

***OFFICE MEMORANDUM***  
**RESOURCE MANAGEMENT AGENCY**  
**ANIMAL CONTROL SERVICES DIVISION**  
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**COUNTY OF KERN**  
**DAVID PRICE III**  
**DIRECTOR**

TO: MEMBERS, ANIMAL CONTROL COMMISSION

FROM: DAVID PRICE III  
Director

DATE: JULY 18, 2007

SUBJECT: AGENDA ITEM F(1) – STATUS REPORT ON PUBLIC WORKSHOPS REGARDING COMBINED BOARD OF SUPERVISORS’ REFERRALS REGARDING DEVELOPMENT OF ORDINANCE AMENDMENTS AFFECTING FACILITIES WITH LARGE NUMBER OF ANIMALS, AND MANDATORY LOW COST SPAY/NEUTER ORDINANCE PROPOSAL

The purpose of this report is to provide an update to the Animal Control Commission (Commission) concerning the ten public workshops conducted concerning the two referrals received from the Board of Supervisors. These workshops have been conducted in communities throughout Kern County. Those communities and their respective dates are listed, along with the number of attendees in parentheses:

May 16 – Bakersfield (60)	May 29 – Taft (0)
May 17 – Tehachapi (66)	May 31 – Lamont (7)
May 22 – Delano (10)	June 4 – Lake Isabella (20)
May 23 – Inyokern (100)	June 5 – Frazier Park (30)
May 24 – Mojave (16)	June 20 – Bakersfield (60)

As staff conducted the workshops and obtained input from the public, there were a number of issues raised that indicated there was widespread concern and opposition to the proposal.

A consistent comment received in all areas was that the proposed ordinance amendments worked against law abiding persons by penalizing them through the exaction of permit fees and subjecting them to an invasion of privacy through a mandated inspection process. Dozens of speakers claimed that the proposal was fringing upon their constitutionally protected private property rights, in the context of regulating their relationships with their animals and restricting use of their real property. This was voiced most often by breeders who are registered with recognized associations, clubs or registries that have “code of ethics” and standards to which members must adhere to. There was also general disagreement that only one litter per household should be allowed for legitimate breeders, who may choose to breed more than one dog at the same time, or breed a dog more than once per year.

There was also significant opposition to the establishment of a six animal threshold for

requiring a multiple animal permit. Rescue organizations, foster care providers, breeders and others were united in their opposition, as they also opposed zoning ordinance provisions that would limit the by-right number of animals to 12 in the RS Combining District. There were requests for making exceptions for the above referenced groups as well as requests for redefinition of terms to provide exemptions for these categories. There were also repeated demands that existing uses should not only be allowed as nonconforming uses, but should extend to future owners, or “run with the land” not unlike uses authorized by a valid Conditional Use Permit.

The overall sense was that the Animal Control Division should improve its enforcement of existing law before creating new, burdensome requirements that were likely to also be inadequately enforced.

In the latter workshops, staff reported on the response the proposal had received to date and indicated that many of these comments would be reviewed and that it was likely that some provisions would be changed or deleted in further recommendations made by staff to your Commission. At the final workshop held after your June Commission meeting, the crowd was much more subdued, largely because of staff’s comment that changes would be made. Nonetheless, many of the comments, as your Commission is aware, followed along the same lines as those reported from the earlier workshops.

Staff is presenting a revised set of guiding principles and preliminary ordinance amendments, based on several factors. First, there was a wide range of input received at the workshops and there are several issues that have helped shape these recommendations, as follows:

- There was widespread recognition that a better job of controlling animal cruelty and abuse should occur, but it was also widely believed that the Division was inadequately staffed to address long standing needs, such as control of nuisances, vaccination and licensing requirements, and large scale facilities.
- The proposal appeared to most people that it was designed just to increase revenues at the expense of personal privacy and property rights and that no meaningful improvement would result; just more money spent and bureaucracy created without successfully combating the basic underlying problems.
- An effort should be made to incentivize licensing of dogs, especially in those cases where licensed dogs were altered.
- The proposal regulated “good” people and did not differentiate from the “backyard breeders”. Many breeders indicated they are already following the precepts of their registering organizations and in fact, weren’t selling their animals in Kern County, claiming that their animals never ended up in our shelter system.
- Although there was general opposition to mandated spay/neuter programs, many folks expressed support for the County underwriting a low cost spay/neuter program.
- The broad scope of the opposition made it clear that should the proposal move forward in its current form, there would be a huge response reflecting such a lack of support and confidence in the program that a meaningful and cohesive policy result would likely not be attainable.

In addition, there have been several other recent developments. AB 1634 –Levine (D-Van Nuys) has failed passage at the committee level in the state Senate despite efforts to amend the legislation to be more acceptable to a broader constituency. It will now become a two year bill.

Also, as a part of its fiscal year 2007-08 budget deliberations, the Board of Supervisors authorized a historic appropriation of \$100,000.00 for a low cost spay/neuter program. Staff has already redirected, in part, its resources to address the development of this new program.

Finally, staff is in the preliminary stages of creating a revised organizational structure to elevate the Animal Control function in Kern County from the Division level to that of a Department level organization. As a part of that review process, an assessment of resource requirements, including staff classifications and number of positions, is under development so that the proper structure can be planned for in order to meet future operational needs.

Recognizing all of these factors, staff is attempting to revise the structure of our regulatory response in order to develop a program that would enjoy broad public support and political legitimacy, for without such a basic level of public support, staff believes that no program would be successful.

### REVISED PROGRAM GUIDING PRINCIPLES

In order to depict proposed changes to our approach, staff is presenting the prior Guiding Principles and showing proposed changes in direction by using ~~strikethrough~~ text for deletions and underlined text for additions.

The following is an outline of the key components of both programs:

#### Large Number of Animals Referral:

- The existing three dog limit within the Metropolitan Bakersfield General Plan (MBGP) area is retained.
- ~~A new limit is established of 12 animals kept through a non-commercial animal facilities permit on a residential parcel in an RS Combining District of ½ acre or less outside of the MBGP area. More than 12 animals requires a CUP in the RS Combining District.~~
- Creates new definitions to define types of animal facilities, including Rescue Organizations. Consistency of these definitions with those in the Zoning ordinance is proposed.
- Pet shops are required to obtain a commercial animal facility permit.
- Requires a new animal facility permit for any location where six fifty or more cats and/or dogs are kept.
- ~~Animals in an animal facility must be microchipped and altered, with few exceptions.~~
- Animal facilities are subject to inspection by the Kern County Animal Control Division (Division) and must make vaccination and other records available for review.

