

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA
AMENDING CHAPTER 7.20 OF THE TEHAMA COUNTY CODE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA ORDAINS AS FOLLOWS:

SECTION 1. Chapter 7.20 of the Tehama County Code is hereby repealed.

SECTION 2. Chapter 7.20 is hereby added to the Tehama County Code to read:

Chapter 7.20 - KENNELS AND WORKING DOGS

Sections:

7.20.005 - Definitions.

As used in this chapter, and unless the context in which a word is used requires a different meaning, the following terms have the meanings indicated in this section:

- A. "Altered" shall mean a male animal that has been neutered or a female animal that has been spayed. Also referred to as a sterilized animal.
- B. "Animal rescuer" shall mean any individual possessing an Animal Rescue Permit in accordance with this ordinance.
- C. "Animal rescue organization" shall mean any building, structure, enclosure for premises run by a Animal Rescuer, whether or not a valid nonprofit corporation formed pursuant to the provisions of the California Corporations Code for the prevention of cruelty to animals, which meets all requirement and standards referred to in Section 7.20.120(C) of this ordinance.
- D. "Assistance dogs" are dogs specially trained as guide dogs, signal dogs, or service dogs.
- E. "Commercial endorsement" shall mean a permit issued to licensed kennels, or to individuals maintaining fewer than six dogs, to maintain dogs for commercial purposes, including, but not limited to, boarding, breeding (either intentionally or failing to prevent accidental litters), buying, selling, renting, exhibiting or training. A commercial endorsement shall not be required for a veterinary facility, pet shop, humane society shelter, or the county animal shelter.
- F. "Director" shall mean the director of animal services.
- G. "Division" shall mean the division of animal services.
- H. "Kennel" shall mean any of the Kennels Type I-V as defined in this section.
- I. "Type I Kennel" shall mean any lot or premises on which six to nine dogs over four months of age are kept or maintained by the owner or occupant.
- J. "Type II Kennel" shall mean any lot or premises on which ten to fourteen dogs over four months of age are kept or maintained by the owner or occupant.

- K. "Type III Kennel" shall mean any lot or premises on which fifteen to twenty dogs over four months of age are kept or maintained by the owner or occupant.
- L. "Type IV Kennel" shall mean any lot or premises on which twenty-one to thirty dogs over four months of age are kept or maintained by the owner or occupant.
- M. "Type V Kennel" shall mean any lot or premises on which thirty-one or more dogs over four months of age are kept or maintained by the owner or occupant.
- N. "Unaltered" shall mean any dog or cat, four (4) months of age or older, that has not been spayed or neutered. An animal capable of producing offspring.

7.20.010 - Kennel license required

Any person maintaining five or more dogs shall obtain the appropriate kennel license. No person shall operate or maintain a kennel without first obtaining an appropriate license from the Department. The period that 2024 licenses are valid shall be extended to January 15, 2025. For the year 2025, such license shall be valid for the period of January 16th, 2025, to December 31, 2025. After 2025, such license shall be valid for the period of January 1st to December 31st of that year.

7.20.020 - Application for license.

Application for a kennel license shall be made in writing to the director by the owner of the kennel to be licensed. When a kennel license is sought to be operated upon a leased or rented premises, a letter of consent from the owner of the premises to the effect that the kennel may be maintained and operated on such premises shall be submitted to the director at the time the application for the kennel is submitted. Such application shall be on a form approved by the director and shall be accompanied by a license fee, the amount of which shall be established pursuant to Section 7.08.105. Such license fee shall be waived for any non-commercial endorsed kennel devoted exclusively to training or breeding assistance dogs if all other requirements for licensing under this chapter are met. The director shall require such proof of qualification as the director deems necessary prior to waiving the license fee for any kennel. Kennel license fees shall be in lieu of any license fee required in Section 7.08.030. If the owner of any kennel fails to make application for a kennel license within thirty days after receipt of notice from the director to obtain a license, such owner shall pay a penalty for late licensing, the amount of which shall be established pursuant to Section 7.08.105 in addition to the license fee required in this section.

