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ORDINANCE NO.

AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AMENDING THE TITLE OF AND ADDING SECTIONS 32.1502 THROUGH 32.1504 TO CHAPTER 15 OF DIVISION 2 OF TITLE 3 OF THE SAN BERNARDINO COUNTY CODE RELATING TO ANIMAL CONTROL.

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

SECTION 1. The Title of Chapter 15 of Division 2 of Title 3 of the San Bernardino County Code is amended to read:

**Chapter 15: Circumstances Under Which Dogs Must be Spayed or Neutered.**

SECTION 2. Section 32.1502 is added to Chapter 15 of Division 2 of Title 3 of the San Bernardino County Code, to read:

**32.1502 Spaying or Neutering of Unaltered Dogs Other Than Pit Bulls.**

(a) No person may own or have custody of an unaltered dog over the age of four months if such owner or custodian has been found to have violated any State law or the County Code pertaining to the owner's or custodian's obligations regarding such dog. The owner or custodian in such circumstance must have the dog spayed or neutered or provide a certificate of sterility to the Health Officer or his or her designee (hereinafter referred to as the "Health Officer").

(b) The owner or custodian of an unaltered dog is exempt from the requirements of Subsection 32.1502(a) if:

(1) The dog is unable to be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity. Written confirmation of that fact from a licensed veterinarian must be submitted by the owner or custodian to the Health Officer in order for this exemption to apply. The writing must

1 also state the date by which the dog may be safely spayed or neutered.

2 (2) The dog is one of the following: a competition dog that has  
3 competed in at least one dog show or sporting competition sanctioned by a national  
4 registry within the last 365 calendar days or has earned a conformation, obedience,  
5 agility, carting, herding, protection, rally, sporting, working or other title from a purebred  
6 dog registry; a purebred dog, recognized by and registered with the American Kennel  
7 Club (AKC), United Kennel Club (UKC), or other national registry; a dog used by a law  
8 enforcement agency for law enforcement purposes; a qualified service or assistance  
9 dog as defined in Food and Agriculture Section 30850; a dog used for breeding at a  
10 licensed breeding kennel as defined in Section 32.0301; or a dog possessed by an  
11 owner or custodian who possesses a valid license pursuant to Section 32.0111 or  
12 Section 32.0112. The owner or custodian must provide sufficient written proof of such  
13 status of the dog in order for this exemption to apply.

14 SECTION 3. Section 32.1503 is added to Chapter 15 of Division 2 of  
15 Title 3 of the San Bernardino County Code, to read:

16  
17 **32.1503 Captured, Received, Taken Up, or Impounded Unaltered Dogs Other**  
18 **Than Pit Bulls.**

19 (a) When an unaltered dog is captured, received, taken up, or impounded  
20 pursuant to Section 32.0102(a), the dog shall be spayed or neutered as set forth below.

21 (1) The dog may be released to the owner or custodian with written  
22 notice provided to the owner or custodian that the owner or custodian must within 10  
23 calendar days of such release have the dog spayed or neutered and submit a  
24 statement signed by a licensed veterinarian confirming such spaying or neutering.  
25 Failure to comply with such noticed requirements is a violation of this Code.

26 (2) Notwithstanding subsection (a)(1), the Health Officer, solely at his  
27 or her own discretion, may have the dog spayed or neutered by a veterinarian  
28 designated by the Health Officer, prior to releasing the dog to the owner or custodian.

1 The owner or custodian shall be liable for all costs associated with such spaying or  
2 neutering, including the time expended by the Health Officer, based on the hourly rate  
3 set forth in Section 16.0213A(b)(1). The owner or custodian must pay such costs prior  
4 to the release of the dog to the owner or custodian.

5 (b) The owner or custodian of an unaltered dog is exempt from the  
6 requirements of Subsection 32.1503(a) if the owner or custodian complies with  
7 Subsection 32.1502(b).

8 (c) If such dog is impounded, the costs of impoundment shall be a lien on the  
9 dog, and the dog shall not be returned to its owner or custodian until the costs are paid.  
10 If the owner or custodian of an impounded unaltered dog does not pay the lien against  
11 the dog in full within ten calendar days of notice of impoundment, the dog shall be  
12 deemed abandoned to the Health Officer in accordance with Section 32.0102(a)(1)(E).

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14 SECTION 4. Section 32.1504 is added to Chapter 15 of Division 2 of  
15 Title 3 of the San Bernardino County Code, to read:

16 **32.1504 Appeal.**

17 (a) If an owner or custodian claims that his or her dog is exempt from the  
18 spaying or neutering requirements pursuant to Section 32.1501 or Section 32.1502, but  
19 the Health Officer has determined that the dog does not qualify for such exemption, the  
20 owner or custodian may file with the Health Officer a written appeal contesting the  
21 determination. Any such appeal must be filed within five (5) calendar days of notice of  
22 the determination otherwise the right to appeal is deemed waived.

23 (b) At a noticed appeal hearing before the Chief Officer or designee  
24 (hereinafter "Chief Officer"), relevant evidence may be submitted by the parties.  
25 Following the hearing, the Chief Officer shall prepare a written notice of findings and  
26 determination as to whether an exemption to the spaying or neutering requirements  
27 exists under Section 32.1501 or Section 32.1502 and shall transmit said notice of  
28 findings and determination to the owner or custodian by first class mail, postage

1 prepaid, or by other reasonable means of service. The owner's or custodian's failure to  
2 appear at the hearing shall constitute a waiver of appeal. The findings and orders of the  
3 Chief Officer shall be final and conclusive upon all parties.

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5 SECTION 5. This ordinance shall take effect thirty (30) days from the  
6 date of adoption.

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JOSIE GONZALES, Chair  
Board of Supervisors

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11 SIGNED AND CERTIFIED THAT A COPY  
12 OF THIS DOCUMENT HAS BEEN DELIVERED  
13 TO THE CHAIR OF THE BOARD

14

LAURA H. WELCH, Clerk of the  
Board of Supervisors

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1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss.  
3 )

4 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of  
5 San Bernardino, State of California, hereby certify that at a regular meeting of the Board  
6 of Supervisors of said County and State, held on the \_\_\_\_\_ day of \_\_\_\_\_,  
7 2011, at which meeting were present Supervisors: \_\_\_\_\_

8 \_\_\_\_\_

9 and the Clerk, the foregoing ordinance was passed and adopted by the following vote,  
10 to wit:

11 AYES: SUPERVISORS:

12 NOES: SUPERVISORS:

13 ABSENT: SUPERVISORS:


14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the  
15 official seal of the Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2011.

16 LAURA H. WELCH, Clerk of the  
17 Board of Supervisors of the  
18 County of San Bernardino,  
19 State of California

20 \_\_\_\_\_  
21 Deputy

22 Approved as to Form:

23 JEAN-RENE BASLE  
24 County Counsel

25 By:   
26 KENNETH C. HARDY  
27 Deputy County Counsel

28 Date: 5/3/11