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Title 08 Animals

- **Chapter 040 Dogs: Animal Control**

- **Section 010 Definitions**

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following terms as used in this chapter are defined as follows:

- A. "Animal" includes any domesticated animals, fowl or captivated wild animals.
- B. "Animal control officer" means the Sheriff-Coroner of the County of Glenn who is authorized to act in the enforcement of the animal and rabies program.
- C. "Assistant Animal Control Officer" means position as assigned by the Sheriff/Animal Control Officer.
- D. "At large" means any animal not in an enclosed area, or not under restraint by leash, and/or not under the immediate and direct control of a responsible person.
 - (1) Exeptions to the definition of "at large" are as follows:
 - (a) A hunting dog is to be presumed to be under direct control of its owner or custodian when performing the act of legally hunting game, upland or waterfowl or within the area or confines of its owner's or custodian's property.
 - (b) A stock or working dog is presumed to be under direct control of its owner or custodian when performing its herding duties within the area of confines of its owner's or custodian's property.
- E. "Cat" includes all domesticated felines.
- F. "City" means any incorporated and any hereinafter incorporated city within the county.
- G. "County" means the county of Glenn.

- H. "Deputy Animal Control Officer" means any County sworn peace officer or Sheriff's County Services Officer, or Deputy Animal Control Officer.
- I. "Dog" includes all domesticated canines.
- J. "Health Department" means the health department of the county.
- K. "Health officer" means the county director of health services of any person duly authorized to act on his behalf.
- L. "Hunting pack" means three to five hunting breed dogs used exclusively for running and hunting.
- M. "Kennel" means any lot, building, structure, enclosure or premises where or wherein five or more dogs are kept or maintained for the sole purpose of breeding, training, selling, show, purchase or boarding and provided further that this definition of kennel shall not be construed as applying to a duly licensed veterinary hospital.
- N. "Livestock" includes all domesticated bovine, equine, caprine, ovine, avian, poultry and rodent species.
- O. "Owner" means any person of any age, a firm or corporation owning, harboring, having an interest in, and/or control or ostensible control, custody and/or possession of any animal.
- P. "Person" means a person of any age, a firm, partnership, copartnership, association, company, corporation, estate, trust or organization of any kind.
- Q. "Pet shop" means an establishment operated by any person, firm or corporation where any live animals are kept for sale, barter, hire or trade.
- R. "Pound" includes all places where impounded animals are to be confined, whether by the county or by a private person or persons under contract or agreement with the county.
- S. "Public aquarium" means any place where fish or other aquatic animals are kept, maintained for public exhibit, sale or trade.
- T. "Responsible Person" means a person who can and does control and restrain the animal.
- U. "Stray" means any livestock off the premises of its owner not under restraint and not in the immediate presence of the owner.
- V. "Veterinarian" means a person licensed to practice veterinary medicine in California.
- W. "Vicious animal" means any animal, dog or cat which shows a propensity to attack, bite, scratch or harass people or other animals without provocation.
- X. "Working animals" means animals under the control of humans used in the movement of livestock, poultry, or in the taking of wild animals or fowls during the season established by the United States Government or the state, or in field trials, exhibitions or competitions.
- Y. "Stock pack" means three to five working or stock breed dogs used for the purpose of herding or

otherwise working livestock.

(Ord. 1194 § 3(part), 2007; Ord. 1141, 2001 Ord. 1099 § 1 (part), 1998; Ord. 968 § 1 (part), 1990; Ord. 646 § A (part), 1976.)

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Section 020 Animal control office--Office established

There is established in this County the Animal Control Office under the authority of the Sheriff-Coroner of the County who serves as the Animal Control Officer. (Ord. 1194 § 3(part), 2007; Ord. 646 § A (part), 1976.)

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Section 030 Animal Control Officer--Appointment

A. The Sheriff shall appoint certain sworn personnel who shall and are hereby vested with authority of a peace officer.

b. The Sheriff shall appoint non-sworn personnel as his Assistant Animal Control Officer and his deputy animal control officers who shall and are hereby vested with the authority of a public officer. (Ord. 1194 § 3(part), 2007; Ord. 646 § A (part), 1976.)

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Section 040 Animal Control Officer--Authority

A. The Non-sworn Animal control officers shall have and are vested with the authority of a public officer. Each animal control officer may, in the performance of his duties, enter upon any property pursuant to law, to ascertain if any of the provisions of this chapter or any state laws relating to disease, care, treatment, impounding or cruelty to animals are being violated. Each animal control officer may issue citations for the violation of the provisions of this chapter or any state laws in the manner prescribed by the county. The authority to issue citations in the manner prescribed by the county shall be alternative to any other authority provided by law.

B. In performance of his duties, the animal control officer shall have the authority to employ the use of the tranquilizer gun and all lawful animal control devices in common use within the state. (Ord. 1194 § 3(part), 2007; Ord. 646 § A (part), 1976.)

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Section 050 Animal Control Officer--Identification, Uniforms & Immunization

A. The deputy animal control officers, while engaged in the execution of their duties, shall each wear in plain view a badge on which shall be engraved the words "Deputy Animal Control Officer" or "Sheriff's County Services Officer" as is appropriate.

B. The animal control officer may authorize appropriate uniforms and necessary immunizations for his deputies. The cost of immunizations shall be a proper county expense.

(Ord. 1194 § 3 (part), 2007; Ord. 968 § 1 (part), 1990; Ord. 646 § A (part), 1976.)

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Section 060 Animal Control Officer-- Enforcement powers

A. The animal control officer, all deputy animal control officers and all deputy sheriffs shall have the power and duty to enforce the provisions of this chapter and the provisions of Division 14 of the Agricultural Code of the state of California. Pursuant to Section 836.5 of the Penal Code, any of them may arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of the penal provisions of this chapter. In that capacity, they shall be empowered to make arrests for violations of this chapter and may release the arrested person upon the issuance of a citation as provided in Section 853.6 of the Penal Code.

B. For the purpose of discharging his duties imposed by this chapter, the animal control officer and his deputies authorized and directed to enter upon any enclosed or unenclosed property upon which the animal is kept or found in violation of the provisions of this chapter and to demand from the person owning or having charge or control of the animal, exhibition of the license and tag for such animal if it is required to be licensed by this chapter.

(Ord. 646 § A (part), 1976.)

