

Coastal Animal Services Authority
JPA Meeting Memorandum/Report

TO: JPA Board

FROM: Jeff Rosaler, Interim General Manager

DATE: February 6, 2023

RE: Dana Point Municipal Code Title 10 Update

BACKGROUND:

Title 10 of the Dana Point Municipal Code (DPMC) consists of Chapters outlining the operations for animal control, welfare and licensing requirements within the City of Dana Point. The Title was adopted by Ordinance 96-01 in 1996 and last updated in 2012 by the Dana Point City Council. Any changes proposed to Title 10 will need to be recommended by the Board for adoption by the Dana Point City Council at a future meeting.

DISCUSSION:

There has been interest from the Board, the Animal Control Officers, and the community to have the Municipal Codes of both Cities governed by the Authority in line with each other. This will increase efficiency and effectiveness of the Animal Control Officers and simplify the understanding of the rules and regulations in both communities.

Proposed changes are redlined in Attachment A. Changes are proposed to Chapters 10.01, 10.03, 10.05, 10.06, 10.07 and 10.09. All other Chapters in Title 10 were reviewed and do not require changes. Most of the proposed changes are minor and constitute a code clean up and/or make the code consistent with other parts of the DPMC (i.e. Zoning Code). Code sections dealing with vicious dogs were strengthened and code sections dealing with violations were uniformed to be consistent with Chapter 1.10 of the DPMC.

Code sections changes were reviewed by Authority staff as well as BB&K. Further review will be required once the draft is approved by the Board by City staff and City of Dana Point Counsel.

RECOMMENDED ACTION:

The Board adopt the draft code updates to the DPMC and instruct staff to take it to City of Dana Point City Council for approval. Staff recommends packaging the code update with the fee update for inclusion into a single item.

FISCAL IMPACT:

Minor changes to the fine structure should result in increased revenue.

SUPPORTING DOCUMENTS:

Attachment A: Red-lined versions of proposed changes to Chapters 10.01, 10.03, 10.05, 10.06, 10.07 and 10.09.

Chapter 10.01 GENERAL PROVISIONS

- 10.01.010 Definitions.
- 10.01.020 Responsibility for Administration.
- 10.01.030 Rules and Regulations.
- 10.01.040 Enforcement.
- 10.01.050 Interference.
- 10.01.060 Firearms Authorized.
- 10.01.070 Violations.
- 10.01.080 Inspections.
- 10.01.090 Complaints.
- 10.01.100 Record Keeping.

10.01.010 Definitions.

As used in this Title:

“Adoption fee” means any compensation or monetary exchange for the purpose of taking ownership or custody of an animal.

“Animal” means any vertebrate creature, domestic or wild, including, but not limited to, birds, fishes, reptiles and nonhuman mammals.

“Animal menagerie” means a place where wild and/or exotic animals are kept or maintained for any commercial purposes.

“Animal **services Control Officer**” means any person designated by the General Manager of the Authority as a law enforcement officer who is qualified to perform such duties under the laws of this State.

“Animal shelter” means any facility operated by the cities served by the Authority or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Title or State law.

“Approved rabies vaccine” means a vaccine which is approved for use in the animal concerned by the California Department of Health.

“Approved research institution” means a college, hospital, university or research laboratory conducting research under humane conditions, if the General Manager so finds and certifies in writing.

“At large” means a dog or cat shall be deemed to be “at large” when off the property of the owner and not under restraint.

“Auction” means any place or facility where animals (excluding dogs and cats) are regularly bought, sold or traded, except for those facilities otherwise defined in this Title. This definition does not apply to individual sales of animals by owners.

“Authority” ~~means the person or persons designated to enforce the provisions of this Title. The Authority~~ refers to the Coastal Animal Services Authority.

“Birth control measures” means the surgical alteration of female and male cats and dogs, popularly referred to as spaying and neutering; utilization of approved mechanical birth control devices, such as intrauterine devices; chemical birth control agents as approved by the Southern California Veterinary Medical Association.

“Board of Directors” means the policy-making body for the Authority consisting of elected officials from each jurisdiction served by the Authority and support staff.

“Care and Evaluation Committee” means an advisory committee to the General Manager or the Authority, whose purpose is to make recommendations to improve the quality of life and future well being of animals.

“Cat” means and includes domesticated members of the species *Felis catus*. This definition excludes other members of the family Felidae.

“Charitable auction” means any and all auctions carried out by a charitable organization for the purpose of fundraising.

“Charitable organization” means a non-profit organization which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization.

“Circus” means a commercial variety show featuring animal acts for public entertainment.

“Coastal Animal Services Authority” or “CASA” means a joint powers authority created to facilitate the animal control, welfare, and licensing requirements of the cities served.

“Commercial” means operated or carried on primarily for financial gain.

“Commercial animal establishment” means any pet shop, commercial animal rescue shop, grooming parlor, animal auction, animal dealer who operates for profit,

riding school or stable, zoological park, circus, performing animal exhibition, commercial kennel/cattery, or animal shelter.

“Commercial animal exhibition” means any display containing one (1) or more animals which are exposed to public view for entertainment, instruction or advertisement, excluding fairs, livestock shows, rodeos, purebred dog and pedigree cat shows, obedience trials and competitions, field trials, and any other fair or exhibition intended to advance agricultural arts and sciences.

“Commercial animal rescue shop” means a commercial establishment that offers dogs and/or cats for a non-profit adoption fee, and such dogs and/or cats are made available to the establishment by non-profit humane societies, animal shelters, bona fide animal rescue organizations, or the San Clemente-Dana Point Animal Shelter.

“Commercial breeder” means an owner/lessor/breeder of dogs and cats who is licensed to breed animals for resale, individually or in litter lots, whether any of these animals are also kept for personal use.

“Commercial exhibitor” means any person exhibiting any animals to the public for compensation, such term including carnivals, circuses and animal acts exhibiting such animals whether operated for profit or not.

“Commercial kennel/cattery” means any person maintaining, for profit, an establishment where animals of any species are kept for the purpose of breeding, grooming, boarding, or exhibiting such animals; or selling animals of any species (excluding dogs and cats); or engaged in the training of dogs.

“Dangerous animals” means any animal of a species which presents a threat to the safety of persons or property, as determined by the General Manager.

