

Ordinance No. _____

AN ORDINANCE OF THE COUNTY/CITY OF SACRAMENTO
Relating to the Licensing, STERILIZATION, Advertisement
and Sale or Transfer OF DOGS AND CATS

Be it Ordained by the Council of the COUNTY/CITY of SACRAMENTO:

NEW SECTION. Sec. 1 Purpose

The County/City recognizes that there exists an animal overpopulation problem in the County/City 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/City 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/City 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/City finds that regulation of the sale or transfer of dogs and cats will minimize the County/City's animal overpopulation crisis by allowing increased control and enforcement of these provisions.

NEW SECTION. Sec. 2 Definitions

- A. "Animal" means for purposes of this act a dog or a cat.
- B. "Animal Control" means the municipal or county animal control agency responsible for enforcing animal-related laws.
- 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.
- D. "Director" means the director or manager of Animal Control.
- E. "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.
- F. "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.

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

NEW SECTION. Sec. 3 Dog and Cat Licenses

A. Any owner within the limits of the County/City, 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/City Council and set forth in the fee schedule.

B. No owner shall possess or harbor within the County/City 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 D 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.

D. 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 a showing that the owner meets the following criteria:

1. Registers and each dog or cat participates in two American Kennel Club, United Kennel Club, International Cat Association, or the Cat Fanciers Association sanctioned events per year or each dog or cat has achieved a title and provides written documentation of the above to the County/City Animal Control; and

2. Be a member of a breed club or organization where each dog or cat is used for showing, training, agility trials, or tracking tests and provides written documentation to the County/City animal control of such membership and participation.

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

F. A license issued to one owner shall not be transferred to another owner.

G. 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.

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. 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.

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.

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.

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, city, and state.

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/City limits than 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.

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, flea markets, boardwalks, and areas in front of commercial establishments.

D. No owner shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game, or competition.

E. 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.

F. 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 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.

G. A commercial establishment selling dogs or cats on the premises that were not bred within the County/City 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.

NEW SECTION Sec. 7

Penalties

A. A violation of Section 3 and Section 7(F) and 7(G) 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.

B. A violation of all other sections not set forth in subsection (A) 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.

C. At a minimum of fifty percent (50%) of all fees collected pursuant to this section which are 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/City.

NEW SECTION. Sec. 8. Feral Cats

Any person or organization that is providing care for feral cats and is making a reasonable effort to trap and sterilize the animals is exempt from Sections 1-7 above.

Attachment - Fee Schedule:

- A. Altered License - \$15.00
- B. Unaltered License - \$200.00
- C. Unaltered License with reduced fee - \$50.00