

Town of Yucca Valley's Animal Control Ordinance

ORDINANCE NO. 138

AN ORDINANCE OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND REINSTATING CHAPTERS 10.02 OF TITLE 10 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE RELATING TO ANIMAL CONTROL.

The Town Council of the Town of Yucca Valley does hereby ordain as follows:

Section 1: Municipal Code Amended

- 1.1 Chapter 10.02 of Title 10 of the Town of Yucca Valley Municipal Code is hereby repealed; the repeal to be effective only upon the effective date of the reenactment of said Chapter 10.2 as set forth in Section 2.1 of this ordinance.

Section 2: Reenactment of Chapter 10.2 of the Municipal Code

- 2.1 Chapter 10.2 of Title 10 of the Town of Yucca Valley Municipal Code is hereby reenacted in its entirety to read as follows:

"TITLE 10"

ANIMALS

Chapters

10.02 Animal Control

Sections

10.02.010 Definitions
10.02.020 Mandatory Licensing
10.02.030 Restraint and Control of Animals
10.02.040 Humane Animal Traps
10.02.050 Animal Bites and Quarantine of Animals
10.02.060 Impoundment of Animals
10.02.070 Animal Care
10.02.080 Animal Waste
10.02.090 Disposition of Dead Animals
10.02.100 Preventive Measures Program
10.02.110 Public Nuisance Animals
10.02.120 Potentially Dangerous and Vicious Dogs
10.02.130 Registration and Care for the Keeping of Exotic Animals
10.02.140 Performing Animal Exhibitions and Circuses
10.02.150 Commercial Animal Establishments
10.02.160 Sentry Dog Owners and Businesses: Permits and Registration
10.02.170 Violations Declared a Nuisance
10.02.180 Report; hearing on assessment
10.02.190 Assessment of Costs and Lien Against Property

10.02.200	Enforcement
10.02.210	Penalties

10.02.010. Definitions. Unless the context in which used requires otherwise, the following words shall have the meaning set forth in this section. Variants of defined terms shall be construed in the same manner set forth herein for the defined terms themselves.

- (a) **Animal:** Every non-human species of animal, both domestic and wild.
- (b) **Animal-At-Large:** Any animal which is off the premises of its owner, custodian or caretaker and which is not under physical restraint by leash of size and material appropriate to the size and temperament of the animal and which is held by a person capable of restraining the animal, or is not otherwise physically restrained by some other device or instrument, the device or instrument shall not include voice control, eye control or signal control of the animal by any person.
- (c) **Animal Shelter:** Any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this Chapter or state law for care, confinement, return to owner, adoption, or euthanasia.
- (d) **Auction:** Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this Chapter. This section does not apply to individual sales of animals by private owners.
- (e) **Circus:** A commercial variety show featuring animal acts for public entertainment.
- (f) **Commercial Animal Establishment:** Any pet shop, grooming shop, guard dog auction, riding school or stable, zoological park, sentry dog business, or boarding or breeding kennel open to the general public. This definition does not apply to privately owned, not-for-hire-ranches.
- (g) **Domesticated Animal:** An animal, which has, historically and commonly, been tamed for the use of man (e.g., horses, cows, sheep, dogs, pigs, and cats.)
- (h) **Enclosure:** 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.
- (i) **Exotic Animal:** Any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichthyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) that are restricted by the State of California.
- (j) **Grooming Shop:** A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.
- (k) **Guard or Attack Dog:** Any dog trained to guard, protect, patrol or defend any premises, area or yard or any dog trained as a sentry or to protect, defend, or guard any person or property, or any dog such as a schutzhund or any similar classification.

- (l) **Humane Officer or Animal Control Officer:** Any person designated by the Town of Yucca Valley as a law enforcement officer who is qualified to perform such duties under the laws of the State of California.
- (m) **Kennel or Cattery:** Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.
- (n) **Owner:** Means any person who is the legal owner, keeper, harbinger, possessor or custodian of the animal or partnership, or corporation owning, keeping, or harboring one or more animals. A person registering as the owner on an animal license or other legal document also establishes ownership. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.
- (o) **Performing Animal Exhibition:** Any spectacle, display, act, or event, including circuses and petting zoos, in which performing animals are used.
- (p) **Pet or Companion Animal:** Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.
- (q) **Pet Shop:** Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys and/or sells, any species of animal.
- (r) **Potentially dangerous dog:** Any dog, except a trained dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following behavior:
 - (1) Any dog which, when unprovoked on two separate occasions, engages in any behavior that requires a defensive action by any person, who is in a place where they are conducting themselves peacefully and lawfully, to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.
 - (2) Any dog which, when unprovoked, bites a person causing a less than substantial physical injury as defined in this Chapter.
 - (3) Any dog which, when unprovoked, on two separate occasions, has seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.
 - (4) Any dog which, when unprovoked has killed another animal off the property of the owner or keeper of the dog.
 - (5) A dog that creates a danger or constitutes a menace to the public's health and safety due to its training or the inherent nature of the dog.

- (s) **Property Owner:** Any person, corporation, partnership, limited liability company owning any property in the Town where any animal is kept, owned or harbored.
- (t) **Public Nuisance Animal:** Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:
 - (1) Is repeatedly found at large or owner has received three or more Court Citations and/or Notices of Violation, on separate occurrences, for running at large, or;
 - (2) Is impounded three or more times;
 - (3) Damages the property of anyone other than its owner;
 - (4) Impedes the safety of pedestrians, passersby, bicyclists or motorists;
 - (5) Makes excessive disturbing noise including, but not limited to continued and repeated howling, barking, whining, and other utterances continued over so long a period of time as to disturb the peace and quiet of nearby property or which would cause annoyance or discomfort to a reasonable person of normal sensitivity in the area. This definition does not apply to properly permitted commercial animal establishments.
 - (6) Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained; or attacks other domestic animals;
 - (7) Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored and/or causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (u) **Restraint:** Any animal secured by a substantial leash or lead or other similar device and under the control of a person competent and capable to restrain such animal, or within a vehicle being driven or parked or within a secure enclosure.
- (v) **Riding School or Stable:** Any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animals.
- (w) **Secure Enclosure:** A fence, pen or structure suitable to securely and humanely prevent the animal from escaping and to prevent the entry of young children or any part, limb or appendage of any child, and unauthorized persons. The pen or structure shall have secure sides and top that will protect the animal(s) from the elements. All sides must be embedded at least two feet into the ground unless the bottom is adequately secured to the sides. The enclosure shall not be less than 5 ft. X 10 ft. and not less than 6 ft. high.