“Dealer” means any person who, for compensation or profit, buys for resale any animals (excluding dogs and cats), whether alive or dead, for research, experimentation, testing or exhibition (except as an exhibitor as herein described) or for use as pets.

“Dog” means and includes domesticated members of the species *Canis Familiaris*. This definition excludes other members of the family *Canidae*.

“Enclosed space” means a space other than a motor vehicle enclosed by four (4) walls of such dimensions that the animal could not escape the enclosure.

“Euthanasia” means the humane death of an animal brought about by an authorized person and by a method approved by the Authority and the local veterinary doctors.

“Garbage” means any waste consisting in whole or in part of animal wastes resulting from the handling, preparing, cooking and consuming of food, including the offal from animal carcasses or parts thereof.

“General Manager” means the individual serving as the director of the Authority, or his/her designee.

“Grooming parlor” means any place where animals are groomed, clipped, bathed, or otherwise conditioned as pets and/or for show in exchange for a fee except as a service offered by commercial or service kennel and cattery, or by a licensed veterinary hospital.

“Guard dog (sentry dog)” means any dog utilized, on a commercial basis, to guard any property within the cities served by the Authority, including guarding against fire or theft or both.

“Guide dog” means a properly trained dog certified by a licensed guide (Seeing Eye) dog agency and actually being used by a blind person.

“Horse stable” means any location where three (3) or more horses are maintained for any purpose.

“Humane society” means any nonprofit organization existing for the purpose of prevention of cruelty to animals, incorporated under the laws of any U.S. State.

“Impounded” means having been received into the custody of any animal shelter, or into the custody of the General Manager or authorized agent or deputy.

“Infectious disease” means any infectious, contagious or communicable disease sufficiently dangerous to the public health or to the health of animals within the cities served by the Authority to warrant putting into effect the provisions of this Title and any rules or regulations adopted pursuant thereto.

“Kennel” means any premises wherein any person engages in the business of boarding, breeding, letting for hire, or training for a fee, animals of any species; or buying and/or selling animals of any species (excluding dogs and cats).

“Kitten” means any *Felis catus* under four (4) months of age.

“License” means a fee collected by the Authority program for: (a) commercial establishments keeping animals; (b) commercial establishments providing services related to animals; (c) commercial establishments selling domestic or nondomestic animals (excluding dogs and cats); and (d) individual household pets.

“Licensing authority” means the General Manager of the Authority or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this Chapter.

“Livestock” means any domesticated animals including cattle, horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, confined and domesticated hares and rabbits, poultry, and equines which are kept in captivity or under the control or ownership of any person for any purpose.

“Neutered” means rendered permanently incapable of reproduction. To be acceptable, the neutering must be certified to by a licensed veterinarian.

“Nuisance” means a condition in which an animal: damages, soils, defiles or defecates on private property other than the owner’s or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous or offensive conditions; causes a disturbance by excessive barking if confirmed by three (3) independent witnesses, or other noise making; or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

“Operator” means the legal owner or person in actual control of any activity involving animals.

“Owner” means the actual custodian of an animal, whether or not that person is the legal owner, the caretaker, or merely the possessor of an animal. Legal ownership is established by a person being registered as the owner on a license or other legal document.

“Performing animal exhibition” means any spectacle, display, act or event other than circuses, in which performing animals are used.

“Permit” means an authorization from the Authority or any city served by the Authority, stipulating conditions under which non-domesticated animals may be kept in commercial and private establishments.

“Person” means any individual or business, partnership, firm, joint stock company, corporation, association, society, trust, estate, other legal entity, and every officer, agent or employee thereof who own, harbor, or keep animals within the cities served by the Authority.

“Pest breeding hazard” means the accumulation, existence or maintenance of any substance, matter, material or condition resulting in the breeding of flies, cockroaches, rats or other insects or rodents in an amount or manner such as to endanger public health or safety, or to create unreasonable interference with the comfortable enjoyment and use of life and property by others.

“Pet” means any animal kept for pleasure rather than utility.

“Pet shop” means any person, partnership or corporation, whether operated separately or in connection with another business enterprise, that buys for resale and sells at retail, any species of animal (excluding dogs and cats) bred by others, whether as owner, agent, or on consignment, and that sells or offers to sell to the general public at retail.

“Poultry” means all domesticated fowl and all game bird which are held in captivity.

“Primary enclosure” means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

“Private animal owner” means a person having bred, adopted or purchased a dog, cat or other animal permitted by this Title, for his or her personal use and enjoyment, and who keeps or maintains said animal within the cities served by the Authority for a period of more than seven (7) days.

“Private animal refuge” means owners and harborers of unwanted animals of any species, including cross-breeds, who provide food, shelter, confinement, licensing, and spaying/neutering for a group of animals.

“Private breeder” means a dog or cat owner/fancier who breeds an occasional litter of purebred animals for his or her personal use and enjoyment, from animals personally owned or leased for the breeding, who neither sells the resultant offspring for resale to commercial outlets, nor for purposes of research, testing or laboratory experimentation.

“Private exhibitor” means any organization sponsoring and all persons participating in fairs, livestock shows, rodeos, purebred dog and cat shows, obedience

trials, field trials, and any other fairs or exhibitions intended to advance agricultural arts and sciences.

“Private kennel/cattery” means the home and premises of a person who owns four (4) or more dogs and/or cats that are four (4) months of age or older for the pleasure and enjoyment of the owner.

“Public nuisance” means any animal or animals which (a) molests passersby or passing vehicles; (b) attacks other animals; (c) trespasses on school grounds; (d) is repeatedly at large; (e) damages private or public property; or (f) barks, whines or howls in an excessive, continuous or untimely fashion.

“Puppy” means any *Canis familiaris* under four (4) months of age.

“Quarantine” means the strict confinement of an animal upon the premises of the owner or elsewhere as approved by the General Manager.

“Registration” means the method of identifying animals through an identification number at the animal shelter. It shall not be the same as a license.

Restraint. A dog or cat shall be considered under “restraint” if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

“Riding school or stable” means any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule or burro.

“Run” means floor or surface and cage, exclusive of the sleeping box, used to continually contain or maintain dogs or cats.

"Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

“Spayed” means rendered permanently incapable of reproduction. To be acceptable, the spaying must be certified to by a licensed veterinarian.

“Stockyard” means any stockyard, corral or premises wherein public trading in livestock is carried on, or where yarding, feeding and watering facilities are provided and where federal, state or local inspection is maintained for the inspection of livestock for infectious diseases.

