

ORDINANCE NO. 9663 (NEW SERIES)

AN ORDINANCE AMENDING SECTIONS 62.109, 62.685 and 62.687 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE DUTIES OF THE COUNTY VETERINARIAN AND TO PROTECTION DOGS AND GUARD DOG OPERATORS

The Board of Supervisors of the County of San Diego ordains as follows

Section 1. The Board of Supervisors finds and determines that clarification and correction of grammatical errors are needed in the San Diego County Code regarding Livestock and Animal Control.

Section 2. Sections 62.109, 62.685 and 62.687 of the San Diego County Code are hereby amended to read as follows:

SEC. 62.109. DUTIES OF COUNTY VETERINARIAN.

It shall be the duty of the County Veterinarian, acting under the supervision of the Secretary of Food and Agriculture and in cooperation with the State Division of Animal Health, to enforce all laws of the State of California and all orders and ordinances of the Board of Supervisors pertaining to the health and sanitary surroundings of the livestock, poultry, and rabbits in the County, and for that purpose is hereby empowered and authorized by and with the approval of the Board of Supervisors to establish, maintain and enforce such quarantine, sanitary, testing and immunizing measures or to promulgate such rules and regulations as may be deemed proper and necessary. The County Veterinarian shall supervise examination and testing of animals or premises for the presence of contagious, infectious, or communicable disease; attend such meetings and conferences as may be called from time to time by the Division of Animal Industry or the State Secretary of Food and Agriculture. He shall investigate with the State of California any reported outbreak of contagious, infectious or communicable disease, the presence of which in the State may constitute a menace to the health of livestock, poultry and rabbits in the County; shall investigate, make diagnosis of, and institute control measures for any suspicious case of rabies of animals reported by the Health Officer or any other person or agency. A report of such investigation shall be furnished to the Health Officer. The County Veterinarian shall supervise and administer the operation of the San Diego County Animal Disease Diagnostic Laboratory.

SEC. 62.685. PROTECTION DOGS.

(a) GENERAL PROVISIONS. Any "Protection Dog Operator" shall:

(1) Comply with all applicable federal, state and local laws, regulations, and permit requirements affecting the keeping of a "Protection Dog" and/or the operation of a "Protection Dog" business. Upon demand by the Department or any other law

enforcement agency, each "Protection Dog Operator" must demonstrate compliance with all applicable laws, regulations, and permit requirements affecting the keeping of a "Protection Dog" and/or the operation of a "Protection Dog" business.

(2) Notify the local law enforcement agency and fire department which provide police and fire suppression services, and the Director of Animal Services, in writing of the location of the "Protection Dog Operator" office, base facility, and/or kennel, where any dogs are maintained for any period.

(3) Ensure that each dog furnished or assigned to any facility within the unincorporated area of San Diego County or any city in which the Department provides animal control services is wearing a County of San Diego dog license tag before such furnishing or assigning of the dog. This licensing requirement is in addition to the identification tag specified in (4) below. Notwithstanding the provisions of Section 62.646 of this Code, a "Protection Dog Operator" shall obtain individual dog licenses for each dog, whether or not it is kept in a "Kennel" as defined by this Code.

(4) Ensure that each dog is wearing a durable identification tag in addition to a County of San Diego dog license tag. The identification tag provided by the "Protection Dog Operator" shall contain the name, address, and telephone number of the "Protection Dog Operator" furnishing the "Protection Dog." The telephone number so provided shall be to a telephone which is answered by a person 24 hours per day every day of the year. In addition, a dog handler shall be available at all times to respond in a timely manner to reports regarding a dog which has escaped, is injured, or presents a risk of harm to animal or public health, safety, or welfare.

(5) Provide positive identification for each dog by implantation of a microchip of a type and in a manner approved by the Department. The "Protection Dog Operator" shall also provide the Director of Animal Services with a written list of dogs to be assigned to any facility within the unincorporated area of San Diego County or any city in which the Department provides animal control services. Such list shall include each dog's name and description, along with the license and identification numbers.

(6) Notify the local law enforcement agency and fire department which provide police and fire suppression services, and the Director of Animal Services, in writing prior to, but not more than, fifteen (15) days before a dog is sent on an assignment of the location and duration of such assignment. In addition, such notification shall be provided, within fifteen (15) days, when the assignment of a dog is terminated.

(7) Ensure that dogs working with supervision in an unfenced area, yard, or premises, be controlled on a handheld "Leash" as defined in this Code. Dogs working without supervision shall be confined within a fenced or otherwise enclosed facility not open to the public. The fence or other enclosure shall be of sufficient structural strength and height with locked gates and/or doors to ensure the strict confinement of the dog and to prevent unauthorized access. The fence or other enclosure is subject to inspection and approval by the Department. The "Protection Dog Operator" may be required to pay a reasonable fee to recover the costs of such inspection.

