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ORDINANCE NO.

An ordinance of San Bernardino County, State of California, to amend Chapters 1, 2, and 12 of Division 2 of Title 3 of the San Bernardino County Code relating to existing laws concerning control, impoundment, and abandonment of cats necessary to implement a Trap-Neuter-Vaccinate-Return program.

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

SECTION 1. The Board of Supervisors of San Bernardino County finds that:

(a) San Bernardino County animal shelters take in more than 3,300 cats annually. Of these cats, approximately 1,300 are healthy Community Cats.

(b) Community Cats are described as free-roaming cats who may be cared for by residents of the immediate area, and may consist of a mixture of feral cats, semi-socialized cats, and occasionally abandoned pets. One unspayed female cat can have approximately 3 litters of kittens each year. When these cats are spayed/neutered and vaccinated, it improves their health by reducing unwanted litters, fighting, and the incidence of disease.

(c) San Bernardino County does not have a program to address Community Cats.

(d) The most humane way to address Community Cats is by establishing a Trap-Neuter-Vaccinate-Return (TNVR) program where healthy, adult ~~C~~community ~~C~~cats may be trapped, sterilized, ear-tipped, vaccinated and returned to their community by ~~members~~individuals of the public and San Bernardino County Animal Care employees.

(e) Adopting a TNVR Program will improve the health and well-being of Community Cats, reduce the number of healthy Community Cats coming into the County shelters, and reduce the number of healthy adult cats being euthanized in County shelters.

1 (f) Revisions to the San Bernardino County Code are necessary because, as
2 currently written, it is ambiguous if an individual, rescue group, or Animal Care employees
3 that returns a Community Cat to the outside area where it was originally collected ~~at~~ would
4 be in violation of the County's laws concerning control and abandonment of animals.

5 (g) The proposed ordinance would amend the County Code for the purpose of
6 regulating how Community Cats are to be controlled and define when it is permissible to
7 release them into the outside environment where they have already been living.

8
9 SECTION 2. Section 32.0101 of Chapter 1 of Division 2 of Title 3 of the San
10 Bernardino County Code is amended to read:

11 **32.0101 Definitions.**

12 For the purposes of this Chapter, the following definitions shall apply unless the
13 context clearly indicates or requires a different meaning.

14 ABANDONED ANIMAL. Any animal left unattended for a minimum of 24 hours
15 without receiving proper care and/or treatment by its owner or caretaker. Community Cats
16 returned to their original point of pick-up following treatment in a Trap-Neuter-Vaccinate-
17 Return program shall not be considered abandoned when returned and released at or
18 near the original point of pick-up as part of a community cat management program.

19 ALTERED DOG. Any dog which has been certified in writing by a veterinarian as
20 being nonreproductive.

21 ANIMAL. Any mammal, poultry, fowl, reptile, fish, or any other living creature.

22 ANIMAL CONTROL OFFICER. Any person duly appointed by the Health Officer
23 and authorized to act on his or her behalf in the enforcement of the Animal Care and
24 Control Program.

25 ANIMAL MENAGERIE. Any place where wild animals are kept or maintained for
26 private or commercial purposes, including places where wild animals are boarded,
27 trained, or kept for hire.

28 ANIMAL SHELTER. All places where impounded animals are to be confined,

1 whether by the County or by a private person or persons under contract or agreement
2 with the County.

3 CAT. All domesticated felines belonging to the genus Felis catus. ~~Cats shall be~~
4 ~~exempt from the stray animal and running at large provisions of Sections 32.0102 and~~
5 ~~32.0108.~~

6 CHIEF OFFICER. The San Bernardino County Public Health Program Manager
7 assigned to the Animal Care and Control program or any other person so designated.

8 COMMUNITY CAT. Community cat shall mean any free-roaming, unowned cat
9 living in an outdoor environment that may or may not be a part of a cat colony. A
10 community cat may or may not be feral.

11 DEPARTMENT. Department means the San Bernardino County Department of
12 Public Health.

13 DOG. Any dog of any age, female or male.

14 EAR-TIPPING. The removal of the distal one-quarter of a Community Cat's left
15 ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a
16 kitten. This procedure is performed under sterile conditions while the Cat is under
17 anesthesia, in compliance with any applicable federal or state law, and under the
18 supervision of a licensed veterinarian. Ear-tips are designed to identify a Community Cat
19 as being sterilized and lawfully vaccinated for rabies.

20 ENCLOSURE. A pen or structure suitable to confine an animal determined
21 potentially dangerous or vicious. The ENCLOSURE shall be designed to prevent the
22 animal from escaping and to prevent the entry of young children and other persons.

23 GUARD DOG. Any dog used for the purpose of guard duty.

24 HEALTH OFFICER. The San Bernardino County Health Officer or any other
25 person duly authorized to act on his or her behalf.

26 IMPOUNDMENT. The picking up of an animal by a duly authorized person and
27 bringing it into an animal shelter for confinement, custody, and disposition.