“Tattoo” to mean any permanent marking identifying the animal, including but not limited to microchips.

“Unaltered” means an animal which has not been spayed or neutered.

“Veterinarian” means a veterinarian with a valid license to practice veterinary medicine, dentistry and surgery, issued by the Board of Examination Veterinarian Medicine of the State of California.

“Veterinary medical facility” means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

“Vicious animal” means any animal or animals that constitute a physical threat to human beings or other animals. An animal is “known to be vicious” when said animal has previously attacked either a person engaged in a lawful activity or another animal and such attack causes an injury involving a breaking of the skin, when that animal has caused a person of reasonable sensitivities, engaged in a lawful activity to believe that he or she or a domestic animal in his or her custody and under proper restraint are in imminent danger of great bodily harm, or when that animal has been declared to be vicious pursuant to the provisions of this Title.

“Vivisection” means the cutting of or operation on a living animal usually for physiological or pathological investigations.

“Wild/exotic animals” means animals which are being kept for exhibition purposes or as private pets including monkeys, raccoons, skunks, fox, snakes, leopards, panthers, tigers, lions, birds or any other warm-blooded animal which can normally be found in the wild state.

“Zoo” means a collection of living animals for public display.

“Zoological park” means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of nondomesticated animals operated by a person, partnership, corporation or government agency. (Ord. 96-01, 1/9/96; amended by Ord. 12-01, 1/31/12; Ord. 12-02, 1/31/12)

10.01.020 Responsibility for Administration.

The General Manager of the Authority is charged with the administration of the provisions of this Title. (Ord. 96-01, 1/9/96)

10.01.030 Rules and Regulations.

The General Manager, with approval of the Authority Board of Directors, and with approval of city councils served by the Authority, may promulgate any necessary rules and regulations for the administration of the provisions of this Title. (Ord. 96-01, 1/9/96)

10.01.040 Enforcement.

The General Manager, duly authorized deputies, and agents are hereby empowered and it shall be their duty to enforce the provisions of this Title and any statute relating to animal control, unless otherwise provided by law. Authority **Animal Control Officers** may arrest any person without a warrant whenever they have reasonable cause to believe that the person to be arrested has committed a misdemeanor in their presence which is a violation of any such statute or ordinance. (Ord. 96-01, 1/9/96)

10.01.050 Interference.

No person shall interfere with, oppose or resist any authorized person charged with the enforcement of this Title while such person is engaged in the performance of his or her duties. (Ord. 96-01, 1/9/96)

10.01.060 Firearms Authorized.

The General Manager and **Animal Control Officers** are authorized to carry loaded rifles, shotguns, and tranquilizer equipment, issued by the Authority, while acting in the course and scope of their employment. (Ord. 96-01, 1/9/96)

10.01.070 Violations.

(a) Infraction. Any person who violates any provision of this Chapter is guilty of an infraction, except as set forth in Subsection (b) of this Section. **Each infraction is punishable by administrative citation and associated fines as defined in Chapter 1.10 of the DPMC.**

(b) Misdemeanor. Any person who violates any provision of Sections 10.04.060 and 10.05.010 is guilty of a misdemeanor. Moreover, any person who violates any other provision of this Title and the violation occurs within one (1) year of the occurrence of two (2) other separate violations of this Title by that person is guilty of a misdemeanor.

(c) Separate Offense. Each day on which a violation occurs or continues shall constitute a separate offense. (Ord. 96-01, 1/9/96)

10.01.080 Inspections.

The General Manager or authorized agent is empowered to inspect any building or other property for the purpose of enforcing the provisions of this Title or any statute relating to animal control. (Ord. 96-01, 1/9/96)

10.01.090 Complaints.

Upon receiving a complaint from any person alleging a violation of this Chapter and upon receiving the name and address of the owner and/or custodian of the animal, if known, an investigation to determine whether a violation exists may be made. If the investigation discloses a violation of the provisions of this Title, prosecution may be initiated against the owner and/or custodian. (Ord. 96-01, 1/9/96)

10.01.100 Record Keeping.

It shall be the duty of the General Manager to maintain all records related to or required by this Title and to attempt to identify any impounded, found or turned in animal via registration check, identification tags, lost reports, and via diligent search for any tattoo marks. (Ord. 96-01, 1/9/96)

Chapter 10.03 ANIMAL LICENSES

- 10.03.010 Registration Required.
- 10.03.020 Thirty-Day Time Limit.
- 10.03.030 Proof of Rabies Vaccination.
- 10.03.040 License Period.
- 10.03.050 Animal License Fee.
- ~~10.03.060 Fee Adjustment.~~
- 10.03.070 Fee Exemption.
- 10.03.080 License or Registration Application.
- 10.03.090 Issuance.
- 10.03.100 Display of License.
- 10.03.110 Unauthorized Removal.
- 10.03.120 Lost License Tag.
- 10.03.130 Dog License Renewal.
- 10.03.140 Cat Licensing.
- 10.03.150 Displaying Proof of Vaccination.
- 10.03.160 Nontransferable Registration.
- 10.03.170 False or Stolen Documents or Tags.
- 10.03.180 Counterfeit Tag.
- ~~10.03.190 Animal Permit Required.~~

10.03.010 Registration Required.

Every person owning or having custody of any dog four (4) months of age or older shall procure for said dog a ~~South-Orange Coastal County~~ Animal Services Authority dog license. Guard (sentry) dogs are not excepted. Each such guard (sentry) dog must be individually licensed and each dog shall be wearing its license securely fastened to a collar or harness whether or not the dog is kenneled within the cities served by the Authority. (Ord. 96-01, 1/9/96)

10.03.020 Thirty-Day Time Limit.

Application for registration must be made within thirty (30) days after obtaining a dog four (4) months of age or older, or within thirty (30) days of establishing residence within the cities served by the Authority. (Ord. 96-01, 1/9/96)

10.03.030 Proof of Rabies Vaccination.

No dog shall be licensed without proof of approved rabies vaccination. Rabies vaccination certificates must be signed by licensed veterinarian and be valid for the entire registration period. (Ord. 96-01, 1/9/96)

10.03.040 License Period.

Licenses shall be issued for a period of twelve (12) months. Registrations may be issued for periods of time less than the minimum twelve (12) month period of time if the animal's rabies certificate expires sooner than the minimum registration period. No license may expire later than the expiration date of the rabies vaccination. (Ord. 96-01, 1/9/96)

10.03.050 ~~Animal Dog~~ License Fee.

