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DEPARTMENT OF
PUBLIC WORKS

OFFICE OF THE DIRECTOR

CITY OF SACRAMENTO
CALIFORNIA

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ADMINISTRATION
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May 28, 1991

Budget and Finance/Transportation and
Community Development Committee
Sacramento, California

HONORABLE MEMBERS IN SESSION:

SUBJECT: **ORDINANCE AMENDING AND ADDING VARIOUS SECTIONS OF CHAPTER 6 OF THE SACRAMENTO CITY CODE, RELATING TO ANIMAL CONTROL, TO PERMIT THE KEEPING OF MINI-PIGS WITHIN THE CITY LIMITS**

SUMMARY

At its March 26, 1991 meeting, the joint Budget and Finance/Transportation and Community Development Committee directed staff to revise the City Code to allow the keeping of mini-pigs within the City limits. The proposed ordinance amending the code is now presented for Committee consideration. Staff recommends that the Committee forward the proposed ordinance to the full City Council with a recommendation for approval.

BACKGROUND

Following the Joint Committee action on March 26, 1991, staff from the Public Works Department began devising the standards and restrictions which would apply to the keeping of mini-pigs as pets within the City. Based upon staff's research, the following standards are proposed:

- o All mini-pigs over the age of four months must be licensed. The license period is three years.
- o Male mini-pigs must be neutered when they reach the age of four weeks.
- o Mini-pigs shall be subject to the leash law.
- o No one may keep more than three dogs, three mini-pigs, or any combination thereof at any one residence.
- o Mini-pigs in excess of 22 inches in height or weighing over 150 pounds are prohibited.

These requirements are very similar to the current regulations applied to dogs, with the exception of the requirement that male mini-pigs weigh less than 150 pounds and be neutered. This additional condition is proposed due to evidence that unneutered males may behave aggressively and emit a strong body odor. There is also no requirement that mini-pigs be vaccinated, as there is no evidence which indicates that vaccinations are necessary.

FINANCIAL IMPACT

The Animal Control Division may experience an increase in workload, depending upon the number of complaints received. No additional funding is requested at this time. Staffing needs will be evaluated once the ordinance has been in effect for one year.

Under the proposed ordinance, the fee for a mini-pig licensed will be the same as the fee for a dog license. The fee is currently \$10 per year or \$25 for three years. If the pig is spayed or neutered, the fee will be discounted by 50% (\$5 year or \$12.50 for three years). The additional revenue generated from licensing mini pigs is expected to be insignificant due to the relatively small numbers of licenses issued.

POLICY CONSIDERATIONS

At its March 26, 1991 meeting, the Joint Committee stated its desire that mini-pigs be allowed in the City as a matter of policy. This report is intended to implement that policy.

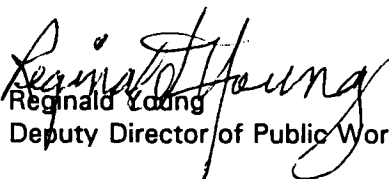
MBE/WBE

There are no goods or services being purchased in this report.


RECOMMENDATION

It is recommended that the Joint Committee forward the proposed ordinance allowing the keeping of mini-pigs within the City limits to the full City Council with a recommendation for approval.

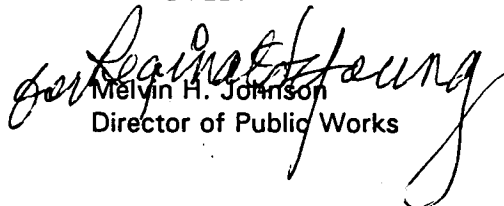
Respectfully submitted,


Reginald Young
Deputy Director of Public Works

RECOMMENDATION APPROVED:


Jack R. Crist
Deputy City Manager

APPROVED:


Melvin H. Johnson
Director of Public Works

CONTACT PERSON:

Reginald Young, Deputy Director of Public Works
449-5283

May 28, 1991
All Districts

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

ORDINANCE AMENDING AND ADDING VARIOUS SECTIONS OF CHAPTER 6 OF THE SACRAMENTO CITY CODE, RELATING TO ANIMAL CONTROL, TO PERMIT CERTAIN LIVE SWINE TO BE KEPT WITHIN THE CITY OF SACRAMENTO

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

Section 1.

Sections 6.2, 6.41, 6.50, 6.54, 6.80 and 6.84 of the Sacramento City Code are hereby amended to read as follows:

Sec. 6.2 Definitions.

For purposes of this chapter, unless provisions or the context indicate otherwise, the following terms and words have the following meanings:

Animal: Animal means any domestic animal and any animal commonly kept and maintained by the public as a household pet. The term animal shall include chickens, turkeys, geese, ducks, doves, pigeons, guinea fowl and all other poultry.

