

# **EXHIBIT “A”**

## **Title 8**

### **Chapter 8.02**

#### **Section 8.02.010 Definitions.**

For the purpose of this title, the following words and phrases shall have the meanings given herein:

“Abused dog” shall mean any dog which is mistreated, beaten, tormented or teased, or is deprived of water or food or shelter; or is kept under unsanitary conditions; or is abandoned; or is trained for fighting other animals;

“Animal Control Director” means the duly appointed and acting Director of the Department of Animal Services for the County of Riverside, or the person duly appointed by the City Manager;

“Animal control officer” means those duly appointed and acting deputies of the Animal Control Director assigned to provide animal control field services within the corporate limits of the City and enforce the provisions of this title, and shall include those positions entitled chief animal control officer, supervising animal control officer, senior animal control officer, animal control officer, animal control officer trainee, and license inspector. The title Animal Control Director or his/her designee "humane officer" as may be used in this title or this code shall mean "animal control officer";

“Animals,” unless otherwise stated, includes birds, fish, mammals and reptiles; “City animal shelter” means the Riverside City and County animal shelter. The term

“City pound” as may be used in this title or this code shall mean the "City animal shelter."

“Department” shall mean and include those individuals that report to the Animal Control Director;

“Official police dog” means any canine trained for law enforcement purposes and used by the Police Department for such purpose, and so designated by the Police Chief by the issuance of distinguishing tags;

“Official police horse” means any equine used by a police officer for law enforcement purposes;

“Owner” means any person, firm or corporation having title to any animal, or a person who has, harbors, or keeps, or who causes or permits to be harbored or kept, an animal in his care, or who permits an animal to remain on or about his premises for a period of seven consecutive days;

“Potentially dangerous dog” means (1) Any dog which has once aggressively pursued, attacked, bitten, or otherwise caused a less severe injury than a “substantial injury” (as defined in this section), to another person engaged in a lawful activity; (2) Any dog which has once attacked, bitten, or otherwise caused a less severe injury than a “substantial injury” (as defined in this section), to another animal; (3) Any dog which is found actively pursuing livestock, poultry, dogs, cats or animals;

"Substantial injury" means a substantial impairment of the physical condition of a person or animal which requires professional medical treatment, including, but not limited to, loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; muscle tears, disfiguring lacerations, punctures, or a wound requiring multiple sutures; or any injury requiring corrective or cosmetic surgery;

"Vicious dog" means: (1) Any dog seized under Section 599a 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; (2) Any dog which, when unprovoked, in an aggressive manner, inflicts injury on or kills a human being or animal; (3) Any dog previously determined to be and currently listed as a potentially dangerous dog which after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 of the Food and Agricultural Code or is maintained in violation of Section 31641, 31642 or 31643 of the Food and Agricultural Code.

#### **Section 8.02.050      Disposition of money--Payment of expenses.**

All money collected by the Animal Control Director for licenses, tags or other fees shall be paid into the City treasury for the general fund. All expenses incurred in carrying out or enforcing the provisions of this title shall be paid out of the general fund.

### **Chapter 8.04**

#### **Section 8.04.010      Abandonment.**

It is unlawful for any person to knowingly abandon any animal within the City. Any person violating this section shall bear full costs and expenses incurred by said City in the care of said abandoned animal and said person shall reimburse to the City all costs therefor as determined by the Animal Control Director.

#### **Section 8.04.040      Animals trespassing on private property.**

Every animal found trespassing upon any private property within the city may be captured by the party owning, controlling or having possession of such property, or by his representative, and shall then be committed to the Animal Control Director or his/her designee; provided, however, that the only trap used in such capture shall be of a type of trap approved by the Animal Control Director. Any person capturing an animal found running at large or trespassing upon any private property shall promptly notify the Animal Control Director or his/her designee of such capture and it shall be unlawful for any person to fail or refuse to surrender such animal to the Animal Control Director or his/her designee.

#### **Section 8.04.110      Wild animals and reptiles.**

No person shall have, keep or maintain, or have in his possession or under his control on any residentially-zoned property any lion, tiger, bear, chimpanzee, gorilla, cougar, mountain lion, badger, wolf, coyote, fox, lynx or any poisonous reptile or any other dangerous or carnivorous wild animal or reptile; provided, however, such animals may be permitted on such residentially-zoned lots on the condition that a permit is obtained from the Animal Control Director or his/her designee.

