



Sierra Brooks Property Owners Association

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SBPOA Animal Control Letter

Dear Sierra Brooks Property Owner:

We have enclosed important information regarding the law as it related to dogs and their control in Sierra Brooks.

We would encourage you, if you have dogs, to take heed of the law and protect yourself and your dogs from needless problems. As you tour Sierra Brooks you will notice that many owners have fenced in their yards so as to protect their dogs from harm. Maybe you should consider fencing. It could solve many potential problems.

It has been noted that delivery persons, meter readers and service people are reluctant to approach a house if a dog is present, some will absolutely not stop. It is possible that you may be inconvenienced if your dog is free to roam. Some dogs are very protective and will attack anyone who enters their property. Also, our walkers, joggers and cyclists deserve the freedom of the streets without being harassed or threatened by dogs.

The CC&R's limit the number of animals to (3) cats and (2) dogs.

For the Sierra Brooks landlords: We suggested that an extra copy of the Ordinance be supplied to your renters so that they are aware of the requirements. Do this for your own protection because you are responsible for the actions of your renters.

Dog licenses may be obtained at the County Health Department at 202 Front St. in Loyalton or by printing and completing the application found online at www.SierraCounty.CA.GOV under the "Public Health" tab. You may also contact the Health Department at (530) 993-6700.

We know your community spirit will evidence itself in your cooperation.

Thank You!

Your Board of Directors

CHAPTER 8.08 - ANIMALS

(History: Prior Ordinance 678)

8.08.010 Animal Control

"Animal Control" means that section of the County government which is specifically charged with the regulation of, and the enforcement of laws dealing with animals existing within the unincorporated territories of the County and incorporated areas thereof which may, from time to time, contract with the County for such services. (Ord. 757, eff. 04/19/90)

8.08.020 Animal Control Center

"Animal Control Center" means the facilities provided by the County for impounding of animals, either directly or on contract. (Ord. 757, eff. 04/19/90)

8.08.030 At Large

"At large" means an animal off the premises of its owner and not under restraint by leash, or not under control and in the immediate presence of the owner. "At large", as applied to dogs, shall also mean any dog on any road or street, whether publicly or privately maintained, and not under restraint by leash, and not under the control and in the immediate presence of the owner. A privately maintained road or street shall not include any such road or street serving two or less residences or businesses. For animals other than dogs, it shall also mean any unattended animal not confined by an adequate fence or restrained by a tether. An adequate fence is any fence which is good, strong, substantial, and sufficient to prevent the ingress and egress of the unattended animal. Further, any fence which is intended to restrict the ingress or egress of any particular animal which has the capacity to go over, under, or through any fence in question, is not a good and substantial fence unless its design and capacity is sufficient to prevent ingress and egress by the particular animal or animal in question. Livestock, including cattle, sheep, horses and those animals excluded under the definition of "Animal" in Part 8, Chapter 08, Section 050, infra, are not included in this definition of "At large" animals. (Ord. 767, eff. 03/21/91, prior 757)

8.08.040 Chief of Animal Control

"Chief of Animal Control" means the person designated by the County Director of Health to serve such capacity. (Ord. 757, eff. 04/19/90)

8.08.050 Animal

"Animal", for the purposes of this Chapter, shall mean dogs or any domesticated animal of the canine family. "Animal" does not include species of animals commonly kept or raised in Sierra County as "farm animals," including cattle, sheep, horses, goats and swine. (Ord. 767, eff. 03/21/91, prior 757)

8.08.060 County

"County" means, unless otherwise specified, the County of Sierra. (Ord. 757, eff. 04/19/90)

8.08.070 Health Department

"Health Department" means the Health Department of the County. (Ord. 757, eff. 04/19/90)

8.08.080 Health Officer

"Health Officer" means the Health Officer of the County and any Health Department employee or other person duly authorized by the Health Officer to act on his behalf. (Ord. 757, eff. 04/19/90)

8.08.090 Impoundment

"Impoundment" means the taking up and confining of an animal under the authority of the Chief of Animal Control in a manner consistent with recognized standards of humane treatment. (Ord. 757, eff. 04/19/90)

8.08.100 Kennel

"Kennel" means any enclosure, premises, building, structure, lot or area in or on which five (5) or more dogs of at least four (4) months of age are kept, harbored or maintained, for commercial or noncommercial purposes. (Ord. 757, eff. 04/19/90)

8.08.110 Owner

"Owner" means a person who possesses, has title to or an interest in, harbors, or has control, custody or possession of an animal. The verb form of "to own" includes all these shades of meaning. (Ord. 757, eff. 04/19/90)

