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April 13, 1987

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Law & Legislation Committee
City Council Chambers
Sacramento, CA 95814

Re: Transportation of Animals in Vehicles

Members in Session:

SUMMARY

This report presents for Committee review an ordinance identical to one adopted by the Sacramento County Board of Supervisors on March 25, 1987 concerning transportation of animals in vehicles.

BACKGROUND

On March 12, 1987, the Law & Legislation Committee determined to postpone action on a City ordinance concerning transportation of animals in vehicles until the County Board of Supervisors acted on a similar proposal.

On March 25, 1987, the Board of Supervisors adopted an ordinance on the subject. Except for the use of "City" instead of "County" in subsection (a), the ordinance adopted by the County is identical to the one included with this report. Subsection (a) is changed slightly from the version presented to this Committee on March 12, 1987.

The ordinance requires all persons, except individuals transporting working dogs within agricultural/rural areas, to carry any animal within the vehicle or in a container, or to cross tether or secure the animal by rope, chain or other device to prevent injury, falling, being thrown, or jumping.

The ordinance also prohibits leaving an animal in an unattended vehicle under unsafe conditions.

In his report to the County Board of Supervisors regarding the ordinance, County Counsel Lee Elam wrote:

This ordinance does contain some language which this Office would insist be made more specific should there be an intent to criminally enforce the measure. For example, the terminology "agricultural/rural areas" makes the Ordinance too vague to effectively enforce. However, we are informed that the purpose of the Ordinance is to secure voluntary citizen sensitivity to the danger posed to animals who are transported in motor vehicles without security precautions, and that the Ordinance is not intended to be criminally enforced. As written, the enclosed Ordinance provides adequate notice to achieve that objective.

The Chief of Police has stated that unsecured animals do not present any significant hazard or problem within the City, and that enforcement of such an ordinance would not be given a high priority.

Neither the City Attorney nor other City staff can recommend enactment of an ordinance which there is little intent to enforce simply for the purpose of educating or sensitizing the public. Such goals may be achieved by concerned persons through the press, workshops or other efforts.

On some subjects, it may be desirable for the City and County to have similar ordinances so that varying regulations are not being enforced on different sides of the City/County boundary. However, the County has already indicated that there will be no enforcement of its ordinance. Enactment of a similar ordinance by the City could actually lead to inconsistency, if the City's ordinance is enforced. If it is intended not to enforce the City ordinance, enacting it neither adds to nor detracts from City/County coordination.

RECOMMENDATION

This ordinance is presented for action as desired by the Committee.

Respectfully submitted,

JAMES P. JACKSON City Attorney

By: 

DIANE B. BALTER
Deputy City Attorney

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTION 6.47 TO THE
SACRAMENTO CITY CODE, RELATING TO THE
TRANSPORTATION OF ANIMALS IN VEHICLES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Section 6.47 is hereby added to the Sacramento City Code to read as follows:

Sec. 6.47 Protection of Animals in Motor Vehicles.

- (a) No person other than an individual transporting working dogs within agricultural/rural areas of the City, shall transport or carry on any public highway or public roadway, any animal, wild or domestic, in a motor vehicle unless the animal is safely enclosed within the vehicle or protected within a secured container carried upon such vehicle or securely crosstethered, or secured to such vehicle by rope, chain or other device in such a fashion as to prevent injury to the animal, and as to prevent the animal from falling from, being thrown from, or jumping from said motor vehicle.
- (b) No person shall leave an animal, wild or domestic, in any unattended motor vehicle without adequate ventilation, sanitary conditions, or otherwise under such circumstances as to prevent the animal from being subjected to extreme temperatures which adversely affect its health or safety.
- (c) As used in this section, the term "motor vehicle" includes, without limitation, automobiles, pickup trucks, other trucks and trailers.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK