

Additions are underlined.
Deletions are ~~struck through~~.
Revision markers are noted in
left or right margins as vertical
lines.

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
NAPA, STATE OF CALIFORNIA, AMENDING CHAPTER 6.04 ANIMAL
CONTROL AND RABIES PREVENTION, CHAPTER 6.08 KENNELS, ZOOS
AND ANIMAL EXHIBITS, AND CHAPTER 6.12 BEEHIVES**

The Board of Supervisors of the County of Napa, State of California, ordains as follows:

SECTION 1. Chapter 6.04 (Animal Control and Rabies Prevention) of the Napa

County Code is hereby amended to read in full as follows:

Chapter 6.04

ANIMAL CONTROL AND RABIES PREVENTION

Sections:

- 6.04.010 Definitions.
- 6.04.020 Animal control officer--Powers and duties.
- 6.04.030 ~~Animal control officer--Bond.~~
- 6.04.040 Enforcement powers and rights for use of firearms.
- 6.04.050 Powers of deputies and other persons.
- 6.04.060 Rental of small animal traps.
- 6.04.070 Animal rescue and fence repair fees.
- 6.04.080 ~~Reports to county health officer.~~
- 6.04.090 Deposit of fees and charges.
- 6.04.100 Interfering with animal control officer unlawful.
- 6.04.110 Dog licenses--Required--Exceptions.
- 6.04.120 Dog licenses--Application.
- 6.04.130 Rabies vaccination requirements.
- 6.04.140 Dog licenses--Fees.
- 6.04.150 Dog licenses--Time for application and renewal.
- 6.04.160 Dog license tags--Description--Wearing by dog required.
- 6.04.170 Dog license tags--Exceptions for ranch dogs.
- 6.04.180 Lost license tags.
- 6.04.190 Dogs at large prohibited.
- 6.04.200 Other animals at large prohibited.

- 6.04.210 County pound established--Operation.
- 6.04.220 Stray dogs--Authority to impound or destroy.
- 6.04.230 Impounded animals--Notice to owner--Disposition.
- 6.04.240 Impounded animals--Redemption conditions.
- 6.04.250 Diseased or vicious animals.
- 6.04.260 Pickup of dead animals for disposal.
- 6.04.270 Disposal of dead animals.

6.04.010 Definitions.

For the purpose of this chapter, the following words and phrases are defined and shall be construed as hereinafter set out, unless it is apparent from the context that a different meaning is indicated. The present tense includes the past and future tense; each gender includes the other; the singular number includes the plural, and the plural the singular.

“Animal” means any wild or domestic animal, poultry, bird, reptile, fish, or any other ~~non-human~~ ~~umb~~ creature.

“At large” means any animal off the premises of its owner and not under the direct control of the owner or some responsible person authorized by the owner.

“Cat” means any cat of either sex or any age.

“Dog” means and includes female as well as male dogs.

“Dog license” means and refers to the license required to be ~~annually~~ issued for each individual dog.

“Horse” means and includes mule, burro, pony, jack, hinny or jenny.

“Kennel” means:

1. ~~any person engaged in the~~ Any commercial business of breeding, buying, selling or boarding dogs or cats, or
2. The owning, harboring or keeping of more than four dogs older than four months on one property.

“Owner” means any person owning, having an interest in or having control or custody or possession of any animal; ~~excluding, however, any person who temporarily has control or custody of any stray animal while seeking the animal’s owner, awaiting removal by animal control, or delivering the animal to the animal shelter.~~

“Person” means and includes any individual, partnership, corporation, trust or association.

“Quarantine” means the taking up and impounding of an animal in the county animal shelter or other suitable location by the animal control officer for a period of ~~ten day~~ stime determined by the health officer; or, in the discretion of the animal control officer or the health officer, the confinement of an animal in a substantial pen, ~~or tied by a stout chain~~ on the property of the owner of the animal so that the animal does not come into contact with any other animal or any human being for a period of ~~ten day~~ stime designated by the health officer.

“Unlicensed dog” means any dog for which the current license ~~for the current year~~ has not been paid and to which the tag provided for in this chapter is not properly attached.

