

## **SECTION 15.10: DOG KENNELS**

(Added by Ordinance No. 3556, effective May 30, 2019).

### **A. FINDINGS**

The Board of Supervisors makes the following findings in support of the enactment of this Section:

A Kennel Use Permit shall be granted only if it is found that the establishment, maintenance, and operation of the use kennel applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or to the general welfare of the County. Kennel Use Permits may be granted subject to such conditions as will insure compliance with the aforementioned standards and the standards of the Animal Ordinance, Tulare County Ordinance Code Part IV, Chapter 7. This permit is intended to regulate, control, and protect Domestic Animals within the unincorporated area of Tulare County. Because of the importance of agricultural production in and to the county, the provisions of this chapter shall be construed and given effect in a manner that is consistent with and in furtherance of conserving, protecting, enhancing and encouraging Agricultural Operations within the county and in accordance with the Tulare County General Plan. (See Section Tulare County Ordinance Code Part IV, Chapter 7, and the adopted Tulare County Animal Services Minimum Kennel Standards).

### **B. PURPOSE AND INTENT**

It is the intent of this Section 15.10 to update the Tulare County Zoning Ordinance to address dog overpopulation, dog mistreatment, and associated burdens on County resources by reasonably regulating the location and intensity of kennels in the County; to promote the health, safety, and general welfare of the residents of the County of Tulare; to protect the environment; and to promote animal welfare within Tulare County.

It is, therefore, the purpose of this Section 15.10 to clarify and provide reasonable and uniform regulations regarding both non-commercial and commercial kennel activities. This Section is intended to work in concert with the kennel licensing requirements of the Tulare County Ordinance Code, including compliance with kennel minimum standards.

This Section is not intended to conflict with Federal or State law. Nothing in this section is intended to authorize, legalize or license the establishment, operation or maintenance of any business, building, or use which violates any state or federal laws, regulations, or local ordinances, including County ordinances and regulations, including those relating to public nuisances.

### **C. DEFINITIONS**

For the purposes of this Section 15.10, the following terms have the following meanings:

**“Adult Dog”** means a domestic canine over the age of nine (9) months.

**"Animal Rescue Organization"** or **"Rescue Organization"** means any person or group registered within their state of operation as a charitable organization, or registered as a tax exempt organization under 501(c)(3) of Title 26 of the United States Code, dedicated to the housing and care of domestic Animals with the purpose of placing those Animals with a new and permanent guardian, or providing hospice (end-of-life care) to terminally ill Animals, or sanctuary to Animals which cannot be adopted, and which does not in the normal course of its operations obtain animals from any breeder(s) or broker(s) for payment or other compensation. Further defined by **Tulare County Ordinance 4-07-1400**.

**"Kennel – Boarding"** or **"Boarding Kennel"** means a Kennel at which Dogs, which are not owned by the landowner, occupant, or the Kennel owner or operator, are kept on a temporary basis, for any length of time, for the purposes of boarding or training. A Boarding Kennel operator who retains a private residence on the same parcel may maintain four (4) or fewer dogs as personal pets provided they are licensed as such pursuant to the Tulare County Ordinance Code. Further defined by **Tulare County Ordinance 4-07-1400**.

**"Kennel – Commercial"** or **"Commercial Kennel"** means a Kennel where Dogs are kept for any length of time by the Owner or occupant for commercial purposes, including, but not limited to, breeding, buying, selling, or renting, or for a mix of commercial and non-commercial purposes. Further defined by **Tulare County Ordinance 4-07-1400**.

**"Kennel – Personal Use"** or **"Personal Use Kennel"** means a Kennel where Dogs are owned and kept by the Owner or occupant exclusively for personal, non-commercial purposes, and at which no Dogs are engaged in breeding. Further defined by the term **"Non-commercial Kennel"** in **Tulare County Ordinance 4-07-1400**.

