

ATTACHMENT C

Chapter 7.04 ANIMAL AND RABIES CONTROL*

[...]

7.04.050 Dog license.

[...]

(9) Waiver of License Fee For First Year. For animals adopted through an animal shelter or veterinarian's office, or purchased or adopted at a commercial establishment, a license is required, however, the license fee is waived for the first year after adopting or purchasing the animal. The first-year fee waiver applies to pets that are spayed or neutered ~~or~~, microchipped, and have a current rabies shot at time of purchase or adoption. After the first year, the license fee shall be as stipulated in Section 7.04.060.

7.04.055 Temporary Waiver of First-Time Licensing Fees and Certain Other Fees and Penalties.

(a) To encourage pet owners in the City to microchip and procure licenses for their dogs and/or cats and to reduce the number of unvaccinated and lost animals requiring sheltering in City facilities, the City has temporarily adopted the following provisions:

(1) Fees associated with the first-time licensing of dogs or cats, including the cost of microchipping, and license issuance, but excluding the City's cost of rabies vaccination, are temporarily waived, provided animal owner agree to have their animals microchipped.

(2) If an owner applies for first-time licensing of a dog that is already over four months of age, late penalties shall be waived provided the license application is submitted before December 31, 2023, and the owner agrees to have the dog microchipped.

(3) The fee and late penalty waivers in Sections 7.04.055(a)(1) and (2) shall not apply to any dog or cat license renewals and shall automatically become inoperative as of December 31, 2023, unless the City Council takes action by ordinance or resolution to extend the fee and late penalty waivers beyond the end of 2023.

(b) To encourage the licensing of dogs and cats, provide economic relief to owners of licensed animals that stray and become impounded, and reduce the amount of time licensed animals spend in City sheltering facilities, the City has temporarily adopted the following provisions:

(1) Impound-related fees which owners are required to pay before reclaiming their dogs or cats pursuant to Section 7.04.160 of this Chapter, shall be waived through December 31, 2023, but only with respect to the first two impoundments of any licensed dog or cat.

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Urgency Ordinance No. 2439 and Ordinance No. 2440

(2) Subject to obtaining an animal license prior to release of the animal to the animal owner and excluding the City's cost for rabies vaccination, impound-related fees which owners are required to pay before reclaiming their dogs or cats pursuant to Section 7.04.160 of this Chapter, shall be waived through December 31, 2023, but only with respect to the first impoundment of any unlicensed, altered dog or cat.

(3) The fee waivers in Sections 7.04.055(b)(1) and (b)(2) shall not apply to the impoundment of any unlicensed, unaltered dogs or cats, nor to the State-mandated fines charged for impoundments of unaltered dogs and cats pursuant to California Food and Agriculture Code Sections 30804.7 and 31751.7. The fee waivers in Section 7.04.055(b)(1) shall automatically become inoperative as of December 31, 2023, unless the City Council takes action by ordinance or resolution to extend them beyond the end of 2023.

7.04.060 License fees.

(a) ~~Fees and charges referred to in this chapter are as follows:~~

~~(1) Dog license fee:~~

Unaltered	\$25.00 for one year
	\$35.00 for two years
	\$45.00 for three years
Altered	\$10.00 for one year
	\$15.00 for two years
	\$20.00 for three years

~~(2) Voluntary Cat License Fee. Cats must have current rabies vaccination:~~

	\$ 6.00 for one year
	\$11.00 for two years
	\$15.00 for three years

~~(b) Senior discount (with proof citizen is 60 years of age or older):~~

Unaltered	\$25.00 — one year tag
	\$35.00 — two year tag
	\$45.00 — three year tag
Altered	\$5.00 — one year tag
	\$10.00 — two year tag
	\$15.00 — three year tag

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~~(c) Late penalty:~~

Unaltered	\$3.00 per quarter, \$20.00 maximum, \$100.00 after January 2, 2010, \$250.00 after January 1, 2011
Altered	\$5.00 flat rate, \$50.00 after January 2, 2010

~~(d) Duplicate tag:~~

Unaltered	\$5.00
Altered	\$3.00

~~(e) Transfer of license:~~

~~(1) Transfers of a valid license from another agency within forty five days of residency:~~

Unaltered	\$5.00
Altered	\$3.00

~~(2) Transfers of a valid license within the city of Victorville:~~

Unaltered	\$5.00
Altered	\$3.00

7.04.060 Licenses and other fees.

All fees and charges referred to in this Chapter shall be adopted and revised from time to time by City Council resolution and set forth in the City's most recent master fee schedule.