8.08.120 Person

"Person" means fictional entities such as corporations, estates, associations, partnerships and trusts, as well as one or more individual human beings. (Ord. 757, eff. 04/19/90)

8.08.130 Vaccination

"Vaccination" means the inoculation of a dog or other animal with a vaccine approved by and in the manner prescribed by the State Department of Public Health. (Ord. 757, eff. 04/19/90)

8.08.140 Veterinarian

"Veterinarian" means a person licensed by the State of California to practice veterinary medicine. (Ord. 757, eff. 04/19/90)

8.08.150 Common Name

This chapter shall be known as, and may be cited and referred to as the "Animal Control Law". (Ord. 757, eff. 04/19/90)

8.08.160 Jurisdiction

Animal Control shall be under the direction and supervision of the Director of Health. (Ord. 757, eff. 04/19/90)

8.08.170 Absence of Liability

No liability shall be incurred for the disposition of any animal made pursuant to the provisions of this ordinance. (Ord. 757, eff. 04/19/90)

8.08.180 Responsibility

The Director of Health shall be responsible for administrating this Chapter and shall have the authority to appoint a Chief of Animal Control. If no such appointment is made, the Director of Health shall be the Chief of Animal Control. The Chief of Animal Control is responsible for:

- (a) the enforcement of this law, and
- (b) all laws of the State of California pertaining to the control of dogs and other animals and the humane treatment of animals, and
- (c) his duties shall include, but not be limited to the administration of any contract or contracts providing the following services or to administer the following services directly:
 - 1. To administer the Animal Control Center and keep such records as may be required by the Board of Supervisors.
 - 2. To take up and impound animals which are in violation of this chapter.
 - 3. To remove and dispose of the carcass of any animal found on any public highway, street, alley and other public place.
 - 4. To quarantine animals and to cooperate with the County Health Officer.
 - 5. To administer licensing programs as provided for herein.
 - 6. To administer rabies clinics.

(Ord. 757, eff. 04/19/90)

8.08.190 Dogs Killing Livestock

The Chief of Animal Control, the Sheriff, or any Deputy Sheriff may kill or authorize the killing of any dog found in the act of killing, wounding or persistently pursuing or worrying livestock or poultry on land or premises which are not owned or possessed by the owner of the dog. (Ord. 757, eff. 04/19/90)

8.08.200 Rules and Regulations

The Chief of Animal Control may formulate rules and regulations in conformity with, and for the purposes of carrying out the intent of this chapter and compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any license or permit provided. (Ord. 757, eff. 04/19/90)

8.08.210 Authority to Carry Firearms

The Chief of Animal Control and such animal control officers as he may specifically designate in writing are authorized to carry firearms when acting in the course and scope of their employment pursuant to Section 12031 of the Penal Code of the State of California. (Ord. 757, eff. 04/19/90)

8.08.220 Arrest Without Warrant: Citation Procedure

- (a) Any public officer or employee charged with the responsibility for enforcement of the provisions of this chapter may arrest a person with or without a Warrant whenever he has reasonable cause to believe that the person to be arrested has committed a Misdemeanor in his presence which is in violation of this chapter.
- (b) In any case in which a person arrested, pursuant to Subsection (a) above, does not demand to be taken before a Magistrate, such public officer or employee making the arrest shall prepare a written Notice to Appear and release the person on his promise to appear, as prescribed by Chapter 5C (commencing with Section 853.6) of the Penal Code. The provisions of such Chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written Notice to Appear pursuant to this authority. (Ord. 757, eff. 04/19/90)

8.08.230 Authority to Use Tranquilizers

In performance of his duties the Chief of Animal Control shall have the authority to employ the use of the tranquilizer gun and all animal control devices in common use within the State. (Ord. 757, eff. 04/19/90)

8.08.240 Authority to Enter Property

The Chief of Animal Control may, in the performance of his duties, enter upon any property pursuant to law to ascertain if any of the provisions of this Ordinance are being violated. (Ord. 757, eff. 04/19/90)

8.08.250 Authority to Pursue

In the performance of his duties, the Chief of Animal Control shall have the authority, when in pursuit of an animal which is in violation of a provision of this Chapter, to go on the property of the owner or that of a third person for the purpose of impounding the animal, provided that in the course of such pursuit he shall exercise reasonable care to avoid causing damage to the property. (Ord. 757, eff. 04/19/90)

8.08.260 Summary Action

Notwithstanding any other provisions of this Chapter, if, in the judgment of the Chief of Animal Control, with the concurrence of the Director of Health, an animal found to be at large is unfit, and of no further use, dangerous, injured, or ill or should be destroyed, the Chief of Animal Control may, at any time, in an humane manner, destroy such animal. (Ord. 757, eff. 04/19/90)

