

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ORDINANCE CODE OF THE COUNTY OF FRESNO BY
AMENDING CHAPTERS 9.04, AND 9.12 OF TITLE 9 THEREOF RELATING TO DOG LICENSING AND
CONTROL AND ESTRAY-IMPOUNDMENT WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF
FRESNO.

The Board of Supervisors of the County of Fresno ordains as follows:

Section1: That the Ordinance Code of the County of Fresno is hereby amended by amending Chapters 9.04,
and 9.12 of Title 9 thereof to read in its entirety as follows:

Chapter 9.04 - DOG LICENSING AND CONTROL

Sections:

- 9.04.010 Definitions.
- 9.04.020 Shelter-Established.
- 9.04.030 License—Required.
- 9.04.040 License—Issuance—Fees.
- 9.04.045 Terms of unaltered dog license.
- 9.04.047 Sale and other transfer of dogs and cats.
- 9.04.049 Enforcement of dog license provisions.
- 9.04.050 Kennel license.
- 9.04.055 ~~Unlawful Conduct in the care of animals, cruelty.~~ Authority of Animal Control Officers
- 9.04.060 Impounding.
- 9.04.070 Licensed—Notice of impoundment and Disposition of Abandonment.
- 9.04.080 Unlicensed— Notice of impoundment and Disposition of Abandonment.
- 9.04.090 Sale or adoption of impounded dogs.
- 9.04.100 Redemption of impounded dogs.
- 9.04.110 Redemption fee—Disposition.
- 9.04.115 Sale of Animals at Swap Meets.
- 9.04.120 Rabid or biting—Owner duty.
- 9.04.130 Quarantine.
- 9.04.135 Right to Euthanize.
- 9.04.140 Rabies vaccination required when.
- 9.04.150 Quarantine—Violation.
- 9.04.160 License—Failure to procure.
- 9.04.170 Right to enter premises.
- 9.04.180 Restraint of females.
- 9.04.200 At large near highways.
- 9.04.210 Noisy dogs.
- 9.04.220 Nuisance.

9.04.230	Livestock—Protection.
9.04.240	Hunting upon pastures or fields.
9.04.250	Running at large.
9.04.260	Running at large—Impounding.
<u>9.04.270</u>	<u>Running at large – Spaying and Neutering Prior to Redemption</u>
<u>9.04.275</u>	<u>Running at large – Microchip Identification required Prior to Redemption</u>
9.04.300	Impoundment—Dangerous dog.
9.04.310	Dangerous dog—Procedures.
9.04.500	Violation—Misdemeanor

9.04.010 - Definitions.

The following words and terms used in this chapter are defined for the purpose thereof as follows:

- A. "at large" means any animal when it is off the property (located in an unincorporated area of Fresno County) of his/her owner or possessor thereof and is not restrained by leash under the immediate control of a person physically capable of retaining control of the animal. At large shall also mean when an animal is on the property of his/her owner or possessor but there is no fence or adequate enclosure on such property sufficient to prevent ingress and egress of the animal or is not under the immediate presence of its owner.
- B. "county business days" means week days the County is open for business, excluding County holidays.
- C. "County Shelter" means the place provided by the board of supervisors for the impounding of dogs whether maintained directly by the county or by an agency, society or organization pursuant to agreement or contract with the county.
- D. "Dangerous dog" means a dog, other than a dog used in law enforcement or a guide, signal or service dog, that (a) without provocation bites or inflicts injury or otherwise attacks or endangers the safety of any person, cat, other dog, livestock, poultry, other domestic animal, or other animal; or (b) without provocation approaches in a menacing, threatening or terrorizing manner, any person in apparent attitude of attack upon the streets, sidewalks, any public grounds or places, or another person's private property.; or (c) is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- E. "Enclosure" means a fence or structure of at least six feet in height, forming a confined area sufficient to prevent the entry of young children, and effective in containing the dog. Such enclosure shall be securely enclosed and locked and equipped with secure sides and shall be designed to prevent the dog from escaping from the enclosure.
- F. "License collector" means the County of Fresno Director of Public Health, his regular deputies or employees, any person especially deputized by him for the purpose of carrying out the provisions of this chapter and any officers or employees of an agency, society or other organization with which the county has contracted to carry out the provisions of this chapter.
- G. "Officer" includes the local health officer, any deputy local health officer, any peace officer of the county and any officer or employee of any agency, society or organization with which the county has a contract for the purpose of carrying out the provisions of this chapter.
- H. "Owner" means the legal owner and anyone in lawful possession or charge of a dog.
- I. "Permanent dog license tag" or "dog tag" means the tag issued by the license collector.
- J. "Quarantine" means the isolation of any animal within an enclosure, whether on an owner's or possessor's premises, at the County shelter, or other suitable isolation to avoid its contact with other animals or unauthorized persons.
- K. "Severe Injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

L. "sheltermaster" means the person in charge of the County Shelter, or any officer or employee of the agency, society or organization operating the County Shelter and who is acting under general supervision of the person in charge thereof.

M. "Without provocation" or "when unprovoked" means a dog that was not teased, tormented, or abused by a person, or attacked by a cat, another dog, or any other animal.

(Ord. 05-021, § 3; Ord. 94-008, § 1; Ord. 91-001, § 1; prior code, § 400)

9.04.020 – County Shelter—Established.

The board of supervisors shall establish or cause to be established by contract or agreement with an agency, society or organization organized for that purpose a suitable place for the impounding of dogs from the unincorporated areas of the county, which premises shall be considered as the County Shelter. Provided, that nothing herein contained shall be construed as preventing the county shelter from being operated in conjunction with a shelter operated by said agency, society or organization in or for any city.

(Prior code, § 401)

9.04.030 - License—Required.

Except as herein otherwise provided every owner of any dog in the unincorporated area of the county, which dog is over the age of four months, shall procure a license from the license collector of the county within 30 calendar days upon obtaining ownership of the dog. It is unlawful for any owner to fail to procure said license. The license shall be transferable with transfer of ownership of the dog. No additional license fee shall be required for any dog for which there exists a valid license issued by any city within the county until the end of that licensing period.

