

Arroyo Grande Municipal Code (CURRENT)

Title 6 - ANIMALS

Chapters:

Chapter 6.04 - DEFINITIONS

Sections:

6.04.010 - Definitions.

As used in this title:

"Altered," for a female, means having had the ovaries and uterus surgically removed: an ovariectomy. "Altered," for a male means having had the testicles surgically removed.

"Animal" includes but is not limited to, birds, fishes, reptiles and nonhuman mammals.

"Animal use operation" means any commercial, noncommercial or hobby breeder operation as further described in this title.

"At large" means being on any private property without permission of the person who owns or has a right to possess or use the property; or unrestrained by a leash on either public property, unless expressly permitted by law, or private property open to the public or in any place or manner which presents substantial risk of imminent interference with animal or public health, safety or welfare.

"Business day" means any day that the department is open to the public as determined by the board of supervisors.

"Cat" means a felis catus of either sex, altered or unaltered.

"City" means the incorporated area of Arroyo Grande.

"Commercial animal use operation" means any lot, building, structure, enclosure or premises whereon or wherein animals are kept or maintained for any commercial purpose, such as breeding, selling, advertising for sale, boarding or rental of animals; provided, that if more than one species of animal is kept for sale, barter or trade, the classification shall be that of a pet shop; and provided, further, this definition of "commercial animal operation" shall not be construed as applying to a duly licensed veterinary hospital or any public pound. The operation must be consistent with current zoning.

"County" means the county of San Luis Obispo.

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"Animal shelter" means a premises selected by the director of animal control officer as a suitable facility for the requirements of this title.

"Department" means the department of animal regulation, the chief animal control officer, and/or his or her duly authorized representative(s).

"Dog" means a canis familiaris of either sex, altered or unaltered, or any other member of the canis genus, if owned, kept or harbored.

"Dog license" means a properly completed certification issued by the county, including the dog owner's name, address and telephone; the dog's name and description, including breed, color, sex, year of birth; rabies vaccination date, rabies expiration date; license tag number and expiration date.

"Health officer" means the San Luis Obispo County health officer or his or her appointed agents or deputies.

"Hobby breeder operation" means any lot, structure, enclosure, building whereon or wherein a person is offering for sale, barter or trade household pets in a manner that is accessory to residential use. A person is considered to be operating a hobby breeder operation when:

1. Offspring from any female is being offered for sale in an amount in excess of fifty dollars (\$50.00) per animal;
2. The owner is offering more than one litter for sale, barter or trade in a calendar year; and
3. The owner is offering for sale, barter or trade more than one household pet of a species that bears single offspring for sale in one calendar year.

In the case of dogs, each dog shall be individually licensed as provided in Section 6.16.160.

"Household pets" means, but is not limited to, cats, dogs, canaries, parrots, fish, hamsters, rabbits, turtles, lizards, snakes, and other kindred animals usually and ordinarily kept as household pets.

"Leash" means any rope, leather strap, chain, or other material being held in the hand of a person capable of controlling and actually controlling the animal to which it is attached.

"License tag" means a piece of metal or other durable material inscribed with a number which has been issued by the county as the licensing agency.

"Livestock" means horses, ponies, mules, donkeys, cattle, sheep, goats, swine, and all other domestic or domesticated animals other than household pets.

"Noncommercial animal operation" means any lot, building, structure, enclosure or premises whereon or wherein four or more dogs or cats are kept for noncommercial use, including, but not limited to, hunting and herding livestock.

"Owner" means any person who is legal owner, keeper, harbinger, possessor, or the actual custodian of an animal. Ownership is also established by a person registering as the owner of a license or other legal document or by a person claiming ownership and taking possession of an animal.

"Pet shop" means any lot, building, structure, enclosure or premises whereon or wherein is carried on the business of buying and selling or bartering household pets. This definition shall not be construed as applying to the business or activities of a duly licensed veterinary hospital, nor to the business or activities of any public pound. The operation must be consistent with current zoning.

(Prior code § 6-1.11)

Chapter 6.08 - ADMINISTRATION AND ENFORCEMENT

Sections:

6.08.010 - Establishment of a public pound.

A public pound is authorized and established; and the same, and any branches thereof, shall be located and established at such place in the county of San Luis Obispo as shall be fixed from time to time by the board of supervisors. The public pound, or any authorized branches thereof, shall provide suitable buildings and enclosures to adequately keep and safely hold all dogs, cats, or household pets subject to be impounded by the provisions of this title.

(Prior code § 6-1.01)

6.08.020 - Animal control officer—Duties.

There shall be in this city a chief animal control officer. It shall be the duty of the chief animal control officer and his or her duly authorized deputies and employees to carry out the provisions of this title and all applicable statutes of the state and to be in charge of the public pound hereby authorized and established.

(Prior code § 6-1.02)

6.08.030 - Animal control officer—Citation authority—Authority to carry weapons.