6.04.020 Animal control officer--Powers and duties.

~~The rabies control officer shall be hereafter known as the animal control officer.~~ The primary duties of the animal control officer shall be to enforce the provisions of this chapter and laws relating to animal control. He/she shall be employed by and function under the direction

and supervision of the ~~sheriff~~county health officer. He/she shall perform such duties relating to animals as ~~the county health officer may reasonably prescribe and determine~~ are necessary, including the duty to take up and impound any stray animals running at large. ~~He shall be appointed by the county health officer with the approval of the board of supervisors and shall hold office at the pleasure of the board of supervisors, and h~~He/she and his/her assistants are hereby vested with the power and authority of a peace officer when acting in the course and scope of his employment. ~~He shall receive such salary, mileage and expense as the board of supervisors may from time to time fix and allow.~~

6.04.030 ~~[Reserved.] Animal control officer--Bond.~~

~~Before entering upon his duties, the animal control officer shall execute a bond in favor of the county, the condition of which shall be the faithful performance of those duties required of him by the provisions of this chapter, which bond shall be approved by the county counsel. The penal amount of such bond shall be one thousand dollars if the surety thereon is a corporation authorized by the laws of the state of California to execute such surety bond. If a personal bond is furnished, the penal amount shall be two thousand dollars.~~

6.04.040 Enforcement powers and rights for use of firearms.

A. The animal control officer is hereby authorized to demand the exhibition to him/her of any dog owned or under the control or in the custody of any person residing within the county and to require the exhibition to him/her of the license for such dog, or any other reasonable information that may be required, and it shall be the duty of such person to exhibit such dog and such license to the ~~county health officer or the~~ animal control officer or other authorized employee of the ~~county health department of the~~ county upon demand.

B. Pursuant to Section 12031 of the Penal Code, the animal control officer, and such assistants as ~~he~~ may be specifically designated in writing, are authorized to carry firearms when acting within the course and scope of their employment.

C. If the animal control officer shall, in discharging any firearm or tranquilizer gun in the exercise of his/her duties under this chapter, injure or destroy any animal, neither he/she nor the county shall be liable as a result thereof.

6.04.050 Powers of deputies and other persons.

Whenever a power is granted to or a duty is imposed upon the animal control officer or other public officer by the terms of this chapter, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer, unless this chapter expressly provides otherwise.

6.04.060 Rental of small animal traps.

Any person may, by agreement with the animal ~~control officers~~shelter, rent a small animal trap from the animal ~~shelter~~control officer for that fee and deposit established by resolution of the board of supervisors.

6.04.070 Animal rescue and fence repair fees.

The owner of an animal which is rescued from distress by an animal control officer, and the owner of property whose fences are repaired by an animal control officer to contain animals which might otherwise stray, shall be charged those fees established by resolution of the board of supervisors.

6.04.080 ~~[Reserved.] Reports to county health officer.~~

~~The animal control officer shall make and return a verified quarterly report to the county health officer showing all animals impounded by him during the preceding quarter, and the number and kind redeemed, sold or destroyed.~~

6.04.090 **Deposit of fees and charges.**

All fees or charges collected from owners or others having possession of dogs and all other fees or charges collected under the provisions of this chapter shall be deposited in the county treasury within seven days of the date of collection.

6.04.100 **Interfering with animal control officer unlawful.**

No person shall interfere with harass, hinder or molest the animal control officer in the performance of his duties, or seek to release any animal in his custody.

6.04.110 **Dog licenses--Required--Exceptions.**

Subject to compliance with subsection (A) of Section 6.04.130, every dog more than four months of age in the unincorporated area of the county shall be licensed annually by its owner, except that no dog license shall be required for:

- A. A dog which is sent or brought into the county for a period not to exceed sixty days; or
- B. A dog which is sent or brought into the county for the exclusive purpose of receiving veterinary care in a veterinary hospital, provided that the dog is kept at the hospital at all times.

6.04.120 **Dog licenses--Application.**

A. The owner of a dog shall apply for a dog license to the animal ~~shelter~~control officer on a form provided ~~by him by the shelter~~. The form shall require the following information:

- 1. The name and address of the owner of the dog and of any other person having custody and control of it;
- 2. The place where the dog will be kept;
- 3. The breed, color and sex of the dog; and
- 4. Such other information as may reasonably be deemed necessary by the animal ~~shelter~~control officer to identify the dog for which the license is obtained.

