

OFFICE MEMORANDUM
RESOURCE MANAGEMENT AGENCY
ANIMAL CONTROL SERVICES DIVISION
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COUNTY OF KERN
DAVID PRICE III
DIRECTOR

TO: MEMBERS, ANIMAL CONTROL COMMISSION

FROM: DAVID PRICE III
Director

DATE: NOVEMBER 21, 2007

SUBJECT: AGENDA ITEM F(1) – COMBINED BOARD OF SUPERVISORS
REFERRALS REGARDING DEVELOPMENT OF ORDINANCE
AMENDMENTS AFFECTING FACILITIES WITH LARGE NUMBER OF
ANIMALS AND MANDATORY LOW COST SPAY/NEUTER
ORDINANCE PROPOSAL

At the September 19, 2007 Animal Control Commission (Commission) meeting, staff was asked to incorporate direction obtained from Commissioner comments and confer with the Planning Department staff concerning appropriate restrictions based on land use categories for inclusion in a revised set of recommendations. Those revisions have been prepared and are attached for your consideration. A summary of those changes is as follows:

Large Number of Animals Referral:

- The existing three dog limit within the Metropolitan Bakersfield General Plan (MBGP) area is retained.
- Noncommercial Animal Establishment – upon the advice of Planning staff, a by right limit is established of 11 animals or more kept on A, A-1, RF, NR, and RS zoned properties of more than 10 acres in size outside of the MBGP area. Keeping of 11 animals or more on 10 acres or less requires a CUP in the E, RF, NR, and RS Districts. *Actual Zoning Ordinance text corrections will be drafted after discussion at the Commission meeting.*
- A new Animal Fancier Permit would be established for keeping six to ten cats and/or dogs. The use would be allowed by right in the A, A-1, RF, NR, and RS zoned properties. The use would be allowed with a CUP on R-1 and E zoned properties. Multiple dog discounts on licensing will apply to this permit, which will also include one annual compliance inspection.
- Creates new definitions to define types of animal facilities, including Rescue Organizations. Consistency of these definitions with those in the Zoning ordinance is proposed.
- Pet shops are required to obtain a commercial animal facility permit.
- Requires a new animal facility permit for any location where six or more cats and/or dogs are kept.

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- Animal facilities are subject to inspection by the Kern County Animal Control Division (Division) and must make vaccination and other records available for review.
- Specified animal care standards in animal facilities have been strengthened.
- Nuisance provisions have been strengthened.
- Violations of ordinance provisions are now subject to administrative penalties and the animal(s) are subject to seizure only under circumstances as is currently the case, subject to appeal rights.

Spay/Neuter Referral:

- County continue to subsidize cost of spay/neuter procedures for adopted animals.
- Board of Supervisors to subsidize low cost spay/neuter services.
- Increase the cost of an annual license for unaltered dogs to \$75.00.
- Increase the fee to redeem an unaltered animal.
- Offer a lower redemption fee to owners who agree to have the animal(s) altered by a licensed veterinarian.
- An unaltered animal impounded three times will be altered prior to redemption on the third impound.
- Make violation of these provisions a misdemeanor and authorize seizure of the animal(s) only under circumstances as is currently the case, subject to appeal rights.
- Establish a voluntary program with local Rescue Organizations and non-profits to allow for the licensing of dogs upon adoption to a private owner.

Therefore, it is recommended that your Commission continue discussion.

ANIMAL CONTROL COMMISSION

DISCUSSED AND PROPOSED ORDINANCE CHANGES

The following reflects the decisions made by the Animal Control Commission on September 19, 2007 concerning how the ordinances and fee schedule should be amended as a result of Commissioner discussion that evening. A few other conforming changes, such as zoning ordinance concepts, have also been added. Additions or changes are in relation to the current ordinance code. All references to changes specific to stages in the process (such as “after workshops”) have been deleted. This represents the “clean” version, reflecting the status of the current list of changes to the existing ordinance code.

ORDINANCE CHANGES

In order to implement some of the desired changes, the Kern County Ordinance Code must be amended. In order to address all of these issues, three main Code areas, known as Titles, are affected. They are Title 2 – Administration, Title 7 – Animals, and Title 19 – Zoning.

