

## CHAPTER 6.25 - PET SHOP AND KENNELS

## 6.25.010. - Permit; required; exception.

Any person, firm, or corporation proposing to operate a commercial pet shop or a commercial kennel shall first apply to the Animal Care Officer for a written permit for such activity. No permit shall be required of and this Chapter shall not apply to any kennel operated as a hobby.

(Prior Code, § 6.25.010; Ord. No. 719; Ord. No. 832)

## 6.25.020. - Permit; operation without.

It shall be unlawful to operate a pet shop or kennel governed by the terms of this Chapter without a valid permit as provided herein.

(Prior Code, § 6.25.020; Ord. No. 719; Ord. No. 832)

## 6.25.030. - Definitions.

The following terms used in this Chapter are defined as follows:

- (1) *Animal* includes, but is not limited to, any animal, poultry, bird, reptile, or fish, either wild or domestic.
- (2) *Animal Care Officer* means any person appointed by the Board of Supervisors to enforce this Chapter and includes all duly authorized deputies.
- (3) *Commercial purposes* means any use which involves the keeping of three or more cats and/or dogs four months of age or older (regardless of ownership) for breeding, boarding, training, grooming, or other commercial purposes. The keeping and/or breeding of dogs and/or cats in excess of those permitted as a "hobby" shall be deemed a commercial use. Dogs used in herding livestock incidental to a permitted agricultural use are excluded.
- (4) *Hobby* means the owning or breeding of up to seven dogs and/or cats four months of age or older primarily for personal use. Such use may include, but shall not be limited to: household pets; the participation in recognized conformation shows; field and obedience trials; racking; scenting; specialized hunting or working trials, and water trials; service training; for the purposes of improving the physical soundness, temperament, and conformation of a given breed to a standard; or for rescue/foster purposes. Hobby kennels are limited to breeding and selling no more than two litters per 12-month period regardless of the number of dogs and/or cats owned or providing

no more than five instances of the performance of services to animal owners with a 12-month period. Dogs used in livestock incidental to a permitted agricultural use are excluded.

- (5) *Kennel* means a place, facility or premises where, for commercial purposes three or more dogs or one or more cats are kept or housed, and where animals are kept to be bred, shown, sold, purchased, boarded, trained.
- (6) *Person* means a natural person, firm, partnership, co-partnership, association, company, corporation, estate, trust, or organization of any kind.
- (7) *Personal purposes* means the keeping of no more than four dogs, four cats or a combination of such animals (four months of age or older) not to exceed a total of four. Personal purposes shall include the temporary fostering or care of dogs and/or cats where the total number of animals owned and/or fostered shall not exceed four. Dogs and/or cats kept for personal purposes are limited to no more than one litter per 12-month period regardless of the number of dogs and/or cats owned. The keeping and/or breeding of dogs and/or cats as household pets in excess of those permitted as a "personal purpose" shall be deemed as a hobby or commercial use as defined above.
- (8) *Pet shop* includes any premises or facilities used, occupied, owned, or managed by any person, firm, or corporation where live animals are kept for sale as domestic pets.

(Prior Code, § 6.25.030; Ord. No. 719)

#### 6.25.040. - Permit; reports on applications by County departments.

Upon filing of an application for a permit pursuant to this Chapter the Animal Care Officer shall distribute copies of such application to the Community Development and Services Agency's Planning Department and Building Inspection Department, and the Sheriff for review. Within 30 days of receipt of such copies said departments shall submit to the Animal Care Officer their reports and recommendations regarding the proposed operation. The Animal Care Officer may rely on these reports and recommendations in his or her decision whether to grant or deny the application.

(Prior Code, § 6.25.040; Ord. No. 719; Ord. No. 832)

#### 6.25.050. - Applicability of zoning regulations.

A pet shop or kennel may not be operated in the unincorporated area of the County of Yuba in conflict with the Yuba County Zoning Ordinances except as allowed by such ordinances.

(Prior Code, § 6.25.050; Ord. No. 719)

#### 6.25.060. - Current permits or licenses.

All persons, firms, or corporations now operating or conducting a pet shop or kennel under a currently valid permit or license issued by the County of Yuba, or any department of same, may continue to operate such kennel or pet shop until said permit or license expires by its terms. Upon expiration of such permit or license, the permittee or licensee shall apply for a permit or license under the terms and conditions of this Chapter. Upon adoption of this Chapter, the Animal Care Officer shall notify every existing permittee or licensee of the adoption of this Chapter.

