# County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
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## Legislation Details (With Text)

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| **File #:** | 19-1375 | **Name:** | Amendment of Fresno County Ordinance Code, Title 9 - Animals |
| | | **In control:** | Public Health |
| **On agenda:** | 6/23/2020 | **Final action:** | 6/23/2020 |
| **Enactment date:** | | **Enactment #:** | Ordinance No. 20-011 |

**Title:** Conduct second hearing and adopt Ordinance amending Ordinance Code of the County of Fresno, Title 9 by adding sections 9.04.270, 9.04.275 to Chapter 9.04 - Dog Licensing and Control; revising section 9.04.055 and revising or updating terminology in various sections within Chapter 9.04; revising Chapter 9.12 - Estray-Impoundment, Section 9.12.030; and waive reading of the ordinance in its entirety

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Ordinance No. 20-011, 3. Animal Control Ordinance - Red Line, 4. Additional Information

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 6/23/2020 | 1 | Board of Supervisors | Approved as Recommended | Pass |

DATE: June 23, 2020

TO: Board of Supervisors

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

SUBJECT: Second Hearing to Proposed Amendment to 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 by adding sections 9.04.270, 9.04.275 to Chapter 9.04 - Dog Licensing and Control; revising section 9.04.055 and revising or updating terminology in various sections within Chapter 9.04; revising Chapter 9.12 - Estray-Impoundment, Section 9.12.030; 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. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the above-listed Chapters in Title 9 - Animals and the animal control enforcement procedures 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:


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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 section 9.04.270 - Running at large-Spaying and Neutering Prior to Redemption, and 9.04.275 - Running at large - Microchip Identification required Prior to Redemption. In addition, Section 9.04.055 - Unlawful conduct in the care of animals, cruelty, would be revised and/or updated. Various sections with Chapters 9.04 and 9.12 - Estray - Impoundment would be revised and/or updated.

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

**9.04.270** -Running at large - Spaying and Neutering Prior to Redemption which amends the Ordinance to require mandatory spaying or neutering of any unlicensed unaltered impounded dog unless medically waived by a licensed veterinarian.
**9.04.275** - Running at large - Microchip Identification required Prior to Redemption which amend the Ordinance to requires a microchip implanted in dogs three months or older upon arrival at the county animal shelter.

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

**9.04.050** - Kennel license-amends language to require a kennel license in lieu of individual licensing for four or more dogs kept for breeding, boarding, training or other commercial purposes.
**9.04.055** - Unlawful conduct in the care of animals, cruelty-retitled Authority of Animal Control Officers and amends the language allowing Environmental Health and District Attorney staff a broader range of enforcement options.
**9.12.030** - Taking up - Care - Disposition -amends the language to authorize individuals who are properly equipped to capture and transport Livestock that are running at large.
**9.04.500** - Violation - Misdemeanor is deleted.

The Department posted the recommended ordinance amendments to its website, sent proposed revisions to all animal control agencies in Fresno County, and held a public meeting October 10, 2019, to hear public comments and concerns. The Department received three phone calls and one email prior to the public meeting. The comments and concerns from attendees were:

1. Clarification requested regarding the purpose of amending some misdemeanor violations to infractions.
2. Concern that dog owners, upon reclaiming their dog and finding the dog has been spayed or neutered per Section 9.04.270, will choose not to reclaim the dog.
3. A question regarding enforcement and licensing of dogs in possible hoarding situations.
4. A comment from a citizen opposed to tethering of roosters.

Subsequent to this public forum, a meeting was held on October 30, 2019 at the Department to address numerous questions and concerns specific to the proposed chapter regarding rooster keeping. This chapter was removed from consideration pending further study.

A second public forum was held on February 6, 2020 to hear any additional public comments and concerns subsequent to the removal of the proposed rooster keeping ordinance. One attendee asked if a current provision for mandatory spay and neuter programs is included in any city ordinance codes. Currently four cities (Clovis, Coalinga, Fresno, and Kingsburg) in Fresno county have mandatory spay and neuter requirements.

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

REFERENCE MATERIAL:

BAI # 3, June 9, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

Amended Animal Control Ordinance
Amended Animal Control Ordinance - Red-Lined

CAO ANALYST:

Raul Guerra