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Section 070 Animal Control Officer--Duties

The duties of the animal control officer shall be to:

A. Operate or contract for public pound services within the county at such place or places as may be designated by the board of supervisors;

B. Provide for the sale and issuance of licenses and to enforce all provisions of this chapter and all laws of the state relating to the control of dogs and other animals, domestic or wild;

C. Keep a record of the number of all animals impounded, showing in detail in the case of each animal, the description, dates of receipt, the date and manner of disposal, the name of the person redeeming or purchasing, and the fees and charges and proceeds of sales received on account thereof, and such additional records as may be required by the board of supervisors;

D. Take up and impound any stray animal or animals found at large on any public property;

E. When requested in writing to do so, act as the agent of the owner of any land within the unincorporated areas of Glenn County for the purpose of taking up and impounding any stray large animal found on the premises of the owner or upon premises to which he has the right of possession. The animal control officer shall comply with the provisions of Agricultural Code Section 17001 et seq. insofar as the duty to notify the Director of Agriculture is imposed, and he shall, on behalf of the county, thereafter be entitled to the lien provided for in Section 17041 of such code;

F. Take up and impound animals as prescribed by Section 8.04.090.

(Ord. 646 § A (part), 1976.)

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Section 075 Prohibited Actions

It is unlawful within the unincorporated areas of the county for any person owning, harboring or controlling any animal to:

- A. Abandon the animal in any unincorporated area of this county.
- B. Permit the animal to run at large.
- C. Permit the animal to trespass on public or private property.
- D. Permit the animal damage or destroy anything of value thereon, or to commit a nuisance thereon.
- E. Keep the animal when they know, or should know, that the animal is vicious.
- F. Permit the animal to threaten the safety of any person or animal.
- G. Permit a female dog which is in heat or estrus to be accessible to other dogs who are at large.
- H. Permit any animal to trespass on any lands whereon livestock or domestic fowl are kept.
- I. Permit any animal to worry or harass livestock or domestic fowl.
- J. Permit an animal to be staked or tied on any street, public or private, or other public place, or upon any private property where the animal could reach or threaten other animals, children or adults.
- K. Permit an animal to be staked or tied on any street, public or private, or other public place, or upon any private property with the consent of the owner or occupant thereof; provided, that this provision shall only be enforced upon complaint of an interested party.
- L. Refuse to display the animal to beh animal control officer upon his reasonable request, together with a current license tag for such animal if such is required by this chapter.
- M. Refuse to obey the conditions of a lawfully imposed quarantine.
- N. In the case of a dog required to be licensed pursuant to this chapter, permit to remain attached to the dog a license issued by the county or any other county or city in the state for the current or immediately preceding year when the license was not issued for that particular dog.
- O. Permit any animal to be at large or be pastured or ekpt on any street or other public place or on private property against the wishes of the owner or occupant.
- P. Permit any animal to do any other act or thing which would in any manner or place result in injury to any person or the owner or occupant of any real or personal property.
- Q. Keep or harbor any dog or other animal whether licensed or not, which by habitual howling,

yelping, barking or other noise disturbs or annoys any number of persons or any neighborhood.
(Ord. 1141; Ord. 646 § A (part), 1976.)

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Section 080 Taking up Stray Animals--Regulation

Any person who finds any animal which has strayed or is running at large upon his own property or any other place contrary to the provisions of this chapter may take possession of and hold the same, provided, however, that he shall be obligated to notify the animal control officer or any deputy animal control officer, or any deputy sheriff of the fact that he has such animal in his possession within six hours after securing possession thereof, and give such officer full information in regard to the same, and surrender the same to the animal control officer upon demand. The taker-up shall provide adequate and proper care in conformance with the provisions of 597f of the Penal Code.
(Ord 1194 § 3(part), 2007; Ord. 646 § A (part), 1976.)

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Section 090 Duty of Animal Control Officer

It shall be the duty of the animal control officer to take up within the unincorporated areas of this county and impound:

- A. Any animal not having attached to its body a current license tag or brand where such is required by this chapter;
- B. Any animal when there is reason to believe the animal has been abandoned.
- C. Any animal at large.
- D. Any animal trespassing on public or private property.
- E. Any animal which is and/or has damaged or destroyed anything of value.
- F. Any animal which has committed a nuisance.
- G. Any animal which is vicious.
- H. Any animal which threatens the safety of any person or other animal.
- I. Any female dog which is in heat or estrus and accessible to other dogs who are at large.
- J. Any animal trespassing on any lands whereon livestock or domestic fowl are kept.
- K. Any animal worrying or harassing livestock or domestic fowl.
- L. Any animal staked or tied on any street, public or private, or other public place, or upon any private property where the animal could reach or threaten other animals, children or adults.

- M. Any animal staked or tied on any street, public or private, or other public place, or upon any private property without the consent of the owner or occupant thereof.
- N. Any animal whose owner has refused to display the animal to the animal control officer upon his reasonable request, together with a current license tag for such animal if such is required by this chapter.
- O. Any animal whose owner has refused to obey the conditions of a lawfully imposed quarantine.
- P. Any animal required to be licensed pursuant to this chapter, whose owner has permitted to remain attached to the animal, a license issued by the county or any other county or city in the state for the current or immediately preceding year when the license was not issued for that particular animal.
- Q. Any animal found to be at large or be pastured or kept on any street or other public place or on private property against the wishes of the owner or occupant.
- R. Any animal which does any act or thing which would in any manner or place result in injury to any person or the owner or occupant of any real or personal property.
- S. Any animal, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys any person or any neighborhood.
- T. Any animal which has destroyed anything of value.
- U. Any animal when such taking up is necessary for the health and safety of the community.
- V. Any stray or animal at large in violation of any law of this state.
- W. Any animal when such impounding is necessary to facilitate investigation, prosecution or enforcement of this chapter or any other law of this county or state.
(Ord 1141 2001;Ord. 646 § A (part), 1976.)

