



# Board Agenda Item 47

DATE: November 14, 2017

TO: Board of Supervisors

SUBMITTED BY: David Pomaville, Director, Department of Public Health

SUBJECT: Amendment of Fresno County Ordinance Code, Title 9 - Animals

## RECOMMENDED ACTION(S):

**Conduct second hearing and adopt Ordinance amending Ordinance Code of the County of Fresno, Title 9-Animals by adding sections 9.04.055, 9.04.115, and 9.04.135 to Chapter 9.04-Dog Licensing and Control and revise or update terminology in various sections within Chapters 9.04, 9.08-Pets or Novelties, 9.12-Estray-Impoundment, and 9.16-Rodents and Predatory Animals; and waive reading of the ordinance in its entirety.**

Approval of the proposed Ordinance would amend the Ordinance Code into compliance with California law regarding the humane and proper care of animals and update terminology to provide further clarification.

## ALTERNATIVE ACTION(S):

If the recommended action is not approved, the above-listed Chapters in Title 9 - Animals and the animal control enforcement procedures for the County will remain unchanged; however, the above-listed Chapters in Title 9 - Animals will continue to lack clarity or be out of compliance with California law.

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Fines resulting for ordinance violations will be used to fund the animal control program.

## DISCUSSION:

The recommended amendments to the Fresno County Ordinance Code, summarized on Exhibit A, add sections 9.04.055 - Unlawful conduct in the care of animals, cruelty, 9.04.115 - Sale of Animals at Swap Meets, and 9.04.135 - Right to Euthanize to Chapter 9.04-Dog Licensing and Control. In addition, various sections within Chapters 9.04, 9.08-Pets or Novelties, 9.12-Estray-Impoundment, and 9.16-Rodents and Predatory Animals would be revised and/or updated.

The sections recommended for addition include the following (summarized):

**9.04.055** - Unlawful conduct in the care of animals, cruelty - which amends the Ordinance to comply with California Penal Code, section 597 regarding humane and proper care of animals.

**9.04.115** - Sale of Animals at Swap Meets - Effective January 1, 2016, pursuant to Assembly Bill 339 the sale of any live animal at a swap meet is prohibited unless the local jurisdiction has adopted standards for their housing and treatment. It is now a violation of State law to sell animals at a swap meet without a County ordinance in place that complies with State law to ensure proper

care/treatment of the animals. In order to sell animals at a swap meet in the County, a local ordinance adopting standards of care established by the State would have to be approved. The Department of Public Health, Environmental Health Division (EHD) would permit the swap meet vendor and ensure the vendor is operating in a safe and humane manner, including temperature controlled holding areas, provide handouts on the care of the breed of animal, and the maintenance and recordkeeping of sales transactions. Upon adoption of the ordinance, swap meet vendors violating the enacted ordinance provisions would be subject to penalties as provided in the Ordinance Code.

**9.04.135** - Right to Euthanize - allows immediate euthanasia of severely ill/injured animals that have been impounded by the shelter.

The sections recommended for amendment include, but are not limited to:

**9.04.040 (G)** - License - Issuance - Fees - now includes the allowance of a County- wide amnesty period to encourage payment of licenses without penalty. The current ordinance allows a fee waiver on an individual basis only. The revision will allow the Director of the Department of Public Health to provide for a County-wide amnesty period to encourage pet owners to be in compliance without facing any past penalties.

**9.04.070** and **9.04.080** - revises the amount of time dogs (both licensed and unlicensed) may be held in the shelter before being considered abandoned. During this time, the shelter must notify the registered owner of the impoundment and allow 14 days for the owner to redeem the dog. Unlicensed dogs may be held for three days, during which a public notice of the impoundment is posted, after which, the sheltermaster may place them for adoption.

**9.04.500** - Changes the penalty for a violation of any provisions within Chapter 9.04 from an infraction to a misdemeanor, allowing EHD staff a broader range of enforcement options.

Furthermore, the revision to section 9.04.010 - Definitions, updated outdated terminology, which does not alter the Ordinance, but ensures consistency and conformity with current animal control safety code practices.

The Department has posted the recommended ordinance amendments to its website, sent proposed revisions to all animal control agencies in Fresno County, and held a public meeting Tuesday, October 3, 2017, to hear public comments and concerns. The only comment received was from an individual opposed to the sale of animals at swap meets citing a concern it would be difficult to enforce.

With your Board's approval, the Ordinance would take effect 30 days after.

**REFERENCE MATERIAL:**

BAI #9, October 31, 2017

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

Exhibit A - Ordinance Summary  
Amended Animal Control Ordinance  
Amended Animal Control Ordinance - Red-Lined

**CAO ANALYST:**

Sonia De La Rosa