7.20.030 - Action on application.

- A. Upon receipt of an application for a kennel license, the director of animal services shall review the application and shall request that the director of animal regulation inspect the licensed premises. The director of animal regulation shall inspect the licensed premises and make a written report to the director of animal services. If the director of animal services finds that the requirements of this chapter have been complied with, the director shall register the kennel in the records of the director and issue the license applied for to the owner. If the director finds

otherwise, the director shall deny the license. The director will provide written notice of the denial within 30 days of receipt of the application. Notwithstanding any other provision of this ordinance, the director of animal services may, in their respective discretion, limit the number of dogs over the age of four (4) months which are kept or maintained in any kennel, and such limitation may be imposed at such time as an application for initial kennel license is considered, or at such a time as an application for renewal of a kennel license is considered.

- B. When issuing a kennel license pursuant to this chapter, the director may make the license subject to such conditions as the director deems necessary to effectuate the purposes of this chapter and to protect public health, safety and welfare. Failure to comply with any such condition shall be a violation of this chapter.

7.20.040 - Expiration and renewal of license.

Every kennel license issued pursuant to this chapter shall be annual, expiring on the last day of December next following its date of issue. The procedure for renewal of any such license shall be the same as for obtaining an original license. If the owner of any kennel fails to make application for the renewal of a kennel license within thirty days after its expiration, or prior thereto, such owner shall pay a penalty for late renewal, the amount of which shall be established pursuant to Section 7.08.105 in addition to the license fee established by Section 7.08.105.

7.20.050 - Denial or revocation of license.

The director of animal services may deny or revoke any kennel license issued pursuant to this chapter in the following situations:

- A. Whenever the director determines, based upon an inspection, that the licensed premises violate any of the conditions of the license, this chapter, or state law;
- B. Whenever the director has reason to believe that the owner of the kennel has willfully withheld or falsified any information required for the license;
- C. Whenever the director has reason to believe that the owner of the kennel, or any agent or employee of same, has been convicted by a court of law within the past five years of a violation of this title or any other law relating to animals, public nuisances caused by animals, or cruelty to animals in this or any other state. For purposes of this section, a forfeiture of bail shall be deemed to be a conviction of the offense charged.
- D. Whenever the director determines that the licensed premises or any activities conducted or proposed to be conducted thereon, violates any provision of the Tehama County Zoning Code (Title 17 of the Tehama County Code) or the Tehama County Buildings and Construction Code (Title 15 of the Tehama County Code).

7.20.060 - No new license after denial or revocation.

If a kennel license issued pursuant to this chapter is denied or revoked, the director shall not accept a new application from the same person at the same location for two

years after the date of the denial or revocation unless the person shows and the director determines based upon an investigation or inspection that the grounds upon which the application was denied or the license revoked no longer exist. A denial under this section may be reviewed pursuant to Section 7.08.140. A request for review of a denial under this section must be filed in writing with the Director within 10 calendar days of decision.

7.20.070 - License not transferable.

No kennel license issued pursuant to this chapter shall be transferable.

7.20.080 - Display of license required.

Every kennel licensed pursuant to this chapter shall post its license in some conspicuous part of the licensed premises.

7.20.090 - Inspections.

As a condition to the issuance or renewal of any kennel license pursuant to this chapter, the director of animal regulation shall have the authority to conduct periodic inspections of the licensed premises. The director of animal regulation shall make a written report regarding each such inspection to the director of animal services. The owner of the kennel shall make available to the director of animal regulation such information regarding the operation of the kennel as the director shall require. The director of animal regulation may impose an inspection fee, the amount of which shall be established pursuant to Section 7.08.105, where it is found that the licensed premises violates any of the conditions of the license, this chapter or state law.

7.20.100 - Regulations and standards for care, confinement and treatment of animals.

The director shall establish regulations and standards for licensed kennels, pursuant to this chapter relating to the following:

- A. The maximum number and species of animals to be kept on the licensed premises;
- B. The construction, sanitation and maintenance of the facilities on the licensed premises;
- C. Any other matters pertaining to the humane care, confinement and treatment of animals that the director deems necessary.