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Section 100 Notification--Destruction of Animals

A. Upon impounding any animal in accordance within this chapter, the animal control officer shall make a reasonably diligent effort to ascertain the name and address of the owner, either from the licensing records, in the case of a dog carrying a license tag, or from such other sources as the animal control officer may find. If the animal control officer can ascertain the name and address of the animal's owner, the officer shall notify the owner by telephone, and in any event within twenty-four hours of the impoundment shall mail by certified mail a written notice of the impoundment. The notice shall state that the owner may redeem the animal within four business days (not counting the day the animal was picked up, weekends and legal holidays) of the date of the mailing of the notice; providing he pays all impoundment fees, and that if not redeemed within that time, the animal shall be placed in a bona fide home other than the owner's or humanely destroyed. If the animal's owner objects to the impoundment or refuses to redeem the animal within the same within four business days (not counting the day the animal was picked up, weekends and legal holidays)

from the date of impoundment or the date of mailing of the notice as in this section, whichever is later, the animal control officer shall advise the owner that he may forthwith request a hearing before the county hearing officer regarding the circumstances surrounding the impoundment. The hearing shall be held within five days of the filing of the request. At the conclusion of the hearing, the county hearing officer shall order disposition of the animal and may prescribe that the cost of the impoundment shall be borne either by the county, or the animal's owner, or apportioned between them.

B. In no event shall any impounded animal be placed in a bona fide home or destroyed before the expiration of within four business days (not counting the day the animal was picked up, weekends and legal holidays) of the date of the mailing of the notice from the date of impoundment or the date of mailing of the notice as in this section, whichever is later, except that the animal control officer may and he is authorized and empowered to forthwith destroy any impounded animal which is, by reason of injury or disease, dangerous to keep impounded, and report such fact to the owner, if known, and to the county hearing officer.

C. The animal control officer shall determine which animals are placed for adoption (after the allotted holding time). If the animal control officer determines the animal is not suitable for adoption, it will be humanely destroyed.

(Ord. 1141 2001; Ord. 1021 § 1 (Part), 1992; Ord. 791 § 1, 1983; Ord. 670 § A, 1977; Ord. 646 § A (part), 1976.)

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Section 110 Impound Loose Dogs Near Children

For the health, welfare and safety of children, any dog found at large, upon or near any schoolyard, bus stop, road, street, alley or highway where one or more children are gathered shall be forthwith seized by any peace officer or by the animal control officer or his deputies and impounded.(Ord. 1141, 2001; Ord.646 § A (part), 1976.)

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Section 120 Record of Impounded Animals

A. The animal control officer shall keep a record of all animals impounded by him or his deputies which shall show the date of impoundment, license tag number, if any, brand or ear mark, and if sold, name and address of the person by whom redeemed or purchased, the amounts of all fees and other moneys received or collected by him and the disposition thereof.

B. The animal control officer shall keep such other records of impounded animals as may be required of him or as he shall deem necessary in the pursuance of his duties.

(Ord. 646 § A (part), 1976.)

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Section 130 Fees--Redemption

A. The animal control officer shall charge and collect fees for impounded animals when claimed.

Such fees shall be prescribed by resolution of the board of supervisors or as provided by contract with any person or organization contracting with the county for the maintenance of a public pound.

B. Except as provided in subsection D, any animal taken up and impounded pursuant to this chapter may be redeemed by the owner thereafter at any time prior to actual disposal of the animal upon the payment of all fees and costs as provided by the prescribed fee schedule and upon presentation of evidence that the animal is duly licensed where such is required. A signed declaration of ownership shall be prima facie evidence of ownership and shall justify release of the animal to the declared owner.

C. The animal control officer shall charge and collect fees for the destruction of animals, for the placement of animals in bona fide homes or for other disposal when such service is requested by the owner of the animal; provided, however, that upon the animal control officer's written certification that such charges in a given case would probably result in the abandonment of an animal, he may accept such animal from its owner without charge. Such fees shall be prescribed by resolution of the board of supervisors.

D. If the district attorney, sheriff/animal control officer or probation officer determines that any animal impounded under the terms of this chapter should be retained by the county to facilitate investigation, prosecution or other enforcement of this chapter or other county or state law, the animal control officer shall refuse to permit redemption of the animal until the need for retention no longer exists. The cost of such retention, but not including any damages claimed by the owner, shall, after attempted redemption by the owner, be borne by the county.

(Ord. 1194 § 3(part), 2007; Ord. 646 § A (part), 1976.)

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Section 140 Diseased or Vicious Animals--Prohibited

A. No person owning or having charge of any vicious animal shall permit such animal to be or remain upon any street or other public place in the county.

B. No person owning or having charge of any animal that is infected with any disease transmissible to man or that constitutes a public health hazard shall knowingly permit such animal to be or remain within the county other than at an approved veterinary hospital.

C. The animal control officer shall seize any animal he reasonably believes to be diseased, vicious or which is alleged to have bitten any person. He shall keep such animal in a safe place long enough to observe, examine and determine whether it is diseased or vicious so as to be a menace to public health or safety.

D. Diseased or vicious animals which are a menace to public health or safety shall be destroyed.
(Ord. 1141 2001; Ord. 646 § A (part), 1976.)

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Section 150 Habitual Problem Animals--Impoundment

The keeping or harboring of any animal, whether licensed or not, which by habitual howling, yelping, barking or other noise, or is a habitual nuisance by reason of trespassing or disturbance or

is damaging property, or is vicious or by its actions potentially vicious, or in any other manner causes undue annoyance, is unlawful. The animal control officer, if he finds such nuisance to exist, shall serve notice upon the owner or custodian that such activity constitutes a public nuisance and must be abated. If such nuisance is not abated within three days of service of the notice, the animal control officer shall impound the animal in accordance with Section 8.04.100. (Ord. 1141 2001; Ord. 670 § B, 1977; Ord. 646 § A (part), 1976.)

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Section 160 Habitual Problem Animals--Private complaint

The keeping or harboring of any animal, whether licensed or not, which by habitual howling, yelping, barking or other noise or is a habitual nuisance by reason of trespassing, or disturbance or is damaging property, or is vicious or by its actions potentially vicious, or in any other manner causes undue annoyance is unlawful. Whenever it is affirmed in writing by five or more persons having separate residences in the neighborhood that any animal, whether licensed or not, which by habitual howling, yelping, barking or other noise or is a habitual nuisance by reason of trespassing, howling, barking or creating other noise or disturbance or is damaging property, or is vicious or by its actions potentially vicious, or in any other manner causes undue annoyance, the animal control officer, if he finds such nuisance to exist, shall serve notice upon the owner or custodian that such activity constitutes a public nuisance and must be abated. If such nuisance is not abated within three days of service of the notice, the animal control officer shall impound the animal in accordance with Section 8.04.100.

(Ord. 1141 2001; Ord. 670 § C, 1977; Ord. 646 § A (part), 1976.)

