

EXISTING SACRAMENTO COUNTY CODE TITLE 8 - ANIMALS CONTAINS EXISTING LAW. THIS "ORDINANCE" REFERS TO EXISTING LAW PROVISIONS BY NUMBER BUT OTHERWISE IS CURRENTLY DRAFTED AS A STAND ALONE PROVISION RATHER THAN INTEGRAL AMENDMENT TO EXISTING LAW.

THE PROPOSAL ONLY BY IMPLICATION ALLOWS BREEDING ONLY BY THOSE HOLDING AN UNALTERED DOG OR CAT LICENSE AT \$150 WITHOUT ADDITIONAL INDIVIDUAL RESTRICTIONS OR QUALIFICATIONS OTHER THAN THOSE APPLICABLE TO ALL PERSONS REGARDING ADVERTISING AND SALES. IN ORDER TO SPARE NON-BREEDERS THE HIGH ANNUAL COST, QUALIFYING PERSONS ARE ALLOWED A REDUCED RATE OF \$50 FOR YEARS IN WHICH THEY DO NOT BREED. THE QUALIFICATIONS ARE APPROVED REGISTRATION, PARTICIPATION IN AT LEAST ONE QUALIFIED REGISTRY-SANCTIONED EVENT WITHIN PREVIOUS 12 MONTHS OR COMPLETED A REGISTRY TITLE UNLESS WAIVED AT DEPARTMENT DISCRETION AND NO BREEDING. ALL OTHERS MAY PURCHASE A FULL PRICE UNALTERED LICENSE.

BECAUSE THE EXISTING TITLE 8 ORDINANCE IS NOT FULLY UP TO DATE AND THIS DRAFT IS NOT FULLY INTEGRATED AND WOULD REQUIRE ADDITIONAL CHANGES TO TITLE 8, THERE IS A GREAT UNCERTAINTY ABOUT THE COUNTY'S APPROACH AND THE EXTENT OF AMENDMENTS THAT MIGHT ENSUE.

Bold underscored/strike though text reflect changes made to June 7 version, following a prior "final" version in May, 2006.

Ordinance No. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF SACRAMENTO  
RELATING TO THE LICENSING, STERILIZATION, ADVERTISEMENT  
AND SALE OR TRANSFER OF DOGS AND CATS

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO:

NEW SECTION. Sec. 1 Purpose

The County recognizes that there exists an animal overpopulation problem in the County that has resulted in a threat to the public health and safety, inhumane treatment of animals, mass euthanasia of dogs and cats at the local animal shelters, and rising costs in animal care and control. The County further warns that unregulated breeding is a major contributing cause to these problems. Further, these problems and their serious consequences will remain unabated and will only increase in severity if nothing is done.

The County finds that part of the solution is that a sizable increase in the license fee for unaltered dogs and cats will encourage the owners to sterilize their animal(s), in order to qualify for the much lower altered license fee. Further, the County finds that regulation of the sale or transfer of dogs and cats will minimize the County's animal overpopulation crisis by allowing increased control and enforcement of these provisions.

THIS FAIRLY BRIEF THOUGH UNSUBSTANTIATED RECITAL IS MERELY MINIMAL JUSTIFICATION FOR THE ORDINANCE. WE WOULD NEED TO SEE YEAR TO YEAR SHELTER DATA, ADJUSTED BY HUMAN POPULATION OVER TIME AND OTHER INFORMATION ON WHERE LOCAL PETS ARE OBTAINED IN ORDER TO SUBSTANTIATE THESE CLAIMS. THE FINAL 3 CHAPTERS OF EXISTING LAW CONTAIN STATEMENTS OF PURPOSE AS THE FIRST NUMBERED SECTION OF A CHAPTER. THESE ARE FAIRLY BRIEF - ABOUT THE SAME LENGTH AS THIS PROPOSAL, BUT ARE PHRASED IN TERMS OF PURPOSES AND NOT FINDINGS WHICH AVOIDS THE PROBLEM OF UNSUBSTANTIATED FINDINGS.