A. The chief animal control officer and his or her duly authorized deputies shall have the power to issue citations pursuant to [Chapter 1.16](#) of this code.

B. Animal control officers, when acting in the course and scope of their duties, shall be authorized to carry on their person or in official vehicles loaded firearms or weapons of the type approved by the chief animal control officer. Each officer shall qualify under California Penal Code Section 832 in the use of firearms.

(Prior code § 6-1.03)

6.08.040 - Badges.

The chief animal control officer and his or her duly authorized and appointed deputies, while engaged in the execution of their duties, shall each wear in plain view a badge having, in the case of the chief animal control officer, the words "Chief Animal Control Officer"; in the case of the lead animal control officer, the words "Sergeant - Animal Control Officer"; and in the case of the deputy animal control officers, the words "Deputy Animal Control Officer" engraved thereon. Any person who has not been appointed as provided hereinabove or whose appointment has been revoked, who shall represent himself or herself to be or shall attempt to act as an animal control officer, shall be guilty of a misdemeanor.

(Prior code § 6-1.04)

6.08.050 - Record of department.

The department shall keep a record of the number, description and disposition of all dogs, cats and household pets impounded, showing in detail, in the case of each, the date of receipt; the date and manner of disposal; the name of the person reclaiming, redeeming or receiving such dogs, cats or household pets; the reason for destruction.

(Prior code § 6-1.05)

6.08.060 - Fees.

A. Whenever fees are to be charged by the department of animal regulation, these fees shall be set annually by resolution of the city council.

B. Whenever a penalty fee is to be assessed, it shall be double the regular established fee.

C. A fee, including a penalty fee, may be waived at the discretion of the health officer. Such waiver shall be based upon a determination that it is in the interests of justice or that payment will impose an undue financial hardship upon the owner.

(Prior code § 6-1.06)

6.08.070 - Interference with performance of duties.

It is unlawful for any person to hinder or obstruct the chief animal control officer or any of his or her deputies or employees in the exercise of their duties. Any person who violates this section is guilty of a misdemeanor.

(Prior code § 6-1.15)

6.08.080 - Violation of written order.

Any person who, after written notice, violates or who, upon the demand of the department, refuses or neglects to conform to any rule, written order, or regulation prescribed by the department is guilty of an infraction.

(Prior code § 6-1.16)

6.08.090 - Violation of quarantine.

It is unlawful for any person to suffer or permit any dog, cat, animal or household pet owned, harbored or controlled by him or her to violate any written quarantine notice. Any person who violates such written notice shall be guilty of a misdemeanor.

(Prior code § 6-1.35)

6.08.100 - Violation—Infraction.

Except as otherwise provided, violation of a provision of this title is an infraction.

(Prior code § 6-1.18)

6.08.110 - Duty of department to patrol and enforce regulations.

It shall be the duty of the department to patrol the incorporated area of the city from time to time and without notice to the public for the purpose of enforcing the provisions of this title.

(Prior code § 6-1.21)

Chapter 6.12 - ANIMAL CONTROL REGULATIONS GENERALLY

Sections:

6.12.010 - Unnecessary noise.

It is unlawful for any person to keep, maintain or permit on any lot or parcel of land any dogs, cats, poultry, fowl, or household pets which, by any sound or cry, shall disturb the peace and comfort of any neighborhood.

(Prior code § 6-1.07)

6.12.020 - Abatement of noise or nuisance.

Whenever it shall be affirmed in writing, by three or more persons living in separate dwelling units in the neighborhood, that any dog, cat, or household pet is an habitual nuisance by reason of frequent, persistent, or long-continued howling, barking, or other noise, or is in any other manner causing undue annoyance, by reason of chronic leash law violations or unsanitary conditions that shall constitute a public nuisance, the department, through investigation, if it finds such public nuisance to exist, shall serve written notice upon the owner or custodian that the public nuisance shall be abated or the animal shall be impounded in a legal manner. If the nuisance and annoyance is not successfully abated, as affirmed in writing by the original petitioner(s), the department shall present the results of the investigation of such nuisance to the officer responsible for prosecution within the jurisdiction wherein such nuisance is being maintained.

(Prior code § 6-1.08)

6.12.030 - Owner's responsibility to dispose of dead dogs, cats, and household pets.

It is unlawful for any owner or person, who having had the possession or control of any dog, cat, or household pet that has died, to place the body of any dog, cat, or household pet, after its death, or cause to permit it to be placed or to knowingly allow or permit it to remain in or upon any public road, highway, street, alley, square, park, school ground, or other public place, or in or upon any lot, premises or property of another.

(Prior code § 6-1.09)

6.12.040 - Disposition of dead dogs, cats, and household pets upon request.