28 LEASH. Any rope, leather strap, chain or other material not exceeding six feet in

1 length being held in the hand of a person capable of controlling the animal to which it is
2 attached.

3 LICENSE TAG. A piece of metal or other durable material inscribed with a date
4 and number which has been issued by the County or a municipal dog licensing agency.

5 LIVESTOCK. All domesticated bovine, equine, caprine, ovine and porcine species.

6 OWNER or KEEPER. Any person who owns or maintains an animal, or who
7 harbors or keeps an animal for 15 or more consecutive days, except a veterinarian or an
8 operator of a grooming shop, a kennel or a pet shop engaged in the regular practice of
9 this business.

10 PERIMETER FENCE. A fence which shall guard and contain the enclosure and
11 shall be totally separate from such enclosure and shall be a minimum of six feet in height
12 and shall be at least six feet from the enclosure on all sides to prevent contact between
13 the animal and the public.

14 PERSON. Any person, firm, partnership, corporation, trust, or any association of
15 persons.

16 POTENTIALLY DANGEROUS ANIMAL. Any of the following:

17 (1) Any animal which, unprovoked, on two separate occasions within
18 any 36-month period, engages in any behavior that requires defensive action by any
19 person to prevent bodily injury, but only if the person and the animal are off the property
20 of the owner or keeper of the animal when the animal behavior occurs;

21 (2) Any animal, which, unprovoked, bites a person causing a less than
22 severe injury, as defined below in this Subdivision;

23 (3) Any animal, which, unprovoked, kills, seriously bites or otherwise
24 inflicts or causes injury to a domestic animal, but only if such occurs off the property of
25 the owner or keeper of the attacking animal.

26 REGISTRATION. Any animal which has been declared potentially dangerous or
27 vicious shall be registered as such with the Animal Care and Control Program.

28 SEVERE INJURY. Any physical injury to a human being, which results in muscle

1 tears or disfiguring lacerations or which requires multiple sutures or corrective or cosmetic
2 surgery.

3 SHELTERKEEPER. The San Bernardino County Public Health Animal Shelter
4 Supervisor assigned to the Animal Care and Control program or any other person so
5 designated by the Health Officer.

6 STRAY. Any animal, excluding Community Cats, with no identification or with no
7 known owner or keeper.

8 TRAP-NEUTER-VACCINATE-RETURN (TNVR). A program whereby a
9 Community Cat is trapped, or otherwise obtained, and provided rabies vaccination,
10 sterilized, ear-tipped, and returned and released at the point of pickup following a
11 determination that the Community Cat is healthy and capable of living independently.

12 UNLICENSED DOG. Any dog for which a current license has not been paid, or to
13 which the current tag provided for in this Code is not attached.

14 VICIOUS ANIMAL. Any of the following:

15 (1) Any animal seized under Penal Code §section 599aa (fighting
16 animals) and fighting dogs as provided in Subdivision (a) of Penal Code §section 597.5
17 when there has been a conviction of the owner or keeper of the subject dogs under that
18 subdivision of the Penal Code;

19 (2) Any animal which, unprovoked, inflicts severe injury on a human
20 being, as such injury is defined above in this Subdivision, or kills a human being;

21 (3) Any animal previously determined and currently listed as a
22 potentially dangerous animal, which, after its owner or keeper has been notified of this
23 determination, continues the behavior described in the definition of POTENTIALLY
24 DANGEROUS ANIMAL above or is maintained in violation of §section 32.1405 of this
25 Code.

26 WILD ANIMAL. Any wild, exotic, dangerous or venomous animal, including but not
27 limited to mammals, fowl, fish, or reptile.

28

1 SECTION 3. Subsection 32.0103(e) of Chapter 1 of Division 2 of Title 3 of the San
2 Bernardino County Code is added to read:

3 **32.0103 Disposition of Impounded Animals.**

4 (e) For Community Cats that have been impounded, upon determination that
5 the Community Cat is healthy, it shall be sterilized, vaccinated for rabies, have its ear-
6 tipped, and then returned and released at or near the original point of pick-up.

7
8 SECTION 4. Section 32.0107 of Chapter 1 of Division 2 of Title 3 of the San
9 Bernardino County Code is amended to read:

10 **32.0107 Abandoned Animals.**

11 It shall be unlawful to abandon any animal in ~~the County of San Bernardino~~ County.
12 Community Cats shall not be considered abandoned when returned and released at or
13 near the original point of pick-up as part of a Ceommunity Ceat management program.

14
15 SECTION 5. Subsection 32.0108(a) of Chapter 1 of Division 2 of Title 3 of the San
16 Bernardino County Code is amended to read:

17 **32.0108 Control of Animals.**

18 (a) Except as to Community Cats returned and released to their point of pick-
19 up as part of a TNVR program, nNo person owning or having control of any animal shall
20 permit such animal to stray, to run at large upon any private or public street, sidewalk,
21 school ground, public park, playground, place of public assembly or any other public place
22 or upon any unenclosed private lot or other unenclosed private place or upon any private
23 property without the consent of the owner or person in control thereof. Parkways
24 comprising the area between the street and sidewalk shall be included as private property
25 for purposes of this Section.

