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Chapter 7.04 GENERAL PROVISIONS

7.04.010 Department of animal services established.

The department of animal services is created. The department shall be administered by an animal services director, a position which is created in the unclassified service of the county, who shall be appointed by resolution of the board of supervisors upon the recommendation of the chief executive officer and hold office at the pleasure of the board. The salary of the animal services director and the staffing levels of the department of animal services shall be as determined by resolution of the board of supervisors. For purposes of this title, any reference to animal services director shall include his or her authorized deputies. (Ord. CS 237 §1, 1987: prior code §3-61).

7.04.020 Pound established.

The board of supervisors shall establish a suitable animal control center for impounding animals. (Prior code §3-62).

7.04.030 Regulations establishment.

The board of supervisors may establish by resolution, regulations for the administration and implementation of this title which may include a schedule of fees for licenses and for services provided in accordance with this chapter. Such regulations, when adopted, shall become and thereafter be a part of this title. A copy of the regulations established by resolution of the board of supervisors shall be filed with the clerk of the board and posted at the animal control center. (Prior code §3-63).

7.04.040 Enforcement.

The animal services director and his or her deputies and the county health officer and his or her deputies are empowered, and it shall be their duty, to enforce the provisions of this title. Any person whose duty it is to enforce the provisions of this title may at any reasonable time enter upon private property for such purpose. It is unlawful

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for any person to interfere with, oppose, or resist any authorized person enforcing this title. (Ord. CS 237 §2, 1987: prior code §3-64).

7.04.050 Authority to pursue animal.

Any person charged with the duty to enforce this title who is in pursuit of an animal, shall have the authority to go upon the property of the owner or other person, in order to impound such animal; provided, however, he shall not enter a dwelling without a search warrant and he shall exercise reasonable care to avoid causing damage to the property. (Prior code §3-65).

7.04.060 Authority to arrest and issue notices to appear.

Pursuant to the provisions of California Penal Code Section 836.5, the animal services director and his or her employees, the health officer and his or her employees, and a duly appointed state humane officer are authorized to arrest without a warrant and issue a written notice to appear whenever any such person has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is a violation of this title or a violation of any other ordinance or statute which he or she has the duty to enforce. (Ord. CS 237 §3, 1987: prior code §3-66).

7.04.070 Equipment to impound authorized.

Any person charged with the duty to enforce this title may use any humane equipment or device necessary to take up and impound an animal. (Prior code §3-67).

7.04.080 Firearms authorized.

The animal services director and such employees as he or she may specifically designate in writing are authorized to carry weapons when acting in the course and scope of their employment pursuant to Section 12031 of the Penal Code of the State of California. (Ord. CS 237 §4, 1987: prior code §3-68).

Chapter 7.08 DEFINITIONS

7.08.010 Generally.

The words and terms used in this title shall have the meaning stated as set forth in this chapter, unless the meaning is clearly intended to be otherwise. (Prior code §3-60 (part)).

7.08.020 Department of animal services.

The department of animal services means that department of the county government which is specifically charged with the regulation of animals and the enforcement of laws dealing with animals within the unincorporated territory of the county and the incorporated areas which have contracted with the county for such services. (Ord. CS 237 §5, 1987: prior code §3-60(a)).

7.08.030 Animal control center.

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“Animal control center” means the facilities where impounded animals are held. (Prior code §3-60(b)).

7.08.050 Health department.

“Health department” means the health department of the county. (Prior code §3-60(d)).

7.08.060 Health officer.

“Health officer” means the health officer of the county. (Prior code §3-60(e)).

7.08.070 Impoundment.

“Impoundment” means the taking and holding of an animal by the animal services director. (Ord. CS 237 §7 1987: prior code §3-60(j)).

7.08.080 Kennel.

“Kennel” means a place where **five or more dogs or cats over four months of age** are kept for commercial or noncommercial purposes. The term “kennel” shall not apply to animal control shelters operated by governmental agencies, nonprofit societies for the care of stray animals or to veterinary hospitals. (Prior code §3-60(h)).

7.08.090 Licensing authority.

“Licensing authority” means the county clerk or such other county department designated by resolution of the board of supervisors. (Prior code §3-60(l)).

7.08.100 Owner.

“Owner” means a person who owns, possesses, harbors or controls an animal for fifteen or more consecutive days, except a veterinarian or an operator of a kennel or a pet shop engaged in the regular practice of this business as such. (Ord. CS 679 §1, 1998: prior code §3-60(f)).

7.08.110 Person.

“Person” means one or more human beings and all fictional entities such as corporations, estates, associations, partnerships and trusts. (Prior code §3-60(g)).

7.08.120 Rabies vaccination.

“Rabies vaccination” means the inoculation of an animal with a rabies vaccine approved by and in the manner prescribed by the California State Department of Public Health. (Prior code §3-60(k)).

7.08.130 Veterinarian.

“Veterinarian” means a person licensed to practice veterinary medicine in the state. (Prior code §3-60(i)).

7.08.140 Guide dog.

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“Guide dog” means any guide dog or seeing-eye dog which was trained by a person licensed under the provisions of Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code or as defined in the regulations implementing Title III of the Americans with Disabilities Act of 1990. (Ord. CS 679 §2 (part), 1998).

7.08.150 Signal dog.

“Signal dog” means any dog trained to alert a deaf person, or person whose hearing is impaired to intruders or sounds. (Ord. CS 679 §2 (part), 1998).

7.08.160 Service dog.

“Service dog” means any dog individually trained to the requirements of the individual including but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items. A “service dog” is also any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, or any dog approved by the director of animal services, which he/she believes to come within the definitions listed, after consultation with knowledgeable professionals. (Ord. CS 679 §2 (part), 1998).

Chapter 7.12 ADMINISTRATION

7.12.010 Department of animal services records.

The animal services director shall keep records concerning the operation of the animal control center as prescribed by regulations established pursuant to Section 7.04.030. (Ord. CS 237 §8, 1987: prior code §3-115).

