Subchapter Three: Animal Fanciers Permit

8.03.010 Animal Fancier Permit Program.

(a) No person may keep more than four dogs or cats, or dogs and cats, at any one location unless that person has first obtained an animal fancier=s permit in accordance with this subchapter.

(b) The Division of Animal Control shall administer an animal fancier permit program as described by this chapter to allow the keeping of dogs and/or cats up to a total of ten animals.

[*History*: ORD. 606, 9/10/03]

8.03.020 Application for Animal Fancier Permit.

Any application for an Animal Fancier Permit shall be made to the Division of Animal Control on a form provided by the Division. The application shall include the name of the applicant, his or her residence address and telephone number, the address of the proposed location where the animals are to be kept if different from applicant's address, and a description of the housing facilities for the keeping of the animals. The application shall also state the number of dogs and/or cats to be kept and include a copy of the current license certificate issued under section 8.01.040 of this code for each animal to be kept. The Animal Control Program Manager may require the applicant to provide any other information (s)he seems necessary to properly evaluate the application.

[*History*: ORD. 606, 9/10/03]

8.03.030 Issuance of Permit.

(a) An application for a fancier's permit shall include a statement from the applicant that:

(1) Keeping of the animals at the proposed location will not violate any federal, state or local law.

(2) Appropriate facilities of sufficient size exist at the proposed location to safely and adequately secure, feed, house, exercise and maintain the animals.

(3) The proposed location consists of a lot or lots of sufficient size to safely and adequately house, maintain and exercise the animals without disturbance to adjacent property owners or the public.

(4) Possession and maintenance of the animals at the proposed location will not result in the animals being subject to neglect, cruelty, or abuse.

(5) The applicant has neither had any animal license or permit revoked, nor has been convicted of any violation of any provision of sections 8.01, 8.02 and 8.03 of this code or any other state or local animal control law, within the past year.

(6) The keeping and maintenance of the animal will not create a public or private nuisance or endanger the public health, safety or welfare.

(7) The keeping of the animals at the proposed location complies with all City zoning regulations.

(b) The Animal Control Program Manager may investigate or require any further information or documentation which would assist in determining whether the statements made by the applicant are correct and whether the permit should be issued.

[*History*: ORD. 606, 9/10/03]

8.03.040 Permit Conditions.

(a) Any permit issued under this chapter shall be made expressly subject to the following conditions:

(1) The permit holder shall provide veterinary care as needed and make every effort to keep all animals free of disease and parasites.

(2) The permit holder shall keep the animals' living quarters clean and sanitary.

(3) Any cages or structures housing animals shall be of a sufficient size to insure the health, safety and comfort of the animals and shall be placed at least three (3) feet from any lot line in residential areas.

(4) Any other conditions which the Division determines is reasonably necessary to protect the welfare of the animals kept or the public, health, safety or welfare.

(b) The fancier permit fee established under the Master Fee Schedule of this code shall be paid by the applicant prior to issuance of the permit. Such fee shall be paid each time a permit is issued or renewed.

[*History*: ORD. 606, 9/10/03]

8.03.050 Inspections.

(a) The Animal Control Program Manager may require any permit holder to produce for inspection any required animal license, permit or certificate of vaccination.

(b) The Animal Control Program Manager may, with 48 hours notice to the permit holder, conduct such inspections of the premises upon which animals are kept under a fancier's permit, as necessary to insure compliance with the conditions of the permit.

(c) Such inspection of the premises shall be based on the direct observations of an animal control officer or upon a non-anonymous compliant.

[*History*: ORD. 606, 9/10/03]

8.03.060 Expiration and Renewal of Permits.

(a) Permits issued under this chapter shall expire one year after issuance.

(b) Permits may be renewed on an annual basis upon filing of a new application containing updated information and payment of the annual fancier's permit fee established by the Master Fee Schedule.

(c) No permit shall be renewed if the Animal Control Program Manager has received two or more substantiated complaints concerning the location or manner of keeping of the animals or if the Animal Control Program Manager has determined that the findings set forth in section 8.03.030 cannot be made or that any of the grounds for revocation described by section 8.03.060 of this chapter exist.

