

ORDINANCE NO. 938

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING CHAPTER 6.04 OF TITLE 6 AND ADDING CHAPTER 6.08 TO TITLE 6 OF THE LANCASTER MUNICIPAL CODE RELATING TO ANIMAL CONTROL

WHEREAS, the California Constitution permits a city to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws, which is commonly referred to as a city's "police power;" and

WHEREAS, pursuant to its police power the City Council of the City of Lancaster (the "City") adopted those certain regulations regarding animal control that are set forth in Chapter 6.04 of Title 6 of the Lancaster Municipal Code (the "Animal Control Regulations"), as amended periodically amended; and

WHEREAS, Section 6.04.010 of the City's current Animal Control Regulations adopt by reference Title 10 of the Los Angeles County Code as in effect on April 24, 2001, as the City's animal control ordinance; and

WHEREAS, the City has determined that it is in the public interest and welfare to modify Title 10 of the Los Angeles County Code with respect to potentially dangerous and/or vicious dogs; and

WHEREAS, Section 31683 of the Food and Agricultural Code authorizes the City to adopt its own program of regulations for dealing with potentially dangerous and vicious dogs which may be more restrictive than procedures established by the Legislature; and

WHEREAS, Section 122331(a) of the California Health and Safety Code provides that Cities and counties may enact dog breed-specific ordinances pertaining to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under such ordinances; and

WHEREAS, the City has determined that it is in the public interest and welfare to adopt a dog breed specific mandatory spay and neuter program; and

WHEREAS, pursuant to the foregoing authority, the City Council of the City has determined that it is in the public interest and welfare to repeal Chapter 6.04 of the Lancaster Municipal Code, to adopt a new Chapter 6.04 to read as set forth in Exhibit "A" and to adopt a new Chapter 6.08 to read as set forth in Exhibit "B."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 6.04 ("Animal Control Regulations") is hereby repealed and deleted in its entirety.

Section 2. Chapter 6.04 ("Animal Control Regulation") is hereby added to read as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Section 3. Chapter 6.08 (“Mandatory Spay and Neuter Program”) is hereby added to read as set forth in Exhibit “B” attached hereto and incorporated herein by reference.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, including Exhibit “A”, is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this ordinance shall take effect 30 days after its final passage.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the _____ day of _____, 2009, and placed upon its second reading and adopted at a regular meeting of the City Council on the _____ day of _____, 2009 by the vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster,
California, do hereby certify that this is a true and correct copy of the original Ordinance No.
938, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____
day of _____, _____.

(seal)

EXHIBIT "A"
ORDINANCE NO. 938

CHAPTER 6.04

ANIMAL CONTROL REGULATIONS

Sections:

- 6.04.010 Adoption of Los Angeles County Animal Control Ordinance.
- 6.04.020 Definitions.
- 6.04.030 Repeals of Provisions of the Animal Control Ordinance.
- 6.04.040 Amendments to the Animal Control Ordinance.

6.04.010 Adoption of Los Angeles County Animal Control Ordinance.

A. Subject to the amendments contained in this Chapter, Title 10 of the Los Angeles County Code ("Animals"), in affect as of January 1, 2009 and any subsequent amendments thereto, are hereby adopted and incorporated herein by reference, and may be cited as the "County Animal Control Ordinance." A copy of said Title 10 is on file in the office of the City Clerk and shall be at all times maintained by the City Clerk for use and examination of the public.

B. In the event there are any inconsistencies between the County Animal Control Ordinance and this Chapter pertaining to animal control, the latter shall prevail.

C. In the event there are any inconsistencies between the County Animal Control Ordinance and the City's Zoning Ordinance relating to the keeping of animals, the latter shall prevail.

