

ORDINANCE NO. 10232 (N.S.)

**AN ORDINANCE AMENDING  
SECTION 62.681 OF THE  
SAN DIEGO COUNTY CODE  
RELATING TO WILD ANIMALS**

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

Section 1. The Board of Supervisors finds and determines that entities providing consumers with animal training in rattlesnake avoidance techniques should be exempt from County prohibition on possessing rattlesnakes if the entities meet certain requirements.

Section 2. Section 62.681 of the San Diego County Code is amended to read as follows:

**SEC. 62.681. WILD ANIMALS.**

(a) Except as provided in subsections (d) and (e), it shall be unlawful for any person to own, possess or maintain any venomous reptile.

(b) The owner or custodian of any wild animal shall at all times:

(1) Keep the animal in a cage, enclosure or other confinement that is designed, constructed and maintained to preclude the animal's escape. The cage, enclosure or confinement shall be of sufficient size to allow the animal reasonable freedom of movement.

(2) Keep the cage, enclosure or other area of confinement in a clean and sanitary condition at all times.

(3) Provide the animal with adequate food, water, shelter and veterinary care and take all necessary steps to preserve the animal's health, safety and welfare.

(4) Keep the animal in a manner that will not threaten or annoy any person of normal sensitivity.

(5) Reimburse the Department for any costs the Department incurs to enforce this section.

(6) Reimburse the County for any damage the County incurs as a result of any action or behavior of an animal regulated by this section.

(c) Additional requirements apply to the owner or custodian of a wild animal that may create a greater risk to the public. The following animals do not create a greater risk to the public: a fish, an invertebrate, an amphibian, a bird that attains a maximum adult weight less than 15 pounds or a rodent that attains an adult weight less than 10 pounds. A reptile does not create a greater risk to the public unless it is one of the following: a crocodylian (order Crocodylia), a

boa or python (family Boidae) that attains an adult weight over 15 pounds or an adult length over three and one-half feet, or a Monitor Lizard (family Varanidae) that attains an adult weight over 10 pounds or an adult overall length over three feet. The owner or custodian of a wild animal, other than a wild animal recognized in this subsection as not creating a greater risk to the public shall, in addition to the requirements in subsection (b), comply with all of the following:

(1) Employ adequate safeguards to prevent unauthorized access to the animal.

(2) Keep the animal in any escape proof enclosure at all times, including when the owner or custodian is transporting the animal to property that the owner or custodian owns, leases or has the right to use.

(3) Obtain written permission from the Department whenever the owner or custodian, or any person on the owner or custodian's behalf, is transporting that animal to a property that the owner or custodian does not own, lease or have the right to use.

(4) Immediately notify the Department if the animal escapes and make every reasonable effort to recapture an animal that escapes.

(5) Allow the Department to inspect the animal, and the property to determine whether the owner or custodian is complying with this section.

(6) Allow the Department to inspect any permit an agency of the federal or State government has issued to the owner or custodian that regulates the animal.

(d) Subsections (a) and (c) shall not apply to a legally operated zoo, circus, educational institution or scientific research facility, unless the operator is not taking adequate steps to confine an animal, fails to adequately protect the public from an animal under its control, fails to employ adequate sanitation measures, or due to a particular hazard connected with an animal, endangers the health and safety of the public or an animal.

(e) Subsections (a) and (c) shall not apply to an entity in the business of providing consumers with rattlesnake avoidance training techniques for animals provided the entity giving the training is a registered California corporation (for profit or not for profit) in good standing, a sole proprietorship or a registered partnership in good standing, has Commercial General Liability Insurance in the amount of at least \$1,000,000 for bodily injury/property damage and has provided proof of insurance to the Department of Animal Services prior to giving any training in each calendar year. The insurance shall name the County as an additional insured. Upon the request of an Animal Control Officer, Humane Officer or peace officer, an entity claiming to be exempt from subsections (a) and (c) shall provide proof of compliance with this subsection. It shall be unlawful for an entity to refuse to comply with the request of an Animal Control Officer, Humane Officer or peace officer to provide this information. Nothing in this subsection shall affect the provisions of the San Diego County Zoning Ordinance or authorize an entity providing the training to violate any applicable federal, state or local law.

(f) The Department may impound or abate an animal that a person is keeping in violation of this section and relocate or dispose of the animal in a humane manner or impose conditions on the animal owner or custodian as a prerequisite for the owner or custodian to keep the animal. The Department shall provide the owner or custodian with at least 10 days written notice before

impounding or abating an animal under this section. The notice shall inform the owner or custodian of the right to a Departmental hearing to contest whether grounds exist for the Department to impound or abate the animal under this section. If the owner or custodian requests a hearing before the animal is impounded or abated, the Department shall not impound or abate the animal until the hearing is concluded, unless there is a need to take immediate action as provided in subsection (h) below.

(g) The owner or custodian of a wild animal who receives a notice under subsection (f) may request a Departmental hearing to contest the Department's determination to impound or abate a wild animal. The owner or custodian's request shall be in writing and shall be received by the Department within 10 days of the date of the notice.

(h) When the Department determines it is necessary to immediately impound a wild animal to: (1) preserve the public health and safety, (2) the health or safety of an animal or (3) the animal has already been impounded under another provision of law, no preimpoundment hearing shall be held. In that case the Department shall provide the owner or custodian with at least 10 days notice to request a hearing to contest whether the impoundment or proposed abatement of the animal. The request for a hearing shall be in writing and shall be received by Department within 10 days from the date of the notice.

(i) If the owner or custodian timely requests a hearing under this section the Department shall not dispose of the animal until the hearing requirements are satisfied. If the hearing officer finds that the Department has grounds to impound or abate an animal or the owner or custodian either fails to request a hearing or fails to attend or be represented at a scheduled hearing, the hearing requirements are satisfied and the Department may impound or abate the animal.

Section 3. This ordinance shall take effect and be in force 30 days after its passage, and before the expiration of 15 days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce newspaper of general circulation in the County of San Diego.

Approved as to form and legality  
THOMAS E. MONTGOMERY, County Counsel  
By Mark C. Mead, Sr. Deputy

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 4<sup>th</sup> day of December, 2012.



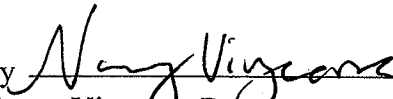
RON ROBERTS  
Chairman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Roberts, Horn  
NOES: Slater-Price

ATTEST my hand and the seal of the Board of Supervisors this 4<sup>th</sup> day December, 2012.

THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors

By   
Nancy Vizcarra, Deputy



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12-04-2012 (14)