7.20.110 - Requirements for permanent identification of dogs maintained in a kennel.

Kennels shall have each dog over the age of four months marked with a means of permanent, positive identification (such as a tattoo or micro-chip) and that identification mark or number shall be also recorded on that dog's current rabies vaccination certificate. (Boarding kennels shall be exempt from this requirement.)

720.120 - Application for commercial endorsement

Any person or organization wishing to maintain dogs for commercial purposes, including, but not limited to, boarding, breeding (either intentionally or failing to prevent accidental litters), buying, selling, renting, exhibiting or training, must apply for a commercial endorsement for the licensed kennel. In the case that a person has five dogs or less maintained for commercial purposes, said person must apply for a commercial endorsement for the property on which the dogs reside.

7.20.130 - Required records for kennels with commercial endorsements.

Every kennel with a commercial endorsement licensed pursuant to this chapter shall keep available for inspection on the licensed premises records showing all of the following:

- A. The name, current address and telephone number of the owner of each animal at the kennel;
- B. The date each animal entered the kennel;
- C. The reason for each animal being at the kennel, such as for boarding, sale, breeding or grooming;
- D. A description of each animal at the kennel, including its age, breed, sex and color;
- E. A current valid rabies certificate for each animal over four months of age at the kennel.

7.20.140 - Action on application for commercial endorsement

Upon receipt of an application for a commercial endorsement, the director of animal services shall review the application. If the director of animal services finds that the requirements of this chapter have been complied with, the director shall register the commercial endorsement in the records of the director and issue the endorsement applied for to the owner. If the director finds otherwise, the director shall deny the license. The Director will provide written notice of the denial within 30 days of receipt of the application. A denial under this section may be reviewed pursuant to Section 7.08.140. A request for review of a denial under this section must be filed in writing with the Director within 10 calendar days of decision.

7.20.150 - Animal Rescuer Permits

Any person engaged in the rescue of animals shall first obtain a rescue permit from the department of animal services and shall meet all requirements and standards for a kennel license, in addition to the set forth below:

- A. For an animal rescuer that is not a valid nonprofit corporation formed pursuant to the provisions of the California Corporations Code 10400, the animal rescuer may

keep two (2) dogs with a rescue permit, so long as all other requirements and standards for a kennel license are met.

- B. For an animal rescuer that is a valid nonprofit formed pursuant to the provision of the California Corporations Code 10400, the animal rescuer may maintain up to 9 dogs with a rescue permit, so long as all other requirement and standards for a kennel license are met. Such animal rescuer shall not need to obtain a Type 1 Kennel.
- C. For an animal rescuer maintaining ten (10) or more dogs, a Type II Kennel License is required.
- D. An animal rescuer may keep a maximum of five (5) personal (not up for adoption or sale) dogs and must include these animals as "personal pets" on the animal rescue permit application. Personal dogs shall be individually licensed in accordance with this ordinance.

7.20.160 - Animal Rescuer Permit Requirements

Every animal rescuer licensed pursuant to this chapter shall keep available for inspection records showing the following:

- A. Accurate and complete records of all incoming animals going up for adoption.
- B. All rescued dogs and cats must be spayed or neutered within thirty days of receipt by the rescuer. All dogs and cats over the age of four months must be spayed/neutered prior to release to an adopting party.

SECTION 3. Section 1.04.120 of the Tehama County Code is hereby repealed.

SECTION 4. Section 1.04.155 of the Tehama County Code is hereby repealed.

SECTION 5. Section 1.04.280 of the Tehama County Code is hereby repealed.

SECTION 6. Section 1.04.280 is hereby added to the Tehama County Code to read:

1.04.280 - Kennel.

"Kennel" shall mean any lot, building, structure, enclosure or premises on which six or more dogs are kept or maintained by the owner or occupant.

SECTION 7. Section 7.04.050 of the Tehama County Code is hereby repealed.

SECTION 8. Section 7.04.050 is hereby added to the Tehama County Code to read:

7.04.050 – Definitions.