Such permit shall only be granted upon a showing by the applicant that adequate safeguards have been established and will be maintained which will effectively control the dangerous or vicious propensities of such animal or reptile, eliminating any danger to individuals or property, and provided that the keeping or maintaining of such animal or reptile will in no way constitute a nuisance to the occupants of any surrounding property. The denial of the permit shall be in writing and shall specify the grounds for such denial. The applicant shall have ten days from the date the permit was denied in order to appeal such denial to the City Council.

## **Chapter 8.12**

### **Section 8.12.040 License fee--New residents.**

The owner of any dog, which owner moves into the City from another community, shall be issued a license for the remainder of that license's term upon presentation of a current rabies vaccination certificate signed by a licensed veterinarian and a dog license receipt from another community for said licenser and upon payment of a transfer fee as may be established by resolution of the City Council.

### **Section 8.12.080 Tags.**

Upon payment of the license fee, presentation of the veterinarian's rabies vaccination certificate, and presentation of a microchip number, the Animal Control Director or his/her designee shall issue to the owner a license certificate and one durable license tag for each dog so licensed and vaccinated. The tag shall have stamped thereon the number corresponding with the number of the license certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. If a dog tag is lost or destroyed, a duplicate shall be issued by the Animal Control Director or his/her designee upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a fee for each such duplicate as may be established by resolution of the City Council. Dog tags shall not be transferable from one dog to another.

### **Section 8.12.090 Register of licenses.**

The Animal Control Director or his/her shall keep a register of all dog licenses issued under this chapter, showing the name of the licensee, the date of issuance, description of the dog and the number of the license issued.

## **Chapter 8.14**

### **Section 8.14.010 Impounding of animals--Registry.**

Any animal found running at large contrary to the provisions of this title may be apprehended by the Animal Control Director, his/her deputies and any police officer of the City, and any such animal so apprehended shall be impounded in the City pound or other suitable place. Any animal surrendered to the Animal Control Director or his/her designee pursuant to Section 8.04.040 shall be impounded in accordance with the provisions of this chapter.

The Animal Control Director or his/her designee upon receiving any dog shall make a complete registry entering the breed, color and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of license tag.

## **Chapter 8.16**

### **Sections:**

- 8.16.010      Vaccination of dogs.**
- 8.16.020      Revaccination.**
- 8.16.030      Certificate.**
- 8.16.040      Restraining of animal bitten by other animal with rabies.**
- 8.16.050      Quarantine of biting animals--Examination.**
- 8.16.060      Report of suspected rabid animals.**
- 8.16.070      Destruction of rabid animals.**
- 8.16.080      Duties of Animal Control Director as to animals held by him/her having or suspected of having rabies.**
- 8.16.090      Importation of unvaccinated dogs.**
- 8.16.100      Rabies vaccination reporting.**

### **Section 8.16.040      Restraining of animal bitten by other animal with rabies.**

Whenever any dog or other animal has been bitten by an animal infected with or reasonably suspected of being infected with rabies, the owner of the animal so bitten shall immediately restrain or confine such animal in such a way as to make it impossible for such animal to bite any other animal or person and to forthwith notify the City Animal Control Director or his/her designee. The City health officer or Animal Control Director or his/her designee shall have the power to quarantine any animal so bitten or suspected of having been bitten by a rabid animal for such period of time as he may determine not to exceed six months.

### **Section 8.16.050      Quarantine of biting animals--Examination.**

Whenever any dog or other animal has bitten, scratched, or otherwise exposed any person or animal to the possible infection of rabies, the owner shall, upon order of the City health officer, any peace officer, or Animal Control Director or his/her designee, quarantine such animal and keep it tied up or securely confined for a period of not to exceed fifteen days, during which period of time it shall be the duty of the City health officer or Animal Control Director or his/her designee to make an examination of such animal.

### **Section 8.16.060      Report of suspected rabid animals.**

Whenever the owner of an animal observes or learns that such animal shows symptoms of rabies or acts in a manner which reasonably indicates that it may be infected with rabies, such owner shall forthwith isolate and restrain such animal and shall immediately notify the Animal Control Director or his/her designee thereof.