All new or proposed changes to ordinances are depicted by use of ~~striketrough text~~ to denote deletions from and underline text to note additions to the respective ordinance chapters in effect as of October 1, 2007. Also, numbering of ordinance sections is for referring to current sections only and is subject to change due to final formatting requirements. In those cases where the numbering sequence is known to change, the character “x” is used, as in 7.04.xxx, to indicate the number will be assigned after final formatting. Likewise, proposed ordinance sections will be identified with “NEW,” as in 7.04.NEW, to indicate a new section and new number.

At the end of each section, parenthesized words in italics will identify the source of the change, as follows:

1. *(Previously Referred)* means the change was a matter previously referred for amendment by the Board of Supervisors or Animal Control Commission.
2. *(Lg. Animals)* means the change originated through the Number of Large Animals referral.
3. *(Program Change)* means the change originated through a change in operating procedures, the provision is now obsolete, is required because of formation of the Animal Control Department, or is due to program enhancements since the ordinance was last amended.
4. *(Spay/Neuter)* means the change originated through the Spay/Neuter referral.
5. *(Text Correction)* means the change is to correct spelling or terminology errors or renumbering.

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Title 2 ADMINISTRATION

Chapter 2.150 - ANIMAL CONTROL COMMISSION

2.150.020 Responsibilities.

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 or other disposition under Section 7.08.280 of the Kern County Ordinance Code. (*Spay/Neuter*)

2.150.040 Personnel.

The director of the animal control ~~division~~ department 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. (*Program Change*)

Title 7 ANIMALS

Chapter 7.04 - DEFINITIONS

7.04.NEW Animal fancier.

"Animal fancier" means any person who owns or keeps, when accessory to an established residential use, six (6) to ten (10) cats and/or dogs for personal and noncommercial purposes, which includes but is not limited to hunting, tracking, exhibition in shows, obedience trials, field trials, dog sledding, or to enhance or perpetuate a given breed, and other uses determined by the director to be similar in nature. An animal fancier is required to secure a permit for such activity in accordance with the provisions of this title. (Lg. Animals)

7.04.NEW Animal Fancier Permit.

"Animal fancier permit" means a permit issued to an animal fancier for the keeping of six (6) to ten (10) cats and/or dogs pursuant to Ordinance Code Sections 7.08.NEW and 7.08.040 and for which applicable fees have been paid.

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~~ that keeps or legally impounds stray, homeless, abandoned or unwanted animals. (Lg. Animals)

7.04.NEW Cat, altered.

"Altered cat" means a cat which has been certified in writing by a veterinarian as being nonreproductive.

7.04.NEW Commercial Animal Establishment.

"Commercial Animal Establishment" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, selling dogs or cats, and other uses determined by the director to be similar in nature except a facility as defined in section 7.04.050.

7.04.090 Dog.

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"Dog" means a domesticated animal of the canine type (*Canis familiaris*) and young animals (puppies) of this type are considered dogs upon reaching the age of four months. (*Lg. Animals*)

7.04.130 Animal, dog.

~~"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. (*Lg. Animals*)~~

7.04.NEW Fee collector.

"Fee collector" means any person, non-profit organization or other entity authorized by the director that has voluntarily agreed to collect fees, issue licenses or perform other licensing related services. (*Spay/Neuter*)

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. (*Lg. Animals*)~~

7.04.NEW Herding dogs.

"Herding dogs" mean dogs that help and assist in the management of animal husbandry activities within Kern County.

7.04.NEW Neuter.

"Neuter" means the veterinary procedure known as castration in which the testicles of a male animal are surgically removed and the animal is no longer capable of producing offspring.

7.04.NEW Noncommercial Animal Establishment.

"Noncommercial Animal Establishment" means any premises wherein any person who owns or keeps, when accessory to an established residential use, eleven (11) or more dogs and/or cats for personal and noncommercial purposes, which includes but is not limited to companion animal keeping, hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, and other uses determined by the director to be similar in nature. (*Lg. Animals*)

7.04.NEW Rescue Organization.