7.04.065 Dog limitationsLimitations.

(1) No person may keep or permit to be kept any dog without first having obtained a license pursuant to this ~~chapter.~~ Chapter.

(2) No person shall keep, harbor or maintain upon his premises within the city more than three dogs or cats unless said person shall comply with the commercial kennel requirements of Section 7.04.100 or unless said person comes within one of the following conditions:

(A) Any person who keeps or permits to be kept at his premises a dog for a temporary period as defined in subdivision (B) of this subsection shall obtain a dog license as is required by Section 7.04.050;

(B) Any person who keeps or maintains for a temporary period any dog must obtain from the ~~director of public works~~ Victorville City Manager, or his/her ~~designee~~, (hereinafter collectively the "City Manager"), a written authorization, in such form as is created by the ~~director of public works~~ City to temporarily keep or maintain said dog. "Temporary" means

a period not to exceed thirty days. ~~The director of public works, or designee,~~The City Manager may grant additional extensions to permit the temporary keeping or maintaining of dogs at his or her sole discretion. The decision of the ~~director of public works~~City Manager is final and is nonappealable. Under no circumstances may a dog be temporarily kept or maintained at a person's premises for a period in excess of ninety days, consecutive or nonconsecutive.

[...]

7.04.100 Commercial kennels.~~**Kennels.**~~

(a) For the purpose of this chapter, a "commercial kennel" is defined as a place where five or more dogs are kept for the purpose of boarding, breeding, training or marketing. Excluded from such definition shall be licensed and practicing veterinarians who are boarding or caring for dogs who are individually licensed by their owners.

(b) For the purpose of this chapter, "other animal establishments" are defined as rodeos, animal exhibits, stables, petting zoos, pet shops and grooming parlors.

(c) Every person, firm or corporation engaged in the business of operating a commercial kennel as defined in this section shall pay an annual inspection fee ~~as set forth in Section 7.04.060.~~ This fee will be in addition to the fee ~~in~~for obtaining a business license.

~~The inspection fees below are yearly or per event fees:~~

~~Animal dealer~~\$250.00
~~Animal exhibition (\$50.00 each additional day)~~200.00
~~Wild animal (per animal)~~175.00
~~Wild animal menagerie~~225.00
~~Rodeo (\$50.00 each additional day)~~200.00
~~Stables~~225.00
~~Petting zoo~~150.00
~~Dog kennel~~300.00
~~Cat kennel~~300.00
~~Pet shop~~250.00
~~Grooming parlor~~175.00
~~Domestic dog breeder~~300.00

(d) All dogs owned by a commercial kennel shall be subject to the provisions of this chapter upon attaining the age of four months.

(e) The sale of each dog by a commercial kennel before it has attained the age of four months shall be reported by each commercial kennel operator on a form to be furnished by the animal control division, which form shall include information as to the name and address of the person to whom the dog is sold, a description of the dog, age of the dog and other such pertinent data as the animal control division may require. The animal control division shall have the power, upon the giving of ten days' notice by United States mail to any licensee under this section, and an

opportunity to be heard, to revoke any license granted to a commercial kennel operator for violation of this chapter. A commercial kennel operator may appeal such revocation of a license to the city council, in which case the revocation shall not become effective until such time as the city council has heard and considered the appeal and acted to confirm, modify or set aside the action of the animal control officer. Boarding dogs in kennels shall be vaccinated and licensed in the name of the owner. Failure to comply with these requirements is considered a violation of this chapter by the dog owner.

[...]