7.12.020 Information on animal care.

The animal services director is authorized to distribute to the people of the county brochures and information pertaining to care and control of animals. (Ord. CS 237 §9, 1987: prior code §3-116).

7.12.030 Notice—Administrative hearings and appeal of administrative decision.

A. Notice of Hearing. The animal services administrative hearing, hereafter called animal court, shall be a public hearing. The hearings shall be held on the first Wednesday of each month. The person issued a notice of violation shall have at least thirty days from the date on the violation (the date of issuance) to appeal the violation. Upon receipt of the appeal, the matter will be set for hearing at the next animal court. Notice of the hearing shall be issued in person or by mail through the U.S. Postal Service.

The citizen requesting the hearing shall be responsible for the cost(s) of the hearing and will be required to leave a deposit in the amount shown in the fee schedule for the alleged violations, Stanislaus County Code, Chapter 7.50, unless a lesser amount is permitted to be deposited at the discretion of the director of animal services. If the citizen fails to appear at the scheduled hearing, the deposit shall be forfeited and any additional fees owed for the alleged violations will be the citizen’s responsibility to pay. If the citizen appears at animal court and is found guilty of the offense charged, the fees

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imposed by the animal court will be deducted from the deposit. If the fees imposed by animal court exceed the amount of the deposit, the citizen will be responsible to pay the difference. If the fees imposed are less than the deposit, the difference will be refunded to the citizen. If the citizen is determined to be not guilty, the deposit will be refunded.

B. Hearing Procedure. The following sets forth the procedural rules applicable to the administrative hearing:

At the date, time and place set for the hearing, one of three hearing officers, appointed by the board of supervisors, in a fixed rotational order, shall hear testimony presented by both animal services and the citizen appealing the issuance of a violation. The citizen may challenge the hearing officer first assigned to the matter. As a result, the hearing may be continued until the next month to be held before the hearing officer next in order. The hearing officer shall review all evidence introduced at hearing of each alleged violation of Title 7 in order to determine whether the alleged violation conforms to the law and whether it is supported by substantial evidence. The animal court shall record the hearing in a suitable format and shall preserve the recording, all photographs and other documentary evidence introduced at the hearing for the thirty-six-month period immediately following closure of the hearing.

The animal court shall render a written decision upon conclusion of the hearing, unless it is determined that further investigation into the matter is warranted. If this occurs, the matter will be continued until the next scheduled hearing at which time the new evidence shall be presented to the hearing officer and a decision shall be rendered. Any and all costs incurred by the county, including fines, shall immediately become payable to the county. Any person not making immediate payment shall be subject to approved county collection procedures.

The written decision rendered by the hearing officer shall contain findings of fact and conclusions of law. The decision shall also set forth the right to appeal the decision of the animal court to the board of supervisors. A copy of the decision shall be mailed, by certified mail, to the last known address of the alleged violator/owner(s) of the animal.

C. Appeal Procedure. Decisions of the animal court may be appealed to the board of supervisors. The appeal shall be filed with the clerk of the board within fifteen days after the mailing of the decision of the animal court provided the appellant follows the following steps:

1. Delivers to the clerk of the board of supervisors within fifteen days after the decision is made a written appeal which clearly sets forth the reasons for the appeal; and
2. The appellant shall be responsible for the cost of the appeal and the record.

The board of supervisors shall schedule the appeal for hearing within sixty days after the appeal is filed with the clerk of the board.

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If upon appeal the board finds that no violation exists, then the costs of the appeal and the record shall be borne by the county, and all assessed fees shall be refunded to the appellant.

D. Potentially Dangerous and Vicious Dogs. If a petition is to be filed alleging probable cause to believe that a dog is potentially dangerous or vicious pursuant to Food and Agricultural Code, Division 14, Chapter 9, commencing with Sections 31602 et seq., and specifically Section 31621, the petition shall be filed with animal court to hear and dispose of the petition. Animal court shall notify the owner or keeper of the dog that a hearing will be held under the provisions set forth Sections 31621 and 31622. In order that such hearing be timely held, the hearing may take place, after proper service of the notice and a copy of the petition, at a special session of animal court. An appeal from an animal court's determination on this issue shall be to Superior Court as set forth in Section 31622, not before the board of supervisors. (Ord. CS 966 §1, 2006; Ord. CS 869 §1, 2003; prior code §3-117).

7.12.040 License renewal or suspension.

Whenever provision is made in this title for a license or permit, such license or permit shall be renewed annually thereafter or at the next succeeding regular renewal date and annually thereafter as provided by the licensing authority. The animal services director or the health officer may revoke or suspend a license whenever such action is necessary to protect the public health and safety or to accomplish the purposes of this title. (Ord. CS 237 §10, 1987; prior code §3-118).

Chapter 7.16 ANIMAL CONTROL

7.16.010 Animal services director—Supervision authority.

The animal control center and personnel of the department of animal services shall be under the supervision of the animal services director. (Ord. CS 237 §11, 1987; prior code §3-70).

7.16.020 Animal services director—Duties.

The animal services director is primarily responsible for the enforcement and administration of this title. His duties shall include but not be limited to the following:

- A. To administer the animal control center and keep such records as may be required by the board of supervisors;
- B. To take up and impound animals when authorized by this title;
- C. To remove and dispose of the carcass of any animal found on any public highway, street, alley, or any other public place in the unincorporated area of the county;
- D. To quarantine animals and to cooperate with the county health officer;

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E. To administer licensing programs as delegated by the licensing authority. (Ord. CS 237 §12, 1987: prior code §3-71).

7.16.030 Animal restraint.

A. No owner of any animal, wild or domestic, except the domestic cat, shall permit or suffer the animal to:

1. Be off a leash or to be restrained by a leash which is more than eight feet in length, except that an animal need not be on a leash while it is on the premises of its owner nor while on other private property with consent of the owner. This subsection shall apply only in the unincorporated areas of the county designated by the board of supervisors as urban service areas pursuant to Chapter 1.16;

2. Enter upon private property without consent of the owner of the private property;

3. Habitually make loud noises;

4. Act in such other manner so as to constitute a public nuisance.

B. Nothing in this section shall prohibit the use of animals on school property for teaching, use for the blind, or other school purposes when permitted by school officials, or require a person to keep any animal in his possession on a leash if at the time the animal is restrained in a vehicle or cage. (Prior code §3-72).

