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DEPARTMENT OF
PUBLIC WORKS

CITY OF SACRAMENTO
CALIFORNIA

2127 FRONT STREET
SACRAMENTO, CA
95818-1106

ANIMAL CARE SERVICES DIVISION

PH. (916) 264-7387
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August 12, 2002

Law & Legislation Committee
Sacramento, California

Honorable Members in Session

SUBJECT: AN ORDINANCE AMENDING SECTION 9.44.170 OF THE SACRAMENTO CITY CODE TO AUTHORIZE THE ANIMAL CARE SERVICES DIVISION MANAGER TO ADOPT OUT SPECIFIED UNALTERED ANIMALS, REQUIRE THE ADOPTER TO PAY A SPAY/NEUTER DEPOSIT AND AGREE IN WRITING TO ALTER THE ANIMAL, AND DECLARING A FAILURE TO COMPLY AN INFRACTION AND GROUNDS FOR ADMINISTRATIVE PENALTY

LOCATION AND COUNCIL DISTRICT: Citywide, All Districts.

RECOMMENDATION:

This report recommends that Law & Legislation Committee approve and forward to the full City Council the attached ordinance amendments to Section 9.44.170 of the City Code relating to the adopting out of specified unaltered animals, requiring the adopter to pay a spay/neuter deposit and agree in writing to alter the animal, and declaring a failure to comply an infraction and grounds for administrative penalty.

CONTACT PERSON: Jamille Moens, Administrative Officer, 264-6719

FOR LAW AND LEGISLATION COMMITTEE MEETING: September 3, 2002

SUMMARY:

This amendment incorporates State law providing that owner relinquished animals be available for adoption immediately, and requiring the payment of a spay/neuter deposit for adopting unaltered animals (animals too sick, injured or too young to be spayed or neutered). It also requires the adopter to agree in writing to alter the animal, and declares a failure to comply an infraction and grounds for administrative penalty. The administrative penalty provides additional enforcement leverage and motivation for adopters to spay/neuter their new pets.

COMMITTEE/COMMISSION ACTION: None.

BACKGROUND INFORMATION:

The changes to the ordinance requested in Section 1, Subsection A, reflects a recent change in State law. Previously, animals relinquished by purported owners were held two full business days, not including the day of impoundment, for owner redemption. After the holding period expired, the animal was available for adoption and rescue, or could be euthanized. Effective July 1, 2002, State law changed regarding the holding periods for owner relinquished animals. Now, owner relinquished animals must be held for the same period of time as strays (4-6 days), but are available for adoption immediately. (Food & Agriculture, Section 31754)

We are requesting to add Section 1, Subsection C, incorporating State law into our City ordinance and adding an administrative penalty component. California State law requires that no public animal control agency or shelter shall adopt out or give away to a new owner any dog or cat that has not been spayed or neutered, but provides an exception for animals that are too sick or injured, or otherwise a risk to the health of the animal to be spayed or neutered. In the case of adopting out an unaltered animal, the adopter pays the shelter a deposit of not less than forty dollars (\$40), and not more than seventy-five (\$75) dollars. The deposit is temporary and refunded when the adopter shows written proof of spaying or neutering by a licensed veterinarian within a specified time period. Funds from unclaimed deposits – adopters not showing proof of spaying or neutering within the specified time period – may be expended only for spay/neuter related programs. (Food & Agriculture, Section 30503)

At the City of Sacramento Animal Care Division, we do not adopt out unaltered animals except under specific conditions, i.e., when an animal is too sick, too young, or injured. In such cases, it is considered a "special" adoption, and we collect a spay/neuter deposit from the adopter. When the adopter presents written proof of spaying or neutering within a specified time period, the deposit is refunded. However, if, within the specified time, the adopter does not show proof of spaying and neutering, the deposit is forfeited.

Currently, the only penalty to the adopter for not spaying or neutering the animal is forfeiture of the spay/neuter deposit which ranges from \$40-\$75 for dogs, and \$45 for cats. Unfortunately, forfeiture of the deposit is not a strong enough penalty to motivate the adopter to spay/neuter their newly adopted pet as we have accumulated over \$140,000 in unclaimed spay/neuter deposits. This means several thousand animals were not spayed or neutered.

We believe adding an administrative penalty will provide the extra incentive necessary for the adopters to have their new pets spayed or neutered. The proposed ordinance requires the adopter to agree in writing to alter the animal. Any person signing the agreement who fails to spay or neuter the animal, or fails to provide proof that the animal has been spayed or neutered, on or before the date specified in the agreement, will be guilty of an infraction punishable by a fine, or may be subject to an administrative penalty of not less than \$300.00.

Subsequently, if the person who is issued a citation or administrative penalty order for non-compliance fails to spay or neuter the animal, or fails to provide proof that the animal has been spayed or neutered, within thirty (30) days after the date the citation or order is issued, he or she will be subject to an additional administrative penalty of \$500.00.

Every year, thousands of unwanted animals are euthanized by the City of Sacramento because of pet over-population. This is not only a problem within our City, but throughout the country. We recognize that spaying and neutering of animals is the foremost solution towards ending pet over-population. To that end, we want to ensure that every pet that is adopted from our shelter is ultimately spayed or neutered.