B. If the ownership of a licensed dog is transferred to another person, the license of the dog may, upon application by the new owner to the animal ~~control officer~~shelter, be transferred to the name of the new owner. All applications shall be filed with and maintained by the animal ~~shelter~~control officer. Applications may be disposed of two years after expiration, or after the death of the animal in question, whichever comes first.

C. The county may choose, at its sole discretion, to authorize entities such as (but limited to) veterinarians to act as an intermediary in the issuance of dog licenses.

6.04.130 **Rabies vaccination requirements.**

A. The owner of any dog in the county which is over the age of four months shall have such dog vaccinated against rabies at least once every two years or as specified by a licensed veterinarian. No dog license shall be issued to any person for any dog until such person presents to the animal ~~shelter~~control officer a certificate of a licensed veterinarian upon approved

forms showing that the dog has been vaccinated against rabies with a vaccine of a type approved by the animal ~~sheltercontrol officer~~.

B. Every licensed veterinarian in the county shall submit, at a frequency to be determined by the animal ~~sheltercontrol officer~~ but not more frequently than every two weeks, a record of the names and addresses of the owners of those dogs to which he has administered rabies vaccinations during the immediately preceding two-week period.

6.04.140 Dog licenses--Fees.

The annual fee for the dog license required by this chapter, and the penalties for delinquent applications, shall be established by resolution of the board of supervisors.

6.04.150 Dog licenses--Time for application and renewal.

A. Whenever a dog license is required by this chapter, the license must be obtained no later than sixty days after the dog first attains the age of four months, or no later than sixty days after a dog more than four months of age is first brought into the county, whichever applies.

B. Every dog license must be renewed no later than sixty days after it expires.

C. ~~License expiration dates shall be clearly indicated by the issuing agency~~Every dog license shall expire one year following the last day of the month during which it was obtained.

D. Every application for a dog license made after the time limits described in this section is delinquent.

6.04.160 Dog license tags--Description--Wearing by dog required.

It is unlawful for any person to own, harbor or keep any dog required to be licensed by this chapter, unless the dog wears around its neck a substantial collar to which a current dog license tag is affixed. The tag shall be one issued by the animal ~~sheltercontrol officer~~ at the time the application is made for a license. It shall be metal and shall bear a stamp or imprint of the name of the county and the year it was issued. It shall be numbered serially. Upon the issuance of each license tag, there shall be endorsed on the corresponding application the number of the tag.

6.04.170 Dog license tags--Exceptions for ranch dogs.

Notwithstanding any other provision contained in this chapter, the owner or the person actually in control of the operation of any ranch, not less than forty acres in area, who uses a dog or dogs for the purpose of assisting in the control or herding of livestock shall not be required to keep a license tag attached to the dog or dogs while upon the premises of the ranch.

6.04.180 Lost license tags.

A dog license tag which has been lost may be replaced upon application to the animal ~~sheltercontrol officer~~ and the payment of the fee established by resolution of the board of supervisors.

6.04.190 Dogs at large prohibited.

It is unlawful for any person who owns, harbors or keeps, or who has possession, charge, care, custody or control of any dog over the age of four months in the county to permit the dog to run at large upon any public street, highway or other place, or to permit such dog to run upon the property of another without the consent of the property owner. Within thirty days of a second violation of this section, the animal shall be micro-chipped and spayed/neutered.

6.04.200 Other animals at large prohibited.

It is unlawful for any person who owns, harbors or keeps, or who has possession, charge, care, custody or control of any other animal to ~~wilfully~~ willfully or negligently allow such animal to run at large.

6.04.210 County pound established--Operation.

~~The county health officer shall, with the approval of the board of supervisors, establish and maintain a county pound, and provide the animal control officer with such supplies, equipment, transportation and other facilities and appurtenances as may be reasonably necessary or required to properly carry out the execution and enforcement of this chapter. The pound so established~~ In accordance with Government Code section 25802, the board of supervisors hereby establishes a county pound, also referred to in this title as "animal shelter." The director of environmental management is hereby appointed to be the "poundkeeper." These duties may be delegated by the Director. The animal shelter shall comply with all necessary practices relating to sanitation, humane treatment and care of animals, and shall be so located as to not create a nuisance to the public and the existing land uses of neighboring properties.