Chapter 7.20 DOGS

7.20.010 License—Required.

Every person who owns, possesses, harbors or controls any dog shall obtain a license before the dog reaches the age of five months. Within thirty days after any unlicensed dog over the age of four months is acquired or brought into the county, its owner shall obtain a license. (Prior code §3-74).

7.20.015 License fees.

The dog license fee shall be imposed on all dogs. The license fee for dogs is set forth in Chapter 7.50. (Ord. CS 844 §1, 2003: Ord. CS 732 §1, 2000).

7.20.020 License—Tags.

The licensing authority shall issue, upon proper application and payment of license fees, a serially numbered license tag stamped with the name of the county and the year of issuance. The owner shall provide a dog with a suitable collar or other device to which the license tag shall be attached. The animal services director shall keep a copy of the application or other records sufficient to establish the identity of the person that owns or harbors the dog. (Ord. CS 237 §13, 1987: Ord. NS 1078 §1, 1982: prior code §3-75).

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7.20.030 License—Rabies vaccination certificate required.

Each application for a dog license shall be on a form furnished by the licensing authority. An application for a license shall not be accepted unless a valid certificate of rabies vaccination by a licensed veterinarian covering the license period accompanies the application. (Prior code §3-76).

7.20.040 Exemptions—Guide dogs, signal dogs and service dogs.

Guide dogs, signal dogs, and service dogs as defined in Sections 7.08.140, 7.08.150 and 7.08.160 of the Stanislaus County Code, with a current rabies vaccination, shall be licensed without charges. (Ord. CS 680 §1, 1998: prior code §3-77(a)).

7.20.050 Exemption—Licensed under another jurisdiction.

A dog brought into the county which has been licensed in another county or city within the state shall not be subject to licensing provisions of this section for so long as the license would be current and valid at its place of issuance or for one year, whichever is the lesser period. (Prior code §3-77(b)).

7.20.060 Exemption—Medical treatment.

Dogs brought into the county for the exclusive purpose of receiving medical care and in the custody of a licensed veterinarian need not be licensed. (Prior code §3-77(c)).

7.20.070 Exemption—Government ownership.

Dogs owned by the county, a city or other public agency shall be licensed without charge. (Prior code §3-77(d)).

Chapter 7.24 KENNELS

7.24.010 License—Required.

No person shall, without first obtaining a license, keep, conduct or operate any dog kennel, cat kennel, pet shop, zoo, animal rental establishment, riding academy, livery stable, boarding stable, pony ride, livestock auction or market, rodeo, pet show, animal exhibition, or any other use of animals for a commercial or noncommercial purpose. No license shall be required for an animal show or a use of animals which is sponsored and controlled by an organization which, under the discretion of the animal services director, has proper rules and procedures to prevent the abuse of animals. (Ord. CS 237 §13, 1987; Ord. CS 86 §1, 1984: prior code §3-80).

7.24.020 License—In lieu of individual licenses.

In lieu of securing the license required by Chapter 7.20 for each of the dogs in a kennel, a person owning or operating a kennel may obtain a kennel license covering all of the dogs in the kennel. Provisions of Sections 7.36.050 and 7.36.060 regarding vaccination for rabies shall be adhered to. Dogs owned or controlled by the kennel operator which are allowed outside the confines of the kennel shall be individually licensed as required by Chapter 7.20. (Prior code §3-81).

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7.24.030 License—Application form.

Each application for a kennel license or other animal establishment license shall be upon a form furnished by the licensing authority. (Prior code §3-82).

7.24.040 License—Posting.

All licenses issued under this chapter shall be kept posted in a conspicuous place on the premises. (Prior code §3-83).

7.24.050 License—Operating requirements.

Upon filing an application for an original, or a renewal kennel or animal establishment license, the licensing authority shall issue such license, only after certification by the animal services director that:

A. The keeping of animals, or the conduct or operation of business for which the license is requested and at the place set forth in the application will not violate any law or any regulation adopted pursuant to Section 7.04.030;

B. The conduct or operation of the activity will not endanger the health, peace or safety of the community;

C. The premises where animals are to be kept are clean and sanitary and that animals will not be subjected to suffering, cruelty or abuse;

D. The applicant has not had a similar license revoked within one year prior to the application. (Ord. CS 237 §14, 1987: prior code §3-84).

7.24.060 License—Suspension or revocation.

The licensing authority may revoke or suspend any license issued under this chapter upon recommendation of the animal control officer or health officer if it is found that the licensee, his agent or employee has been convicted of any offense involving a violation of California Penal Code Sections 596, 597, 598 and 599 or is in violation of this title or of any regulation adopted pursuant to Section 7.04.030. (Prior code §3-85).

Chapter 7.28 DANGEROUS ANIMALS

7.28.010 Investigation.

Whenever an animal suspected of being vicious is reported, the animal services director or health officer shall investigate the circumstances and if he or she finds that the animal shows a propensity to attack, bite, scratch, or harass people or other animals without provocation, he shall notify the owner in writing, stating all the facts and circumstances. He or she may order that the animal be kept within a substantial enclosure, securely leashed or otherwise controlled. If the owner cannot provide restraint, the animal shall be temporarily impounded at the expense of the owner. At any time after seven days' impoundment for such purpose, the animal services director may, in his or her discretion, apply the provisions of Chapter 7.32. (Ord. CS 237 §15, 1987: prior code §3-96(part)).

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7.28.020 Impoundment authorized.

If upon receiving written notification the owner fails to restrain or control a vicious animal, as ordered, the owner is in violation of this title and the animal services director is empowered to seize and impound or destroy the animal. (Ord. CS 237 §16, 1987: prior code §3-96(part)).

