

Article VIII. Potentially Dangerous Dogs and Vicious Dogs

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Sec. 7-53. Purpose—Definitions.

(a)

~~Public Menace.~~ Within the ~~c~~County of Santa Barbara there are potentially dangerous and vicious dogs that have become a serious and widespread threat to the safety and welfare of the residents and/or domestic animals of the county constitute a public menace which should be abated. The provisions of this ~~article~~ article set forth ~~administrative~~ the procedures by which a dog is found to be a potentially dangerous dog or a vicious dog, danger to the public safety may become subject to thereby becoming subject to appropriate controls and other actions, following a hearing at which oral and documentary evidence is considered. This article is intended to supplement rather than supplant any other remedy available under state statute or county ordinance.

(b)

~~Definitions.~~ For the purposes of this article, the following words and phrases shall have the following meanings:

(1)

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~~"Director of animal health and regulation" means the county animal health and regulation director, or his designee.~~

(2)

~~"Animal health and regulation" means the animal health and regulation division of the county environmental health services department.~~

(3)

~~"Senior animal control officer" means the person responsible for the supervision of animal control officers at any shelter.~~

(4)

~~"Animal control officer" means any county employee designated by resolution of the board of supervisors as primarily responsible for animal control and regulation.~~

(5)

~~"Owner" means the owner or the custodian of the dog subject to the provisions of this article.~~

(6)

~~"Protection dog" means any dog trained to guard, protect, patrol or defend any premises, area or yard, or any dog trained to protect, defend or guard any person or property, with or without the necessity of direct human supervision.~~

(Ord. No. 3856, § 1; Ord. No. 4059 § 1)

Sec. 7-54. Dangerous dog—Definitions.

(a) Potentially dangerous dog – Definition

~~"Dangerous dog" means any dog which:~~ **"Potentially dangerous dog" means any of the following:**

- 1. Any dog which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury to any person, domestic animal or livestock, off the property of the owner or custodian of the dog;**
- 2. Any dog which, when unprovoked, bites a person or otherwise engages in aggressive behavior, causing a less severe injury than as defined in Section 7-54 (c);**
- 3. Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal or livestock off the property of the owner or custodian of the dog.**

(b) Vicious dog- Definition.

"Vicious dog means any of the following:

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1. Any dog that engages in or has been found to have been trained to engage in exhibitions of illegal fighting;

2. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury, as defined in Section 7-54 (c), or kills a person;

3. Any dog previously determined to be and currently listed as a potentially dangerous dog in Santa Barbara County, or to be a dangerous or vicious dog in another jurisdiction, which, after its owner or custodian has been notified of his determination, continues the behavior described in Section 7-54 (a) or is maintained in violation of Section 7-59, an administrative decision, a court order or restrictions placed upon it by another jurisdiction.

(c) Severe injury- Definition.

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

(d) Impounded – Definition

“Impounded” means taken into the custody of the Department.

(e) Department – Definition

“Department” means the Animal Services program of the County of Santa Barbara.

(f) Director – Definition

“Director” means the county Animal Services Director, or designee.

(g) Supervising Animal Control Officer – Definition

“Supervising animal control officer” means the person responsible for the supervision of animal control officers and/or operations at any shelter

(h) Animal Control Officer – Definition

“Animal control officer” means any county employee designated by resolution of the board of supervisors as primarily responsible for animal care and control and enforcement of animal ordinances within the county.

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(i) Owner – Definition

“Owner” means the owner of the dog subject to the provisions of this article.

(j) Custodian – Definition

“Custodian” means the person responsible for caring for and looking after the animal on behalf of the owner of the dog subject to the provisions of this article.

(a)

~~Has bitten or caused serious injury to a person or domestic animal without provocation; or~~

(b)

~~Menaces or attempts to bite or attack any person without provocation, or destroys property; or~~

(c)

~~Engages in an attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is acting in a peaceful and lawful manner; or~~

(d)

~~Engages in or is found to have been trained to engage in exhibitions of fighting; or~~

(e)

~~Is a protection dog as defined in section 7-53(b)(6) of this article that is straying or has escaped from confinement or restraint, is at large or otherwise unrestrained, uncontrolled or unleashed on or in a public street, sidewalk, park, beach, or other public place or property, or in or upon any private property or building during such time that said private property or building is open to the general public, or in or upon the private property of another person without the consent of the person.~~