6.04.220 Stray dogs--Authority to impound or destroy.

A. Except as otherwise provided in subsection (B) of this section, it is unlawful for any person, other than the animal control officer or animal shelter staff acting pursuant to ~~Section 6.04.020 of~~ this code, to kill, injure or impound any dog, the owner ~~or of~~ which has complied with the provisions of this chapter.

B. Any person may kill or impound any dog in any area of the county in any of the following cases:

1. The dog is found in the act of killing, wounding or persistently pursuing livestock or poultry on land or premises not owned or possessed by the owner of the dog;
2. The person has conclusive proof that the dog has been recently engaged in killing or wounding livestock or poultry on land or premises not owned or possessed by the dog's owner and the dog is not at that time under the reasonable control of its owner or keeper.

6.04.230 Impounded animals--Notice to owner--Disposition.

A. The animal control officer and animal shelter staff shall observe the following rules in disposing of impounded dogs and cats:

1. Subject to the provisions of ~~sub~~section~~division~~ (A)(3) of this section, in the case of impoundment of a dog or cat whose owner can, in the judgment of the animal control officer or animal shelter staff, reasonably be expected to be positively identified, the animal shall continue to be impounded for a period of six days while ~~the animal control officer shall take~~ all reasonable steps necessary to notify the owner of the impoundment are taken. Such steps shall not be required to include publication of notice in a newspaper. If the ~~animal control officer is successful in notifying the~~ owner or a representative of the owner is successfully notified, the

animal shall continue to be impounded for a period of not more than four days from the date of notification, during which period the animal may be redeemed in accordance with Section 6.04.240 of this code. If at the end of the four-day period the owner has not redeemed the animal, it shall be sold or otherwise disposed of or destroyed forthwith.

2. Subject to the provisions of ~~subsection division~~(A)(3) of this section, in the case of impoundment of a dog or cat whose owner cannot, in the judgment of the animal control officer or animal shelter staff, be reasonably expected to be positively identified, the animal, if a dog, shall continue to be impounded for a period of not more than four days; or, if a cat, for a period of not more than three days, during which period the animal may be redeemed in accordance with Section 6.04.240 of this code. If at the end of such period the animal has not been redeemed, it ~~shall~~ may be sold or otherwise disposed of or destroyed forthwith.

3. Any impounded dog or cat which, in the opinion of the animal control officer, veterinarian, or animal shelter, is sick, injured, feral or under the age of one month, may be destroyed ~~by the animal control officer~~ without complying with the provisions of ~~subsection division~~(A)(1) or (A)(2) of this section.

B. The animal ~~sheltercontrol officer~~ shall dispose of or destroy all other impounded animals in accordance with applicable provisions of the California Agricultural Code.

6.04.240 Impounded animals--Redemption conditions.

The owner or person entitled to the possession of any animal impounded pursuant to the provisions of this chapter may, Monday through Saturday between the hours of ten am. and five p.m., other than legal holidays, before the sale or other disposition as herein provided, redeem such animal by paying to the animal ~~sheltercontrol officer~~ those fees and costs established by resolution of the board of supervisors accruing up to the time of redemption.

6.04.250 Diseased or vicious animals.

A. Whenever it appears that any animal in the county has bitten any person, it shall be the duty of the owner, or any other person having knowledge of such fact, to report the same to the animal control officer, the county health officer, or other law enforcement officer of the county.

B. Whenever it appears to the owner, or any other person, that an animal in the county shows symptoms or signs of rabies, or acts in such manner that would lead a reasonable person to suspect that such animal might have rabies, it shall be the duty of such owner or other person to immediately notify the animal control officer, and it shall be the duty of the owner to immediately confine such animal.

C. Whenever there is reasonable cause to believe that any animal is diseased or has bitten any person, livestock, or domestic animal, ~~or livestock~~, the animal control officer is authorized to take custody of such animal and keep it confined or quarantined for such period of time as is required in order to observe, examine and determine whether or not it is diseased or vicious or constitutes a menace to the public health or safety.