Unless the provision or context requires otherwise, the definitions contained in this section shall govern the construction of this title. Where a definition is not given or where a question of interpretation arises, the definition that shall control is the normal meaning of the word within the context of its use.

- A. "Agricultural operation" shall mean and include the cultivation and tillage of the soil, dairying, the production, irrigation, cultivation, growing, harvesting, processing and storing of any agricultural commodity, including viticulture, horticulture, timber or agriculture, the raising of livestock, fur bearing animals, fish or poultry, and any commercial practices performed as incident to or in conjunction with such operation, including preparation for market, delivery to storage or to market, or to carriers for transportation to market.
- B. "Animal" shall mean and include any mammal, reptile, avian or fish.
- C. "Animal regulation officer" shall mean a person duly appointed by the director of animal regulation to carry out the activities and programs of the Division of animal regulation.
- D. "Approved rabies vaccine" shall mean an animal rabies vaccine approved for use by the State Department of Health.
- E. "Assistance dog" shall mean and include any dogs specially trained as a guide dog, signal dog or service dog.
- F. "At large" shall mean for an animal to be off the premises of its owner and not under restraint by a leash or otherwise under the control and in the immediate presence of its owner.
- G. "Board" shall mean the board of supervisors of Tehama County, California.
- H. "Cat" shall mean and include any domestic cat (*Felis catus*).
- I. "Commercial Endorsement" shall mean a permit issued to licensed kennels, or to individuals maintaining fewer than six dogs, to maintain dogs for commercial purposes, including, but not limited to, boarding, breeding (either intentionally or failing to prevent accidental litters), buying, selling, renting, exhibiting or training. A commercial endorsement shall not be required for a veterinary facility, pet shop, humane society shelter, or the county animal shelter.
- J. "Consent" shall mean written consent unless otherwise expressly provided.
- K. "County animal shelter" shall mean the county owned and operated shelter where animals impounded pursuant to this title or voluntarily surrendered by their owners are placed for humane care and keeping. The County animal shelter shall be known as the "Tehama County Animal Care Center."
- L. "Director of animal regulation" shall mean the director of animal regulation who shall be the sheriff of the county.
- M. "Director of animal services" shall mean the director of animal services who shall be the agricultural commissioner of the county.
- N. "Division of animal regulation" shall mean the division of animal regulation within the office of the sheriff of the county.
- O. "Division of animal services" shall mean the division of animal services within the office of the agricultural commissioner of the county.
- P. "Dog" shall mean and include any domestic dog (*Canis familiaris*).

- Q. "Dog-wild animal hybrid" shall mean any animal of the canine species which is the offspring of a domestic dog and a wild canid (e.g., wolf or coyote.)
- R. "Domestic animal" shall mean and include any animal, other than a wild or exotic animal, customarily confined or cultivated by man for domestic or commercial purposes.
- S. "Exotic animal" shall mean and include any wild animal which the California Fish and Game Commission has declared to be a prohibited wild animal and the importation, transportation or possession of which is unlawful except under authority of a revocable permit issued by the California Department of Fish and Game.
- T. "Guide dog" shall mean any guide dog or seeing eye dog which has been trained by a person licensed under Chapter 9.5 (commencing with Section 7200) of the Business and Professions Code.
- U. "Health officer" shall mean the public health officer of the county or his designee.
- V. "Impounded" shall mean for an animal to be taken into custody by the Division of animal regulation. (See voluntary and involuntary impoundment.)
- W. "Involuntary impoundment" shall mean any animal that is lawfully taken into custody by the Tehama County Division of Animal Services or Animal Regulation without the request of the owner.
- X. "Kennel" shall mean any lot, building, structure, enclosure or premises on which six or more dogs are kept or maintained by the owner or occupant.
- Y. "Lawful fence" shall mean any fence which is good, strong, substantial and sufficient to prevent ingress and egress of livestock. No wire fence shall be deemed to be a lawful fence unless it has three tightly stretched barbed wires securely fastened to posts of reasonable strength, firmly set in the ground not more than one rod apart, one of which wires shall be at least four feet above the surface of the ground. Any kind of wire or other fence of height, strength or capacity equal to or greater than the wire fence herein described shall be deemed to be a lawful fence. Lawful fence shall include cattle guards such width, depth, rail spacing and construction as will effectively turn livestock.
- Z. "Licensed premises" shall mean any lot or premises on which a kennel is maintained or proposed to be maintained by the person owning or occupying such lot or premises.
- AA. "Livestock" shall mean and include any cattle, sheep, swine or goat, or any horse, mule or other equine, or any llama or other camelidae, or any domestic fowl, including ostrich and emu, or rabbit.
- BB. "Owner" of an animal shall mean any person who owns, has charge, care, custody or control of, or has a right to control an animal, except a veterinarian who is treating or caring for an animal in the regular practice of veterinary medicine.
- CC. "Person" shall mean and include any individual, firm, association, organization, partnership, joint venture, business trust, corporation or company.