~~The provisions of this section shall not apply to any dog assisting a peace officer engaged in law enforcement duties, or guidedogs for the blind or deaf while performing their duties.~~

(Ord. No. 3856, § 1; Ord. No. 4059 § 1)

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

(a) An owner of a dog who permits, allows or causes a dog to run, stray or be uncontrolled or at large upon a public street, sidewalk, park or other public property, or in or upon private property of another person without the consent of the property owner or person in

lawful occupation or possession, is guilty of a public offense punishable as an infraction under section 7-65, section 7-64,

(b) or misdemeanor if said dog or other animal bites, attacks or causes injury to any human being or other domestic animal while stray or uncontrolled or at large upon a public street, sidewalk, park or other public property, or in or upon private property of another person or possession, the owner is guilty of a public offense punishable as a misdemeanor.

(c) When a violation of this section is punishable as a misdemeanor, the misdemeanor is punishable by a fine not exceeding one thousand (\$1000) dollars, or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

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

(a) (a) If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists that the dog in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the dog pending the hearing to be held pursuant to Section 7-57. The hearing will be held within 10 business days from the date the dog is seized or impounded or within 10 days of notification to the owner or custodian. The owner or custodian of the dog shall be liable for the costs and expenses of keeping the dog impounded if the dog is later adjudicated potentially dangerous or vicious. Such costs and expenses shall be paid prior to release of the dog. If the dog is not determined to be potentially dangerous or vicious, the owner or custodian is not liable for the costs and expenses of keeping the impounded dog.

(b) Surrender of Dog. Any owner of a dog subject to the provisions of this section shall immediately surrender custody and control of such dog at the request of the animal control officer or law enforcement officer. A violation of this subsection is a misdemeanor punishable by a fine not exceeding one thousand (\$1,000) dollars, or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

(c) When a dog has been impounded pursuant to subsection (a) and it is not contrary to public safety, the director of the department of animal services shall permit the animal to be confined at the owner's residence if conditions of confinement can be met or at the owner's expense in a department-approved animal or veterinary facility.

Impoundment. The senior animal control officer may, at his discretion and upon receipt of a written report from any other animal control officer or based upon his own written report which shows good cause that a dog engaged in any behavior as defined in section 7-54, immediately cause the impoundment of any such dog

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reported to have caused the injury or exhibited such dangerous behavior if such impoundment appears necessary to prevent immediate injury to person or property, or if it appears that the owner of such dog is either unwilling or incapable of maintaining confinement and control of such dog.

_(b)

Surrender of Dog. Any owner of a dog subject to the provisions of this section shall immediately surrender custody and control of such dog at the request of the senior animal control officer. A violation of the provisions of this subsection is a misdemeanor punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

_(e)

Notice of Impoundment. Within seventy two hours after impoundment of any dog pursuant to this article, the senior animal control officer shall give written notice of such impoundment to the owner with a summary of the facts justifying impoundment. Such notice shall be mailed to the owner's last known address giving the date, time and place for a hearing on the impoundment, and advising the owner of the right to be present with or without counsel. A copy of any affidavit or report submitted to the senior animal control officer pursuant to subsection (a) of this section shall accompany the written notice of impound.

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-57. Hearing on impoundmentPotentially dangerous or vicious dog hearing



(a) Hearing. If an animal control officer or a law enforcement officer has investigated and determined that there is probable cause that a dog is potentially dangerous or vicious, the director of the department of animal services shall set an administrative hearing, to determine whether or not the dog in question should be declared potentially dangerous or vicious.

(b) Notice of Hearing and Petition.

1. Subsequent to the investigation showing probable cause that a dog is potentially dangerous or vicious, the Supervising Animal Control Officer, Animal Control Officer or law enforcement officer shall prepare a petition, which is a document that lays out the allegation that the dog is potentially dangerous or vicious and the supporting evidence.
2. Whenever possible, a complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement

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officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition.