- (x) **Sentry Dog:** A dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility.
- (y) **Substantial Physical Injury:** A substantial impairment of the physical condition of a person that requires professional medical treatment, including, but not limited to: loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, disfiguring lacerations, wound requiring multiple sutures, or any injury requiring corrective or cosmetic surgery.
- (z) **Veterinary Hospital:** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.
- (aa) **Vicious Dog:**
 - (1) Any dog seized under Penal Code Section 599(a) where a conviction has been sustained against the owner or keeper of the dog under Penal Code Section 597.5(a).
 - (2) Any dog which, when unprovoked, in an aggressive manner, inflicts substantial physical injury, as defined in this chapter, on or kills a human being.
 - (3) Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of said determination, continues said behavior or is maintained in violation of this ordinance.
- (bb) **Zoo:** A zoological park or other collection of exotic animals which are raised, bred, trained and/or maintained for on-site display that is open to the general public, education, tours and exhibitions and is accredited by the American Zoo and Aquarium Association (AZA).

10.02.020. Mandatory Licensing.

- (a) It shall be unlawful for any person to keep, harbor, or have custody of any dog over four months of age within the Town of Yucca Valley without such dog having a currently valid license tag issued by or on behalf of the Town.
- (b) Written application for licenses, which shall include the name and address of the applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic showing a current vaccination shall be made to the licensing authority.
- (c) If not revoked, the licensing period shall run concurrently with the rabies vaccination certificate.
- (d) Application for a license must be made within thirty (30) days after obtaining a dog and may be made for a cat over four months of age; this requirement will not apply to a nonresident keeping a dog within the municipality for not longer than sixty (60) days.

- (e) License fees shall not be required for certified Seeing Eye dogs, hearing dogs, governmental police dogs, or other certified dogs that are trained to assist the physically handicapped.
- (f) Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag, stamped with an identifying number. Tags should be designed so that they may conveniently be fastened to the animal's collar or harness.
- (g) Dogs must wear their own valid, current license at all times when off the premises of the owners.
- (h) The licensing authority shall maintain a record of the identifying numbers of all tags issued.
- (i) License fees and delinquent fines shall be established by resolution of the Town Council
- (j) No person may use any license for any animal other than the animal for which it was issued.
- (k) Any rabies vaccination certificate issued for a vaccinated canine hybrid (i.e.; wolf-hybrid) must identify the animal as a "domestic-wild animal hybrid".
- (l) The licensing fee for all canine hybrids (i.e.; wolf-hybrid) shall coincide with that of the Town's domestic dog licensing program

10.02.030. Restraint and Control of Animals

- (a) Duty to restrain dogs on property. No person in the Town of Yucca Valley owning, having possession, charge, custody or control of any dog shall permit or allow such dog to stray or run at large upon any public street, sidewalk, school ground, public park, playground, place of public assembly or any other public place or without the consent of the owner or person in control upon any private place or property.
- (b) Leash laws. No person owning, having charge, care, custody or control of any dog shall bring his dog out of his premises or property unless said dog is secured by a substantial leash or lead and under the control of a person competent and capable to restrain such dog provided that the provisions of this subsection shall not apply to any official police dog while such dog is on duty or any dog while engaged in herding and control of livestock, hunting sporting purposes or competitive trials or training when under the immediate command and control of the person in charge.
- (c) Impound. Any dog found running at large, running loose or unrestrained may be impounded by an Animal Control Officer or an officer of the San Bernardino County Sheriff's Department for a period in accordance with California State law. There shall be a reclaiming fee as set forth in a fee schedule adopted by the Town Council.
- (d) Females in season. No unspayed female dog or cat in estrus shall be left so as to attract stray males.

- (e) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

10.02.040 Humane Animal Traps

- (a) Animal Control Services and/or designee are authorized to place, upon request, live capture animals traps on private or public property to trap and remove stray, at large, abandoned or nuisance animals.
- (b) It is unlawful for any person other than an animal control officer and/or designee to remove any animal from the trap or to damage, destroy, move, or tamper with the trap.

10.02.050 Animal Bites and Quarantine of Animals

- (a) Quarantine of Biting Animals. Any animal, which bites a human, shall be quarantined in accordance with State and local law.
- (b) Confinement of Biting Animals - Upon receipt of a report that a person has been bitten by an animal subject to rabies, Animal Control Services is empowered to enter upon any private property, including the home or residence where the biting animal is kept or has strayed, to inspect and strictly isolate, and to seize and impound if necessary, in a place and manner approved by the Animal Control Officer, any such animal.
- (c) Unlawful Removal of Quarantined Animal. It shall be unlawful for any person to remove from any place of isolation or quarantine, any animal which has been isolated or quarantined under the provisions of this chapter, without the consent and approval of the Animal Control Officer.
- (d) Costs Incurred. Whenever any such owned biting animal is quarantined, all expenses incurred in its confinement shall be the liability of the owner, possessor or custodian of such biting animal.
- (e) Posting of Quarantine Sign – It shall be unlawful for anyone to obstruct the posting of a quarantine sign or to remove or destroy such a posted sign prior to the end of the quarantine period of such animal unless approved by the Animal Control Officer.
- (f) Preventive measures authorized. If Animal Control Services determines that an animal has bitten a human being or animal, Animal Control Services shall have the authority to order any preventive measures necessary, as described in this chapter.
- (g) Animal Control Services shall have the authority to seize and impound any animal should the owner; caretaker or keeper of the animal fails to comply with the provisions of this chapter and applicable State and local law.
- (h) Quarantined animals made be held an additional time period if so determined by the Animal Control Officer for reasons of public and animal safety or in cases pending public nuisance,

potentially dangerous or vicious dogs or in accordance to any other applicable codes of this chapter or State law.

10.02.060. Impoundment of Animals

- (a) Unrestrained dogs and nuisance animals may be taken by the police, animal-control officers, or humane officers and impounded in an animal shelter and there be confined in a humane manner.
- (b) All impounded animals shall be held for the time period specified by California State law unless an extended time is warranted and approved by the Animal Control Supervisor.
- (c) If, a license tag or other means can identify the owner of an impounded animal identified, the impounding shelter and/or animal control officer shall make a reasonable effort to notify the owner.
- (d) An owner reclaiming an impounded animal shall pay any fees and/or fines as established by resolution of the Town Council. Notices of Violation and/or court citations may also be issued in conjunction with impoundment or reclaiming of the animal.
- (e) Any animal not reclaimed by its owner within the time period specified by California State law and/or in accordance to this chapter shall become the property of the local government authority, impounding animal shelter or humane society and shall be placed for adoption in a suitable home or humanely euthanized.
- (f) In addition to, or in lieu of, impounding an animal found at large, the animal-control officer or police officer may issue to the known owner or custodian of such animal a notice of violation, administrative citation or court citation. Such citations shall impose upon the owner or custodian a fine or penalty, as established by resolution of the Town Council.
- (g) The shelter director or designate shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded at the shelter in accordance with State laws and with the Town of Yucca Valley.