8.08.270 Violations

It shall be unlawful for the owner of any animal to violate any of the provisions of this Chapter hereinbefore or hereinafter set out, or to commit any of the following acts, to wit:

- (a) To allow any animal to run at large.
- (b) To allow any animal to trespass upon public property or upon any private property without the consent of the owner of the property.
- (c) If unauthorized, to remove from any dog any collar or harness or other device to which a license tag is attached, for the current year, or to remove such license tag therefrom.
- (d) To attach to, or keep upon, or cause or permit to be attached to or kept upon any dog any license tag provided by this Chapter, except a tag issued for such dog under the provisions of this Chapter, or to attach to or keep upon, or cause or permit to be attached to or kept upon any dog, or to make or to cause or permit to be made, or to have in possession, any counterfeit or imitation of any tag provided for by this Chapter.
- (e) To possess any unlicensed dog in the County, or to maintain, conduct or operate, or to cause or permit to be maintained or operated in the County, any unlicensed dog kennel.
- (f) To interfere with, oppose or resist the Chief of Animal Control while he is engaged in the performance of any act authorized by this Chapter.
- (g) To allow any female dog to run at large while in heat or breeding condition or to allow such female to remain accessible to other dogs running at large while said female is in heat or breeding condition.
- (h) To permit any dog to trespass on any farm where livestock or domestic fowl are kept.
- (i) To abandon any animal in Sierra County.
- (j) To possess any dog over four (4) months of age which does not have a current vaccination for rabies as evidenced by an official certificate thereof, except as otherwise provided in this Ordinance.
- (k) To allow any animal to go without adequate food, water, shelter or proper care.
- (l) To allow any dog known to be dangerous or vicious to run at large upon any street or other public place within the County.
- (m) To own or possess any "Pit Bull" or "fighting dog" which is not confined within an adequate fenced area or other physical enclosure to prevent egress by such animal at all times such animal is not in the direct presence and control of the owner. (Ord. 757, eff. 04/19/90)

8.08.280 Animals Causing Property Damage

If any person has any loss or damage to property, livestock or poultry which is caused by animals, the person may file a complaint in writing with the Chief of Animal Control. Such complaint shall state when and where the damage occurred, how much damage was done and, if known, the name of the person who owns the animal(s) or the custodian in charge. The Chief of Animal Control shall investigate the complaint and if he finds such conditions to exist, he may issue an order to conform requiring said owner or custodian to abate such conditions within a reasonable length of time. Failure of the owner or custodian to abate such condition shall constitute the maintenance of a Public Nuisance. (Ord. 757, eff. 04/19/90)

8.08.290 Nuisance Dogs

- (a) It shall be unlawful for any person to own, possess, harbor, control, or keep on any premises any dog that barks or howls so continuously or incessantly as to unreasonably disturb the peace and tranquility of the neighborhood. However, the provisions of this section shall not apply to any commercial dog kennel permitted by zoning law where located. The Animal Control Department is responsible for enforcement of the provisions of this section.
- (b) For purposes of this section, evidence that the dog has barked or howled for an aggregate period of twenty (20) minutes out of one hour shall be sufficient for conviction, provided, however, that any barking or howling provoked by a loose running dog or other animal, or nearby pedestrians shall not be included in such aggregate time. Provocation in the forms listed herein must occur within 100 feet of the barking or howling dog to be sufficient.
- (c) For purposes of this section, evidence that two or more dogs are provoking each other to bark, shall be sufficient for conviction under this section, so long as the barking continues for an aggregate twenty (20) minutes out of one hour, regardless of which dog commenced the barking. In such instance, owners of each dog involved shall be subject to citation.

Proof that any individual dog barked for an aggregate twenty (20) minutes out of an hour shall not be required if it is shown that the barking of the two or more dogs was continuous sequentially or in concert for a twenty (20) minute period.