Staff recommends that the Law & Legislation Committee approve the amendments and forward to the full City Council for consideration.

FINANCIAL CONSIDERATIONS:

There is an existing Spay/Neuter Deposit program in effect. The proposed ordinance would impose the additional component of imposing a fine or administrative penalty for non-compliance with the program. It is anticipated that revenues generated from the fines and administrative penalties issued will offset any costs incurred to administer the penalty component. It is recommended that remaining funds, if any, be deposited into the Animal Care Services budget. The unclaimed spay/neuter deposits will continue to go into the Animal Care Services Spay/Neuter Fund and used for spay/neuter related programs as stipulated by California State law.

ENVIRONMENTAL CONSIDERATIONS:

The Planning and Building Department, Environmental Planning Services, has reviewed the project and has determined that it is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. This project does not have the potential for causing a significant effect on the environment.

POLICY CONSIDERATIONS:

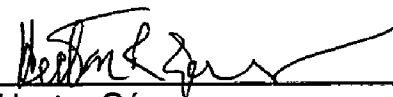
The action requested herein is consistent with the City of Sacramento's Strategic Plan's priority to enhance and preserve the neighborhoods. The proposed ordinance is intended to ensure that residents and community members have the capacity, ownership and motivation to enhance and preserve their neighborhoods by reducing pet over-population.

Law & Legislation Committee
Spay/Neuter Deposit
August 12, 2002

ESBD CONSIDERATIONS:

No goods or services are being provided.

Respectfully submitted,



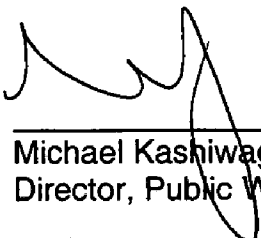
Hector Cázares
Division Manager, Animal Care Services

RECOMMENDATION APPROVED:



KEN NISHIMOTO
Deputy City Manager

Approved:



Michael Kashiwagi
Director, Public Works Department

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 9.44.170 OF THE SACRAMENTO CITY CODE TO AUTHORIZE THE ANIMAL CARE SERVICES DIVISION MANAGER TO PERMIT ADOPTION OF SPECIFIED UNALTERED ANIMALS, REQUIRE THE ADOPTER TO PAY A SPAY/NEUTER DEPOSIT AND AGREE IN WRITING TO ALTER THE ANIMAL, AND DECLARING A FAILURE TO COMPLY AN INFRACTION AND GROUNDS FOR ADMINISTRATIVE PENALTY

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

SECTION 1.

Section 9.44.170 of the Sacramento City Code is hereby amended by adding subsection C, to read as follows:

9.44.170 Disposition of unclaimed animals

A. Except as otherwise provided in this chapter, any impounded animal that is not redeemed within the applicable holding period specified by this chapter or required by state law may, in the discretion of the division manager, be adopted for not less than the amount of redemption fees set forth in Section 9.44.180 and 9.44.190 of this chapter, 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 adopted, rescued, destroyed, or otherwise disposed of until seventy-two (72) hours after notice of the impoundment has been given to the owner, if the owner be known, and further provided that owner-relinquished animals are available for adoption immediately.

If the animal is then released, the receipt signed by the division manager or the manager's designee shall be a valid title to the adopter.

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FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

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Notwithstanding any other provisions of this chapter to the contrary, an impounded animal determined by the division manager or the manager's designee to be unadoptable may be destroyed or otherwise disposed of as ordered by the division manager or the manager's designee.

B. No dog, cat, rabbit or swine shall be adopted pursuant to this section unless the animal was spayed or neutered prior to its impoundment or is spayed or neutered at the adopter's expense prior to delivery of the animal to the adopter.

C. Notwithstanding subsection B, an animal that is too young, too old, too ill, or too injured to be spayed or neutered may be adopted if the purchaser makes a spay/neuter deposit of not less than forty dollars (\$40.00), and not more than seventy-five dollars (\$75.00) and agrees in writing to spay or neuter the animal and provide written proof thereof to the division manager on or before a specific date set forth in the written agreement. The written agreement shall contain the following statements:

I agree to spay or neuter the animal I am adopting as required by state law and the Sacramento City Code. I understand that failure either to spay or neuter the animal I am adopting or to provide written proof that I have done so to the division manager on or before [date] is a violation of section 9.44.170 of the Sacramento City Code. The violation is an infraction punishable by a fine, or may be punishable by an administrative penalty of not less than \$300.00, or both.

Any person signing an agreement who fails to spay or neuter the animal, or fails to provide proof that the animal has been spayed or neutered, on or before the date specified in the agreement, shall be guilty of an infraction punishable by a fine, or may be subject to an administrative penalty of not less than \$300.00 imposed pursuant to the procedures set forth in Chapter 1.28 of the Sacramento City Code, or both. Any person who is issued a citation or administrative penalty order for violating this section shall be subject to an additional administrative penalty of \$500.00 if he or she fails to spay or neuter the animal, or fails to provide proof that the animal has been spayed or neutered, within thirty (30) days after the date the citation or order is issued.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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