



DEPARTMENT OF
PUBLIC WORKS

ANIMAL CONTROL DIVISION

CITY OF SACRAMENTO
CALIFORNIA

May 18, 1993

2127 FRONT STREET
SACRAMENTO, CA
95818-1106

(916) 264-5623

RUBEN MORA
CHIEF ANIMAL
CONTROL OFFICER

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

**SUBJECT: ORDINANCE AMENDING CHAPTER SIX OF THE SACRAMENTO CITY CODE
TO IMPLEMENT CITY STAFF SUPPORTED ANIMAL OVERPOPULATION TASK
FORCE RECOMMENDATIONS**

LOCATION AND COUNCIL DISTRICT: All Districts

RECOMMENDATION

This report recommends that the Law and Legislation Committee review and approve the proposed ordinance changes relating to animal regulations and forward it to the City Council for final action.

CONTACT PERSON: Ruben Mora, Chief Animal Control Officer, 264-5625

FOR COMMITTEE MEETING OF: May 18, 1993

SUMMARY

Presently, there are no limits placed on the number of cats allowed within Sacramento nor are there any Sacramento City Code provisions (1) requiring that animals adopted from the Animal Care and Control Center be altered prior to adoption or (2) mandating altering of an animal upon second impound.

This report recommends that Sacramento City Code Sections 6.05.054, 6.07.084, and 6.07.086 be amended to:

Ordinance Amendment to Sections 6.05.054, 6.07.084, and 6.07.086

- (1) prohibit more than seven cats per residence,
- (2) require that all animals adopted from the Animal Care and Control Center be altered before releasing the animals to the new owner, and
- (3) require that all dogs impounded more than once for being at large be altered before redemption.

This report also recommends that the Law and Legislative Committee forward this report to the full City Council for final action.

BACKGROUND INFORMATION

On April 7, 1992, a City/County Animal Overpopulation Task Force (Task Force) was established under City Council Resolution 92-234. The purpose of the Task Force was to analyze and examine animal overpopulation in Sacramento City and County and recommend to the City Council solutions to "animal overpopulation," emphasizing prevention.

On October 27, 1992, the Task Force presented its recommendations to the City Council in an informational report. The Council directed staff to provide an analysis of the Task Force's recommendations on November 10, 1992. During the presentation, staff identified those Task Force recommendations supported by city staff. On March 9, 1993, staff returned to the City Council, addressing the Task Force recommendations requiring further legal review. City Council approved staff's recommendation to authorize implementation of the staff supported Task Force recommendations, excluding the issue addressing the number of cats per residence allowed. The Task Force recommendations related to altering (proposed code changes identified as (2) and (3) in the SUMMARY above) have been previously approved by the City Council.

Cat Limit

The Task Force recommended a combined limit of dogs and cats to ten per residence. Currently, dogs and/or swine over the age of four months are limited to three; no amendment to this regulation is proposed. There is no limit for cats.

Staff previously recommended limiting the number of cats to three. Council requested staff to reevaluate the recommended limit placed on cats and report back to this committee.

Additional research relative to the number of animals allowed per residence (Attachment 1) reveals a wide range of policies throughout California; a clear consensus is not apparent. However, based on the Task Force recommendations of a combined limit of dogs and cats to ten and an expressed opinion of the City Council through previous discussions, staff now recommends a maximum of seven cats. When combined with the existing limit of three dogs/swine, the recommended maximum is comparable to the Task Force recommendation of ten and is well within the range of our most recent research results.

Pre-altered Adopted Animals

The Task Force recommended that all animals adopted from the Animal Care and Control Center be altered before releasing the animals to the new owner. The recommended code changes ensure that the public does not adopt intact animals from our facility.

Alter Required upon Second Redemption

The Task Force recommended that animals impounded more than once for being at large be altered before being released to their owner. The recommended code changes guarantee that dogs apprehended more than once for running loose will no longer be able to contribute to the animal overpopulation problem.