(Prior code, § 402)

9.04.040 - License—Issuance—Fees.

A. Upon the submittal of a valid rabies certificate, information required by this paragraph, and payment of the fees as set forth in Schedule "A" of the Master Schedule of Fees, Charges and Costs Recovery for Fresno County, the license collector shall prepare a dog license, which shall contain a brief description of the dog as to breed, age, sex, color, rabies vaccination certificate number and date thereof, and shall include the name, address and telephone number of the owner, dog tag number, license expiration date, and any other information the license collector deems necessary or appropriate. The license collector shall maintain these licenses in a permanent file and upon the request of any person may give the name, address and telephone number of any owner for the purpose of returning a lost dog. No fee receipt or paper license shall be issued to an owner, except upon request. Such license shall be valid for a one-year period, unless the owner elects to initiate or renew a dog license to coincide with a rabies vaccination period that expires in less than one year. If the owner elects to obtain a license for less than a one-year period, he shall pay the licensing fee for a full year period, as set forth below. A license shall be renewed prior to or upon its expiration date. No license is delinquent if application is made therefor within thirty days after the dog is first required to be licensed and within sixty days after the expiration date of the previous county license.

B. Upon submittal of the information required in subsection "A" of this section and payment of the fees as set forth below, the license collector shall issue a permanent dog tag made of some durable material, which tag shall bear the inscription "Fresno County Dog License," the license tag number and any other information the license collector deems appropriate. A new dog tag will not be issued upon the annual renewal and payment of the dog license fees unless the owner requests a replacement dog tag. The owner shall pay the applicable fee, as set forth in Schedule "A" of the County of Fresno Master Schedule of Fees, Charges and Costs Recovery, for the issuance of the initial dog tag or for a replacement dog tag.

C. A license shall be prepared and dog tag issued gratuitously, if the dog for which the license is sought is properly certified as being:

1. Honorably discharged from the service of the armed forces of the United States;
2. A guide dog in the service of any blind person;
3. A signal dog in the service of any person who has impaired hearing;

4. A service dog in the service of any person who is physically disabled or developmentally disabled;
5. A dog in the service of any law enforcement agency.
6. A dog being raised or trained for any of the services as set forth in this subsection;

The license shall contain thereon a statement of the reason for such gratuitous issuance.

7. For purposes of this chapter, the following definitions shall apply:

- a. "Guide dog" means any dog or seeing-eye dog which was trained by a person licensed under Chapter 9.5 (commencing with Section 7200) of Division 3 of the California Business and Professions Code.
- b. "Signal dog" means any dog trained to alert a deaf person or a person whose hearing is impaired, to intruders or sounds.
- c. "Service dog" means any dog individually trained to do work or perform tasks to meet the requirements of a physically disabled person, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.

- D. In order to be eligible for the rate for a spayed or neutered license, the owner must provide evidence to the license collector that the dog has been spayed or neutered. Such evidence shall be a certificate signed by a veterinarian on his letterhead stationery, or by a signed sworn statement of the owner.
- E. In order to be eligible for the rate for a dog owned by a senior citizen, the owner must submit to the license collector a signed sworn statement of the owner's age.
- F. The dog tag issued shall be firmly attached to the collar or harness of the dog for whom the license was issued. It is unlawful to affix said tag to any dog for whom it has not been issued, to maintain upon any dog a tag other than the one issued by the license collector for that dog, to remove said tag from any dog without the authority of the owner thereof, or to make or have in possession any unauthorized tags, imitations or facsimiles thereof.
- G. No owner required by this chapter to pay a fee or penalty is entitled to a refund or waiver unless specifically authorized by the Director of Public Health or designee. The Director of Public Health or designee may waive fees at their discretion for circumstances of extreme hardship or for a specific time period county wide to encourage dog licensing.

(Ord. 94-008, § 2; Ord. 91-001, § 2; Ord. 89-008; Ord. 0-83-024, § 1; Ord. 539-A-3, § 1, 1978; prior code, § 402.1)

9.04.045 - Terms of unaltered dog license.

A. The unaltered dog license shall contain the following terms and conditions:

1. The owner of an unaltered female dog shall not allow the whelping of more than one litter within the permit year;
2. No offspring may be sold, adopted, bartered or otherwise transferred, whether for compensation or otherwise, until such offspring has reached the age of at least eight weeks;
3. The owner must prominently display their unaltered dog license number in any advertisement to the public for the sale, adoption or transfer (whether for compensation or otherwise) of the offspring. The owner must provide the unaltered dog license number to any person who purchases, adopts or receives the offspring and include the unaltered dog license number on any receipt of sale or transfer document;
4. The owner shall submit in writing to the license collector the name, address and telephone number of the person(s) who received any of the offspring, whether for compensation or otherwise, within five days of the sale or transfer;
5. The owner shall provide to all persons who receive any offspring, whether for compensation or otherwise, an application for a Fresno County dog license, as well as written information regarding Fresno County's dog license requirements. The owner shall obtain these documents from the license collector.

(Ord. 06-002, § 2)

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9.04.047 - Sale and other transfer of dogs and cats.

- A. No person shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game or competition.
- B. No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.
- C. No person shall sell or give away any dog or cat in any public place or in front of any business not owned by him or her or at any swap meet.
- D. No person shall sell, barter, exchange or offer for adoption, whether for compensation or otherwise, any dog or cat to any minor under the age of eighteen years, without the written permission of one of the minor's parents or legal guardians.

(Ord. 06-002, § 2)

9.04.049 - Enforcement of dog license provisions.

- A. Any violation of Sections 9.04.030, 9.04.040, 9.04.045 or 9.04.047 shall be ~~an infraction misdemeanor~~ and may be enforced pursuant to Chapter 1.13, Administrative Fines, of this code. For purposes of enforcing the provisions of Sections 9.04.030, 9.04.040, 9.04.045 or 9.04.047, "Enforcement Officer," as defined in this code, shall include any agency, its agents and employees that provides animal control and/or dog licensing under contract with the county of Fresno.