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Section 170 License Requirement

Every person owning or having control, custody or possession of any dog within the limits of the unincorporated areas of the county shall procure a license for each dog over four months of age as provided herein. No license shall be issued unless such dog has first been vaccinated as provided in Sections 8.04.310 and 8.04.320 and evidence is presented to prove that such vaccination will cover the period of the license period fixed in Section 8.04.180. (Ord. 646 § A (part), 1976.)

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Section 180 Tags & Certificates--Procurement

The Animal Control Officer shall procure an appropriate supply of serially numbered dog license certificates and tags as may be sufficient for use during annual, biennial, or triennial licensing. The certificates and tags shall be effective for a period commencing on the first day of the month in which they are issued and continuing until the last day of the immediately preceding month of the first, second, and third succeeding year thereafter.

(Ord. 1129 § 1(part); Ord. 1045 § 1 (Part) 1994; (Ord. 857 § 1, 1986; Ord. 853 § 1 (part), 1986; Ord. 646 § A (part), 1976.)

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Section 190 Tags & Certificates--Issuance

A metallic tag and license certificate with corresponding numbers shall be issued and furnished by the animal control officer to any person upon payment of the fee prescribed by the board of supervisors. Each license certificate shall include descriptive identification of the dog for which the tag and certificate are issued, the name and address of the dog's owner, and the name and address of the veterinarian or veterinary facility that last vaccinated the dog for rabies. The tag and corresponding certificate shall constitute the license of the dog for which they are issued and shall be valid only for the period for which issued. (Ord. 1045 § 2 (Part) 1994; Ord. 968 § 1 (part), 1990; Ord. 853 § 1 (part), 1986; Ord. 646 § A (part), 1976.)

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Section 200 Fees

A. The annual, biennial, and triennial license fee for each dog over the age of four months shall be as set forth in the fee schedule prescribed by Resolution of the Board of Supervisors.

B. Upon presentation of proper proof of spaying or neutering, certified by a licensed veterinarian, the license fee shall be issued for one-half of less of the basic license fee, as set by the Board of Supervisors.

(Ord. 1129 § 1 (part); Ord. 968 § 1 (part), 1990; Ord. 853 § 1 (part), 1986; Ord. 831 § 1, 1985; Ord. 646 § A (part), 1976.)

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Section 210 Duplicate Tags

Whenever a tag issued for the then current period by the animal control officer or license collector, has been lost or stolen, the owner or possessor of the dog for which the same was issued may, upon the payment of the appropriate fee as set forth in the fee schedule prescribed by resolution of the board of supervisors to the animal control officer and upon making and subscribing to any affidavit of such loss and filing the same with the animal control officer, receive a duplicate tag for such animal. (Ord. 853 § 1 (part), 1986; Ord. 831 § 2, 1985; Ord. 646 § A (part), 1976.)

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Section 220 Dogs of Nonresidents

The provisions of Sections 8.04.170 through 8.04.210 shall not apply to any dog owned by or in the care or charge of a nonresident of the county who is traveling through the county or temporarily sojourning therein for a period not exceeding thirty days, nor to any dog temporarily brought into the county for the exclusive purpose of being entered in a bench show or dog exhibition or for breeding purposes, provided such dog is so entered and not kept elsewhere in the county. (Ord. 646 § A (part), 1976.)

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Section 230 Time Limit--Records

The Animal Control Officer shall keep a record of the name and address of each owner or person

making payment of any license fee and to whom a certificate and tag have been issued and the number and date of such certificate and such tag.

(Ord 1129 § 1 (part), 2000; Ord 1045 § 3, (Part), 1994; Ord. 853 § 2, 1986; Ord 831 §§ 3, 4, 1985; Ord. 646 § A (part), 1976.)

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Section 240 Tag to be Worn

Every license tag issued pursuant to this chapter shall be securely fixed to a collar, harness or other device to be worn at all times on the neck of the dog for which the license is issued. (Ord. 1045 § 4 (part), 1994; Ord. 646 § A (part), 1976.)

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Section 250 Tag Must be Shown

No person shall fail or refuse to show to the animal control officer, any deputy animal control officer, or any deputy sheriff of the county, the license certificate and the tag for any duly registered dog kept or remaining within any home or upon any enclosed premises under his immediate control. (Ord. 646 § A (part), 1976.)

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Section 260 Removal of License Tags

No unauthorized person shall remove from any dog any collar, harness, or other device to which is attached a license tag for the current year, or remove such a tag therefrom. (Ord. 1045 § 5 (part), 1994; Ord. 646 § A (part), 1976.)

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Section 270 Counterfeiting Tags--Prohibited

No person shall imitate or counterfeit the tags provided for in this chapter, or use any imitation or counterfeit of such tag. (Ord. 646 § A (part), 1976.)

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Section 280 Misuse of tags

No person shall attach a license tag issued by this county or any other agency or jurisdiction for the current or immediately preceding period to a dog when such person knows or should know that the license tag was not issued for such dog. (Ord. 853 § 3, 1986; Ord. 646 § A (part), 1976.)

○

Section 290 License not Transferable

License certificates and tags issued pursuant to this chapter are not transferable. (Ord. 1045 § 6 (part), 1994; Ord. 646 § A (part), 1976.)

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Section 300 Exemptions From Licenses, Tags or Fees

The following dogs are exempt from the requirement for a license:

A. Dogs less than one hundred twenty days old;

B. Dogs licensed and vaccinated in other jurisdictions for a current valid period of license when such dogs have been reregistered with Glenn County and issued a license tag at one-half of the standard fee;

C. Dogs on sale in a duly licensed pet shop;

D. Dogs used for the purpose of leading persons with defective eyesight. Any blind person having custody and control of any Seeing Eye dog may file an affidavit biennially with the animal control officer. The affidavit shall contain the name and address of the blind person, the required description of the dog and the statement "I am blind. I have a Seeing Eye Dog." The applicant may deliver the affidavit and a current rabies certificate to the animal control officer who shall thereupon endorse the license receipt, "Blind Person. Seeing Eye Dog," and deliver the license tag without charge.

(Ord. 968 § 1 (part) 1990; Ord. 646 § A (part), 1976.)

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Section 310 Rabies Vaccination Required

Every owner of a dog over four months of age that resides or is otherwise kept in the unincorporated area of the county shall cause such dog to be vaccinated for rabies with a state-approved vaccine administered by a duly licensed veterinarian. (Ord. 1045 § 7, (part), 1994; Ord. 853 § 4, 1986; Ord. 631 § 5, 1985; Ord. 646 § A (part), 1976.)