7.28.030 Licensing.

A. No person shall possess any animal not commonly kept or raised in the county as a domesticated animal and which is or may be, in the opinion of the animal services director, dangerous to the health and safety of any person, without first obtaining a license for the possession of the animal.

B. If the possession of the animal does not violate any federal or state law or zoning ordinance, a dangerous animal license may be issued.

C. Each application for a dangerous animal license shall be upon a form furnished by the licensing authority.

D. All licenses issued under this chapter shall be kept posted in a conspicuous place on the premises where the animal resides.

E. Upon filing an application for an original, or a renewal of a dangerous animal license, the licensing authority shall issue such license, only after certification by the animal services director that:

1. The keeping of a dangerous animal for which the license is requested, and at the place set forth in the application, will not violate any law or regulation;

2. The keeping of the dangerous animal will not endanger the health, peace, or safety of the community;

3. The premises where the dangerous animal or animals are to be kept are clean and sanitary and that the animals will not be subjected to suffering, cruelty, or abuse; and

4. The applicant has not had a similar license revoked within one year prior to the application.

F. Any license issued for a dangerous animal may be subject to such additional conditions as may be required by the animal services director.

G. A license shall not be issued, or if issued, shall be revoked, where, in the opinion of the animal services director, the possession of the dangerous animal will endanger the health and safety of one or more persons.

H. In the event that a license is denied or revoked, the owner shall, within the time designated and under the conditions required by the animal services director,

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dispose of the unlicensed animal. (Ord. CS 237 §17, 1987; Ord. CS 86 §2, 1984: prior code §3-97).

Chapter 7.32 IMPOUNDMENT

7.32.010 Authorized.

Any animal which the animal control officer has reasonable cause to believe is engaged in activities, or existing in a condition prohibited by this title, shall be impounded. (Prior code §3-90).

7.32.020 Notice—Required.

Except as otherwise provided in this chapter, no animal impounded shall be disposed of until and after notice is given by the animal control officer to the owner of the impounded animal, if he is known. (Prior code §3-91(a)).

7.32.030 Notice—Form.

The notice to the owner shall be in writing and shall contain a description of the animal impounded and the date and place of impoundment and the license tag number if available. (Prior code §3-91(b)).

7.32.040 Notice—Service.

Notice to the owner may be served by delivering a copy to the owner of the animal personally, or by sending a copy by mail to the address provided on the application for license, or if the animal is unlicensed then to the owner's place of residence or last known address. (Prior code §3-91(c)).

7.32.050 Notice—Completion of service.

Service of notice by mail is deemed complete on the day after such mailing. (Prior code §3-91(d)).

7.32.060 Notice—Unlicensed, tattooed animal.

If an impounded animal bears an identification tattoo but has no license tag and the owner is unknown, the animal shall be held for seven days. (Ord. CS 846 §1, 2003: prior code §3-91(e)).

7.32.070 Duration—Licensed dog.

All impounded dogs found wearing a current license tag or bearing an identification tattoo shall, unless sooner redeemed, be kept in the animal control center for a period of not less than seven days after notification. (Prior code §3-92(a)).

7.32.080 Duration—Unlicensed dog.

All impounded dogs found not wearing a current license tag shall, unless sooner redeemed, be kept in the animal control center for a period of not less than four days. (Prior code §3-92(b)).

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7.32.090 Duration—Livestock.

Any impounded animal which is a kind referred to in Section 17003 of the Agriculture Code (bovine animal, horse, mule or burro) shall be kept in the animal control center for at least fourteen days, unless it is redeemed within that period. If the animal is a bovine animal and is not redeemed, it shall be turned over to the State Bureau of Livestock Identification for disposition by that office. (Ord. CS 847 §1, 2003: prior code §3-92(c)).

7.32.100 Duration—Other animals.

Any other impounded animal shall, unless sooner redeemed, be kept in the animal control center for at least four days, unless the animal was seized pursuant to an illegal activity. In those cases where an animal is seized pursuant to an illegal activity, and where no owner is known or identified, there is no required holding period, and the animal control officer may dispose of the animal as provided herein. (Ord. CS 682 §1, 1998: prior code §3-92(d)).

7.32.110 Voluntary surrender.

Any animal which is voluntarily surrendered to or deposited with the animal control center or the animal control officer by the owner shall immediately thereafter become the property of the county for the purposes of Sections 7.32.140 and 7.32.150. (Prior code §3-92(e)).

7.32.120 Disposition of injured animal.

A veterinarian who receives an injured animal under the provisions of Section 597(f) of the Penal Code shall promptly notify the animal control officer of his disposition of such animal, and if the animal is given care and treatment, the waiting period before destruction of the animal shall be the same as the duration of impoundment provided by this chapter. (Prior code §3-92(f)).

7.32.130 Owner redemption.

The owner or person entitled to custody or control of any impounded animal may, at any time before the sale or disposition of the animal, redeem such animal upon complying with the conditions and paying the fees established by resolution of the board of supervisors. (Prior code §3-93).

7.32.140 Disposal authorized.

Except as otherwise provided in this chapter, an impounded animal which is not redeemed within the specific holding period shall be considered to be abandoned by its owner and shall become the property of the county. Such animal may be sold, destroyed, or otherwise disposed of as authorized by resolution of the board of supervisors. (Prior code §3-94(a)).

7.32.150 Sale of animal.

Except as otherwise provided in this chapter, an impounded animal which is not redeemed within the applicable holding period specified in this chapter, or an animal

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voluntarily surrendered to the department of animal services, or an animal that has been impounded for quarantine or is known to have bitten a human or to have demonstrated dangerous or vicious propensities, may, at the discretion of the animal services director, be sold for its fair market value as determined by the animal services director and, upon reasonable conditions as the animal services director finds appropriate, may be destroyed. When any unsterilized dog or cat is sold pursuant to this section, prior to delivery of the animal, there shall be deposited by the purchaser with the animal services department an amount of money, which shall be on deposit for spaying or neutering of the purchased animal. The amount of said deposit shall be designated by the animal services director and shall cover the approximate average cost of spaying or neutering. Deposit shall be refunded to the purchaser of the animal upon presentation of written proof of spay or neuter to the animal services department, less an administration fee. The written proof must be provided within sixty days of sale in the case of a dog or cat over the age of four months, and within four months of sale for dogs and cats under four months of age. Failure to provide written proof of sterilization within the required time period will result in the forfeiture of the deposit. Further, it shall constitute an infraction to fail to sterilize any dog or cat adopted from the county animal shelter and the unsterilized animal may be impounded. When an animal is sold, the receipt issued by the animal services department shall be valid title to the purchaser. (Ord. CS 544 §1, 1993; prior code §3-94(b)).