NEW SECTION. Sec. 2 Definitions

COMPARING THE DRAFTING STYLES OF EXISTING LAW TO THE DRAFT, THE PURPOSE SECTION SUGGESTS THEY CONTEMPLATE A NEW CHAPTER ADDED TO EXISTING TITLE 8. HOWEVER, ALL TITLE 8 "DEFINITIONS" ARE CONTAINED IN CHAPTER 8.04, TITLED "DEFINITIONS" SO THAT MEANINGS ARE CONSISTENT THROUGHOUT THE TITLE. POSSIBLY THE DRAFTERS INTENDED ONLY A GENERIC "MODEL" ORDINANCE RATHER THAN ONE TAILORED TO SACRAMENTO COUNTY OR ARE LEAVING DETAILS TO COUNTY COUNSEL. THIS DRAFT HAS ITS OWN DEFINITIONS, SOME OF WHICH ARE INCONSISTENT WITH TITLE 8 DEFINITIONS FOR NO APPARENT REASON, AS INDICATED.

A. "Animal" means for purposes of this act a dog or a cat.

8.04.020 ANIMAL.

"ANIMAL" MEANS ANY MEMBERS OF THE KINGDOM ANIMALIA EXCLUSIVE OF HOMO SAPIENS. (SCC 0815 § 2, 1990; ORD. 1053 § 2, 1969.)

B. "Animal Control" means the municipal or county animal control agency responsible for enforcing animal-related laws.

8.04.030 ANIMAL CARE AND REGULATION.

"ANIMAL CONTROL," "ANIMAL CONTROL DIVISION," "DEPARTMENT OF ANIMAL CONTROL" OR "DEPARTMENT OF ANIMAL CARE AND REGULATION" MEANS THE DEPARTMENT OF ANIMAL CARE AND REGULATION WHICH IS ESTABLISHED AS THE REGULATORY AGENCY FOR RABIES AND CONTROL OF ANIMALS

C. "Commercial Enterprise" means a place where commodities are exchanged, bought, or sold. This shall include but not be limited to pet stores, shopping malls, businesses, swap meets, auctions, flea markets, etc.

**June 7, 2006 change:**

C. "Commercial Establishment" means a place where commodities are exchanged, bought, or sold. This shall include but not be limited to pet stores or other commercial businesses selling animals.

THIS IS A NEW DEFINITION FOR TITLE 8, HOWEVER, TITLE 8 TERMINOLOGY IS BASED ON A SCHEME OF SPECIFIC PERMITS AND REFERENCES TO OPERATIONS WITH A GENERAL BUSINESS LICENSED AS DEFINED:

8.04.050 ANIMAL FACILITY.

"ANIMAL FACILITY" MEANS ANY ESTABLISHMENT OPERATED PURSUANT TO A GENERAL BUSINESS LICENSE FOR PROFIT, EXCLUSIVE OF A LICENSED VETERINARY MEDICAL FACILITY, IN OR AT WHICH FIVE (5) OR MORE DOGS FOUR (4) MONTHS OF AGE OR OLDER OR FIVE (5) OR MORE CATS SIX (6) MONTHS OF AGE OR OLDER ARE KEPT, HARBORED, OR MAINTAINED. (SCC 0892 § 2, 1992; SCC 0895 § 1, 1992; SCC 0815 § 2, 1990; ORD. 1053 § 5, 1969.)

THE PROPOSAL DRAFTERS INTENDED SOMETHING BROADER THAN THE ANIMAL FACILITY, BUT IT IS FAR LESS SPECIFIC. THEY PROBABLY DO NOT NEED THIS TERM SINCE THEY REFER TO SPECIFIC SITUATIONS WHEN IT IS USED.