26
27 SECTION 6. Section 32.0208 of Chapter 2 of Division 2 of Title 3 of the San
28 Bernardino County Code is amended to read:

1 **32.0208 Vaccination.**

2 (a) Said rabies vaccination shall be performed only by a veterinarian who is
3 duly licensed to practice in the State of California. Vaccination for rabies may be done in
4 any veterinary clinic or hospital or in a low-cost rabies vaccination clinic sponsored by the
5 County or any incorporated city.

6 (b) A licensed veterinarian in the San Bernardino County Department of Public
7 Health's jurisdiction who vaccinates an animal against rabies must immediately issue a
8 certificate of vaccination signed by the veterinarian to the owner or custodian of the
9 animal, stating:

10 (1) The name and address of the owner or custodian of the vaccinated
11 animal;

12 (2) The type of vaccine used, the name of the manufacturer, the
13 manufacturer's serial or lot number, and the date of the vaccination; and

14 (3) The breed, age, color, and sex of the vaccinated animal.

15 A duplicate certificate of vaccination must be submitted to the San Bernardino
16 County Department of Public Health via mail, electronic transmission, or personal delivery
17 on the 10th of each month, for any animal so vaccinated during the previous month.
18 Electronic transmission is preferred.

19
20 SECTION 7. Section 32.1201 of Chapter 12 of Division 2 of Title 3 of the San
21 Bernardino County Code is amended to read:

22 **32.1201 Definitions.**

23 For the purpose of this Chapter, the following definitions shall be used:

24 CAT. All domesticated cat-felines belonging to the species-genus Felis
25 catusdomestica, including its young or kitten.

26 CATTERY. A place where five or more cats are kept. The term CATTERY shall
27 not apply to animal shelters operated by governmental agencies, nor shall it apply to
28 veterinary hospitals.

1 Any CATTERY shall be in the proper A-I, A-2, DL, or M-I zone. In the A-I, DL and
2 M-I zones, a location and development application involving a public hearing before the
3 County Planning Commission must first be filed and approved by said Commission. In A-
4 2 zone, the cattery is considered as a permitted use, not requiring the approval of a
5 Location and Development Application.

6 A CATTERY is subdefined as follows:

7 (1) BREEDING CATTERY. A cattery in which more than four cats are
8 kept for the primary purpose of breeding.

9 (2) BOARDING CATTERY. A cattery in which cats owned by persons
10 other than the cattery owner/operator are being cared for.

11 (3) BOARDING AND BREEDING CATTERY. A cattery in which cats are
12 kept for boarding, breeding, marketing or other purposes.

13 (4) PRIVATE CATTERY. A place wherein more than four but not
14 exceeding five cats three months of age or older, all belonging to the same owner and
15 kept or maintained as pets within the premises or residence of owner for his pleasure and
16 enjoyment. No breeding in which the kittens are intended for sale or other commercial
17 purpose must be done.

18 HEALTH OFFICER. The San Bernardino County Health Officer, or any other
19 person duly authorized to act on his or her behalf.

20
21 SECTION 8. Subsection 32.1203(a) of Chapter 12 of Division 2 of Title 3 of the
22 San Bernardino County Code is amended to read:

23 **32.1203 Construction, Operation and Maintenance.**

24 (a) All cats in a private or commercial cattery shall be confined and not allowed
25 to run at large.

26
27 SECTION 9. The Board declares that it would have adopted this Ordinance and
28 each section, subsection, sentence, clause, phrase, or portion of it irrespective of the fact

1 that any one or more sections, subsections, clauses, phrases or portions of it be declared
2 invalid and unconstitutional. If for any reason any portion of this Ordinance is declared
3 invalid or unconstitutional, then all other provisions of it shall remain valid and
4 enforceable.

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6 SECTION 10. This ordinance shall take effect thirty (30) days from the date of
7 adoption.

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DAWN ROWE, Chair
Board of Supervisors

11
12 SIGNED AND CERTIFIED THAT A COPY
13 OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

14 LYNNA MONELL, Clerk of the
15 Board of Supervisors

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF SAN BERNARDINO)

4 I, LYNNA MONELL, Clerk of the Board of Supervisors of San Bernardino County,
5 State of California, hereby certify that at a regular meeting of the Board of Supervisors of
6 said County and State, held on the _____ day of _____, 2024, at which meeting
7 were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
9 wit:

10 AYES: SUPERVISORS:
11 NOES: SUPERVISORS:
12 ABSENT: SUPERVISORS:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal
14 of the Board of Supervisors this ____ day of _____, 2024.

15 LYNNA MONELL, Clerk of the
16 Board of Supervisors of
17 San Bernardino County,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:
22 TOM BUNTON
23 County Counsel

24 By: _____
25 JOLENA E. GRIDER
26 Deputy County Counsel

27 Date: _____
28