7.32.160 Diseased or injured animal.

Notwithstanding any provisions of this chapter, an impounded animal, which is determined by the health officer or a veterinarian to constitute a health or safety hazard, shall be destroyed or otherwise disposed of without delay by the animal control officer or the veterinarian. An impounded animal which is determined by a veterinarian to be suffering extreme pain due to disease or injury, and there is no reasonable probability that the animal will recover from its disease or injury, may be destroyed without delay by the animal control officer or the veterinarian. (Prior code §3-95).

7.32.170 Adopted dogs and cats—Micro chipping required.

All dogs and cats adopted from the animal services center to new homes shall be implanted, prior to the animal leaving the center, with a micro chip, provided by the department of animal services. The identification number provided by the micro chip, shall be maintained on file at the animal services center, for future identification purposes. (Ord. CS 683 §1, 1998).

7.32.180 Reclaimed dogs and cats—Micro chipping required.

Any dog or cat impounded under authority of this chapter, which has no current license or any other visible means of permanent identification, such as a tattoo, shall be, upon identification and reclaim by its owner, implanted with a micro chip, provided by the department of animal services.

In addition, any dog which has been identified by the department of animal services as a “bite dog” (a dog which has previously bit a person or another animal) will be implanted with a micro chip, provided by the department of animal services regardless of whether the dog has been licensed or not.

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The cost of the micro chip and the service to implant the micro chip is to be determined by resolution of the board of supervisors, and shall be paid by the animal's owner, prior to the animal's release. The identification number provided by the micro chip, shall be maintained on file at the animal services center, for future identification purposes. (Ord. CS 731 §1, 2000; Ord. CS 683 §2, 1998).

7.32.190 Fine for impounded nonspayed or unneutered dog.

The owner of a nonspayed or unneutered dog that is impounded by the county animal control agency shall be fined as set forth in Chapter 7.50. These fines are for unaltered impounded dogs only, and are not in lieu of any fines or impound fees imposed by the county animal control agency.

An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided above. The fines shall be paid to the county animal control agency and shall be collected at the county animal control agency. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of dogs, and any additional costs incurred by the public animal control agency or shelter in the administration of requirements of this section. The license fee for dogs is set forth in Chapter 7.50. The ordinance codified in this section was adopted pursuant to Section 30804.7 the California Food and Agriculture Code. (Ord. CS 845 §1, 2003; Ord. CS 733 §1, 2000).

Chapter 7.36 RABIES CONTROL

7.36.010 Quarantine.

A. The animal control officer shall assure that all animals falling into the following categories are isolated or quarantined at the place and under the conditions prescribed by the health officer and pertinent state laws and regulations:

1. Known rabid animals;
2. Suspected rabid animals;
3. Animals that have bitten or otherwise exposed a human to rabies;
4. Animals of a species subject to rabies, which have been bitten by a known rabid or suspected rabid animal or have come in close contact with a rabid or suspected rabid animal.

B. It is unlawful for the owner or keeper of an animal to violate any of the conditions of isolation or quarantine prescribed by the health officer. (Prior code §3-100).

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7.36.020 Carcass delivery.

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the animal control officer shall obtain and turn over to the health officer the carcass of such animal or an adequate specimen thereof. (Prior code §3- 101).

7.36.030 Epidemic—Declaration.

The health officer may determine and declare that a rabies epidemic or other unusually dangerous health situation exists among dogs or other animals in the county, or in any part thereof. Upon making such a declaration, the health officer shall prepare and promulgate, with the approval of the board of supervisors, such rules and regulations as may be necessary for the control of persons and animals within the area where the dangerous conditions exist. (Prior code §3-102(part)).

7.36.040 Epidemic—Rules enforcement.

It shall be the duty of the animal control officer to comply with all directives of the health officer in the enforcement of the rules and regulations. The rules and regulations, when adopted, shall become and thereafter be a part of this chapter. (Prior code §3-102(part)).

7.36.050 Vaccination—Required.

Every dog shall have a medically current vaccination with an antirabies vaccine approved by the Health Department of the state. The vaccination shall be administered by a veterinarian or as provided through county recognized clinics, and a certificate of vaccination shall be issued to the owner. The certificate of rabies vaccination which accompanies the license application shall be valid if in compliance with the following immunization schedule:

A. Primary Immunization. Primary immunization shall be defined as the initial inoculation of an approved canine rabies vaccine administered to young dogs between the ages of four to twelve months.

B. Revaccination Intervals. The interval for revaccination of dogs administered primary immunization between the ages of four to twelve months will be twelve months. The interval for primary or revaccination of dogs administered rabies vaccine over the age of twelve months shall be at least once every three years. (Ord. CS 170 §§1, 2, 1986: prior code §3-103(part)).

7.36.060 Vaccination—Exemption.

Notwithstanding the provisions of Section 7.36.060, no dog need be vaccinated for rabies where a licensed veterinarian has certified that the vaccination would endanger the dog's health and the health officer endorses on the certificate his approval. The certificate must bear the date of issuance and must be renewed each year. (Prior code §3- 103(part)).

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7.36.070 Vaccination—Public clinic.

The health officer, in cooperation with the county clerk and the animal control officer, shall establish public dog vaccination clinics at least once each calendar year. The charge for vaccination at such clinics shall not exceed the actual cost involved. (Prior code §3-104).

7.36.080 Animal bite—Victim report.

Any person or parent or guardian of such person, or an owner of an animal, bitten or scratched by an animal of a species subject to rabies shall immediately report such incident to the health officer or the animal control officer. (Prior code §3-105(a)).