In addition, ensure that each dog, whether or not on duty, is visited at least once every twelve (12) hours and that each dog has adequate food, water and shelter. Any dog which is sick or injured shall be provided proper care and attention and, if on duty, shall be removed from the site. Dogs shall not be kept or maintained on a chain or tether. When not on a handheld "Leash", dogs shall be kept or maintained, at all times, in an enclosure which meets the minimum space requirements as provided by Section 62.645.6 and 62.645.7(b) of this Code. In addition, the minimum space requirements provided by Section 62.645.7(c) of this Code shall also apply unless the dogs are kept in a kennel which was licensed pursuant to Section 62.641 of this Code on September 11, 1986.

Further, ensure that the dog is not knowingly overworked, or tortured, tormented, neglected, abandoned, deprived of necessary sustenance or care, drink or shelter, beaten, mutilated, or unjustifiably killed. The words "torment" and "torture" include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

(8) Obtain and maintain liability insurance issued by an insurance company authorized to transact business in this state which provides minimum limits of insurance of five hundred thousand dollars (\$500,000) for any one loss due to bodily injury or death and five hundred thousand dollars (\$500,000) for any one loss due to injury or destruction of property. The "Protection Dog Operator" shall also furnish the Director of Animal Services with a certificate or photocopy of the insurance policy and notify the Director at least ten (10) days prior to cancellation or non-renewal of the policy.

(9) Ensure that durable signs of sufficient size containing both a clear pictorial depiction of a protection dog and a legible written warning of the presence of a protection dog are conspicuously posted and maintained at every entrance and at reasonable intervals on the fence or other enclosure where the dog is to be assigned so as to be clearly visible. Signs shall also include the name and telephone number of the "Protection Dog Operator" furnishing the "Protection Dog." The telephone number so provided shall be to a telephone which is answered by a person 24 hours per day every day of the year. In addition, a dog handler shall be available at all times to respond in a timely manner to reports regarding a dog which has escaped, is sick, injured, or presents a risk of harm to animal or public health, safety, or welfare.

(10) Provide a written statement to any person who obtains a "Protection Dog" on hire, prior to a dog being sent on assignment, containing the following:

"In addition to other provisions of law, any person or business entity with custody of a protection dog is responsible for preventing the dog from being 'At Large,' within the meaning of the San Diego County Code, and from attacking or injuring a person engaged in a lawful act. Any person who obtains a dog on hire shall immediately notify the protection dog operator and the Department of Animal Services at (619) 236-2341 in the event an escaped dog is not immediately recaptured.

"Section 62.615 of the San Diego County Code provides in part that any person owning or having custody or control of a dog which bites a person, shall notify the Department as soon as possible thereafter.

"Protection dog operators and the keeping or maintenance of protection dogs are regulated by the County of San Diego Department of Animal Services, 5480 Gaines Street, San Diego, California, 92110-2687."

The "Protection Dog Operator" shall also provide the Director of Animal Control with a copy thereof containing an acknowledgment of receipt, signed and dated by the person who obtained the dog on hire. Such acknowledgment shall also include the printed name, address, and telephone number of the "Protection Dog Operator" and the person who obtained the dog on hire.

(11) Transport the dog in a secure, humane manner that will reasonably prevent its possible escape.

(12) Make every reasonable effort to recapture an escaped dog and, if not immediately recaptured, notify the Department.

(13) Reimburse the Department for all costs incurred in enforcing the provisions of this section.

(b) Any person who obtains a "Protection Dog" on hire shall immediately notify the "Protection Dog Operator" and the Department by telephone in the event an escaped dog is not immediately recaptured.

(c) The sale, transfer, or use as a "Protection Dog" of any "Dangerous Dog" as defined in this Code is prohibited whether or not the dog had been declared a "Dangerous Dog" pursuant to Section 62.674.

State law reference(s)--Protection dog operator, protection dog defined, Business and Professions Code, § 7521.

SEC. 62.687. GUARD DOG OPERATORS.

(a) Any "Guard Dog Operator", in addition to the requirements of The Dog Act of 1969 (Health and Safety Code Section 121875 et seq.), shall comply with the following:

(1) Supply each animal with sufficient, good, and wholesome food and water as often as the feeding habits of the animal requires.

(2) Keep each animal and animal quarters in a clean and sanitary condition.