(Ord. 06-002, § 2)

9.04.050 - Kennel license.

Every person owning or operating a kennel or place where four or more dogs are kept for breeding, boarding, training or other commercial purposes ~~in lieu of obtaining licenses for the individual dogs kept therein~~ ~~may-must~~ obtain a kennel license for all dogs regularly kept therein. It is unlawful for such a person to fail to procure said license. The fee therefor shall be set forth in the County of Fresno Master Schedule of Fees, Charges and Costs Recovery and shall be due, payable, delinquent, and penalized in the same manner as is hereinabove provided for individual dog licenses. Before any kennel license is issued, a permit therefor shall be obtained from the local health officer. All kennels shall be so constructed as to prevent dogs confined therein from running at large or leaving the premises where the kennel is maintained. It shall be operated and constructed in a sanitary and proper manner so that the same will not become a nuisance to the neighborhood thereof. The operation of all kennels licensed pursuant to provisions of this section shall be subject to reasonable regulations of the local health officer.

(Ord. 91-001, § 3; Ord. 89-006, § 10; prior code, § 402.2)

9.04.055- ~~Unlawful conduct in the care of animals, cruelty.~~ Authority of Animal Control Officers

Officers, as defined by Section 9.04.010, subsection (G), are responsible for the regulation and the enforcement of this Chapter and other sections of this Chapter relating to the care and control of animals within the unincorporated areas of the County. Officers shall have the authority to enforce any State or County laws, regulations, ordinances, or rules, relating to the care and control of animals. In the performance of his or her duties, Officers shall have the authority and immunities of public officers, as set forth in the California Penal Code, section 836.5.

~~It is unlawful for any owner or person who has an animal in their possession, custody, or control to permit, either willfully or through failure to exercise due care or control, any cruel acts upon the animal as defined as follows (Penal Code Section 597 and 597.1):~~

- ~~1. To place or leave any poisonous substance where it is accessible to animals, or to other wise expose the animal to any poisonous substance.~~

- ~~2.— To have or harbor any animal which is infected with any dangerous, incurable or painfully crippling condition. All such animals will be impounded by the animal control officer. This section does not apply to animals in veterinary hospitals, under the care of a licensed veterinarian, or when the veterinarian has concluded that impoundment or quarantine is not recommended.~~
- ~~3.— To fail, refuse or neglect to provide any animal with food, drink, shade, or weatherproof housing.~~
- ~~4.— No person shall tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained to a doghouse, tree, fence or other stationary object unless that dog is restrained in accordance with Penal Code section 597t and is restrained: (H & S Code § 122335)

 - ~~a.— on a running line, pulley, or trolley system. A dog shall not be tethered to the running line, pulley, or trolley system by means of a choke or pinch collar.~~
 - ~~b.— no longer than necessary for the owner or person in possession to complete a temporary task but in no case longer than three hours within a twenty-four hour period;~~
 - ~~c.— in compliance with the requirements of a camping or recreational area;~~
 - ~~d.— while the dog is engaged in or is actively training for, an activity pursuant to a valid license issued by the state of California if that activity is associated with the use or presence of a dog;~~
 - ~~e.— while the owner or person in possession is actively engaged in activities related to cultivating agricultural products if the restraint is for the safety of the dog or shepherding or herding;~~
 - ~~f.— as otherwise allowed by the Health and Safety Code section 122335.~~~~
- ~~5.— To carry or restrain any animal in, upon, or in connection with any vehicle that places the animal in reasonable likelihood of injury.~~
- ~~6.— To willfully or maliciously kill, maim, disfigure, tease, torture, beat, mutilate, burn, scald, hit or drive over with a vehicle or otherwise injure any animal. This section does not apply to anyone who uses reasonable force to drive off vicious and/or trespassing animals.~~
- ~~7.— To keep any animal in a foul, offensive, obnoxious, filthy or unsanitary condition.~~

9.04.060 - Impounding.

Any officer may take up and place in the county shelter (“impound” or “Impounded” or “Impounding” or “impoundment”) any unlicensed dog or dog bearing no license tag as herein provided which may be found running at large off the premises of the owner and not in the presence of the owner or a member of his family and may take up and impound any licensed dog or dog bearing a license tag which appears to be lost or estrayed and the owner of which cannot be found with diligence. Further, any officer shall have the authority to impound a dog that poses an immediate threat to public safety.
(Prior code, § 403)

9.04.070 - Licensed—Disposition.

Any dog impounded which bears a valid tag and which is not redeemed within a period of six days from the date of the impoundment may be destroyed by the sheltermaster in a humane manner, or if such dog is saleable, may be sold for cash at private sale without notice and for such price as the sheltermaster deems reasonable and proper or he may deliver such unredeemed dog to the United States military authorities. Provided, however, it shall be the duty of the sheltermaster within three days after the impounding of any dog bearing a license tag to mail a notice of such impounding in a sealed envelope directed to the licensee at the address shown by the application therefor on file with the license collector.
(Prior code, § 403.1)

9.04.080 - Unlicensed—Notice of Impoundment and Disposition of Abandonment.

Any unlicensed dog or dog bearing no license tag and impounded pursuant to the provisions of this chapter (“stray dog”), shall be held by the sheltermaster for owner redemption or adoption/sale for a period of at least six (6) county business days, not including the day of impoundment. The first three (3) days of the holding period will be exclusively for owner redemption. If such stray dog is not redeemed/adopted/sold within the

holding period herein, the stray dog may be destroyed by the sheltermaster in a humane manner. Provided, however, it shall be the duty of the sheltermaster to post on the day of impoundment outside of the County Shelter in a conspicuous place, notice of impoundment of the stray dog.
(Prior code, § 403.2)

9.04.090 - Sale or adoption of impounded stray dogs.

