

County of San Mateo  
Planning and Building Department

REGULATIONS FOR KENNELS/CATTERIES

**COUNTY ORDINANCE CODE TITLE 6 ANIMALS**  
**CHAPTER 6.20 KENNELS/CATTERIES**

**SECTION 6.20.010. GENERAL PROVISIONS AND DEFINITIONS.**

- (a) The following shall be included when determining the number of animals kept:
  - (1) any animal over the age of four (4) months; and (2) any animal to which care and sustenance have been provided for a period of thirty (30) days or longer, except where animals are boarded all animals over four (4) months shall be counted.
  
- (b) For the purpose of this Chapter, certain words and phrases are defined as follows:
  - (1) “Animal Fanciers” shall mean a person, business or entity who keeps at least five (5) dogs, or five (5) cats, or any combination of dogs and cats which totals five (5), not to exceed ten (10) dogs, or ten (10) cats, or any combination of dogs and cats which totals ten (10) per one-family dwelling unit.
  
  - (2) “Catteries” shall mean a place for the breeding, raising, keeping, boarding or other handling of more than ten (10) cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at a cattery include, but are not limited to, grooming, training, and sales of animals and supplies.
  
  - (3) “Kennels” shall mean a place for the breeding, raising, keeping, boarding or other handling of more than ten (10) dogs, or more than ten (10) dogs and cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at a kennel include, but are not limited to, grooming, training, and sales of animals and supplies.

**SECTION 6.20.020. THE KEEPING OF DOGS AND CATS.**

- (a) It shall be unlawful for any person, business or entity to keep or cause to be kept five (5) or more dogs, or five (5) or more cats, or five (5) dogs and cats in any combination per dwelling unit or per business establishment unless in conformance with this Chapter. In addition to any civil remedy provided for by law, a violation of any provision of this Chapter may be prosecuted as an infraction.
  
- (b) The requirement to obtain an animal fanciers’ permit or a kennel/cattery permit per Sections 6.20.030 and 6.20.040, respectively, shall not be applicable to the following:
  - (1) Dogs or cats used for diagnostic purposes or research, the use having been approved by the California State Department of Health Services pursuant to Section 1666 of the Health and Safety Code.

- (2) Dogs or cats used for teaching purposes in recognized educational institutions.
- (3) Seeing-eye dogs, other dogs trained for and used to assist disabled persons, or dogs trained for and used in drug enforcement, law enforcement or military operations.
- (4) Veterinary hospitals, as defined in Sections 6102.83.1 and 6102.83.2 of the County Zoning Regulations (Division 6, Part One of this Ordinance Code).
- (5) Pet sales and/or grooming establishments, as defined in Section 6102.67.1 of the County Zoning Regulations (Division 6, Part One of this Ordinance Code).

**SECTION 6.20.030. ANIMAL FANCIERS; PERMIT REQUIREMENT.** Animal fanciers, as defined in Section 6.20.010(b)(1), shall locate only in those zoning districts where animal fanciers is an allowed use, and be subject to an animal fanciers' permit when required by the County Zoning Regulations (Division 6, Part One of this Ordinance Code). The securing of an animal fanciers' permit shall be in conformance with Chapter 6.16 of this title.

**SECTION 6.20.040. KENNELS/CATTERIES; PERMIT REQUIREMENT.** Kennels or catteries, as defined in Sections 6.20.010(b)(2) and (3), shall locate only in those zoning districts prescribed in the County Zoning Regulations (Division 6, Part One of this Ordinance Code) upon the securing of a kennel/cattery permit pursuant to this Chapter.

**SECTION 6.20.050. APPLICATION FOR KENNEL/CATTERY PERMIT.** Application for any kennel/cattery permit shall be filed with the County Planning and Building Department on a form furnished for such purpose. The application shall also include the following:

- (a) Project description, including the maximum number of dogs and/or cats to be kept.
- (b) Location map, site plan, floor plans and building elevations, as applicable to demonstrate compliance with Section 6.20.060.
- (c) Environmental Information Form.
- (d) Proof of the owner's interest in the subject property and concurrence with the application.
- (e) Notification materials including a list of the names and mailing addresses of all persons appearing on the latest available assessment roll of the County as owning property within three hundred (300) feet of the boundaries of the parcel which is the subject of the application, along with stamped and addressed legal sized envelopes for mailing.
- (f) Transparencies (8 1/2" x 11") of the site plan and associated development plans.
- (g) Fees, in accordance with the Planning Service Fee Schedule adopted by the Board of Supervisors.

- (h) Additional information as may be necessary in order to adequately evaluate the proposed facility's compliance with this Chapter or with any other applicable federal, state and local laws.

**SECTION 6.20.060. KENNEL/CATTERY PERMIT CRITERIA; REQUIREMENTS AND FINDINGS.** An application for a kennel/cattery permit may be approved if the Zoning Hearing Officer makes all of the following findings:

(a) General Requirements for Kennels/Catteries.