7.36.090 Animal bite—Medical report.

Every veterinarian and every person providing professional medical treatment for animal bite by an animal of a species subject to rabies shall immediately notify the health department whenever rabies is suspected. (Prior code §3-105(b)).

Chapter 7.40 UNLAWFUL USE OF ANIMALS

7.40.010 Games prohibited.

It is unlawful for any person, firm or corporation to offer to the public that game known as “loopaduck,” or other game employing live animals, whether for consideration or otherwise, regardless of whether merchandise, money or other premiums are given as a reward. (Prior code §3-110).

Chapter 7.44 DEAD OR ABANDONED ANIMALS

7.44.010 Abandonment unlawful.

It is unlawful for any person to abandon any animal whether dead or alive. (Prior code §3-98).

7.44.020 Dead animal disposal.

The owner of a dead animal shall, within a reasonable time, provide for the burial, incineration in a manner approved by the animal control officer or other disposition of the carcass in a safe and sanitary manner. The owner may request the animal control officer to dispose of the animal at a fee fixed by resolution by the board of supervisors. The animal control officer shall be responsible for disposal of all dead animals whose ownership cannot be established. (Prior code §3-99).

Chapter 7.48 VIOLATION—PENALTY

7.48.010 Infractions.

Any person violating any provision of Chapters 7.04 through 7.32, Chapter 7.44 and/or Chapter 7.54 is guilty of an infraction and upon conviction thereof is punishable as set forth in Section 1.36.020; provided, however, the maximum fine shall not exceed three hundred dollars. (Ord. CS 909 §1, 2005; Ord. CS 705 §14, 1999; prior code §3-119)

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7.48.020 Misdemeanors.

Any person violating any provision of Chapter 7.36 or Chapter 7.40 is guilty of a misdemeanor and upon conviction thereof is punishable as set forth in Section 1.36.010. (Ord. CS 705 §15, 1999; prior code §3-120).

7.48.030 Each day a separate offense.

Every person violating any provision of this title shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues. (Prior code §3-121).

Chapter 7.50 ANIMAL SERVICE FEES

Note * Prior ordinance history: Ord. CS 843.

7.50.010 Licenses.

Dog:

Annual dog license—Unaltered \$100.00

Two year license—Unaltered 180.00

Three year license—Unaltered 260.00

Annual dog license—Reduced fee, unaltered 28.00

Annual dog license—Altered 12.00

Cat: Voluntary cat annual license \$12.00

Dog or Cat: Delinquent penalties \$12.00

Seniors over 65 years of age receive a 50% discount

Kennel: Hobby kennel \$100.00

Breeder/boarding/security 150.00

Others per Section 7.24.010 50.00

Litter permit: Litter license permit fee \$100.00 per litter

Penalty \$500.00

(Ord. CS 909 §2, 2005; Ord. CS 887 §1 (part), 2004).

7.50.020 Reclaimed/impound fees.

Dog/cat 1st Impound \$ 35.00

2nd Impound in 12 month period 55.00

3rd Impound in 12 month period 100.00

Small livestock 30.00

Large livestock 50.00

2nd impound in 12 month period 100.00

3rd + impound in 12 month period 100.00

(Ord. CS 887 §1 (part), 2004).

7.50.030 Spay and neuter fines.

Dog/cat 1st impound \$ 35.00

2nd impound 50.00

3rd + impound 100.00

(Ord. CS 887 §1 (part), 2004).

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7.50.040 Daily care and feed.

Board and care of all animals \$8.00/day
(Ord. CS 887 §1 (part), 2004).

7.50.050 Veterinary care.

Outside veterinary care Actual cost
In-house veterinary care
Routine exam/minor care \$ 55.00
Extensive care 110.00
(Ord. CS 887 §1 (part), 2004).

7.50.060 Disposal fee.

Veterinarians and/or contract cities/owner \$10.00/animal
(Ord. CS 887 §1 (part), 2004).

7.50.070 Field service charges.

Owner request pick-up or trip charges \$45.00
(Ord. CS 887 §1 (part), 2004).

7.50.080 Quarantine fee. Fee \$30.00

(Ord. CS 887 §1 (part), 2004).

7.50.090 Microchip fee. Fee \$17.00

(Ord. CS 887 §1 (part), 2004).

7.50.100 Cat trap fee. Rental deposit \$ 65.00

Trap rental fee 2.00/day
(Ord. CS 887 §1 (part), 2004).

7.50.200 Adoption fees and deposits.

Dog \$75.00 Includes DHPP, rabies vaccinations, microchip, spay/neuter surgery
Cat 45.00 Includes FVR-CP, rabies vaccinations, microchip, spay/neuter surgery, FeLV test
(Ord. CS 887 §1 (part), 2004).

7.50.300 Animal court fees.

When an animal(s) is in violation of the current ordinance the Stanislaus County animal services agency, the following fees will be applied:

Animal Court Fees: Code Section, Description, Fine and Amount:

Section 7.04.040 - Interfere or resist with animal services officer \$ 320.00

Section 7.16.030(1) Leash violation 160.00

Section 7.16.030(2) Trespass 160.00

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Section 7.16.030(3) Animal noise 160.00
Section 7.16.030(4) Public nuisance 160.00
Section 7.20.010 License required
 No license with proof - 15.00
 No license with out proof - 251.00
Section 7.20.020 No license on dog 251.00
Section 7.24.010 Kennel license required 251.00
Section 7.24.010 Kennel license required 251.00
Section 7.36.050 No vaccination \$251.00
Section 7.44.010 Abandonment 160.00
Section 7.44.020 Dead animal removal 160.00
Section 7.08.020 Potentially dangerous/vicious dog 500.00
Section 7.12.030 Appeal fee 144.00
(Ord. CS 884 §2, 2004).

Chapter 7.52 VETERINARY SERVICES

7.52.010 Veterinary services.

When an animal is reclaimed through the Stanislaus County animal services agency, the following fees will be applied to services rendered by the county veterinarian:

Basic Care \$ 55.00
Critical Care 110.00
(Ord. CS 839 §1, 2003).