When any dog is sold or adopted by the sheltermaster as provided by Sections and 9.04.080, it shall be his duty to deliver to the purchaser, of such stray dog a statement in writing, which statement shall contain a description of the stray dog sold, the date when the dog was impounded, the date of sale/adoption, and the amount of the purchase price, if any. Before such stray dog is released to the purchaser/adopter, he or she shall obtain a dog license as set forth in this Chapter. The sheltermaster shall retain a duplicate of all statements issued by him or her in connection with the sale/adoption. All sales/adoptions made under the provisions of this section shall convey a good and valid title to the purchaser/adopter, and the previous owner of the stray dog so sold/adopted shall thereafter be barred from all right to recover the same.
(Prior code, § 403.3)

9.04.100 - Redemption of impounded dogs.

The owner or person entitled to the possession of any dog impounded may at any time prior to its sale, adoption, or disposal as provided in this chapter redeem the same, unless the dog is irremediably suffering from a severe illness or severe injury. Such person desiring to redeem a dog shall deliver to the sheltermaster a statement on a form prepared by the sheltermaster which shall contain a description of the dog sought to be redeemed, the name and address of the claimant, and the statement that he is the owner of such dog. It shall be the duty of the sheltermaster to issue to such person a written statement containing the name and address of the claimant, a description of the dog redeemed, the date when the dog was impounded, and accrued fees for its redemption, care and accrued license fee, if any, which statement shall serve as a certificate of redemption and receipt for the fee paid. The sheltermaster shall keep duplicates of all statements issued by him.
(Prior code, § 403.4)

9.04.110 - Redemption fee and Boarding Charge—Disposition.

During such time as any agency, society or organization is conducting the county shelter in pursuance of the provisions of 9.04.020, it is authorized to establish a redemption fee for dogs redeemed from the county shelter together with a fee for the reasonable cost of the care and boarding of such dogs while impounded (“boarding charge”) and to sell unclaimed dogs for such price as the sheltermaster deems reasonable and proper as provided in Section 9.04.090 provided, however, that the redemption fee and boarding charge shall not exceed such amounts as may be set forth in the then current contract between the county and any agency, society or organization and provided further that all such monies may be retained by the agency, society or organization for its use and benefit.
(Prior code, § 404)

9.04.115- Sale of Animals at Swap Meets

The operator of a swap meet, who possesses a valid Permit to Operate issued by the Fresno County Department of Public Health, may allow vendors to sell animals provided that the following conditions of this chapter are met. It shall be the swap meet operator’s responsibility to ensure any vendor allowed to sell animals at their place of business is in compliance with applicable State and local law.

Any vendor selling animals at swap meets within the County of Fresno shall be required to comply with the minimum standards set forth in Sections 122370-122374 of the California Health and Safety Code. Vendors selling animals at swap meets shall, at a minimum, comply with all of the following:

- A. Maintain the facilities used for the keeping of animals in a sanitary condition.
- B. Provide proper heating and ventilation for the facilities used for the keeping of animals.
- C. Provide adequate nutrition for, and humane care and treatment of, all animals that are under his or her care and control.

- D. Take reasonable care to release for sale, trade, or adoption only those animals that are free of disease or injuries.
- E. Provide adequate space appropriate to the size, weight, and species of the animal.
- F. Have a documented program of routine care, preventative care, emergency care, disease control and prevention, and veterinary treatment and euthanasia that is established and maintained by the vendor in consultation with a licensed veterinarian employed by the vendor or a California-licensed veterinarian, to ensure adherence to the program with respect to each animal. The program shall also include a documented onsite visit to the swap meet premises by a California-licensed veterinarian at least once a year.
- G. Provide buyers of an animal with general written recommendations for the generally accepted care of the type of animal sold, including recommendations as to the housing, equipment, cleaning, environment, and feeding of the animal. This written information shall be in a form determined by the vendor and may include references to internet websites, books, pamphlets, videos, and compact discs.
- H. Present for inspection and display a current business license issued by the local jurisdiction where the animals are principally housed.
- I. Maintain records for identification purposes of the person from whom the animals offered for sale were acquired, including that person's name, address, email address, and telephone number and the date the animals were acquired.

9.04.120 - Rabid or biting—Owner duty.

Whenever the owner of any dog shall observe or learn that such dog has shown symptoms of rabies, or has acted in a manner which would lead a reasonable person to suspect that it might have rabies, or that it has been bitten by a dog having rabies or suspected of having rabies, or otherwise exposed to rabies, or has bitten a human being, such person shall immediately notify the local health officer and shall immediately confine the dog. (Prior code, § 405)

9.04.130 - Quarantine.

Whenever any dog has bitten any human being or whenever the local health officer has reasonable grounds to suspect that the dog has rabies, he is empowered to immediately quarantine the dog either upon the premises of the owner or within the county shelter. Such quarantine shall be by written notice served upon the owner of the dog and shall contain the statement that the dog is quarantined and the instructions to be followed. If the quarantine is upon the premises of the owner of the dog, it shall be immediately confined within a locked enclosure so constructed that it cannot escape or have contact with any other animal or human being other than the person responsible for its care, or at the discretion of the local health officer it may be kept under restraint by leash in charge of a responsible person or under such other restriction as the local health officer may deem necessary. Provided, however, that the owner may, in lieu of quarantine of said animal upon the premises, place the same in care of a duly licensed veterinarian for the purpose of confinement. The owner of any such dog quarantined on the premises shall immediately report to the local health officer any change in disposition or unusual actions of the dog. The dog shall be kept quarantined and restrained until the local health officer shall, in writing, order its destruction or release. Where such dog is quarantined in the county shelter, it shall be restrained for a sufficient period to determine whether or not it is infected with rabies and thereupon shall be destroyed if determined to be rabid, or if not released to the owner. Upon its release the owner thereof shall be notified in writing, and the dog shall be released to him upon the payment of the county adopted fee for each day the dog has been detained in the County Shelter as a charge for keeping such animal. Provided, however, that if no person lawfully entitled thereto shall appear within six (6) calendar days from the date of the giving of such written notice and claim said dog and pay for such charges, the dog may be sold or destroyed as hereinabove provided. (Prior code, § 406)

9.04.135 – Right to Euthanize

Notwithstanding Sections 9.04.070, 9.04.080, and 9.04.130 any dog that is impounded and is irremediably suffering from a severe illness or severe injury shall not be held for owner redemption, adoption or sale, but shall be euthanized by the sheltermaster. Newborn dogs that need maternal care and have been impounded without their mothers may be euthanized by the sheltermaster and not held for owner redemption, adoption, or sale.

9.04.140 - Rabies vaccination required when.

After the expiration of a period of thirty days from the date of first coming into possession of any dog, it is unlawful for such person to keep, harbor or have within his possession within the unincorporated area of the county such dog, if over the age of four months, unless the dog shall have been within a period of two years prior thereto vaccinated with an anti-rabies vaccine of a type approved by the local health officer. The license collector shall not issue any dog license, except a kennel license, without proof having first been made to his satisfaction that within a period of eighteen months prior thereto the dog for which a license application is being made has been vaccinated with an anti-rabies vaccine of a type approved by the local health officer. The owner of any dog which has been vaccinated as in this section provided shall retain in his possession the certificate of vaccination and display the same on demand to any officer. The vaccination requirements of this section shall not apply when a duly licensed veterinarian has issued a certificate describing the dog and certifying that by reason of its physical condition vaccination thereof would endanger its health or life, in which event the license collector shall issue the license upon presentation to him of such certificate dated not more than thirty days prior thereto. (Prior code, § 406.1)

9.04.150 - Quarantine—Violation.

When any dog is quarantined, it is unlawful for the owner or person in possession thereof to violate the quarantine by removing the dog from the premises, allowing it to run at large, destroying it without authorization, concealing it from the local health officer, or disobeying any other quarantine restriction which may have been imposed by the local health officer. (Prior code, § 406.2)

9.04.160 - License—Failure to procure.

It is unlawful for the owner of any dog in the unincorporated area of the county, which is subject to licensing under the provisions of this chapter, to fail to have a dog license therefor after the delinquent date for obtaining such license as in this chapter provided. (Prior code, § 407)

9.04.170 - Right to enter premises.

It is lawful for any officer to enter upon the premises of any person whomsoever for the purpose of enforcing this chapter, and any person interfering with any such officer in the performance of his duties hereunder is guilty of an infraction misdemeanor. (Prior code, § 408)

9.04.180 - Restraint of females.

It is unlawful for the owner of any female dog to cause or permit the same to stray or run at large off the premises of the owner or in any public place while in heat, and it shall be the duty of any officer to take up and impound such female dog whether licensed or unlicensed which is found running at large in violation of this section. The dog may be redeemed only after the expiration of a period of ten days from the date of such impounding and then only upon the payment of such fees and charges as is herein otherwise provided for the redemption of such dogs. (Prior code, § 409)

9.04.200 - At large near highways.

It is unlawful for the owner or person in possession thereof to permit any dog to run at large which habitually attacks, worries or barks at pedestrians, vehicles or other users of the public highways. (Prior code, § 410.1)

9.04.210 - Noisy dogs.

It is unlawful for any person to permit any dog in his possession to habitually destroy the peace and quiet of any person or neighborhood by habitual barking or howling.

(Prior code, § 410.2)

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9.04.220 - Nuisance.

It is unlawful for any person to permit any dog owned by him or in his possession or under his control to habitually commit a nuisance in any public place or on the property of another.

(Prior code, § 410.3)

9.04.230 - Livestock—Protection.

Any dog whether licensed or not which is found to be upon any property not that of the owner of the dog and upon which livestock or poultry are confined may be seized and impounded by any predatory animal control officer, or officer or employee of any agency, society or organization or shelter and in the event such seizure and impoundment is impossible or impractical, such person may, if in his opinion the dog is a menace to such livestock or poultry, kill the dog.

(Prior code, § 410.4)

9.04.240 - Hunting upon pastures or fields.

It is unlawful for any person, without the written consent of the property owner or person in charge thereof, to hunt with dogs or release, allow, or permit any dog in his possession or under his control to be upon any property for the purpose of hunting or chasing any animal or bird when there is livestock or poultry of any kind on the property.

(Prior code, § 410.5)

9.04.250 - Running at large.

It is unlawful, in the unincorporated areas of the county of Fresno, for any person to permit a dog owned by him or in his possession to be off the property of the owner or possessor thereof unless such dog is on a leash, is otherwise under the immediate control of the owner or possessor, or is located with the owner or possessor in a designated dog park approved by the County Board of Supervisors.

(Ord. 05-020, § 1; Ord. 05-012, § 2; Ord. 03-007, § 2; Ord. 01-010, § 2; Ord. 92-022, § 1; Ord. 89-030, §1; Ord. 0-86-014, § 4; prior code, § 415)

9.04.260 - Running at large—Impounding.

Any dog within the unincorporated areas of the county of Fresno found to be running at large as prohibited by of this chapter may be taken up by any person and impounded in the county shelter and may be disposed of or redeemed in accordance with the provisions of sections throughout this chapter.

(Ord. 05-020, § 1; Ord. 05-012, § 3; Ord. 03-007, § 3; Ord. 01-010, § 3; Ord. 92-022, § 2; Ord. 89-030, § 2; Ord. 0-86-014, § 5; prior code, § 416)

9.04.270 – Running at Large – Spaying and Neutering Prior to Redemption

- A. Any unlicensed, unaltered dog impounded pursuant to this Chapter must be spayed or neutered, unless there is a medical exemption under subsection B of this section. The dog's owner shall have three (3) days to obtain a license for the dog if they do not wish for it to be spayed or neutered. If the owner does not obtain a license within three (3) days, and there is no medical exemption under subsection B of this section, the dog must be neutered before release to the owner. Then only upon the payment of all fees, charges, and expenses due may the dog be released.
- B. The sheltermaster may release intact any unaltered dog impounded pursuant to this Chapter that cannot be spayed or neutered due to a medical condition verified by a veterinarian licensed to practice veterinary

medicine in the State of California. Before redemption of said dog, the sheltermaster shall issue the dog's owner a written notice requiring the owner to spay or neuter the dog when the dog is healthy enough to be spayed or neutered and provide proof of spay/neuter within two months of the date of notice. The owner shall pay a deposit of \$40 as per Section 30503(b) 1, California Food and Agricultural Code, which shall be returned in full to the owner within two months of the owner providing proof of the spaying or neutering to the County sheltermaster. The sheltermaster may extend the two-month mandatory spay/neuter deadline if, based upon opinion of a veterinarian licensed to practice veterinary medicine in the State of California, the medical condition continues to prevent the dog from being spayed or neutered. The dog's owner shall be responsible for paying the costs of any medical examinations rendered pursuant to this section.