It shall be the duty of the department, upon the request of any owner of any dead dog, cat, or household pet which was kept or maintained in the county immediately prior to its death, or upon the request of any person or persons discovering a dead dog, cat, or household pet upon his or her premises or upon any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot or premises, to forthwith bury or dispose of the animal in such manner as may be prescribed by the law. The department may charge and collect fees for the transportation and disposal of the dog, cat, or household pet from the owner or person having had possession or control of the animal, if same can be ascertained.

(Prior code § 6-1.10)

6.12.050 - Animals and poultry at large.

No person shall allow or permit animals or poultry they own to run at large upon any public street or place or to trespass upon the property of another. This provision shall not be construed as permitting the running at large of any household pets who are restricted by the provisions of this title or by any law applicable thereto.

(Ord. 556 § 2L, 2004: prior code § 6-1.58)

6.12.060 - Unsanitary conditions for animals, animal waste and water quality.

A. Unsanitary Conditions. No person shall keep upon any premises any animals, poultry, or household pets in a foul, offensive, obnoxious, filthy or unsanitary condition.

B. Property Maintenance. Where it is determined by the city or by the Central Coast Regional Water Quality Control Board that an area used by animals is affecting water quality, the city will require the property owner or authorized representative to implement measures, which may include installation of preclusionary devices, to eliminate the pollution and prevent the migration of waste components to the storm drain system. Installation of devices or implementation of measures may require permits from the city or other regulatory agency. Installation, maintenance and permitting of any such device or measure are the sole responsibility of the property owner.

C. Feeding Near Water Bodies. No person shall feed feral animals, or deposit or leave any foodstuff of any kind or nature within one hundred feet of a lake or creek, except in a trash receptacle provided for that purpose.

D. Domesticated Animal Waste. All persons owning, possessing, in control of, or otherwise responsible for an animal, must promptly collect, pick up and remove all fecal matter left by the animal on public or private lands. Animals in agricultural areas are not covered under this subsection if the area complies with subsection B of this section or is covered under separate regulation.

(Prior code § 6-1.59)

(Ord. No. 642, § 1, 1-24-2012)

6.12.070 - Care of animals while impounded.

The department shall provide all animals in his or her custody with proper food and water and shall give them all necessary care and attention. The department shall charge a fee at the time an impounded animal is redeemed by its owner or person having custody or may charge these fees at such time an unclaimed animal is sold.

(Prior code § 6-1.31)

6.12.080 - Reporting of bites.

All persons bitten and the parents or guardians of minor children bitten by a dog, cat, skunk, fox, bat, coyote, bobcat, or other animal of a species subject to rabies shall notify the department within twenty-four (24) hours of the next department business day. Physicians treating such bites and other persons having knowledge of such bites shall also be required to make such notification.

(Ord. 556 § 2M, 2004: prior code § 6-1.32)

6.12.090 - Symptoms of rabies.

Whenever the owner or person having the custody or possession of an animal shall observe or learn that such animal shows symptoms of rabies or acts in a manner which would lead to a reasonable suspicion it may have rabies, the owner, or person having the custody or possession of such animal, shall immediately notify the department. The department shall make or cause an inspection or examination of such to be made by a licensed veterinarian until the existence or nonexistence of rabies in such animal is established by the veterinarian. Such animal shall be kept isolated in a pound, veterinary hospital, or other adequate facility in a manner approved by the department and shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies, after which time the dog or other animal may be released by the department, provided the department has first determined that the animal does not have rabies. If the department determines that the dog or other animal does have rabies, the department shall destroy the animal. The chief animal control officer, or his or her duly authorized representative, is authorized and empowered to enter, in a manner authorized by law, upon private property where any dog or other animal is kept, or believed to be kept, for the purpose of ascertaining whether the dog or other animal is afflicted or infected with rabies or other contagious disease.

(Prior code § 6-1.36)

Chapter 6.16 - DOGS AND CATS

Sections:

6.16.010 - Limitation on number of dogs.

It is unlawful for any person or persons to own, harbor or maintain at any single-family dwelling more than three dogs, four months of age or older, without obtaining the appropriate permit.

(Prior code § 6-1.17)

6.16.020 - Limitation on number of cats.

It is unlawful for any person or persons to own, harbor or maintain at any single-family dwelling more than three cats, four months of age or older, without first obtaining the appropriate permit.

(Prior code § 6-1.57)

6.16.030 - Stray dogs defined.

A "stray dog" is any dog, licensed or unlicensed, which is in or on any public road, highway, street, alley, square, park, school ground, or other public place or in or upon any lot, premises or property of another when not accompanied in the near vicinity by the person owning, having interest in, harboring, or having charge, care, control, custody or possession of such dog. Any stray dog shall be immediately seized and impounded by the department.

(Prior code § 6-1.19)

6.16.040 - Leash law.