**Section 8.16.070      Destruction of rabid animals.**

If it appears to the City health officer or City Animal Control Director or his/her designee or his representative upon examination or otherwise of a dog or other animal that such animal has rabies, he may forthwith kill and destroy such dog or other animal.

**Section 8.16.080      Duties of Animal Control Director as to animals held by him/her having or suspected of having rabies.**

Upon the receipt by the Animal Control Director or his/her designee of any dog or other animal, if the Animal Control Director or his/her designee would have reason to believe that the same is afflicted with rabies or hydrophobia or has been bitten by any animal afflicted with or suspected of being afflicted with rabies or hydrophobia, the Animal Control Director or his/her designee shall separately confine and keep so confined such animal. If upon an examination, the Animal Control Director or his/her designee determines that such dog or other animal is afflicted with rabies, he shall kill such animal at such time. It shall be the duty of the Animal Control Director or his/her designee to keep every such animal suspected of having rabies or hydrophobia so confined for such time as he deems necessary and such animal shall not be redeemed or released except upon an order in writing signed by the Animal Control Director or his/her designee. Nothing in this title shall be construed as permitting the redemption of any dog having or suspected of having been infected with rabies or hydrophobia.

**Chapter 8.17**

**COYOTE AND BURRO CONTROL**

**Sections:**

**8.17.010      Feeding of coyotes and/or burros.**

**8.17.020      Control.**

**Section 8.17.010      Feeding of coyotes and/or burros.**

A. Except as provided herein, no person shall feed or in any manner provide food for any coyote and/or burrow which is not under the ownership or legal possession of such person.

B. A person may feed and provide food for a coyote and/or burro which is trapped, unweaned or injured during that period of time after said person notifies the Police Department or animal control agency until said animal is picked up by the City or its designated agent or contractor for animal control.

**Section 8.17.020      Control.**

The City, its agents and its contractor for the provision of animal control are hereby authorized to use all legal means to control coyotes and/or burros and to reduce their number in the City.

## **Chapter 8.21**

### **Section 8.21.010 Spay and Neuter.**

A. 1. Requirement. No person may own, keep, or harbor an unaltered and unspayed dog or cat over the age of seven months in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with this chapter. An owner or custodian of an unaltered cat must have the animal spayed or neutered, or provide a certificate of sterility.

2. Exemptions. This section shall not apply to any of the following:

a. A dog with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California Licensed Veterinarian. If the dog is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation; should this date be later than thirty (30) days, the owner or custodian must apply for an unaltered dog license.

b. A cat with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California Licensed Veterinarian. If the cat is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation.

c. Animals owned by recognized dog or cat breeders, as defined by Department policy.

d. Female dogs over the age of 10 years and male dogs over the age of 12 years, however an unaltered license is still required.

B. Denial or revocation of unaltered dog license and reapplication.

1. The Animal Control Director or his/her designee may deny or revoke an unaltered dog license for one or more of the following reasons:

a. The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section;

b. The Department has received at least three complaints, verified by the Department, that the owner, custodian, applicant, or licensee has allowed a dog to be stray or run at large or has otherwise been found to be neglectful of his or her or other animals;

c. The owner, custodian, applicant, or licensee has been previously cited for violating a State law, city code or other municipal provision relating to the care and control of animals;

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

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

f. The license application is discovered to contain a material misrepresentation or omission of fact.

2. Re-application for unaltered dog license:

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

b. When an unaltered dog license is revoked, the owner or custodian of the dog may apply for a new license after a thirty (30) day waiting period upon showing that the requirements of this chapter have been met. No part of an unaltered dog license fee is refundable when a license is revoked and the applicant shall pay the full fee upon re-application.