3. The director of the department of animal services or designee shall notify the owner or custodian of the dog that an administrative hearing will be held, at which time he or she may present evidence as to why the dog should not be declared potentially dangerous or vicious.
4. The owner or custodian shall be served the notice of the hearing, the time, date and location of the hearing, a copy of Article VIII Potentially Dangerous and Vicious Dogs, and a copy of the petition, either personally or by first class mail. The hearing shall be held promptly within no less than (5) working days nor more than (10) working days after the service of the notice upon the owner or custodian of the dog. For the purposes of this article, service is complete upon deposit of the document(s) in the mail or when the documents are personally served.

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(a)

~~Time of Hearing. Not later than thirty days after impoundment of any dog pursuant to this article or after the taking of any action in lieu of impoundment pursuant to section 7-63 of this article, the director of animal health and regulation shall conduct a hearing to determine whether or not the impounded dog is a dangerous dog as defined in this article. The director of animal health and regulation may adopt written guidelines for the conduct of hearings.~~

(b)

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

(1)

~~A statement that the dog is a dangerous dog as defined by this article;~~

(2)

~~State the time, date and place of the hearing, which shall be no less than fifteen calendar days after the date of service of the notice;~~

(3)

~~A copy of this article.~~

(c) Conduct of Hearing. The hearing shall be conducted as an administrative hearing, or a limited civil case pursuant to Code of Civil Procedure Section 85, et seq., open to the public. The administrative hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The

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administrative hearing officer may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious and shall make other orders or findings required or authorized by this article. The administrative hearing officer may decide all issues for or against the owner or custodian of the dog even if the owner or custodian fails to appear at the hearing.

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(e)

Hearing. The hearing shall be public and shall be held before the director of animal health and regulation at the time and place noticed or at such other time or place as may be mutually agreed to by the director of animal health and regulation, the owner and the senior animal control officer. In the event that a mutually agreeable time and place cannot be agreed upon, the director of animal health and regulation may set such a date for the hearing.

Notwithstanding the foregoing, the director of animal health and regulation may continue the hearing to such time and place as may be reasonably necessary for the convenience of witnesses or other parties. Failure of the owner to appear at the hearing or any continuance thereof shall constitute a default.

(d) Administrative Hearing Officer. If the dog owner or custodian is notified that an administrative hearing will be held, the hearing shall be conducted by a neutral hearing officer. The department may authorize its own officer or employee to conduct the hearing if the hearing officer is not the same person who signed the petition or directed the seizure or impoundment of the dog, and is not junior in rank to that person(s). In the alternative, the department may utilize the services of a hearing officer from outside the department.

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(e) Administration of Oaths. The administrative hearing officer shall have the power to administer oaths or affirmations when necessary in conjunction with the hearing.

(f) Record. The administrative hearing officer shall record the hearing on a recording device and shall make such recording available to the parties upon request. Animal Services shall provide a copy of the recording or a transcript prepared there from to any party who requests it and pays the cost of making such copy or preparing such transcript.

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

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Sec. 7-58. Oaths Notice of decision and judicial review of administrative decision.

(a) Following an administrative hearing conducted pursuant to Section 7-57, a written notice of the decision shall be served on the department and the owner or custodian of the dog either personally or by first class mail within fourteen (14) calendar days after the date of the hearing.

(b) If the department or the owner or custodian of the dog desires to contest the decision, the department or the owner/custodian shall notify the other party, in writing, within fourteen (14) calendar days after the decision is served, of the intention to seek judicial review of the decision. The party seeking judicial review by the Superior Court shall comply with all requirements of Code of Civil Procedure Section 1094.5 et seq.

(c) The party seeking judicial review shall file the appeal with the Superior Court within fourteen (14) calendar days of giving notice of the intent to seek judicial review.

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~~The director of animal health and regulation shall have the power to administer oaths or affirmations when necessary in conjunction with the hearing.~~

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-59. EvidenceConsequences of potentially dangerous dog determination.

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The following conditions apply to a dog determined to be potentially dangerous and must be met prior to release of the dog to the owner or custodian if the dog was impounded:

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(a) The dog shall be properly licensed, microchipped, and vaccinated at the owner or custodian's expense, prior to release to the dog's owner or custodian. If the dog was not impounded, the dog owner or custodian shall provide proof that the dog is licensed, microchipped and vaccinated within fourteen (14) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner or custodian. The department may include the designation in the license registration records of the dog, after the court has determined that the designation applies to the dog.