- (d) Upon receipt of any complaint based on continuous or incessant barking or howling, an animal control officer shall investigate and take a report from any complaining witness.
- (e) Upon evaluation of the report, if in the opinion of the animal control officer a valid complaint exists, the officer shall contact the owner of the animal complained about and advise the owner of the existence of the complaint, and instruct the owner to abate the nuisance.
- (f) If the animal control officer is unable to contact the owner personally, he shall leave posted on the premises in a conspicuous location a notice to contact Animal Control within five (5) days regarding the complaint.
- (g) If a second complaint is received within a six (6) month period after the giving of such notice and warning regarding a dog barking or howling incessantly and continuously, whether or not the owner has responded to Animal Control as set forth in (f) above, the animal control officer shall investigate the second complaint and take a report from any complaining witness.
- (h) Upon evaluation of the report, if in the opinion of the animal control officer the dog is creating a nuisance by barking or howling incessantly or continuously, the animal control officer shall issue a citation to the owner of said animal for a violation of this section. Unless the violation is a third repeat offense as defined in Section 8.08.290(j) below, such violation shall be an infraction. Personal appearance before the court shall be mandatory. Forfeiture of bail shall not constitute a resolution of a violation of this section.
- (i) If the animal control officer receives a third complaint regarding the same animal within one year from the first complaint, he shall repeat the process set forth in (g) and (h).
- (j) If the owner of the animal, at the time of the issuance of any citation, has been convicted of a violation of this section or has pled no contest to such violation on two occasions within the previous year regarding the same animal, the violation of this section may be charged as a misdemeanor.
- (k) If the animal control officer receives a complaint after one year or more has elapsed since the most recent prior complaint, the officer shall issue a warning and continue pursuant to Section (e) through (i).

- (l) The penalty for conviction of an infraction based on this section shall be a fine of up to One Hundred Dollars (\$100.00).
- (m) The penalty for conviction of a misdemeanor based on this section shall be up to six (6) months in jail and/or a fine of up to Five Hundred Dollars (\$500.00), and the owner shall be required to either remove the dog from the premises or have the dog surgically debarked.
- (n) Nothing in this section shall be construed to prevent any party from bringing a civil action to abate the nuisance. (Ord. 757, eff. 04/19/90)

8.08.300 Vicious or Dangerous Animals

- (a) "Vicious or dangerous animal" shall mean any domesticated animal which shows a propensity to attack, bite, scratch, or harass people or other animals without provocation.
- (b) The owner of any animal that has bitten or attacked any human being or has killed, attacked, or caused damage to any other animal, shall have the duty to take such reasonable steps as are necessary to prevent his animal from biting or attacking another human being or from killing, attacking, or causing damage to any other animal.
- (c) The Chief of Animal Control, as to such vicious or dangerous animal, is empowered to:
 1. Notify the owner of such animal that such owner is required thereafter at all times to keep such animal in a secure enclosure or provide such other adequate secure restraint as may be specified; or
 2. Notify the owner of such animal that reasonable cause exists, and a concise statement of reasons therefore, to believe that such animal will continue in the future to be a menace to the safety of human beings or to other animals and that a hearing will be conducted by the Board of Supervisors, or Hearing Officer selected by the Board, to determine whether such animal should be destroyed.
- (d) Should a hearing be ordered for an animal pursuant to Section 8.08.300(c) the animal shall be impounded at the discretion of the Chief of Animal Control until after the hearing occurs and a decision is rendered. The Chief of Animal Control may as an alternative, require the owner of the animal to post a cash bond in the amount up to Five Hundred Dollars (\$500.00) or other security acceptable to County Counsel, which cash bond or other security shall be forfeited in the event the animal is not delivered into the custody of the Chief of Animal Control if such is ordered after consideration of all the evidence at the hearing.
 1. Notification of such hearing shall be given by personal service of written notification on such owner not less than ten (10) calendar days prior to the hearing.
 2. Such hearing shall be held not longer than forty-five (45) days after the animal is taken into custody, or forty-five (45) days after the incident if the animal is not in custody.
 3. At such hearing, the owner shall have the right to testify, to be represented by counsel, to present witnesses on his own behalf, to cross-examine all other witnesses, and present oral and written documents and evidence on the issue.
 4. At the conclusion of the hearing, the Board or Hearing Officer may make such orders as are appropriate for the protection of the public, including, but not limited to, orders that the animal be destroyed by the Chief of Animal Control at a specified date, time, and location.

- (e) Failure to comply with any restraint order issued under Section 8.08.300 is a misdemeanor. (Ord. 757, eff. 04/19/90)

8.08.310 Duty to Report Bite

It is the duty of any person having knowledge that any animal capable of transmitting rabies has bitten a human being within Sierra County to immediately report the fact to the Health Department, the Chief of Animal Control or the Sheriff and to furnish complete information thereof. (Ord. 757, eff. 04/19/90)

8.08.320 Taking Up Stray Animals

It is the duty of any person that takes up a stray animal to notify the Chief of Animal Control within forty-eight (48) hours of taking up the animal. (Ord. 757, eff. 04/19/90)