10.02.070. Animal Care.

- (a) No owner shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- (b) An animal shall not be overcrowded or exposed to temperatures detrimental to the welfare of the animal.
- (c) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (d) No owner or person who is responsible for the care of an animal shall abandon such animal.

- (e) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or animal control facility.
- (f) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any domestic animal.
- (g) Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area.
- (h) No animal shall be allowed to exist or maintained in such a manner that is, or could be, injurious to that animal.
- (i) If the animal is restricted by a leash, rope, chain or similar device, the leash, rope chain or similar device shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal's access to adequate shelter, food and water. This definition does not apply to an animal, which is in transit, in a vehicle, or in the immediate control of a person.
- (j) Every person who keeps a dog restricted by a leash, rope, chain or similar device, as defined in this chapter, shall provide such dog with the proper exercise and attention needed to help prevent dog from becoming a public nuisance and to provide relief of confinement.
- (l) Animals that are natural enemies, temperamentally unsuited or otherwise incompatible, shall not be quartered together or so near each other as to cause injury, fear or torment.

10.02.080. Animal Waste. Except for equines being ridden on designated trails or rural public roadways, the owner of every animal shall be responsible for the removal of any excreta deposited by his animals(s) on public walks, recreation areas, or private property.

10.02.090 Disposition of Dead Animals. When any dog, animal or fowl owned by or in the custody or control of any person or found in any person's private property dies, such person shall, within twenty-four (24) hours, provide for the burial, incineration, or other disposition of the body of such dead animal or fowl by all lawful means and in accordance to State and local law.

10.02.100 Preventive Measures Program

- (a) Circumstances requiring special preventive measures - If an Animal Control Officer deems that *immediate preventive measures* are appropriate, the Animal Control Officer shall have the authority to require the person owning or having possession, charge or custody or control of an animal to comply with specific preventive measures, as described below, after taking into consideration the following circumstances:
 - (1) Nature of Particular Animal: The behavior, size, temperament, breed, capacity for inflicting serious injury, the number of animals or other such similar factors which

would be relevant to a determination of whether or not additional preventive measures need to be imposed for a particular situation;

- (A) Adequacy of Confinement: The adequacy of the enclosure or way of confinement, if any; and
 - (B) Immediate surrounding area: The likelihood that the conditions pertaining to the particular animal and the animal's confinement are detrimental to the safety or welfare of the citizens or the peace and tranquility of citizens in the immediate surrounding area.
 - (C) Additional factors: In considering whether to order a special preventive measure, the Animal Control Section is authorized to consider additional factors as aggravating circumstances that might warrant the ordering of special preventive measures, including but not limited to:
 - (1) Child under thirteen years of age: There is a child under thirteen (13) years of age who lives in close proximity to the animal, or children walk by or are otherwise in close proximity to the property occupied by the animal;
 - (2) Bite: The animal has bitten a human being or domestic animal without provocation;
 - (3) Attitude of Attack Incident: The animal, without provocation, has approached a person in an apparent attitude of attack;
 - (4) Reputation of animal: The individual animal has a known propensity, reputation, or tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- (b) Any violation of a preventive order issued by an Animal Control Officer may result in a court citation in addition to administrative action.

10.02.110 Public Nuisance Animals

- (a) It shall be unlawful for any owner, custodian or caregiver to permit or allow his or her animal(s) to be a public nuisance, as defined in this chapter.
- (b) It shall be unlawful for any property owner to permit or allow a public nuisance animal as defined in this chapter to be kept, owned or harbored on its property
- (c) Such a public nuisance may be abated in accordance with the procedures set forth in this chapter. These procedures are in addition to any other remedies, which may be available under the law.

(d) Enforcement of Provisions

- (1) Whenever an Animal Control Officer determines that there exists probable cause to believe that a animal may be or is a public nuisance, as defined in this chapter, and/or has demonstrated behavior to a lesser degree as defined under potentially dangerous dogs, of this chapter, the officer shall conduct an investigation and schedule an administrative hearing to determine whether or not the dog in question shall be declared a public nuisance.

(e) Written Petitions, Investigation.

- (1) In the event an administrative hearing is requested to be scheduled to determine if the animal in question shall be declared a public nuisance, probable cause shall be determined by the following:
 - (A) A direct observation by an Animal Control Officer, Code Compliance Officer, Peace Officer or;
 - (B) A written petition in which it is asserted by two or more persons having separate residences in a neighborhood that an animal is a public nuisance as defined in this chapter, or;
 - (C) A written petition in which it is asserted by one or more residents in a neighborhood that an animal is a public nuisance as defined in this chapter and:
 - (1) Such resident(s) can demonstrate to the satisfaction of the animal control officer that the resident(s) has made a good faith effort to obtain the signatures of other residents in the neighborhood or can demonstrate that it is not possible to obtain such signatures, as in the case where there are less than two (2) occupied residences in the neighborhood, and;
 - (2) Such resident(s) has provided to the satisfaction of the animal control officer adequate and competent evidence in support of the claim that the subject animal is a public nuisance within the meaning of this chapter.
 - (D) Petitions shall be signed by and bear the name, address and telephone number of each complainant, shall state the place or places where the nuisance exists, shall describe the animal(s) and the conduct which constitutes the nuisance, and shall give the name and address of the animal's owners or keepers, if known to complainants. Petitions shall be public records and open to public inspection.

(f) Notice to Owner to Abate Nuisance; Failure to Abate; Referral

- (1) If the Animal Control Officer determines that a petition filed pursuant this section appears to be valid, he/she shall serve a Notice to Abate Nuisance upon the owner or keeper of the subject animal and the property owner in accordance with 10.02.110 (e)(3) which shall inform the owner and the property owner of the following:
 - (A) That a petition has been received;
 - (B) The nature of the complaints stated in the petition; and
 - (C) The manner by which the nuisance must be abated within a reasonable time.
 - (D) A copy of the provisions of this chapter shall also be provided to the owner or keeper and property owner with the Notice to Abate Nuisance.
- (2) If the owner or keeper or property owner fails to abate the public nuisance within the specified time, the Animal Control Officer shall schedule an Administrative Hearing.
- (3) All notices to Property Owner required by this Chapter shall be served by mailing to the Property Owner at the address shown on the last available assessment roll or by personal service on the Property Owner and shall be accompanied by a copy of this Chapter.