(b) The dog, while on the owner or custodian's property, shall, at all times, be kept indoors, or in a securely fenced yard or enclosure from which the dog cannot escape, and into which children, or other dogs, cannot trespass. The yard or enclosure shall be inspected and approved in writing by the department prior to release of the dog to its owner or custodian. If the dog was not impounded, the yard shall be inspected and approved in writing by the department within fourteen (14) calendar days after the

administrative hearing officer or court order declaring the dog to be potentially dangerous is served on the dog owner or custodian.

(c) The dog may be off the owner or custodian's premises only if it is muzzled and restrained by a substantial leash, not exceeding six (6) feet in length, and if it is under the control of an adult capable of restraining and controlling the dog. At no time may the dog be left unattended while off the owner or custodian's premises.

(d) The owner or custodian of the dog shall notify the department immediately if the dog is at large, or has committed an attack on any person, domestic animal or livestock. If the dog no longer resides with the owner or custodian of record, or, the dog is transferred to another person(s), the owner or custodian shall advise the department of the dog's new location, in writing under penalty of perjury, and provide a copy of the administrative decision declaring the dog to be potentially dangerous, to the new owner and custodian. Each subsequent owner or custodian shall provide each new owner and custodian with a copy of the administrative decision during the effective period of the decision. Likewise, if the dog is moved to another jurisdiction, the owner or custodian is required to provide the animal control authorities in the new jurisdiction with a copy of the administrative decision during the effective period of the decision.

(e) The dog shall complete an obedience course or other training for a minimum of ten (10) hours of training with the owner or custodian at his or her expense within sixty (60) calendar days after the release of the dog to its owner or custodian. The course or training shall be approved by the department prior to the release of the dog to the owner or custodian. If the dog was not impounded, the owner or custodian shall obtain approval by the department within fourteen (14) calendar days after the decision declaring the dog to be potentially dangerous is served on the owner or custodian.

(f) The dog shall be spayed or neutered at the expense of the owner or custodian prior to the release of the dog to its owner or custodian. If the dog was not impounded, the dog owner or custodian shall provide proof that the dog has been spayed or neutered within thirty (30) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner or custodian.

(g) The dog may be required to wear a bright reflective collar visible at 50 feet in normal daylight, which will be provided by the department at the owner or custodian's expense.

(h) The owner or custodian of the dog may be required to maintain general liability insurance covering property damage and bodily injury caused by a potentially dangerous or vicious dog, with a combined single limit of \$300,000.00 per occurrence. If required to maintain such insurance, the owner or custodian is required to show proof of insurance

within fourteen (14) calendar days after the decision or court order declaring the dog to be potentially dangerous is served on the dog owner or custodian.

(i) All charges for services performed by the department pursuant to this Section 7-56 through 7-59 and all fines shall be paid prior to the release of the dog to its owner or custodian or within fourteen (14) calendar days after the services are performed or the charges and fines are ordered to be paid. If the charges and fines are not paid within fourteen (14) calendar days after the services are performed or the fines are ordered to be paid, the dog shall be deemed to be abandoned and may be disposed of by the department.

(j) An administrative hearing officer may impose such other reasonable conditions as are deemed necessary to protect the public safety and welfare.

(a)

~~Oral evidence shall be taken under oath or affirmation. Testimony may be given in an informal narrative style. The owner and the senior animal control officer shall have the right to call, examine and cross-examine witnesses on any matter relevant to the issues even though such matter was not covered on direct examination, and to impeach any witness regardless of which party first called the witness to testify. 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 such evidence or objection in a civil action.~~

(b)

~~Hearsay evidence shall be admissible for any purpose, but shall not be sufficient by itself to support the written findings and decision rendered pursuant to section 7-62 unless it would be admissible over objection in a civil action.~~

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-60. ~~Subpoena power~~Consequences of vicious dog determination.

(a) A dog determined to be a vicious dog may be destroyed by the department when it is found, after proceedings conducted under Section 7-57, that the release of the dog would create a significant threat to the public health, safety and welfare.

(b) If it is determined that a dog found to be vicious shall not be destroyed, the administrative hearing officer shall impose the conditions on an owner and custodian of potentially dangerous dogs required by Section 7-59, the conditions required by this section, and any other conditions necessary to protect the public health, safety, and welfare.