C. Appeal of denial or revocation of unaltered dog license.

1. Request for hearing.

a. Notice of intent to deny or revoke. The Department shall mail to the owner, custodian, licensee, or applicant a written notice of its intent to deny or revoke the license for an unaltered dog which includes the reason(s) for the denial or revocation. The owner, custodian, licensee or applicant may request a hearing to appeal the denial or revocation by filing such request with the Animal Control Director and/or his/her designee. The request must be made in writing within fifteen (15) 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.

b. Administrative Hearing Officer. Defined by Code section 1.17.020 with the qualifications and authority outlined in code section 1.17.160.

c. Notice and conduct of hearing. The Animal Control Director or his/her designee shall mail a written notice of the date, time, and place for the hearing not less than ten (10) days before the hearing date. The hearing date shall be no more than forty-five (45) days after the Department's receipt of the request for a hearing. The hearing will be informal and the rules of evidence will not be strictly observed. The Administrative Hearing Officer shall prepare and mail a written decision to the owner or custodian after the hearing. The decision of the Administrative Hearing Officer shall be the final administrative decision.

d. Judicial Review of Administrative Decision. Any person aggrieved by the order of the Administrative Hearing Officer may obtain judicial review of that order by filing a petition for review with the Superior Court of Riverside County in accordance with the timelines and provisions set forth in California Code of Civil Procedure Section 1094.6.

2. 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, custodian, licensee, or applicant must provide the department with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

D. Transfer, sale, and breeding of unaltered dog or cat.

1. Offer for sale or transfer of unaltered dog. An owner or custodian who offers any unaltered dog over the age of four (4) months of age for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and establish compliance with this section. An owner or custodian of an unaltered dog must notify the department of the name and address of the transferee within ten (10) days after the transfer. The unaltered license and microchip numbers must appear on a document transferring the animal to the new owner.

2. Offer for sale or transfer of unaltered cat. An owner or custodian of an unaltered cat must notify the department of the name and address of the transferee within ten (10) days after the transfer. The microchip numbers must appear on a document transferring the animal to the new owner.

E. Impoundment of unaltered dog or cat.

1. When an unaltered dog or cat is impounded pursuant to state and/or local law, In addition to satisfying applicable requirements for the release of the animal, including but not

limited to payment of impound fees pursuant to this chapter, the owner or custodian shall also do one of the following:

a. Provide written proof of the dog or cat's prior sterilization, if conditions cannot or do not make this assessment obvious to Department personnel;

b. Have the dog or cat 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;

c. Have the dog or cat spayed or neutered by another California licensed veterinarian. The owner or custodian may arrange for another California licensed veterinarian to spay or neuter the animal, and shall pay to the Department the cost to deliver said animal to the chosen veterinarian. The cost to deliver the animal shall be based on the Department's hourly rate established by the auditor-controller. The veterinarian shall complete and return to the Department within ten (10) days, a statement confirming that the dog or cat has been spayed or neutered or is, in fact, incapable of breeding and shall release the dog or cat to the owner or custodian only after the spay or neuter procedure is complete;

d. At the discretion of the Animal Control Director, the dog or cat may be released to the owner or custodian if he or she signs a statement under penalty of perjury, representing that the dog or cat will be spayed or neutered and that he or she will submit a statement within ten (10) days of the release, signed by a California licensed veterinarian, confirming that the dog or cat has been spayed or neutered or is incapable of breeding; or

2. Costs of impoundment.

a. The owner or custodian of the unaltered dog or cat shall be responsible for the costs of impoundment, which shall include daily board costs, vaccination/medication, and any other diagnostic or therapeutic applications as provided in this chapter.

b. The costs of impoundment shall be a lien on the dog or cat, and the unaltered animal shall not be returned to its owner or custodian until the costs are paid or other arrangements are made including, but not limited to, a payment plan. If the owner or custodian of an impounded unaltered animal does not pay the lien against it in full within fourteen (14) days, the animal shall be deemed abandoned and become the property of the Department.

F. Application of fees and fines collected. All costs and fines collected under this part and the fees collected under this section shall be paid to the City of Riverside for the purpose of defraying the cost of the implementation and enforcement of this program.

**Section 8.21.020 Penalties for Failure to Spay or Neuter.**

Penalties issued for failure to spay or neuter a dog or cat shall be enforced as set forth below:

A. An administrative citation, infraction, or other such authorized penalty may be issued to an owner or custodian of an unaltered dog or cat for a violation of this section only when the owner or custodian is concurrently cited for another violation under State or local law pertaining to the obligations of a person owning or possessing a dog or cat. Examples of such State law or local ordinance violations include, but are not limited to, failure to possess a current canine rabies vaccination of the subject dog; dog or cat at large; failure to license a dog; leash law violations; kennel or cattery permit violations; tethering violations; unhealthy or unsanitary conditions; failure to provide adequate care for the subject dog or cat in violation of the Penal Code; rabies quarantine violations for the subject dog; operating a business without a license and/or lack of State Tax ID Number; fighting dog activity in violation of Penal Code section



597.5; animals left unattended in motor vehicles; potentially dangerous, dangerous or vicious animals; and noisy animals.