- Specified animal care standards in animal facilities have been strengthened.
- A new voluntary Dog Fancier Permit would be established for multiple dog owners that have fewer than the number of dogs required for an animal facility permit. Multiple dog discounts on licensing will apply to this permit, which will also include one annual compliance inspection.
- Nuisance provisions have been strengthened.
- Violations of ordinance provisions are now subject to administrative penalties and the animal(s) are subject to seizure only under circumstances as is currently the case, subject to appeal rights.

Spay/Neuter Referral:

- County continue to subsidize cost of spay/neuter procedures for adopted animals.
- Board of Supervisors to subsidize low cost spay/neuter services.
- Increase the cost of an annual license for unaltered dogs to \$75.00, except for agricultural and livestock working dogs, which will be licensed at the altered animal rate.
- Any person offering ~~more than one~~ or more litter(s) for sale in a 12-month period to be considered a breeder and be required to ~~obtain a breeding permit~~ register the litter(s) which would ~~equal the cost of two unaltered licenses or \$150.00~~ cost \$25.00 per litter in addition to applicable dog license fees.
- ~~A breeding permit would require inspection of the premises of all breeders.~~ Litter registration will result in educational materials about responsible pet ownership and spay and neuter programs being provided to the registrant.
- In order to advertise puppies for sale, the ~~breeding permit~~ litter registration number must accompany any printed advertising.
- It should be noted that existing Ordinance Code Section 7.08.430(B)(2) limits litters per female dog or cat, to one per year. Although there was considerable opposition to any breeding limits expressed by the public, staff is recommending enforcement of this provision as a means of providing a basis for further dialog that would result in some limitation on breeding.
- Increase the fee to redeem an unaltered animal.
- Offer a lower redemption fee to owners who agree to have the animal(s) altered by a licensed veterinarian.
- An unaltered animal impounded three times will be altered prior to redemption on the third impound.
- Make violation of these provisions a misdemeanor and authorize seizure of the animal(s) only under circumstances as is currently the case, subject to appeal rights.
- Establish a voluntary program with local Rescue Organizations and non-profits to allow for the licensing of dogs upon adoption to a private owner.

In order to implement the above program elements, the following are key operational changes that would be required:

1. Cats and dogs adopted from the shelter would either be altered or, if too ill or young to do so, the adopting party would be given an appointment with the shelter veterinarian. The appointment must be kept and the procedure

performed or the party would be in violation of a new ordinance provision intended to enforce the requirement.

2. All unaltered cats and dogs, other than those described in #1 above, would be released only to animal shelters or rescue groups that are subject to spay/neuter requirements.
3. All natural cats and dogs that are redeemed by their owners upon the third impound within three years would be altered prior to release.
4. ~~A “Professional Breeding Permit” would be established to allow for regulated dog breeding activity and to assist in funding the program expansion outlined in #5 and #6 below.~~
5. Funding for a low cost spay/neuter program would be sought from the Board of Supervisors, foundations and other sources. A portion of a staff position would be dedicated to seeking the grants and coordinating spay/neuter clinics related to the grant funding program and timing of implementing this program would have to be carefully planned for in the future to ensure adequate staff resources were available. The remaining portion of this position would follow up on dog license renewals to ensure compliance.
6. County pet education and enforcement teams (PEET) would distribute spay/neuter vouchers to eligible residents along with Notices to Comply for license, vaccination, and failure to obtain animal facility permit violations. PEET staff would also follow up on instances of litters that were not registered ~~as a part of the Professional Breeding Permit program listed in #4 above.~~ This program would consist of new staff performing the following elements:
  - Identify various sources offering dogs through newspaper advertisements, neighborhood canvassing, complaints from the public, and other means.
  - Meet with owners and require temporary ~~licensing~~ registration of dogs pending vaccinations, licensing and/or alteration.
  - Follow up with owners to monitor compliance with vaccination/license requirements or if the dogs are too young, the transfer of dogs to new adopters.
  - Follow up with adopters to achieve compliance with vaccination/license requirements and offer incentives for alteration of dogs through the program outlined in #5 above.
  - A second component of this program could consist of contacting currently licensed natural dog owners to offer incentives for alteration.
7. Local newspapers’ cooperation would be sought to publicize the requirement for ~~a breeding permit~~ litter registration and to include the ~~permit~~ registration number in pet advertising. ~~Staff will check to see if newspapers can be legally required to publish a breeding permit number as a part of any advertisement or be obligated to refuse to publish the advertisement if no valid permit number is provided.~~

## ORDINANCE CHANGES

In order to implement some of the desired changes, the Kern County Ordinance Code must be amended. In order to address all of these issues, three main Code areas, known as Titles, are affected. They are Title 2 – Administration, Title 7 – Animals, and Title 19 – Zoning.

All proposed changes to ordinances are depicted by use of ~~striketrough text~~ to denote deletions and underline text to note additions. Also, numbering of ordinance sections is for referring to current sections only and is subject to change due to final formatting requirements. In those cases where the numbering sequence is known to change, the character “x” is used, as in 7.04.xxx, to indicate the number will be assigned after final formatting. Likewise, proposed ordinance sections will be identified with “NEW,” as in 7.04.NEW, to indicate a new section and new number.

Note that changes made as a result of input received through the workshops are depicted by ~~double striketrough~~ to denote deletions and double underline to denote additions.

At the end of each section, parenthesized words in italics will identify the source of the change, as follows:

1. *(Previously Referred)* means the change was a matter previously referred for amendment by the Board of Supervisors or Animal Control Commission.
2. *(Lg. Animals)* means the change originated through the Number of Large Animals referral.
3. *(Program Change)* means the change originated through a change in operating procedures, the provision is now obsolete, or is due to program enhancements since the ordinance was last amended.
4. *(Spay/Neuter)* means the change originated through the Spay/Neuter referral.
5. *(Text Correction)* means the change is to correct spelling or terminology errors or renumbering.