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(c) The enclosure that is required pursuant to subsection (b) of Section 7-59 shall be an enclosure which is enclosed on all sides, and which is locked by a padlock. It may be required to have a top and a cement floor. The enclosure shall be approved in writing by the department, prior to the release of the dog to the owner or custodian. If the dog was not impounded, the dog owner or custodian shall obtain approval by the department within fourteen (14) calendar days after the decision or court order declaring the dog to be vicious is served on the dog owner or custodian.

(d) The owner or custodian of a vicious dog shall give written notice of the vicious dog determination to United States Post Office (local branch) and all utility companies which provide services to the premises where the dog is kept. The owner or custodian shall provide a copy of the notices to the department prior to the release of the dog from impound. If the dog was not impounded, the dog owner or custodian shall provide a copy of the notices to the department within fourteen (14) calendar days after the administrative hearing declaring that the dog is vicious.

(e) The owner or custodian of the dog shall post one or more signs on the premises at a location(s) approved by the department stating that a dog which has been determined to be vicious resides on the premises. The signs shall be posted within fourteen (14) calendar days after the decision or court order declaring the dog to be vicious is served on the owner or custodian. The signs will read "Warning – VICIOUS DOG – Do Not Enter".

(f) The department may include the designation in the license registration records of the dog.

(g) The owner or custodian of a dog determined to be a vicious dog may be prohibited from owning, keeping, possessing, controlling, or having custody of any dog for a period of up to three years, if it is found at the hearing conducted pursuant to the petition to declare the dog vicious, that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

(a)

The subpoena powers of the county board of supervisors set forth in article 9 (subpoenas), section 25170 et seq. of the Government Code are delegated to the director of animal health and regulation and shall apply to all hearings under section 7-57 of this article. Article 9 (subpoenas), section 25170 et seq. of the Government Code shall apply in its entirety (including section 25173 on contempt) to subpoenas issued by the director of animal health and regulation pursuant to this article.

(b)

~~Before or after the hearing has commenced, the director of animal health and regulation shall at the request of the owner or the senior animal control officer issue subpoenas and subpoenas duces tecum for attendance of witnesses or the production of documents at the hearing.~~

~~(Ord. No. 3856, § 1; Ord. No. 4059, § 1)~~

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

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(a) The hearing officer who heard the petition to determine if a dog is potentially dangerous or vicious or other administrative hearing officer may schedule follow-up hearing dates to ensure compliance with all conditions imposed.

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(b) Consequences that may result from the failure of an owner or custodian of a dog released after a hearing pursuant to Section 7-57 or Section 7-59 to comply with any of the conditions imposed under Section 7-59 or 7-60 include, but are not limited to the following:

1. The failure to comply with any condition is a misdemeanor punishable by a fine not exceeding one thousand (\$1,000) dollars or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment;
2. A violation of any part of an administrative decision or court order may be the subject of a civil action for injunctive relief to enjoin the person who violated the decision or order. The filing and prosecution of an action for injunctive relief shall not limit the authority or ability of the County to take any other action permitted by law;
3. A violation of an administrative decision or court order following a determination that a dog is potentially dangerous, may result in the filing of an action to determine if the dog is vicious under Section 7-57 (c).

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~~The director of animal health and regulation shall record the hearing on a recording device and shall make such recording available to the parties upon request. Animal health and regulation shall provide a copy of the recording or a transcript prepared therefrom to any party who requests it and pays the cost of making such copy or preparing such transcript.~~

~~(Ord. No. 3856, § 1; Ord. No. 4059, § 1)~~

Sec. 7-62. Findings and order Removal of potentially dangerous designation.

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If there are no additional instances of the behavior described in Section 7-54(a) within a 36-month period from the date of designation as a potentially dangerous dog, the dog owner may request the dog be removed from the list of potentially dangerous dogs. The dog may be removed from the list of potentially dangerous dogs if the owner or custodian of the dog demonstrates to the department that changes in circumstances or measures taken by the owner or custodian, such as the training of the dog, have mitigated the risk to the public safety.