(g) Notification of Administrative Hearing

- (1) Animal Control Services shall notify the owner or the keeper of the animal(s) and the property owner of the hearing at which time the owner or keeper of the dog shall be given an opportunity to present evidence as to why the dog should not be declared a public nuisance. Notice of the hearing and any additional written evidence must be served upon the owner or keeper of the dog personally or by first class mail, return receipt requested. Notice of the hearing and any additional written evidence must be served on the property owner in accordance with 10.02.110(f)(3). The hearing shall be open to the public.

(h) Temporary Impoundment of Animal

- (1) The Animal Control Officer shall have the power to temporarily impound the subject animal pending the outcome of an administrative hearing if:
 - (A) After making a good faith effort, he/she is unable to contact the animal's owner or keeper and determines, at the time of inspection, that the offending noise, condition or behavior of the animal cannot be immediately abated, and the peace and comfort of the neighborhood restored;
 - (B) Determines, at the time of inspection, that the offending noise, condition or behavior of the animal cannot be immediately abated and the peace and comfort of the neighborhood restored; or

- (C) Determines that the public nuisance has not been abated within the time specified in the Notice to Abate Nuisance.
- (2) The owner of the animal shall be responsible for all costs of impounding the animal(s), including but not limited to daily impoundment fees and any costs incurred in providing care and maintenance of the animal.
- (3) In lieu of impounding an animal, the animal control officer may permit the animal to be confined by the owner, at the owner's expense, in an approved veterinary facility, kennel or other facility approved by the animal control supervisor.

(i) Administrative Hearing

- (1) An impartial Hearing Officer who shall be appointed by the Town Manager or designee shall conduct the administrative hearing. If the owner or keeper of the animal and/or property owner fails to appear at the hearing the hearing shall nevertheless proceed. At least one of the complainants and/or the investigating Animal Control Officer or representative in the matter must appear and testify at the hearing.

(j) Grounds for Determination of Nuisance

- (1) In making a determination that an animal is or is not a public nuisance, the hearing officer shall consider the following evidence:
 - (A) All petitions filed pursuant to the requirements of 10.02.110 (d);
 - (B) The testimony of persons residing or working in the area of the place where the animal is kept;
 - (C) The testimony of any investigating animal control, code compliance or peace officer having contact with the subject animal or its owner;
 - (D) Video or tape recordings of the animal or of the place where the animal is kept;
 - (E) Any previous complaints, abatement orders, preventive measures order, citations or convictions regarding the maintenance of a public nuisance by the owner by reason of an animal's offending noise, condition or behavior;
 - (F) The nature and extent of the animal's offending noise, condition or behavior;
 - (G) The manner in which the animal had been maintained by the owner;
 - (H) The presence or absence of any provocation for the offending noise, condition or behavior;

- (I) Whether the offending noise, condition or behavior can be eliminated by effectively training or retraining the animal; and
 - (J) Any other relevant evidence regarding the ability of the owner to preserve the comfort, peace or quiet of the neighborhood if the animal is permitted to remain in the Town.
- (2) The Hearing Officer shall also consider all relevant evidence including any mitigating evidence presented. However, hearings need not be conducted according to technical rules relating to evidence or witnesses. Oral evidence shall be taken on oath or affirmation.

(k) Public Nuisance Declared; Notice of Determination

- (1) Upon completion of the hearing, the Hearing Officer's Notice of Determination shall be mailed or served within ten days of the hearing, which notice of determination shall be final.
- (2) If animal is found to be a public nuisance, the owner or keeper of the animal and property owner shall be personally liable and shall pay to the seizing agency all administrative costs as set by resolution of the Town Council, and impounding costs, boarding costs and/or other related costs incurred.
- (3) No animal seized in accordance with this chapter shall be returned to the owner until, in determination of the animal control officer, all requirements set by the hearing officer are met for the keeping and maintenance of the animals.
- (4) The owner or keeper of a public nuisance animal shall, within five days of such determination, make available said animal to Animal Control Services and allow photographs of the animal to be taken for purposes of identification.
- (5) The following terms and conditions, while not limited to this section, may be applied to the keeping and maintaining of any animal found to be a public nuisance, in accordance to this chapter.
 - (A) Confinement of Animal(s) - The Hearing Officer and/or Animal Control Officer can require fence installation and repair and other confinement measures when these are deemed necessary.
 - (B) Liability Insurance - The Hearing Officer and/or Animal Control Officer has the authority to require an animal's owner or keeper to obtain liability insurance for the benefit of any person who may be injured by the animal.
 - (C) Town of Yucca Valley Animal Control Services shall include a designation of public nuisance animals in the registration records of such animal.
 - (D) The owner or keeper shall pay an annual "Public Nuisance Animal Registration Fee", in addition to any regular license fee, if applicable, as determined by resolution of the Town Council.

- (E) While on the owner or keeper's property the animal shall be provided with an adequate exercise area and be confined in a securely fenced and locked yard from which the animal cannot escape.
 - (F) If the dog is restricted by a leash, rope or chain on the property, the leash rope or chain shall be affixed in such a manner that it will prevent the dog from becoming entangled or injured and permit the dog's access to adequate shelter, food and water.
 - (G) The Hearing Officer can terminate ownership rights in severe cases. Said determination is final.
- (6) If the animal dies, or is sold, transferred or permanently removed from the Town of Yucca Valley, the owner or keeper shall notify the Town's Animal Control Services in writing of the changed circumstances and new location if applicable of the dog within two working days of the change.
- (7) The animal shall be removed from the list of public nuisance animals if there are no additional instances of behavior as defined and identified in this chapter within twelve months after designation. The animal may be removed earlier from the list of public nuisance animals if Animal Control Services determines that there have been sufficient changed circumstances.
- (8) Animal Control Services is authorized to make inspections deemed reasonably necessary to insure compliance with these provisions.
- (I) Disposition of Public Nuisance/Removal of Animal(s)**
- (1) The hearing officer may order the owner or keeper of any animal declared to be a public nuisance to remove the animal from the Town by a date certain if the owner:
- (A) Fails or refuses to abate the public nuisance within the time period specified by the hearing officer;
 - (B) Fails or refuses to reimburse the costs of abating the public nuisance within specified time; or
 - (C) Permits, suffers, or allows the public nuisance to occur again.
- (2) If the owner or keeper fails to remove the animal from the Town by such date, Animal Control Services may impound the animal and not permit the reclaiming or redemption of the animal by the owner unless adequate arrangements acceptable to the Animal Control Supervisor have been made by the owner or keeper to ensure abatement of the public nuisance. Such arrangements shall be agreed to in writing between the owner and the Animal Control Supervisor prior to and as a condition of release of the animal to its owner. If such agreement is not made and executed within ten (10) days from the date of impoundment, then the animal may be

considered abandoned and may be handled in the same manner as any other unclaimed stray animal.