## Title 2 ADMINISTRATION

### Chapter 2.150 - ANIMAL CONTROL COMMISSION

#### 2.150.020 Responsibilities.

5. To serve as the administrative review board for the consideration of appeals to orders regarding the designation of a dangerous animal and the impoundment of ~~a dangerous animals~~ for euthanasia or other disposition under Section 7.08.280, ~~Section 7.08.430 and Section 7.08.430~~ 7.08.NEW [breeding ordinance] of the Kern County Ordinance Code. *(Spay/Neuter)*

## Title 7 ANIMALS

### Chapter 7.04 - DEFINITIONS

#### 7.04.050 Animal shelter, ~~public.~~

"Animal shelter" or "~~public animal shelter~~" means a facility operated by a humane society, or a governmental agency or its authorized agents ~~for the purposes of impounding or caring for~~ that keeps or legally impounds stray, homeless, abandoned or unwanted animals. (*Lg. Animals*)

#### ~~7.04.NEW Breeding permit.~~

~~"Breeding permit" means a permit issued by the director to a person that allows one time breeding of a female dog in accordance with the requirements of this title. Breeding permits are to be renewed for each occurrence that the permitted dog is bred. (Spay/Neuter)~~

#### ~~7.04.NEW Breeding permittee.~~

~~"Breeding permittee" means the person to whom a breeding permit is issued. (Spay/Neuter)~~

#### 7.04.NEW Commercial Animal Establishment.

"Commercial Animal Establishment" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, except a facility as defined in section 7.04.050. Rescue organizations that own fifty or more cats or dogs at an onsite facility are considered to be noncommercial Animal Establishments for the purpose of permitting, inspection and enforcement actions pursuant to this code. (*Lg. Animals*)

#### 7.04.090 Dog.

"Dog" means a domesticated animal of the canine type (*Canis familiaris*); young animals (puppies) of this type are considered dogs upon reaching the age of four months. (*Lg. Animals*)

#### 7.04.130 Dog fancier.

"Dog fancier" means any person who owns or keeps, ~~within or adjoining on the same parcel as a private residence,~~ when accessory to an established residential use, four (4) or more dogs for personal and noncommercial purposes, which includes but ~~are~~ is not limited to hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, or to enhance or perpetuate a given breed, and other uses determined by the director to be similar in nature, and who has secured a permit for such activity in accordance with the provisions of this title. (*Lg. Animals*)

#### 7.04.NEW Dog Fancier Permit.

"Dog fancier permit" means a permit issued to a dog fancier pursuant to Ordinance Code Sections 7.04.NEW and for which applicable fees have been paid.

#### ~~7.04.150 Kennel.~~

~~"Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, except a facility operated by a humane society, or a governmental agency or its authorized agents, for the purpose of impounding or caring for animals. (Lg. Animals)~~

#### 7.04.NEW Fee collector.

"Fee collector" means any person, non-profit organization or other entity authorized by the director that has voluntarily agreed to collect fees, issue licenses or perform other licensing related services. (Spay/Neuter)

7.04.NEW Neuter.

"Neuter" means the veterinary procedure known as castration in which the testicles of a male animal are surgically removed and the animal is no longer capable of producing offspring.

7.04.NEW Noncommercial Animal Establishment.

"Noncommercial Animal Establishment" means any premises wherein any person who owns or keeps, when accessory to an established residential use, ~~six (6)~~ fifty (50) or more dogs and/or cats for personal and noncommercial purposes, which includes but is not limited to companion animal keeping, hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, and other uses determined by the director to be similar in nature. (Lg. Animals)

7.04.180 Shop, grooming.

"Grooming shop" means a ~~commercial establishment~~ business enterprise where animals are bathed, clipped, plucked or otherwise groomed. A grooming facility that boards animals shall be known as a commercial animal establishment. (Lg. Animals)

7.04.190 Shop, pet.

"Pet shop" means any person, sole proprietorship, limited liability corporation (LLC), partnership or corporation, whether operated separately or in connection with another business enterprise, ~~except for a kennel~~, that buys, gives away, sells or takes on consignment any species of animal. Pet shops are considered to be commercial animal establishments for the purpose of permitting, inspection and enforcement actions pursuant to this code. (Lg. Animals)

7.04.NEW Rescue Organization.

"Rescue Organization" means either a for-profit organization or non-profit animal rescue organization exempt from taxation under Internal Revenue Code Section 501(c) (3), or a collaboration of individuals associated with said organization, with at least one of its purposes being the sale or placement of dogs or cats that have been removed from the animal shelter or that have been previously owned by any person other than the original breeder of the dog or cat. Rescue organizations are considered to be noncommercial animal establishments for the purpose of permitting, inspection and enforcement actions pursuant to this code only if those entities own and care for animals at an onsite facility. (Lg. Animals)

7.04.NEW Spay.

"Spay" means the veterinary procedure known as an ovariectomy in which the ovaries and uterus of a female animal are surgically removed and the animal is no longer capable of producing offspring. (Spay/Neuter)

7.04.NEW Spay/neuter fee.

"Spay/neuter fee" means a fee charged to a new owner upon adoption of an animal in any of the circumstances listed in subsections 7.08.NEW(A), 7.08.NEW(B), 7.08.NEW(C) or 7.08.NEW(D) of this section. (Spay/Neuter)

A. A fee charged for the purpose of compensating the Division for providing sterilization of the animal. (Spay/Neuter)

B. A fee charged for an adopted animal that is determined to be too young or infirm to undergo sterilization at the time of adoption and which is refundable within sixty (60) days of the sterilization procedure being performed if it is performed on the adopted animal by a non-county veterinarian within fourteen (14) business days of being certified as healthy enough for the procedure. (Spay/Neuter)

C. If the sterilization procedure is performed by a county veterinarian, the fee is not refundable. (Spay/Neuter)

D. Also, a fee charged by the director to an animal owner upon the redemption of non-sterilized animals that is refundable pursuant to section 7.08.190(A)(1) and section 7.08.430(B)(1). (Spay/Neuter)

#### 7.04.NEW Sterilization.

“Sterilization” means the procedure by which an animal is spayed or neutered as performed by a veterinarian licensed by the state in which the procedure is performed and proof of which has been determined by the director through documentary evidence or personal examination. (Spay/Neuter)