B. Should the owner or custodian of an unaltered dog or cat be found in violation of a State or local law, as stated above, in subsection (A), the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section or may purchase an unaltered license but shall also be required to pay the spay or neuter violation.

#### **Section 8.21.030      Microchipping of Dogs and Cats.**

A. All dogs and cats over the age of four (4) months must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to the Department, and shall notify the Department of any change of ownership of the dog or cat, or any change of address or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of Sections 8.12.010, 8.18.020, and any other licensing requirements of Title 8.

B. Exemptions. The mandatory microchipping requirements shall not apply to any of the following:

1. A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to the health conditions of the animal. The owner or custodian must obtain written confirmation of that fact from a California Licensed Veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, that date must be stated in the written confirmation.

2. A dog or cat that is kenneled or trained in the City of Riverside, but is owned by an individual that does not reside in the City of Riverside. The owner or custodian must keep and maintain the animal in accordance with the applicable laws and ordinances of the jurisdiction in which the owner or custodian of the animal permanently resides, including but not limited to the applicable licensing and rabies vaccination requirements of that jurisdiction.

3. A dog or cat over the age of ten (10) years.

C. Transfer, sale of dogs and cats.

1. An owner or custodian who offers any dog, over the age of four (4) months, for sale, trade, or adoption must provide the microchip identification number and the valid dog license number with the offer of sale, trade or adoption. The license and microchip numbers must appear on a document transferring the dog to the new owner. The owner or custodian shall also advise the Department of the name and address of the new owner or custodian in accordance with subdivision (a) of this section. An owner or custodian who offers any dog, over the age of four (4) months, for sale, trade, or adoption and fails to provide the Department with the name and address of the new owner, is in violation of this chapter and shall be subject to the penalties set forth herein.

2. An owner or custodian who offers any cat, over the age of four (4) months, for sale, trade, or adoption must provide the microchip identification number with the offer of sale, trade or adoption. The microchip numbers must appear on a document transferring the cat to the new owner. The owner or custodian shall also advise the Department of the name and address of the new owner or custodian in accordance with Subdivision (A) of this section. An owner or custodian who offers any cat, over the age of four (4) months, for sale, trade, or adoption and fails to provide the Department with the name and address of the new owner, is in violation of this chapter and shall be subject to the penalties set forth herein.

3. When a puppy or kitten under the age of four (4) months implanted with microchip identification is sold or otherwise transferred to another person, the owner or custodian shall advise the Department of the name and address of the new owner or custodian, and the microchip number of the puppy or kitten within ten (10) days after the transfer. If it is discovered that an owner or custodian has failed to provide the Department with the name and address of the new owner and the microchip number of the puppy or kitten, the owner or custodian shall be subject to the administrative remedies set forth in Chapter 1.17.

D. When an impounded dog or cat is without microchip identification, in addition to satisfying applicable requirements for the release of the animal, including but not limited to payment of impound fees pursuant to this chapter, the owner or custodian shall also do one of the following:

1. Have the dog or cat implanted with a Department microchip by a Department registered veterinarian technician or veterinarian or designated personnel at the expense of the owner or custodian;

2. Have the dog or cat implanted with a department approved microchip by a California licensed veterinarian. The owner or custodian may arrange for another California licensed veterinarian to perform the implant, and shall pay to the department the cost to deliver the dog or cat to the chosen veterinarian. The veterinarian shall complete and return to the Department within ten (10) days, a statement confirming that the microchip has been implanted, provide the Department with the number and shall release the dog or cat to the owner or custodian only after the procedure is complete; or

3. At the discretion of the Animal Control Director, the dog or cat may be released to the owner or custodian if he or she signs a statement under penalty of perjury, representing that the dog or cat will be implanted with a microchip and that he or she will submit a statement within ten (10) days of the release, signed by a California licensed veterinarian, confirming that the dog or cat has been so implanted and provide the microchip number to the Department or allow the Department to scan the dog or cat for the microchip to verify.