8.08.330 Animals Subject to Impoundment

Any animal which is, to the knowledge of the Chief of Animal Control, engaged in an activity, or existing in a condition prohibited by this Chapter may be taken and impounded at the Animal Control Center or at such other place as may be approved by the Director of Health. (Ord. 757, eff. 04/19/90)

8.08.340 Impoundment of Livestock - Repealed

Repealed. (Ord. 767, eff. 03/21/91, prior 757)

8.08.350 Period of Impoundment

- (a) All impounded dogs found wearing a current dog license tag shall be kept in the Animal Control Center for a period of not less than five (5) days unless redeemed within such period. (Ord. 836, eff. 3/21/96)
- (b) All impounded dogs not wearing a current dog license tag shall be kept in the Animal Control Center for a period of not less than seventy-two (72) hours unless redeemed within such period.
- (c) Following the impoundment of any dog, the Chief of Animal Control shall notify the owner of any licensed dog or the owner of any unlicensed dog if known, either personally or in writing, and personally or by telephone if reasonably possible, after which said dog will be otherwise disposed of as authorized by this Chapter.
- (d) Any impounded bovine animal shall be kept in the Animal Control Center for at least five (5) days unless it is redeemed within such period.
- (e) Any other animal impounded, except dogs and bovine animals, shall be kept in the Animal Control Center for at least five (5) days unless it is redeemed within such period. (Ord. 836, eff. 3/21/96)
- (f) Following the impoundment of any animal other than dogs, the Chief of Animal Control shall notify the owner if known, in writing or if the owner is not known, he may publish such notices and advertisements as he deems necessary for the return of such animal. Written notice to owners of licensed dogs shall be by certified mail and the Animal Control Officer shall maintain a record of all mailings for a period of not less than one (1) year.

- (g) Any animal which is voluntarily surrendered to or deposited with the Animal Control Center or authorized personnel thereof by the owner shall not be deemed to be impounded and need not be kept or retained for any minimum period of time.
- (h) Any cat impounded, other than under Section 8.08.300 shall be cared for by the Chief of Animal Control for not less than three (3) days after which such cat may be humanely destroyed or otherwise disposed of. (Ord. 836, eff. 3/21/96)
- (i) Any impounded cat found wearing a tag adequately identifying the owner shall be held for a period of not less than five (5) days unless redeemed within such period. (Ord. 836, eff. 3/21/96, prior 757)

8.08.360 Redemption

The owner of any animal impounded may, at any time before the disposition thereof, redeem the same by offering proof of ownership, and by redeeming all proper fees and charges accrued as provided for by this Chapter provided, however, that if the animal is one which is subject to a license herein, the licensing requirements must be satisfied before the animal's release, except that an impounded dog that has not been vaccinated against rabies (or exempted therefrom by an exemption certificate as provided in this Article) may be released to an owner who has paid all fees required herein including the license fee, on condition that such owner shall:

- (a) Have the dog vaccinated for rabies within ten (10) days; and
- (b) Exhibit a valid certificate of vaccination to the Chief of Animal Control within ten (10) days, at which time the license will be issued. (Ord. 757, eff. 04/19/90)

8.08.370 Disposition of Impounded Animals

- (a) Except as otherwise provided in this Ordinance, an impounded animal which is not redeemed within the applicable holding period specified in this Chapter may, in the discretion of the Chief of Animal Control, be sold, destroyed, or otherwise disposed of.
- (b) If an animal is sold, the receipt signed by the Chief of Animal Control shall be valid title to the purchaser.
 - 1. When any dog or cat is to be sold pursuant to this chapter, prior to the delivery of the animal, there shall be deposited by the purchaser with Animal Control, a spaying or neutering deposit which shall be designated for the veterinarian of the purchaser's choice, for the partial payment of the spaying or neutering operation. The amount of the deposit shall be designated by the Chief of Animal Control. The purchaser shall be responsible for any additional costs of the spaying or neutering operation over and above the deposit. Upon receipt from the veterinarian that a spaying or neutering operation has been performed, the deposit will be forwarded to the veterinarian. In the event that the purchaser fails to have the animal spayed or neutered within the six-month period following its purchase, the spaying and neutering deposit will be forfeited and shall become the property of the County subject to inter-County controlled obligation, if any.
 - a. Notwithstanding any other provisions of this Chapter to the contrary, an impounded animal, which is determined by the Chief of Animal Control to be unfit and of no further use, dangerous, injured or ill, may be destroyed or otherwise disposed of as ordered by the Chief of Animal Control upon the concurrence of the Administrator of Health and Medical Services. (Ord. 757, eff. 04/19/90)