### Title 7 ANIMALS

#### Chapter 7.08 - ANIMAL CONTROL REGULATIONS

#### 7.08.NEW Purpose.

The purpose of this ordinance is to protect the public health and safety of Kern county residents and to promote the general welfare of the citizens and animals residing within the unincorporated area of the county. Animal ownership is encouraged and welcomed within this county; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged and required to respect the rights of their fellow residents and behave responsibly concerning the care of their animals. Primary responsibility is placed upon animal owners to properly maintain and/or secure their animals so as to prevent the animals from causing injury and/or creating a nuisance. (Previously Referred)

#### 7.08.030 License fees and regulations.

G. Any operator of a commercial animal facility or other establishment that adopts out dogs to persons may, at the discretion of the director, be designated as a fee collector for the purposes of ensuring rabies vaccinations, collecting fees and issuing dog licenses. (Spay/Neuter)

#### 7.08.040 Animal Establishment Permit in lieu of license.

A.. No person ~~may~~ shall apply for a permit to operate a kennel ~~own, operate, conduct or maintain~~ in the unincorporated area of the county a commercial animal establishment or a noncommercial animal establishment as described in Section 7.04.xxx and Section 7.04.xxx without first having obtained a permit on an application form as prescribed by the director. The annual fee shall be in accordance with the fee schedule as established by the board of supervisors. Said permit fees shall be in lieu of any dog license required by Section 7.08.030, and the permit holder shall be entitled to maintain any number of animals provided the permit holder complies with the provisions of this title and any and all laws relating to ~~kennels~~ commercial animal establishments or noncommercial animal establishments and the treatment of animals. (Lg. Animals)

B. Prior to issuing ~~such a~~ permits the director shall determine that: (Text Correction)

1. The ~~permittee's facilities~~ ~~are~~ ~~is~~ so constructed as to prevent ~~dogs~~ animals maintained or kept therein from running at large off the premises; (Text Correction)

2. The ~~permittee's facilities~~ ~~are~~ ~~is~~ constructed in a manner that will ensure that the animals maintained therein will enjoy a healthy, safe, sanitary and humane environment and not become a nuisance to the neighborhood; (Text Correction)

3. The permittee has not committed any activity which, in the director's judgment, would constitute cruelty to animals;

4. The permittee agrees that the director ~~may~~ shall be granted full access, at all

reasonable times, to inspect the permittee's premises, records and operations; (*Lg. Animals*)

~~7. All animals maintained on the premises and owned by the permittee have been microchipped and that information has been filed with the director. (*Lg. Animals*)~~

~~8. All animals maintained on the premises and owned by the permittee have been spayed or neutered, unless the animals are bred under the authority of a breeding permit issued by the director or are otherwise exempt under the provisions of 7.08.NEW. (*Lg. Animals*)~~

9. Records of all animals at a noncommercial animal establishment or a commercial animal establishment shall be kept at the address specified in the permit application. The records shall include, but are not limited to, the name and address of any and all owner(s) of the dog(s), cat(s) or other animal(s), date of transaction (when applicable), species/breed, specific identifying characteristics, gender, age, microchipping identification, and name of veterinarian. (*Lg. Animals*)

10. A record shall be kept of communicable disease immunizations for each animal at a noncommercial animal establishment or a commercial animal establishment, including rabies, recording the date on which immunization was given or the expiration date. These records shall be retained by the non-commercial animal establishment or the commercial animal establishment for a period of 30 days after the animal leaves the non-commercial animal establishment or a commercial animal establishment. (*Lg. Animals*)

11. The above records shall be available to the director and appropriate state and federal authorities during normal business hours. (*Lg. Animals*)

D. Licensed veterinary hospitals are not required to obtain ~~kennel~~ animal establishment permits. (*Lg. Animals*)

#### 7.08.110 Animal care requirements.

Every person within the county who owns any domesticated animal or who owns, conducts, manages or operates any facility pursuant to this chapter shall comply with each of the following conditions: (*Text Correction*)

A.. Housing facilities/primary enclosures for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to ~~restrict the entrance of~~ keep other animals or predators out of any enclosure where animals are kept. (*Lg. Animals*)

F. Whenever an animal is left unattended at a ~~kennel, pet shop, or grooming shop~~ commercial animal establishment, noncommercial animal establishment, grooming shop or pet shop, the telephone number of Kern County animal control services or the name, address and telephone number of the owner or operator of the facility shall be posted in a conspicuous place at the front of the property. (*Lg. Animals*)

K.. Every building or enclosure wherein animals are maintained shall be water resistant, constructed of durable materials that are easily cleaned, ~~and shall be~~ properly ventilated to prevent drafts and to remove odors and routinely maintained to allow animals to stay dry and clean and to provide convenient access to clean food and water. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation. (*Lg. Animals*)

M. All animal enclosures, rooms, cages, kennels and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein, with flooring that is constructed to prevent injury to the animals' feet and legs. (*Lg. Animals*)

O. All persons shall provide proper shelters and protection from the weather for all animals at all times. This includes, but is not limited to, shade to protect animals from the direct rays of the sun and prevent overheating with care given to proportion of animal and positioning to provide maximum protection; flooring or platforms raised off the ground, of suitable size to accommodate the animal and allow for retention of body heat. When animals are housed outdoors when the

mean temperature is 45 degrees Fahrenheit or below or is 80 degrees or above, animals shall be so acclimated. (Lg. Animals)

7.08.190 ~~Payment for redemption of animals.~~ Return of Animals to Owner: Fees and Fines

A. The owner of any animal impounded but not quarantined may, at any time during regular working hours and before the adoption or other disposition thereof, redeem the animal by showing proof of ownership and paying the director all the fees and ~~charges~~ fines thereon including, but not limited to, applicable administrative penalties, rabies vaccination fee if not current, vaccinations for other communicable diseases in accordance with current practice as determined by the director, license fee if unlicensed, County impound fees, board and care and feeding charges, spay/neuter fee or cost of providing the service, other service fees and veterinary charges if applicable in accordance with the fee schedule as established by the board of supervisors. (*Spay/Neuter; Program Change*)