6.04.020 Definitions.

Notwithstanding the definitions provided in Chapter 10.08 of the County Animal Control Ordinance, whenever any of the following names or terms is used in the County Animal Control Ordinance and this Chapter, each such name or term shall be deemed or construed to have the meaning ascribed to it in this section as follows:

"Approved Obedience Course" means a course of instruction taught by a trainer with at least five (5) years teaching experience. At the end of the class the dog must successfully demonstrate "sit," "down," "stay," "walk politely on leash," and "come." Further proof must be demonstrated by a certificate of completion of the American Kennel Club's Canine Good Citizen Test or American Temperament Test Society test.

"Board of Supervisors" shall mean either the County Board of Supervisors or the City Council of the City of Lancaster, as applicable.

"City" shall mean the City of Lancaster.

"City Clerk" shall mean the City Clerk of the City of Lancaster.

"City Council" shall mean the City Council of the City of Lancaster.

"Code" shall mean the Lancaster Municipal Code.

"County" or "County of Los Angeles" or "unincorporated territory of Los Angeles County" shall also include the City of Lancaster.

“Hearing Officer” means an independent hearing officer appointed by the City.

“Investigating Officer” means an animal control officer, law enforcement officer or qualified person designated by the City Manager of the City.

“Owner” shall mean any person who holds the license to the animal, or if the animal is not licensed, the person legally entitled to possession of the animal, or any person with primary responsibility for the care of the animal. An owner shall also include any adult person who has possession of, or who exercises control over, an animal.

6.04.030 Inapplicability of Provisions of the Animal Control Ordinance.

Notwithstanding the provisions of section 6.04.010 of this Chapter, the following provisions of the County Animal Control Ordinance are in applicable in the City of Lancaster: Section 10.20.185 (“Microchipping of Dogs Required”); and Part 4 of Chapter 10.20 (commencing with Section 10.20.350) (“Mandatory Spay and Neuter Program for Dogs”).

6.04.040 Amendment to the Animal Control Ordinance.

Notwithstanding the provisions of Section 6.04.010 of this chapter, the following provisions of Chapter 10.37 of the County Animal Control Ordinance for purposes of enforcement within the City are amended as follows:

A. Section 10.37.020 of the County Animal Control Ordinance is hereby amended to read as follows:

10.37.020 Potentially Dangerous Dog.
Potentially dangerous dog means any of the follows:

A. Any dog which, when unprovoked, on two or more occasions during any 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or custodian of the dog;

B. Any dog which, when unprovoked, bites a person or otherwise engages in aggressive behavior, causing a less severe injury than as defined in Section 10.37.040;

C. Any Dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury to a domestic animal off the property of the owner or custodian of the dog.

B. Section 10.37.030 of the County Animal Control Ordinance is hereby amended to read as follows:

“Vicious dog” means any of the following:

A. Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.

B. Any dog that engages in or has been found to have been trained to engage in exhibitions of fighting;

C. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a person;

D. Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or custodian has been notified of this determination, continues the behavior described in Section 10.37.020 or is maintained in violation of Section 10.37.130.

C. Section 10.37.110 of the County Animal Control Ordinance is hereby amended to read as follows:

10.37.110. Potentially Dangerous or Vicious Dog Hearing.

If an investigating officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, if the dog is licensed or the owner or custodian is otherwise known, the director shall give notice to the owner or custodian of the dog either personally or by first class mail with return receipt requested that a hearing may be held by an independent hearing officer appointed by the City for the purpose of determining whether or not the dog in question should be declared potentially dangerous or vicious and, if applicable, whether the owner or custodian of the dog should be prohibited from owning, possessing, controlling or having custody of any dog for up to three years. No notice or hearing shall be required if the owner or custodian of the dog is not known and the dog has not been licensed. In such event, the director may proceed with the disposition of the dog in accordance with the provisions of Chapter 10.36 and Sections 10.37.130 and 10.37.140 of the County Animal Control Ordinance.