"Rescue Organization" means either a for-profit organization or non-profit animal rescue organization exempt from taxation under Internal Revenue Code Section 501(c) (3), or a collaboration of individuals associated with said organization, with at least one of its purposes being the sale or placement of dogs or cats that have been removed from the animal shelter or that have been previously owned by any person other than the original breeder of the dog or cat. Rescue organizations that shelter eleven (11) or more cats and/or dogs at an onsite facility are considered to be noncommercial Animal Establishments for the purpose of permitting, inspection and enforcement actions pursuant to this code. (*Lg. Animals*)

7.04.180 Shop, grooming.

~~"Grooming shop" means a commercial establishment business enterprise where animals are bathed, clipped, plucked or otherwise groomed. A grooming facility that boards animals shall be known as a commercial animal establishment. (*Lg. Animals*)~~

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

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enterprise, ~~except for a kennel~~, that buys, gives away, sells or takes on consignment any species of animal. Pet shops are considered to be commercial animal establishments for the purpose of permitting, inspection and enforcement actions pursuant to this code. (Lg. Animals)

7.04.NEW Spay.

“Spay” means the veterinary procedure known as an ovariectomy in which the ovaries and uterus of a female animal are surgically removed and the animal is no longer capable of producing offspring. (Spay/Neuter)

7.04.NEW Spay/neuter fee.

“Spay/neuter fee” means any of the following:

A. A fee charged to a new owner upon adoption of an animal in any of the circumstances listed in subsections 7.08.NEW(A), 7.08.NEW(B), 7.08.NEW(C) or 7.08.NEW(D) of this section. (Spay/Neuter)

B. A fee charged for the purpose of compensating the Department for providing sterilization of the animal. (Spay/Neuter)

C. A fee charged for an adopted animal that is determined to be too young or infirm to undergo sterilization at the time of adoption and which is refundable within sixty (60) days of the sterilization procedure being performed if it is performed on the adopted animal by a non-county veterinarian within fourteen (14) business days of being certified as healthy enough for the procedure. If the sterilization procedure is performed by a county veterinarian, the fee is not refundable. (Spay/Neuter)

D. A fee charged by the director to an animal owner upon the redemption of non-sterilized animals that is refundable pursuant to section 7.08.190(A)(1) and section 7.08.430(B)(1). (Spay/Neuter)

7.04.NEW Sterilization.

“Sterilization” means the procedure by which an animal is spayed or neutered as performed by a veterinarian licensed by the state in which the procedure is performed and proof of which has been determined by the director through documentary evidence or personal examination. (Spay/Neuter)

Title 7 ANIMALS

Chapter 7.08 - ANIMAL CONTROL REGULATIONS

7.08.NEW Purpose.

The purpose of this ordinance is to protect the public health and safety of Kern county residents and to promote the general welfare of the citizens and animals residing within the unincorporated area of the county. Animal ownership is encouraged and welcomed within this county; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged and required to respect the rights of their fellow residents and behave responsibly concerning the care of their animals. Primary responsibility is placed upon animal owners to properly maintain and/or secure their animals so as to prevent the animals from causing injury and/or creating a nuisance. (Previously Referred)

7.08.030 License fees and regulations.

G. Any operator of a commercial animal facility or other establishment that adopts out dogs to persons may after application, and at the discretion of the director, be designated as a fee collector for the purposes of ensuring rabies vaccinations, collecting fees and issuing dog

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licenses. (Spay/Neuter)

7.08.040 Animal Establishment Permit in lieu of license.

A. No person ~~may~~ shall be an animal fancier or ~~apply for a permit to operate a kennel own,~~ operate, conduct or maintain in the unincorporated area of the county a commercial animal establishment or a noncommercial animal establishment, as described in Section 7.04.xxx, Section 7.04.xxx and Section 7.04.xxx, without first having obtained a permit on an application form as prescribed by the director. 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 animal fanciers, ~~kennels commercial animal establishments or noncommercial animal establishments~~ and the treatment of animals. *(Lg. Animals)*

B. Prior to issuing ~~such a~~ permits the director shall determine that: *(Text Correction)*

1. The ~~permittee's facilitiesy are~~ is so constructed as to prevent ~~dogs~~ animals maintained or kept therein from running at large off the premises; *(Text Correction)*