- C. Any licensed, unaltered dog impounded pursuant to this Chapter may be released intact by the sheltermaster on the first occasion the dog is impounded within a three-year period, upon payment of all fees, charges, and expenses due.
- D. Any licensed, unaltered dog impounded pursuant to this Chapter on a second occasion within the same three-year period shall be spayed or neutered prior to owner redemption of said dog, at the cost of the owner, unless the dog has a medical exemption as described under subsection B of this section. Then only upon the payment of all fees, charges, and expenses due, may the dog be redeemed by its owner.

9.04.275 – Running at Large – Microchip Identification Required Prior to Redemption

Any dog three (3) months or older impounded pursuant to Section 9.040.060 of this Chapter, not previously microchipped, shall be implanted with a microchip identification device upon arrival at the county animal shelter. The owner of said dog shall pay the county for costs associated with the microchip implantation in addition to all other costs, fees, and expenses due. The cost for microchip implementation shall be the true cost value of the current Fresno County animal control contractor. It shall be the owner's responsibility to maintain correct and current information registered with the microchip identification device at all times.

9.04.300 - Impoundment—Dangerous dog.

- A. The sheltermaster or law enforcement shall have the power to summarily and immediately impound a dog where there is evidence it is a dangerous dog as defined in Section 9.04.010(D) of this chapter. The sheltermaster or law enforcement shall impound such dog pending any court or administrative proceeding arising out of the incident upon which the impoundment is based.
- B. Failure to surrender to the sheltermaster or law enforcement upon demand a dog that is subject to being impounded pursuant to this section is an infraction, misdemeanor.
- C. A dog, impounded pursuant to the authority of this section, shall be returned to the owner or custodian as provided by 9.04.310 of this chapter: when it is no longer required as evidence, or if a notice of a hearing pursuant to declare the dog a potentially dangerous and/or vicious dog has not been served on the owner or custodian within a reasonable time after the impoundment, unless the dog is irremediably suffering from a severe illness or severe injury.
- D. In lieu of impoundment pursuant to this section, the sheltermaster or law enforcement may permit the dog to be confined at the owner's or custodian's expense in a dog kennel by the sheltermaster, or a veterinary facility within the county of Fresno, or at the owner's or custodian's residence in an enclosure described in Section 9.04.010 of this chapter; provided that, the owner or custodian:
 - 1. Shall not remove the dog from the kennel, veterinary facility or residence without the prior written approval of the sheltermaster, law enforcement or their authorized representative;
 - 2. Shall make the dog available, during the period of impoundment, for observation and inspection by the sheltermaster and members of law enforcement or their authorized representatives; and
 - 3. Shall verify to the sheltermaster or law enforcement that the dog will be confined in such a way as to prevent its coming into contact with members of the public other than the immediate family of the owner or custodian.

- E. The sheltermaster, law enforcement, or their designated representatives may have a dog impounded or confined as provided in subsections A and D of this section, identified by means of permanent marking prior to release from impound or confinement.

(Ord. 05-021, § 4)

9.04.310 - Dangerous dog—Procedures.

- A. Hearing. A hearing officer/agency appointed by the county administrative officer shall conduct a hearing to determine whether or not a dog confined or impounded pursuant to Section 9.04.300 of this chapter is a dangerous dog. The hearing shall be informally conducted and technical rules of evidence shall not apply, except that the hearing officer/agency shall have discretion to exclude irrelevant and unduly repetitious evidence.
- B. Dangerous Animal—Declared. The hearing officer/agency after a hearing, may declare any dog to be a dangerous animal whenever it meets the definition of a dangerous dog set forth in Section 9.04.010 of this chapter. The owner of a dog which has been declared dangerous shall reimburse the county for all costs associated with the hearing process.
- C. Determination of Dangerous Dog—Evidence. In making a determination that a dog is or is not dangerous, evidence of the following shall be considered:
1. Any previous history of the dog attacking, biting or causing injury to a human or other animal;
 2. The nature and extent of injuries inflicted and the number of victims involved;
 3. The place where the bite, attack or injury occurred;
 4. The presence or absence of any provocation for the bite, attack or injury;
 5. The extent to which property has been damaged or destroyed;
 6. Whether the dog exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;
 7. Whether the dog exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or dogs or other animals;
 8. Whether the dog can be effectively trained or retrained to change its temperament or behavior;
 9. The manner in which the dog had been maintained by its owner or custodian;
 10. Any other relevant evidence concerning the maintenance of the dog;
 11. Any other relevant evidence regarding the ability of the owner or custodian, or the sheltermaster to protect the public safety in the future if the dog is permitted to remain in the county.
- D. Disposition of Dangerous Dog.
1. It is unlawful for any person to own, possess, harbor or keep any dog declared by the hearing officer/agency, after a hearing, to be dangerous.
 2. Any dog declared by the hearing officer/agency to be dangerous, if not already impounded by the sheltermaster, shall be immediately surrendered to the sheltermaster, and it is the duty of the sheltermaster to take up and impound any such dog.
 3. Any dog declared to be a dangerous dog shall be humanely destroyed. The hearing officer/agency shall sign an order authorizing the destruction of the dog after the time for appeal to a court of competent jurisdiction has passed without an appeal being filed.
- E. Dog Found Not Dangerous—Procedure. If it is determined that the dog is not dangerous, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance, the dog license may:

1. Be revoked if it is determined that the owner or custodian is unable or unwilling to properly train, handle or maintain the dog and a similar incident is likely to occur in the future without proper training, handling or maintenance; or
2. Be reissued with reasonable terms, conditions or restrictions imposed for the training, handling or maintenance of the dog to protect the public health, safety and welfare if it is determined that the owner or custodian is able and willing to properly train, handle or maintain the dog and a similar incident is not likely to occur in the future with proper training, handling or maintenance.