D. It shall be the duty of the county health officer to direct the observatione and examination ofe any animal quarantined and determine whether the same is rabid, and if the county health officer so determines, he shall direct the animal ~~sheltercontrol officer~~ to destroy it forthwith.

E. Whenever any animal is bitten by an animal having or suspected of having rabies, the owner or person having custody or possession of the animal so bitten shall immediately notify the county health officer or the animal control officer, and shall restrain or confine such

animal. The county health officer or the animal control officer is hereby authorized to quarantine any animal so bitten, or suspected of having been so bitten, for such period of time necessary to determine whether or not the animal has rabies.

F. Whenever any animal is quarantined, it is unlawful for the owner or any other person to violate the quarantine by removing the animal from the premises, allowing it to run at large, destroying it without authorization, concealing it from the county health officer or the animal control officer, or disobeying any other quarantine restrictions that may have been imposed by the health officer or animal control officer.

6.04.260 Pickup of dead animals for disposal.

The owner of any dead dog or cat may drop off -the animal at the animal shelter for disposal or request the animal control officer to pick up and dispose of such a dead dog or cat for disposal, or the body thereof, and the fee for such service shall be established by resolution of the board of supervisors.

6.04.270 Disposal of dead animals.

A. That fee established by resolution of the board of supervisors shall be charged the owner for the disposal of the carcass of an animal when the carcass is discovered by an animal control officer and ownership is later determined.

B. That fee established by resolution of the board of supervisors shall be charged the owner or any other person, including veterinarians, who requests that the animal control officer or animal shelter dispose of the carcass of an animal.

C. The animal control officer shall not dispose of the carcass of an animal which weighs more than one hundred pounds.

6.04.280 Violations—Penalties.

Violations of this chapter are punishable as follows:

A. Any person who violates Section 6.04.100 is guilty of a misdemeanor.

B. Any person who violates any section of this chapter other than Section 6.04.100 is guilty of a misdemeanor or an infraction.

SECTION 2. Chapter 6.08 (Kennels, Zoos and Animal Exhibits) of the Napa

County Code is hereby amended to read in full as follows:

Chapter 6.08

KENNELS, ZOOS AND ANIMAL EXHIBITS

Sections:

- 6.08.010 Rules and regulations.**
- 6.08.020 Exceptions to chapter application.**
- 6.08.030 Kennel permit--Required when--Plan review conditions.**
- 6.08.040 Kennel permit--Application.**
- 6.08.050 Kennel permit--Fees--Late filing penalty.**
- 6.08.060 Kennel permit--Issuance conditions.**
- 6.08.070 Kennel permit--Deemed dog license when.**
- 6.08.080 Kennel permit--Period of validity.**

- 6.08.090 Kennel permit--Posting on premises.**
- 6.08.100 Permit suspension or revocation conditions.**
- 6.08.110 Operation of kennels.**
- 6.08.120 Inspection of places housing animals.**
- 6.08.130 Application of other code provisions.**
- 6.08.140 Zoo animal transport restrictions.**

6.08.010 Rules and regulations.

The director of environmental management ~~county health officer is authorized and empowered to shall~~ adopt such rules and regulations for the animal shelter as ~~it shall~~ deemed reasonably necessary to carry out the purpose of this chapter, and to insure the maintenance of approved and humane conditions at any place for which a permit is granted hereunder. A copy of such rules and regulations shall be furnished to each applicant for a permit upon the filing of his application.

6.08.020 Exceptions to chapter application.

Nothing in this chapter shall be construed to include livestock or fowl kept for breeding, domestic purposes or for sale as food.

6.08.030 Kennel permit--Required when--Plan review conditions.

A. No person shall, without first obtaining a permit therefor from the county health officer ~~animal shelter~~, operate a dog kennel in the county. The term “dog kennel” shall not include a veterinary hospital.

B. No person shall construct or remodel a kennel without first submitting the plans therefore to the county health officer ~~animal shelter~~ to determine their compliance with Section 6.08.110 of this chapter, and with regulations adopted pursuant to Section 6.08.010 hereof.