Chapter 7.54 BREEDING, TRANSFERRING, LICENSING AND SPAYING AND NEUTERING OF DOGS AND CATS

7.54.010 Purpose of regulations.

The board of supervisors finds and declares that there exists a pet overpopulation problem in the county of Stanislaus that has resulted in a threat to public safety and health, inhumane treatment of animals, mass euthanasia of dogs and cats at the local animal shelters and escalating costs for animal care and control. The board of supervisors further finds that uncontrolled breeding is a contributing cause to this problem. The board of supervisors further finds that part of the solution is for all dogs four months or older to be licensed and spayed or neutered, unless the owners purchase the appropriate licenses/permits for the privilege of maintaining the animal intact and allowing it to breed. The board of supervisors also finds that an increase in the license fee for unaltered dogs will encourage dog owners to spay/neuter their dog(s) in order to qualify for the lower altered dog license fee. Further, the board of supervisors finds that regulating the breeding and transfer of dogs and cats will help alleviate the county's pet overpopulation problem. (Ord. CS 908 §1 (part), 2005).

7.54.020 Animal ownership.

A. "Animal owner," for purpose of this chapter, means any person harboring, keeping or providing care or sustenance to a domestic animal for fourteen days on

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property within the jurisdiction of Stanislaus County. Such a person shall be subject to the requirements of this chapter. This definition does not apply to government agencies, animal rescue organizations which have demonstrated to the department of animal services that they have implemented an ongoing spay/neuter program as well as an adoption program, or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110 and successor sections, or persons who provide licensed boarding, kennel, training, or veterinarian services for the owners of dogs and cats.

B. Subsection (A) of this section shall not be interpreted to apply to a person caring for barn cats or a colony of feral cats if such person:

1. Registers with the department of animal services as a caretaker for barn cats or feral cats;
2. Regularly feeds or arranges for the feeding of the cats, including on weekends and holidays;
3. Traps or makes a reasonable effort to trap all barn or feral cats over the age of seven weeks in his/her care, and has them spayed or neutered;
4. Makes a reasonable effort to test all trapped cats for feline leukemia and FIV and has those who test positive humanely euthanized or isolated indoors;
5. Identifies barn or feral cats that have been spayed or neutered by means of ear notching, ear tipping, or ear tagging; and
6. Has all trapped cats vaccinated according to state and local laws. (Ord. CS 908 §1 (part), 2005).

7.54.030 Litter permit.

A. No person shall cause or allow any dog or cat owned, harbored or kept within the county of Stanislaus to breed without first obtaining a litter permit. The term litter permit means a written authorization, issued annually by the director of animal services or his or her designee, giving its lawful holder permission to breed a dog or a cat.

B. Each litter permit shall be valid for one year from the date of issuance, and may be renewed annually before its expiration date. Each applicant for a litter permit shall pay an annual fee as prescribed by the board of supervisors and set forth in the fee section of this title.

C. The animal services department shall administer an animal litter permit program to allow the breeding of unaltered dogs and cats consistent with criteria and according to procedures established by the director of animal services. Under no

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circumstances shall such a litter permit be issued to a person who has been convicted of animal cruelty or neglect.

D. In addition to the criteria and procedures established by the director of animal services, litter permits shall contain the following terms and conditions:

1. The owner of an unaltered female dog or cat shall not allow the whelping of more than one litter per animal in any household within the permit year. Notwithstanding this provision, the director of animal services or his or her designee is hereby authorized, upon application of a permittee, to allow on a one-time basis the whelping of up to two dog or cat litters per breeding animal within any domestic household within a permit year, if the permittee established, according to regulations promulgated by the director of animal services, including a veterinarian verification of health status that such breeding is required due to the health of the animal. In the event that a permittee is forced to euthanize a litter of dogs or cats, the director of animal services or his or her designee may authorize the whelping of one additional litter of dogs or cats within the same permit year by the permittee;

2. No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least seven weeks and the offspring have received its first immunization against common diseases;

3. Any holder of a litter permit who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the litter permit number in any such advertisement. Further, the litter permit holder must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document;

4. Commercial establishments selling locally bred dogs or cats shall prominently display the litter permit number(s) of the breeder(s) whose dogs and cats are sold in such establishments and any other pertinent information required by the director of animal services or his or her designee; commercial establishments selling dogs and cats which were not bred within the county of Stanislaus shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the director of animal services;

5. Any litter permit holder selling or otherwise transferring a dog or cat, whether for compensation or otherwise, shall maintain records for a period of three years containing the name, address, and telephone number of the animal's new owner on a department of animal services' approved form;

6. Any litter permit holder or commercial establishment which sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owner written information regarding the license and permit requirements of the county of Stanislaus applicable to such animal; and

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7. Any litter permit holder shall have his/her dog or cat microchipped or have some other form of identification acceptable to the department of animal services and shall register the dog or cat with the department of animal services.

E. The following animals are exempt from the litter permit requirements:

1. Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities;

2. Dogs documented as guide, signal, or service dogs pursuant to California Penal Code Section 365.5(d), (e) and (f) and successor sections;

3. Dogs and cats under the care of governmental animal control agencies; animal rescue organizations which have demonstrated to the department of animal services that they have implemented an ongoing spay/neuter plan, as well as an adoption plan; or humane societies or societies for the prevention of cruelty to animals, if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation law in Part 2 of the California Corporations Code, beginning at Section 5110, and successor sections; and

4. Dogs documented as enrolled in a guide, signal or service dog breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200) Division 3 of the California Business and Professions Code. (Ord. CS 908 §1 (part), 2005).

7.54.040 Penalties.

A. Any cat or dog owner found by the department of animal services to be in violation of the litter permit provisions of this section may correct the violations by obtaining the necessary permit(s) mentioned in this section, no later than thirty days from the date when the department of animal services had first notified the owner of the violation. Should the owner fail to correct the violations in the manner described above, the department shall impose a five hundred dollar penalty on the dog or cat owner. Notice of this penalty shall be served by the department on the dog or cat owner by mail. The penalty shall not be waived by the department upon the transfer or abandonment of the dog or cat by the non-compliant owner. This penalty shall be imposed in addition to any other applicable civil or criminal penalties.