- (3) If the written agreement referred to previously, in paragraph (2) of this section, is made and is subsequently breached by the owner, the Animal Control Supervisor may immediately order that the animal(s) be impounded and not permit the reclaiming or redemption of the animal(s) by the owner unless the owner can make adequate, written assurances acceptable to the Animal Control Supervisor that the owner shall commit no further violation of the agreement. If such further assurances are not made and executed within ten (10) days from the date of impoundment, then the animal may be considered abandoned and may be handled in the same manner as any other unclaimed stray animal.

(m) Prohibiting Ownership of Animals

- (1) Any person failing to comply with the hearing officer's order to abate a public nuisance shall be prohibited from keeping or harboring within the Town an animal of the type, species, group or family to which the order applies (including the animal initially causing the nuisance) for a period of one (1) year from the date of such noncompliance; provided however, that any person prohibited from keeping or harboring an animal pursuant to this section shall be entitled to an appeal to the Hearing Officer. The scope of any such appeal hearing shall be limited to a determination regarding whether a failure to comply with a hearing officer's order has occurred.

(n) Waiver of Rights to Avoid Hearing/Agreement to Comply

- (1) Any owner or keeper of a dog may prepare a written statement and waive his right to a hearing and agree to comply with the requirement of this ordinance regarding the keeping of a public nuisance animal.

(o) Additional Legal Remedies

- (1) In addition to the administrative proceedings under this section, the Town may alternatively to or in conjunction with the proceedings set forth in this section commence a criminal action with respect to the nuisance in addition to, alternatively to, or in conjunction with the proceedings set forth in this section or pursue any and all other remedies legally available.

10.02.120 Potentially Dangerous and Vicious Dogs

- (a) Whenever an Animal Control Officer determines that there exists probable cause to believe that a dog is potentially dangerous or vicious, the officer shall prepare a petition and schedule an administrative hearing to determine whether or not the dog in question shall be declared potentially dangerous or vicious. This section does not prohibit the Animal Control Officer from immediately issuing a "Preventive Measures Order" for confinement of animal(s) prior to requesting and/or scheduling an administrative hearing.

- (1) Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the animal control officer to find probable cause shall be sworn to and verified by and shall be attached to the petition.
 - (2) Animal Control Services shall notify the owner or the keeper of the dog and the property owner of the hearing at which time the owner or keeper of the dog shall be given an opportunity to present evidence as to why the dog should not be declared potentially dangerous or vicious. Notice of the hearing and a copy of the petition must be provided to the owner or keeper of the dog either personally or by first class mail, return receipt requested. The hearing shall be open to the public.
 - (3) An impartial Hearing Officer who shall be appointed by the Town Manager or designee shall conduct the hearing. If the owner or keeper of the dog fails to appear at the hearing the hearing shall nevertheless proceed. At least one of the complainants and/or the petitioning Animal Control Officer or representative in the matter must appear and testify at the hearing.
 - (4) The Hearing Officer shall consider all relevant evidence including any mitigating evidence presented. However, hearings need not be conducted according to technical rules relating to evidence or witnesses. Oral evidence shall be taken on oath or affirmation. Mitigating evidence may include the following:
 - (A) Threat, injury or damage was sustained by a person who at the time was committing a willful trespass upon the premises occupied by the dog, was teasing, provoking, tormenting, abusing or assaulting the dog, or was engaged in the commission of a crime.
 - (B) The dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
 - (C) The dog was defending an attack from another animal or the other animal was teasing, tormenting, abusing or assaulting the dog.
- (b) **Potentially Dangerous Dogs:** Any dog, which has been determined to be potentially dangerous, may only be maintained under the following terms and conditions.
- (1) The dog shall be properly licensed with a conspicuously colored tag and vaccinated and be designated potentially dangerous in the registration records. The owner or keeper shall pay an additional annual registration fee to be determined by resolution of the Town Council.
 - (2) The owner shall, at his or her expense, have the vicious dog micro-chipped or tattooed with an identifying mark or number by a licensed veterinarian, and provide the dog's micro-chip number or tattoo number/mark and appropriate paperwork to Animal Control Services.

- (3) While on the owner's or keeper's property the dog shall be provided with an adequate exercise area and shall be kept indoors, or in a securely fenced and locked yard from which the dog cannot escape and into which children cannot enter.
 - (4) If the dog is restricted by a leash, rope or chain on the property, the leash rope or chain shall be affixed in such a manner that it will prevent the dog from becoming entangled or injured and permit the dog's access to adequate shelter, food and water.
 - (5) The dog may be off the owner's or keeper's property only if the dog is restrained by a substantial leash, no more than six (6) feet in length and under the control of a responsible, competent and capable adult.
 - (6) Any person keeping or harboring any potentially dangerous dog within the Town must provide proof of his/her ability to respond in damages to and including the amount of One Hundred Thousand Dollars (\$100,000.00) by obtaining a policy of insurance coverage in said amount for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such animal. Proof of liability shall be given by filing with Animal Control Services, in a form approved by the Town Attorney, a certificate of insurance issued by a solvent corporation authorized to issue bonds under the laws of the state. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bonds will be made unless thirty (30) days written notice is first given to Animal Control Services.
 - (7) If the dog dies, or is sold, transferred or permanently removed from the Town of Yucca Valley, the owner or keeper shall notify the Town's Animal Control Services in writing of the changed circumstances and new location if applicable of the dog within two working days of the change.
 - (8) The dog shall be removed from the list of potentially dangerous dogs if there are no additional instances of behavior as defined in section 10.02.010(q) within thirty-six months after designation. The dog may be removed earlier from the list of potentially dangerous dogs if Animal Control Services determines that there have been sufficient changed circumstances so that the risk to public safety has been mitigated.
 - (9) Upon completion of the hearing, the Hearing Officer shall issue a notice of determination within ten days of the hearing, which notice of determination shall be final.
- (c) **Vicious Dog:** Any dog, which has been determined to be vicious, may be destroyed or maintained as follows:
- (1) A dog determined to be a vicious dog may be destroyed by Animal Control Services when the Hearing Officer determines that the release of the dog would create a significant threat to the public health, safety, and welfare.