A fee not to exceed the cost of Authority services relating to dogs, shall be paid to the Authority for each license required by this Title as provided by resolution of the city councils served by the Authority. (Ord. 96-01, 1/9/96)

~~10.03.060 Fee Adjustment.~~

~~— Senior citizens over sixty two (62) years of age may register their animals for one-half (1/2) the regular fee. Any person whose dog has been spayed or neutered shall pay one-half (1/2) of the application registration fee; provided, that a certificate of sterilization issued by a licensed veterinarian is presented with the registration application. Such fee shall not apply to any dog while kept or maintained exclusively within a commercial kennel or by a recognized animal rescue organization. (Ord. 96-01, 1/9/96)~~

10.03.070 Fee Exemption.

No registration fee shall be required for the following:

- (a) Guide dogs for the blind;
- (b) Dogs honorably discharged from the Armed Forces of the United States;
- (c) Dogs in the care, custody and control of nonresidents who are traveling through, or temporarily staying in, the cities served by the Authority for a period not exceeding thirty (30) days, or dogs temporarily brought into the cities served by the Authority for the purpose of being entered in a dog show or exhibition, provided such dogs are so entered and not kept elsewhere;
- (d) Dogs used in crime detection or apprehension by police officers;

(e) Dogs housed in duly licensed animal shelter or commercial animal rescue shop prior to adoption; or

(f) Dogs maintained in an approved research institution or kennel, provided said dog is owned by the owner or operator of said research institution or kennel. (Ord. 96-01, 1/9/96; amended by Ord. 12-02, 1/31/12)

10.03.080 License or Registration Application.

The owner shall state at the time application is made, and upon standard printed forms of application provided for such purpose, his or her name, address, telephone number, and the name, breed, color, age and sex of each animal for which application is made. (Ord. 96-01, 1/9/96)

10.03.090 Issuance.

Upon collection of the license or registration fee, a dated receipt will be issued stating the name, address and telephone number of the owner, tag number, description of the animal, and the expiration date of the rabies vaccination, together with a registration tag stamped with a serial number year and name of the Authority. (Ord. 96-01, 1/9/96)

10.03.100 Display of License.

Each dog required to be licensed shall wear at all times the current license tag assigned to that dog, except when the dog is: (a) physically confined within the premises of the owner or other person authorized to have custody; (b) confined in a vehicle or cage; (c) participating in any dog exhibition, field trial or competition; or (d) confined in a licensed kennel or veterinary hospital, in which case the license tag number shall be recorded and placed nearby so that it is readily identifiable with the dog to which it belongs; or if not licensed, that fact shall be clearly indicated on the facility's records. Nothing herein contained, however, shall be construed to relieve the necessity of having a current tag for each dog. (Ord. 96-01, 1/9/96)

10.03.110 Unauthorized Removal.

A license tag shall not be removed from any dog without the consent of the owner thereof. (Ord. 96-01, 1/9/96)

10.03.120 Lost License Tag.

In case any license tag is lost or destroyed, replacement may be obtained upon showing such proof as may be required and upon payment of the replacement fee. (Ord. 96-01, 1/9/96)

10.03.130 Dog License Renewal.

Licenses not purchased or renewed within thirty (30) days after expiration, or the date on which they become due, shall be considered delinquent and a late fee as determined by the Authority shall be added to the cost of the new license. **An additional fee may be added by the General Manager should the license be delinquent by over 180 days.** The General Manager or authorized agent may waive the above late fee if he or she determines the applicant made a reasonable effort to comply with the above deadline. (Ord. 96-01, 1/9/96)

10.03.140 Cat Licensing.

Cats over four (4) months of age may be registered with the Authority in the same manner in which dogs are licensed. Cats must have current rabies vaccination valid for the entire one (1) year registration period. The obtaining of such a license shall be optional on the part of the owner, except as provided in Section 10.03.190. (Ord. 96-01, 1/9/96)

10.03.150 Displaying Proof of Vaccination.

Every person shall, upon demand by any person charge with enforcing the provisions of this Chapter, exhibit any current rabies vaccination certificate or dog or cat license tag issued to said person pursuant to the provisions of this Chapter. (Ord. 96-01, 1/9/96)

10.03.160 Nontransferable Registration.

Animal registrations are not transferrable or refundable. (Ord. 96-01, 1/9/96)

10.03.170 False or Stolen Documents or Tags.

No person shall make use of or have in his or her possession a stolen, counterfeit or forged dog or cat license receipt, dog or cat license tag, rabies vaccination certificate,

anti-rabies inoculation-deferment form, or other form issued in accordance with this Title. (Ord. 96-01, 1/9/96)

10.03.180 Counterfeit Tag.

It is unlawful for any person to attach any current license tag to any dog or cat, which tag was not issued for said dog or cat, or to counterfeit or imitate a dog tag, or to attach a counterfeit or imitation tag to any dog or cat; and it is unlawful for any person to make any false statement as to any fact required in connection with the securing and issuance of a dog or cat tag. (Ord. 96-01, 1/9/96)

~~10.03.180 Animal Permit Required.~~

~~—Any person owning or having custody of four (4) or more licensed dogs and/or four (4) or more cats that are four (4) months of age or older, for any purpose other than a commercial purpose shall file an application for a private kennel/cattery/animal refuge permit with the Authority or any city served by the Authority. The General Manager or authorized agent shall issue a permit for the keeping of such animals under the following conditions: (a) upon receipt of the fee established by the Authority; and (b) when, in the opinion of the General Manager, such animals may be kept or maintained without endangering the safety and comfort of such animals and the inhabitants of the neighborhood; and (c) the owner or custodian has complied with any other applicable laws, including zoning regulations. Each such animal shall be individually licensed. The permit shall specify the number and types of animals authorized to be kept thereunder and may contain any conditions regarding the keeping of animals thereunder deemed necessary by the General Manager or authorized agent. Animal permits shall be nontransferable and must be renewed annually. Failure to comply with the aforementioned requirements or any conditions imposed by the General Manager shall constitute cause for denial or revocation of such permit. (Ord. 96-01, 1/9/96)~~