2. The ~~permittee-s~~ facilitiesy are is 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; *(Text Correction)*

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~~ shall be granted full access, at all reasonable times, to inspect the permittee's premises, records and operations; *(Lg. Animals)*

5. Records of all animals shall be kept at the address specified in the permit application. The records shall include, but are not limited to, the name and address of any and all owner(s) of the dog(s), cat(s) or other animal(s), date of transaction (when applicable), species/breed, specific identifying characteristics, gender, age, name of veterinarian, and any other identifying information. *(Lg. Animals)*

6. A record shall be kept of communicable disease immunizations for each animal, including rabies, recording the date on which immunization was given or the expiration date. These records shall be retained by the permittee for a period of 30 days after the animal leaves the facility. *(Lg. Animals)*

7. The above records shall be available to the director and appropriate state and federal authorities during normal business hours. *(Lg. Animals)*

8. No person shall advertise availability of dogs and/or cats unless the advertisement includes the permit number issued under this section. *(Spay/Neuter)*

D. Licensed veterinary hospitals are not required to obtain ~~kennel~~ animal establishment permits. *(Lg. Animals)*

E. Any person who commits an act prohibited by this section is guilty of a misdemeanor punishable as provided in section 1.12.030 of this code. *(Spay/Neuter)*

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 pursuant to this chapter shall comply with each of the following conditions: *(Text Correction)*

A.. Housing facilities/primary enclosures 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

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~~restrict the entrance of~~ keep other animals or predators out of any enclosure where animals are kept. (Lg. Animals)

F. Whenever an animal is left unattended at a ~~kennel, commercial animal establishment, pet shop, or grooming shop~~ the telephone number of Kern County animal control services or the name, address and telephone number of the owner or operator of the facility shall be posted in a conspicuous place at the front of the property. (Lg. Animals)

K. Every building or enclosure wherein animals are maintained shall be water resistant, constructed of durable materials that are easily cleaned, and shall be properly ventilated to prevent drafts and to remove odors and routinely maintained to allow animals to stay dry and clean and to provide convenient access to clean food and water. 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. (Lg. Animals)

M. All animal enclosures, rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein, with flooring that is constructed to prevent injury to the animals' feet and legs. (Lg. Animals)

O. All persons shall provide proper shelters and protection from the weather for all animals at all times. This includes, but is not limited to, shade to protect animals from the direct rays of the sun and prevent overheating with care given to proportion of animal and positioning to provide maximum protection; flooring or platforms raised off the ground, of suitable size to accommodate the animal and allow for retention of body heat. When animals are housed outdoors when the mean temperature is 45 degrees Fahrenheit or below or is 80 degrees or above, animals shall be so acclimated. (Lg. Animals)

7.08.190 ~~Payment for redemption of animals.~~ Return of Animals to Owner: Fees and Fines

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~~ finer thereon including, but not limited to, applicable administrative penalties, rabies vaccination fee if not current, vaccinations for other communicable diseases in accordance with current practice as determined by the director, license fee if unlicensed, County impound fees, board and care and feeding charges, spay/neuter fee or cost of providing the service, other service fees and veterinary charges if applicable in accordance with the fee schedule as established by the board of supervisors. (Spay/Neuter; Program Change)

1. Such spay/neuter fee shall be refundable upon proof that the animal has been altered by a licensed veterinarian within thirty (30) days of the redemption unless the animal is certified by a licensed veterinarian as too ill or injured to be sterilized. In such cases, the spay/neuter fee shall be refundable upon the submission of written proof that the animal has been altered by a licensed veterinarian within fourteen (14) business days of the certification of the animal being healthy and the refund request and written proof is submitted to the director within 30 days of the sterilization procedure being performed. Such spay/neuter fee shall also be refundable if the owner submits, within thirty (30) days of sterilization, a written certification from a licensed veterinarian stating that, in the professional judgment of the veterinarian, the animal has previously been altered. The spay/neuter fee shall be forfeited to the County if such proof of sterilization or written certification has not been presented to the director within the specified period. All such forfeited deposits shall be deposited into a trust fund used to issue sterilization vouchers and to pay for sterilization by the director of adoptable animals. (Spay/Neuter)