D. "Director" means the director or manager of Animal Control.

**8.04.130 DIRECTOR.**

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF GENERAL SERVICES FOR THE COUNTY OF SACRAMENTO. (SCC 0815 § 2, 1990; ORD. 1053 § 13, 1969.)

E. "Farm cat" means any cat residing on a farm or ranch whose presence is for the purpose of rodent control on such farm or ranch as identified under Sections 8.04.144 and 8.04.235 and whose ownership cannot be determined based on the definition contained within this section.

**8.04.147 FARM CAT.**

"FARM CAT" MEANS ANY CAT RESIDING ON A FARM OR RANCH AS DEFINED HEREIN WHOSE PRESENCE IS FOR THE PURPOSE OF RODENT CONTROL ON SUCH FARM OR RANCH AS IDENTIFIED UNDER SECTIONS 8.04.144 AND 8.04.235 AND WHOSE OWNERSHIP CANNOT BE DETERMINED BASED ON THE DEFINITION CONTAINED IN SECTION 8.40.220 OF THIS TITLE. (SCC 0958 § 2, 1994.)

F. "Feral cat" means a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is totally unsocialized to people.

**8.04.150 FERAL ANIMAL.**

"FERAL ANIMAL" MEANS ANY DOMESTIC ANIMAL WHICH IS KNOWN TO LIVE IN A WILD OR SEMI-WILD STATE WITHOUT BENEFIT OF AN OWNER OR ANY DOMESTIC ANIMAL WHICH HAS ESCAPED FOR A SUBSTANTIAL PERIOD OF TIME FROM THE CARE OF ITS OWNER AND IS EXISTING IN A WILD STATE WITHOUT BENEFIT OF DOMESTICATION. (SCC 0815 § 2, 1990; SCC 509 § 1, 1982.)

G. "Owner" means any person harboring, keeping, or providing care or sustenance to a domestic animal for 30 or more days on property within the jurisdiction. Such a person shall be subject to the requirements of this chapter. This definition does not apply to government agencies or animal rescue organizations that have demonstrated to the Director that they have implemented an ongoing sterilization program as well as an adoption program, or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110 and successor sections, or to veterinary facilities.

**8.04.220 OWNER.**

"OWNER" MEANS THE PRIMARY OR RESPONSIBLE PERSON WHO POSSESSES, HAS TITLE TO OR AN INTEREST IN, HARBORS OR HAS CONTROL, CUSTODY OR POSSESSION OF AN ANIMAL, AND FEEDS THE ANIMAL FOR THIRTY (30) CONSECUTIVE DAYS, AND THE VERB FORMS OF "TO OWN" INCLUDE ALL THESE SHADES OF MEANING. (SCC 0958 § 3, 1994; SCC 0815 § 2, 1990.)

H. "Veterinary facilities" means all premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced.

#### 8.04.250 VETERINARIAN.

"VETERINARIAN" MEANS A PERSON LICENSED BY THE STATE OF CALIFORNIA TO PRACTICE VETERINARY MEDICINE. (SCC 0815 § 2, 1990.)

### NEW SECTION. Sec. 3 Dog and Cat Licenses

TITLE 8 COVERS DOGS AND CATS IN SEPARATE CHAPTERS WITH CONSISTENT VERBIAGE FOR EACH. THIS WOULD REQUIRE SUBSTANTIAL REVISION OF TITLE 8 TO EITHER MERGE THE TWO CHAPTERS FOR THIS PURPOSE OR ADAPT EACH TO THESE PROVISIONS.

- A. Any owner within the limits of the County, owning or having custody of a dog or cat over the age of four months of age is required to obtain a license and tag for each dog and cat from the Director. Each applicant for such a license shall pay an annual fee as specified by the Board of Supervisors Council and set forth in the fee schedule.
- B. No owner shall possess or harbor within the County any dog or cat over the age of four (4) months that has not been sterilized, unless such person holds an unaltered license, unaltered license with reduced fee, or is otherwise exempted as set forth in subsection G or H of this section.
- C. License fees shall become due and payable on the date of expiration of any license previously issued to the owner for the dog or cat. The amount of such fee shall be established in accordance with Section 3 of this act and shall be charged only in full and not on any pro rata formula.