7.04.130 Release of animal to ~~city~~City.

If adequate animal sheltering facilities are available in the City, The the animal control officer shall pick up a dog or cat on request of the owner. The owner shall be required to sign a written release of the animal before the animal is taken. Any owner wishing to release an animal to the city shall confine the animal for the convenience of the animal control officer. The fees will be as follows: set forth in Section 7.04.060 of this Chapter.

Licensed dog, alive	\$35.00
Licensed dog, doa	\$20.00
Unlicensed dog, alive	\$25.00
Unlicensed dog, doa	\$25.00
Cats, alive	\$25.00
Cats, doa	\$20.00
Any other animal, i.e. rabbit, bird, etc.	\$20.00
Additional animals picked up on same call	\$10.00/ea.

7.04.140 Abandonment of animal.

It is a violation of this chapter for any owner or custodian of any animal to deposit or abandon said animal in any building, lot, enclosure, lane, square or street, school ground, playground or any other public place or private premises in the city. When any animal is found to be abandoned, the animal may be impounded under provisions of this section. The owner of the animal may be charged ~~fifteen dollars per day~~fees as set forth in Section 7.04.060 of this Chapter for care and housing.

7.04.150 Dogs or animals loose or at large.

It is a violation of this Chapter for any owner or custodian of Any any dog or other animal found to permit such dog or other animal to roam at large or loose and not physically restrained on any public street, sidewalk, lane, alley, court or other public place or any private property or premises other than those of the person owning or having custody of said doganimal. Animals found running loose or at large and unrestrained as set forth in the preceding sentence, shall be impounded, or subject to impoundment and such owner, custodian, or other person responsible for

said ~~dog~~animal shall be ~~cited~~subject to the penalties set forth in Section 7.04.280. Any dog that on two separate occasions within a six-month period is observed by an animal control officer unrestrained off its property, may be impounded and the owner charged ~~fifteen dollars per day~~impound and other fees pursuant to Section 7.04.160 of this Chapter for care and housing until a disposition is made on the animal's behalf.

7.04.160 Impoundment, redemption and sale.

(a) Redemption of an impounded animal shall be made by exhibiting satisfactory proof of ownership and by paying the following required fees and charges, the amounts of which are as set forth in Section 7.04.060 of this Chapter:

- (1) Impound fee;
- (2) Medical care fee, if required;
- (3) License, microchipping, and rabies vaccination fees, unless proof can be shown that the animal has been vaccinated, microchipped, and when required, licensed;
- (4) Apprehension fee:-

	Altered	Unaltered
First offense	\$25.00	\$50.00
Second offense	50.00	100.00
Third offense	75.00	150.00
Fourth and subsequent offense	100.00	200.00

(b) Any dog impounded and not wearing a valid dog license will be held in accordance with state law. Any dog impounded and wearing a valid license or other permanent identification as described in subsection (5) of Section 7.04.050 will be held for a period of one hundred twenty hours after the registered owner of the dog has been notified that such dog has been impounded and then disposed of if not claimed by the owner and the fees paid. If the identified dog is unclaimed, the owner may be billed for cost recovery by the city. The registered owner shall be considered to have been notified when phone contact is made or an employee from animal care and control has posted a notice on their property.

(c) In the event of any dog over four months of age who has been impounded has not been vaccinated or, licensed, or microchipped, the owner will pay, in addition to impound and apprehension fees, fees for vaccination, microchipping, and the required license fee before the dog can be reclaimed. The provisions of California Food and Agriculture Code Section 31108.3 shall apply to the microchipping of dogs being reclaimed, as well to dogs that may be sold or adopted out by the City shelter.

(d) ~~(b)~~ Stray cats which are impounded will be held in accordance with State law. In the event any cat over four months of age who has been impounded has not been vaccinated, or microchipped, the owner will pay, in addition to impound and apprehension fees, fees for vaccination and microchipping before the cat can be reclaimed. The provisions of California Food and Agriculture Code Section 31752.1 shall apply to the microchipping of cats being reclaimed, as well as to cats that may be sold or adopted out by the City shelter.