B. In accordance with Section 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:

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First Occurrence	\$35
Second Occurrence	\$50
Third & Subsequent Occurrences	\$100

~~C. A-~~ C. A- The director shall charge, in addition to redemption fees and administrative penalties if applicable, a deposit for vaccination of any impounded dog under the age of four (4) months which has not been vaccinated against rabies, and shall issue a separate receipt rabies voucher to the person paying them. *(Program Change-formerly 7.08.210(A))*

~~—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. (Program Change)~~

~~C. A vaccination deposit shall be collected by the director in accordance with the fee schedule as established by the board of supervisors. (Text Correction-see 7.08.190(C) above)~~

~~D. E~~ D. E Vaccinators who accept receipts rabies vouchers in payment for rabies vaccinations of dogs shall, upon presenting receipts rabies vouchers 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. *(Text Correction-formerly 7.08.210(E))*

7.08.200 Adoption and impoundment charges Fees.

The director shall charge ~~proposed fees for animal control services, impoundment, food and care, adoption, microchipping, rabies and other vaccinations, spay/neuter, license and other services~~ in accordance with the fee schedule as established by the board of supervisors. *(Spay/Neuter; Program Change)*

~~7.08.210 Redemption of unvaccinated dogs. (Text Correction; Program Change)~~

~~—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.~~

7.08.230 Adoption of unredeemed animals.

A. 1. Dogs may be adopted upon payment of an adoption fee, a rabies vaccination fee, a license fee, and a spay and/neuter fee, a microchipping fee and compliance with the provisions of state law dealing with the sterilization of dogs. *(Program Change)*

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2. Cats may be adopted upon payment of an adoption fee, a vaccination fee, a spay/neuter fee, microchipping fee and compliance with the provision of state law dealing with the ~~spaying and neutering~~ sterilization of cats. *(Program Change)*

3. Cats and dogs too young or infirm to be sterilized may be adopted subject to the adopter establishing proof of sterilization, or returning the animal for sterilization, to Animal Control on a date determined at the time of adoption. Anyone who fails to comply with this sterilization requirement is guilty of a misdemeanor punishable as provided in section 1.12.030 of this code. Further, any person who commits an act prohibited by this section is subject to having the animal in violation of the sterilization requirement seized for adoption or other disposition in accordance with section 7.08.400. *(Spay/Neuter)*

~~34.~~ All other animals may be adopted upon payment of an adoption fee. *(Text Correction)*

7.08.370 Breeding. ~~S~~sale, adoption and other transfers of live animals.

F. Animals shall be eight (8) weeks of age or older at time of sale, barter, exchange or adoption, whether for compensation or otherwise. *(Text Correction, moved from 7.08.430(B)(1))*

G. There will be a limit of one (1) litter per year, per female dog or cat. *(Text Correction, moved from 7.08.430(B)(2))*

7.08.380 Animals creating a nuisance.

A. ~~The keeping or harboring of any animal or fowl, whether licensed or not, which by habitual excessive howling, yelping, barking or other noise disturbs or annoys any considerable number of persons or any neighborhood or smell which is offensive to the senses, is injurious to health, disturbs or annoys an entire community or neighborhood, or any considerable number of people, so as to interfere with the enjoyment of life or property 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.~~ *(Lg. Animals & Spay/Neuter)*

7.08.420 ~~Public education program~~ Administrative penalties and fines.

A. ~~For five years (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 encouraged licensing and the responsible, humane treatment of dogs and cats, the prevention of unwanted, ill-advised and accidental breeding of dog and cats.~~ *(Program Change)*

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.~~ *(Program Change)*

In addition to the other provisions contained in this chapter, owners of animals or facilities in violation of the provisions of this title that have been confirmed by the director are subject to the regulations pertaining to the imposition and collection of administrative fines and penalties as provided for in Chapter 8.54 of the Kern County ordinance code. These fines or administrative penalties shall be in addition to any cost or fee provided for in this chapter for the redemption or disposition of impounded animals. *(Lg. Animals & Spay/Neuter)*