1. Such spay/neuter fee shall be refundable upon proof that the animal has been altered by a licensed veterinarian within thirty (30) days of the redemption unless the animal is certified by a licensed veterinarian as too ill or injured to be sterilized. In such cases, the spay/neuter fee shall be refundable upon the submission of written proof that the animal has been altered by a licensed veterinarian within fourteen (14) business days of the certification of the animal being healthy and the refund request and written proof is submitted to the director within 30 days of the sterilization procedure being performed. Such spay/neuter fee shall also be refundable if the owner submits, within thirty (30) days of sterilization, a written certification from a licensed veterinarian stating that, in the professional judgment of the veterinarian, the animal has previously been altered. The spay/neuter fee shall be forfeited to the County if such proof of sterilization or written certification has not been presented to the director within the specified period. All such forfeited deposits shall be deposited into a trust fund used to issue sterilization vouchers and to pay for sterilization by the director of adoptable animals. (Spay/Neuter)

B. In accordance with Section 30804.7 and 31751.7 of the Food and Agriculture Code, the owner of any non-spayed or un-neutered dog or cat that is impounded shall be fined as follows:

First Occurrence	\$35
Second Occurrence	\$50
Third & Subsequent Occurrences	\$100

C. ~~A-~~ The director shall charge, in addition to redemption fees and administrative penalties if applicable, a deposit for vaccination of any impounded dog under the age of four (4) months which has not been vaccinated against rabies, and shall issue a ~~separate receipt~~ rabies voucher to the person paying them. (*Program Change*)

D. ~~B~~ All sums received by the director shall be deposited in the county treasury forthwith and shall be kept in a separate account or trust fund which may be appropriately designated and provided for by the board of supervisors. (*Text Correction*)

E. ~~C~~ A vaccination deposit shall be collected by the director in accordance with the fee schedule as established by the board of supervisors. (*Text Correction*)

F. ~~G~~ Vaccinators who accept ~~receipts~~ rabies vouchers in payment for rabies vaccinations of dogs shall, upon presenting ~~receipts~~ rabies vouchers and claim forms approved by the director ~~to the board of supervisors~~, be entitled to payment from the county treasury of the amount stated on the receipt. (*Text Correction*)

7.08.200 Adoption ~~and impoundment charges~~ Fees.

The director shall charge ~~proposed~~ fees for ~~animal control services, impoundment, food and care, adoption, microchipping, rabies and other vaccinations, spay/neuter, license and other services~~ in accordance with the fee schedule as established by the board of supervisors. (*Spay/Neuter; Program Change*)

~~7.08.210 Redemption of unvaccinated dogs.~~ (*Text Correction; Program Change*)

7.08.230 Adoption of unredeemed animals.

A. 1. Dogs may be adopted upon payment of an adoption fee, a ~~rabies~~ vaccination fee, a license fee, ~~and a spay and/neuter fee, a microchipping fee and compliance with the provisions of state law dealing with the sterilization of dogs.~~ (*Program Change*)

2. Cats may be adopted upon payment of an adoption fee, a vaccination fee, a ~~spay/neuter fee, microchipping fee~~ and compliance with the provision of state law dealing with the ~~spaying and neutering~~ sterilization of cats. (*Program Change*)

3. ~~Cats and dogs too young or infirm to be sterilized may be adopted subject to the adopter establishing proof of sterilization, or returning the animal for sterilization, to Animal Control on a date determined at the time of adoption. Anyone who fails to comply with this sterilization requirement is guilty of a misdemeanor punishable as provided in section 1.12.030 of this code. Further, any person who commits an act prohibited by this section is subject to having the animal in violation of the sterilization requirement seized for adoption or other disposition in accordance with section 7.08.400.~~ (*Spay/Neuter*)

~~34.~~ All other animals may be adopted upon payment of an adoption fee. (*Text Correction*)

7.08.380 Animals creating a nuisance.

A. The keeping or harboring of any animal or fowl, whether licensed or not, which by ~~habitual excessive~~ howling, yelping, barking or other noise ~~disturbs or annoys any considerable number of persons or any neighborhood~~ or smell which is offensive to the senses, is injurious to health, ~~disturbs or annoys an entire community or neighborhood, or any considerable number of people, so as to interfere with the enjoyment of life or property~~ is unlawful and is a public nuisance, and each day that such act is continued constitutes a separate offense. It is unlawful to suffer or permit any animal or fowl to trespass on private or public property so as to damage or destroy any property or thing of value, or so as to commit any other act dangerous to public health or safety, and any animal or fowl committing such act is a public nuisance. (*Lg. Animals & Spay/Neuter*)

7.08.420 ~~Public education program~~ Administrative penalties and fines.

A. ~~For five years (5) years from the adoption of the ordinance codified in this title there shall be an intense public education campaign in effect. Pet owners will be provided information on local spay/neuter clinics and spay/neuter voucher assistance programs. The public education program will include, but not be limited to, public advertising, school programs, informational campaigns to encouraged licensing and the responsible, humane treatment of dogs and cats, the prevention of unwanted, ill-advised and accidental breeding of dog and cats.~~ (*Program Change*)

B. ~~Educational materials will be provided to those individuals who allow any dog or cat owned, harbored or kept by that person within the unincorporated areas of Kern County to breed or reproduce during this five (5) year period.~~ (*Program Change*)

In addition to the other provisions contained in this chapter, owners of animals or facilities in violation of the provisions of this title that have been confirmed by the director are subject to the regulations pertaining to the imposition and collection of administrative fines and penalties as provided for in Chapter 8.54 of the Kern County ordinance code. These fines or administrative penalties shall be in addition to any cost or fee provided for in this chapter for the redemption or disposition of impounded animals. (*Lg. Animals & Spay/Neuter*)

7.08.430 Spaying and neutering of dogs and cats program.

B. The following requirements shall apply to the sale, adoption, giving away or other release of any dog or cat by the breeder redemption of cats and dogs by owners:

~~1. Animals shall be eight (8) weeks of age or older. (Text Correction, moved to 7.08.NEW (F)(2))~~

~~2. There will be a limit of one (1) litter per year, per female dog or cat. (Text Correction, moved to 7.08.NEW(F)(1))~~