FINANCIAL CONSIDERATIONS

Direct costs associated with the ordinance changes relating to altered animals will be borne by the pet owner. No additional city funds are required to enforce the amended Animal Control Law.

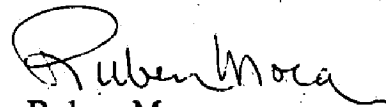
POLICY CONSIDERATIONS

The City/County established Animal Overpopulation Task Force supports the proposed ordinance changes. These changes further the objective to implement cost-effective solutions to animal overpopulation.

MBE/WBE

No goods or services are being purchased at this time. Therefore, MBE/WBE efforts are not applicable.

Respectfully submitted,

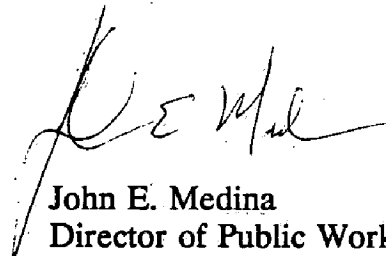


Ruben Mora
Chief Animal Control Officer

APPROVED:



David R. Martinez
Deputy City Manager



John E. Medina
Director of Public Works

SURVEY OF NUMBER OF ANIMALS ALLOWED PER DWELLING UNIT			
AGENCY	CATS	DOGS	COMBO
City of Stockton (POP. 340,000)	NO LIMIT	2	
Pomona Valley Humane Society (POP. 502,488)	*		
Santa Barbara County (POP. 350,000)	3	3	
Solano County (POP. 339,800)	4	3	
Marin Humane Society (POP. 270,000)	NO LIMIT	3	
Sacramento County (POP. 714,100)	4	4	
Long Beach (POP. 437,816)			4
City of San Francisco (POP. 728,700)			4
City of Berkeley (POP. 102,244)	NO LIMIT	4	
City of Alameda (POP. 74,139)	NO LIMIT	3	

* Clairmont: COMBO 3
 Chino: COMBO 4
 Pamona: NO LIMIT ON CATS - 3 DOGS

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTIONS 6.07.084, 6.07.086 AND 6.05.054 OF THE SACRAMENTO CITY CODE, TO REQUIRE THAT ANIMALS BE ALTERED BEFORE ADOPTION FROM THE CITY ANIMAL CONTROL CENTER, THAT DOGS IMPOUNDED MORE THAN ONCE FOR BEING AT LARGE BE ALTERED BEFORE REDEMPTION, AND THAT NO MORE THAN SEVEN CATS BE KEPT AT ONE DWELLING

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

SECTION 1.

Section 6.07.084 of the Sacramento City Code is hereby amended to read as follows:

6.07.084 Disposition of unclaimed animals.

- (a) Except as otherwise provided in this ~~chapter title~~, any impounded animal which is not redeemed within the applicable holding period specified by this ~~chapter title~~ may, in the discretion of the chief animal control officer, be sold for not less than the amount of redemption fees set forth in Sections 6.07.085 and 6.07.086, ~~plus the cost of alteration as set forth in subsection (b) of this section~~, destroyed or otherwise disposed of; provided, however, that no animal shall be sold, destroyed, or otherwise disposed of until seventy-two hours after notice of the impoundment has been given to the owner, if ~~he the owner~~ be known.

If the animal is then sold, the receipt ~~is signed by the chief animal control officer or the chief's designee and~~ shall be a valid title to the purchaser.

Notwithstanding any other provisions of this ~~chapter title~~ to the contrary, an impounded animal which is determined by the chief animal control officer to constitute a menace to

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

health may be destroyed or otherwise disposed of as ordered by the chief animal control officer.