Chapter 10.05 VICIOUS ANIMALS

- 10.05.020 Investigation of a Vicious Animal.
- 10.05.030 Declaration of Vicious Animal.
- 10.05.040 Criteria for Declaring a Vicious Dog.
- 10.05.050 Exceptions to Declaration of a Vicious Dog.
- 10.05.060 Conditions of Harboring a Vicious Animal.
- 10.05.070 Impounding Vicious Animals.
- 10.05.080 Hearing to Contest Viciousness.
- 10.05.090 **Continued Care of a Declared** Vicious Animals

10.05.020 Investigation of a Vicious Animal.

Whenever it is reported to the General Manager or authorized agent that an animal has attacked either a person engaged in a lawful activity or another animal or caused a person of reasonable sensitivities to believe that he or she or a domestic animal in his or her custody and under proper restraint are in imminent danger of great bodily harm, the General Manager shall cause the incident to be investigated. (Ord. 96-01, 1/9/96)

10.05.030 Declaration of Vicious Animal.

If, after reviewing the applicable facts, the General Manager or authorized agent determines that an animal either engaged in an unprovoked attack on either a person conducting a lawful activity or another properly restrained animal or caused a person of reasonable sensitivities to believe that he or she or domestic animal in his or her custody and under proper restraint was in imminent danger of great bodily harm, the animal shall be declared to be vicious and the owner shall be notified of that fact in writing. (Ord. 96-01, 1/9/96)

10.05.040 Criteria for Declaring a Vicious Dog.

The General Manager or authorized agent shall declare a dog to be vicious when said dog:

- (a) Has attacked or bitten a person causing death or **substantial severe** physical injury; or
- (b) Has killed or inflicted substantial physical injury to a domestic animal, without provocation, while off the owner's or custodian's property; or

(c) Is owned or harbored primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or

(d) Has twice within a one-year period bitten, attacked or attempted to bite a person; or

(e) Has twice within a one-year period chased or approached a person upon the streets, sidewalks or any public or private property in an apparent attitude of attack.
(Ord. 96-01, 1/9/96)

10.05.050 Exceptions to Declaration of a Vicious Dog.

No dog may be determined to be a vicious dog if:

(a) Any such bite, threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner or custodian of the dog, or was committing or attempting to commit a crime upon the premises occupied by the owner or custodian of the dog, or was teasing, tormenting, abusing or assaulting the dog or who has, in the past, teased, tormented, abused or assaulted the dog; or

(b) Said dog is used in military or police work and while they are actually performing in that capacity. (Ord. 96-01, 1/9/96)

10.05.060 Conditions of Harboring a Vicious Animal.

No person shall harbor an animal declared to be vicious under the provisions of this Chapter without first satisfying the conditions imposed upon the harboring of that vicious animal by the General Manager or authorized agent. Such conditions may include, but are not limited to:

(a) keeping the animal confined to a house or an area enclosed by four (4) walls of such dimensions that the animal cannot escape except during periods when the animal is muzzled, on a leash of less than five (5) feet in length, and in the physical control of a responsible person; and

(b) tattooing the animal with an identifying mark and registering the animal with the General Manager or authorized agent; and

(c) obtaining a bond or insurance in such amount as the General Manager or authorized agent determines is adequate to protect the public; and

(d) notifying the Authority in writing within twenty-four (24) hours if the animal escapes, dies, injures a person or animal, or if the owner and animal move to a new location.

A vicious animal shall be seized and impounded in an appropriate animal control facility, until the owner complies with the conditions imposed on harboring a vicious animal, or the impound period expires as provided in Section 10.09.070.

Failure of the animal owner to comply with the conditions outlined above may result in the euthanasia of the animal. (Ord. 96-01, 1/9/96)

10.05.070 Impounding Vicious Animals.

When an unattended animal is suspected of being vicious, or an animal has been declared to be vicious and the owner has not complied with the conditions of harboring the vicious animal imposed upon the owner by the General Manager or authorized agent, an animal services officer may seize the animal and impound it at an appropriate animal control facility. As soon as is practicable, the animal's owner shall be informed that the animal has been impounded. If the animal poses an immediate physical threat to persons or other animals during the seizure or impoundment period, the animal may be immobilized by drug, or if such a method is not readily available, the animal may be killed. Any impounded vicious animal shall be kept for a period of not more than fourteen (14) calendar days. The General Manager may extend this period if he or she determines that it is likely that the owner will comply with the conditions imposed upon harboring the vicious animal within five (5) working days of the end of the impoundment period. If the owner has not complied with the conditions at the time the impoundment period, or any extension thereof, has expired, the animal shall be euthanized. (Ord. 96-01, 1/9/96)

10.05.080 Hearing to Contest Viciousness.

The owner of an animal that has either been impounded on suspicion of being vicious or has been declared to be vicious under this Chapter may request a hearing to contest the determination of viciousness or the conditions imposed upon harboring the animal by submitting a written request with the applicable administrative hearing fee to the General Manager. **The General Manager shall appoint an independent 3rd party hearing officer and ~~The General Manager shall~~ set the hearing date within thirty (30) days of receiving the written request and notify the owner by certified mail of the date, time and place of the hearing.**

At the hearing, the owner may introduce evidence to show that the animal is not vicious or that the imposed conditions are inappropriate. ~~The hearing officer shall make a determination on the case and issue a final written order within 30 days after the conclusion of the hearing. After weighing all the evidence, the General Manager shall render a decision.~~ That decision shall be final. (Ord. 96-01, 1/9/96)

10.05.090 Continued Care of a Declared Vicious Animal.

The owner or person having possession, custody, charge or control of an animal that the owner or person having possession knew or should have known was vicious shall be guilty of a misdemeanor whenever the animal:

(a) is found to be outside of a house or fully enclosed space, unless that animal is muzzled and on a leash or similar restraint no longer than five (5) feet in length and under the control of a responsible person; or

(b) is found not to be under the restraints ordered by the General Manager. (Ord. 96-01, 1/9/96)

Chapter 10.06 ANIMALS AT LARGE

- 10.06.010 Keeping Animals or Fowl Near Residences.
- 10.06.020 Trespassing.
- 10.06.030 Property Damage.
- 10.06.040 Disturbing the Peace.
- 10.06.050 Excreta Nuisance Prohibited.
- 10.06.060 Tying Animals to Trees.
- 10.06.070 Prohibited Animals

