (part), 2006)

7.20.100 Abatement actions.

Whenever any public nuisance exists as defined in this chapter, the enforcement officer may:

A. Issue an administrative order directing any responsible person to undertake partial or comprehensive abatement actions so as to provide adequate protection of the public health, welfare, the environment or natural resources; or

B. If, in the opinion of the enforcement officer, the nuisance constitutes an immediate threat to public health or safety, summarily abate the nuisance; or

C. Request that the district attorney or county counsel immediately seek relief as may be necessary or appropriate from a court of competent jurisdiction, which court, upon finding that there is, or that the conditions complained of may present an endangerment to the public health, welfare, the environment or natural resources arising out of or

resulting from, in whole or in part, such nuisance, shall grant relief to abate the nuisance as is consistent with the relevant requirements of this chapter and the public interest to secure adequate protection of the public health, welfare, the environment or natural resources.

D. At his discretion, the enforcement officer may both issue an administrative order and request that the district attorney or county counsel seek such relief as may be necessary or appropriate from a court of competent jurisdiction pursuant to this section.

E. Any such administrative order shall be served by personal service, registered mail, or certified mail with return receipt requested addressed to the person subject to the order. The administrative order issued by the enforcement officer pursuant to this section shall include a statement of the factual and legal grounds upon which the order is issued, a schedule for completion of specific actions, and describe the civil penalties for failure to comply. Such order shall also specifically advise the person(s) to whom it is issued of the right to contest the order and request a hearing as provided for in Section 7.20.110. Such order shall also conspicuously advise the person(s) to whom it is directed that failure to request the hearing within the time and in the manner provided in Section 7.20.110 will result in the order becoming final and binding. (Ord. G-7336 § 3 (part), 2006)

7.20.110 Review of abatement orders.

A. Any person who has been named in an order issued by the enforcement officer pursuant to this chapter may file an objection to such an order. An objection must be in writing and filed with the enforcement officer on or before thirty (30) days following service of the enforcement officer's order. Any objection must state all the reasons in support thereof, and must include at a minimum, the requested modification(s), if any, of the order together with a summary of the issues and facts to be raised at the hearing. The time requirement for filing any objection shall be deemed jurisdictional and may not be waived. In the absence of a timely appeal, the findings of the enforcement officer contained in the administrative order shall be deemed true and correct.

B. Upon timely receipt of an objection which complies with the requirements of this section, the enforcement officer shall refer the matter to the hearing board to conduct a hearing. Notice of the hearing shall be sent by first class mail postage prepaid to the person(s) filing the request. The notice shall state the date, time and place of the hearing (which in no event shall be sooner than seven (7) days from the date of mailing, unless otherwise agreed to by the responsible party and the enforcement officer.

C. For purposes of this section, "hearing board" means the hearing board designated by the board of supervisors pursuant to Government Code section 25845 to hear matters concerning the abatement of a nuisance by the county.

D. The hearing board shall issue a written decision which shall include findings to support the decision and making a recommendation to the board of supervisors. Written notice of the decision shall be given by mail within seven (7) calendar days after the date of the decision to the person subject to the order and any person filing a written request for notice of the decision and to the board of supervisors. The board of supervisors may adopt the recommendation without further notice of hearing or may set the matter for a de novo hearing.

E. Any decision of the hearing board made pursuant to this section may be considered de novo by the board of supervisors. Any person aggrieved by the decision may request that such decision be heard do novo by the board of supervisors by filing a written notice of appeal with the clerk of the board of supervisors within seven (7) calendar days from the service of the written notice of decision of the hearing board. Should the board of supervisors determine it will consider the matter, it may reverse, affirm wholly or partly, or modify the decision. The decision of the board of supervisors on any such appeal shall be final on adoption of an order or resolution containing its determination. Notice of the final decision shall be served by certified or registered mail on the affected persons.

F. Pursuant to Section 1085 of the Code of Civil Procedure, any person who has been named in an order issued by the enforcement officer pursuant to this chapter may, following exhaustion of administrative remedies, seek judicial review of the order by filing a petition for writ of mandate within (90) ninety days after the order becomes final and binding pursuant to this chapter. Notwithstanding the provisions of sections 1094.5 or 1094.6 of the Code of Civil Procedure, any person who contests the final administrative order issued under this chapter regarding the imposition, enforcement or collection of the administrative fines or penalties imposed, may seek judicial review of the order by filing an appeal with the Superior Court within twenty (20) days after service of the order in accordance with Section 53069.4 of the Government Code. Any other person who has the right to seek judicial review of the order by filing a petition for writ of mandate pursuant to Section 1085 of the Code of Civil Procedure shall do so within one hundred eighty (180) days after the order has become final and binding pursuant to this chapter. The filing of a petition for writ of mandate to review the order shall not stay any action specified in the order. (Ord. G-7336 § 3 (part), 2006)

