

COUNTY OF SACRAMENTO, CALIFORNIA  
CODE OF ORDINANCES

Chapter 8.34 VICIOUS ANIMALS

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8.34.010 Purpose.

The purpose of this Chapter is to regulate the keeping of animals which are potentially vicious or involve a threat to the safety of people and other animals on streets, sidewalks, and private property where the animals are not properly maintained as such animals constitute a serious hazard within the unincorporated area of the County. The increasing tendency to maintain dogs which, by virtue of breeding or training, have a propensity to attack others compounds the hazard. Specific injuries to innocent persons resulting from attacks by animals illustrates the need for regulation which reduce the safety hazard.

Every owner of an animal is held strictly accountable for the exercise of such control over the animal as necessary to insure that the animal does not injure innocent human beings or other animals who are not on the premises where the animal is maintained. Such strict accountability is hereby imposed whether or not the injury results from the negligence or other fault of the owner, and regardless of the degree of precaution or control exercised by the owner. (SCC 0892 § 19, 1992; SCC 0815 § 2, 1990; SCC 509 § 2, 1982.)

8.34.015 Owner Responsible.

Any owner of any animal is deemed responsible for the acts committed by that animal when the owner has failed to comply with the legal requirements for the keeping of that animal as defined in this Title. No person shall permit or suffer an animal to act in such a manner as constitutes vicious behavior as defined in Section 8.04.270 of this Title.

A violation of any of the provisions of this Chapter is punishable as otherwise provided in this code and as follows:

Any animal owner who maintains any animal in such a manner as to permit or suffer it to exhibit vicious behavior shall be guilty of a misdemeanor.

Nothing in this Chapter shall prevent prosecution for violations of other statutes or codes which may deal

with other or more specific offenses, including, but not limited to, penal and civil statutes. (SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.020 Sale Prohibited.

No animal held in custody by the Chief of Animal Control which is known to have exhibited vicious behavior as defined in this Title shall be released for sale to any member of the public but rather shall be destroyed upon exhaustion of the required period of impoundment unless legally reclaimed by the owner. (SCC 0892 § 19, 1992; SCC 0815 § 2, 1990; SCC 509 § 2, 1982.)

#### 8.34.025 Quarantine.

No animal which has been declared vicious or against which a vicious animal affidavit has been filed may be impounded or quarantined at any place other than the Animal Control Center unless authorized by the Chief of Animal Control. (SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.030 Filing of Charges.

Any person, including employees of Animal Control, possessing personal knowledge of facts that there exists a vicious or dangerous animal within the unincorporated area of the County or those incorporated areas served by the Chief of Animal Control may file with the Chief of Animal Control a written affidavit, signed under penalty of perjury, which contains the following facts:

1. A description of the offending animal including, to the extent known, the color, size, sex, breed and name of the animal, and the name and address of the owner of the animal;
2. An assertion that the animal described is a vicious animal within the meaning of Section 8.04.260 or a dangerous animal within the meaning of Section 8.04.265, together with a statement of the facts upon which the assertion is based, including the name and address of any person who has been victimized or injured by the animal or the name and address of the owner of any animal that has been injured, including a description of the extent of the injuries, the names and addresses of any witnesses thereto, the time, date, and location of any incident related to the assertion, and an explanation of how the personal knowledge of the affiant was acquired; and
3. The name, residential and occupational addresses and telephone numbers of the affiant. (SCC 1180 § 5, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990; SCC 509 § 2, 1982.)

#### 8.34.035 Timely Filing.

Unless otherwise provided, the filing of a vicious or dangerous animal affidavit must be made within thirty (30) calendar days of the most recent event or circumstances occasioning the affidavit. Upon evidence that good cause exists that the affidavit could not be filed within thirty (30) calendar days, the Chief of Animal Control may extend the deadline for filing of the affidavit. (SCC 1180 § 6, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.040 Impoundment of Animal.

Upon receipt by the Chief of Animal Control of an affidavit filed in compliance with Section 8.34.030 and Section 8.34.035 of this Chapter, the Chief of Animal Control shall initiate an investigation of the incident or incidents described in the affidavit for the purpose of verifying the facts stated or obtaining other information. The investigation shall be completed no later than seven (7) business days after the date the affidavit is filed. If after an investigation, the identified facts show the existence of a vicious animal within the meaning of Section 8.04.260 or a dangerous animal within the meaning of Section 8.04.265 of this Title, the Chief of Animal Control shall locate and impound the animal which is the subject of the charges within forty-eight (48) hours of the date the investigation is completed. (SCC 1180 § 7, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990; SCC 509 § 2, 1982.)