7.08.430 Spaying and neutering of dogs and cats ~~program.~~

B. The following requirements shall apply to the sale, adoption, giving away or other release of any dog or cat by the breeder redemption of cats and dogs by owners:

1. ~~Animals shall be eight (8) weeks of age or older.~~ *(Text Correction, moved to 7.08.370)*

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~~2. There will be a limit of one (1) litter per year, per female dog or cat. (Text Correction, moved to 7.08.370 (G))~~

1. If after the first or second impoundment, the owner of the impounded animal provides written proof of the animal having been sterilized within thirty (30) days of impoundment, the sterilization deposit most recently paid for the impounded animal shall be refunded. (Spay/Neuter)

2. No animal shall be released to its owner after a second impoundment within one year or a third impoundment within three years, unless it has been sterilized. Sterilization may be waived at the discretion of the director upon application of the owner. (Spay/Neuter)

3. The owner of the animal shall be liable for the cost of the sterilization procedure as described in section 7.08.430(B)(1) and section 7.08.430 (B)(2) and all redemption related expenses, which shall be paid to the director prior to release of the animal. (Spay/Neuter)

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 modification required by this review shall be implemented. (Program Change)~~

FEE ORDINANCE

1. License and Permit Fees:

A. Dogs

Delinquent Penalty	\$10.00
Duplicate license tag	\$2.00 5.00
Companion <u>Service Dog</u>	No Fee
<u>Dangerous Animal (per year in addition to the fee below)</u>	<u>\$120.00</u>
<u>Non-Compliance</u>	<u>\$20.00</u>

If a licensed natural dog is altered and one or more full years remain on the term of its license, the owner is eligible for a refund of the difference between the natural and altered license rate for each full year remaining – no credit is allowed for partial years.

NATURAL

Natural: one year option	\$60.00
Natural: two year option	\$120.00
Natural: three year option	\$150.00

ALTERED

Altered: one year option	\$15.00
Altered: one year option/senior citizen	\$ 5.00
Altered: two year option	\$25.00
Altered: two year option/senior citizen	\$10.00
Altered: three year option	\$30.00
Altered: three year option/senior citizen	\$15.00

B. Cats

Owner I.D. tag (optional): per cat per year	\$ 6.00
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Duplicate license tag \$ 5.00

C. Wild or Exotic Animals – Permit fee

One (1) or more animals per year \$150.00

D. Kennel Animal Fancier, and Commercial or Non-commercial Animal Facility Permits each, per year

~~Kennel: per year for over 20 dogs \$100.00~~

~~Kennel: per year for up to twenty dogs \$ 75.00~~

~~Kennel: per year for up to ten dogs \$ 50.00~~

20 or more cats and/or altered dogs \$200.00

16-19 cats and/or altered dogs \$150.00

11-15 cats and/or altered dogs \$100.00

6-10 cats and/or altered dogs \$ 50.00

1-5 cats and/or altered dogs (Commercial Animal Establishment only) \$ 50.00

If a majority of dogs are natural, the applicable fee above is tripled

E. Inspections to Ensure Compliance

Compliance Inspection Fee \$40.00/hour
(Per officer per hour after initial inspection(s))

2. Charges for Care and Feeding:

Animals: up to 100 lbs., per day per animal ~~\$5.00~~ 15.00

Animals: over 100 lbs., per day per animal \$25.00

3. County Impound Fees:

DOGS LICENSED / ALTERED

First impoundment \$15.00

(subsequent impoundments charged unlicensed rates)

Second impoundment ~~\$15.00~~ 30.00

Third and subsequent impoundments \$60.00

DOGS UNLICENSED / ALTERED

First impoundment ~~\$40.00~~ 35.00

Second impoundment ~~\$80.00~~ 50.00

~~\$160.00~~ 80.00

DOGS LICENSED / NATURAL

First impoundment ~~\$25.00~~ 55.00*

Second impoundment ~~\$80.00~~ 70.00*

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Third and subsequent impoundments \$160.00 100.00*
(owners also responsible for spay/neuter)

*Includes spay/neuter fee.