(Prior Code, § 6.25.060; Ord. No. 719; Ord. No. 832)

#### 6.25.070. - Permit; standards.

The Animal Care Officer shall issue a permit for the operation of a pet shop or kennel to be valid for a period of one year from date of issuance, if he or she finds that:

- (1) The pens and cages to be constructed or constructed shelter the animals from inclement and unfavorable weather.
- (2) The pens, cages, and other facilities shall provide adequate cleaning and drainage capability.
- (3) Facilities are provided that will assure an adequate and continuous supply of fresh, cool water for the animals.
- (4) The doghouses must be constructed with smooth, easily cleanable floors, walls and ceilings, placed on concrete slabs when required for proper drainage. They shall provide well-drained, adequate exercise facilities so constructed as to prevent any problems of sanitation. The size of the runs shall be designed in accordance with the number and the size of the animals to be accommodated.
- (5) Where the premises on which the kennel will be located is of sufficient size to accommodate in the opinion of the Animal Care Officer, the number of animals the owner of the kennel anticipates will be on the premises, without causing any disturbance or annoyance to persons in the surrounding area.
- (6) The site is adequately fenced to prevent contact between animals and passersby or pedestrians.
- (7) All structures are erected or are to be constructed in accordance with the Uniform Building Code as adopted and amended by the County and the Yuba County Zoning Ordinance.
- (8) The Animal Care Officer may waive any requirement imposed by this Section if he or she finds such waiver to insure and promote the public health and safety and to be consistent with the purposes of this Chapter.
- (9) The application for a permit shall be accompanied by payment of a nonrefundable fee

in the sum provided for in Section 13.20.400 to defray costs of processing the application for permit by the Animal Care Officer.

(Prior Code, § 6.25.070; Ord. No. 719; Ord. No. 832)

6.25.080. - Permit; conditions.

The Animal Care Officer, may issue the permit subject to reasonable terms and conditions to insure public health and safety, and consistent with the purposes of this Chapter.

(Prior Code, § 6.25.080; Ord. No. 719; Ord. No. 832)

6.25.090. - Permit; annual renewal.

Upon or before expiration of a permit issued hereunder, the permittee may apply for a renewal of said permit upon all the same terms and conditions as is applicable to the issuance of a new permit.

(Prior Code, § 6.25.090; Ord. No. 719; Ord. No. 832)

6.25.100. - Permit; revocation; denial of renewal.

A permit may be revoked or modified by order of the Animal Care Officer, or renewal of a permit may be denied by the Animal Care Officer, if it is found that such action is necessary for the public health and safety, to prevent injury, harm or disease to animals in custody of their permittee, or the terms and conditions of a previously issued permit have been violated by the permittee, or that the permittee has been convicted of a public offense related to the activity permitted.

(Prior Code, § 6.25.100; Ord. No. 719; Ord. No. 832)

6.25.110. - Permit; order of Animal Care Officer.

In the event the Animal Care Officer denies issuance or renewal of a permit, orders revocation of an issued permit, or imposes conditions upon the issuance of the permit, he or she shall notify the applicant or the permittee of said order in writing, and further notify said permittee that the permittee may demand a hearing before said Officer within ten days of the date of said notice, and setting a date and time therefor.

(Prior Code, § 6.25.110; Ord. No. 719; Ord. No. 832)

6.25.120. - Animal Care Officer; hearing.

At said time place of hearing, so designated in said notice, the permittee or applicant may be fully heard as to all facts and circumstances surrounding the proposed action of the Animal Care Officer. The Animal Care Officer may continue the hearing from time to time as necessary to allow the permittee or applicant to

be fully heard. At the conclusion of said hearing the Animal Care Officer shall issue his or her order based upon findings of fact to show good cause for such order under the terms and conditions of this Chapter. Said order or decision shall be rendered in writing and mailed to the applicant or permittee at his or her last known address.

(Prior Code, § 6.25.120; Ord. No. 719; Ord. No. 832)

6.25.130. - Order of Animal Care Officer; appeal.

Within ten days after receipt of the order of the Animal Care Officer, the permittee or applicant may appeal said order to the Board of Supervisors, in writing, and accompanied by a fee for processing said appeal in the sum of \$25.00. Said appeal shall be addressed to the Clerk of the Board of Supervisors. Upon receipt of said notice of appeal, the Clerk of the Board of Supervisors shall set the matter for a hearing before the Board of Supervisors within three weeks of said receipt, and notify the appellant of said time and place of hearing in writing.

(Prior Code, § 6.25.130; Ord. No. 719; Ord. No. 832)

6.25.140. - Appeal hearing; Board of Supervisors.

At said appeal hearing, the Board of Supervisors shall fully hear all interested parties, shall consider the findings of the Animal Care Officer, and receive and consider evidence proffered by the parties. At the conclusion of said hearing, or any continuance thereof, the Board of Supervisors shall render its decision in writing based upon the evidence received, and consistent with the purpose of this Chapter. Such decision by the Board shall be final.

(Prior Code, § 6.25.140; Ord. No. 719)

6.25.150. - Penalty.

Any person who violates any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof is punishable by imprisonment in the County Jail for a term not exceeding six months and a fine not to exceed 1,000.00 or both. Each separate day during which any violation occurs is a separate offense.

(Prior Code, § 6.25.150; Ord. No. 719)

**State Law reference—** Penalties for ordinance violations, Government Code § 25132, Penal Code § 19.

6.25.160. - Severability.

If any section, subsection, sentence, clause, phrase, provision or portion of this Chapter, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Chapter or their applicability to distinguishable situations or circumstances. In enacting this Chapter, it is the desire of the Board of Supervisors to validly regulate to the full measure of its legal authority in the public interest, and to that end, the Board of Supervisors declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, provision, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof might be declared invalid or unconstitutional in whole or in part, as applied to any particular situation or circumstances, and to this end the provisions of this Chapter are intended to be severable.

**State Law reference**— Similar provisions, Government Code § 23.