(3) Provide each animal with proper shelter and protection from the weather at all times. An animal shall not be overcrowded or exposed to temperatures detrimental to the welfare of the animal.

(4) Visit each animal to ensure that no animal is allowed to be without care or control in excess of twelve (12) consecutive hours.

(5) Take every reasonable precaution to ensure that no animal is teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any person or by any means.

(6) Ensure that no animal is maintained or allowed to exist in any manner that is, or could be, injurious to that animal.

In addition, each dog shall be transported in a secure, humane manner that will reasonably prevent its possible escape.

(7) Ensure that no animal is given any alcoholic beverage, unless prescribed by a veterinarian.

(8) 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.

(9) Any tack equipment, device, substance, or material that is, or could be, injurious or cause unnecessary cruelty to any animal shall be prohibited.

(10) Keep or maintain animals physically controlled by a hand held "Leash" or confined at all times. Dogs shall not be kept or maintained on a chain or tether. Any fence or other enclosure shall be of sufficient structural strength and height with locked gates and/or doors to ensure the strict confinement of the dog so as to prevent escape or unauthorized access. The "Guard Dog Operator" or "Protection Dog Operator" shall have full responsibility for recapturing any animal that escapes. Furthermore, any escaped animal that is not immediately recaptured shall be promptly reported to the Department.

(11) Give proper rest periods to any working animal. Any confined or restrained animal shall be given exercise proper for the individual animal under the particular conditions.

(12) Ensure that no animal overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit is worked, used, or rented.

(13) Ensure that any animal the Department has suspended from use, is not worked or used until the animal is released by the Department.

(14) Ensure that no animal bearing evidence of malnutrition, ill health, unhealed injury, or having been kept in an unsanitary condition is displayed.

(15) 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.

In addition, the local law enforcement agency and fire department which provide police and fire suppression services, and the Director of Animal Services, shall be notified in writing, of the office, base facility, training facility, or kennel where any "Guard Dog" is maintained for any period.

Such notification shall also be provided at least five (5) "Business Days" before a "Guard Dog" is to be sent on an assignment, and shall include the location and duration of such assignment.

Ensure that each dog furnished or assigned to any facility within the unincorporated area of San Diego County or any city in which the Department provides

animal control services is wearing a County of San Diego dog license tag before such furnishing or assigning of the dog. Notwithstanding the provisions of Section 62.646 of this code, a "Guard Dog Operator" shall obtain individual dog licenses for each dog, whether or not it is kept in a "Kennel" as defined by this code.

Ensure that each dog is wearing a durable identification tag in addition to a County of San Diego dog license tag. The identification tag provided shall contain the name, address, and telephone number of the "Guard Dog Operator" furnishing the dog.

Provide positive identification, by implantation of a microchip of a type and in a manner approved by the Department for each dog to be furnished for hire to any premises, area, or yard within the unincorporated area of San Diego County or any city in which the Department provides animal control services.

Each required notification shall include each dog's name and description along with the license, microchip, and any other identification numbers.

Ensure that durable signs of sufficient size containing both a clear pictorial depiction of a guard dog and a legible written warning of the presence of a guard dog are conspicuously posted. Such signs shall be maintained at every entrance and at not more than fifty (50) foot intervals so as to be clearly visible on the fence or other enclosure where the dog is to be maintained or assigned. Any such sign that is initially posted or replaced on or after the effective date of this ordinance shall measure a minimum of 11 x 8.5 inches with lettering of a minimum of 1.25 x .5 inch (91 point) and of contrasting color with the background.

Signs shall also include the name and telephone number of the "Guard Dog Operator" furnishing the dog.

The telephone number included on the identification tag and warning sign(s) shall be to a telephone that is answered by a person 24 hours per day, every day of the year. In addition, a dog handler shall be available at all times to immediately respond to reports regarding a dog that has escaped, is sick, injured, or presents a risk of harm to animal or public health, safety, or welfare.

(16) Take any animal to a veterinarian for examination and/or treatment upon the order of the Department.

(17) Display no animal whose appearance is, or may be, offensive or contrary to public decency.

(18) Allow no animal to constitute a nuisance, cause a hazard, or be a menace to the health, peace, or safety of the community.

In addition, obtain and maintain liability insurance issued by an insurance company authorized to transact business in this state which provides minimum limits of insurance of five hundred thousand dollars (\$500,000) for any one loss due to bodily injury or death and five hundred thousand dollars (\$500,000) for any one loss due to injury or destruction of property. The "Guard Dog Operator" shall also furnish the Director of

Animal Control with a certificate or photocopy of the insurance policy and notify the Director at least ten (10) days prior to cancellation or non-renewal of the policy.