#### 8.34.045 Notice of Hearing.

Not later than fourteen (14) calendar days after the impoundment of a purportedly vicious or dangerous animal, or at such time as is determined by the Chief of Animal Control, the Chief of Animal Control shall either personally serve upon or mail to the residential address of the owner of the animal and the affiant the following:

1. A written notice of the time, date, and place of the hearing prescribed by Chapter 8.36 of this Title, the date of said hearing to be scheduled not earlier than fourteen (14) calendar days following the date of personal service or deposit in the United States mail of the notice;
2. A copy of the affidavit filed pursuant to Section 8.34.030 and Section 8.34.035; and
3. A copy of the provisions of this Title.

Conversely, if, or after an investigation, the identified facts show that cause to conduct a vicious or dangerous animal hearing has not been shown, the Chief of Animal Control shall so notify the affiant and the animal owner in writing. (SCC 1180 § 8, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.050 Bond Required.

At the discretion of the Chief of Animal Control, any animal impounded or quarantined pursuant to the provisions of this Chapter may be returned to the custody of its owner pending the conduct of the vicious animal hearing and the rendering of a decision by the Hearing Officer provided such return is determined to pose no threat to public health and safety.

The owner, if authorized by the Chief of Animal Control, may gain custody of the animal by posting a cash bond in the amount of one thousand (1,000) dollars or such greater amount as is justified in writing and approved by the Director as necessary to assure the return of the animal or by furnishing other security upon review and approval by the County Counsel, which bond or other security shall be forfeited in the event the animal is not delivered into the custody of the Chief of Animal Control if so ordered in the decision rendered by the Hearing Officer. (SCC 0892 § 19, 1992; SCC 0815 § 2, 1990; SCC 509 § 2, 1982.)

#### 8.34.055 Registration.

Any animal which has been declared by the Hearing Officer to be vicious within the meaning of Section 8.04.260 or dangerous within the meaning of Section 8.04.265 shall be subject to special registration requirements as follows:

- a. An owner of a vicious or dangerous animal is required to pay, in addition to any required licensing or permit fee, an annual special registration fee (as applicable) which shall be valid and renewable concurrent with the effective dates of the licensing of the animal. Late registration is subject to a penalty fee equal to the annual special registration fee;
- b. An owner of a vicious or dangerous animal shall allow the Department of Animal Care and Regulation to implant a microchip under the skin of the animal prior to release to the owner in order to identify the animal as a vicious or dangerous animal. The microchip number shall be added to the County and national register for microchipped animals. The owner of a vicious or dangerous animal shall reimburse the Department for the cost of microchipping and registration. (SCC 1180 § 9, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

#### 8.34.060 Keeping of a Dangerous Animal.

Except as otherwise provided in the decision rendered by the Hearing Officer, the keeping of an animal which has been declared dangerous shall, at a minimum, be subject to the following provisions:

- a. The animal shall be properly licensed and vaccinated. The Chief of Animal Control shall include the dangerous designation in the records of the animal, either after the owner or keeper of the animal has agreed to the designation or a hearing officer has determined the designation applies to the animal.
- b. If the animal in question dies, or is sold, transferred, or permanently removed from the city or county where the owner or keeper resides, the owner of a dangerous animal shall notify the Department of the changed condition and new location of the animal in writing within two working days.
- c. If there are no additional instances of the behavior described in Section 8.04.265 within a 36-month period from the date of designation as a dangerous animal, the animal shall be removed from the list of dangerous animals. The animal may, but is not required to be, removed from the list of dangerous animals prior to the expiration of the 36-month period if the owner or keeper of the dog demonstrates to the Chief of Animal Control that changes in circumstances or measures taken by the owner or keeper, such as training of the animal, have mitigated the risk to the public safety.

All costs associated with these provisions or any other or additional provisions ordered by the Hearing Officer shall be borne by the owner of the animal which has been declared to be dangerous. (SCC 1180 §

10, 2001; SCC 0892 § 19, 1992; SCC 0815 § 2, 1990.)

8.34.070 Destruction; Non-Destructions; Conditions.

- a. An animal determined to be a vicious within the meaning of Section 8.04.260 may be destroyed by the Chief of Animal Control when it is found, after proceedings conducted under Section 8.36.050, that the release of the animal would create a significant threat to the public health, safety, and welfare.
- b. If it is determined that an animal found to be vicious shall not be destroyed, the hearing officer shall impose conditions upon the ownership of the animal that protect the public health, safety, and welfare. (SCC 1180 § 11, 2001.)