- (1) That the keeping and maintenance of the animals will not create a nuisance or endanger the public health, safety or welfare.
- (2) That facilities exist at the proposed location to safely and adequately secure, feed, house, exercise and maintain the animals.
- (3) That facilities exist at the proposed location to provide adequate light, ventilation and space for each animal to move, stand and sit.
- (4) That possession and maintenance of the animals at the proposed location will not result in the animals being subject to discomfort, neglect, suffering, cruelty, or abuse.
- (5) That the permit holder agrees to make every effort to keep all animals free of disease and parasites and provide adequate veterinary care as needed.
- (6) Where permanent buildings are constructed for the keeping of animals, they shall be of Type V or better construction as defined in the County Building Regulations (Division 7 of this Ordinance Code).
- (7) That the keeping of the animals at the facility will not violate any federal, state or local law.
- (8) That the applicant has not had any animal license or permit revoked or been convicted of violating of any provision of Chapters 6.04, 6.12, or 6.16 of this Ordinance Code, or any other federal, state or local animal control law, within the past year.

(b) Specific Requirements for Kennels. If the kennel/cattery permit involves the keeping of dogs at the proposed facility, the Zoning Hearing Officer shall make the following additional findings:

- (1) That any building, pen, run or other enclosure housing dogs is at least 300 feet from any residence on a neighboring property, unless an exception is granted pursuant to Section 6.20.130.
- (2) That where dogs are to be kept primarily indoors, buildings constructed for that purpose shall have floors made of concrete, asphaltic concrete, or other impervious material, with drains provided as necessary to insure adequate

drainage. Where dogs are to be kept primarily within a single-family dwelling, alternative provisions shall be made as appropriate to ensure dogs' quarters are easy to keep clean to the satisfaction of the Director of Environmental Health.

- (3) That all outdoor dog pens and runs are kept free of standing water and are enclosed with a substantial fence which adequately secures the dogs.
  - (4) If the proposed kennel is located in an R E, R 1, or RH Zoning District, the following additional findings shall apply:
    - a) That the kennel is located on a parcel at least one (1) acre in size.
    - b) That the keeping of dogs at the proposed facility involves no retail or wholesale activity other than that which is clearly incidental to the keeping, raising or breeding of dogs, and services or sales conducted on the premises are by appointment only, whereby only one customer or client is on the premises at a time, and sales are not oriented toward, or designed to attract off-the-street customers or clients.
- (c) Specific Requirements for Catteries. If the kennel/cattery permit involves a cattery, the Zoning Hearing Officer shall make the following additional findings:
- (1) That the cats are kept at all times indoors or within a fully enclosed, covered building or enclosed run.
  - (2) If the proposed cattery is located in an R-E, R-1, or RH Zoning District, the following additional findings shall apply:
    - a) That the keeping of cats at the proposed facility is not detrimental to the single-family residential character of the neighborhood.
    - b) That the keeping of cats at the proposed facility involves no retail or wholesale activity other than that which is clearly incidental to the keeping, raising or breeding of cats, and services or sales conducted on the premises are by appointment only, whereby only one customer or client is on the premises at a time, and sales are not oriented toward, or designed to attract off-the-street customers or clients.

**SECTION 6.20.070. ACTION ON KENNEL/CATTERY PERMIT; CONDITIONS.**

- (a) Prior to any action on a kennel/cattery permit, the Zoning Hearing Officer shall hold a public hearing. If the Zoning Hearing Officer finds that the proposed facility will conform with this Chapter and with any other applicable County regulations, the Zoning Hearing Officer may approve the kennel/cattery permit. The kennel/cattery permit shall be issued for twelve (12) months, subject to revocation. A permit may be issued at any time during the year and shall expire on the same date of the following year, unless (1) it is previously revoked; or (2) a renewal/amendment application is

filed. In the case of renewal/amendment, the permit shall remain in effect until a decision is rendered on the renewal/amendment application.

- (b) The Zoning Hearing Officer shall approve a kennel/cattery permit subject to the following conditions:
  - (1) The permit holder shall comply with all requirements for kennels/catteries, as specified in Section 6.20.060.
  - (2) The permit holder shall post the kennel/cattery permit issued as provided herein in a conspicuous place in the facility, or provide it for inspection upon request.
  - (3) Any other conditions which the Zoning Hearing Officer determines are reasonably necessary to ensure compliance with all applicable federal, state and local requirements and to protect the welfare of the animals kept or the public health, safety or welfare.

**SECTION 6.20.080. ANNUAL INSPECTION AND PERMIT RENEWAL; TRANSFER.**

- (a) Kennel/cattery permits shall, upon application and the payment of the required annual fee set by Board resolution, be renewed by the Planning Director for twelve (12) months, provided that the operation of the facility during the previous twelve (12) month period has been in full conformance with this Chapter and other applicable federal, state and local laws. Prior to permit renewal, County staff shall notify the permit holder that an inspection of the facility will be conducted to ensure there is continuing conformance with all applicable laws and permit conditions. A certificate issued by the County Environmental Health Services Division stating the condition of the facility when last inspected shall be posted in a conspicuous place in the facility, or provided for inspection upon request.
- (b) Any kennel/cattery permit issued for a kennel or cattery at a specified location as provided herein shall be transferable to another permit holder at the same location upon the written application of the holder of the permit to the Community Development Director, and with the consent of the latter endorsed thereon.