~~1. If after the first or second impoundment, the owner of the impounded animal provides written proof of the animal having been sterilized within thirty (30) days of impoundment, the sterilization deposit most recently paid for the impounded animal shall be refunded. (Spay/Neuter)~~

~~2. No animal shall be released to its owner after a third impoundment unless it has been sterilized. (Spay/Neuter)~~

~~3. The owner of the animal shall be liable for the cost of the sterilization procedure as described in section 7.08.430(B)(1) and section 7.08.430 (B)(2) and all redemption related expenses, which shall be paid to the director prior to release of the animal. (Spay/Neuter)~~

C. Any person who commits an act prohibited by this section is guilty of a misdemeanor punishable as provided in section 1.12.030 of this code. (Spay/Neuter)

~~D. Any person who commits an act prohibited by this section is subject to having the animal in violation of this program seized for adoption or other disposition in accordance with section 7.08.400. (Spay/Neuter)~~

7.08.NEW Breeding permit Litter Registration

~~A. No person shall allow a female dog to breed unless that person has obtained a separate dog breeding permit issued by the director for each female dog to be bred. Any person who owns a female dog who births live puppies is required to register the litter with the Director. (Spay/Neuter)~~

B. The following dogs are exempt from the breeding permit litter registration requirement:

1. Dogs owned by law enforcement agencies for law enforcement or rescue activities. (Spay/Neuter)

2. Dogs documented as guide, signal, or service dogs pursuant to California Penal Code Section 365.5(d), (3) & (f) and successor sections. (Spay/Neuter)

~~C. Each permit shall authorize the whelping of no more than one litter per female dog in any twelve (12) month period and no more than one litter per domestic household in any twelve (12) month period. Breeding permits may be renewed if the person applying for renewal has not been found to be in violation of any provisions of this chapter during the prior year. (Spay/Neuter)~~

~~D. A breeding permit The litter registration shall be obtained by the owner of an impregnated dog no later than fourteen (14) calendar days after the birth of the puppies, unless the impregnated dog is spayed within sixty (60) days of the birth of its puppies and proof of such action is provided to the director. (Spay/Neuter)~~

E. Any person holding an animal establishment permit pursuant to section 7.08.040 shall be exempt from the individual dog licensure requirements of section 7.08.020, but must obtain individual breeding permits litter registration for each female dog that is bred. (Spay/Neuter)

F. Breeding permittees Litter registrants shall comply with the following requirements:

1. There will be a limit of one (1) litter per year, per female dog or cat. (Text Correction, moved from 7.08.430(F)(2))

2. Animals shall be eight (8) weeks of age or older at the time of transfer. (Text Correction, moved from 7.08.430 (F)(1))

~~3. Upon transfer of ownership, all dogs must have age appropriate vaccinations administered. The breeding permittee litter registrants shall provide the new owner with a statement attesting to the signatory's knowledge of the animal's health and immunization history. (Spay/Neuter)~~

~~4. Upon placement of the dog within the unincorporated area of Kern County, the name, address and telephone number of the new owner shall be provided to the director. (Spay/Neuter)~~

~~5. No person shall advertise availability of dogs unless the advertisement includes the unaltered dog's license number (if over four (4) months of age) and a breeding permit litter registration number associated with the dog, if applicable. (Spay/Neuter)~~

~~G. The director may revoke a breeding permit upon determining that any of the conditions described herein are not being maintained by the breeding permittee, that the breeding permittee is in violation of this title or that the facility is being operated in manner that constitutes a nuisance including, but not limited to, noise and odor disturbances. (Spay/Neuter)~~

~~H. Revocation of a breeding permit by the director is subject to the provisions of section 7.08.400. (Spay/Neuter)~~

~~I. Any person who commits an act prohibited by this section is guilty of a misdemeanor punishable as provided in section 1.12.030 of this code. (Spay/Neuter)~~

~~J. Any person who commits an act prohibited by this section is subject to having the animal in violation of this program seized for adoption or other disposition in accordance with section 7.08.400. (Spay/Neuter)~~

~~7.08.440 Monitoring. (Program Change)~~

FEE ORDINANCE

1. License and Permit Fees:

A. Dogs

Delinquent Penalty	\$10.00
Duplicate license tag	\$2.00 <u>5.00</u>
Companion <u>Service Dog</u>	No Fee
<u>Dangerous Animal</u> (per year in addition to the fee below)	<u>\$120.00</u>
<u>Non-Compliance</u>	<u>\$20.00</u>

If a licensed natural dog is altered and one or more full years remain on the term of its license, the owner is eligible for a refund of the difference between the natural and altered license rate for each full year remaining

NATURAL

Natural: one year option	\$60.00	<u>75.00</u>
Natural: two year option	\$120.00	<u>135.00</u>
Natural: three year option	\$150.00	<u>195.00</u>

ALTERED

Altered: one year option	\$15.00
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Altered: one year option/senior citizen	\$ 5.00
Altered: two year option	\$25.00
Altered: two year option/senior citizen	\$10.00
Altered: three year option	\$30.00
Altered: three year option/senior citizen	\$15.00
B. Cats	
Owner I.D. tag (optional): per cat per year	\$ 6.00
Duplicate license tag	\$ 5.00

C. Wild or Exotic Animals – Permit fee

One (1) or more animals per year	\$150.00
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D. ~~Kennel Commercial~~ or Non-commercial Animal Facility, Dog Fancier Permits:  
each, per year

<del>Kennel: per year for over 20 dogs</del>	<del>\$100.00</del>
<del>Kennel: per year for up to twenty dogs</del>	<del>\$ 75.00</del>
<del>Kennel: per year for up to ten dogs</del>	<del>\$ 50.00</del>
<u>20 or more cats and/or altered dogs</u>	<u>\$200.00</u>
<u>16-19 cats and/or altered dogs</u>	<u>\$150.00</u>
<u>11-15 cats and/or altered dogs</u>	<u>\$100.00</u>
<u>6-10 cats and/or altered dogs and/or 50 or more cats</u>	<u>\$ 75.00</u>
<u>1-5 cats and/or altered dogs (commercial animal facility)</u>	<u>\$ 50.00</u>