DOGS UNLICENSED / NATURAL

First impoundment \$40.00 75.00
Second impoundment \$80.00 90.00
Third and subsequent impoundments \$160.00 120.00
(owners also responsible for spay/neuter)

FEMALE DOG IN SEASON PER DOG \$20.00
(in addition to care, feeding, impound fees and fines)

SMALL ANIMALS (under 25 lbs., except dogs)

First impoundment \$15.00
Second impoundment \$50.00
Third and subsequent impoundments \$75.00

LARGE ANIMALS (over 25 lbs., except dogs)

First impoundment \$50.00
Second impoundment \$150.00
Third and subsequent impoundments \$300.00

DANGEROUS ANIMALS

First impoundment, within ~~24~~ 12 months \$100.00
Second impoundment, within ~~24~~ 12 months \$200.00
Third and subsequent impoundments, within ~~24~~ 12 months \$400.00

4. State of California Impound Fines for Unaltered Cats and Dogs
(In addition to Impound fees listed in #3 above)

First occurrence \$35.00
Second occurrence \$50.00
Third and subsequent occurrences \$100.00

5. ~~Redemption and Adoption~~ Miscellaneous Service Charges

Rabies Vaccination, Dog \$10.00 5.00
Core Vaccinations, dog or cat, each (except adoptions) \$ ~~5.00~~ 3.00
~~Flea & tick treatment dip, each animal~~ ~~\$5.00~~
Feline Leukemia/FIV Test Actual Cost \$15.00
Microchip \$15.00

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6. Adoption Fees:

	Adoption Fee Deposit*	Spay/Neuter	Rabies Vaccination Deposit Fee*	License Deposit Fee	Microchip Fee	TOTAL
Female Cat	\$5.00	\$25.00	\$10.00 5.00	-0-	\$15.00	\$40.00 \$50.00
Male Cat	\$5.00	\$15.00	\$10.00 5.00	-0-	\$15.00	\$30.00 \$40.00
<u>Puppy up to 4 mos. Old</u>	\$10.00	\$40.00	\$10.00 voucher	\$3.00 -0-	\$15.00	\$63.00 \$75.00
Registered dog-Dog w/papers	\$21.00 \$10.00	\$40.00	\$10.00 5.00	\$3.00 \$5.00** or \$15.00	\$15.00	\$74.00 \$75.00** or \$85.00

* ~~appropriate sales tax is charged at date of sale.~~ Fee includes one year Rabies Vaccination for dogs and no charge for Core DHLPP Vaccination for cats and dogs

** - Senior Rate

Adoption fees for other animals to be determined by the
Director of Animal Control

Variable

7. Response to Loose, Injured or Dead Animals \$40.00/per hour/per officer

8. ~~Euthanasia and~~ Disposal of Cats and Dogs at Owner's Request

Delivered to the Shelter, per animal No charge \$15.00
Picked up by Animal Control, per animal \$40.00

9. Miscellaneous Fee Provisions:

<u>Rabies Test</u>	\$40.00
<u>Cat Spay fee</u>	\$25.00
<u>Cat Neuter fee</u>	\$15.00
<u>Dog Spay/neuter fee</u>	\$40.00
<u>Research fee for responding to public requests for information</u>	\$40.00/hour
<u>Document Duplication, Postage and Handling</u>	Per Kern County Administrative Bulletin #4

Note - Fees may be waived, reduced or payment plans approved for special events and/or circumstances in the interest of advancing humane purposes at the discretion of the Director of Animal Control.

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Title 19 ZONING

19.04.NEW Animal fancier.

"Animal fancier" means any person who owns or keeps, when accessory to an established residential use, six (6) or more cats and/or dogs for personal and noncommercial purposes, which includes but is not limited to hunting, tracking, exhibition in shows, obedience trials, field trials, dog sledding, or to enhance or perpetuate a given breed, and other uses determined by the director to be similar in nature and who has secured a permit for such activity in accordance with the provisions of this title. (Lg. Animals)

19.04.047 Animal shelter.

"Animal shelter" means a facility operated by a humane society, or a governmental agency, or its authorized agents that keeps or legally impounds stray, homeless, abandoned or unwanted animals. (Lg. Animals)

19.04.NEW Commercial Animal Establishment.