#### 8.24.030 DOG LICENSES.

A. EVERY DOG OVER FOUR (4) MONTHS OF AGE SHALL BE SUBJECT TO AN ANNUAL DOG LICENSE FEE, DUE AND PAYABLE BY ITS OWNER NOT LATER THAN WHEN THE DOG IS FIVE (5) MONTHS OF AGE OR, IF THE DOG IS MATURE WHEN ACQUIRED, WITHIN THIRTY (30) CALENDAR DAYS OF ACQUISITION OF OR ENTRY INTO THE COUNTY. THEREAFTER, SUCH LICENSE FEE SHALL BECOME DUE AND PAYABLE ANNUALLY ON THE DATE OF EXPIRATION OF ANY LICENSE PREVIOUSLY ISSUED TO THE OWNER FOR THE DOG. THE AMOUNT OF SUCH FEE SHALL BE ESTABLISHED IN ACCORDANCE WITH SECTION 8.08.090 OF THIS TITLE BUT SHALL BE CHARGED ONLY IN FULL AND NOT ON ANY PRO RATA FORMULA. (PARALLEL FOR CATS)

D. A valid license issued pursuant to this section to one owner may be transferred to a new owner for a transfer fee of \$10.00.

I. A LICENSE ISSUED TO ONE OWNER SHALL NOT BE TRANSFERRED TO ANOTHER OWNER.

E. A license tag or decal issued for one dog or cat shall not be transferred or attached to any other dog or cat.

**SAME AS EXISTING LAW.**

F. Whenever a license tag or decal is lost, stolen, or damaged the owner shall apply for and obtain a replacement tag or decal from animal control upon payment of the replacement fee.

G. **Any owner** of an unaltered dog or cat that **meets all of the following criteria for each unaltered dog or cat** shall annually **pay a reduced unaltered license fee** upon written proof on an annual basis that the owner meets the following criteria:

1. **Registers each** dog or cat with the American Kennel Club, United Kennel Club, American Dog Breeders Association, International Cat Association, the Cat Fanciers Association, or other valid registry approved by the Department;
2. **Participation in at least one event** sanctioned by a national registry and approved by the Department within the previous twelve (12) month period from the date of issuance of the license **or a showing that the dog or cat has achieved a title** from a purebred dog or cat registry. In the event that an owner can not show proof that the animal has been shown in the previous twelve (12) month period, the **department shall have the discretion to determine** whether this subsection has been met; and
3. **Does not breed the dog or cat during the time the animal holds a reduced** unaltered license. This does not preclude the owner from obtaining an unaltered license at the full rate for the year the owner intends to breed the animal.

**THESE PROVISIONS ARE NOT VERY SIGNIFICANT BECAUSE THEY SIMPLY OFFER A REDUCED FEE FOR AN UNALTERED LICENSE WITHOUT BREEDING RIGHTS. ONLY BY IMPLICATION, AN UNALTERED FULL PRICE LICENSE INCLUDES THE RIGHT TO BREED SUBJECT TO ADVERTISING AND SALES RESTRICTIONS LISTED. IT IS NOT CLEAR WHETHER AN OWNER OF MULTIPLE INTACT ANIMALS MUST QUALIFY ALL IN ORDER TO OBTAIN A REDUCED COST FOR ALL OR JUST THE INDIVIDUAL DOG'S LICENSE.**

H. The following are **exempt** as specified:

1. No fee shall be charged for working dogs that are documented as having been appropriately trained and actively **used by law enforcement** agencies for law enforcement purposes.
2. Dogs and cats that are **certified in writing by a licensed veterinarian** as not being suitable subjects for sterilizing due to health or age reasons will be assessed the altered license fee. A veterinarian shall specify in writing how long the animal is not a suitable subject for sterilization. If the animal at a later date is determined by the veterinarian that he/she is suitable for sterilization then the appropriate fee will be assessed.