It is unlawful for any person to suffer or permit any dog owned, harbored or controlled by him or her to be on any public street, alley, lane, park or place of whatever nature open to and used by the public in the incorporated area of the city, unless such dog is securely leashed and the leash is held continuously in the hand of a responsible person capable of controlling such dog or unless the dog is securely confined in a vehicle or unless the dog is at heel beside a person and obedient to that person's command.

Dogs used on farms and ranches for the primary purpose of herding livestock are not required to be leashed or at heel beside their owner or person controlling the use of these dogs while on a public street, alley, lane or place of whatever nature open to and used by the public in the incorporated area of the city while herding such livestock and as long as these dogs are obedient to the commands of the person controlling their use for this purpose. Dogs used for the primary purpose of hunting are not required to be leashed or at heel while used in hunting, as long as these dogs are obedient to the commands of the person controlling their use for this purpose.

(Prior code § 6-1.20)

6.16.050 - Duty of department to seize and impound stray dogs.

It shall be the duty of the department to seize and impound, in a lawful manner and subject to the provisions of this chapter, all stray or unlicensed dogs found within the incorporated area of the city.

(Prior code § 6-1.22)

6.16.060 - Dogs running at large.

Any dog found running at large on any private property in the city may be taken up by the owner or possessor of the property and delivered to the department or detained on the property until picked up by the department as provided in Section [6.16.070](#).

(Prior code § 6-1.23)

6.16.070 - Delivery to department by private person.

Every person taking up any dog under the provisions of this chapter and every person finding any lost, strayed or stolen dog shall, within twenty-four (24) hours thereafter, give notice thereof to the department; and every such person in whose custody such dog may, in the meantime, be placed shall surrender such animal to the department without fee or charge; and the department shall thereupon hold and dispose of such dog in the same manner as though such dog had been found running at large and impounded by the department.

(Prior code § 6-1.24)

6.16.080 - Notice of impounded dogs.

As soon as possible, but not later than twenty-four (24) hours after impounding any dog currently licensed under the provisions of this chapter, the department shall notify the registered owner, or person having control of the dog, by written or oral communication that such dog is impounded and that it must be redeemed within three business days from the date of such communication; and, unless redeemed, the dog will be disposed of in any manner provided by this chapter.

(Prior code § 6-1.25)

6.16.090 - Redemption of impounded dogs.

The department shall securely keep any dog impounded for a period of three business days, unless the dog shall be sooner reclaimed or redeemed by the owner or person having control thereof or as provided in Section [6.16.130](#). A dog wearing a current license tag when impounded shall be held for seven business days, unless the owner or custodian is notified prior to that time, as in Section [6.16.080](#); and then the dog shall be held for three business days from such notification. Except as may be provided in this section, the owner or person entitled to the custody of the dog so impounded may, at any time before the sale or other disposition thereof, during the office hours of the pound, reclaim or redeem the dog by exhibiting to the department the license certificate or license tag showing that the license for the dog for the then current year has been paid and by paying the department any charges.

No fee whatsoever shall be charged or collected for or on account of any dog which has been unlawfully taken up or impounded. If the owner or person entitled to the custody of the dog believes that the dog has been unlawfully taken up or impounded, the owner or

person may, within the seventy-two hour redemption period, request that an impartial hearing by a hearing officer from an outside department be conducted to determine the sole issue of whether the dog was lawfully seized and impounded. If a dog has unlawfully taken up or impounded, it shall be returned to its owner or the person entitled to the custody thereof.

(Prior code § 6-1.26)

6.16.100 - Redemption fees.

The owner or person entitled to the custody of a dog impounded shall pay to the department, before such dog is released, the following:

A. Registration or license fee for the current year, unless such fee has been previously paid and evidence of paid fee is adequately exhibited; and

B. Impound fees for first, second, third, and subsequent impounds in a one-year period from the date of the first impound.

(Prior code § 6-1.27)

6.16.110 - Sale, gift, or destruction of dogs.

At any time after the expiration of the period of three days, the department may, without further notice and without advertising in any manner, sell, give away, or dispose of in a humane way any dog not reclaimed or redeemed as aforesaid; provided, however, the department may not sell, give away, or transfer title of any dog or any other animal to an institution engaged in the diagnosis or treatment of human or animal disease or in research for the advancement of veterinarian, dental, medical or biologic sciences or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals or drugs. The department may not sell or give away any female dog that has not been spayed or any male dog that has not been neutered, unless a deposit toward the cost of spaying or neutering such dog, as determined and promulgated by the department, has been deposited. Deposit is refundable through normal county refund procedures, upon proof of sterility.

(Prior code § 6-1.28)

6.16.120 - Veterinarian determination for injured dogs and cats.

All injured dogs and cats found without their owners in a public place shall be taken to a veterinarian, known by the department to be a veterinarian that ordinarily treats dogs and cats, for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized and given emergency, stabilizing treatment.

(Prior code § 6-1.29)

6.16.130 - Injured and diseased dogs and cats.