If requested by the owner within five days of the notice, a hearing will be held promptly within no less than five working days nor more than 10 working days after the service of the notice upon the owner or custodian of the dog. This hearing shall be open to the public. The hearing officer may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. Whenever possible, a complaint received from a member of the public which serves as the evidentiary basis for the investigating officer to find probable cause shall be sworn to and verified by the complainant and shall be made part of the hearing record before the hearing officer. The owner or custodian of the dog may present evidence as to why the dog should not be declared potentially dangerous or vicious. The hearing officer may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious and shall make other orders required or authorized by this chapter. The hearing officer may decide all issues for or against the owner or custodian of the dog even if the owner or custodian fails to appear at the hearing.

The owner or custodian of a dog determined to be a vicious dog may be prohibited from owning, possessing, controlling or having custody of any dog for a period of up to three years, when it is found, after proceedings conducted pursuant to this section, that ownership or possession of a dog by that person would create a significant threat to the public health, safety and welfare.

D. Section 10.37.120 of the County Animal Control Ordinance is hereby amended to read:

10.37.120 Notice of Determination and Appeal.

A. Following the hearing conducted pursuant to Section 10.37.110, the owner or custodian of the dog shall be notified in writing of the determination and order issued, either personally or by first class mail, postage prepaid by the department. If the petitioner or the owner or custodian of the dog contests the determination, he or she may, within five days of the receipt of the notice of determination, appeal the decision, which appeal shall be made to the Superior Court pursuant to the provisions of Section 31622 of the Food and Agriculture Code. In addition to the fee for filing an appeal as provided for by Section 31622(a) of the Food and Agricultural Code which shall be payable to the county clerk. The petitioner or the owner or custodian of the dog shall serve notice of the appeal upon the City personally or by first class mail, postage prepaid.

B. The court hearing the appeal shall conduct a hearing de novo, without a jury, and make its own determination as to potential danger and viciousness and make other orders authorized by this chapter, based upon the evidence presented. The hearing shall be conducted in the same manner and within the time periods set forth in Section 10.37.110. The court may admit all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The issue shall be decided upon the preponderance of the evidence. The court hearing the appeal may decide all issues for or against the owner or custodian of the dog even if the owner or custodian fails to appear at the hearing. The determination of the court hearing the appeal shall be final and conclusive upon all parties.

E. Section 10.37.130 of the County Animal Control Ordinance is hereby amended to read:

10.37.130 Conditions of Ownership of Potentially Dangerous Dogs. Any person may own a dog determined to be a potentially dangerous dog pursuant to Section 10.37.110 subject to each of the following conditions:

A. The dog shall be properly licensed, micro chipped, and vaccinated at the owner's expense, prior to release of the dog to the owner or custodian. The department shall include the designation in the registration records of the dog, after the hearing officer or court has determined that the designation applied to the dog.

B. The dog, while on the owner's premises, shall, at all times, be kept indoors, or in a securely fenced yard or enclosure from which the dog cannot escape, and into which children cannot trespass. The premises' yard or enclosure must be inspected and approved in writing by the department prior to release of the dog to its owner or custodian.

C. The dog may be off the owner's premises only if it is muzzled with a cage or basket muzzle or other muzzle approved by the director and restrained by a substantial leash, not exceeding four feet in length, and if it is under the control of an adult capable of restraining and controlling the dog. At no time may the dog be left unattended while off the owner's premises.

D. The owner or custodian of the dog shall notify the department immediately in the event the dog is at large, or has committed an attack on any person or animal, has been sold or otherwise disposed of, or has died.

E. The dog must complete an approved obedience course at the owner's expense within 60 days after release of the dog to its owner or custodian. The owner or custodian shall provide proof of registration in such course prior to release of the dog to the owner or custodian.

F. The dog must be spayed or neutered and implanted with an identifying micro chip at the expense of the owner or custodian prior to the release of the dog to its owner or custodian.

G. The owner or custodian of the dog may be required to maintain general liability insurance covering property damage and bodily injury caused by a potentially dangerous or vicious dog, with a combined single limit of \$300,000.00 per occurrence, and may be required to show proof of such insurance prior to release of dog to its owner or custodian.