10.06.010 Keeping Animals or Fowl Near Residences.

It is unlawful for any person to keep or maintain on his or her premises or premises leased or occupied any animals, birds, fish, mammals or reptiles within ~~one hundred (100)~~ 25 (twenty-five) feet of any other family residence, his or her own not included, except as follows:

(a) if expressly allowed by the Zoning Code (DPMC 9.07.190) ~~in the jurisdictions served by the Authority;~~

(b) domestic pets, including dogs, cats, caged birds, or fish aquariums ~~or other similar household pets.~~

~~(c) the use shall be deemed commercial if more than three (3) adult dogs, cats or other similar household pets are maintained on one (1) property.~~

~~Animals shall be deemed adults at four (4) months of age.~~ (Ord. 96-01, 1/9/96)

10.06.020 Trespassing.

No person owning or having charge, care or custody of any animal shall permit such animal to trespass or be upon any private property of another person without consent of such person. (Ord. 96-01, 1/9/96)

10.06.030 Property Damage.

No person owning or having charge, care or custody of any animal shall permit such animal to damage or destroy the property of another person other than that of the owner of such an animal. (Ord. 96-01, 1/9/96)

10.06.040 Disturbing the Peace.

It is unlawful for any person to keep, maintain or permit on any lot, parcel of land or premises under his or her control, any animal, which may by any sound or cry disturb the peace and comfort of the inhabitants of the neighborhood or interfere with the reasonable and comfortable enjoyment of life and property. (Ord. 96-01, 1/9/96)

10.06.050 Excreta Nuisance Prohibited.

It is unlawful for the owner or person having charge, custody or control of any animal to permit, either **willfully** or through failure to exercise due care or control, any such animal create a nuisance by leaving its excreta and to allow such nuisance to therefore remain on the following:

- (a) any public park or beach in the jurisdictions served by the Authority;
- (b) a public sidewalk, parkway or any other public property;
- (c) any entranceway, stairway or wall immediately abutting on a public sidewalk;
- (d) the floor of any theater, shop, store, office building or other building used by the public;
- (e) on any improved private property other than that of the owner or person who has custody or control of such animal;
- (f) the floor of any common hall in any apartment house, tenement house, motel or other multiple dwelling. ~~Any owner or person found in violation of this Section shall be fined fifty dollars (\$50.00), payable to the Authority for each violation. (Ord. 96-01, 1/9/96)~~

10.07.060 Tying Animals to Trees.

No person shall tie any animal to any shrub or tree growing along any public sidewalk or street of any city served by the Authority. (Ord. 96-01, 1/9/96)

10.06.070 Prohibited Animals

In compliance with the Dana Point Zoning Code (DPMC 9.07.190) the keeping of animals defined as livestock including any animal in the bovine (cow), caprine, (goat), equine, (horse), ovine (sheep), or porcine (pig) families is prohibited in Dana Point residential areas.

The keeping of bees and poultry, including chickens, is also prohibited in residential districts.

Chapter 10.07 WILD, EXOTIC, NONDOMESTIC ANIMALS

- 10.07.010 Permit.
- 10.07.020 Wild Animal Permit Fee.
- 10.07.030 Wild Animals to be Confined.
- 10.07.040 Temporary Display of Transported Animals.
- ~~10.07.050 Permit Required to Keep Bees.~~
- 10.07.060 Revocation of Permit.
- 10.07.070 Prohibiting of Feeding Wildlife.
- 10.07.080 Prohibiting of Feeding Wildlife—Exceptions.
- ~~10.07.090 Prohibiting of Feeding Wildlife—Fines.~~

10.07.010 ~~Permit.~~ License

No person shall keep or maintain any wild, exotic or nondomesticated animal within the boundaries of the cities served by the Authority without first obtaining a ~~permit~~ license from the General Manager ~~or authorized agent~~. In addition to all information required in the application, the applicant shall substantiate to the satisfaction of the General Manager the following facts:

(a) That the wild/exotic or nondomesticated animal at the location proposed will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and

(b) That the proposed site is adequate in size and shape to accommodate the number and type of animals for which the permit is requested without harm to the animals or material detriment to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.

(c) ~~Is in compliance with applicable zoning regulations.~~

(Ord. 96-01, 1/9/96)

10.07.020 Wild Animal Permit Fee.

The fee for a wild/exotic or nondomesticated animal permit shall be set by resolution of the city councils served by the Authority. (Ord. 96-01, 1/9/96)

10.07.030 Wild Animals to be Confined.

No person owning or having charge, custody or control or possession of any wild/exotic or nondomesticated animal, or while operating any wild animal establishment, shall permit or allow the same to be or run at large upon public or private property in such a manner as to endanger the life or limb of any person lawfully entering such premises. (Ord. 96-01, 1/9/96)

10.07.040 Temporary Display of Transported Animals.

This Chapter shall not apply to any wild/exotic or nondomesticated animal caged in a safe and humane manner while being transported through the cities served by the Authority or while such animal is within the cities served by the Authority under the control of a circus, carnival, traveling show, or collection of animals for exhibition licensed by the cities served by the Authority. (Ord. 96-01, 1/9/96)

~~10.07.050 Permit Required to Keep Bees.~~

~~—It is unlawful for any person to have, keep or maintain any hive or swarm of bees within the cities served by the Authority without a permit. The provisions of this Section shall not apply to the keeping of bees within an educational institution for study or observation or within a physician's office or laboratory for medical research, treatment or other scientific purposes, provided they are not permitted to fly at large. (Ord. 96-01, 1/9/96)~~

10.07.060 Revocation of ~~Permit.~~ License

The General Manager may revoke any such ~~permit~~ license for the violation of any of the provisions of this Chapter. (Ord. 96-01, 1/9/96)

10.07.070 Prohibiting of Feeding Wildlife.

No person shall feed or in any manner provide food for nondomesticated mammalian predators such as coyotes (*Canis Latrans*). This Section shall also include a ban on feeding raccoons, foxes, skunks and opossums. (Ord. 96-01, 1/9/96)

10.07.080 Prohibiting of Feeding Wildlife—Exceptions.

(a) When an owner is in legal possession of a nondomesticated animal that is kept under a valid ~~certificate/permit~~ license issued by the Authority or cities served by the Authority.