If a majority of dogs are natural, the applicable fee above is tripled

E. ~~Breeding Permits~~ Litter Registration (each animal, each litter) ~~\$150.00~~ 25.00

F. Inspections to Ensure Compliance

Compliance Inspection Fee (Per officer per hour after initial inspection(s))	\$40.00/hour
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2. Charges for Care and Feeding:

Animals: up to 100 lbs., per day per animal	<del>\$5.00</del> <u>15.00</u>
Animals: over 100 lbs., per day per animal	\$25.00

3. County Impound Fees:

DOGS LICENSED / ALTERED

First impoundment (subsequent impoundments charged unlicensed rates)	\$15.00
Second impoundment	<del>\$15.00</del> <u>30.00</u>
<u>Third and subsequent impoundments</u>	<u>\$60.00</u>

DOGS UNLICENSED / ALTERED

First impoundment	<del>\$40.00</del>	<u>35.00</u>
Second impoundment	<del>\$80.00</del>	<u>50.00</u>
Third and subsequent impoundments	<del>\$160.00</del>	<u>80.00</u>

DOGS LICENSED / NATURAL

First impoundment	<del>\$25.00</del>	<u>55.00</u>
Second impoundment	<del>\$80.00</del>	<u>70.00</u>
Third and subsequent impoundments (owners also responsible for spay/neuter)	<del>\$160.00</del>	<u>100.00</u>

DOGS UNLICENSED / NATURAL

First impoundment	<del>\$40.00</del>	<u>75.00</u>
Second impoundment	<del>\$80.00</del>	<u>90.00</u>
Third and subsequent impoundments (owners also responsible for spay/neuter)	<del>\$160.00</del>	<u>120.00</u>

FEMALE DOG IN SEASON PER DOG \$20.00  
 (in addition to care, feeding, impound fees and fines)

SMALL ANIMALS (under 25 lbs., except dogs)

First impoundment	\$15.00
Second impoundment	\$50.00
Third and subsequent impoundments	\$75.00

LARGE ANIMALS (over 25 lbs., except dogs)

First impoundment	\$50.00
Second impoundment	\$150.00
Third and subsequent impoundments	\$300.00

DANGEROUS ANIMALS

First impoundment, within 24 months	\$100.00
Second impoundment, within 24 months	\$200.00
Third and subsequent impoundments, within 24 months	\$400.00

4. State of California Impound Fines for Unaltered Cats and Dogs

First occurrence	\$35.00
Second occurrence	\$50.00
Third and subsequent occurrences	\$100.00

5. ~~Redemption and Adoption~~ Miscellaneous Service Charges

Rabies Vaccination, Dog	<del>\$10.00</del> <u>5.00</u>
<u>Core</u> Vaccinations, dog or cat, each (except adoptions)	<del>\$ 5.00</del> <u>3.00</u>
<del>Flea &amp; tick treatment dip, each animal</del>	<del>_____</del> <u>\$5.00</u>
Feline Leukemia/ <u>FIV</u> Test	Actual Cost <u>\$15.00</u>
<u>Microchip</u>	<u>\$15.00</u>

6. Adoption Fees:

	Adoption Fee Deposit*	Spay/Neuter	<u>Rabies</u> Vaccination Deposit Fee*	License Deposit Fee	Microchip Fee	TOTAL
Female Cat	\$5.00	\$25.00	<del>\$10.00</del> <u>5.00</u>	-0-	<u>\$15.00</u>	<del>\$40.00</del> <u>\$50.00</u>
Male Cat	\$5.00	\$15.00	<del>\$10.00</del> <u>5.00</u>	-0-	<u>\$15.00</u>	<del>\$30.00</del> <u>\$40.00</u>
<u>Puppy up to 4 mos. Old</u>	\$10.00	\$40.00	\$10.00 <u>voucher</u>	<del>\$3.00</del> <u>-0-</u>	<u>\$15.00</u>	<del>\$63.00</del> <u>\$75.00</u>
<u>Registered dog-Dog w/papers</u>	<del>\$21.00</del> <u>\$10.00</u>	\$40.00	<del>\$10.00</del> <u>5.00</u>	<del>\$3.00</del> <u>\$5.00** or \$15.00</u>	<u>\$15.00</u>	<del>\$74.00</del> <u>\$75.00** or \$85.00</u>

\* ~~appropriate sales tax is charged at date of sale.~~ Fee includes one year Rabies Vaccination for dogs and no charge for Core DHLPP Vaccination for cats and dogs

\*\* - Senior Rate

Adoption fees for other animals to be determined by the  
 Director of Animal Control Variable

7. Response to Loose, Injured or Dead Animals \$40.00/per hour/per officer

8. ~~Euthanasia and~~ Disposal of Cats and Dogs at ~~Owner's Request~~

Delivered to the Shelter, per animal	<del>No charge</del> <u>\$15.00</u>
Picked up by Animal Control, per animal	<u>\$40.00</u>

9. Miscellaneous Fee Provisions:

Rabies Test	\$40.00
<u>Cat Spay fee – female</u>	<u>\$25.00</u>
<u>Cat Neuter fee – male</u>	<u>\$15.00</u>
<u>Dog Spay/neuter fee</u>	<u>\$40.00</u>

Research fee for responding to public requests for information \$40.00/hour  
 Document Duplication, Postage and Handling Per Kern County  
 Administrative  
 Bulletin #4

Note - Fees may be waived, reduced or payment plans approved for special events and/or circumstances in the interest of advancing humane purposes at the discretion of the Director of Animal Control.

