



Agenda Date: 11/20/2007

Agenda Placement: 9B

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Susan Ingalls for Westmeyer, Robert - County Counsel
County Counsel

REPORT BY: Susan Ingalls, Paralegal, 259-8152

SUBJECT: Ordinance Amending Chapter 6.04 Animal Control and Rabies Prevention, Chapter 6.08 Kennels, Zoos and Animal Exhibits, and Chapter 6.12 Beehives (1st Reading)

RECOMMENDATION

PUBLIC HEARING

First reading and intention to adopt an ordinance amending Chapter 6.04 (Animal Control and Rabies Prevention), Chapter 6.08 (Kennels, Zoos and Animal Exhibits), and Chapter 6.12 (Beehives) of the Napa County Code.

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

EXECUTIVE SUMMARY

PROCEDURAL REQUIREMENT

1. Staff Report.
2. Board questions of staff.
3. Open Public Hearing.
4. Public Comment.
5. Close Public Hearing.
6. Read Ordinance Title.
7. Motion to waive the balance of the title; second; vote.
8. Motion of Intent to adopt an ordinance; second.
9. Board discussion.
10. Vote.

The proposed ordinance updates Chapter 6.04 (Animal Control and Rabies Prevention), Chapter 6.08 (Kennels, Zoos and Animal Exhibits) and Chapter 6.12 (Beehives). See Background for summary of changes.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

This is a two-reading ordinance. The recommended actions on the current agenda are first, that the title be read and reading of the balance of the ordinance be waived, and second, that the Board move and approve an intention to adopt the proposed ordinance at the second reading to occur on December 4, 2007 or such other later date as the Board deems necessary.

Over time, the way the County operates changes – either in organizational structure, policy, or in complying with changes in state law. Accordingly, from time to time, changes to the Napa County Code are required to address such changes. Staff from the Health Division of the Health and Human Services Agency, Department of Environmental Management, the Animal Shelter, Animal Control, Sheriff's Department, Agricultural Commissioner and County Counsel's Office recently reviewed Title 6 -- "Animals" -- of the Napa County Code to determine what changes, if any, should be recommended to the Board of Supervisors. Staff recommendations are contained in the proposed ordinance.

The substantive recommendations include:

- Substituting "dumb" with "non-human" in the definition of "animal." Sec. 6.04.010.
- Amending the definition of a kennel to be any commercial business for breeding, buying, selling or boarding of dogs or cats; or the owning, harboring or keeping of more than 4 dogs older than 4 months old on one property. Sec. 6.04.010.
- Clarifying that an "owner" is not someone who has only temporary control or custody of a stray animal while seeking the animal's owner, awaiting removal of the animal by animal control, or delivering the animal to the animal shelter. Sec. 6.04.010.
- Amending the definition of "quarantine" to permit impoundment of an animal at a suitable location as determined by the animal control officer for a period of time as determined by the health officer, and deleting the reference of "tied by a stout chain" as a substitute for confinement in a substantial pen. Sec. 6.04.010.
- Deleting the reference that the animal control officer is the rabies control officer (this function lies with the health officer). In accordance with an organizational change that occurred in 1998, the animal control officer is employed by and functions under the direction and supervision of the sheriff, and not the health officer. Sec. 6.04.020.

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- Deleting the provision requiring a bond. A bond is required for county officers. However, the animal control officer is employed and supervised by the sheriff. As such, the animal control officer is a county employee and not a county officer and therefore no county officer bond is required. Former Sec. 6.04.030.
 - Deleting the requirement that a person show a dog and/or the dog's license to the county health officer or other employee of the county health department in relation to enforcement actions. The animal control officer handles enforcement actions. Sec. 6.04.040.
 - Amending the provision that a person may rent a small animal trap from the animal shelter, not the animal control officer. Sec. 6.04.060.
 - Deleting the requirement that the animal control officer report to the health officer about all animals impounded during the preceding quarter, and the number and kind redeemed, sold or destroyed. The animal shelter is under the jurisdiction of the Director of Environmental Management, as poundmaster, who should review such statistics as needed. Former Sec. 6.04.080. Sec. 6.04.210; Sec. 6.08.010.
 - Specifying that dog license applications and requests for replacement license tags are made to the animal shelter, not the animal control officer, and that the shelter may dispose the applications two years after expiration, or after the death of the animal, whichever comes first. The county may choose to authorize other entities (such as but not limited to veterinarians) to act as an intermediary in the issuance of dog licenses. License expiration dates shall be clearly indicated by the issuing agency – replacing the provision that a license expire one year following the last day of the month during which it was obtained. Sec. 6.04.120; Sec. 6.04.150; Sec. 6.04.160; Sec. 6.04.180.
 - Requiring a rabies vaccination for dogs over 4 months of age every two years or as specified by a licensed veterinarian, and requiring every veterinarian to submit a record of names and addresses of owners of those dogs so vaccinated to the animal shelter. Sec. 6.04.130.
 - Providing the same authority to animal shelter staff as the animal control officer acting in accordance with Chapter 6.04 of the Napa County Code to impound and destroy stray dogs; impound and redemption fees shall be paid to the animal shelter. Sec. 6.04.220; Sec. 6.04.230; Sec. 6.04.240.
 - Specifying that an owner may drop off or request the animal control officer to pick up and dispose of a dead dog or cat (adding "dead"). Sec. 6.04.260.
 - Transferring the duties regarding kennel permits from the health officer to the animal shelter; requiring a kennel permit applicant to consult with the Conservation, Development and Planning Department, Environmental Management, and Public Works Department, and obtain any additional permits and review as may be required; and specifying that a revoked or suspended permit may be appealed to the Board of Supervisors in accordance with Chapter 2.88 of the Napa County Code. Sec. 6.08.030; Sec. 6.08.040; Sec. 6.08.040; Sec. 6.08.060; Sec. 6.08.080; Sec. 6.08.100.
 - Specifying that a kennel permit shall constitute a license for all dogs regularly kept in a kennel or property (instead of "place") where 5 or more dogs are kept for breeding, training, treating, sale or other purpose. This prevents multiple "places" on the same property. Sec. 6.08.070.

- Permitting, rather than requiring, the health officer to inspect and approve any building, pen, cage or other structure where animals, fowl or reptiles are housed in connection with any zoo, wild animal exhibit or dog kennel. It is not necessary to require the health officer to perform this function because this function with regard to kennels is being transferred to the animal shelter, and zoos and wild animal exhibits are under the jurisdiction of Fish and Game by statute. Sec. 6.08.120.
- Providing that consent from the animal control officer and animal shelter, in addition to the health officer, shall be obtained before transporting zoo animals, fowl or reptiles from one location to another. Sec. 6.08.140.
- Amending the definition of "Commissioner" to mean the county agricultural commissioner and all regularly appointed employees of his office acting pursuant to their official duties (instead of "his instructions"). Sec. 6.12.010.

Chapter 6.16 of Title 6 – Dangerous Animals – was the subject of a separate ordinance presented to the Board on October 23, 2004 (first reading and introduction), and on November 6, 2007 (2nd reading and adoption).

Staff recommends adoption of the proposed ordinance amending Title 6.

SUPPORTING DOCUMENTS

A . Ordinance (tracked version)

B . Ordinance (clean version)

CEO Recommendation: Approve

Reviewed By: Maiko Klieman