7.20.120 Conduct of hearings.

Any administrative hearing conducted under section 7.20.110 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 admission of the evidence over objection in civil actions. The presiding officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time. (Ord. G-7336 § 3 (part), 2006)

7.20.130 Liability.

A. In any action to abate a nuisance as defined in this chapter, whether by administrative proceedings, judicial proceedings or summary abatement, the person who creates or has created the nuisance shall be liable for all abatement action costs incurred by the county, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible party to undertake, any abatement action in compliance with the requirements of this chapter, whether those costs are incurred prior to, during or following enactment of this section;

B. In any action by the county to abate a nuisance under this chapter, whether by administrative proceedings, judicial proceedings, or summary abatement, the prevailing party shall be entitled to a recovery of the reasonable attorneys' fees incurred. Recovery of attorneys' fees under this section shall be limited to those actions or proceedings in which the county elects, at the initiation of that action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the county in the action or proceeding.

C. The scope of liability in this chapter is joint and several for any person who has caused, created, or contributed to a nuisance as defined in this chapter. Any person seeking to apportion the harm must demonstrate by clear and convincing evidence that the component of harm which is sought to be apportioned is scientifically and technologically susceptible to apportionment, that there is a reasonable and practicable basis for apportioning the harm, and that the separate abatement activity proposed for that harm is as practicable, safe, efficient, reliable and cost-effective in providing the degree of protection of the public health, welfare and the environment as the abatement activity or activities, if any, proposed by the enforcement officer. (Ord. G-7336 § 3 (part), 2006)

7.20.140 Civil penalties.

A. In addition to the costs of abatement as provided in this chapter, any person who violates the provisions of this chapter or any final order issued pursuant to this chapter, is liable to the county for civil penalties in an amount not to exceed two hundred fifty dollars (\$250.00) per calendar day for each violation, or such other amount set by the board of supervisors at a noticed hearing in accordance with section 7.20.150.

B. Liability under this section may be imposed in a civil action or liability may be imposed administratively pursuant to this section. Any such civil action may be joined with an action for any other remedy, including injunctive relief, available pursuant to state law or pursuant to this code. Nothing in this section in any way limits, conditions or affects liability of any responsible party to the county for abatement action costs or for any other legal or equitable remedy. Nothing in this section shall affect or modify in any way the obligations or liabilities of any person under any other provision of state, federal or local law, including common law, for damages, injury, loss, or for liability for nuisance abatement and nuisance abatement costs incurred by the county which results from a nuisance in the county. (Ord. G-7336 § 3 (part), 2006)

7.20.150 Board of supervisors hearing to establish civil penalties.

A. The public official may request a hearing before the board of supervisors to consider imposing a civil penalty in an amount or at a time different than provided for in Section 7.20.140. The public official shall schedule a hearing before the board of supervisors. Notice of the hearing shall be sent by first class mail postage prepaid to the persons to whom the Penalty is to be imposed against.

B. The notice shall state the date, time and place of the hearing (which in no event shall be sooner than ten (10) days from the date of mailing and posting such notice unless mutually agreed to by the property owner or responsible party and the public official),

and the specific violations, conditions, or uses which constitute the nuisance on which the penalty is based.

C. The failure of any property owner, responsible party, mortgagee, trust deed beneficiary or other person to receive any notice required to be given or posted pursuant to the provisions of this chapter shall not affect in any manner the validity of any proceedings taken hereunder.

D. At the time fixed in the notice, the board of supervisors shall proceed to hear testimony from any interested person regarding the specified violation, condition or use deemed by the public official to be the basis for the proposed civil penalty, and any other matter which the board of supervisors may deem pertinent thereto.

E. Upon the conclusion of the hearing the board of supervisors will make a determination based on the evidence presented at the hearing, and may impose a Civil Penalty without regard to the limits in Section 7.20.140, which shall thereafter be collected pursuant to this chapter. (Ord. G-7336 § 3 (part), 2006)

7.20.160 Criminal penalties.

Violations of provisions of this chapter by any person, whether or not holding a permit, shall be unlawful and constitute a misdemeanor. A misdemeanor shall be punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail for a time not to exceed six (6) months or by both such fine and imprisonment. Each person is guilty of a separate offense each and every day during any portion of which any violation of any provision of the ordinances of the county are committed, continued, or permitted by any person or entity. (Ord. G-7336 § 3 (part), 2006)