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Section 320 Vaccination Certificate

A. Every dog owner whose dog has been vaccinated pursuant to the provisions of this chapter, Chapter 8.06, or Section 1920 of the Health and Safety Code or any amendments thereto, shall be issued a certificate of vaccination by the veterinarian that complies with the requirements of Section 2606.4 (a)(2) of Title 17 of the California Code of Regulations. Such certificate shall be exhibited by owner to the animal control officer or any peace officer upon demand at any reasonable time.

B. A license certificate and tag shall not be issued for any dog unless and until a copy of the certificate for the dog's current vaccination is received by the animal control officer.

C. A copy of each certificate of vaccination issued by a veterinarian for a dog kept within the

unincorporated or incorporated areas of the county shall be delivered to the county animal control officer within thirty days after the issuance thereof.
(Ord. 1045 § 8 (part), 1994; Ord. 968 § (part), 1990; Ord. 831 § 6, 1985; Ord. 646 § A (part), 1976.)

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Section 330 Quarantine of Animals

The animal control officer shall ensure that all animals shall be isolated, quarantined and/or destroyed as prescribed under the provisions of Title 17 of the California Code of Regulations. The administration and enforcement will be in accordance with Sections 120435 through 121690 of the California Health and Safety Code. (Ord 1099, § II, 1998; Ord. 646 § A (part), 1976.)

○

Section 340 Duty to Report Rabid Animals

A. Any person having knowledge of the whereabouts of an animal or the carcass of an animal known to have or suspected of having rabies shall immediately notify the animal control officer. Every person having any such information shall disclose the same after demand by the health officer or the animal control officer.

B. When notified of the whereabouts of such an animal, the animal control officer shall notify the health officer who shall direct the animal control officer as to the immediate disposition of the animal in accordance with Sections 120435 through 121690 of the California Health and Safety Code and provisions under Title 17 of the California Code of Regulations.
(Ord. 1099, § III, 1998; Ord. 646 § A (part), 1976.)

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Section 350 Duty to Assist in Quarantine of Suspected Rabid Animals

It is the duty of any person having knowledge that any dog or other animal has or is suspected of having bitten any human being within the county to report immediately that fact to the animal control officer or to the health department and to furnish complete information regarding the incident. In The event that the animal control officer secures information of the existence of any case of rabies or other animal disease dangerous to human beings, he shall immediately report the same to the health officer. The owner of any animal which has or is suspected of having bitten any person within the preceding fourteen days, shall immediately, upon demand, surrender such animal to the animal control officer for purposes of quarantine or confinement pursuant to Section 8.04.330. It is unlawful and a misdemeanor for any person having control, custody or possession of the animal, whether or not he is the owner of the animal, to fail to surrender such animal to the animal control officer upon demand, or to in any way hinder, interfere with or delay the animal control officer in the performance of his duties under the provisions of this chapter. (Ord. 646 § A (part), 1976.)

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Section 360 Violation of Quarantine

A. It is unlawful and a misdemeanor for the owner or keeper of any animal to violate any of the conditions of isolation or quarantine prescribed by the health officer, the animal control officer or their assistants.

B. The costs of impounding any animal when such impounding is ordered by the health officer shall be a proper charge against funds budgeted for animal control; provided, however, that in the case of rabies where it cannot be proven that a dog so impounded has been vaccinated against rabies as required by law, then the owner of such dog shall pay all expenses of such impounding.
(Ord. 646 § A (part), 1976.)

○

Section 370 Exemption From Vaccination

A. Any dog may be exempted from antirabic vaccination if its owner presents to the animal control officer a statement in writing from a licensed veterinarian that the dog is not in physical condition to be vaccinated or that antirabic vaccination would be detrimental, for a physiological reason, to such dog's health. Such written statement must be presented to and endorsed by the animal control officer within five days of the examination. The intent of this provision is to cover periods of actual illness and not to exempt animals because of age alone.

B. Notwithstanding the provisions of the chapter, the provisions of the Health and Safety Code and California Code of Regulations of the state relating to rabies shall control when such provisions are more stringent than those provided in this chapter.

(Ord. 1099 § IV (part), 1998; Ord. 646 § A (part), 1976.)

○

Section 380 Special Rabies License

Whenever the State Department of Public Health determines that a rabies epidemic exists in the county, a special additional dog license tax as provided in Sections 1912, 1913 and 1914 of the California Health and Safety Code shall be imposed as provided therein. (Ord. 646 § A (part), 1976.)

○

Section 390 Vaccination Clinics

It shall be the responsibility of the animal control officer to arrange for dog vaccinations at clinics operated by veterinary groups or associations held at strategic locations throughout the county. No charge in excess of actual cost shall be made for any one vaccination at such clinic. No owner of a dog shall be required to have his dog vaccinated at a public clinic if the owner elects to have the dog vaccinated by a licensed veterinarian of the owner's choice. (Ord. 646 § A (part), 1976.)

○

Section 400 Licensing Requirements

Every person who is the legal owner or actually in control of or operates a commercial kennel or pet shop, unless otherwise exempt, shall apply to and procure a kennel license for each biennium or any portion thereof from the animal control officer. Application for such kennel license shall be made on the form provided by the animal control officer. No kennel shall be hereinafter established unless the person proposing to act as kennel operator shall first apply for and receive a kennel license pursuant to this chapter. (Ord. 968 § 1 (part), 1990; Ord. 646 § A (part), 1976.)

○

Section 410 Inspection of Kennels

No original kennel license shall be issued unless and until the premises have been inspected and approved by the animal control officer or health department officer as meeting the appropriate standards set forth in Section 8.04.430, 8.04.440 and 8.04.470.

No such inspection shall be a prerequisite to renewal of kennel or pet shop licenses, and the fact of such renewal shall not be construed as an approval of the conditions of the kennel or the manner in which it is operated. (Ord. 646 § A (part), 1976.)

○

Section 420 License Fees

A. The animal control officer shall issue a commercial kennel or pet shop license for the biennial years upon filing with him a properly completed application and upon payment of the prescribed fee.

B. The fee for a kennel or pet shop license shall be as provided in the fee schedule prescribed by resolution of the board of supervisors.
(Ord. 646 § A (part), 1976.)