C. Before seeking a permit from the animal shelter in accordance with subsection (A) of this section or submitting plans in accordance with subsection (B) of this section, a person who wishes to operate, construct, or remodel a kennel, shall consult with the planning and building divisions of the conservation, development and planning department, the environmental management department, and the public works department, and obtain any additional permits and review as may be required by the county.

6.08.040 Kennel permit--Application.

Each application for a permit under this chapter shall be in writing upon a form to be furnished by the animal shelter ~~county health officer~~, and shall contain such information as ~~the health officer, by rules or regulations, shall~~ required by the form.

6.08.050 Kennel permit--Fees--Late filing penalty.

A. Applications for the permit designated in subsection (A) of Section 6.08.030, or plan checks pursuant to subsection (B) of Section 6.08.030, shall be accompanied by that fee established by resolution of the board of supervisors.

B. The fee for an operating permit shall be paid between July 1st and September 1st of each year, and, if paid after September 1st of any year, shall be subject to a late filing penalty of twenty-five percent of the amount of the fee.

6.08.060 Kennel permit--Issuance conditions.

Upon the filing of each application under this chapter, either for an original permit or a renewal thereof, the ~~county health department~~ animal shelter shall make such investigation as it deems proper. It shall then issue a permit to the applicant if it finds that:

A. The keeping of animals, or the conduct or operation of the business for which the permit is requested and at the place set forth in the application, will not violate any law or ordinance of the county, or any law of the state; and

B. The keeping of animals or the conduct or operation of the business for which the permit is requested will not constitute a menace to the health, peace or safety of the community; and

C. The applicant has not had such a permit revoked within one year prior to the date of his application.

D. A Use Permit, if required by Title 18 of this code, has been issued.

6.08.070 Kennel permit--Deemed dog license when.

The permit issued under this chapter shall constitute the license for all dogs regularly kept in a kennel or place-property where five or more dogs are kept for breeding, training, treating, sale or other purpose. Whenever a dog is removed from any such kennel, the owner thereof shall forthwith apply for and obtain an annual license as otherwise required by Chapters 6.04, 6.12 and 6.16 of this code.

6.08.080 Kennel permit--Period of validity.

Unless otherwise specifically provided, all permits issued by the animal shelter~~health department~~, as required by this chapter, shall automatically expire on the thirtieth day of June next following the date of issue, unless sooner revoked or suspended, or unless the holder of such permit changes the location of his place of business, or sells assigns, transfers or otherwise disposes of such business or his interest therein for a period of thirty days, in which cases such permits shall expire upon the thirtieth day after the date of change of location, sale, assignment, transfer or other disposition of the business.

6.08.090 Kennel permit--Posting on premises.

All permits issued hereunder shall be kept posted in a conspicuous place on the premises.

6.08.100 Permit suspension or revocation conditions.

A. Any permit issued hereunder may be revoked or suspended if, after due investigation, the ~~county health officer~~ animal shelter finds that the permittee, his agent or employee:

1. Has been convicted of any offense involving the violation of Section 597 of the Penal Code, or of any provision of this chapter; or

2. Has, at the place for which the permit was issued, failed to provide any animal, fowl or reptile in his possession, care or control with proper and sufficient food, drink, shelter or protection, or has subjected any such animal, fowl or reptile to needless suffering, unnecessary cruelty, or abuse; or

3. Has failed to maintain the premises in a clean and sanitary condition; or

4. Has violated any rule or regulation of the animal shelter~~county health department~~.

B. Following such finding, any such permit shall be deemed revoked upon the ~~health officer~~ animal shelter mailing to the holder of such license written notification of revocation,

addressed to such licensee at the address appearing upon such license. Any licensee whose license has been suspended or revoked shall be entitled to ~~a~~ appeal the decision to hearing before the board of supervisors in accordance with Chapter 2.88 of the Napa County Code upon the merits of such revocation or suspension.

6.08.110 Operation of kennels.

A. All kennels or other places where dogs are kept in the county for breeding, training, treatment, sale or other purposes shall be so constructed to prevent dogs confined therein from running at large off the premises where the kennel is maintained, and shall be maintained and operated and constructed in a sanitary and proper manner so that the same will not become a nuisance to the neighborhood thereof.