E. Fees for microchip identification device. The fee for an identifying microchip device shall be included in the cost of adoption when adopting a dog or cat from an animal shelter operated by the Department. If an animal has already been implanted with an identifying microchip device by some other facility, there will be no fee to have the identification microchip number entered into the Department's registry as required by subdivision (A) of this section.

F. Application of fees and fines collected. All costs and fines collected under this part and the fees collected under this section shall be paid to the City of Riverside for the purpose of defraying the cost of the implementation and enforcement of this program.

#### **Section 8.21.040      Mandatory Spay and Neuter of Pit Bull Breeds.**

##### **A. Findings.**

1. The City of Riverside has a contract with the County of Riverside ("County") for animal control services and as such hereby adopts the findings made by the County in support of Riverside County Ordinance No. 921 as follows:

a. In recent years, pit bulls comprise a disproportionately high number of unwanted dogs in the County, accounting for twenty (20) percent of shelter dogs and thirty (30) percent of dogs euthanized in the County.

b. While the majority of pit bull owners are responsible and take appropriate measures to ensure that their dogs do not have unwanted offspring, there is a need to mitigate the large number of unwanted pit bulls in the County.

c. Restricting the maintenance of and breeding of intact pit pulls and requiring the spaying and neutering of pit bulls will not prevent responsible pet owners and pet breeders from owning, breeding, or showing pit bull breeds.

B. Purpose. To protect the public's health and welfare from irresponsible owners of pit bulls by mitigating the over population of unwanted pit bulls.

C. Authority. This Section is adopted pursuant to Health and Safety Code Section 122331, which authorizes cities to enact mandatory breed specific spay/neutering programs.

D. Exemptions. The following pit bulls are exempt from the regulations described in this Section:

1. Currently licensed pit bulls whose owners are registered breeders with the Department.

2. A pit bull that has been appropriately trained and is actually being used by a public law enforcement agency for law enforcement purposes.

3. A pit bull which has been certified by a licensed veterinarian as having a health reason for not being spayed/neutered.

4. A pit bull which is in training at a licensed kennel and is currently licensed by the owner in another jurisdiction. The owner of the pit bull has the burden of showing that said pit bull is licensed in another jurisdiction.

5. A dog that is pending a breed determination when the dog owner or custodian requests such a determination in accordance with Paragraph F below.

6. A female pit bull that is over the age of 10 years or a male pit bull that is over the age of 12 years.

E: Definitions. As used in this Section, the following terms shall have the following meanings:

1. Pit Bull. Any Staffordshire Bull Terrier, American Pit Bull Terrier, or American Stafford Terrier breed of dog, or any mixed breed of dog which contains, as an element of its breeding, any of these breeds so as to be identifiable as partially of one or more of these breeds.

F: Determination of Breed.

1. Upon written request of any dog owner or custodian, the Department's Chief Veterinarian or designee will schedule a breed determination appointment to determine whether a dog is a pit bull.

2. The Department shall mail the requesting dog owner or custodian written notice of the date, time and place for the appointment not less than ten (10) days before the appointment date. The appointment date shall be no more than thirty (30) days after the Department's receipt of the request for a breed determination.

3. The Department shall mail written results of breed determination to the requesting owner or custodian within ten (10) days after the appointment.

4. The above mentioned breed determination results are prima facia evidence of the facts stated therein. The owner or custodian may appeal the determination as provided in Chapter 1.17. On appeal, the dog owner or custodian appealing a breed determination has the burden to show that the dog is not a pit bull.

5. If the dog owner or custodian is cited for violation of this Section after the Department has determined that the dog is a pit bull, the citation may be appealed as provided in Chapter 1.17.

G: Mandatory Spay Neutering of Pit Bull Breed Dogs. No person shall own or possess a pit bull over the age of four (4) months that has not been spayed or neutered, except as provided for in Section D of this Ordinance.

H: Severability. If any provision, clause, sentence or paragraph of this Section or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Section which can be given effect without the invalid provision or application, and to this end, the provisions of this Section are hereby declared to be severable.