"Commercial Animal Establishment" 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 as defined in section 7.04.050. (Lg. Animals)

19.04.366 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. (Lg. Animals)~~

19.04.NEW Noncommercial Animal Establishment.

"Noncommercial Animal Establishment" means any premises wherein any person who owns or keeps, when accessory to an established residential use, eleven (11) or more dogs and/or cats for personal and noncommercial purposes, which includes but is not limited to companion animal keeping, hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, and other uses determined by the director to be similar in nature. (Lg. Animals)

19.04.NEW Rescue Organization.

"Rescue Organization" means either a for-profit organization or non-profit animal rescue organization exempt from taxation under Internal Revenue Code Section 501(c) (3), or a collaboration of individuals associated with said organization, with at least one of its purposes being the sale or placement of dogs or cats that have been removed from the animal shelter or that have been previously owned by any person other than the original breeder of the dog or cat. Rescue organizations that shelter eleven (11) or more cats and/or dogs at an onsite facility are considered to be noncommercial Animal Establishments for the purpose of permitting, inspection and enforcement actions pursuant to this code. (Lg. Animals)

19.08.430 Animal shelters grace period.

~~Prior to the enactment of a formal definition of "animal shelter" in 2002 (see Section 19.04.047), animal shelters and rescue centers were treated as "kennels" for permitting purposes. Any animal shelter use existing as of July 1, 2002, that is not or does not become a legal, nonconforming use on that date in accordance with the provisions of Chapter 19.108 of this title, shall have a grace period of up to one (1) year from that date to legalize its status under the zoning ordinance. (Lg. Animals)~~

**KERN COUNTY ANIMAL CONTROL DIVISION
 ORDINANCE AMENDMENT PROPOSAL
FACILITY ZONING COMPATIBILITY MATRIX**

One goal of this project is to standardize the description and definition of various types of animal establishments in both the Animal Regulations and Zoning ordinances. The Animal Regulations ordinance will create standards for how animal facilities are operated. The controlling factor of where these facilities can be lawfully located is governed by the Zoning ordinance which is designed to group similar facilities and allow for their siting in areas that will be compatible and not create conflicts with surrounding uses. In order to better depict where these facilities would be allowed to locate, staff has developed the following matrix to better explain where the Zoning ordinance will allow these facilities to be located.

Zoning District	Allowed By Right	Conditional Use Permit	Prohibited
A	+ =	X * #	
A-1	+ =	X * #	
E		X * # + ² =	
R-1		=	X * # +
R-2			X * # + =
R-3			X * # + =
CO			X * # + =
C-1			X * # + =
C-2			X * # + =
CH			X * # + =
M-1	X #		+ =
M-2	X * #		+ =
M-3	X * #		+ =
RF	+ ¹ =	X * # + ²	
NR	+ ¹ =	X * # + ²	
RS	+ ¹ =	X * # + ²	

NOTES:

X – Kennel or dog training facility (Current zoning use category replaced by Comm. Animal Est.)

* – Animal Shelter (Current and proposed zoning use category)

– Commercial Animal Establishment (New, proposed use)

+ – Non-commercial Animal Establishment, 11+ animals (New, proposed use)

= – Animal Fancier Permit, 6-10 animals (New, proposed use),

¹ – When on parcels of a minimum size of ten (10) acres or more

² – When on parcels less than ten (10) acres in size

ZONING DISTRICTS

- | | | | |
|-----|---|-----|---------------------------------------|
| A | - Exclusive Agriculture District | C-2 | -General Commercial District |
| A-1 | - Limited Agriculture District | CH | -Highway Commercial District |
| E | - Estate District (1/4 acre minimum lot size) | M-1 | -Light Industrial District |
| R-1 | - Low-Density Residential District | M-2 | -Medium Industrial District |
| R-2 | - Medium-Density Residential District | M-3 | -Heavy Industrial District |
| R-3 | - High-Density Residential District | RF | -Recreation-Forestry District |
| CO | - Commercial Office District | NR | -Natural Resource District |
| C-1 | - Neighborhood Commercial District | RS | -Residential Suburban Combining Dist. |