8.08.380 Impound Fees

- (a) An impound fee for every impounded animal and/or livestock shall be charged and collected when claimed and before released in an amount set forth in a Resolution establishing such fees ("the Animal Control Fee Resolution"), a copy of which shall be maintained with this Chapter.
- (b) When extraordinary care or expense is incurred, the actual cost will be charged. In the case of animals other than dogs, this includes, but is not limited to, transportation, custody, boarding, and advertising expense.
- (c) A redemption fee shall be charged and collected in an amount set forth in the Animal Control Fee Resolution.
- (d) For taking into custody any dog, cat, or livestock at the request of the owner thereof, either at the Animal Shelter or the owner's residence, a fee in an amount set forth in the Animal Control Fee Resolution shall be charged and collected.
 - 1. In the case of animals other than dogs, when the Chief of Animal Control causes an animal at large to be returned to the property of the owner of the animal, a fee amounting to time, mileage, and extraordinary expense may be charged. (Ord. 757, eff. 04/19/90)

8.08.390 Quarantine

- (a) The Chief of Animal Control shall ensure that all animals falling into the following categories shall be isolated or quarantined at the place and under the conditions prescribed by the Health Officer and pertinent State laws and regulations. If the place of quarantine designated by the Health Officer is the owner's residence, than a fee in an amount set forth in the Animal Control Fee Resolution shall be charged and collected.
 - 1. Known rabid animals.
 - 2. Suspected rabid animals.
 - 3. Animals that have bitten or otherwise exposed a human to rabies.
 - 4. Animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a rabid or suspected rabid animal.
- (b) It shall be unlawful for the owner or keeper of an animal to violate any of other conditions of isolation or quarantine prescribed by the Health Officer. (Ord. 757, eff. 04/19/90)

8.08.400 Delivery of Carcass

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the Chief of Animal Control shall obtain and turn over to the Health Officer the carcass of said animal or an adequate specimen thereof. (Ord. 757, eff. 04/19/90)

8.08.410 Vaccination

Every dog over four (4) months of age shall have a medically current vaccination with a canine anti-rabies vaccine approved by the Health Department of the State of California. Such vaccination shall be administered by a veterinarian or as provided through county recognized vaccination clinics.

Every person who owns or comes to own an unvaccinated dog shall have ten (10) days in which to comply with the provisions of this section.

Notwithstanding any provisions to the contrary herein, no dog need be vaccinated for rabies where:

- (a) A licensed veterinarian has examined said dog and certified at such time that a vaccination would endanger the dog's health because of physiological reasons; and
- (b) Such certificate is presented to the Health Officer within five (5) days of such examination; and
- (c) The Health Officer concurs in the opinion of the veterinarian, contained in such certificate, and endorses on such certificate his approval thereof. Such certificate must bear the date of issuance and must be renewed each year.

Every veterinarian, after vaccinating a dog for rabies, shall issue a certificate and furnish one copy of the certificate to the owner of the dog and one copy to the Chief of Animal Control. The Certificate shall be in the form prescribed by the Chief of Animal Control. (Ord. 757, eff. 04/19/90)

8.08.420 Licenses

The dog licenses and kennel licenses required by this Chapter shall be issued upon the payment of the fees herein fixed for a period of twelve (12) months commencing upon the date of application and upon the showing of a valid certificate of rabies vaccination. Such dog licenses shall expire on the anniversary date of the rabies certificate, but in no case shall a dog license be valid past the expiration date of the rabies certificate.

- (a) Every dog over four (4) months of age shall be subject to an annual license fee in the amount set forth in the Animal Control Fee Resolution.
- (b) Any person failing to procure a dog license prior to the expiration date of a previously issued dog license shall pay the amount set forth in the Animal Control Fee Resolution as a penalty for such failure.
- (c) Any person failing to procure a dog license within thirty (30) days after the dog becomes four (4) months of age shall pay the amount as set forth in the Animal Control Fee Resolution as a penalty for such failure.
- (d) Any person failing to procure a dog license within thirty (30) days of bringing such dog into the County shall pay the amount as set forth in the Animal Control Fee Resolution as a penalty for such failure.
- (e) The Chief of Animal Control shall procure and issue serial numbered license tags stamped with the name of the County. Such tags shall only be issued upon the application of owners who have complied with the vaccination and fee provisions of this Chapter, and such license tag will be permanently issued for each dog and shall remain with that dog.
- (f) Every dog shall be provided by the owner with a suitable collar or other device to which a dog license tag shall be attached.

- (g) A fee shall not be levied for any dog license issued for an assistance dog or any dog owned by a senior citizen over the age of sixty-five (65) years. As used in this chapter, "assistance dogs" are dogs specially trained as guide dogs, signal dogs, or service dogs as defined in Food and Agricultural Code Section 30850.