- (2) If it is determined that a dog found to be vicious shall not be destroyed the dog may only be maintained under the following terms and conditions.
- (A) All vicious dogs shall be properly licensed with a conspicuously colored tag and vaccinated, with the license being a conspicuously colored tag that shall be securely affixed to the dog.
 - (B) Town of Yucca Valley Animal Control Services shall include a designation of vicious in the registration records of such dog.
 - (C) The owner or keeper shall pay an annual "Vicious Dog Registration Fee", in addition to the regular license fee as determined by resolution of the Town Council.
 - (D) The owner shall, at his or her expense, have the vicious dog micro-chipped or tattooed with an identifying mark or number by a licensed veterinarian, and provide the dog's micro-chip number or tattoo number/mark and appropriate paperwork to Animal Control Services.
 - (E) The owner or keeper of a vicious dog shall, within five days of such determination, make available said dog to Animal Control Services and allow photographs of the dog to be taken for purposes of identification.
 - (F) A vicious dog shall also be spayed or neutered, at the owner's expense, within thirty days of such determination.
 - (G) A vicious dog shall be confined in a secure enclosure as defined in this chapter.
 - (H) The owner shall conspicuously display signs with words or symbols at least two inches high warning of the presence of a vicious dog as approved by Animal Control Services.
 - (I) While off the owner's or keeper's property, a vicious dog shall at all times be restrained by a substantial leash, that does not exceed six (6) feet in length, and held under the control of a responsible adult. The dog shall also wear a muzzle approved by the Town of Yucca Valley Animal Control Services.
 - (J) Any person keeping or harboring any vicious dog within the Town must provide proof of his/her ability to respond in damages to and including the amount of One Hundred Thousand Dollars (\$100,000.00) by obtaining a policy of insurance coverage in said amount for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such animal. Proof of liability shall be given by filing with Animal Control Services, in a form approved by the Town Attorney, a certificate of insurance issued by a solvent corporation authorized to issue bonds under the laws of the state. Such certificate of insurance or bond shall provide that no

cancellation of the insurance or bonds will be made unless thirty (30) days written notice is first given to Animal Control Services.

- (K) Animal Control Services is authorized to make inspections that they deem reasonably necessary to insure compliance with these provisions.
- (L) Any registered vicious dog shall be immediately impounded by a Town of Yucca Valley Animal Control Officer if:
 - (1) The dog's registration is not properly maintained.
 - (2) Inspection by the Animal Control Officer reveals that the dog is not maintained in the required enclosure.
 - (3) The dog is outside the dwelling, or the defined enclosure of the owner or keeper and not under the physical restraint and control of a responsible adult.

(d) Destruction of Vicious Dogs

- (1) Any dog determined to be a vicious dog may be humanely destroyed by Animal Control Services if it is found, after hearing procedures conducted in accordance with this Chapter, that release of the dog would create a significant threat to the public health, safety, and welfare."

(e) Ordered Removal of Potentially Dangerous or Vicious Dog

- (1) The Animal Control Supervisor may order the immediate removal of any dog, by the owner or keeper of the dog(s) declared to be potentially dangerous or vicious from the Town by a date certain if the owner or keeper:
 - (A) Fails or refuses to comply with the determination notice set by the hearing officer in within the time period specified within the notice;
 - (B) Fails or refuses to reimburse any incurred costs within specified time on notice of determination; or
 - (C) Violates any part provided on the determination order while in possession, control or custody of declared dog(s).
- (2) If the owner or keeper fails to remove the dog from the Town by such date, Animal Control Services may seize and impound the dog and not permit the reclaiming or redemption of the dog by the owner unless adequate arrangements acceptable to the Animal Control Supervisor to ensure removal of such dog. Such arrangements shall be agreed to in writing between the owner and the Animal Control Supervisor prior to and as such condition of release of the dog to its owner. If such agreement is not made and executed within five (5) days from the date of the agreement, then the dog(s) shall be immediately impounded and destroyed.

- (3) If the written agreement referred to in paragraph b of this section is made and is subsequently breached by the owner, the Animal Control Supervisor may immediately order that the dog(s) be impounded and destroyed.
- (4) Any person failing to comply with the hearing officer's order in this section may be prohibited from keeping or harboring within the Town an animal of the type, species, group or family to which the order applies (including the dog initially declared potentially dangerous or vicious) for a period of three (3) years from the date of such noncompliance. There shall be no appeal to the hearing officer in these types of cases.

(f) Authority to Seize Dog Posing Immediate Threat to Public Safety

- (1) If upon investigation it is determined by the Animal Control Officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, and/or the owner or keeper is unwilling or unable to correct the situation immediately, then the Animal Control Officer may seize and impound the dog pending a hearing to be held pursuant to this chapter. The dog shall be kept at an appropriate animal shelter designated by the Town of Yucca Valley Animal Control Services.
- (2) The owner or keeper of the dog shall be liable to the Town of Yucca Valley for the costs of impounding and expenses of keeping the dog if the dog is later found to be potentially dangerous or vicious in accordance to this ordinance.
- (3) Any dog held shall not be released, if found to be potentially dangerous or vicious, until the owner pays all charges due within ten (10) days of the determination made by the hearing entity. If the owner cannot pay these charges or refuses to pay within the required time period, then the dog shall be treated as unredeemed by the owner, and shall be humanely disposed of. Disposal of the dog does not release the owner from his or her responsibility to pay the imposed fees.

(g) Conditions for Prohibiting Ownership of a Dog

- (1) The owner of a dog determined to be potentially dangerous or vicious may be prohibited by Animal Control Services from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is found, after proceedings conducted in this Chapter, that ownership or possession of a dog by that person would create a significant threat to the public health.

(h) Penalties and Costs

- (1) If dog is found to be potentially dangerous or vicious, the owner or keeper of the dog and/or property owner shall be personally liable and shall pay to the Town of Yucca Valley all administrative costs as set by resolution of the Town Council, in addition to impounding costs, boarding costs and/or other related costs incurred.

- (2) If incurred costs are not paid within time specified in the Determination Notice, no permit and/or license for the dog shall be issued and/or any current license will be revoked. Then the animal may be considered abandoned and may be handled in the same manner as any other unclaimed stray animal.
- (3) In addition to the administrative proceedings under this section, the Town may alternatively to or in conjunction with the proceedings set forth in this section commence a criminal action with respect to the nuisance in addition to, alternatively to, or in conjunction with the proceedings set forth in this section or pursue any and all other remedies legally available.
- (4) If any person shall violate any provisions in this section of the ordinance, he or she may be fined an amount as set by the resolution of the Town Council.
- (5) No animal properly seized under this section shall be returned to the owner until, as determination by Animal Control, all requirements set by the hearing officer are met for the keeping and maintenance of the dog.