○

Section 430 Zoning Compliance

No original license for a kennel or pet shop, and no license for a hunting pack or stock pack of dogs shall be issued until the planning authority has cleared the proposed license for compliance with Title 15 of this code. (Ord. 1183 § 2, 2006; Ord. 1066 § 1 & 2, 1996; Ord. 646 § A (part), 1976)

○

Section 440 Rabies Vaccination Certificate

No kennel or pet shop license shall be issued unless the applicant therefor displays at the time of application certificates showing that all dogs permanently kept in the kennel or pet shop have been vaccinated against rabies. (Ord. 646 § A (part), 1976.)

○

Section 450 Delinquent License

Any license which was properly issuable more than thirty days prior to the actual date of issuance shall be subject to penalties prescribed in the schedule of fees adopted by resolution of the board of supervisors. (Ord. 646 § A (part), 1976.)

○

Section 460 Kennel License Tags

At the time of issuance of a kennel license, the animal control officer shall issue a special kennel license tag to the licensee. No dog kept by the kennel shall be taken therefrom without having attached to its body a tag issued pursuant to this provision, unless the dog is otherwise licensed and has attached to it a tag issued pursuant to this chapter. (Ord. 968 § 1 (part), 1990; Ord. 646 § A (part), 1976.)

○

Section 470 Sanitation & Inspection

All commercial kennels and pet shops shall be designed to provide adequate exercise areas and to permit the premises to be kept in a clean and sanitary condition; constructed so as to prevent animals confined therein from running at large; maintained that they will not cause detriment or nuisance in the immediate neighborhood. Periodic inspections of licensed kennels and pet shops shall be made by the animal control officer at such intervals as he deems necessary. Such inspections may also be made by the health officer or his designated agent at the request of the animal control officer or on his own initiative. Inspecting officers shall use reasonable caution to prevent contamination of any pet shop or kennel during inspection. (Ord. 646 § A (part), 1976.)

○

Section 480 Revocation of License

A. When, after inspection, conditions exist which he believes are in violation of this chapter or state law and warrant the revocation of a commercial kennel or pet shop license, the animal control officer or health officer shall report such facts to the county hearing officer with a recommendation that such permit be revoked. The licensee's refusal to permit reasonable inspection to the licensed premises by the animal control officer, or his failure to make the premises available for inspection after reasonable notice, shall constitute a valid ground for revocation.

B. After receipt of such recommendation and upon ten days, written notice of the time and place thereof, the county hearing officer shall hold a hearing on the recommendation and, at the conclusion thereof, may permit the continued operation under the permit or revoke the permit. Should the county hearing officer order the revocation of the permit, he may direct that no similar permit be issued to the licensee for a period not to exceed one year following the revocation. The licensee, animal control officer or health officer shall have the right of appeal to the board of supervisors from any decision of the county hearing officer by filing a written notice of appeal with

the County Clerk within ten days of such decision. This section shall not be interpreted to limit any power granted to the animal control officer or the health officer under any other provision of law. (Ord. 646 § A (part), 1976.)

○

Section 490 Display of License

The kennel or pet shop license issued as required by this chapter shall be conspicuously displayed upon the kennel or pet shop premises. (Ord. 968 § 1 (part), 1990; Ord. 646 § A (part), 1976.)

○

Section 500 Transfer of License

Within thirty days after the transfer of ownership of any kennel or pet shop licensed pursuant to this chapter, the new owner shall apply to the animal control officer for the transfer of the license to his name. Such transfer shall be made without charge by the animal control officer. The fact of the transfer shall not be construed as an approval of the condition of the kennel or the manner in which it is observed. (Ord. 646 § A (part), 1976.)

○

Section 510 Hunting Pack License

Any person who owns or controls a pack of three to five hunting breed dogs for the exclusive purpose of hunting and running shall pay an annual license fee as set forth in the fee schedule, adopted by the Resolution of the Board of Supervisors, for such pack which shall be the license for all hunting dogs, regularly kept upon the premises and constituting such pack. (Ord 1129 § 1 (part), 2000;Ord. 1021 § 2 (Part), 1992; Ord. 968 § 1 (part), 1990; Ord. 646 § A (part), 1976.)

○

Section 520 Working or Stock Pack License

Any person who owns or control a pack of three to five working or stock dogs for the purpose of herding or otherwise working cattle, sheep, or other livestock, shall pay an annual license fee as set forth in the fee schedule adopted by Resolution of the Board of Supervisors for such pack, which shall be the license for all working dogs regularly kept upon the premises and constituting such pack. (Ord 1129 § 1 (part), 2000;Ord. 1021 § 2 (Part), 1992; Ord. 968 § 1 (part), 1990; Ord. 646 § A (part), 1976.)

○

Section 530 Wild, Exotic or Non-Domestic Animals in Captivity

A. No person shall have, keep, maintain, sell, trade or let for hire any wild, exotic, dangerous or non domestic animal without first applying to and receiving special authorization from the animal control officer. The animal control officer shall not grant such authorization until the applicant

demonstrates compliance with Chapter 2 (commencing with Section 2116) of Division 3 of the California Fish and Game Code. The keeping or maintaining of such animals shall also conform to the appropriate zoning code.

B. The animal control officer may authorize the keeping or maintaining of any nondomestic, wild, exotic or dangerous animal when any such animal may be kept or maintained without endangering the safety of any person or property; provided, however, that the animal control officer may require any such animal to be properly caged, tethered or restrained, and he may make such additional requirements that may be necessary and proper under the circumstances. He may revoke such authorization when, in his opinion, the safety of any person or property is endangered by the keeping of any such animal.

C. The provisions of this section shall not be applicable to licensed circuses, carnivals, zoos, or other collection of wild animals under jurisdiction of a city, county, state or federal government. (Ord. 829 § 1, 1985; Ord. 646 § A (part), 1976.)

○

Section 540 Trapping Wild Animals

A. No person shall trap or capture wild animals of a species subject to rabies within the unincorporated areas of this county for the purpose of selling the animal alive for profit unless the person files first with the animal control officer and the health officer a complete statement of such contemplated activities and thereafter complies with such rules and regulations relating to rabies control as may be prescribed by the animal control officer. Such person shall also comply with any and all state laws applicable to the trapping and possession of wild animals.

B. Wild animals shall be either returned to their natural habitat or destroyed in the discretion of the animal control officer, but no disposition thereof shall be in violation of any law of this state providing for the protection or regulation of wild animals. (Ord. 646 § A (part), 1976.)