Animal control shelter: The animal control shelter means the facilities provided by the city for the impounding of animals.

At large: An animal is at large in the following situations:

- (a) When it is off the premises of its owner and not under restraint by leash, tether or adequate enclosure.
- (b) When it is on the premises of its owner and not restrained by leash, tether, fence or adequate enclosure or not under the control and in the immediate presence of the owner.
- (c) The leash or tether required under subsection (a) and (b) of this definition shall not exceed eight (8) feet in length and shall be of sufficient strength to restrain the animal should it try to run from the owner or keeper.

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(d) The following exceptions shall apply to the provisions of subsection (a), (b) and (c) of this definition:

- (1) A dog shall not be considered to be at large if it is enrolled in and actually participating in a dog training or obedience class, exhibition or competition conducted by an organization on private or public property with the permission of the owner or operator of the grounds or facility.
- (2) A dog shall not be considered at large if it is assisting a peace officer who is engaged in law enforcement duties.
- (3) A dog or swine shall not be considered at large if the dog or swine is unleashed but has not strayed from and is upon private property of the owner or keeper. (Ord. No. 83-031 §1; Ord. No. 84-117, §)

Chief Animal Control Officer: The Chief Animal Control Officer means the person appointed by the City Manager pursuant to Article II to enforce the provisions of this Chapter.

Domestic Animal: Domestic Animal means any of the various animals domesticated by man so as to live and breed in a tame condition, including horses, cows, sheep and goats.

Health Department: Health Department means the Health Department of the County of Sacramento.

Health Officer: Health Officer means the Health Officer of the County of Sacramento and any Health Department employee or other person duly authorized by the Health officer to act on his behalf.

Owner: Owner means any person, firm, partnership, corporation, association, trust or organization of any kind, owning, having an interest in, harboring, or having control, custody, or possession of an animal.

Vaccination: Vaccination shall mean the inoculation of an animal by a licensed veterinarian, with an antirabic vaccine approved by an in the manner prescribed by the State Department of Public Health.

Veterinarian: Veterinarian means a person licensed by the State of California to practice veterinary medicine.

Wild Animal means any of the following:

(a) Following members of the Class Reptilia:

Order Ophidia (such as, but not limited to, racers, boas, water snakes and pythons) over eight feet in length, and Order Loricata (such as, but not limited to, alligators, caymans, and crocodiles) over four feet in length.

(b) Following members of the Class Aves:

Order Falconiformes (such as, but not limited to, hawks, eagles and vultures which are not kept pursuant to Federal or State permit), and Subdivision Ratitae (such as, but not limited to, ostriches, rheas, cassowaries and emus).

(c) Following members of the Class Mammalia:

Order Carnivora, expressly excepting the domestic dog (Canis familiaris) and the domestic cat (Felis catus), but including, but not limited to, the family felidae (such as ocelots, margays, tigers, jaguars, leopards and cougars), the family canidae (such as wolves, dingoes, coyotes and jackals), and Order Marsupialia (such as kangaroos and opossums) and Order Chiroptera (bats), and Order Edentata (such as sloths, anteaters and armadillos), and Order Proboscidea (elephants), and Order Primata (including, but not limited to, monkeys, chimpanzees and gorillas), and Order Ungulata (expressly excluding any animal which would be included within the definition of "domestic animal" in Section 6.2 of this Chapter and including, but not limited to, antelope, deer, bison and camels).

(d) Any non-domestic species when kept, maintained or harbored in such numbers or in such a manner as to constitute the likelihood of danger to the animals themselves, to human beings or to the property of human beings.

(e) Any species of animal which is venomous to human beings whether its venom is transmitted by bite, sting or touch or other means, except honey producing bees.

(Ord. 84-117, §1.)

Sec. 6.41 Impounding Animals.

Any dog, bovine animal, horse, mule, burro, sheep, hog, goat, poultry, swine or wild animal found to be at large in this city is a public nuisance and shall be taken up and impounded by the animal control officer. (Ord. No. 2859, §2)

Sec. 6.50 Keeping of certain live swine prohibited.

It is unlawful to keep within the city any live swine which is more than 22 inches high at the shoulder or weighs more than 150 pounds, or any live male swine over the age of four weeks which has not been neutered. The provisions of Section 6.52 and 6.53 shall not apply to any live swine permitted by this section. Ord. No. 2757, §1)

Sec. 6.54 Number of dogs or swine 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 6.50, 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.

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- (b) 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. (Ord. No. 3211, §1)

Sec. 6.80 Duty of Chief Animal Control Officer.