~~(b) No dog, cat or swine shall be sold pursuant to this section unless, prior to delivery of the animal, the purchaser:~~

~~(1) Agrees to have the animal spayed or neutered within thirty (30) days of the date of purchase or, in the case of puppies or kittens, within thirty (30) days after the animal reaches eight (8) months of age; and~~

~~(2) Deposits with the chief animal control officer the sums established by resolution of the city council for each cat purchased and for each dog purchased and for each swine purchased, toward the cost of having the purchased animal spayed or neutered. It shall then be the sole duty and responsibility of the purchaser to have the animal spayed or neutered within the applicable time period set forth in subdivision (b)(1) of this section. Upon the presentation of proof to the reasonable satisfaction of the chief animal control officer that the animal purchased has been spayed or neutered, the money deposited by the purchaser toward the spaying or neutering of such animal shall be returned to the purchaser or to the veterinarian or clinic which performed the surgery, according to the direction of the purchaser. If, within three (3) years from the date of purchase of the dog or cat, the purchaser fails to present proof to the reasonable satisfaction of the chief animal control officer that the animal purchased has been spayed or neutered, the purchaser's deposit shall be deemed to be forfeited and shall be paid into the city's general fund.~~

~~(b) No dog, cat or swine shall be sold pursuant to this section unless the animal was spayed or neutered prior to its impoundment or is spayed or neutered at the purchaser's expense prior to delivery of the animal to the purchaser.~~

~~(c) Upon proof to the reasonable satisfaction of the chief animal control officer that the animal purchased died or ran away prior to the end of the period in which it was required to have been spayed or neutered, the amount deposited under Subdivision (b)(2) of this section shall be returned to the purchaser.~~

SECTION 2.

Section 6.07.086 of the Sacramento City Code is hereby amended to read as follows:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

6.07.086 ~~Fees for redemption subsequent to first redemption~~ Redemption subsequent to first redemption.

- (a) **Required alteration.** In order to reduce the likelihood that dogs allowed to be at large shall breed unwanted animals, any dog impounded for being at large which previously has been redeemed from the animal control center after impoundment for being at large shall be spayed or neutered at the redeeming owner's expense prior to a second or subsequent redemption. The chief animal control officer may waive this requirement when there are extenuating circumstances that justify waiver.

In the event the chief animal control officer determines that a dog shall be spayed or neutered at the redeeming owner's expense prior to redemption, the chief animal control officer shall notify the owner of this requirement in writing and inform the owner of the owner's right to appeal as provided by this section.

The owner of the animal may, prior to the date specified by the chief animal control officer in the written notice, appeal the determination of the chief animal control officer by filing a notice of such appeal with the chief animal control officer. The city manager shall appoint a hearing officer, who may be an employee of the City of Sacramento.

The hearing shall be informal. The hearing officer shall determine, based on evidence presented, whether the chief animal control officer correctly determined that the requirement to spay or neuter applies, and if so, whether there are any extenuating circumstances which justify waiver of the requirement to spay or neuter, or waiver of the requirement that the owner pay for the procedure. The decision of the hearing officer shall be final.

- (b) **Redemption fees.** In addition to any payment which may be required pursuant to subsection (a), ~~The owner of any animal which has been previously redeemed from the animal control center within one year from the date of impoundment of such animal shall~~ pay a redemption fee of twice the amount of the ~~original-usual~~ redemption fee for the second redemption of such animal and shall pay a redemption fee three times the amount of the ~~original-usual~~ redemption fee for the third and any subsequent redemption, in addition to the per diem costs established by resolution of the city council, and other actual costs of impoundment.

SECTION 3.

Section 6.05.054 is hereby amended to read as follows:

6.05.054 Number of dogs, ~~or swine~~ or cats per dwelling unit.

- (a) It is unlawful for any person or group of persons to keep, harbor, or maintain in or about any dwelling unit, or yard area adjacent thereto, more than three dogs or three swine permitted by Section 6.05.050, or any combination thereof exceeding three animals, each of which is over the age of four months, unless the owner is duly authorized to operate a kennel under the Zoning Ordinance of the City of Sacramento.
- (b) It is unlawful for any person or group of persons to keep, harbor, or maintain in or about any dwelling unit, or yard area adjacent thereto, more than seven cats, each of which is over the age of eight weeks.
- (b)(c) For the purposes of this section the term "dwelling unit" shall be defined in the same manner as such term is defined in the Zoning Ordinance of the City of Sacramento.