H. All charges for services performed by the department and the City pursuant to this Section 10.37.130, including the costs of holding the dog during the pendency of the proceedings provided for herein and all fines shall be paid prior to the release of the dog to its owner or custodian. If said charges and fines are not paid within 14 days after the date the services are performed or the fines are ordered to be paid, the dog shall be deemed to be abandoned to the department.

I. The owner of a dog which has been determined to be a potentially dangerous dog as defined in Section 10.37.020, shall pay the cost of the proceedings conducted pursuant to Section 10.37.110, and Section 10.37.120, and a fine not to exceed \$500.00 for each separate basis upon which said determination was made. Said fine shall be paid to the City for the purpose of defraying the costs of the implementation of this chapter.

J. The director, hearing officer or court may impose such other reasonable conditions as are deemed necessary to protect the public safety and welfare.

F. Section 10.37.140 of the Animal Control Ordinance is hereby amended to read:

Section 10.37.140 Consequences of Vicious Dog Determination.

A. A dog determined to be a vicious dog may be destroyed by the department when it is found, after the proceedings conducted under Section 10.37.110, that the release of the dog would create a significant threat to the public health, safety and welfare.

B. If it is determined that a dog found to be a vicious dog shall not be destroyed, the director, the hearing officer or judicial authority shall impose each of the conditions upon ownership of potentially dangerous dogs required by Section 10.37.130, and each of the following conditions:

1. The enclosure that is required pursuant to subsection B of Section 10.37.130 shall be an enclosure which is enclosed on all sides, and which is locked by a padlock. It may be required to have a top and a cement floor. The enclosure must be approved in writing by the department.

2. The owner or custodian of a vicious dog must give written notice of the vicious dog determination to United States Post Office (local branch) and all utility companies which provide services to the premises where the dog is kept. The owner or custodian shall provide a copy of such notice to the department within 30 days after the determination that the dog is vicious and prior to release of the dog to the owner or custodian.

3. The owner or custodian of the dog shall post one or more signs on the premises at a location(s) approved by the department stating that a dog which has been determined to be vicious resides on the premises.

C. The owner of a dog which has been determined to be a vicious dog pursuant to the provisions of Section 10.37.110 shall pay the costs of conducting the proceedings pursuant to Section 10.37.110 and Section 10.37.120, and a fine not to exceed \$1,000.00 for each separate basis upon which said determination was made. Said fine shall be paid to the City for the purpose of defraying the cost of the implementation of this chapter.

D. The owner of a dog determined to be a vicious dog may be prohibited from owning, possessing, controlling or having custody of any dog for a period of up to three years, if it is found at the hearing conducted pursuant to the petition to declare the dog vicious, that ownership or possession of a dog by that person would create a significant threat to the public health, safety, and welfare.

EXHIBIT "B"
ORDINANCE NO. 938

CHAPTER 6.08

MANDATORY SPAY AND NEUTER PROGRAM

Sections:

- 6.08.010 Definitions.
- 6.08.020 Mandatory spaying, neutering of restricted dogs.
- 6.08.030 Unaltered Restricted Dog License—Requirements.
- 6.08.040 Denial or Revocation of Unaltered Restricted Dog License—
Grounds and Re-Application.
- 6.08.050 Appeal of Denial or Revocation of Unaltered Restricted Dog
License.
- 6.08.060 Transfer, Sale and Breeding of Unaltered Restricted Dogs.
- 6.08.070 Penalties.
- 6.08.080 Impoundment of Unaltered Restricted Dog.
- 6.08.090 Allocation of Fees and Fines Collected.
- 6.08.100 Statistical Reporting.
- 6.08.110 Relationship to Chapter 6.04.

6.08.010 Definitions.

A. Except as otherwise provided by this section, the definitions applicable to the city's animal control regulations contained in chapter 6.04 apply to this chapter as well.

B. As used in this chapter, the following words and phrases have the following meanings:

"Pit bull" includes any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

"Rottweiler" includes any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for that breed.

"Unaltered" means an animal which has not been spayed or neutered.

6.08.020 Mandatory Spaying, Neutering of Restricted Dogs.

A. The following breeds of dogs are "restricted dogs," and are subject to the mandatory spay, neutering, and unaltered dog license requirements of this chapter:

1. Pit Bulls, as defined in Section 6.08.010; and
2. Rottweilers, as defined in Section 6.08.010.

B. No person may own, keep, or harbor a restricted dog in violation of this section. An owner or custodian of an unaltered restricted dog must have the dog spayed or neutered or submit written proof to the department that one of the following exceptions applies:

1. The restricted dog is less than four months of age;
2. The restricted dog cannot be spayed or neutered without a high likelihood of suffering serious bodily harm or death, which has been confirmed in writing by a licensed veterinarian. If applicable, the writing must also state the date by which the dog may be safely spayed or neutered;
3. The owner or custodian has obtained a license for an unaltered restricted dog pursuant to Section 6.08.030;
4. The determination of the dog's breed is under appeal pursuant to Section 6.08.020(D)(2);
5. The owner or custodian has owned or taken custody of the dog within the past thirty days;

C. Determination of Breed and Appeal.

1. **Determination.** The department will make a breed determination upon request, or upon contact with, or impoundment of a dog believed to be an unaltered restricted dog. The determination shall be made by the director's designee in accordance with the department's breed determination checklist.

2. **Appeal.** The dog owner or custodian may appeal a breed determination by filing a written request for appeal with the department within ten days after notice of the determination is mailed to the owner or custodian. The determination of breed by the department's designee is deemed final if a timely appeal is not received by the department. The hearing on the appeal shall be held within thirty days after the department's receipt of the request for appeal. The department shall mail written notification to the owner or custodian of the date, time, and place of the hearing, at least ten days prior to the hearing date. Failure of the owner or custodian or agent to appear at the hearing will result in forfeiture of the right to a hearing. The hearing shall be conducted by a hearing officer designated by the director. The hearing will be informal and the rules of evidence will not be strictly observed. The determination of the hearing officer shall be the final administrative decision.

3. **Notice of determination following hearing.** The department shall mail written notification of the determination to the owner or custodian of the dog within ten days after the hearing.

4. Confirmation of compliance with Section 6.08.020. The owner or custodian of an unaltered restricted dog shall comply with Section 6.08.020 within thirty days after receipt of notice of determination that the unaltered dog is subject to Section 6.08.020, by submitting written documentation confirming compliance with that section. If the dog has been moved to another location before such written confirmation is required, the owner or custodian must provide the department with information as to the dog's whereabouts, including current owner or custodian's name, address, and telephone number.

6.08.030 Unaltered Restricted Dog License—Requirements.

An owner or custodian of an unaltered restricted dog must obtain an annual license for the dog, or otherwise show compliance with Section 6.08.020. The license shall be issued upon a finding by the director's designee that all of the following conditions are met:

A. The owner or custodian has submitted the required application and has paid the fee required by Section 10.90.010 of the Los Angeles County Code;

B. The unaltered restricted dog will be maintained in accordance with the provisions of Los Angeles County Code Section 10.40.010, and with applicable state animal care and control laws. The department shall inspect the premises where the restricted dog will be kept prior to issuing the license;

C. The department has evaluated the dog and made a finding that the restricted dog is a suitable candidate for an unaltered restricted license. Factors to be considered in the evaluation include, but are not limited to, consideration of the dog's lineage, age, temperament, and health. The restricted dog must be:

1. a trained hunting dog whose owner provides proof of the dog's completion of an approved course of training as a hunting dog and a current valid hunting license;

2. a law enforcement dog whose owner provides proof of the dog's completion of an approved course of training as a law enforcement dog;

3. a service dog, including but not limited to a seeing-eye dog, whose owner provides proof of the dogs completion of training as a service dog; or

4. a dog that meets all the following standards in order for an unaltered restricted dog license to be issued:

(a) The owner or custodian shall provide verification that the unaltered restricted dog is registered with the appropriate registry for the breed, including the American Kennel Club (AKC), United Kennel Club (UKC), or other valid registry, as determined by the department; and

(b) The owner or custodian of the restricted dog shall provide written confirmation that the following health screening tests have been conducted at the age recommended by the veterinary profession as to each test: Orthopedic Foundation for Animals (“OFA”) or University of Pennsylvania Hip Improvement Program (PennHIP) certification on hips; OFA certification on heart by a certified cardiologist; and a passing score on either the American Temperament Testing Society’s temperament test, the AKC’s Canine Good Citizen Test, or other temperament test approved by the department.

6.08.040 Denial or Revocation of Unaltered Restricted Dog License—Grounds and Re-Application.

A. The department may deny or revoke an unaltered restricted dog license for one or more of the following reasons:

1. The applicant or licensee is not in compliance with all of the requirements of Section 6.08.030;

2. The department has received at least one complaint, under penalty of perjury, or otherwise verified to the satisfaction of the Director, that the applicant or licensee has allowed a dog to run loose or escape, or has otherwise been found to be neglectful of his or her dog or other animals;

3. The applicant or licensee has been previously cited for a violation of any provision of Title 6 of the Lancaster Municipal Code;

4. The unaltered restricted dog has been adjudicated by a court or agency of appropriate jurisdiction, to be a potentially dangerous or vicious dog, or to be a nuisance within the meaning of the Lancaster Municipal Code or under state law;

5. Any unaltered restricted dog license held by the applicant has been revoked;

6. A female unaltered restricted dog has had more than one litter per year, or five or more litters in her lifetime;

7. The license application is discovered to contain a material misrepresentation of fact.

B. Re-application for unaltered restricted dog license:

1. When an unaltered restricted dog license is denied, the applicant may re-apply for a license upon a showing that the requirements of Section 6.08.020 have been met. The department shall refund one-half of the license fee when an application is denied. The applicant shall pay the full fee upon re-application.

2. When an unaltered restricted dog license is revoked, the owner or custodian of the dog may apply for a new license after a thirty day waiting period upon a showing that the requirements of Section 6.08.030 have been met. No part of an unaltered dog license fee is refundable when a license is revoked.

6.08.050 Appeal of Denial or Revocation of Unaltered Restricted Dog License.

A. Request for hearing.

1. Notice of intent to deny or revoke. The department shall mail to the owner or custodian a written notice of its intent to deny or revoke the license for an unaltered restricted dog which includes the reason(s) for the denial or revocation. The owner or custodian may request a hearing to appeal the denial or revocation. The request must be made in writing within ten (10) days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.

2. Hearing officer. The hearing shall be conducted by the director's designee.

3. Notice and conduct of hearing. The department shall mail a written notice of the date, time, and place for the hearing not less than ten days before the hearing date. The hearing date shall be no more than thirty days after the department's receipt of the request for a hearing. Failure of the owner or custodian or his or her agent to appear at the hearing will result in forfeiture of the right to a hearing. The hearing will be informal and the rules of evidence will not be strictly observed. The department shall mail a written decision to the owner or custodian within ten (10) days after the hearing. The decision of the hearing officer shall be the final administrative decision.

B. Change in location of dog. If the dog is moved after the department has issued a letter of intent to deny or revoke, but has not yet denied or revoked the license, the owner or custodian must provide the department with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

6.08.060 Transfer, Sale and Breeding of Unaltered Restricted Dogs.

A. An owner or custodian residing within the city or conducting a transaction within the city who offers any unaltered restricted dog for sale, trade, or adoption must include a valid unaltered restricted dog license number with the offer of sale, trade, or adoption, or otherwise state and establish compliance with Section 6.08.010. The license number must also be supplied as part of a written agreement for the transaction to the person acquiring the dog.