- DD. "Pet animals" shall mean dogs, cats, rabbits, birds, guinea pigs, hamsters, mice, snakes, iguanas, turtles, and any other species of animal sold or retained for the purpose of being kept as a household pet.
- EE. "Pet shop" shall mean every place or premises where pet animals are kept for the purpose of either wholesale or retail sale. Pet shop shall not include any place or premises where pet animals are occasionally sold.
- FF. "Potentially dangerous dog" shall mean any of the following:
1. Any dog which, when unprovoked, on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner of the dog;
 2. Any dog which, when unprovoked, bites a person causing an injury that is less than a severe injury;
 3. Any dog which, when unprovoked, on two separate occasions within the prior thirty-six-month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner of the dog.
- GG. "Premises" shall mean any property owned, leased or rented by any person.
- HH. "Secure enclosure" shall mean a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a potentially dangerous or vicious dog in conjunction with other measures which may be taken by the owner of the dog. The enclosure shall be designed to prevent the dog from escaping. The dog shall be housed pursuant to Penal Code Section 597t.
- II. "Service dog" shall mean any dog individually trained to do work or perform tasks to meet the requirements of a physically disabled person, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.
- JJ. "Severe injury" shall mean any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.
- KK. "Signal dog" shall mean any dog trained to alert a deaf or hearing impaired person to intruders or sounds.
- LL. "Veterinarian" shall mean any person licensed to practice veterinary medicine in California.
- MM. "Veterinary facility" shall mean a clinic or hospital for the provision of inpatient or outpatient medical services to domestic and exotic animals. Animals may be kenneled on-site.
- NN. "Vicious dog" shall mean any of the following:
1. Any dog seized under Penal Code Section 599aa and upon the sustaining of a conviction of the owner under subdivision (a) of Penal Code Section 597.5;

2. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being;
3. Any dog previously determined to be currently listed as a potentially dangerous dog which, after its owner has been notified of this determination, continues the behavior described in subsection FF of this section or is maintained in violation of Section 7.30.060.

OO. "Requested impoundment" shall mean an animal that is taken into custody at the request of the owner or possessor.

PP. "Wild animal" shall mean and include any animal identified in Fish and Game Code Section 2116.

QQ. "Senior citizen" shall mean any person sixty years of age and older.

SECTION 9. Section 7.30.010 of the Tehama County Code is hereby repealed.

SECTION 10. Section 7.30.010 is hereby added to the Tehama County Code to read:

7.30.010 - Purpose—Exemptions.

The purpose of this chapter is to establish a program for the control of potentially dangerous and vicious dogs within the unincorporated area of the county that incorporates Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agricultural Code. This chapter does not apply to humane society shelters, the county animal shelter, or veterinarians, or to dogs while utilized by any police department or any law enforcement officer in the performance of police work.

SECTION 11. This ordinance shall take effect January 16, 2025, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in the *Red Bluff Daily News*, a newspaper of general circulation in Tehama County.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Tehama, State of California, at a regular meeting of the Board of Supervisors on the ____ day of _____, 2024 by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

CHAIRMAN, Board of Supervisors

STATE OF CALIFORNIA)