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

ATTEST:

CITY CLERK

MAYOR

FOR CITY CLERK USE ONLY

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6.07.084 Disposition of unclaimed animals.

- (a) Except as otherwise provided in this title, any impounded animal which is not redeemed within the applicable holding period specified by this title may, in the discretion of the chief animal control officer, be sold for not less than the amount of redemption fees set forth in Sections 6.07.085 and 6.07.086, plus the cost of alteration as set forth in subsection (b) of this section, destroyed or otherwise disposed of; provided, however, that no animal shall be sold, destroyed, or otherwise disposed of until seventy-two hours after notice of the impoundment has been given to the owner, if the owner be known.

If the animal is then sold, the receipt signed by the chief animal control officer shall be a valid title to the purchaser.

Notwithstanding any other provisions of this title to the contrary, an impounded animal which is determined by the chief animal control officer to constitute a menace to health may be destroyed or otherwise disposed of as ordered by the chief animal control officer.

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

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- (b) No dog, cat or swine shall be sold pursuant to this section unless the animal was spayed or neutered prior to its impoundment or is spayed or neutered at the purchaser's expense prior to delivery of the animal to the purchaser.

SECTION 2.

Section 6.07.086 of the Sacramento City Code is hereby amended to read as follows:

6.07.086 Redemption subsequent to first redemption.

- (a) **Required alteration.** In order to reduce the likelihood that dogs allowed to be at large shall breed unwanted animals, any dog impounded for being at large which previously has been redeemed from the animal control center after impoundment for being at large shall be spayed or neutered at the redeeming owner's expense prior to a second or subsequent redemption. The chief animal control officer may waive this requirement when there are extenuating circumstances that justify waiver.

In the event the chief animal control officer determines that a dog shall be spayed or neutered at the redeeming owner's expense prior to redemption, the chief animal control officer shall notify the owner of this requirement in writing and inform the owner of the owner's right to appeal as provided by this section.

The owner of the animal may, prior to the date specified by the chief animal control officer in the written notice, appeal the determination of the chief animal control officer by filing a notice of such appeal with the chief animal control officer. The city manager shall appoint a hearing officer, who may be an employee of the City of Sacramento.

The hearing shall be informal. The hearing officer shall determine, based on evidence presented, whether the chief animal control officer correctly determined that the requirement to spay or neuter applies, and if so, whether there are any extenuating circumstances which justify waiver of the requirement to spay or neuter, or waiver of the requirement that the owner pay for the procedure. The decision of the hearing officer shall be final.

- (b) **Redemption fees.** In addition to any payment which may be required pursuant to subsection (a), the owner of any animal which has been previously redeemed from the animal control center shall pay a redemption fee of twice the amount of the usual redemption fee for the second redemption of such animal and shall pay a redemption fee three times the amount of the usual redemption fee for the third and any subsequent

redemption, in addition to the per diem costs established by resolution of the city council, and other actual costs of impoundment.

SECTION 3.

Section 6.05.054 is hereby amended to read as follows:

6.05.054 Number of dogs, swine or cats per dwelling unit.

- (a) It is unlawful for any person or group of persons to keep, harbor, or maintain in or about any dwelling unit, or yard area adjacent thereto, more than three dogs or three swine permitted by Section 6.05.050, or any combination thereof exceeding three animals, each of which is over the age of four months, unless the owner is duly authorized to operate a kennel under the Zoning Ordinance of the City of Sacramento.
- (b) It is unlawful for any person or group of persons to keep, harbor, or maintain in or about any dwelling unit, or yard area adjacent thereto, more than seven cats, each of which is over the age of eight weeks.
- (c) For the purposes of this section the term "dwelling unit" shall be defined in the same manner as such term is defined in the Zoning Ordinance of the City of Sacramento.

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