(b) When a person provides food and water for a trapped, injured or unweaned nondomesticated animal during the time the agency in charge is notified and the animal has been picked up. (Ord. 96-01, 1/9/96)

~~10.07.090 Prohibiting of Feeding Wildlife—Fines.~~

~~—Every violation of Section 10.07.070 shall be an infraction punishable by a fine of: (a) fifty dollars (\$50.00) for the first violation; and (b) one hundred dollars (\$100.00) for the second violation. This fine shall immediately be payable to the South Orange County Animal Services Authority. (Ord. 96-01, 1/9/96)~~

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Chapter 10.09 ANIMAL SHELTER AND IMPOUNDMENT

- 10.09.010 Animal Shelter.
- 10.09.020 Animals Subject to Impoundment.
- 10.09.030 Retention Without Owner's Consent.
- 10.09.040 Notification of Owner.
- 10.09.050 Impounding Animals at the Shelter.
- 10.09.060 Transporting of Impounded Animals.
- 10.09.070 Impoundment Period for Licensed Animals.
- 10.09.080 Impoundment Period for Unregistered Animals.
- 10.09.090 Unauthorized Removal of Animals from Custody.
- 10.09.100 Redemption of Registered Animals.
- 10.09.110 Redemption of Unregistered Animals.
- 10.09.120 Adoption of Unredeemed Animals.
- 10.09.130 Owner's Right to Redeem Animal from Purchaser.
- 10.09.140 Record of Impounded Animals.
- 10.09.150 Euthanasia.
- 10.09.160 Adoption by Approved Organizations.
- 10.09.170 Sheltering by Approved Organizations.
- 10.09.180 Sale of Unclaimed Animals.
- 10.09.190 Research and Vivisection.
- 10.09.200 Redemption of Unaltered Animals.

10.09.010 Animal Shelter.

The San Clemente-Dana Point Animal Shelter shall serve as the animal shelter for the jurisdictions served by the Authority. (Ord. 96-01, 1/9/96)

10.09.020 Animals Subject to Impoundment.

The General Manager or authorized agent may take into custody:

(a) Any animal kept and maintained contrary to the provisions of this Title, any of the codified ordinances of the cities served by the Authority, any codified ordinance of the County of Orange or any California statute;

- (b) Any animal running at large contrary to the provisions of this Title or any statute;
- (c) Sick, injured, stray, unwanted animals, for which the owner or custodian cannot be found or is unable or unwilling to provide proper care;
- (d) Animals quarantined for which no other place of quarantine is acceptable to the General Manager;
- (e) Animals delivered or requested to be impounded by a peace officer, or public officer or employee as defined in Penal Code Section 836.5;
- (f) Any wild animal found to be at large upon any public property, or upon request of the owner or tenant, found to be at large on private property;
- (g) Animals impounded pursuant to Section 10.05.070 of this Title;
- (h) Any other animal authorized to be impounded pursuant to the provisions of this Chapter. (Ord. 96-01, 1/9/96)

10.09.030 Retention Without Owner's Consent.

No person shall, without the consent of the owner, hold or retain possession of any animal without reporting the possession of such animal to the Authority within four (4) hours, and giving his or her name, address, telephone number, if any, and a true description of the animal, and then surrendering such animal to the General Manager or authorized agent upon demand. (Ord. 96-01, 1/9/96)

10.09.040 Notification of Owner.

The General Manager or authorized agent will attempt to notify owners of lost or impounded registered dogs or cats through public notice, private communication where the owner is known, or when a tattoo is found, notification of the tattoo registry. (Ord. 96-01, 1/9/96)

10.09.050 Impounding Animals at the Shelter.

The General Manager or authorized agent shall place all animals taken into custody in the animal shelter if the owner cannot be, upon initial contact, identified and contacted and the animal returned home, except that animals impounded pursuant to Section 10.09.020(f) of this Chapter may be summarily destroyed. (Ord. 96-01, 1/9/96)

10.09.060 Transporting of Impounded Animals.

All animals taken into custody shall be humanely transported in specifically designed ventilated and properly maintained vehicles. (Ord. 96-01, 1/9/96)

10.09.070 Impoundment Period for Licensed Animals.

Animals wearing current valid license tags, which are impounded pursuant to the provisions of this Chapter, shall be held for a period of ten (10) working days. Said animals shall be held for redemption by the owner and not be declared abandoned unless: (a) the person to whom the current tag for such animal was issued so directs; (b) ten (10) working days have elapsed since such person was notified of his or her animal's whereabouts by telephone; (c) ten (10) working days have elapsed since the owner was notified by United States mail, first class postage paid, at such person's last known address, informing such person of the whereabouts of his or her animal; (d) where animals bearing a tattoo is found, and after ten (10) working days have elapsed, the tattoo registry and the Authority have made all efforts to notify the owner; (e) where other identification of any type is found, and after ten (10) working days have elapsed, the Authority has made all efforts to notify the owner. At the end of the ten (10) working-day period, animals not claimed by their owners may be declared abandoned and may be placed for adoption or disposed of in a humane manner according to the provisions of this Chapter. (Ord. 96-01, 1/9/96)

10.09.080 Impoundment Period for Unregistered Animals.

Impounded animals not bearing identification of any type may be deemed unregistered and shall be held in custody for a period of five (5) calendar days. At the end of the prescribed period, unregistered animals not claimed may be declared abandoned and may be placed for adoption or disposed of in a humane manner according to the provisions of this Chapter. (Ord. 96-01, 1/9/96)

10.09.090 Unauthorized Removal of Animals from Custody.

No person shall remove any animal from the custody of the Authority with permission from the General Manager or authorized agent to do so. (Ord. 96-01, 1/9/96)

10.09.100 Redemption of Registered Animals.

Registered animals may be redeemed by the owner or his or her authorized agent upon payment of the impound fees, care and feeding charges, and any veterinary costs. (Ord. 96-01, 1/9/96)

10.09.110 Redemption of Unregistered Animals.

Unregistered animals may be redeemed by the owner or his or her authorized agent upon payment of the registration fees, impound fees, care and feeding charges, and any veterinary costs, and upon proof of rabies vaccination. Any person claiming ownership of any unregistered impounded animal shall be required to present proof of ownership satisfactory to the General Manager. (Ord. 96-01, 1/9/96)

10.09.120 Adoption of Unredeemed Animals.

Any impounded animal that is not redeemed within period of time prescribed in the provisions of this Chapter may be considered abandoned and placed for adoption. Animals may be adopted by private individuals upon payment of a placement fee, rabies vaccination fee, animal registration fee, and a sterility deposit, if applicable. (Ord. 96-01, 1/9/96)