A dog or cat taken into custody by the department, which by reason of injury, disease, or other good cause as determined by a licensed veterinarian as dangerous or inhumane to keep impounded, shall be forthwith destroyed by the department in a humane manner, unless the owner or person entitled to the custody of the dog can be notified by the department within a reasonable period of time to arrange and provide for medical care. The department shall release such dog to its owner or person having control thereof upon payment of the redemption fees and other charges as provided in this title. However, if the licensed veterinarian determines that the dog is diseased and by reason of such disease is dangerous to persons or to other animals or to the general health and welfare of the county, the department shall destroy the dog. Injured or diseased animals may be humanely destroyed without regard to the prescribed holding time, in order to alleviate suffering or to protect other impounded animals from exposure to a contagious disease.

(Prior code § 6-1.30)

6.16.140 - Biting dogs.

It is a misdemeanor for any person to suffer or permit any dog or other animal owned, harbored or controlled by him or her to inflict upon any human being a bite that penetrates the skin while the person bitten is on any public place or legally upon any private property. The person bitten may request the animal control officer to initiate criminal proceedings against such other person by submitting a signed, written complaint.

(Prior code § 6-1.33)

6.16.150 - Impounding of biting dogs.

Upon written notice by the department, the owner or person having the control of any dog which has, within the preceding ten (10) days, bitten any person or animal shall, upon demand, and in the discretion of the department, do one of the following:

- A. Confine the dog to his or her own premises;
- B. Surrender the dog to the department, which shall impound and keep the dog at the public pound in a separate enclosure for a period of not less than ten (10) days;
- C. Surrender the dog to a licensed veterinarian as designated by the department; or
- D. Surrender the dog to the department for quarantine at any other location or facility designated and approved by the department.

If the dog is quarantined on the premises of the owner, the department may post a quarantine sign on such premises; and it is unlawful for any person to remove the sign during the term of such quarantine without the consent of the department. Any quarantine provided in this section shall be for a term of not less than ten (10) days, unless otherwise specified by the department. During the period it shall be the duty of the department to determine whether or not such animal is suffering from any disease. If a duly licensed veterinarian, designated by the department, shall determine that the animal is diseased and, by reason of such disease, is dangerous to persons or to other animals, he or she shall so notify the department in writing to destroy the animal. A copy of the notice may also be served upon the owner or person having control of the animal.

If the veterinarian shall determine that the dog is not so diseased, the department shall notify the person owning or having control of the animal at the address from which the animal was surrendered to the department and shall, upon demand, release the animal to the owner or person lawfully entitled thereto, upon payment of any charges provided therefor, including expenses of quarantine and veterinary care; provided, however, that if no person lawfully entitled to such animal shall, within three days after the date of giving the last-mentioned notice, appears at the public pound and requests release of the dog and pays the charges, the animal may be sold or destroyed by the department in the same manner hereinbefore provided.

Whenever a dog is ordered to be quarantined on the premises of the owner, an administrative fee to cover the expense of monitoring the quarantine will be charged.

(Prior code § 6-1.34)

6.16.160 - Dog registration and licenses.

Except as provided in Section [6.16.260](#), it is unlawful to own, keep or control any dog unless and except a license has been procured therefor as herein provided. This section shall have no application to dogs under the age of four months.

(Prior code § 6-1.37)

6.16.170 - Dogs—Vaccination required.

It is unlawful for any person owning, harboring or having the care, custody or possession of any dog to keep or maintain such dog in any place in San Luis Obispo County or except as provided in Section [6.16.180](#), unless such dog has been vaccinated as provided herein. This section shall have no application to dogs under the age of four months.

(Prior code § 6-1.38)

6.16.180 - No licensing without vaccination.

The department shall not license any dog until it has been vaccinated with canine rabies vaccine by injection or other method approved by the department during the time prescribed by state law or the rules and regulations of the State Department of Public Health, unless the owner or person in possession of the same submits a certificate from a licensed veterinarian, issued within the preceding sixty (60) days, stating that, in his or her opinion, the rabies vaccination would be likely to seriously injure the dog. Any dog so excepted from rabies vaccination shall be restricted to the enclosed yard of the owner or person in possession of the dog, except when held upon a rope, chain, or leash. Any violation thereof by the owner or person in possession of such dog is unlawful.

(Prior code § 6-1.39)

6.16.190 - Vaccination performance.

The vaccination shall be performed by a duly qualified and licensed veterinarian. The veterinarian vaccinating the dog shall issue to the owner or person in possession of the dog a certificate of vaccination, which certificate shall include:

- A. The type of vaccine used;
- B. The date of vaccination;
- C. The duration of vaccination;
- D. Description of dog, including age, breed, sex and color; E.

Name and address of the owner of the dog; and

F. A copy of this certificate shall be sent to the department within thirty (30) days of vaccination.

(Prior code § 6-1.40)

6.16.200 - Rabies deposit fee required.