The County Health Department as the administrator of the County dog licensing programs establish procedures for and shall issue separate identification tags for "assistance dogs". Any person making an application for an assistance dog identification tag shall execute a affidavit as required by subsection (b) of Section 30850 of the Food and Agricultural Code. The assistance dog identification tags shall comply with the requirements of Food and Agricultural Code Section 30852.

Upon the death or retirement of an assistance dog, the owner or person in possession of the assistance dog identification tag shall immediately return the tag to the Sierra County Animal Control-Licensing Department.

The foregoing shall not exempt any animal from the requirement of maintaining a current rabies vaccination. (Ord 938, eff. 1/2/03, prior 757)

- (h) In the event a license tag is lost from the body of any dog for which the same was issued, the owner shall, within ten (10) days thereafter, procure another and new license for such dog, for which he/she shall pay a fee as set forth in the Animal Control Fee Resolution. As often as any license is lost, the same shall be replaced in the same manner as hereinabove provided, within the same license year.
- (i) The Chief of Animal Control may authorize veterinarians to sell dog licenses pursuant to this Chapter. Such veterinarians shall be reimbursed the amount as set forth in the Animal Control Fee Resolution for each license sold.
- (j) At the request of an owner and upon showing of a valid certificate of rabies vaccination, a license for a cat may be issued and an annual fee in an amount as set forth in the Animal Control Fee Resolution shall be charged and collected.
- (k) The Chief of Animal Control shall charge and collect an application and annual permit fee in addition to regular license fees for any vicious or dangerous animal as defined in Section 8.08.300 in amounts as set forth in the Animal Control Fee Resolution.
- (l) Any person failing to procure a permit for a vicious or dangerous animal prior to the expiration date of a previously issued permit shall pay an amount as set forth in the Animal Control Fee Resolution as a penalty for such failure. (Ord. 757, eff. 04/19/90)

8.08.430 Renewal Notices

At least thirty (30) days prior to the expiration date of a dog license or a kennel license, the Chief of Animal Control shall mail a renewal notice to the owner of a dog or the owner of a kennel. The foregoing notwithstanding, it shall be the duty and obligation of any owner to maintain current licensing on all dogs and all kennels and the failure to receive notice of renewal, for any reason, shall not constitute a defense or waiver of any provision of this Chapter. (Ord. 757, eff. 04/19/90)

8.08.440 Kenneled Dogs

Dogs kept in or at a kennel shall be subject to all the regulations and controls herein pertaining to non-kennel dogs except for the individual dog license requirements. (Ord. 757, eff. 04/19/90)

8.08.450 Kennel Licenses

- (a) No person shall own a kennel without first applying to and receiving from the Chief of Animal Control an animal license to do so, if the zoning is proper.

The application for a license shall contain the name of the applicant, his address, the address of the proposed location of the kennel if different from the applicant's, a brief description of the housing facilities and the number and description of the dogs to be kept therein.

The fee for the issuance of a kennel license shall be due and payable by the owner on the first day of July of each year according to the fees set forth in the Animal Control Fee Resolution.

Any person failing to procure and pay for a kennel license or who fails to pay for a new kennel license prior to the expiration date of the previous license shall pay the amount as set forth in the Animal Control Fee Resolution as a penalty for such failure.

- (b) The Chief of Animal control shall procure and issue serial numbered license tags stamped with the name of the County. Such tags shall only be issued in the following numbers upon the application of kennel owners who have complied with the vaccination and fee provisions of this Chapter.

Two (2) tags for kennels with five (5) to ten (10) dogs;
Four (4) tags for kennels with eleven (11) to fifteen (15) dogs;
Six (6) tags for kennels with sixteen (16) or more dogs.

Any dog which is removed from the physical location of a kennel shall have a license tag attached to its collar at all times; additional tags can be obtained for the amount as set forth in the Animal Control Fee Resolution.

- (c) Upon receipt of an application for a kennel license by the Chief of Animal Control, the application shall be forwarded to the Building Inspection Section of the County Department of Public Works, the Public Health Department of the County, the Planning Department of the County, and designated employees of these departments shall ascertain whether or not the applicant's plan is in conformity with County law governing their respective department.

If the applicant's kennel is in conformity with the law governing said departments, departmental approval shall be indicated on the fact of the application. If the applicant's kennel is not in conformity with the law governing said departments, the face of the application shall be marked "NOT APPROVED" and the reason for non-approval noted thereon, along with any revisions or changes in the applicant's kennel which, if made, would result in approval by the department in question.