○

Section 550 Disposal of Dead Animals

A. When any dog or other animal or fowl owned by or in the custody or control of any person dies in the county, such person shall within a reasonable time period provide for the burial, incineration or other disposition of the body of such dead animal or fowl in a safe and sanitary manner.

B. Upon learning that the body of a dead animal located within the county has not been disposed of in a safe and sanitary manner or upon the request of the person in charge of such body, the animal control officer may upon payment of the prescribed fee dispose of the body immediately.

C. The animal control officer shall collect a fee as provided in the fee schedule adopted by resolution of the board of supervisors to defray the costs incidental to removal and disposal of bodies of animals. The owner or person in charge of any dead animal shall pay the fee. (Ord. 1099 § V (part), 1998; Ord. 646 § A (part), 1976.)

○

Section 560 Dead Animals on Public Property

A. The animal control officer shall not be required to move and dispose of the bodies of dead animals, wild or domestic, on state or interstate highways or on state or federal property within the county.

B. The animal control officer may remove and dispose of the remains of dead animals on city-owned property pursuant to agreement between the county and the city concerned.

C. The animal control officer shall remove and dispose of the remains of dead animals on county-owned property.

D. The actual costs incurred by the animal control officer in removing and disposing of remains of dead animals pursuant to this section shall be recovered pursuant to contract between the county and any public agency on whose behalf the county provides such services, or, in the case of other dead animals, such costs shall be charged against the owner or keeper of the animal, if known. (Ord. 1045 § 9 (Part), 1994; Ord. 646 § A (part), 1976.)

○

Section 570 Teasing Animals Prohibited-- Exception

No person, except a peace officer or animal control officer in the performance of his duty, shall tease any animal. No parent shall allow or knowingly permit a minor child to incite any animal to vicious acts or to tease any animal. (Ord. 646 § A (part), 1976.)

○

Section 580 Obstructing an Officer Unlawful

It is unlawful for any person to resist, hinder or obstruct the animal control officer or the health officer or any of their deputies in the exercise of their duties as imposed by this chapter. (Ord. 646 § A (part), 1976.)

○

Section 600 Contracts with Cities

A. The board of supervisors may enter into a joint exercise of powers agreement with any incorporated city in this county whereby such services as are provided by this chapter to the unincorporated areas of the county may be rendered and extended to the incorporated city.

B. The board of supervisors may contract with a city within the county for performance of the city's animal control or rabies control function, or both, pursuant to Chapter 1 (commencing with Section 51300) of Part 2 of Division 1 of Title 5 of the Government Code.

C. Any agreement entered into pursuant to subsection A or B shall include, at a minimum, a description of the services to be provided by county officers and employees acting on behalf of the contracting city (including the licensing of dogs pursuant to this chapter), a provision for the amount, manner and timing of payment of compensation to the county, and provisions for adequate notice to be given by the county or contracting city for any termination of the agreement.

D. If a city that contracts with the county for services under this section adopts by ordinance all or

part of this chapter by reference, the animal control officer shall enforce those provisions within the city to same extent as those provision are enforced in the unincorporated area of the county, unless the contract provides for a different level of service.

(Ord. 1045 § 11 (part), 1994; Ord. 646 § A (part), 1976.)

○

Section 610 Revenue--Animal Control Fund

A. All fees for the issuance of dog license tags and all times collected pursuant to this chapter shall be paid into the county treasury and shall constitute a fund to be known as the "animal control fund" which shall be used to:

1. Pay costs for the issuance of dog license tags;
2. Pay fees, salary costs, expenses or any or all of them for the enforcement of this chapter;
3. Pay damages to owners of livestock which are killed by dogs pursuant to the provisions of Sections 30653 through 30655 of the Agricultural Code;
4. Pay costs of any hospitalization or emergency care of animals pursuant of Section 597 (f) of the Penal Code.

B. At the end of each fiscal year, the surplus, if any, in the animal control fund not needed for the regulatory program shall be transferred to the general fund of the county; provided, however, that such surplus accumulates incidentally to the regulatory program, that the fees imposed are not disproportionate to the requirements of the program, and that a sufficient sum remains in the fund to carry out adequately the regulatory needs, including indemnifying owners of livestock killed by dogs.

(Ord. 646 § A (part), 1976.)

○

Section 620 Animal Adoption Spay/Neuter Deposit Fund

All fees for the placement of animals in bona fide homes, as described in Article III of this chapter shall be paid into the county treasury and shall constitute a fund to be known as the "Animal Adoption Spay/Neuter Deposit Fund," which shall be used as follows:

A. Upon proof of the spaying or neutering of the adopted animal within a period of 60 days from the date of adoption of the animal is over six months of age, or within six months from the days of adoption, if the animal is under six months of age, the adoption fee shall be refunded to the person who originally paid the fee pursuant to Food & Agricultural Code §§ 30503 and 31751.

B. Upon expiration of the 60 days or six month period specified in subdivision (A) without a claim for a refund, the adoption deposit fees shall remain in said fund so as to accumulate an adequate reserve for specific uses as required under Food & Agricultural Code §§ 30503 and 31751.

C. Animals already spayed or neutered at the time of adoption shall be without charge, but receipt of the transaction will be recorded.

(Ord. 1021 § 3 (Part) 1992; Ord. 968 § 1 (part), 1990; Ord. 646 § A (part), 1976.)

- **Chapter 060 Rabies Control**

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- **Section 010 Intent**

- - A. It is the intent of this chapter to provide for coordination of the administration of animal control and rabies control programs provided by the county within the unincorporated areas of the county and within cities in the county that contract for such services.

- - B. Except as provided in Chapter 8.04, the health officer shall have primary responsibility for administration of those provision of the Health and Safety Code and related ordinances dealing with rabies control, as more particularly set forth in Chapter 3 (commencing with Section 1900 of Division 3 of the Health and Safety Code). The animal control officer shall have primary responsibility for administration of those provision of the Food and Agriculture Code and related ordinances dealing with the regulation and licensing of dogs, as more particularly set forth in Division 14 (commencing with Section 30501) of the Food and Agriculture Code. (Ord. 1045 § 12 (part), 1994)

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- **Section 020 Services Provided**

- - A. The health officer and animal control officer shall jointly determine the kinds and levels of services to be provided as part of the county's rabies control programs, subject to the availability of funds in any fiscal year to support such programs.