Any person procuring a dog license without a valid rabies vaccination for reason of redeeming an impounded animal or clearing a citation will pay a rabies deposit fee. Deposit is refundable upon proof of current vaccination certificate through normal county refund procedures. Proof of rabies vaccination shall be made to the department within thirty (30) days, or the license will be void.

(Prior code § 6-1.41)

6.16.210 - Registration record.

The department shall maintain a record in which it shall, upon the application of any person owning or having the custody of any dog in the city and the payment to it of the license fee hereby prescribed, register the dog by entering in the record its name (if any), its sex and general description, whether it has been spayed or neutered, the name of its owner or custodian, the number of the tag issued therefor, the date of expiration of the rabies vaccine, the date of issuance, and the amount received for the license fee.

(Prior code § 6-1.42)

6.16.220 - Dog license tags.

Upon exhibition of the proper evidence of vaccination and payment of the license fee, there shall be delivered to the person making such payment a metal tag with the number and one, two or three years stamped or cut thereon and the words "DOG LICENSE TAG—County of San Luis Obispo" stamped thereon, which dog tag shall be securely fastened to a collar or harness that shall be worn at all times by the dog for which the tag was issued, If the dog is exempted from vaccination, Section [6.16.180](#), the dog tag shall have a distinguishing mark as evidence of such fact.

(Prior code § 6-1.43)

6.16.230 - Licensing of dogs.

Each license issued shall be effective for a period of one year, two years, or three years at the option of the owner, but contingent upon payment of all required fees, charges, and penalties required by this chapter and compliance with all conditions required for the issuance of a license.

A. A license will be valid from the date of issue and shall expire one year, two years, or three years from the date of issue, except when the performance of the rabies vaccination expires prior to that date. In such cases, the license will expire on the same date as the rabies vaccination.

B. License renewals shall be required prior to the expiration date of the license.

C. If renewal is not required, dog owners shall advise the department, in writing, of the reasons therefor.

(Prior code § 6-1.44)

6.16.240 - License fees.

The department shall collect a fee for dog licensing.

A. The owner or custodian of an unaltered dog may place a deposit for spaying or neutering with the department for a one-year license. This deposit shall be forfeited if the operation is not performed by the expiration date of the license.

B. A late penalty of twice the pre-penalty one-year license fee shall be charged if:

1. A license is not renewed prior to the expiration date;
2. Puppies are not licensed within thirty (30) days after reaching four months of age;
3. Any dog brought into this county is not licensed within thirty (30) days;
4. A person acquiring the possession of a dog over four months of age does not license it within thirty (30) days of taking possession.

C. Persons obtaining possession of any dog currently licensed by San Luis Obispo County shall, upon payment of a transfer fee, have ownership of dog changed.

(Prior code § 6-1.45)

6.16.250 - Lost or damaged tag.

If the tag issued for any duly registered dog shall be lost or accidentally destroyed during the period for which it is issued, the owner or custodian of such dog, upon making proof to the department of its loss or destruction, shall, upon payment of established fee, receive for such dog a duplicate tag.

(Prior code § 6-1.46)

6.16.260 - License exceptions.

The provisions of this chapter requiring the licensing of dogs shall not apply to:

- A. Dogs under four months of age;
- B. Dogs owned by, or in the custody or control of, persons who are nonresidents of the San Luis Obispo County, traveling through the city or temporarily staying therein for a period not exceeding thirty (30) days;
- C. Dogs brought into the county exclusively for the purpose of entering the dogs in any dog show or exhibition and which are actually entered in and kept at such show or exhibition;
- D. Dogs on sale in duly licensed pet shops or commercial animal operation; or

E. Dogs under the ownership, custody and control of the owner of a commercial animal operation, duly licensed under the provisions of this chapter, or his or her duly authorized employee or agent, when such dogs are removed from such bona fide operation thereof for the purpose of exercise or training; provided, that any such dog bear an identification tag attached to its collar, which tag shall set forth the name of the licensed operation. A dog bearing such identification tag shall be treated in all respects as any other dog in the event of its escape and subsequent impoundment.

(Prior code § 6-1.47)

6.16.270 - License fee exceptions.

A. Seeing-eye dogs and all dogs which served with the armed forces of the United States of America during any period of actual hostilities must be licensed or vaccinated under the provisions of this chapter; but their owner shall be exempt from the license fee therein imposed, providing adequate evidence can be furnished at such time the license is issued.

B. Dogs used by any governmental agency for the purpose of law enforcement must be licensed and vaccinated under the provisions of this title; but their owners shall be exempt from the license fee as therein imposed, providing adequate evidence can be furnished at such time the license is issued.

C. All dogs being raised and trained specifically to perform as seeing-eye dogs must be licensed and vaccinated under the provisions of this title; but their owners shall be exempt from the license fee as therein imposed, providing adequate evidence can be furnished at such time the license is issued.