The Chief Animal Control Officer shall:

- (a) Take up and impound all animals found to be in violation of the provisions of this chapter.
 - (1) When a dog or swine permitted by Section 6.50 has strayed from the property of its owner or keeper and has returned to same, animal control officers shall not impound the dog or swine unless the owner or keeper is not at home. If the owner or keeper is at home, the animal control officer may issue a citation to the owner or keeper. When the owner or keeper is not at home, the dog or swine may be impounded, providing notice of impoundment is posted on the front door of the owner's or keeper's living unit. Such notice shall state the following: That the dog or swine has been impounded; where the dog or swine is being held; the name, address and telephone number of the agency or person to be contacted regarding release of the dog or swine; and an indication of the ultimate disposition of the dog or swine if no action to regain it is taken within a specified period of time by its owner or by the person who has a right to control the dog or swine.
- (b) Provide all entitled animals with sufficient shelter, food and water.
- (c) Remove and dispose of the carcass of any animal found dead in or on any public highway, street, alley or other public place by such appropriate means as may be at his disposal.
- (d) Remove and dispose of the carcass of any animal found dead on private property when the owner of such property or the owner of such animal cannot be immediately located by the Chief Animal Control Officer, or when such owner or owners refuse to dispose of the carcass within such period of time as may be reasonable under the circumstances. (Ord. No. 83-031)

Sec. 6.84 Disposition of unclaimed animals.

- (a) Except as otherwise provided in this Chapter, any impounded animal which is not redeemed within the applicable holding period specified by this Chapter, 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 6.85 and 6.86, 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 be known.

If the animal is then sold, the receipt is signed by the Chief Animal Control Officer and shall be a valid title to the purchaser.

Notwithstanding any other provisions of this Chapter 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.

- (b) No dog, cat, or swine shall be sold pursuant to this section unless prior to deliver 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.
- (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. (Ord. No. 2757, §1; Ord. No. 4070, §1; Ord. No. 4356, §1.)

Section 2.

Article X (Sections 6.130-6.135) is hereby added to Chapter 6 of the Sacramento City Code to read as follows:

Article X. Swine Licensing

Sec. 6.130 License—Required.

It is unlawful for any person to maintain, within the limits of the city, a swine as permitted by Section 6.50, over the age of four months, without first obtaining from the city a license authorizing the keeping of such swine within the city. (Ord. No. 2757, §1; Ord. No. 83-126, §1)

Violation of this section is an infraction subject to the provisions of Government Code Section 36900(b). (Ord. No. 83-126, §1)

Sec. 6.131 Same--Fee.

A license fee in the same amount as established by resolution of the City Council for dog licenses shall be collected by the Chief Animal Control Officer or other authorized city department, or by veterinarians as authorized by the City Manager, from the owner of each swine, male or female, over the age of four months, located within the City of Sacramento.

The license period is three years.

A delinquency fee set by resolution of the City Council shall be payable in addition to the license fee whenever a license is not renewed on or before the first business day after expiration.

Any person who acquires ownership, custody or control of any swine not currently licensed pursuant to provisions of this chapter shall be immediately liable for the payment of the license fee and shall be liable for a delinquency fee as set by the City Council if the license is not obtained within 30 days.

No license shall be issued for a current license period until such time as there is paid an amount equal to all delinquencies and fees outstanding for the prior license period in addition to the fee for the current period. (Ord. No. 2826, §1; Ord. No. 3286, §1; Ord. No. 3344, §1; Ord. No. 4356, §1; Ord. No. 86-075, §1; Ord. No. 87-003, §1)

Sec. 6.132 Same--Neutering certificate required prior to issuance for male swine.

A swine license shall not be issued for any male swine unless and until the owner presents to the Chief Animal Control Officer or other authorized city department a valid certificate of neutering. (Ord. No. 2757, §1)

Sec. 6.133 Same--Application; issuance; identification tag to be issued.

The person owning or having control of the swine shall furnish to the Chief Animal Control Officer or other authorized city department a description of the swine sufficient for identification, which description shall be entered in a record kept by the Chief Animal Control Officer for that purpose. A metallic or plastic identification tag having a number corresponding with the registration of the swine shall be issued to the owner of the swine. Upon such registration, a permit to keep a swine shall be issued to the applicant. (Ord. No. 2757, §1)

Sec. 6.134 Identification tag--To be attached to collar.

Every swine shall be provided by the owner with a suitable collar or other device to which the swine license tag shall be attached. (Ord. No. 2757, §1)

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Sec. 6.135 Same—Not transferable.

It shall be unlawful for any person to use any license tag for any other swine than for the one for which it was originally issued. The owner of a licensed swine shall preserve the license permit upon the premises wherein the registered swine is kept and shall, upon demand of the Chief Animal Control Officer, or any health officer, or a police officer of the city, show to such animal control officer or health officer or police officer the license tag and permit to keep such swine. (Ord. No. 2757, §1)

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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