10.09.130 Owner's Right to Redeem Animal from Purchaser.

The owner of any impounded animal may, at any time within thirty (30) days after adoption from the animal shelter, redeem such animal from the person who adopted it

by paying him or her a sum equal to the amount paid to the Authority as described in Section 10.09.120, and in addition thereto a sum equal to reasonable care and feeding charges per day for the number of days from the date of the adoption to and including the date of redemption by the owner. (Ord. 96-01, 1/9/96)

10.09.140 Record of Impounded Animals.

The General Manager or authorized agent shall keep a record of each animal impounded, the date of receipt of such animal, the date and manner of disposal, and if redeemed, reclaimed or adopted, the name of the person redeeming, reclaiming or adopting such animal, the address and telephone number of such person, and the amounts of all fees received or collected for or because of the impounding, reclaiming or adoption thereof, together with the number of any tag, and the date of any registration issued upon the redemption or adoption of any such animal. (Ord. 96-01, 1/9/96)

10.09.150 Euthanasia.

Animals may be euthanized in a humane manner as prescribed in the provisions of this Chapter and upon advice of the Animal Care and Evaluation Committee. (Ord. 96-01, 1/9/96)

10.09.160 Adoption by Approved Organizations.

Under special provision, specific breed clubs and humane organizations approved by the General Manager shall have the option of adopting available animals for the purposes of placement from the animal shelter. (Ord. 96-01, 1/9/96)

10.09.170 Sheltering by Approved Organizations.

Specific animal clubs and humane organizations approved by the General Manager may be allowed to assume the responsibility of caring for lost and stray animals providing they have facilities for proper confinement, shelter and care of such animals.

Such organizations shall notify the General Manager within four (4) hours after obtaining any animal so sheltered, giving a true description and any identification. Such organizations shall assume responsibility for placement of such animals in homes after sheltering them for a minimum of fourteen (14) days, during which time they will make every attempt to locate and notify the owner. (Ord. 96-01, 1/9/96)

10.09.180 Sale of Unclaimed Animals.

If no person claims the animal or animals impounded under this Section within five (5) days or if a person does appear and claims the animal or animals but fails to pay the expenses as provided in this Chapter, the General Manager shall proceed to sell or cause to be sold such animal or animals, except bovines or equines, at public sale in accordance with general procedure provided in the law concerning the sale or execution of personal property. If the animal impounded under the provisions of the Chapter is of a value less than ten dollars (\$10.00) as determined by the General Manager and has not been claimed, the General Manager may dispose of said animal, except bovines and equines, at private sale without notice. In the alternative, the General Manager may dispose of said animal, except bovines and equines, in humane manner. (Ord. 96-01, 1/9/96)

10.09.190 Research and Vivisection.

No animal may be donated or sold for the purpose of research and vivisection. (Ord. 96-01, 1/9/96)

10.09.200 Redemption of Unaltered Animals.

The City Council finds that there exists a serious pet overpopulation problem that has resulted in a threat to public safety and health within the City, inhumane treatment of animals, euthanasia of animals at the area animal shelters and escalating costs for animal care and control. Further, Council finds that uncontrolled breeding is the cause and, without action aimed at the source, this problem and its serious consequences will remain unabated. Council finds that part of the solution is for any unaltered animal that is found at large, running loose, or unrestrained off the owner's property on multiple occasions be required to be spayed or neutered at the owner's expense

before being returned to the owner, unless the owner provides documentation that the animal is subject to one of the enumerated exceptions to this provision.

(a) When an unaltered animal is impounded on two (2) or more occasions in a three (3) year period, the owner may not redeem the unaltered animal until one of the following occurs:

(1) The animal is spayed or neutered at the expense of the owner by a veterinarian selected by the Authority. Such expense may include additional fees due to extraordinary care required;

(2) The animal is spayed or neutered by another Authority approved veterinarian. The owner may arrange for another Authority approved veterinarian to spay or neuter the animal, and shall pay to the Authority the cost to deliver the animal to the chosen veterinarian. The veterinarian shall complete and return to the Authority within ten (10) days, a statement confirming that the animal has been spayed or neutered and shall release the animal to the owner only after the spay or neuter procedure is complete;

(3) At the discretion of the General Manager or authorized agent, the animal may be released to the owner if the owner signs a statement under penalty of perjury, representing that the animal will be spayed or neutered and that the owner will submit a statement within ten (10) days, signed by the veterinarian, confirming that the animal has been spayed or neutered;

(4) The owner provides a letter to the Authority from a licensed veterinarian certifying that the animal's health would be best served by spaying or neutering after a specified date; or that due to age, poor health, or illness it is unsafe to spay or neuter the animal. This letter shall include the veterinarian's license number, and the date by which the animal may be safely spayed or neutered, if ever; or

(5) The owner provides documentation to the Authority that:

(A) The animal is a breed approved by and is registered with a registry or association recognized by the Authority, whose program and practices are consistent with the humane treatment of animals, and the animal is actively used to show or compete and has competed in at least one (1) show or sporting competition hosted by or under the approval of the recognized registry or association within the last two (2) years, or is being trained or groomed to show or compete and is too young to have yet competed;

(B) The animal has earned, or if under three (3) years old, is actively being trained and in the process of earning, an agility, carting, herding, protection, rally, hunting, working, or other title from a registry or association approved by the Authority;

(C) The animal is being trained or has been appropriately trained and is actively used in a manner that meets the definition of guide, signal or service animal as set forth in Subdivisions (d), (e), and (f) of Section 365.5 of the Penal Code, or the animal is enrolled in a guide, signal or service animal breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200) of Division 3 of the California Business and Professions Code; or

(D) The animal is appropriately trained or is in the process of being trained and is actively used by law enforcement agencies or the military for law enforcement, military or rescue activities.

(b) Costs of Impoundment.

(1) The owner of the unaltered animal shall be responsible for the costs of impoundment, which shall include daily board costs.

(2) The costs of impoundment shall be a lien on the animal, and the unaltered animal shall not be returned to its owner until the costs are paid. If the owner of an impounded unaltered animal does not pay the lien against the animal in full within the designated impoundment period, the animal shall be deemed abandoned to the Authority in accordance with Sections 10.09.070 and 10.09.080. (Added by Ord. 12-01, 1/31/12)