**"Kennel – Non-Profit"** or **"Rescue Kennel"** means a Kennel owned by a person or organization operating as an Animal Rescue Organization that provides housing and care for domestic Animals with the purpose of placing those Animals with a new and permanent guardian, or providing hospice (end-of-life care) to terminally ill Animals, or sanctuary to Animals which cannot be adopted out, and at which no Dogs are engaged in breeding. A Rescue Kennel operator who retains a private residence on the same parcel may maintain four (4) or fewer dogs as personal pets provided they are licensed as such pursuant to the Tulare County Ordinance Code. Further defined by **Tulare County Ordinance 4-07-1400**.

**"Owner"** or **"Animal Owner"** or **"Custodian"** means any Person who owns an Animal or who has charge, care, custody or control of, or has a right to control an Animal for fourteen (14) or more consecutive days, except a Veterinarian caring for an Animal in the regular practice of veterinary medicine.

**"Person"** includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

**"Private Residence"** means a house, apartment unit, a mobile home, or other similar dwelling, that complies with all applicable building codes. A Private Residence does not include a building owned, leased, or occupied by the County of Tulare.

**D. PERMIT REQUIREMENTS; LICENSING AND OPERATIONS**

A Special Use Permit for a Kennel conveys only the permission to use the subject land for kennel purposes, and does not convey a right to operate a kennel of any kind for any purpose in Tulare County. Personal Use Kennels do not require a Special Use Permit. Operation of a Kennel of any kind requires a license from Tulare County Animal Services, pursuant to Tulare County Ordinance Code Part IV, Chapter 7.

Kennel Special Use Permits shall at a minimum be subject to the following conditions:

1. No more than one (1) Kennel shall be allowed per parcel.
2. Kennels shall comply with all federal, California, and Tulare County licensing requirements.
3. The maximum number of dogs allowed at a Kennel of any kind shall be set by the Special Use Permit, Tulare County Ordinance Code Part IV, Chapter 7, and the Tulare County Animal Services Minimum Kennel Standards.
4. Operational Standards for Kennels shall be set by Tulare Ordinance Code Part IV, Chapter 7, and any adopted Tulare County Animal Services Minimum Kennel Standards.

**E. AMORTIZATION; ABANDONMENT**

1. Amortization: Any use of real property existing on the effective date of this section Chapter 3, Section 15.10, which does not conform to the provisions of subsection D, but which was constructed, operated, and maintained in compliance with all County of Tulare, state, and federal regulations, rules, and ordinances shall be regarded as a nonconforming use which may be continued for up to five (5) years after the effective date of this ordinance. On or after such date, all such nonconforming uses shall be public nuisances.
2. Abandonment: Notwithstanding the above, any discontinuance or abandonment of the legal nonconforming use of any real property, lot, parcel, or structure as Kennel for a period of six (6) months or more shall result in a loss of legal nonconforming status of such use and shall be a public nuisance if resumed without compliance with this section.

**F. DEVELOPMENT REGULATIONS AND STANDARDS**

Any Kennel located in the County of Tulare is subject to the laws and regulations as established by the United States Government, the State of California, and the County of Tulare, including the Minimum Kennel Standards adopted by Animal Services.

**G. IN ADDITION TO OTHER REMEDIES; CONTROL AND PRIORITY**

The provisions and regulations of this Section are not to be the exclusive regulation of Kennel Activities in Tulare County but shall be in addition thereto. The provisions of this Section, including but not limited to the provisions and regulations pertaining to definitions and use, control and have priority over any conflicting or less stringent provisions of Tulare County Zoning Ordinance No. 352, as amended from time to time, or the Tulare County Ordinance Code, as amended from time to time.

## **H. NO VESTED OR NON-CONFORMING RIGHTS**

Neither this Section 15.10 nor any other provision of this Zoning Ordinance, nor any action, failure to act, letter, statement, or any other representation issued by the County or its departments, or their respective representatives, agents, employees, attorneys or assigns, shall create, confer, or convey any vested or nonconforming right or benefit regarding any kennel activities.

## **I. SEVERABILITY; SEPARATE AND DISTINCT PROVISIONS**

The provisions of this Section 15.10 are hereby declared to be severable. If any section, subsection, subdivision, sentence, clause, phrase, portion, or application of this Section 15.10 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portions of this Section. The Board of Supervisors hereby declares that it would have enacted this Section 15.10, each section, subsection, subdivision, sentence, clause, phrase, and portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions be declared invalid.