

Exhibit A - Ordinance Summary

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

AN ORDINANCE AMENDING THE ORDINANCE CODE OF THE COUNTY OF FRESNO BY AMENDING CHAPTERS 9.04, 9.08, 9.12, and 9.16 OF TITLE 9 THEREOF RELATING TO TERMINOLOGY, AND ADDING SECTIONS 9.04.55, 9.04.115, AND 9.04.135 THEREOF RELATING TO HUMANE TREATMENT OF ANIMALS WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO.

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

The Ordinance Code of The County of Fresno is hereby amended by amending Title 9, Chapters 9.04, 9.08, 9.12, and 9.16 thereof to be numbered, entitled and summarized as follows:

<u>SECTION</u>	<u>RECOMMENDATION</u>
Throughout	Replace the words "Pound" and "Poundmaster" with "Shelter" and "Sheltermaster"
	Replace the title "director of community health" with "Director of Public Health"
	Replace the title "health officer" with "local health officer"
9.04.010 Definitions	Add definition of "At large"
	Add definition of "County Business Days"
9.04.030 – License –Required	Delete the word "therefor" in the second line, and add the phrase "within 30 calendar days upon obtaining ownership of the dog" after the word "county" in line three
	Delete the words "hereinafter provided" on line three
	Insert the word "additional" before the word license on line five, and insert the word "fee" after the word license
	Insert the phrase "until the end of that licensing period." at the

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1 end of the last sent
2 9.04.040 – License –Issuance-Fees (G)- Revise the second sentence as follows: “The Director of
3 Public Health may waive fees at their discretion for
4 circumstances of extreme hardship or for a specific time period
5 county wide to encourage dog licensing.”

6 9.04.049 – Enforcement of dog license provisions.
7 Delete the word “infraction” and replace with “misdemeanor

8 9.04.050 – Kennel license Replace the word “five” with “four” in the first sentence.
9 Insert the word “local” before health office in the third sentence.

10 9.04.055 – (New Section) Title this Section “Unlawful conduct in the care of animals,
11 cruelty”

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13 Revise Section 9.04.010 by adding Sections 9.04.010A and 9.04.010B and re-alphabetizing the entire
14 section

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16 Add Sections 9.04.55, 9.04.115, and 9.04.135 to read in their entirety as follows:
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18 **Section 9.04.010 – Definitions.**

19 A. “At large” means any animal when it is off the property of his/her owner or possessor thereof
20 and is not restrained by leash under the immediate control of a person physically capable of
21 retaining control of the animal. At large shall also mean when an animal is on the property
22 (located in an unincorporated area of Fresno County) of his/her owner or possessor but there is
23 no fence or adequate enclosure on such property sufficient to prevent ingress and egress of
24 the animal or is not under the immediate presence of its owner.

25 B. “County business days” means week days the County is open for business, excluding County
26 holidays.

27 C. “Enclosure”: The phrase “top and bottom” is deleted from the second sentence of the
28 “Enclosure” definition.

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Section 9.04.55 – Unlawful conduct in the care of animals, cruelty

- A. 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:
1. To place or leave any poisonous substance where it is accessible to animals, or to otherwise 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 an 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.

Section 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 in in compliance with applicable State and local law.

Upon the effective date of this adopted Ordinance Code section, 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 as stated in this Ordinance Code section. 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.

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- 1 I. Maintain records for identification purposes of the person from whom the animals offered for
2 sale were acquired, including that person's name, address, email address, and telephone
3 number and the date the animals were acquired.

4 **Section 9.04.135 – Right to Euthanize**

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