Provide a written statement to any person who obtains a "Guard Dog" on hire, prior to a dog being sent on assignment, containing the following:

"In addition to other provisions of law, any person or business entity with custody of a guard dog is responsible for preventing the dog from being 'At Large', within the meaning of the San Diego County Code, and from attacking or injuring a person engaged in a lawful act. Any person who obtains a dog on hire should immediately notify the guard dog operator in the event a guard dog escapes from its enclosure, and the Department of Animal Control at (619) 236-2341 in the event an escaped dog is not immediately recaptured.

"Section 62.615 of the San Diego County Code provides in part that any person owning or having custody or control of a dog which bites a person, shall notify the Department as soon as possible thereafter.

"Guard dog operators and the keeping or maintenance of guard dogs are regulated by the County of San Diego Department of Animal Services, 5480 Gaines Street, San Diego, California, 92110-2687."

The "Guard Dog Operator" shall also provide the Director of Animal Services with a copy thereof containing an acknowledgment of receipt, signed and dated by the person who obtained the dog on hire. Such acknowledgement shall also include the printed name, address, and telephone number of the "Guard Dog Operator" and the person who obtained the dog on hire.

(19) Isolate at all times any sick or diseased animal from any healthy animal, and adequately segregate them so that the illness or disease will not be transmitted from one animal to another. Any sick or injured animal shall be isolated and given proper medical treatment.

(20) Immediately notify the owner of any animal held on consignment or boarded if the animal refuses to eat or drink beyond a reasonable period, is injured, becomes sick, or dies. In case of death, the body of the dog shall be retained for 12 hours after notification has been sent to the owner.

(b) The sale, transfer, or use as a "Guard Dog" of any "Dangerous Dog" is prohibited whether or not the dog has been declared a "Dangerous Dog" pursuant to Section 62.674.

(c) Reimburse the Department for all costs incurred in enforcing the provisions of this section.

PENALTIES. Any who violates subsection (b) of this section is guilty of a misdemeanor. Nothing in this section limits or authorizes any act or omission that violates any provision of Title 14 of the Penal Code.

SEC. 62.687. GUARD DOG OPERATORS.

(a) Any "Guard Dog Operator", in addition to the requirements of The Dog Act of 1969 (Health and Safety Code Section 121875 et seq.), shall comply with the following:

(1) Supply each animal with sufficient, good, and wholesome food and water as often as the feeding habits of the animal requires.

(2) Keep each animal and animal quarters in a clean and sanitary condition.

(3) Provide each animal with proper shelter and protection from the weather at all times. An animal shall not be overcrowded or exposed to temperatures detrimental to the welfare of the animal.

(4) Visit each animal to ensure that no animal is allowed to be without care or control in excess of twelve (12) consecutive hours.

(5) Take every reasonable precaution to ensure that no animal is teased, abused, mistreated, annoyed, tormented, or in any manner made to suffer by any person or by any means.

(6) Ensure that no animal is maintained or allowed to exist in any manner that is, or could be, injurious to that animal.

In addition, each dog shall be transported in a secure, humane manner that will reasonably prevent its possible escape.

(7) Ensure that no animal is given any alcoholic beverage, unless prescribed by a veterinarian.

(8) 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.

(9) Any tack equipment, device, substance, or material that is, or could be, injurious or cause unnecessary cruelty to any animal shall be prohibited.

(10) Keep or maintain animals physically controlled by a hand held "Leash" or confined at all times. Dogs shall not be kept or maintained on a chain or tether. Any fence or other enclosure shall be of sufficient structural strength and height with locked gates and/or doors to ensure the strict confinement of the dog so as to prevent escape or unauthorized access. The "Guard Dog Operator" or "Protection Dog Operator" shall have full responsibility for recapturing any animal that escapes. Furthermore, any escaped animal that is not immediately recaptured shall be promptly reported to the Department.

(11) Give proper rest periods to any working animal. Any confined or restrained animal shall be given exercise proper for the individual animal under the particular conditions.

(12) Ensure that no animal overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit is worked, used, or rented.

(13) Ensure that any animal the Department has suspended from use, is not worked or used until the animal is released by the Department.

(14) Ensure that no animal bearing evidence of malnutrition, ill health, unhealed injury, or having been kept in an unsanitary condition is displayed.

(15) 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.

In addition, the local law enforcement agency and fire department which provide police and fire suppression services, and the Director of Animal Services, shall be notified in writing, of the office, base facility, training facility, or kennel where any "Guard Dog" is maintained for any period.