If the penalty mentioned in subsection A of this section is not paid and the owner does not microchip or has some other form of identification acceptable to the department of animal services, spay or neuter his/her dog(s) or cat(s) or obtain the litter permit(s) within fifteen days from the date when the department of animal services first notified the owner of the imposition of a penalty, the continuing violation of the litter permit requirement of this section becomes an additional infraction and may be prosecuted as such.

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B. Any litter permit issued pursuant to Section 7.54.040 may be revoked if the director of animal services or his or her designee has reasonable cause to believe any of the following to be true:

1. The permittee has violated any county ordinances relating to the keeping, care or use of any animal;
2. The permittee is in violation of any state health or safety law or regulation regarding animal care or control;
3. The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this code;
4. The permittee refused to allow inspection, upon forty-eight hours written notice, of any animal covered by the permit or the premises on which the animal is kept; or
5. The permittee has transferred, sold or otherwise disposed of the animal for which the permit was originally issued.

C. If, after inspection, the director of animal services or his or her designee concludes that it is probable that one or more of the above grounds for revocation has occurred, it shall cause written notice thereof to be transmitted by mail to the address of the litter permittee. The notice shall specify the grounds of possible revocation of the litter permit and shall specify a date and time for an informal hearing to be held before the director of animal services or his or her designee. The date shall be not less than five days subsequent to the date the notice is mailed. After the informal hearing, the director of animal services may modify the terms of the litter permit or revoke the litter permit.

D. The litter permittee may appeal the decision of the director of animal services or his or her designee to the animal court if the permittee gives written notice of such appeal within five working days of the decision.

E. Failure to comply with any of the requirements mentioned in Sections 7.54.020, 7.54.030, 7.54.040, 7.54.060 and 7.54.070 of this chapter is an infraction punishable by a one hundred dollar fine for the first occurrence, two hundred dollars for the second occurrence and three hundred dollars for each subsequent occurrence. (Ord. CS 908 §1 (part), 2005).

7.54.050 Sale, adoption and other transfers of dogs and cats.

A. Any person who offers or provides, whether for compensation or otherwise, any dog or cat for sale or other type of transfer, shall disclose the transferee information regarding the dog license and permit requirements of the county of Stanislaus applicable to the transferred animal.

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B. No person shall present any unaltered dog or cat under six months of age for sale, barter, exchange, or adoption, whether for compensation or otherwise, in any public place, without first obtaining a litter permit pursuant to Stanislaus County Code Section 7.54.040. The term public place shall include, but not be limited to, streets, highways, sidewalks, parks, carnivals, shopping malls, flea markets, boardwalks, and areas in front of commercial establishments. This prohibition shall not apply to:

1. Government agencies; non-profit animal rescue organizations exempt from taxation under Internal Revenue Code Section 501(c)(3); or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110;

2. Show dogs or show cats; or

3. Permitted pet stores which sell or otherwise transfer dogs or cats, whether for compensation or otherwise, within the store.

C. No person shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game or competition.

D. No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.

E. No person shall sell, barter, exchange or offer for adoption, whether for compensation or otherwise, any dog or cat to any minor under the age of eighteen years without the written permission of one of the minor's parents or legal guardians.

F. Commercial establishments selling dogs and cats which were not bred within the county of Stanislaus shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the director of animal services or his or her designee.

G. Failure to display the litter permit number or include it in any advertisement for sale, adoption or other transfer of dogs and cats is an infraction punishable by a one hundred dollar fine for the first occurrence, two hundred dollars for the second occurrence and three hundred dollars for each subsequent occurrence. Each day a violation occurs is a separate violation.

H. Possession of a valid permit under this section of this chapter does not entitle the litter permit holder to engage in an activity which is otherwise prohibited by law. (Ord. CS 908 §1 (part), 2005).

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7.54.060 Licensing.

A. Any person owning or having custody of any dog four months or older shall pay an annual license fee. The license fee for dogs shall be established by the board of supervisors and listed in the license fee section of this title. The increased fees collected by the department of animal services for unaltered dogs, less administrative costs, shall be used to pay for vouchers to support spay/neuter programs.

B. Any person owning or having custody of any unaltered dog who meets any of the following criteria shall pay a reduced unaltered annual license fee as listed in the fee section of this title:

1. An owner who owns or operates an actual livestock working ranch or livestock farming operation of more than two acres; or

2. An owner who registers and participates in an American Kennel Club (AKC), United Kennel Club (UKC), or other state or nationally recognized organization and is a member of a parent club or organization for the purposes of showing, training, agility trials, or hunting and provides documentation to the department of animal services of such membership and participation in the above animal activities.

C. If the owner fails to obtain the dog license required in this section, upon the expiration of the thirty days, the department of animal services shall impose a twenty-five dollar late penalty on the owner of the dog. This late fee shall not be waived by the department of animal services upon the transfer or abandonment of the dog by the non-compliant owner. This late penalty shall be imposed in addition to any other applicable civil or criminal penalties and all penalties shall be placed in the Stanislaus County Alternative to Euthanasia (SCATE) Program to be used for spaying or neutering of cats and dogs.

D. If the penalty mentioned in subsection C of this section is not paid, and the owner fails to obtain the license required under subsection A of this section within fifteen days from the date when the department of animal services first notified the dog owner of the imposition of the penalty mentioned in subsection C, the continuing violation of the license requirement of this section becomes an additional infraction and may be prosecuted as such.

E. The animal services department shall be responsible for the enforcement and administration of this chapter.

F. A cat owner may voluntarily obtain a license for their cat. If the cat owner voluntarily purchases a cat license, then the cat owner shall be eligible to receive a voucher for the spay/neuter identification program operated by the department of animal services. (Ord. CS 908 §1 (part), 2005).