

Ventura County Grand Jury 2017 - 2018



Final Report

Wild-Animal Regulations in Thousand Oaks

May 10, 2018

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Wild-Animal Regulations in Thousand Oaks

Summary

The 2017-2018 Ventura County Grand Jury (Grand Jury) investigated the City of Thousand Oaks' (City) policies and practices regarding the regulation of dangerous wild animals kept within the City.

Since 2014 there have been high profile incidents in the City involving venomous snakes, alligators, and other potentially deadly reptiles.

The City contracts with the Los Angeles County Department of Animal Control (LADAC) for specific animal control services.

Besides the City and LADAC, the California Department of Fish and Wildlife (State Fish and Wildlife), the Thousand Oaks City Attorney, and the Ventura County District Attorney can be participants in cases involving wild-animal permitting and regulation in the City.

The Grand Jury concluded the roles, responsibilities, and communication between the City and the LADAC are not clearly defined and understood, resulting in confusion and gaps in enforcement. The Grand Jury also concluded there is a lack of ongoing communication between City, County, and State agencies regarding the permitting of wild and dangerous animals.

The Grand Jury found the City appears to request inspections of wild-animal sites only when there is unfavorable public attention. There appears to be little will to enforce or prosecute municipal code violations. The Grand Jury recommends the City be more proactive in enforcing Thousand Oaks Municipal Code regarding wild animals, as lax enforcement poses a substantial risk to public safety.

The Grand Jury investigation also revealed the State does not require wild-animal permit applicants to provide any documentation that they have complied with local laws. The Grand Jury recommends the City consider establishing a process to obtain information about applications made to State Fish and Wildlife to keep dangerous animals in and around the City.

Background

In September 2014, news media across the country reported a story about an albino monocled cobra that was on the loose for several days before it was captured in the City of Thousand Oaks (City).

There was another incident in Thousand Oaks in 2017 involving cobras, other venomous snakes, American alligators and potentially deadly reptiles.

A number of agencies and organizations responded to these events, including:

- City of Thousand Oaks Code Enforcement and Planning
- Ventura County Sheriff's Office
- LADAC

- Ventura County District Attorney
- Thousand Oaks City Attorney
- State Fish and Wildlife.

Each agency has its own authority, responsibility, and mission. The relationships and communication among them vary.

Due primarily to cost-savings, the City contracts with the LADAC for specific animal control services, rather than with Ventura County Animal Control. The LADAC's administrative offices are located in Long Beach.

There is a long history of Ventura County and Thousand Oaks providing wild animals to support the movie and television industry in Southern California.

Methodology

The Grand Jury conducted witness interviews, internet research and reviewed Thousand Oaks Municipal Code and Los Angeles County Code as it is applied in the City in its contract with the LADAC.

Facts

- FA-01.** The City contracts with the LADAC for animal control services. The agreement between the City and the LADAC requires the department to provide services in accordance with the provisions of Title 10, Animals, of the Los Angeles County Code. (Ref-01)
- FA-02.** The LADAC views its role for the City as primarily issuing dog licenses and operating animal shelters. However, the City defers to the LADAC for all animal issues, unless a zoning permit is requested, or a complaint is filed with the City.
- FA-03.** The agreement between the City and the LADAC limits inspections of facilities and patrolling by the LADAC to specific City requests. (Ref-01)
- FA-04.** The agreement between the City and the LADAC excludes animal license enforcement services and the permitting of animal facilities. (Ref-01)
- FA-05.** In the Addendum to the Agreement between the City and Los Angeles County, the City specifically uses an outdated version [August 2012] of the Los Angeles County Code, Title 10, Animals. (Ref-01, Ref-02)
- FA-06.** The LADAC uses the current version [October 2016] of the Los Angeles County Code, Title 10, Animals, rather than the 2012 version used by the City. (Ref-03)
- FA-07.** The City, not the LADAC, is responsible for enforcement of Thousand Oaks Municipal Code Title 6, Article 2, Wild Animal Control. (Ref-04)
- FA-08.** Thousand Oaks Municipal Code states no person shall have, keep, or maintain any wild animal without first obtaining a permit from the City. The code further establishes the City's control of cages or other means of

confinement. However, should an animal escape confinement, the owner is required to immediately notify LADAC, not the City. (Ref-04)