Such notification shall also be provided at least five (5) "Business Days" before a "Guard Dog" is to be sent on an assignment, and shall include the location and duration of such assignment.

Ensure that each dog furnished or assigned to any facility within the unincorporated area of San Diego County or any city in which the Department provides animal control services is wearing a County of San Diego dog license tag before such furnishing or assigning of the dog. Notwithstanding the provisions of Section 62.646 of this code, a "Guard Dog Operator" shall obtain individual dog licenses for each dog, whether or not it is kept in a "Kennel" as defined by this code.

Ensure that each dog is wearing a durable identification tag in addition to a County of San Diego dog license tag. The identification tag provided shall contain the name, address, and telephone number of the "Guard Dog Operator" furnishing the dog.

Provide positive identification, by implantation of a microchip of a type and in a manner approved by the Department for each dog to be furnished for hire to any premises, area, or yard within the unincorporated area of San Diego County or any city in which the Department provides animal control services.

Each required notification shall include each dog's name and description along with the license, microchip, and any other identification numbers.

Ensure that durable signs of sufficient size containing both a clear pictorial depiction of a guard dog and a legible written warning of the presence of a guard dog are conspicuously posted. Such signs shall be maintained at every entrance and at not more than fifty (50) foot intervals so as to be clearly visible on the fence or other enclosure where the dog is to be maintained or assigned. Any such sign that is initially posted or replaced on or after the effective date of this ordinance shall measure a minimum of 11 x 8.5 inches with lettering of a minimum of 1.25 x .5 inch (91 point) and of contrasting color with the background.

Signs shall also include the name and telephone number of the "Guard Dog Operator" furnishing the dog.

The telephone number included on the identification tag and warning sign(s) shall be to a telephone that is answered by a person 24 hours per day, every day of the year. In addition, a dog handler shall be available at all times to immediately respond to reports regarding a dog that has escaped, is sick, injured, or presents a risk of harm to animal or public health, safety, or welfare.

(16) Take any animal to a veterinarian for examination and/or treatment upon the order of the Department.

(17) Display no animal whose appearance is, or may be, offensive or contrary to public decency.

(18) Allow no animal to constitute a nuisance, cause a hazard, or be a menace to the health, peace, or safety of the community.

In addition, obtain and maintain liability insurance issued by an insurance company authorized to transact business in this state which provides minimum limits of insurance of five hundred thousand dollars (\$500,000) for any one loss due to bodily injury or death and five hundred thousand dollars (\$500,000) for any one loss due to injury or destruction of property. The "Guard Dog Operator" shall also furnish the Director of Animal Control with a certificate or photocopy of the insurance policy and notify the Director at least ten (10) days prior to cancellation or non-renewal of the policy.

Provide a written statement to any person who obtains a "Guard Dog" on hire, prior to a dog being sent on assignment, containing the following:

"In addition to other provisions of law, any person or business entity with custody of a guard dog is responsible for preventing the dog from being 'At Large', within the meaning of the San Diego County Code, and from attacking or injuring a person engaged in a lawful act. Any person who obtains a dog on hire should immediately notify the guard dog operator in the event a guard dog escapes from its enclosure, and the Department of Animal Control at (619) 236-2341 in the event an escaped dog is not immediately recaptured.

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The "Guard Dog Operator" shall also provide the Director of Animal Services with a copy thereof containing an acknowledgment of receipt, signed and dated by the person who obtained the dog on hire. Such acknowledgement shall also include the printed name, address, and telephone number of the "Guard Dog Operator" and the person who obtained the dog on hire.

(19) Isolate at all times any sick or diseased animal from any healthy animal, and adequately segregate them so that the illness or disease will not be transmitted from one

animal to another. Any sick or injured animal shall be isolated and given proper medical treatment.

(20) Immediately notify the owner of any animal held on consignment or boarded if the animal refuses to eat or drink beyond a reasonable period, is injured, becomes sick, or dies. In case of death, the body of the dog shall be retained for 12 hours after notification has been sent to the owner.

(b) The sale, transfer, or use as a "Guard Dog" of any "Dangerous Dog" is prohibited whether or not the dog has been declared a "Dangerous Dog" pursuant to Section 62.674.

(c) Reimburse the Department for all costs incurred in enforcing the provisions of this section.

PENALTIES. Any person who violates subsection (b) of this section is guilty of a misdemeanor. Nothing in this section limits or authorizes any act or omission that violates any provision of Title 14 of the Penal Code.

Section 3. Effective Date and Publication. This ordinance shall take effect and be in force on August 14, 2004, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of the Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in County of San Diego.

PASSED, APPROVED, AND ADOPTED this 14th day of July, 2004.