(e) Animals delivered to the animal shelter or other City authorized impound may be sold, transferred to an animal rescue, or put up for adoption based upon all the following conditions having been met:

(1) A period of more than seventy-two hours has elapsed (not including the day of impoundment) and the animal has not been claimed;

(2) If the animal is a dog or a cat, compliance with Sections 30503 and 31751.3 of the California Food and Agriculture Code relating to spaying and neutering, or any successor provisions, have been complied with;

~~(2)~~(3) Permission of the animal control officer has been given;

~~(3)~~(4) The purchaser of the animal shall be required to pay all permits and license, vaccination, microchipping, and other fees required by this chapterChapter.

[...]

7.04.280 – Violations and Penalties.

(a) Any person violating any of the provisions, or failing to comply with any of the requirements of this chapter, is Chapter shall be guilty of a misdemeanor or an infraction in accordance with the provisions of Chapter 1.04 of this Code and subject to the penalties and other provisions set forth therein.

(b) Any person violating any civil penalty, punishable in accordance with of the provisions of or failing to comply with any of the requirements of this Chapter may also be issued an administrative citation in accordance with the provisions of Chapter 1.05. In addition, in the discretion of the city attorney and based upon the specific facts and circumstances presented to him or her, any of this Code and subject to the penalties and other provisions set forth therein.

(c) Each and every day such violation may be charged as an infraction or misdemeanor subject to the penalties contained in Section 1.04.010. or failure to comply continues shall be regarded as a new and separate offense.

~~(a)~~(d) In addition to the arrest of the owner or custodian, the animal committing the violation or which is found to be in violation of this chapterChapter may be impounded. Any animal so impounded may be redeemed as provided for in Section 7.04.160.

~~7.04.290~~ Infraction violations.

~~Any person violating any provisions of this chapter, except as stated in Section 7.04.280, is guilty of an infraction, punishable as provided in Section 1.04.010. In lieu of the arrest of the owner or custodian, the animal committing or which is found to be in violation of these sections may be impounded. Any animal so impounded may be redeemed as provided for in Section 7.04.160.~~

7.04.290 Reserved.

[...]

7.04.300 Live animal trap rentals.

Live animal traps are available for use by the public. These traps will be ~~rented for three dollars per business day~~ provided at no cost with a fifty-dollar (\$50.00) deposit. ~~There will be a three-day minimum rental and a ten-day maximum rental.~~ Deposits will be refunded if the trap is returned in workable condition.

Chapter 7.05 BREEDING REGULATIONS FOR DOGS AND CATS

[...]

7.05.040 License application.

Applications for a breeding license or a renewal of a breeding license required by this section shall be filed with the ~~city of Victorville director of public works~~ City Manager upon printed forms to be prescribed and supplied by the ~~director of public works~~ City. Each application, or renewal, shall be signed under penalty of perjury by the applicant.

7.05.050 Inspection of premises.

After receipt of a completed application, the ~~director of public works~~ City Manager shall make an inspection of the premises for which the breeding license is requested. No breeding license shall be issued or renewed until the ~~director of public works~~ City Manager ensures that the establishment is in good order and in sanitary condition, and is conducive for dog and/or cat breeding. As a condition to the issuance of the breeding license, the applicant shall agree to allow such entry and inspection, and such agreement shall be made a part of the license application. Such inspections shall be made during reasonable hours at times when the applicant is present on the premises, and with such frequency as the ~~director of public works~~ City Manager deems appropriate. Willful refusal on the part of the applicant shall be grounds for summary denial of an application or renewal of a breeding license.

7.05.060 License terms and conditions.

All breeding licenses shall contain the following terms and conditions:

- (1) The owner of an unaltered female dog or cat shall not allow the whelping of more than one litter per female in any twelve-month period.
 - (A) Notwithstanding this provision, the ~~director of public works~~ City Manager is hereby authorized, upon application, to allow on a one-time basis the whelping of up to two dog or cat litters per breeding animal within any establishment or domestic household within a twelve-month period, if the applicant establishes that such breeding is required to protect the health of the animal or avert a substantial economic loss to the applicant. In the event that an applicant is forced to euthanize a litter of dogs or cats, the ~~director of public works~~ City Manager may authorize the whelping of one additional litter of dogs or cats within the same license year by the licensee.
- (2) No offspring may be sold until it has reached the age of at least eight weeks.
- (3) No offspring may be sold until immunized against common diseases. The sale of a dog or cat shall include a statement acknowledging the animal's health, and the animal's immunization history. This statement shall be signed by the breeder or attested to by the purchaser.
- (4) Any licensee who advertises to the public the availability of any dog or cat for sale must prominently display the breeding license number in any such advertisement. Further, the licensee must provide the license number to any person who purchases any animal from the licensee and include the license number on any receipt of sale or transfer document.
- (5) Commercial establishments selling locally bred dogs or cats shall prominently display their breeding license number. Commercial establishments selling dogs or cats which were not bred within the city of Victorville, shall prominently display the name and address of the breeder of such dogs and cats.
- (6) Any licensee selling a dog or a cat shall submit to the city of Victorville, department of public works, the name, address, and telephone number of the animal's new owner within five days from the date of sale or other transfer.
- (7) When an animal is temporarily in the city of Victorville for breeding purposes, the owner of such animal is required to have and present, when requested, a certificate of health signed by a licensed veterinarian within the prior thirty-day period.

[...]

7.05.110 Denial of breeding license.

(a) The ~~director of public works~~City Manager may deny the application or renewal of a breeding license for any of the following reasons:

- (1) Applicant does not allow the reasonable inspection of the premises by the ~~director of public works~~City Manager;
- (2) Inspection of the premises reveals conditions not suitable for dog or cat breeding;
- (3) Applicant made a false, misleading or fraudulent statement of a material fact in an application for a breeding license, or in any report or record required to be filed with the city of Victorville;
- (4) Applicant committed an act which violates any rule or regulation adopted by any governmental agency relating to the licensee's business, if any, including, but not limited to, failure to pay local taxes, fees or assessment imposed by the city, or any district created by the city;
- (5) Applicant violated any condition or restriction of the breeding license;
- (6) Applicant conducted the breeding of dogs and cats in a manner contrary to the health, safety and the general welfare of the public;
- (7) Applicant has been convicted of or pled no contest to any crime involving animal cruelty or neglect.

(b) The decision of the ~~director of public works~~City Manager shall be in writing. If the decision is to deny the application or renewal of a breeding license, he shall inform the applicant in writing by issuing a notice of denial. The notice of denial shall state the reasons for the denial, as well as a provision informing the applicant of his or her right to appeal the decision to the city council within ten days of the service of the notice of denial. The notice of denial shall be sent first class mail return receipt requested.

7.05.120 Appeal from denial of breeding license or denial of renewal of breeding license.

(a) The decision of the ~~director of public works~~City Manager may be appealed to the city council by filing a request for appeal with the city clerk no later than ten days after the date of the service of the notice of denial. Upon a timely request for appeal, the city clerk shall set the appeal hearing for a regularly scheduled or special city council meeting not later than thirty days after receipt of the request for appeal. Notice of such appeal hearing shall be given to the appellant not fewer than five days prior to the hearing. The notice of the appeal hearing shall provide the date and time of hearing, the right of the appellant to be accompanied by counsel at the hearing, the

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right of the appellant to call and examine witnesses and to cross-examine opposing witnesses.

(b) After the expiration of the appeal period to the city council, the decision of the ~~director of public works~~City Manager shall be final and conclusive unless an appeal was timely filed in accordance with the provisions of the ~~Victorville Municipal Code~~set forth above.

(c) In considering the appeal, the city council shall conduct the hearing and may uphold, reverse, or amend any decision of the ~~director of public works~~City Manager. The decision of the city council shall be ~~mailed~~delivered to applicant within ten days of the hearing on appeal either personally ~~and~~ or by certified mail, and/or by regular U.S. mail, to the address last shown on the application for a license, unless the applicant has provided the city council with written notice of a change in address, in which case the notice shall be sent to such address. The decision shall be supported by written findings and shall include notification of Section 1094.6 of the California Code of Civil Procedure.