[*History*: ORD. 606, 9/10/03]

8.03.070 Permit Revocation.

Any permit issued under this chapter may be revoked by the Animal Control Program Manager if, after investigation, the Animal Control Program Manager finds reasonable cause to believe any of the following grounds exist:

(a) The permittee has violated any animal control laws or regulations, any zoning or health and safety laws or any regulations relating to the keeping of animals.

(b) The permittee has failed to keep and maintain in a clean and sanitary condition the premises on which the animals are kept.

(c) The permittee has acted in an inhumane or cruel manner in the treatment of the animals.

(d) The permittee has failed to provide any animal with proper food, water, exercise, shelter or veterinary care.

(e) The permittee has failed to comply with all conditions of the permit.

(f) The permittee has failed to pay any fee or obtain any license imposed under title 6 of this code.

(g) The permittee has provided false information in the permit application or has failed to cooperate in allowing inspection of the premises by the Animal Control Program Manager.

[*History*: ORD. 606, 9/10/03]

8.03.080 Appeal of Revocation of Permit.

(a) Prior to revocation of a permit, the Animal Control Program Manager shall provide written notice to the permittee of its intention to revoke the permit. Such notice shall contain a statement of the grounds supporting permit revocation and shall advise the permittee that the permit will be revoked unless a hearing before the Director of Environmental Services Agency or his designee is requested in writing to the Animal Control Program Manager within ten days of the mailing of the notice. Any request for a hearing must specify the reasons the license should not be revoked and why the grounds cited in the notice do not exist.

(b) Upon receipt of a request for hearing, the Animal Control Program Manager shall schedule a hearing before the Director of the Environmental Services Agency or his designee and shall provide the permittee with reasonable written notice of the date, time and place of the hearing.

(c) At the hearing, the petitioner and the Animal Control Program Manager may be represented by counsel, present oral and written evidence and cross-examine witnesses. The strict rules of evidence need not apply. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. In this regard, written statements, records or reports by a state or county officer or employee, or any law enforcement or fire protection officer or employee, or the animal control program or its agents, acting in the course and scope of their official duties, or written statements by any person made under penalty of perjury, may be admitted as evidence that the facts or conditions expressed therein do or do not exist.

(d) After the hearing, the hearing officer may revoke the permit or may impose additional conditions in order to allow continuation of the permit if he or she finds that substantial evidence supports the decision by the Animal Control Program Manager to revoke the permit. Alternatively, the hearing officer may determine that the permit should not be revoked.

(e) After a permit is revoked, the Animal Control Program Manager shall allow the permit holder reasonable time, not to exceed 90 days, to relocate those cats and dogs which may not be kept without a fancier permit: except that if the cause of revocation involves health or safety concerns or violations or animal neglect or cruelty the Animal Control Program Manager may immediately impound all of the animals.

[*History*: ORD. 606, 9/10/03]

8.03.090 New Application After Denial or Revocation.

If a license has been denied or revoked, the Animal Control Program Manager shall not accept a new application by the same person or member of the person's household less than twelve (12) months after such denial or revocation unless the applicant shows and Animal Control Program Manager determines that the grounds upon which the first license or application was denied or revoked no longer exist. Upon revocation, no part of the permit fee shall be refunded.

[*History*: ORD. 606, 9/10/03]

8.03.100 Administrative Guidelines.

The Animal Control Program Manager may formulate administrative guidelines in conformity with, and for the purpose of implementing, this chapter.

[*History*: ORD. 606, 9/10/03]

8.03.110 Mediation.

Upon receipt of a nuisance complaint regarding the holder of an Animal Fancier Permit, the Animal Control Program Manager ("Manager") may require the complainant(s) to mediate with the Animal Fancier permit holder as a precondition of investigation, citation and abatement of the nuisance. Such cases may be referred to the County Mediation Program. If the Manager determines mediation is appropriate and the complainants agree to mediate but the alleged violator refuses, the Manager may proceed with investigation and any appropriate enforcement.

[*History*: ORD. 606, 9/10/03]