(Prior code § 6-1.48)

6.16.280 - Failure to pay license fee or provide information.

It is unlawful for any person owning or having the care, custody or control of any dog in the county to refuse, fail or neglect to pay the license fee at the time and manner provided in this title or to refuse, fail or neglect to furnish to the department, the health officer, or any of their duly qualified and authorized deputies or employees the information necessary to properly license the dog.

(Prior code § 6-1.49)

6.16.290 - Counterfeiting.

No person shall imitate or counterfeit such dog registration tags. It is unlawful for any person to remove any tag from any dog not owned by him or her or not lawfully in his or her possession or under his or her control or to place on any dog any such license tag not issued as provided for above for that particular dog for the then current year or to

make or to have in his or her possession or to place on a dog any counterfeit or imitation of any license tag.

(Prior code § 6-1.50)

6.16.300 - Duty of department to accept abandoned cats.

It shall be the duty of the department to receive and impound all cats believed to have been abandoned by their owners.

(Prior code § 6-1.51)

6.16.310 - Cats at large.

Any cat found at large on any private property in the San Luis Obispo County may be taken up by the owner or possessor of the property and delivered to the department or detained on the property until picked up by the department, as provided in Section [6.16.320](#).

(Prior code § 6-1.52)

6.16.320 - Delivery of cats to department by private persons.

Every person taking up any cat under the provisions of this title and every person finding any lost, strayed or stolen cat shall, within twenty-four (24) hours thereafter, give notice thereof to the department; and every such person in whose custody such cat may, in the meantime, be placed shall surrender such animal to the department without fee or charge.

(Prior code § 6-1.53)

6.16.330 - Redemption of impounded cats.

The department shall keep such cats for a period of three days, unless the cats are sooner reclaimed or redeemed by the owner or person having control thereof. Such redemption may be made by paying the department any charges as a fee per day for the care of the cats as imposed therein.

No fees whatsoever shall be charged or collected for or on account of any cat which has been unlawfully taken up or impounded. The owner of a cat who believes the cat has been unlawfully seized may request a hearing before an impartial hearing officer from outside the department.

(Prior code § 6-1.54)

6.16.340 - Sale, gift or destruction of cats.

At any time after the expiration of the period of three days, the department may, without notice and without advertising in any manner, sell, give away, or dispose of the cats; provided, the department may not sell, give away, or transfer title to any cats to any institution engaged in the diagnosis or treatment of human or animal disease or in research for the advancement of veterinarian, dental, medical or biologic sciences or in the testing or diagnosis, improvement or standardization of laboratory specimens, biologic products, pharmaceuticals or drugs. The department may not sell or give away any female cat that has not been spayed or any male cat that has not been neutered, unless a deposit towards the cost of spaying and neutering such cat, as determined and promulgated by the department of animal regulation, has been deposited with the pound. Deposit is refundable through normal county refund procedures, upon proof of sterility.

(Prior code § 6-1.55)

6.16.350 - Impounding biting cats.

Upon written notice by the department, the owner or person having the control of any cat which has, within the preceding ten (10) days, bitten any person or animal shall, upon demand and at the discretion of the department, do one of the following:

- A. Confine the cat to his or her own premises;
- B. Surrender the cat to the department, which shall impound and keep the cat at the public pound in a separate enclosure for a period of not less than ten (10) days;
- C. Surrender the cat to a licensed veterinarian, as designated by the department; or
- D. Surrender the cat to the department for quarantine at any other location or facility designated and approved by the department.

If the cat is quarantined on the premises of the owner, the department may post a quarantine sign on such premises; and it is unlawful for any person to remove the sign during the term of such quarantine without the consent of the department. Any quarantine provided in this section shall be for a term of not less than ten (10) days, unless otherwise specified by the department. During the period, it shall be the duty of the department to determine whether or not such animal is suffering from any disease. If a duly licensed veterinarian designated by the department shall determine that the animal is diseased and, by reason of such disease, is dangerous to persons or to other animals, he or she shall so notify the department in writing to destroy the animal. A copy of the notice may also be served upon the owner or person having control of the animal.

If the veterinarian shall determine that the cat is not so diseased, the department shall notify the person owning or having control of the animal at the address from which the animal was surrendered to the department and shall, upon demand, release the animal to the owner or person lawfully entitled thereto, upon payment of any charges provided

therefor, including expenses of quarantine and veterinary care; provided, however, that if a person lawfully entitled to such animal shall, within three days after the date of giving the last mentioned notice, appear at the public pound and request the release of the cat and pay the charges, the animal may be sold or destroyed by the department in the same manner hereinbefore provided.

Whenever a cat is ordered to be quarantined on the premises of the owner, an administrative fee to cover the expense of monitoring the quarantine will be charged.

(Prior code § 6-1.56)

Chapter 6.20 - PET SHOPS AND OTHER ANIMAL USE OPERATIONS

Sections:

6.20.010 - Animal use operation—Pet shop—Regulations.