- FA-09.** Violations of the Thousand Oaks Municipal Code, Title 6, Article 2, Wild Animal Control, may be prosecuted as an infraction punishable by fine, or as a misdemeanor and punishable by fine or imprisonment, or both. All violations shall be a misdemeanor unless specific actions are taken by the City Attorney. (Ref-05)
- FA-10.** Los Angeles County Title 10, Section 10.40.070, requires that "...wild animals must be maintained in buildings, enclosed yards, paddocks, or cages, as specified by the Director, and must be kept at distances from adjacent buildings as specified in applicable zoning and health code laws." It also establishes a fee structure and financial penalties for failure to register or otherwise comply with these requirements. (Ref-03)
- FA-11.** In July 2017, officials of LADAC, State Fish and Wildlife and the Ventura County Sheriff's deputies raided a house in a residential neighborhood of Thousand Oaks, finding 84 snakes including cobras, king cobras, at least one monocled cobra, and numerous other wild animals. Animal control officers also discovered a pool full of alligators at the house. (Ref-06, Ref-07)
- FA-12.** The owner of the house with the 84 snakes had permits for some of the reptiles at a facility in unincorporated Ventura County (County). The facility itself was permitted by both the County and State Fish and Wildlife. Information regarding permits in unincorporated parts of the County is not commonly shared with the City by the County Planning Department unless specifically required in the permit or related environmental documents.
- FA-13.** Information regarding permits in the unincorporated parts of the County is not shared with the City by State Fish and Wildlife. Despite the existence of State records of wild and dangerous animal permits, there is no listing of permits and permitted wild animals available to either cities or the general public. State Fish and Wildlife has a condition for denial of a permit, which is the requirement to comply with local ordinances, but does not require proof of compliance when they issue the permit. However, on the application, applicants must "certify under penalty of perjury...that all information on this application is true and correct and I am not violating any city or county laws." State Fish and Wildlife does assist in investigations and responds to local government requests for specific information. (Att-01, Att-02)
- FA-14.** In 2014, the City determined it did not have sufficient cause to search neighboring properties where an albino monocled cobra was caught. The Grand Jury was unable to find any evidence that the State had provided the City with information that one of the neighboring residents had a State permit for the snake at a different address in the County. It was not until a July 2017 incident with another escaped cobra at the same location that the State apparently partnered with the City.

- FA-15.** In the July 2017 incident involving 84 snakes, including a number of deadly cobras, the LADAC [acting as an agent of the City] referred a possible complaint of “felonious cruelty to animals” and twenty-six misdemeanors to the Ventura County District Attorney. (Ref-06)
- FA-16.** The referral of the case to the District Attorney, in effect, ruled out action being taken against the snake owner for violation of City codes, as the District Attorney does not investigate or prosecute city code violations.
- FA-17.** In the July 2017 incident, the LADAC [acting as an agent of the City] did not refer the case to the City Attorney for action under Thousand Oaks Municipal Code. The department did, however, issue a strongly worded statement: “It appears that, despite the multiple levels of permits, approvals, and periodic inspections required, the permit holder was housing deadly venomous snakes in an unauthorized, densely populated, residential neighborhood, and in such a manner that they posed a substantial risk to public safety.” (Ref-04, Ref-07)

Conclusions

- C-01.** The Grand Jury concluded the roles, responsibilities and communication between the City and the LADAC are not clearly defined and understood, resulting in confusion and gaps in enforcement. (FA-01, FA-02, FA-04, FA-05, FA-06, FA-07, FA-08)
- C-02.** The Grand Jury concluded there is a lack of communication between City, County, and State agencies regarding the permitting of wild and dangerous animals. (FA-12, FA-13, FA-14)
- C-03.** The Grand Jury concluded there is no ongoing communication between the City and State except during specific investigations. Even in cases where a specific incident has occurred, information sharing may not be broad or complete. (FA-10, FA-11, FA-15)
- C-04.** The Grand Jury concluded the City appears to request inspections of wild-animal sites only when there is unfavorable public attention. There appears to be little will to enforce or prosecute violations of the Thousand Oaks Municipal Code Title 6, Article 2, Wild Animal Control. (FA-03, FA-07, FA-18)
- C-05.** The Grand Jury concluded that when the City has turned cases over to the District Attorney, City codes may not be enforced, as the District Attorney is not responsible for enforcing the Thousand Oaks Municipal Code. (FA-07, FA-09, FA-16, FA-17)
- C-06.** The Grand Jury concluded there have been instances where the LADAC has not referred cases to the City when wild animals posed a substantial risk to public safety. (FA-18)
- C-07.** The Grand Jury concluded because the State does not require wild-animal permit applicants to provide any documentation that they have complied with local government ordinances, the regulation fails to insure that people