(i) Failure to Conduct Administrative Hearing

- (1) The failure or decision to not conduct an administrative hearing required by this section shall have no bearing on any criminal prosecution for violations of any provisions of this chapter.

10.02.130 Performing Animal Exhibitions, Animals Used for Public Education/Display and Circuses.

- (a) No person may sponsor, promote, train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.
- (b) All equipment used on an exhibiting animal shall fit properly and be in good working condition.

10.02.140 Registration and Care for the Keeping of Exotic Animals

- (a) The keeping of exotic animals shall be in accordance with Section 84.0610 of the Yucca Valley Development Code.
- (b) Any exotic animal with a State Fish and Game caging requirement of 50 square-feet or less and kept within an enclosed building shall be permitted provided the applicant registers said animal(s) on a form to be provided by the Town's Animal Control Section. The applicant

must provide a copy of the applicant's California Department of Fish and Game permit for each animal registered.

10.02.150 Commercial Animal Establishment Permits: Issuance and Revocation.

- (a) No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter or sentry dog business without first obtaining a permit in compliance with this ordinance and local and State law. This does not apply to privately owned, not-for-hire ranches.
- (b) All commercial animal establishments shall comply with Town and State laws regarding proper care and maximum number of animals.
- (c) Prior to setting up any commercial animal establishment, the property owner or lessee shall first obtain all applicable permits through the Town of Yucca Valley Community Development Department.
- (d) When a permit applicant has shown that he/she is willing and able to comply with the regulations, a permit shall be issued upon payment of the applicable fee.
- (e) The permit period shall be effective for one year. Renewal applications for permits shall be made thirty (30) days prior to the expiration of the permit. Application for a permit to establish a new commercial animal establishment under the provisions of this Chapter may be made at any time.
- (f) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a transfer fee as determined by resolution of the Town Council.
- (g) Annual permits shall be issued upon payment of the applicable fee as determined by resolution of the Town Council.
- (h) Every facility regulated by this Chapter shall be considered a separate enterprise requiring an individual permit.
- (i) Persons operating kennels for the breeding of dogs shall license all dogs individually.
- (j) No fee may be required of any veterinary hospital or animal shelter, or government-operated zoological park.
- (k) Failure to obtain a Commercial Animal Establishment permit before opening any facility covered in this section shall result in a fine to be established by resolution of the Town Council.
- (l) Any person who changes the category under which a permit was issued shall be subject to a reclassification and readjustment of the permit fee.

- (m) After an application for a permit is filed, the Animal Control Officer shall inspect the facility prior to the issuance of a Commercial Animal Establishment permit to ensure compliance with all applicable standards of care.
- (n) Any person whose permit or license is revoked shall, within thirty (30) days thereafter, sell place or humanely dispose of all animals owned, kept, or harbored under the revoked permit or license. No part of the permit or license fee shall be refunded.
- (o) It shall be a condition of the issuance of any permit or license that the Animal Control Officer, subject to law, shall be permitted at any reasonable time to inspect all animals and the premises where animals are kept and, if permission for such inspection is refused, may revoke the permit or license of the refusing owner.
- (p) If the applicant has withheld or falsified any information on the application, Animal Control Services may refuse or revoke a Commercial Animal Establishment permit.
- (q) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- (r) Any person having been denied a license or permit may not reapply for a period of thirty (30) days. A fee as established by resolution of the Town Council shall accompany each reapplication.

10.02.160 Sentry Dog Owners and Businesses: Permits, Registration and Care Requirements

- (a) **For the purposes of this section, the following definitions apply:**
 - (1) **Sentry Dog Defined.** Any dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility.
 - (2) **Guard or Attack Dog Defined.** Any dog trained to guard, protect, patrol or defend any premises, area or yard or any dog trained as a sentry or to protect, defend, or guard any person or property, or any dog such as a schutzhund or any similar classification.
 - (3) **Narcotic Detection Dog Defined.** Any dog trained to locate narcotics by scent.
 - (4) **Tracker Dog Defined.** Any dog trained to work with a handler in searching facilities for burglary suspects and other intruders.
 - (5) **Sentry Dog Business Defined.** Any person who agrees to furnish trained sentry, attack, or narcotic detection dogs for hire.
 - (6) **Trainer Defined.** Any person who engages in the practice of training any attack, guard, or sentry dog.

- (7) **Dog Handler Defined.** Any person trained in the handling of dogs whose training includes the care, feeding and maintenance of dogs and the procedures necessary to control the behavior of a dog subject to this chapter.
- (8) **Hire Defined.** “Hire” shall include, but not be limited to, the renting or leasing of the services of a dog with or without a dog handler, or a sale of a dog with an option to repurchase.
- (9) **Person Defined.** Any individual, partnership, firm, joint stock company, cooperation, association, trusts, estate, or other legal entity.
- (10) **Owner defined.** Any person who has purchased or obtained legal custody of an attack, guard or sentry dog.

(b) Registration of Sentry Dogs; Commercial Animal Establishment Permit

- (1) Each sentry dog business and/or person and/or owner shall register each dog subject to this chapter that it handles with the Town of Yucca Valley Animal Control Services.
- (2) **Commercial Animal Establishment.** Any person or owner of an attack, guard or sentry dog that operates or maintains a business to sell, rent or train an attack, guard or sentry dog shall obtain a Commercial Animal Establishment permit from Animal Control Services for animal care or protection services.
- (3) **Registration by Owner.** Any person or owner who has purchased or obtained legal custody of a sentry, guard or attack dog shall register said dog(s) with the Town on a form to be provided by the Town’s Animal Control Section.
- (4) The process for obtaining a Commercial Animal Establishment permit are set forth under the "Commercial Animal Establishment Permits: Issuance & Revocation" included within this chapter.
 - (A) In the event the animal density exceeds the number allowed, as established by section 84.0560 of the Town of Yucca Valley development Code, a Special Use Permit must be obtained.
 - (B) An applicant, when applying for a permit pursuant to this section shall furnish Animal Control Services with a list of the types of animals to be kept or used for any purpose, with the estimated maximum number of animals to be kept.
 - (C) Any permittee shall maintain a register of the name and address of any person from whom any animal is received and to whom any animal is sold, traded or given. This list shall be available to Animal Control Services upon demand.