**NEW SECTION. Sec. 4 Identification**

Every dog or cat shall be provided by the owner with a suitable collar, harness, or other device to which the dog or cat license tag and identification shall be securely affixed or by another method of identification approved in writing by the Director. The dog or cat owner shall ensure that the dog or cat wears such license tag, identification tag, or other identification approved by the Director.

G. EVERY DOG SHALL BE PROVIDED BY THE OWNER WITH A SUITABLE COLLAR, HARNESS, OR OTHER DEVICE TO WHICH THE DOG LICENSE TAG SHALL BE SECURELY AFFIXED. THE DOG OWNER SHALL ENSURE THAT THE DOG WEARS SUCH LICENSE TAG AND DECAL AT ALL TIMES EXCEPT WHEN THE DOG IS BEING PREPARED FOR OR EXHIBITED AT A DOG SHOW.

G. EVERY CAT SHALL BE PROVIDED BY THE OWNER WITH A SUITABLE COLLAR, HARNESS, OR OTHER DEVICE TO WHICH THE CAT LICENSE TAG SHALL BE SECURELY AFFIXED UNLESS ANOTHER METHOD OF IDENTIFICATION APPROVED IN WRITING BY THE DIRECTOR OF ANIMAL CONTROL IS USED. THE CAT OWNER SHALL ENSURE THAT THE CAT WEARS SUCH LICENSE TAG OR OTHER IDENTIFICATION APPROVED BY THE DIRECTOR OF ANIMAL CONTROL. OTHER APPROVED METHODS OF IDENTIFICATION INCLUDE, BUT ARE NOT LIMITED TO, AN EAR TAG OR A MICROCHIP WHICH CAN BE READ BY ELECTRONIC READING DEVICES USED BY SACRAMENTO COUNTY ANIMAL CONTROL. THE OWNER SHALL ENSURE THAT THE CAT WEARS A LICENSE TAG WITH DECAL OR OTHER APPROVED IDENTIFICATION, AT ALL TIMES EXCEPT WHEN THE CAT IS BEING PREPARED FOR OR EXHIBITED AT A CAT SHOW OR UNLESS AN ACCEPTABLE MICROCHIP IS USED IN PLACE OF OTHER IDENTIFICATION.

*CATS APPEAR TO BE LOSING ALTERNATE ID METHODS.*

NEW SECTION. Sec. 5 Sale of Young Animals

- A. No puppy or kitten shall be sold or transferred under the age of eight weeks unless, prior to any physical transfer of the puppy or kitten from the seller or transferor to the new owner, the puppy or kitten is approved for sale, as evidenced by written documentation from a veterinarian licensed to practice in California.
- B. For the purposes of this section, the sale of a puppy or kitten shall not be considered complete unless and until the seller or transferor physically transfers the puppy or kitten to the new owner.

WHILE MANY LOCAL ORDINANCES HAVE PROHIBITED TRANSFER UNDER 8 WEEKS, THIS SEEMS TO HAVE INCORPORATED MATERIAL FROM CA SB 914/PENAL CODE SECTION 597Z WHICH COVERS ONLY THE SALE OF DOGS UNDER 8 WEEKS. THIS HYBRID VERSION DOES NOT REFLECT THE RATIONALE THAT EVOLVED IN THE LEGISLATIVE PROCESS TO EXEMPT NON-SELLERS.<sup>i</sup>

NEW SECTION. Sec. 6 Advertisements, Sale, or Transfer of Animals

- A. Any owner who advertises to the public the availability of any dog or cat for sale or transfer, whether for compensation or otherwise, shall prominently display the license number as outlined in Section 3 of this act in any such advertisement except as provided in subsection A(3) of this section.