## Title 19 ZONING

### 19.04.047 Animal shelter.

"Animal shelter" means a facility operated by a humane society, or a governmental agency or its authorized agents that keeps or legally impounds stray, homeless, abandoned or unwanted animals. (*Lg. Animals*)

### 7.04.NEW Commercial Animal Establishment.

"Commercial Animal Establishment" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, except a facility as defined in section 7.04.050. Rescue organizations that own fifty or more cats or dogs at an onsite facility are considered to be noncommercial Animal Establishments for the purpose of permitting, inspection and enforcement actions pursuant to this code. (*Lg. Animals*)

### ~~19.04.366 Kennel.~~

~~"Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, except a facility operated by a humane society, or a governmental agency or its authorized agents, for the purpose of impounding or caring for animals. (*Lg. Animals*)~~

### 7.04.NEW Noncommercial Animal Establishment.

"Noncommercial Animal Establishment" means any premises wherein any person who owns or keeps, when accessory to an established residential use, six (6) fifty (50) or more dogs and/or cats for personal and noncommercial purposes, which includes but is not limited to companion animal keeping, hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, and other uses determined by the director to be similar in nature. (*Lg. Animals*)

### ~~19.08.430 Animal shelters grace period.~~

~~—Prior to the enactment of a formal definition of "animal shelter" in 2002 (see Section 19.04.047), animal shelters and rescue centers were treated as "kennels" for permitting purposes. Any animal shelter use existing as of July 1, 2002, that is not or does not become a legal, nonconforming use on that date in accordance with the provisions of Chapter 19.108 of this title, shall have a grace period of up to one (1) year from that date to legalize its status under the zoning ordinance. (*Lg. Animals*)~~

### ~~19.16.130 Special review procedures and development standards.~~

~~—The following special review procedures and development standards apply in the E district:  
—A... The breeding and raising of animals permitted pursuant to Section 19.18.020 of this chapter shall be limited to poultry, rabbits and birds for domestic or hobby purposes, or similar small fowl and animals raised for food, scientific or fur bearing purposes, provided not more than twelve (12) of any one (1) or combination of such animals may be maintained on a single lot, except that a maximum of forty (40) pigeons may be kept within an enclosed structure. Animal enclosures shall be subject to the setback requirements specified in Section 19.18.000(B). (*Lg.*~~

*Animals)*

~~19.18.130 Special review procedures and development standards.~~

~~The following special review procedures and development standards apply in the R-1 district:~~

~~A. The breeding and raising of animals permitted pursuant to Section 19.18.020 of this chapter shall be limited to poultry, rabbits and birds for domestic or hobby purposes, or similar small fowl and animals raised for food, scientific or fur bearing purposes, provided not more than twelve (12) of any one (1) or combination of such animals may be maintained on a single lot, except that a maximum of forty (40) pigeons may be kept within an enclosed structure. Animal enclosures shall be subject to the setback requirements specified in Section 19.18.090(B). (Lg. Animals)~~

19.42.130 Special review procedures and development standards.

The following special review procedures and development standards apply in the RF district:

A. The breeding and raising of birds, including show or racing pigeons, poultry and rabbits shall be limited to domestic or hobby purposes only and they shall not be raised for commercial purposes. ~~Non-commercial animal establishments are also permitted on any lot on which a residential use has been established. (Lg. Animals)~~

19.60.020 Permitted uses.

The following uses and others determined to be similar to these uses pursuant to Sections 19.08.030 through 19.08.080 of this title are permitted in an RS district:

A.. Breeding, raising and keeping of poultry, birds, rabbits, chinchillas, fish, frogs or bees for the domestic use of the resident/occupant of the lot; provided, however, there shall be no killing or dressing of such animals for commercial purposes. ~~Non-commercial animal establishments for the keeping of twelve (12) cats and/or dogs or less are also permitted on any lot of one half acre or larger in size; (Lg. Animals)~~

~~19.60.030 Uses permitted with a conditional use permit.~~

~~B. Non-commercial animal establishments involving the keeping of more than twelve (12) adult cats and/or dogs.~~

Therefore, IT IS RECOMMENDED that your Commission hear staff presentation and discuss.

**KERN COUNTY ANIMAL CONTROL DIVISION  
 ORDINANCE AMENDMENT PROPOSAL  
FACILITY ZONING COMPATIBILITY MATRIX**

An important component of this project is to standardize the description and definition of various types of animal establishments in both the Animal Regulations and Zoning ordinances. The Animal Regulations ordinance will create standards for how animal facilities are operated. The controlling factor of where these facilities can be lawfully located, however, is not a function of the Animal Regulations ordinance, but is governed by the Zoning ordinance. One important purpose of the Zoning ordinance is to group similar facilities and allow for their siting in areas that will be compatible and not create conflicts with surrounding uses. In order to better depict where these facilities would be allowed to locate, staff has developed the following matrix to better explain where the Zoning ordinance will allow these facilities to be located.

Zoning District	Allowed By Right	Conditional Use Permit	Prohibited
A	+	X * #	
A-1	+	X * #	
E	+ <sup>1</sup>	X * #	
R-1			X * # +
R-2			X * # +
R-3			X * # +
CO			X * # +
C-1			X * # +
C-2			X * # +
CH			X * # +
M-1	X #		+
M-2	X * <sup>2</sup> #		+
M-3	X * <sup>2</sup> #		+
RF	+ <sup>3</sup>	X * #	
NR	+ <sup>3</sup>	X * #	
RS	+ <sup>4</sup>	X * #	+ <sup>5</sup>

**NOTES:**

- X – Kennel or dog training facility (Current zoning use category)
- \* – Animal Shelter (Current and proposed zoning use category)
- # – Commercial Animal Establishment (New, proposed use)
- + – Non-commercial Animal Establishment (New, proposed use)
- ~~<sup>1</sup> – When combined with RS (Residential Suburban Combining District) See <sup>4</sup> & <sup>5</sup> below on parcels of a minimum size of 10 acres or more~~
- ~~<sup>2</sup> – When publicly operated as a “public facility” as defined by the zoning ordinance~~
- ~~<sup>3</sup> – When operated as accessory to a residential use (required by facility definition)~~
- ~~<sup>4</sup> – When combined with the E District, limited to 12 or fewer animals~~
- ~~<sup>5</sup> – When combined with the E District and more than 12 animals are kept~~

**(See reverse side for Zoning Districts)**

**ZONING DISTRICTS**

- A - Exclusive Agriculture District
- A-1 - Limited Agriculture District
- E - Estate District (1/4 acre minimum lot size)
- R-1 - Low-Density Residential District
- R-2 - Medium-Density Residential District
- R-3 - High-Density Residential District
- CO - Commercial Office District
- C-1 - Neighborhood Commercial District
- C-2 - General Commercial District
- CH - Highway Commercial District
- M-1 - Light Industrial District
- M-2 - Medium Industrial District
- M-3 - Heavy Industrial District
- RF - Recreation-Forestry District ( five acre minimum lot size)
- NR - Natural Resource District
- RS - Residential Suburban Combining District