**SECTION 6.20.090. REVOCATION OF PERMITS.**

- (a) Any permit issued under this Chapter may be revoked by the Planning Commission if it makes any of the following findings:
  - (1) That the permit holder or his/her agent(s) has been convicted of violating any animal control laws or regulations, any zoning or health and safety laws or any regulations relating to the keeping of animals.
  - (2) That the permit holder or his/her agent(s) has failed to comply with any conditions of the permit.
  - (3) That the permit holder or his/her agent(s) has failed to pay any fee or obtain any license imposed under Title 6 of this Ordinance Code.

- (4) That the permit holder or his/her agent(s) has provided false information in the permit application or has failed to cooperate in allowing inspection of the premises by County staff.
- (b) Prior to revocation of a kennel/cattery permit, the Planning Director shall notify the permit holder in writing of the intention to revoke the permit. Such notice shall contain a statement of the grounds supporting permit revocation and shall specify the date, time and place of a public hearing to be held before the Planning Commission to consider the revocation. Notification of the hearing shall also be sent to property owners within three hundred (300) feet of the boundaries of the subject parcel.
- (c) At the hearing, the permit holder shall have the right to appear in person or by counsel and to introduce such evidence as (s)he may desire to show cause why the permit should not be revoked and why the grounds cited in the notice do not exist.
- (d) After the hearing, the Planning Commission may revoke the permit or may impose additional conditions in order to allow continuation of the permit if it finds that any of the grounds for revocation exist. Alternatively, the Planning Commission may determine that the permit should not be revoked. In any case, the decision of the Planning Commission shall be final.
- (e) After the permit is revoked, the County Animal Control Program Manager shall allow the permit holder a reasonable time, up to thirty (30) days, to relocate those cats/dogs which exceed the keeping of pets, or may immediately impound all the animals if the cause of revocation involves health and safety violations or animal neglect or cruelty in accordance with State law.

**SECTION 6.20.100. APPEALS.** The applicant or any interested person adversely affected by the Zoning Hearing Officer's decision to grant or deny a kennel/cattery permit may appeal that decision to the County Planning Commission by filing a notice of appeal with the Planning and Building Division within ten (10) days of the decision. The notice must clearly identify the decision which is being appealed and state the grounds for the appeal. The notice must also be accompanied by a filing fee in the amount established by resolution of the Board of Supervisors.

**SECTION 6.20.110. NUISANCE.** It is hereby declared to be a nuisance to maintain any facility subject to a kennel/cattery permit in an obnoxious, offensive or unsanitary condition, or to operate a kennel/cattery facility without the required permit(s).

**SECTION 6.20.120. MEDIATION.** If upon receipt of a nuisance complaint regarding a kennel or cattery, the County determines that the matter would be appropriate for mediation, the County may require the complainant(s) to agree to mediate with the alleged violator as a precondition of County investigation, citation and abatement of the nuisance. Such cases shall be referred to the County Mediation Program, or to the appropriate program of the Peninsula Conflict Resolution Center. If the complainants agree to mediate, but the alleged violator refuses, the County may proceed with investigation and any appropriate enforcement.

**SECTION 6.20.130. EXCEPTIONS.** The Zoning Hearing Officer shall have the right to modify the strict application of this ordinance where there are extraordinary conditions affecting the property of the applicant. If the Zoning Hearing Officer finds that by following the strict letter of this ordinance unreasonable restrictions, unnecessary and extraordinary hardships or damage will be imposed upon the applicant, then any of the provisions or regulations hereof may be modified, in harmony with the general purpose and objectives hereof to the end that the public health, safety and welfare may be secured.

**SECTION 6.20.140. MAINTENANCE.** Kennels and catteries shall be kept in a clean and sanitary manner and shall be thoroughly cleaned daily and sprayed periodically to prevent breeding of flies and insects.

**SECTION 6.20.150. NUISANCE.** It is hereby declared to be a nuisance to maintain any kennel or cattery in an obnoxious, offensive or unsanitary condition.

**SECTION 6.20.160. CERTIFICATE OF CONDITION.** A certificate issued by the Health Officer stating the condition of kennels or catteries when last inspected shall be posted in a conspicuous place in the kennels or cattery building.

(12/02/92)(Ordinance 762, 10/21/47; Ord. 1457, 05/23/61; Ord. 2067, 08/25/70; Ord. 3344, 11/19/91; Ord. 3420, 11/10/92; Ord. 3445, 12/15/92)

(Ordinance #03445, Sections 3400-3412 renumbered 6.20.010-6.20.130 (July 1997 San Mateo County Ordinance Code reorganization and renumbering))

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