who are keeping state-permitted wild animals in the City also comply with the City’s laws. (FA-14)

Recommendations

- R-01.** The Grand Jury recommends the City seek to establish an effective partnership between LADAC and executive management of the City. (C-01)
- R-02.** The Grand Jury recommends the City be more proactive in enforcing Thousand Oaks Municipal Code Title 6, Article 2, Wild Animal Control, as lax enforcement poses a substantial risk to public safety. (C-04, C-05, C-06)
- R-03.** The Grand Jury recommends the City consider establishing a process to obtain information about applications made to State Fish and Wildlife to keep dangerous animals in and around the City. (C-02, C-03, C-07)

Responses

Responses Required From:

City Council, City of Thousand Oaks (C-01, C-02, C-03, C-04, C-05, C-06, C-07, R-01, R-02, R-03)

References

- Ref-01.** Joint Exercise of Powers Agreement between the County of Los Angeles and the City of Thousand Oaks relating to Animal Care and Control Services, June 24, 2014.
<http://71.165.173.179/WebLinkPublic/0/doc/1093294/Page1.aspx>
Accessed April 25, 2018
- Ref-02.** Thousand Oaks Municipal Code Title 6, Article 1, Regulation of animals: Los Angeles County Code as [Thousand Oaks] City Code.
[http://library.amlegal.com/nxt/gateway.dll/California/thousandoaks_ca/thecityofthousandoakscaliforniamunicipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:thousandoaks_ca](http://library.amlegal.com/nxt/gateway.dll/California/thousandoaks_ca/thecityofthousandoakscaliforniamunicipal?f=templates$fn=default.htm$3.0$vid=amlegal:thousandoaks_ca)
Accessed April 25, 2018
- Ref-03.** Title 10, Animals of the Los Angeles County Code. October 2016.
http://www.file.lacounty.gov/SDSInter/dacc/195450_Title10-20132.19.14.pdf
Accessed April 25, 2018
- Ref-04.** Thousand Oaks Municipal Code Title 6, Article 2.
[http://library.amlegal.com/nxt/gateway.dll/California/thousandoaks_ca/thecityofthousandoakscaliforniamunicipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:thousandoaks_ca](http://library.amlegal.com/nxt/gateway.dll/California/thousandoaks_ca/thecityofthousandoakscaliforniamunicipal?f=templates$fn=default.htm$3.0$vid=amlegal:thousandoaks_ca)

Accessed April 25, 2018

- Ref-05.** Thousand Oaks Municipal Code Title 6, Article 2, section 6-1.206.
[http://library.amlegal.com/nxt/gateway.dll/California/thousandoaks_ca/thecityofthousandoakscaliforniamunicipal?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:thousandoaks_ca](http://library.amlegal.com/nxt/gateway.dll/California/thousandoaks_ca/thecityofthousandoakscaliforniamunicipal?f=templates$fn=default.htm$3.0$vid=amlegal:thousandoaks_ca)

Accessed April 25, 2018

- Ref-06.** After raid in Thousand Oaks, search widens for reptiles. John Scheibe, Ventura County Star, July 8, 2017.
www.vcstar.com/story/news/2017/07/07/thousand-oaks-man-found-poisonous-snakes-remains-jail/460274001/

Accessed April 25, 2018

- Ref-07.** Animal control officers uncover 80 snakes and a pool full of alligators at Thousand Oaks home. Joseph Serna and Matt Hamilton, Los Angeles Times, July 6, 2017.
<http://www.latimes.com/local/lanow/la-me-ln-alligators-snakes-thousand-oaks-20170706-story.html>