**This shall not apply to government agencies or animal rescue organizations that have demonstrated to the Director that they have implemented an ongoing sterilization program as well as an adoption program, or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110 and successor sections, or to veterinary facilities.**

1. If the owner is selling a litter of puppies and/or kittens under the age of four months, the license number of the animal who was bred must be displayed.
  2. If the owner is selling a dog or cat over the age of four months, the license number of the animal who is being sold or transferred must be displayed.
  3. If the owner is selling an individual puppy or kitten under the age of four months, the owner selling the kitten or puppy shall disclose upon request to the new owner or Animal Control the source or origin of the kitten or puppy. Source or origin refers to where the animal came from which would include name and address.
- B. The dog or cat license holder must provide the dog or cat license number to any person who purchases or receives any dog or cat from the license holder and include the license number on any receipt of sale or transfer document. If the animal being sold or transferred is a locally bred kitten or puppy under the age of four months, the license holder must provide the license number of the animal who was bred on any receipt of sale or transfer document. If the puppy or kitten was bred from an animal residing outside the County limits, then the person selling the animal shall provide the name and address of the source of such dog and/or cat and any other pertinent information required by the Director.
- B. C. No owner shall present any dog or cat for sale or transfer, whether for compensation or otherwise, in any public place. The term public place shall include but not be limited to streets, highways, sidewalks, carnivals, shopping malls, boardwalks, and areas in front of commercial establishments. **This shall not apply to government agencies or animal rescue organizations that have demonstrated to the Director that they have implemented an ongoing sterilization program as well as an adoption program, or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110 and successor sections, or to veterinary facilities.**
- D. No person shall present any dog or cat for sale or transfer, whether for compensation or otherwise, at any auction., ~~swap meet, flea market, outdoor air market, carnival, or other similar type of venue.~~

**PROVISIONS SUCH AS C AND D ALWAYS RAISE THE QUESTION OF CAT SHOW HALL sales.**

- E. No owner shall transfer any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game, competition, or auction.
- F. No owner shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.
- G. A commercial establishment selling locally bred dogs or cats on the premises shall prominently display the license number(s) of the dogs and/or cats that are being sold in said establishment and any other pertinent information required by the Director.
1. If the commercial establishment is selling a litter of puppies and/or kittens under the age of four months, the license number of the animal who was bred must be displayed.
  2. If the commercial establishment is selling a dog or cat over the age of four months, the license number of the animal who is being sold or transferred must be displayed.



3. If the commercial establishment is selling an individual puppy or kitten under the age of four months, the commercial establishment shall display the source or origin of the kitten or puppy. Source or origin refers to where the animal came from which would include name, city, and state.
  4. If a commercial enterprise is advertising the commercial enterprise itself and not an animal for sale or transfer then no license number is required to be displayed in said advertisement.
- H. A commercial establishment selling dogs or cats on the premises that were bred within the state but not within the County shall make available during regular business hours to Animal Control the name and address of the source of such dogs and/or cats and any other pertinent information required by the Director.
- I. Notwithstanding Section 5, no owner shall sell or transfer a dog or cat under the age of four months of age that was bred outside the state without first providing Animal Control with a California health certificate for each animal intended to be sold or transferred within the County.

**THIS PROVISION PROBABLY CONFUSES "BRED" WITH WHELPED, SINCE INDIVIDUALS MAY HAVE "BRED" A FEMALE OUT OF STATE YET WHELPED THE OFFSPRING LOCALLY. THE INTENTION APPEARS DIRECTED AT RE-SELLERS, I.E. PET STORES ALTHOUGH SOME STUD PUPPIES WOULD BE INCLUDED WHERE THEY HAVE BEEN TRANSPORTED ACROSS STATE LINES. (I.E. MY "SHELDON" TRANSPORTED WITH 2 SISTERS OVER LABOR DAY, 1975 FROM HIS NEVADA BREEDER TO OAKLAND SIRE'S HOME AND ALL PUPS SENT TO NEW HOMES ON LABOR DAY.) PET STORES DO NOT NORMALLY PROVIDE HEALTH CERTIFICATES TO ANIMAL CONTROL. THIS WOULD BE AN UNNECESSARY BURDEN ON SELLERS AND WOULD DELAY AN ANIMAL'S PLACEMENT.**