(a)

~~Determination. At the conclusion of the hearing, or within a reasonable time thereafter, the director of animal health and regulation shall make a written decision and written findings in the manner set forth in subsection (b) of this section. Such decision shall be supported by the weight of the evidence (preponderance of the evidence) presented at the hearing, unless a different standard of proof is required by law. However, if the owner has defaulted by failing to appear, the finding shall be that the dog is dangerous as defined herein.~~

(b)

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

(1)

~~Bitten, attacked or menaced a trespasser while such dog was confined on the property of its owner; or~~

(2)

~~Injured or menaced a person who has tormented or abused it; or~~

(3)

~~Injured or menaced a person while protecting its owner.~~

(c)

~~Surrender of Dog. Any dog declared after a hearing to be dangerous, if not already impounded by animal health and regulation, shall be immediately surrendered to animal health and regulation. A violation of the provisions of this subsection is a misdemeanor punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.~~

(d)

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

(e)

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

(f)

~~Conditions on Return. Where a dog is returned to the owner pursuant to subsection (e) of this section and if it is determined that the bite, attack or injury was the result of negligent or improper training, handling or maintenance, the director of animal health and regulation may set appropriate conditions that prevent the recurrence of a similar incident. Such conditions may include, but need not be limited to, the requirement that the owner of the dog maintain general liability insurance or bond with a combined single limit of up to three hundred thousand dollars per occurrence and that the owner show proof thereof to animal health and regulation. The director of animal health and regulation shall give written notice of any conditions imposed immediately upon the release of the dog to the owner. The failure to comply with the conditions imposed by the director of animal health and regulation upon an owner of a dog released after a hearing is a misdemeanor punishable by a fine not exceeding one thousand dollars or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.~~

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-63. Impound alternatives pending hearing and costs of impoundExceptions.

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(a) No dog may be declared potentially dangerous or vicious if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or custodian of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous or vicious if an injury or damage was sustained by a domestic animal or livestock which at the time of the injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog.

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(b) No dog may be declared potentially dangerous or vicious if the injury or damage to a domestic animal or livestock was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or custodian, and the damage or injury was to a species or type of domestic animal or livestock appropriate to the work of the dog.

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(c) No dog may be declared potentially dangerous or vicious if the injury or damage to a person or domestic animal was sustained while the dog was a law enforcement dog performing law enforcement duties.

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(d) This article does not apply to humane society facilities, municipal animal control facilities, or to veterinarians or veterinary clinics.

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(a)

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

~~(1)~~

~~The owner shall make the dog available for observation and inspection upon request by animal health and regulation personnel or members of law enforcement agencies; and~~

~~(2)~~

~~The owner shall not remove the dog from any kennel, veterinary facility or residence approved for impoundment pending a hearing without approval of the senior animal control officer.~~

(b)

~~Costs. All costs incurred by the county in impound and related expenses under this article, including care and feeding, shall be chargeable to the owner of the dog, unless it is determined that such owner is not liable for any criminal penalty as provided for in this article or it is determined that such dog is not dangerous within the meaning of section 7-54.~~

(Ord. No. 3856, § 1; Ord. No. 4059, § 1)

Sec. 7-64. Final decision Violation – Penalty for infraction.

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Any person violating a section of this article that has not been deemed a misdemeanor, will be guilty of an infraction, which is punishable by:

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(a) A fine not exceeding one hundred (\$100) dollars for a first violation;

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(b) A fine not exceeding two hundred (\$200) dollars for a second violation of this article within one year;

(c) A fine not exceeding five hundred (\$500) dollars for each additional violation of this article within one year. (Ord. No. 3856, § 1; Ord. No. 4059 § 1)

~~The decision of the director of animal health and regulation is final. The director of animal health and regulation and the county shall not reconsider or conduct a rehearing to determine whether or not a dog is a dangerous dog as defined in this article.~~

~~(Ord. No. 3856, § 1; Ord. No. 4059, § 1)~~

Sec. 7-65. Violation—Penalty for infractionSeverability

~~Any person violating section 7-55 of this article, where such violation is punishable as an infraction, is guilty of an infraction, which is punishable by:~~

~~(a)~~

~~A fine not exceeding one hundred dollars for a first violation;~~

~~(b)~~

~~A fine not exceeding two hundred dollars for a second violation of this article within one year;~~

~~(c)~~

~~A fine not exceeding five hundred dollars for each additional violation of this article within one year.~~

~~(Ord. No. 3856, § 1; Ord. No. 4059 § 1)~~

Sec. 7-66. Severability

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

(Ord. No. 3856, § 1; Ord. No. 4059 § 1)

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