B. The owner or custodian of an unaltered restricted dog over the age of four months, which does not have the registration papers identified in Section 6.08.030(C)(1), must demonstrate compliance with Section 6.08.020 prior to the transfer, and must notify the department of the name and address of the transferee within ten days after the transfer.

C. No person may breed a restricted dog which is less than two years of age.

D. Within thirty (30) days after a litter is born to a restricted female dog, the owner or custodian of the female dog shall advise the department in writing of the number of live puppies. When a puppy under the age of four months is sold or otherwise transferred to another person, the owner or custodian shall advise the department of the name, address and of the new owner or custodian, and the microchip number of the puppy, if applicable, with ten days after the transfer.

6.08.070 Penalties.

The penalties for violations of any provision of this chapter are as follows:

A. First violation. A first violation shall be an infraction punishable by a fine no to exceed \$250. If the owner or custodian fails to correct the underlying cause of the violation within 30 days after being notified of the violation, it shall be deemed a second violation.

B. Second violation. A violation within a year of a first violation shall be deemed a second violation. A second violation is a misdemeanor punishable by imprisonment in the county jail for a period not to exceed six months or by a fine not to exceed \$1,000, or by both such fine and imprisonment. Each subsequent violation within one year shall be considered an additional misdemeanor.

6.08.080 Impoundment of Unaltered Restricted Dog.

A. When an unaltered restricted dog is impounded, the owner or custodian may reclaim the unaltered restricted dog when one of the following occurs:

1. The dog is spayed or neutered by a department veterinarian at the expense of the owner or custodian. Such expense may include additional fees due to extraordinary care required.

2. The dog is spayed or neutered by another department approved veterinarian. The owner or custodian may arrange for another department approved veterinarian to spay or neuter the dog, and shall pay to the department the cost to deliver the dog to the chosen veterinarian. The cost to deliver the dog shall be based on the department's hourly rate established by the Auditor-Controller, billed in minimum one hour increments. The veterinarian shall complete and return to the department within ten days, a statement confirming that the dog has been spayed or neutered and shall release the dog to the owner or custodian only after the spay or neuter procedure is complete.

3. At the discretion of the director, the restricted dog may be released to the owner or custodian if he or she signs a statement under penalty of perjury, representing that the dog will be spayed or neutered and that he or she will submit a statement within ten days, signed by the veterinarian, confirming that the dog has been spayed or neutered.

4. If the owner or custodian demonstrates compliance with Section 6.08.010.

5. During the pendency of any proceedings hereunder for the determination of breed.

B. Costs of Impoundment.

1. The owner or custodian of the unaltered restricted dog shall be responsible for the costs of impoundment, including daily board costs if it is determined that the owner or custodian is in violation of Section 6.08.020.

2. The costs of impoundment shall be a lien on the dog, and the unaltered restricted dog shall not be returned to its owner or custodian until the costs are paid. If the owner or custodian of an impounded unaltered restricted dog does not pay the lien against the dog in full within fourteen days, the dog shall be deemed abandoned to the department.

6.08.090 Allocation of Fees and Fines Collected.

All costs and fines collected under this chapter and the fees collected shall be paid to the department for the purpose of defraying the cost of the implementation and enforcement of this chapter.

6.08.100 Statistical Reporting.

To the extent the director, or his or her designee, measures the effect of this chapter pursuant to Section 122331(b) of the California Health and Safety Code by compiling statistical information on dog bites, such information shall be provided to the City.

6.08.110 Relationship to Chapter 6.04.

This Chapter supplements the animal control regulations contained in Chapter 6.04 of the Lancaster Municipal Code. To the extent that this Chapter is in conflict with Chapter 6.04, this Chapter shall control.