

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BAKERSFIELD ENACTING
CHAPTER 6.06 OF THE BAKERSFIELD MUNICIPAL CODE
RELATING TO KENNELS.**

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Chapter 6.06 of the Bakersfield Municipal Code is hereby enacted to read as follows:

Chapter 6.06 Kennels

Sections:

6.06.10 Definitions.

6.06.020 Kennel – License required.

6.06.030 License – Application.

6.06.040 License – Fee.

6.06.050 Sanitary requirements.

6.06.060 Kennel license – Standards.

6.06.070 Cages.

6.06.080 Inspections.

6.06.090 License suspension.

6.06.100 Appeal.

6.06.110 Redemption of impounded animals.

6.06.120 Violation – Penalty.

6.06.130 Severability.

6.06.010 Definitions.

When used in this chapter, the following terms shall have the meaning specified in this section unless a different meaning clearly appears from the context:

“Director of Animal Control” means the director or supervisor of the organization, or designee, which has the responsibility of enforcing the provisions of this chapter.

“Adequate space” means sufficient space for the animal to stand up with neck in fully upright position, sit down, lie down with legs outstretched, and offer freedom of movement.

“Kennel” means any premises on which more than three dogs at least twelve weeks of age are kept including any business of boarding, breeding, or providing day care for dogs. A “kennel” does not include: (1) the public shelter; (2) any animal care facility, kennel, pound or training facility operated by any subdivision of local, state, or federal government; (3) any humane society, any veterinary hospital, or any research facility subject to inspection under separate provisions of local, state or federal law.

“Day care for dogs” means any person who, for compensation, provides care for less than 24 hours per day for three or more dogs; provided that a “day care for dogs” shall not include any person who provides: (1) dog walking services only; or (2) care for a dog only in the residence of the dog owner.

6.06.020 Kennel – License required.

A. No person shall operate a kennel without having first obtained a license under this chapter.

6.06.030 License – Application.

A. Every person desiring a license under this chapter shall complete and submit to the Bakersfield police department a written application in a form approved by the chief of police or designee along with the required fee.

B. Any license issued under this chapter shall be valid for one year from the date of issuance unless revoked or suspended.

6.06.040 License – Fee.

The annual fee for a kennel license shall be as set forth in the fee schedule adopted pursuant to Chapter 3.70 of this Code.

6.06.050 Sanitary requirements.

All licensed premises shall be kept free and clean of decaying food and filth of any kind and shall be maintained under sanitary conditions at all times. Every person licensed under this chapter shall comply with all local, state and federal laws relating to animal health, sanitation and disease prevention.

6.06.060 Kennel license – Standards.

Every kennel shall:

1. Provide the animals with potable water, at all times, and adequate nutrition appropriate for the species;

2. Maintain a record of the name, address, telephone number and emergency contact information of the owner for every animal in its care;

3. Maintain a file for every dog in its care that includes the certificates and verification required in this Chapter;

4. Provide each dog with a cage or separate individual enclosure;

5. Require proof of a current city dog license for any dog that is owned by a resident of the city; and

6. Maintain a copy of (i) a veterinary certificate of health and proof of current vaccinations for distemper, rabies, parvovirus, and bordatella. A veterinary certificate of adequate titer protection issued within the previous 12 months from the date of presentation may be substituted for the distemper and parvovirus vaccinations; and (ii) a current veterinary certificate verifying that the dog is free from intestinal parasites.

6.06.070 Cages.

A. All cages or enclosures provided by any licensee shall:

1. Be of adequate space appropriate to the age, size, weight and species of animal;

2. Be constructed of material that is impervious to urine and water, and able to withstand damage from gnawing and chewing;

3. Be constructed of material of sufficient strength and design to confine the animal; and

4. Be cleaned and sanitized as necessary, but not less than once per day.

B. Animals housed on wire flooring shall be provided with a rest board, floor mat or similar device.

6.06.080 Inspections.

Animal Control may conduct an inspection of any licensee, or anyone required to hold such a license, as is necessary to ensure compliance with the applicable provisions of this code and any applicable State law.