Prior to reissuance of the license, the owner of the dog shall show proof that the dog has successfully completed a training course with a qualified animal or dog obedience trainer. The sheltermaster shall maintain a list of dog obedience trainers which, in the sheltermaster's discretion, are able and qualified to successfully train dogs which have exhibited dangerous behavior. Upon request, the sheltermaster shall make such list available to the owner of a dog affected by the provisions of this section.

F. Revoked License—Previously Impounded or Confined.

1. If a dog has been impounded or confined pursuant to Section 9.04.300 of this chapter and its license has been revoked pursuant to subsection (E) (1) of this section and the owner or custodian wishes to reclaim and remove it from the custody of the sheltermaster, the sheltermaster shall release it provided the dog is taken to a location outside the county immediately and directly upon its release from impound or confinement. Failure to permanently remove the dog immediately and directly from the county upon release from impound or confinement is an infraction a misdemeanor.
2. Any dog which has previously been impounded or otherwise confined pursuant to Section 9.04.300 of this chapter and which has not been claimed within five calendar days of service of a notice of revocation of its license shall be deemed abandoned and shall be disposed of by the sheltermaster in accordance with this article. Notwithstanding this section, the owner may enter into a written agreement with the sheltermaster to take additional time to remove, or to cause the dog to be removed, to a new location outside the county. Such additional time shall not exceed ten days. For each additional day agreed to, the pound fees as established by the sheltermaster shall be paid prior to the release of the dog.

G. Animal Identification. Any dog subject to this section must be identified by the sheltermaster by the use of permanent marking prior to its release from impound or confinement.

H. Any person whose dog has been declared dangerous or whose license has been revoked under this section shall not own, possess, control or be in charge of any dog of the breed declared to be dangerous or whose license has been revoked for a period of three years from the date of the action declaring the dog dangerous or revoking the license. The license collector shall not issue or renew any license for such breed of animal, except that upon the written request of the person whose dog has been declared dangerous or whose license has been revoked, the sheltermaster may in his discretion authorize the issuance of a dog license.

I. No dog may be declared dangerous that inflicts injury or damage on a person committing a willful trespass or other tort upon premises occupied by the owner of the dog, or teasing, tormenting, abusing or assaulting the dog, or committing or attempting to commit a crime. No dog may be declared dangerous if it inflicts injury or damage on a domestic animal that was teasing, tormenting, abusing or assaulting the dog. No dog may be declared dangerous for taking any action to defend or protect a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(Ord. 05-021, § 4)

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~~9.04.500—Violation—Misdemeanor.~~

~~Except as otherwise specifically provided in this chapter, any person violating any provisions of this chapter is guilty of a misdemeanor punishable pursuant to the provisions of this code.~~

~~(Ord. 566, § 2, 1974)~~

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Chapter 9.08 - PETS OR NOVELTIES

Sections:

- 9.08.010 Unlawful.
- 9.08.020 Exception

9.08.010 - Unlawful.

It is unlawful for any person in the county to sell, offer for sale, furnish, barter or give away any baby chicks, baby rabbits, ducklings or other baby fowl as pets, novelties, attractions or prizes.
(Prior code, § 425)

9.08.020 - Exception.

The provisions of Section 9.08.010 shall not be construed to prohibit the display or sale of chicks, baby rabbits, ducklings or other baby fowl in proper facilities by persons, dealers, hatcheries or stores regularly engaged in the business of selling the same to be raised for food or breeding purposes.
(Prior code, § 426)

Chapter 9.12 - ESTRAY—IMPOUNDMENT

Sections:

- 9.12.010 Definitions
- 9.12.020 Shelter Establishment
- 9.12.030 Taking up-Care-Disposition
- 9.12.040 Taking up-Notice-Contents
- 9.12.050 Public auction or private sale
- 9.12.060 Sale-Proceeds-Records
- 9.12.070 Proof of ownership-Lien payment

9.12.010 - Definitions.

The following words and terms used in this chapter are defined for purposes thereof as follows:

- A. "agricultural commissioner" means the agricultural commissioner of the county;
- B. "shelter" means the place provided by the board of supervisors for the impounding of domestic animals whether maintained directly by the county or by an agency, society or other organization pursuant to agreement or contract with the county;
- C. "sheltermaster" means the person in charge of the shelter, or any officer or employee of the agency, society or organization operating the shelter and who is acting under general supervision of the person in charge thereof.

(Prior code, § 430)

9.12.020 - Shelter established.

The board of supervisors shall establish or cause to be established by contract or agreement with an agency, society or organization organized for that purpose a suitable place for the impounding of domestic animals from unincorporated areas of the county, which premises shall be considered as the Fresno County shelter; provided, that nothing herein contained shall be construed as preventing the shelter from being operated in conjunction with a shelter operated by said agency, society or organization.

(Prior code, § 431)

9.12.030 - Taking up—Care—Disposition.