Accessed April 25, 2018

Attachments

- Att-01.** California Code of Regulations. § 671.1. Permits for Restricted Species
- Att-02.** Excerpts from Fish and Game Manual for Applicants

Glossary

TERM

DEFINITION

State Fish and Wildlife

California Department of Fish and Wildlife

City

City of Thousand Oaks

County

County of Ventura

Grand Jury

2017-2018 Ventura County Grand Jury

LADAC

Los Angeles County Department of Animal Control

State

State of California

Attachment 01

California Code of Regulations § 671.1. Permits for Restricted Species

California Code of Regulations
§ 671.1. Permits for Restricted Species.

(a) General. It is unlawful for any person to import, export, transport, maintain, sell, dispose of, or use for any purpose any animal restricted by Section 671 except as authorized in a permit issued by the department.

(1) Limited Scope. A permit issued pursuant to this Section 671.1 does not supersede any federal, state, or local law regulating or prohibiting the animals or the activities authorized in the permit.

Attachment 02

Excerpts from Fish and Game Manual for Applicants



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE

RESTRICTED SPECIES LAWS AND REGULATIONS
IMPORTATION, TRANSPORTATION AND POSSESSION OF WILD ANIMALS – MANUAL 671

This document is designed to provide essential information about live restricted animals. It does not provide complete coverage of all restricted animal laws and regulations.

Although this document contains excerpts from the Fish and Game Code and Title 14, of the California Code of Regulations, it is the restricted species permittee’s responsibility to know and obey all laws and regulations in effect while he/she is participating in restricted species activity. Changes to any code may occur at any time during the year.

Any discrepancies between this document and the code(s) from which it was prepared will be enforced and adjudicated according to the official code(s) in effect on the date the activity takes place.

Fish and Game Code Excerpts

§2116. Wild Animal

As used in this chapter, “wild animal” means any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia (frogs, toads, salamanders), class Osteichthyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) which is not normally domesticated in this state as determined by the commission.

§2156. City and County Ordinances for Possession or Care

Neither the provisions of this chapter nor the regulations of the commission shall prevent any city or county from enacting ordinances relating to the possession or care of wild animals provided such ordinances are more restrictive.

§671.1. Permits for Restricted Species.

- (a) **General.** It is unlawful for any person to import, export, transport, maintain, sell, dispose of, or use for any purpose any animal restricted by Section 671 except as authorized in a permit issued by the department.
 - (1) **Limited Scope.** A permit issued pursuant to this Section 671.1 does not supersede any federal, state, or local law regulating or prohibiting the animals or the activities authorized in the permit.
- (c) **Qualifications, Application Fees, and Permit Information.**
- (M) Each permittee shall keep accurate written records at the facility of all acquisitions, births, transfers and deaths of restricted species that are covered by their permit. Permittees shall retain all such records for a minimum of three years from the date of acquisition, birth, transfer or death and make such records available to the department for inspection at all times.
- (4) **Term of Permit.** Permits issued under the provisions of this Section 671.1 shall be valid for a term of one year from the date of issuance.
- (5) **Denial.**
 - (A) The department may deny the issuance of a permit or amendment of an existing permit if:
 - 1. the applicant or permittee has failed to comply with terms and conditions of a permit or any provision of the Fish and Game Code or regulations adopted pursuant thereto;
 - 2. the applicant or permittee has failed to comply with any provision of any statute, regulation, rule or ordinance existing in any other state or in any city, county, or other local governing entity in any other state, that is related to the care and permitting of restricted species listed in Section 671, so long as the failure to comply would constitute a violation of the Fish and Game Code or regulations adopted pursuant thereto if it had occurred in this state or
 - 3. the applicant or permittee has failed to comply with any provision of any federal statute, regulation, or rule that is related to the care and permitting of restricted species listed in Section 671, so long as the failure to comply would constitute a violation of the Fish and Game Code or regulations adopted pursuant thereto if it had occurred in this state; or
 - 4. the department determines that the application or other documents submitted do not support the