6.06.090 License suspension.

A. Whenever an inspection indicates that the condition of a licensee's premises creates an imminent hazard to the public health or to the health of any animal in the licensee's care, the Chief of Police or designee may immediately suspend or revoke the license and impound any animal in the licensee's care until such time that the conditions that caused the hazard are corrected.

B. Upon suspension of any license, all operations related to the license shall cease at once. The Director of Animal Control may cause a "notice of closure" sign to be conspicuously placed upon the suspended licensee's premises. It shall be unlawful for any person to remove a "notice of closure" sign placed on the licensee's premises unless authorized to do so by the City.

6.06.100 Appeal.

A. If the Chief of Police or designee denies, revokes or does not renew the kennel license, the decision may be appealed by the applicant to the city manager, or designee, through the following procedure:

1. No later than 15 calendar days after mailing of the notice of denial or revocation, the applicant shall file with the city clerk a written request for an appeal hearing, which states the specific grounds for appeal.

2. As soon as practicable after receiving the appeal, the city manager, or his or her designee, shall set a date to hear the appeal, which date shall be within a reasonable time from the date the appeal was filed. The city manager, or designee, shall give the appellant written notice of the time and place of the hearing at least fifteen days prior to the date of the hearing. The hearing shall be informal. At the hearing, the city manager, or designee, shall hear the appellant and any witnesses, as well as any information to be provided by the chief of police, or designee. Upon conclusion of the hearing, the city manager, or designee, shall render a decision within 30 days. The decision of the city manager, or designee, shall be final.

3. Unless otherwise specifically prohibited by law, the burden of proof is on the applicant or license holder in any hearing or other matter under this chapter

6.06.110 Redemption of impounded animals.

The redemption period for any animal impounded under section 6.06.090 and whose owner is known shall be 30 days or until redeemed by the owner, whichever occurs first, during which time reasonable means shall be used to facilitate return of the animal to the owner. The owner of any animal impounded may redeem the animal by paying a fee per day for each day the animal was

impounded, plus any costs for required vaccinations and any other costs incurred by the city for the care and treatment of the animal. In the case of an unlicensed animal, the owner shall also pay the license fee.

Animals of unknown ownership that are impounded under section 6.06.090 shall be held by the director or manager of the animal shelter for a minimum of fifteen days, or for such other length of time as the director or manager may deem necessary to license location of and redemption by the owner.

Any animal remaining unredeemed after the prescribed holding period shall become the property of the animal shelter.

6.06.120 Violation – Penalty.

Any person who violates any of the provisions of this chapter shall be subject to the penalties set forth in 1.40. Each day that such violation exists shall constitute a separate and distinct offense.

A violation of any provision of this chapter or the rules or regulations promulgated thereunder shall constitute grounds for revocation or suspension of a license.

6.06.130 Severability.

The provisions of this chapter are severable. If any section, paragraph, sentence, phrase, or word of this chapter is declared invalid for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of any other portion of this chapter, which shall remain in full force and effect.

SECTION 2.

This Ordinance shall be posted in accordance with the Bakersfield Municipal Code and shall become effective thirty (30) days after the date of its passage.

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I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on _____, by the following vote:

AYES:	COUNCILMEMBER: ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, KAUR
NOES:	COUNCILMEMBER: _____
ABSTAIN:	COUNCILMEMBER: _____
ABSENT:	COUNCILMEMBER: _____

JULIE DRIMAKIS, CPMC, MMC
 CITY CLERK and Ex Officio Clerk of the
 Council of the City of Bakersfield

APPROVED:

By: _____
KAREN GOH
 Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
 City Attorney

By: _____
ASHLEY E. ZAMBRANO
 Deputy City Attorney