~~Except as provided in Article 5, Chapter 7, Division 9, Part 1 (commencing with Section 17121) of the Agricultural Code of the state pertaining to estrays in areas devoted chiefly to grazing, the sheltermaster may take possession of any stray domestic animal found upon any highway or public property or upon the private property of another with the permission of the owner or other person in possession of such private property and have a lien for all expenses which are incurred in taking up, keeping, caring for and selling it.
(Prior code, § 432)~~

Except as provided in Article 5, Chapter 7, Division 9, Part 1 (commencing with Section 17121) of the Food and Agricultural Code of the State pertaining to estrays in areas devoted chiefly to grazing, it is unlawful for any person owning, harboring, or controlling livestock to permit such livestock to run at large upon private property of another without permission of the person owning or occupying said private property, or upon the streets or public places in Fresno County. The enforcement officer, as defined by Section 9.040.010, subsection (G), is authorized whenever deemed necessary to designate individuals, who are properly equipped, to capture and transport livestock that are running at large in violation of this chapter. Each animal captured or transported pursuant to this Chapter shall be impounded at the expense of the owner and have lien for all expenses, including any penalties that may be imposed, which are incurred in taking up, keeping, transporting, caring for and selling each animal.

9.12.040 - Taking up—Notice—Contents.

- A. Within five days after taking up or taking possession of any stray horse, mule, burro, sheep, goat or swine the sheltermaster, in addition to giving any notice required by Section 17003 of the Agricultural Code, shall file with the agricultural commissioner and with the sheriff-coroner of the county a notice which contains all of the following:
1. A description of the animal held;
 2. The marks and brands, if any;
 3. The probable value of the animal;
 4. A statement of the date and place where it was taken up by the sheltermaster and confined;
 5. Any other information which in the opinion of the sheltermaster will be helpful in identifying such animal;
 6. A statement that the animal may be redeemed by its owner before its sale by the sheltermaster.
- B. In addition to the filing of notice with the agricultural commissioner and with the sheriff-coroner, the sheltermaster shall post a copy of such notice in a conspicuous place at the shelter to which the public has access during business hours.
(Prior code, § 433)

9.12.050 - Public auction or private sale.

If, after ten days from the date of the filing and posting of notice as required in Section 9.12.040, no satisfactory proof of ownership of the animal has been made or if the owner fails or refuses to pay all expenses which were incurred, the sheltermaster may immediately sell such animal at public auction or private sale.

All sales which are made pursuant to this chapter convey good and valid title to the purchaser. The former owner of the animal so sold is thereafter barred from all right to recover it.
(Prior code, § 434)

9.12.060 - Sale—Proceeds—Records.

- A. Except as provided in Section 9.12.070, the sheltermaster may retain for the operation of the shelter all proceeds from the sale of any animal under the provisions of this chapter.
- B. The sheltermaster shall maintain for at least one year a copy of the notice filed with the agricultural commissioner and the sheriff-coroner under Section 9.12.040 together with a record of the amount received in the sale of such animal and of all expenses incurred in connection with taking up, keeping, caring for and selling it. Copies of such notices and records shall be available to the public for inspection at the shelter office.

(Prior code, § 435)

9.12.070 - Proof of ownership—Lien payment.

If any person shall, within one year after the date of the sale, prove to the satisfaction of the sheltermaster or the agricultural commissioner his ownership of the animal which was sold pursuant to this chapter, the sheltermaster shall pay such person the proceeds of the sale of the animal less any amount necessary to satisfy his lien for care and costs.

(Prior code, § 436)

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Chapter 9.16 - RODENTS AND PREDATORY ANIMALS^[2]

Sections:

9.16.010 Predatory animals-Control
9.16.020 Keeping wild or nondomesticated animals.
9.16.040 Violations

Footnotes:

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State Law reference— For statutory provisions authorizing counties to control and destroy predatory animals, see Gov. Code § 25803.

9.16.010 - Predatory animals—Control.

Whenever an infestation with rodents or predatory animals exists on any premises within the county, it shall be the duty of the agricultural commissioner to cause said infestation to be eradicated or controlled and the reasonable expenses incurred therefor shall be a county charge. The agricultural commissioner shall, whenever he deems it necessary, cause an inspection to be made of any premises within the county for the purpose of ascertaining whether said premises are infested with rodents or predatory animals.

(Ord. 555, § 1, 1973; prior code, § 420)

9.16.020 - Power to eradicate.

The agricultural commissioner may prescribe the methods to be used to eradicate or control rodents and predatory animals, and may manufacture and sell poison barley and such other materials as are convenient or necessary in destroying rodents and predatory animals. All such materials shall be furnished at cost to any person giving satisfactory assurance to the commissioner that such materials shall be used on premises within the county for the purpose of controlling or eradicating rodents or predatory animals.

(Ord. 555, § 1, 1973; prior code, § 421)

9.16.030 - Keeping wild or nondomesticated animals.

A. It is unlawful for any person to possess, keep or harbor any cheetah, jaguar, bear, African lion, mountain lion, tiger, leopard, panther, cougar, lynx, wildcat, ocelot or wolf, except in strict accordance with a permit issued therefor by the local health officer. The local health officer may issue a permit therefor and may attach such conditions thereto as in his opinion may be necessary to protect the public health and safety. Such permit shall be in effect for one year subject to renewal upon the anniversary date thereof. The local health officer may at any time inspect the premises where any such animal kept or proposed to be kept and may investigate the conditions under which such animals are maintained in order to determine the appropriate conditions to include in any permit or whether existing conditions of such permit are being complied with. He may at any time add to or modify the conditions of a permit when in his opinion the public health and safety so require. The local health officer may, after notice and hearing, revoke such permit upon a showing of persistent violation of the terms and conditions thereof. The local health officer shall charge a fee of ten dollars upon the issuance and renewal of a permit.

B. This section shall not apply to any circus, carnival, regularly established zoo or animal shelter, or to a public officer or employee in the performance of his duties.
(Ord. 555, § 1, 1973; prior code, § 423)

9.16.040 - Violations.

Any person who interferes with the official actions of the agricultural commissioner or the local health officer while carrying out the provisions of this chapter is guilty of a misdemeanor.
(Ord. 555, § 1, 1973; prior code, § 424)

Section 2: This ordinance shall take effect thirty (30) days after final passage.

THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the

County of Fresno this ____ day of _____, 2020, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:

Ernest Buddy Mendes, Chairman of the
Board of Supervisors of the County of Fresno

ATTEST:
Bernice E. Seidel
Clerk, Board of Supervisors

By _____
Deputy