**NEW SECTION Sec. 7 Rabies Vaccination Reporting**

- A. Veterinarians shall provide the County Animal Control the following information for each rabies vaccination he or she administers or which is administered on his or her behalf to a dog or cat which is required to be licensed by the County:
1. The name, address and phone number of the animal's owner;
  2. The name, age, sex (including spay/neuter status), species, breed and color of the animal;
  3. The date the vaccination was administered;
  4. The type of vaccination used and the vaccine's expiration date;
  5. The name of the veterinary clinic and veterinary license number of the veterinarian administering the vaccination.
- B. Each veterinarian shall deliver to the County Animal Control the information listed in subsection A of this section within thirty-one (31) days of administering the rabies vaccination in the form of a paper copy or in an electronic format approved by the County Animal Control.



EXISTING TITLE 8 , CHAPTER 8.20 COVERS RABIES , SO THAT WOULD BE THE LOGICAL CONTEXT FOR THESE PROVISIONS ALTHOUGH THEY ARE INTENDED TO FACILITATE LICENSING ENFORCEMENT .

NEW SECTION Sec. 8 Penalties

EXISTING TITLE 8 COVERS GENERAL PENALTIES IN CHAPTER 8.08 , GENERAL PROVISIONS , BUT THESE DIFFER CONSIDERABLY . EXISTING LAW IS HARSH IN ELEVATING A SECOND OR SUBSEQUENT VIOLATION WITHIN 30 DAYS TO A MISDEMEANOR ( \$500 FINE /6 MOS . JAIL ) BUT OTHERWISE HAS LOW LEVEL INFRACTIONS OF \$50 , \$100 SECOND VIOLATION OF SAME PROVISION WITHIN 1 YEAR ( AFTER THE 30 DAY ESCALATION PERIOD ) AND \$250 FOR ADDITIONAL VIOLATIONS WITHIN 1 YEAR .

A. A violation of Section 3 and Section 6 (A) shall be subject to the following: upon the first violation, a fine of three hundred dollars (\$300.00) for each animal. If the owner complies with the section within 14 days after receiving notice of said violation and presents proof of compliance, the fine shall be waived. Upon a second or subsequent violation, a fine of not less than five hundred (\$500.00) for each animal with respect to which there is a violation. In the event that the owner violating provisions of this act no longer possesses said animal, he/she is still responsible for any and all fines assessed to him/her. Nothing in this subsection shall be construed as preventing the director from instituting a proceeding in the municipal court for violation of this section where there has been no impoundment.

THIS COVERS ALL THE LICENSING PROVISIONS , SOME OF WHICH ARE TRIVIAL , AND ADVERTISING .

B. A violation of Section 7 is punishable by a fine of fifty dollars (\$50.00) for a first offense; one hundred dollars (\$100.00) for a second offense; and two hundred fifty dollars (\$250.00) for a third and subsequent offenses.

THIS IS THE RABIES REPORTING SO VIOLATORS WOULD BE VETS .

C. An owner of an unlicensed, unaltered animal which has been found to have been bred while **being unlicensed** shall be subject to the following: upon the first violation, a fine of five hundred dollars (\$500.00) for each animal. Upon a second or subsequent violation, a fine of not less than one thousand dollars (\$1000.00) for each animal with respect to which there is a violation. In the event that the owner violating provisions of this act no longer possesses said animal, he/she is still responsible for any and all fines assessed to him/her. Nothing in this subsection shall be construed as preventing the director from instituting a proceeding in the municipal court for violation of this section where there has been no impoundment.