- - B. The level of rabies control provided within the boundaries of any city that has contracted for animal control services pursuant to Section 8.04.600 shall be identical to the level of rabies control services provided within the unincorporated area, unless the contract otherwise provides.

- - C. During any period in which the county has been declared a rabies area pursuant to Section 1920 of the Health and Safety Code, the level of rabies control services provided within a city which has not contracted with the county for animal control services pursuant to Section 8.04.600 shall be the same as that provided within the unincorporated area of the county, unless the city contracts with the county for a different level of rabies and control services. (Ord. 1045 § 12 (part), 1994)

-

- **Section 030 Effect of Rabies Area Designation**

- - During any period in which the county has been declared a rabies area pursuant to Section 1920 of the Health and Safety Code:

- - A. Any dog license issued by the county shall be deemed to meet the licensing requirements of that

section and not further evidence of vaccination for rabies of any dog so licensed shall be required.

B. Any dog license issued by any city shall not constitute evidence of the current vaccination for rabies of the dog so licensed, unless the city, by ordinance, conditions the issuance of such license upon the prior vaccination of the dog for rabies and limits the licensing period to the remaining period of validity for the dog's current rabies vaccination as required by Section 2606.4 of Title 17 of the California Code of Regulations.

C. The owner of any dog not licensed pursuant to subsection A or whose license is not deemed to be evidence, pursuant to subsection B, of the dog's current vaccination for rabies, shall secure a vaccination certificate and tag from the animal control officer in the same manner provided in by Chapter 8.04 for the issuance of license certificates and tags. All other provisions of Chapter 8.04 requiring and pertaining to the licensing of dogs apply in all respects to a dog for which a vaccination certificate and tag have been issued in lieu of a license. However, the issuance of a vaccination certificate and tag for a dog pursuant to this subsection does not satisfy any other law requiring that the dog be licensed. The fee established pursuant to Section 8.04.200 for the licensing of a dog is the fee for issuance of a vaccination certificate and tag pursuant to this section.

D. Pursuant to section 510 of the Health and Safety Code, there is hereby imposed within every city that licenses dogs a fee for rabies control services to be collected by that city for each dog licensed by the city. The fee shall equal the fee established pursuant to Section 8.05.200 for the licensing of a dog by the county and shall be collected each time a dog is licensed by the city. All such fees shall be remitted by the city to the county animal control officer within five business days of collection and be deposited into the county treasury as revenue to the animal control officer. Two-thirds of the fee received by the county under this subsection for any dog to which subsection C applies shall be credited against the fee due under subsection C for the dog's vaccination certificate and tag.

(Ord. 1045 § 12 (part), 1994)

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Section 050 Revenue

A. Except as provided in Subsections B & C, fees for services rendered by the health officer and animal control officer to implement this chapter shall be set by resolution by the board of supervisors and shall be due and payable before such services are rendered.

B. Fees for services for which actual costs cannot be readily determined, e.g., the costs of impounding animal suspected of exposure to rabies and the costs of impounding and testing biting animals, shall be the actual cost incurred by the county in providing the service. Payment of such fees is the responsibility of the owner or keeper of the animal or any person claiming an ownership interest in the animal.

C. Fees if any, for services rendered to or on behalf of a city pursuant to a contract made under Section 8.04.600 shall be determined by reference to the contract. Fees for services provided by the county to a city which has not contracted with the county for such services pursuant to Section 8.04.600 shall be charged against and be the responsibility of the city, if such services are determined by the health officer to be outside the scope of responsibility of the health officer for rabies control, e.g., impoundment of wild or domestic animals captured or taken within the limits of

the city at the request of such a city or its officers, employees or residents, when such animals are thereafter determined not to be rabid.

D. All fees and fines collected pursuant to this chapter shall be paid into the county treasury and credited as revenue to the animal control officer or health officer, as appropriate.
(Ord. 1045 § 12 (part), 1994)

○

Section 060 Limitations of Chapter

Nothing in this chapter shall be deemed or construed to:

A. Infringe upon the right and power of any city which has not contracted with the county for animal control services pursuant to Section 8.04.600 to require licensing of dogs, or upon the duty of such a city to require, during any period when the county has been declared a rabies area, that dogs be vaccinated for rabies as a prerequisite to such licensing.

B. Relieve any dog owner of any duty imposed by other laws regarding the licensing, care, treatment or keeping of dogs.

C. Relieve any peace officer of the duty imposed by Section 1906 of the Health and Safety Code to enforce the provisions of Article 1 (commencing with Section 1900) of Chapter 3 of Division 3 of the Health and Safety Code, pertaining to rabies control.
(Ord. 1045 § 12 (part), 1994)

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Chapter 080 Activities Prohibited at Rodeos & Other Events

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Section 010 Definitions

"Rodeo" means a public event or competition of the skills of cowboys or cowgirls, including, but not limited to such events as: bareback riding, saddle bronc riding, bull riding, calf roping, steer wrestling, team roping, steer roping, and barrel racing. "Rodeo" includes any charreadas or similar event. (Ord. 1047 § 1, 1994)

○

Section 020 Equine Animals

No person shall intentionally trip or fell any equine animal (including but not limited to, any horse, mare, pony, ass, donkey, burro, mule, or hinny) by the legs by any means whatsoever at any rodeo or any other time or place for the purpose of entertainment, sport or practice. (Ord. 1047 § 1, 1994)

○

Section 030 Organized Events

No person shall knowingly organize, sponsor, conduct or operate any event at which activities prohibited by this chapter are planned, caused or otherwise permitted to occur. (Ord. 1047 § 1, 1994)

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Section 040 Alternative Remedies

A. The animal control officer or any peace officer may seize and cause to be impounded and provide treatment for any animal injured as a result of conduct prohibited by this chapter. For the purpose of Section 599e of the Penal Code, animal control officer or any peace officer effecting an impoundment of an animal pursuant to this chapter shall be deemed to be a lawful possessor of the animal.

B. Every person convicted of a violation of this chapter shall be liable to the impounding officer and to any caregiver for the cost of impounding, caring for or destroying any animal injured as a result of the conduct for which the person was convicted.

C. If any conduct prohibited by this chapter is also unlawful under the laws of the State of California, as such laws exist at the time the conduct occurs, then such conduct shall not be deemed to be conduct prohibited by this chapter if the affected person is charged and convicted under any such state law.

(Ord. 1060 § 43, 1995; Ord. 1047 § 1, 1994.)

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