- (5) All applicants must provide a proof of registration to Animal Control Services that each dog is registered as a sentry, guard or attack dog with the local law enforcement agency and the local fire department for where the dog is.
- (6) All applicants shall furnish Animal Control Services with the name and telephone number of a responsible person who has access to the animals and who can be reached during an emergency.
- (7) All applicants shall notify Animal Control Services when any animal for which a permit is required is kept or maintained.
- (8) All applicants shall report in writing any change in address, ownership or management to Animal Control Services at least 15 days *prior* to change.
- (9) Physical Control. The persons or owners of any sentry, guard or attack dog(s) or sentry dog business must ensure that adequate physical control of such animal is provided during operational hours to prevent the animal from coming in contact with the general public on the premises. If the dog bites a person who is not a trespasser, the Animal Control Supervisor has the authority to prohibit the dog from acting as a sentry, guard or attack dog within the Town limits. It shall be unlawful for any owner or person or business to use such a dog as a sentry, attack or guard dog after the supervisor has prohibited said use.
- (10) Annual permit and registrations fees shall be issued upon payment of the applicable fee as determined by resolution of the Town Council.
 - (A) The permit or registration period shall be effective for one year. Renewal applications for permits or registrations shall be made thirty (30) days prior to the expiration of the permit or registration.
 - (B) If there is a change in ownership of a registered sentry, guard or attack dog, the new owner may have the current registration transferred to his name upon payment of a transfer fee as determined by resolution of the Town Council.
 - (C) After an application for a permit or registration is filed, the Animal Control Officer shall inspect the premises prior to the issuance of the permit or registration to ensure compliance with all applicable standards.
 - (D) It shall be a condition of the issuance of any permit or registration that Animal Control Services, subject to law, shall be permitted at any reasonable time to inspect all animals and the premises where animals are kept and, if permission for such inspection is refused, may revoke the registration and/or dog license of the refusing owner.
 - (E) No person who has been convicted of cruelty to animals shall be issued a registration to own any animal described in this section.

(c) Care Requirements for Sentry Dogs

- (1) In addition to the codes under the "Animal Care" Section 10.02.070; all sentry dogs shall be kept and maintained by owner, person, permittee, and/or registrant as follows:
 - (A) No animal shall be without care or control in an excess of 12 consecutive hours.
 - (B) All reasonable precautions shall be taken to ensure that no animal is teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any person or any means.
 - (C) The permittee or registrant shall keep or maintain each animal in a manner as may be prescribed to protect the public from the animal and the animal from the public.
 - (D) Animal Control Services may order any animal to be taken to a veterinarian for examination and treatment.
 - (E) The permittee or registrant shall allow no animal to constitute or cause a hazard or be a public animal nuisance or menace to the health, peace, or safety of the community.
 - (F) The permittee or registrant shall have full responsibility for recapturing any animal that escapes.

(d) Permit or Registration May be Suspended or Revoked.

- (1) The Town of Yucca Valley may suspend or revoke a Commercial Animal Establishment permit or registration issued under this section if it is determined that the permittee has done any one of the following:
 - (A) Made any false statement or given any false information in connection with an application for a license, permit or a renewal or reinstatement thereof.
 - (B) Violated any provisions of this section or related sections of this ordinance.
 - (C) Violated any rule of an ordinance adopted pursuant to the authority contained in this section.
 - (D) Committed any other act that would be grounds for denial of a permit.

(e) Aggression Training

- (1) Animal Control Services has the authority to determine whether any person, owner or business entity is engaged in the aggression training of dogs. If such a

determination is made, then the person, owner or business entity shall comply with the applicable codes of this section.

(f) Violations, Penalties and Costs

- (1) It is the sole responsibility of any permittee, owner or person to be in compliance with all applicable California State laws that pertain to sentry, attack or guard dogs.
- (2) California Health and Safety Code Sections 121940-and 121945 and any amendments to same are incorporated by references as though fully set forth.

10.02.170 Violations Declared a Nuisance: Any violation of this chapter is considered a nuisance and may be abated as such in the manner provided by law and all such costs involved shall be billed to the owner or owner of the animal and the property owner.

(a) Upon completion of the abatement, the Town Manager shall cause a statement of the costs thereof to be prepared for submission to the Town Council. The Town Manager shall set a time and place for the Town Council to receive and consider the statement of costs, and shall serve on the owner and owners of the property a copy of the statement of costs and a notice of the time and place at which the Town Council will receive and consider the statement of costs. The statement of costs and the notice of hearing shall be served on the owner(s) of the property in accordance with 10.02.110(f)(3) of this Chapter

10.02.180 Report; hearing on assessment: At the time and place set for receiving and considering the statement of costs, the Town Council shall hear and pass upon the statement together with any objections or protests raised by any of the persons liable to be assessed for the cost of abating the nuisance. Thereupon, the Town Council may make any such revision, correction or modification to the statement of costs as it may deem appropriate, after which the statement as submitted, or as revised, corrected or modified, shall be confirmed by resolution. Such hearing may be continued from time to time. The decision of the Town Council shall be final. The Town Clerk shall give notice of the Town Council's decision regarding the statement of costs to the owner(s) of said property in the manner set forth of Section 10.02.110(f)(3) of this Chapter.

10.02.190 Assessment of Costs and Lien Against Property: The costs of abatement of a nuisance, as confirmed by resolution of the Town Council, shall constitute a special assessment against the property to which it relates, and after its recording, as thus made and confirmed, the same shall constitute a lien on said property in the amount of such assessment. After the confirmation of the statement, a copy thereof shall be recorded in the official records of San Bernardino County and shall be transmitted to the Assessor and Tax Collector of the County of San Bernardino by the Town Clerk. Whereupon it shall be the duty of said Assessor and Tax Collector to add the amount of such assessment, or assessments, to the next regular bills of taxes levied against the said respective lot or parcel of land, and thereafter said amount shall be collected at the same time and in the same manner as ordinary real property taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in the case of delinquency as provided for ordinary real property taxes.

10.02.200. Enforcement. In accordance with Section 836.5 of the California Penal Code, the civil and criminal provisions of this Chapter shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this Chapter to interfere with the Animal Control officer in the performance of his/her duties.

10.02.210. Penalties. Violations of this Chapter shall be punishable in accordance with Sections 1.01.200 through 1.01.250 of this Code."

Section 3. Severability.

3.1. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Ordinance which shall be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. Notice of Adoption

4.1. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

Section 5. Effective Date

5.1. This ordinance shall become effective thirty (30) days after the date of its adoption.

ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this _____ day of _____, 2003.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Town Attorney

Town Manager