BECAUSE THE BREEDING ASPECT OF THIS PROPOSAL IS AN IMPLIED CONSEQUENCE OF THE UNALTERED LICENSE , THIS HIGHER THAN EXISTING LAW PENALTY IS A RESULT OF FAILURE TO LICENSE BUT IS NOT EXPRESSLY SET FORTH AS A PROHIBITION . THIS DOES NOT SEEM APPROPRIATE NOTICE OF AN OFFENSE WITH A HIGH PENALTY . THE DRAFT ALSO DOES NOT SPECIFY WHETHER THESE ARE CIVIL OR INFRACTION OR MISDEMEANOR CRIMINAL PENALTIES

D. A violation of all other sections not set forth in subsection (A), (B), and (C) of this section shall be subject to the following: upon the first violation, a fine of one hundred dollars (\$100.00) for each animal. If the owner complies with the section within 14 days after receiving notice of said violation and presents proof of compliance, the fine shall be waived. Upon a second or subsequent violation, a fine of not less than five hundred (\$500.00) for each animal with respect to which there is a violation. In the event that the owner violating provisions of this act no longer possesses said animal, he/she is still responsible for any and all fines assessed to him/her. Nothing in this subsection shall be construed as preventing the director from instituting a proceeding in the municipal court for violation of this section where there has been no impoundment.

**AGAIN, THE OFFENSE IS NOT CLASSIFIED, AND FOR SOME PROVISIONS IT WOULD NOT BE OBVIOUS HOW THE COMPLIANCE WAIVER WOULD RELATE TO VIOLATIONS OF SOME OF THE SECTION 6 B-I PROVISIONS.**

E. At a minimum of fifty percent (50%) of all penalty fees collected pursuant to section 8 and fifty percent (50%) of all unaltered license fees collected by Animal Control shall be placed in a Sterilization Fund and used to finance public or private programs that provide sterilization programs to low income individuals/families in the County.

**EXISTING TITLE 8**

NEW SECTION. Sec. 9. Feral and Farm Cats

Any person or organization that is providing care for feral or farm cats and is making a reasonable effort to trap and sterilize the animals is exempt from Sections 1-8 above.

**TITLE 8 CAT LICENSE PROVISION: L. UNOWNED CATS (INCLUDING FARM CATS AS DEFINED IN SECTION 8.04.047) ARE EXCLUDED FROM THE LICENSING REQUIREMENT OF THIS SECTION. (SCC 0958 § 5, 1994.)**

NEW SECTION Sec. 10 Effective Date

This act takes effect 60 days after the enactment of the act.

Attachment –

Fee Schedule:

A. Altered License - \$15.00

B. Unaltered License - \$150.00

C. Reduced Unaltered License - \$50.00

<sup>i</sup> 597z. (a) (1) Except as otherwise authorized under any other provision of law, it shall be a crime, punishable as specified in subdivision (b), for any person to sell one or more dogs under eight weeks of age, unless, prior to any physical transfer of the dog or dogs from the seller to the purchaser, the dog or dogs are approved for sale, as evidenced by written documentation from a veterinarian licensed to practice in California.

(2) For the purposes of this section, the sale of a dog or dogs shall not be considered complete, and thereby subject to the requirements and penalties of this section, unless and until the seller physically transfers the dog or dogs to the purchaser.

(b) (1) Any person who violates this section shall be guilty of an infraction or a misdemeanor.

(2) An infraction under this section shall be punishable by a fine not to exceed two hundred fifty dollars (\$250).

(3) With respect to the sale of two or more dogs in violation of this section, each dog unlawfully sold shall represent a separate offense under this section.

(c) This section shall not apply to any of the following:

(1) An organization, as defined in Section 501(c)(3) of the Internal Revenue Code, or any other organization that provides, or contracts to provide, services as a public animal sheltering agency.

(2) A pet dealer as defined under Article 2 (commencing with Section 122125) of Chapter 5 of Part 6 of Division 105 of the Health and Safety Code.

(3) A public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group regulated under Division 14 (commencing with Section 30501) of the Food and Agricultural Code.