It is unlawful for any person, firm, corporation or association to erect, establish or maintain any animal use operation, commercial, noncommercial hobby breeder or pet shop, as defined in this title, without first obtaining the appropriate permit from the department. The granting of such permit shall be at the discretion of the department, who shall take into consideration the type of construction to be employed as it relates to sanitation and the manner in which the animals, birds or livestock are to be housed, as well as such zoning regulations or regulations concerning the operations of commercial, noncommercial, hobby breeder, or pet shops as may be adopted by the city council from time to time. The permit will be for a calendar year, with a permit fee due and payable on January 1st of each year.

(Prior code § 6-1.12)

6.20.020 - Requirements of business license.

It is unlawful for any person, firm, corporation or association to erect, establish or maintain any commercial animal use facility or pet shop without first obtaining a license from the city. After approval by the department of the permit that is required by this chapter, the tax collector, upon the payment of the required annual license fee for the privilege of maintaining such facilities, commercial animal use facilities, or pet shops, shall issue to the applicant a license in such form as he or she may prescribe. Such annual license shall be for the calendar year, or any part thereof during which the commercial animal use operation or pet shop shall be maintained, and shall be due and payable in advance on January 1st of each year and shall expire December 31st of such year, provided the above-mentioned permit has not been revoked.

Every person, firm or corporation maintaining a commercial animal use operation or pet shop shall post a notice in a conspicuous place where it may be seen outside the locked

premises, listing names, addresses and telephone number of person who may be contacted in the case of any emergency.

(Prior code § 6-1.13)

6.20.030 - Animal use operation and pet shop permits—Refusal, suspension or revocation.

A. The permit for the maintenance and operation of an animal use facility, commercial, noncommercial, hobby breeder, or pet shop shall be refused by the department upon a determination that a violation exists of the provisions of any health law of the state of California or any of the applicable provisions of this title.

B. A permit may be immediately suspended by the department for violation of any provision of this title when, in his or her opinion, the danger to public health or safety, or when necessary to assure humane care and treatment of the animals under permit, is so imminent, immediate and threatening as not to admit of delay. In the event of such suspension, the holder shall be given an opportunity for an officer hearing before an initial hearing officer from outside the department within forty-eight (48) hours of the time of suspension. Upon conclusion of the office hearing, the hearing officer may decide to:

1. Dismiss the charges and reinstate the permit;
2. Reinstatement of the permit conditioned upon correction of the violation; or
3. Revoke the permit.

C. If, in the opinion of the department, the danger to public health is not so imminent, immediate and threatening as to admit of delay, the department shall send a notice of violation to the permittee and seek to achieve compliance informally by means of a correction schedule and reasonable inspections. If, as a result of subsequent inspection, it is determined that the permittee has failed to comply with the schedule and correct the noticed deficiencies, the department shall send a notice to the permittee advising the permittee of the remaining deficiencies and the convening of an office hearing before an impartial hearing officer from outside the department to determine whether or not the permit should be revoked. Upon conclusion of the office hearing, the hearing officer may decide to:

1. Dismiss the charges;
2. Establish a correction schedule; or
3. Revoke the permit.

D. All office hearings referred to in this section shall be conducted in accordance with procedures adopted by the department. The applicant or permittee may call and examine witnesses, introduce exhibits, question county officials and opposing witnesses on any matter relevant to the issues, and may rebut evidence against him or her. The hearing shall not be conducted according to technical rules relating to procedure, evidence or witnesses. The department shall insure that an informal record of the proceedings is maintained.

(Prior code § 6-1.14)

Chapter 6.24 - APIARIES

Sections:

6.24.010 - General requirements.

Every apiary situated within the city shall:

- A. Be identified by having a sign permanently displayed on the entrance side of the apiary stating in black letters, not less than one inch in height on a background of contrasting color, the name, address, and phone number of the apiary owner and the current active registered brand of the apiary;
- B. Be located upon any land owned by a person other than the apiary owner only with the permission, either verbal or written, of the landowner where the apiary is located;
- C. Be located at least four hundred (400) feet away from all habitations unless the owner of a habitation gives written permission for an apiary to be located closer to his or her habitation than four hundred (400) feet;
- D. Be located at least three hundred (300) feet away from every highway, roadway or freeway; provided, however, if an apiary owner is given written permission by the council, an apiary may be located closer than three hundred (300) feet to a highway, roadway or freeway but no closer than the distance specified in such written permit; and
- E. Be provided with water by the apiary owner at the time the set is made. Such water shall be maintained by the apiary owner so long as the apiary stays on the property unless the landowner gives written permission for the apiary to use water situated on the land where the apiary is located.

(Prior code § 6-2.01)

6.24.020 - Enforcement of provisions.

The police department shall have the power and duty to enforce the provisions of this chapter. (Prior code § 6-2.02)