

ORDINANCE NO. 2021-13

AT LARGE DOGS AND CARING FOR FOUND DOGS AND CATS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Division 416 of the County Ordinance Code to clarify when a dog is deemed to be “at large” and to allow community members to care for found dogs and cats under Animal Services Department guidelines.

SECTION II. Section 416-4.402 is amended to read as follows:

416-4.402 Animals at large.

- (a) No person owning, possessing, harboring, or controlling an animal may allow the animal to be at large.
- (b) As used in this section, an “at large” animal means any of the following:
 - (1) A dog that is on public property or common areas of private property and is not under effective restraint of a leash. A dog is not “under effective restraint of a leash” if the leash: (A) is not made of sufficient material and strength to restrain the dog; (B) is longer than six feet; (C) is extendable or retractable; or (D) is not held in a manner that prevents the dog from being at large or causing injury to another animal or person. A dog is not required to be under restraint by a leash if the dog is on private property owned by, or in the possession of, the person owning or controlling the dog.
 - (2) An animal other than a dog or a cat that is not in the immediate presence and under the effective control of a person.
 - (3) An animal that is tethered or leashed: (A) for longer than fifteen minutes on any street or other public place not set aside for tethering or leashing; or (B) in such a way as to block a public walkway or thoroughfare.
 - (4) An animal on private property or in any public building without the consent of the owner or occupant.
 - (5) An animal in any place or position with the capacity to injure persons or property.
 - (6) An animal that fights, bites, or causes harm to a person or other animal unless the person or other animal has entered, without permission, private property owned by or in the possession of the person owning or controlling the offending animal and the private property is properly fenced and posted as to the presence of the offending animal.

- (7) An animal that: (A) is not on the private property owned by, or in the possession of, the person owning or controlling the animal; and (B) is not wearing a required license tag.
- (8) An animal that is left at any place without provision for its care.
- (c) Exemptions. A working, hunting, obedience, tracking, or show dog that is performing acts such as herding and is under the control and supervision of the dog's owner or handler is not "at large" while performing these acts. Dogs being exercised under the control of their owners in public areas designated for animal exercise are not at large.
- (d) Females in Heat. In the case of female dogs or cats in heat and for the purposes of Food and Agricultural Code Section 30954, "at large" means outside a house, vehicle, or other secure enclosure adequate to prevent unplanned male access.
- (e) Animals in Vehicles.
 - (1) A dog or other animal in or on a vehicle is deemed to be on the property of the vehicle's operator. Except as otherwise provided in Vehicle Code Section 23117, no dog or other animal may be transported on any public thoroughfare in a vehicle unless the dog or animal is: (A) totally enclosed within the vehicle; (B) within a secured container carried on the vehicle; or (C) securely cross-tethered to the vehicle to prevent the animal from falling out of or off the vehicle and to prevent injury to the animal.
 - (2) No dog or any other animal may be left completely enclosed in a parked vehicle without adequate ventilation, or left in such a way that subjects the animal to high temperatures that negatively affect the animal's health and welfare.

(Ords. 2021-13 § 2, 80-97 § 2).

SECTION III. Section 416-8.002 is amended to read as follows:

416-8.002 Impoundment required.

- (a) Except as otherwise provided in this chapter, all animals, including dogs and cats, that are abandoned, found at large, taken into custody by the animal services director, or otherwise found to be in violation of Division 416 of this code, will be taken up and impounded, and are subject to destruction by humane injection.
- (b) A person who finds a stray domestic animal at large, whose owner is unknown or cannot be immediately contacted, may temporarily retain and care for that animal. Within eight hours after finding the animal, or as soon as the animal services department opens for business if the department is closed when the animal is found, the person retaining the animal must: (A) notify the animal services department that they have the animal in their possession; (B) provide to the department a description and photograph of the animal; (C)

have the animal scanned for a microchip; and (D) state their name, where the animal was found, and where the animal will be held until its owner is located.

- (c) The finder of an at-large animal is obligated to provide the animal humane treatment.
- (d) When the owner of a found animal is located, the person holding the animal shall either immediately surrender the animal to the animal services department for impoundment or return the animal to the owner. The finder shall not charge the owner for compensation except to recover a reasonable charge for saving and taking care of the animal as permitted by Civil Code Section 2080. If no owner is located within 30 days, or the owner does not claim the animal within the time provided in Section 416-8.006, then the finder may claim ownership of the animal or provide the animal for adoption by a new owner.

(Ords. 2021-13 § 3, 80-97 § 2).

SECTION IV. Section 416-8.006 is amended to read as follows:

416-8.006 Holding period—Notice.

- (a) Impounded animals shall be kept at a facility of or authorized by the animal services department for the time required by the Food and Agriculture Code, including Sections 31128, 31752, and 31753, except for rabies control purposes and as follows:
 - (1) Impounded stray dogs or cats with valid licenses shall be held 10 days after written notice is mailed or otherwise given to the owner, if the owner is identified.
 - (2) Impounded stray horses, mules or burros shall be held for five days. These animals, if unclaimed after that period, shall be disposed of in such a manner as the board of supervisors specifies by resolution. Bovines shall be delivered to a state inspector as provided in Food and Agriculture Section 17061.
- (b) An animal found at large and retained under Section 416-8.002(c) shall not be deemed impounded unless the finder has delivered the animal to the animal services department.
- (c) If the owner of an impounded animal, other than a dog or cat with a valid license, is identified, the animal services department will notify the owner by telephone or mail within two days after the animal is identified and will hold the animal for at least five days (excluding Saturdays, Sundays, and holidays when the animal services department is closed) after notice is mailed or otherwise given.
- (d) If the finder of an at large animal, as provided in Section 416-8.002(c), identifies the animal's owner, then the finder shall either: (A) notify the owner of the animal's location within two days after identifying the owner; or (B) notify the animal services department of the owner's identification, and the department shall then notify the owner.
- (e) The animal services director may dispose of an animal unclaimed after the holding period expires by humanely destroying the animal by injection, transferring the animal to an

animal-related nonprofit organization, or by placing the animal in an adoptive home. No live animal shall be released for teaching or experimental purposes.

(Ords. 2021-13 § 4, 80-97 § 2).

SECTION V. Section 416-8.016 is amended to read as follows:

416-8.016 Adoption.

- (a) The department may put an impounded animal up for adoption if the animal services director finds that allowing the animal to be adopted is not contrary to law, department policy, or the public interest. A dog or cat may be adopted solely for the purpose of serving as a pet and only after the animal has been licensed, neutered or spayed, and vaccinated against rabies.
- (b) If the owner of a found animal is not located, and the finder of the animal, as provided in Section 416-8.002(c), is an animal-related nonprofit organization that identifies a person willing to adopt the animal, then the finder must provide all appropriate vaccinations to the animal, implant a microchip in the animal, spay or neuter the animal, and provide license information to the new owner at the time of adoption. The finder may pass along the costs incurred for these procedures to the new owner.
- (c) Fees for the adoption of animals from the animal services department will be established by resolution of the board of supervisors.

(Ords. 2021-13 § 5, 80-97 § 2).

SECTION VI. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage must be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED ON _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: MONICA NINO,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

KSK:

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