B. No dog shall at any time be taken from the premises whereon such kennel is operated unless the dog has a county license tag attached, and the owner, his agents or employees, who shall run or take dogs off the premises of the kennel, or permit them to be run or taken therefrom without a license tag attached, shall be guilty of a misdemeanor.

6.08.120 Inspection of places housing animals.

Any building, pen, cage or other structure where animals, fowl or reptiles are housed in connection with any zoo, wild animal exhibit or dog kennels, ~~shall~~ may be inspected and approved by the county health officer to insure the safety and health of the public.

6.08.130 Application of other code provisions.

Nothing in this chapter shall be construed to exempt an owner or operator of a kennel, zoo or wild animal exhibit from any of the provisions of Chapters 6.04, 6.12 and 6.16 of this title.

6.08.140 Zoo animal transport restrictions.

Animals, fowl or reptiles confined on the premises of a zoo shall not be transported from one location to any other without the prior consent of the animal control officer, animal shelter, and county health officer.

SECTION 3. Chapter 6.12 (Beehives) of the Napa County Code is hereby

amended to read in full as follows:

Chapter 6.12

BEEHIVES

Sections:

- 6.12.010 Definitions.**
- 6.12.020 Apiary location restrictions.**
- 6.12.030 Right of entry for enforcement.**
- 6.12.040 Violation--Notice requirements.**
- 6.12.050 Violation--Actions to correct.**

6.12.010 Definitions.

For the purpose of this chapter, the following words and phrases are defined and shall be construed as hereinafter set forth unless it shall be apparent from the context that a different meaning is indicated. Any word or phrase used in this chapter and not defined in this section shall be given the meaning established for such word or phrase by Chapter 1 of Division 13 of the California Agricultural Code.

“Apiary” means bees, comb, hives, appliances or colonies, wherever the same are kept, located or found.

“Bees” means honey-producing insects of the genus Apis, including all life stages of such insects.

“Commissioner” means the county agricultural commissioner and all regularly appointed employees of his office acting pursuant to ~~his instructions~~ their official duties.

“Hive” means any receptacle or container made or prepared for the use of bees, or which is inhabited by bees.

6.12.020 Apiary location restrictions.

A. No apiary shall be located within the county such as to conflict with any of the provisions of this section:

1. At a distance less than six hundred feet from the nearest residence, church, school, public building, dairy corral, or the watering area of any corral, unless the owner thereof, and the person in possession thereof, if other than the owner, gives his written permission to the location of the apiary at a closer distance;

2. On any lands, without the consent of the owner of such lands and of the person in possession thereof if other than the owner;

3. Closer than three hundred feet from any public road.

B. The provisions of this chapter, however, shall not authorize the keeping of bees in areas where they are not otherwise allowed by law.

6.12.030 Right of entry for enforcement.

The commissioner is empowered to enter upon any premises where bees are kept, or upon which he has reason to believe that bees are kept, in order to carry into effect the provisions of this chapter.

6.12.040 Violation--Notice requirements.

Any person owning, controlling or maintaining an apiary who violates any of the provisions of this chapter shall be given notice thereof, either written or oral, by the commissioner or any law enforcement officer. Additionally, a written notice shall also be posted at the location of the apiary. Such notices shall provide that it is unlawful for the owner or person in possession of the apiary to fail to correct the violation within the period of forty-eight hours after receipt of such notice or the date thereof.

6.12.050 Violation--Actions to correct.

In addition to remedies otherwise provided by law, the commissioner may maintain an action to restrain or abate, correct or compel the removal of any violation of this chapter.

SECTION 4. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of Napa hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 5. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 6. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and read at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the ____ day of _____, 2007, and passed at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the ____ day of _____, 2007, by the following vote:

AYES:	SUPERVISORS	_____

NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

HAROLD MOSKOWITE, CHAIR
Napa County Board of Supervisors

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM
Office of County Counsel
By: Patricia L. Tyrrell (by e-signature)
Deputy County Counsel
By: Sue Ingalls (by e-signature)
County Code Services
Date: November 2, 2007

**APPROVED BY THE NAPA COUNTY
BOARD OF SUPERVISORS**
Date: _____
Processed by: _____
Deputy Clerk of the Board