Upon approval by said departments of an application for a license, the Chief of Animal Control shall make any investigation he deems proper. He shall approve an application if he finds all of the following:

1. Keeping the kennel at the location specified in the application will not violate any law or ordinance of this County or any law of the State of California.
2. Keeping and maintenance of the kennel will not endanger the peace, health, or safety of persons in the immediate vicinity, or in the County as a whole.
3. Premises and housing where the kennel is to be maintained are in a clean and sanitary condition, and any dog kept therein will not be subject to suffering, cruelty or abuse.

4. The applicant has not had a license provided for herein revoked within a year prior to the date of application.
 5. Keeping and maintenance of the kennel does not constitute a public nuisance.
- (d) Any kennel license issued pursuant to this Article may be revoked or suspended as herein provided if, after investigation, the Chief of Animal Control finds any of the following to be true:
1. The owner, his agent or employee has been convicted of any offense involving the violation of Section 597 of the Penal Code of the State of California, or any provision of this Chapter, or is in violation of the zoning, health and safety or building ordinances relating to the keeping of dogs; or
 2. The owner has failed to keep and maintain the premises or housing for the kennel in a clean and sanitary condition; or
 3. The owner has at the place for which the kennel license is issued, failed to provide any dog with proper food, water, shelter, or attention; or
 4. The owner has violated any rules, regulations, or conditions adopted by the Chief of Animal Control as necessary to insure that the kennel will not endanger the safety of any person or property. (Ord. 757, eff. 04/19/90)

8.08.460 Damage to Property - Cats

No owner of a domestic cat shall permit or suffer the cat to damage property, public or private, real or personal, or to bite, scratch, or claw any human being or other animal that is on the property of another. (Ord. 757, eff. 04/19/90)

8.08.470 Dead Animal

Dead animal, as used herein, shall mean the body of any dead horse, mule, cow, ox, bull, or other animal which weighs fifty (50) pounds or more at the time of death. (Ord. 757, eff. 04/19/90)

8.08.480 Unlawful Disposal Prohibited

It shall be unlawful for any person owning or having under his control a dead animal to permit such dead animal to remain unburied for a period in excess of twenty-four (24) hours. (Ord. 757, eff. 04/19/90)

8.08.490 Exceptions

This Article shall not apply to any animal killed for purposes of consumption provided that the remains of such dead animal are processed in such a manner as to prevent such dead animal from spoiling. (Ord. 757, eff. 04/19/90)

8.08.500 Cost of Removal

In addition to any other penalty herein, the County shall be entitled to dispose of any dead animal coming within the prohibitions of this Chapter if such animal remains unburied for a period in excess of twenty-four (24) hours. Such costs of removal and burial shall be a lien and charge against the owner and person

in control of such animal immediately prior to its death. The County shall attempt to contact the owner of such dead animal prior to disposing of same. (Ord. 757, eff. 04/19/90)

8.08.510 Responsibility of Livestock Owner - Repealed

Repealed. (Ord. 767, eff. 03/31/91, prior 757)

8.08.520 Status of Violations

The first and second violation of this Chapter (other than Section 8.08.290 or unless specifically provided in this Chapter) shall constitute an infraction. If the owner or person in control of an animal, at the time of the issuance of any citation, has been convicted of a violation of this Chapter or has pled no contest to such violations on two occasions within the previous twelve (12) months regarding the same animal, or if there is a violation of 8.08.300(b) then the violation of this Chapter may be charged as a misdemeanor. (Ord. 757, eff. 04/19/90)

8.08.530 Penalty for Violations

The penalty for conviction of the first infraction (other than Section 8.08.530) based on a violation of this Chapter shall be a fine of Twenty Dollars (\$20.00). The penalty for conviction of the second infraction within twelve (12) months regarding the same animal shall be up to One Hundred Dollars (\$100.00). The penalty for conviction of a misdemeanor based on this Chapter shall be up to six (6) months in jail and/or a fine of up to Five Hundred Dollars (\$500.00). (Ord. 757, eff. 04/19/90)

8.08.540 Severability

If any provision of Sections 8.08.010 - 8.08.530 is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of said Section. The Board of Supervisors declares that it would have added said Section and each provision thereof irrespective of the fact that any portion thereof be declared invalid or unconstitutional. (Ord. 757, eff. 04/19/90)

8.08.550 Damages

Nothing in Sections 8.08.010 - 8.08.530 shall be deemed to change in any manner any other remedies for damages otherwise available to a landowner, livestock owner, or third parties. (Ord. 757, eff. 04/19/90)