



REPORT TO COUNCIL

City of Sacramento

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915 I Street, Sacramento, CA 95814-2671
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CONSENT
July 13, 2010

**Honorable Mayor and
Members of the City Council**

Title: Pass for Publication: Ordinance Amending Various Sections of the Sacramento City Code

Location/Council District: Citywide

Recommendation: 1) Review an ordinance amending various sections of the Sacramento City Code; and 2) pass for publication the ordinance title as required by the Sacramento City Charter, Article III, paragraph 32(c) to be adopted on July 20, 2010.

Contact: Eileen Teichert, City Attorney, (916) 808-5346; Michael Benner, Senior Deputy City Attorney, (916) 808-5346

Presenters: Michael Benner, Senior Deputy City Attorney, (916) 808-5346

Department: City Attorney's Office

Division: N/A

Organization No.: 09300

Description/Analysis:

Issue: Portions of the current Sacramento City Code are out of date or have been found to include various grammatical or typographical errors that should be amended for accuracy.

Background: The proposed changes to the Code include:

Section 2.20.050 (Interference with duties of officer) should be deleted for the following reasons:

(1) Section 2.20.050 has been found to be preempted by Penal Code Section 148(a)(1) which

makes it a crime for any person to willfully resist, delay or obstruct a peace officer in the discharge or attempt to discharge any duty of his or her office; and

(2) Section 2.20.050 is also most likely unconstitutional. The First Amendment protects certain forms of speech, even those intended to interrupt a police officer. If the speech of the suspect is intended to delay the officer but does not actually do so, then the speech is protected and an ordinance criminalizing such speech is unconstitutional. Continued use of the ordinance for arrest or prosecution could result in civil liability for the City and individual City employees.

Subsection H of Section 3.44.110, providing that mailed ballots submitted when voter approval is required for the adoption of new or increased property related fees are public records, should be repealed. A recent Court of Appeal decision (Greene v. Marin County Flood Control and Water Conservation District) determined that Proposition 218 requires a secret ballot procedure for voter approval of property related fees. Although this decision was accepted for review by the California Supreme Court on June 24, 2009, the repeal of Subsection H is recommended to allow for the use of secret ballot procedures, if necessary, pending the ultimate outcome of that case.

Section 3.52.020 (William Land park fund) should be amended to clarify that the park is to be named "William Land Park" and the money donated for purchase of the park and interest thereon is to be known as the "William Land park fund."

Section 5.108.280 should be amended to maintain consistency with the language provided in a section referenced therein. Section 5.108.280 currently refers to "civil" penalties pursuant to Section 1.28.010. However, Section 1.28.010 refers to "administrative" penalties rather than "civil" penalties, and therefore the language should be amended for accuracy and consistency.

Section 5.138.110 (Suspension or revocation of license), subpart (C), should be amended to accurately reflect reference to another section of the code. Currently the section references Section 5.138.060(B), however, the correct section to be referenced is Section 5.138.060(C).

Chapter 5.40 (Charitable Contributions) should be deleted because it is unconstitutional under Int'l Society for Krishna Consciousness of Berkeley, Inc. v. Kearnes, 454 F. Supp. 116 (E.D. Cal. 1978). The ordinance at issue requires individual solicitors to obtain a permit from the proper governmental authority before making charitable solicitations within Sacramento. The purpose of the permit system is to restrain those persons who are likely to commit frauds from soliciting. However, the court found that such ordinances deprive solicitors of their First Amendment protection. The ordinances operate as a "prior restraint" on the exercise of free speech by restraining its exercise in advance of its invocation based upon the finding that the speech to be engaged in will be fraudulent.

Section 8.04.080 subpart (B), should be amended to clarify that it applies to all provisions within chapter 8.04, and not to a section or a title.

Section 8.08.080 subpart (D) should be amended by adding the preposition “or” in order to clarify the meaning of the sentence: “The occurrence of prostitution or unlawful activities of a criminal street gang.”

Section 8.16.100 (Abandonment of Vehicle) should be deleted because the section is preempted by California Vehicle Code § 22523. As a charter city, Sacramento has a right to adopt and enforce ordinances pertaining to municipal affairs. However, since regulation of the streets of the City is a statewide concern and not solely a municipal affair, Sacramento cannot enforce SCC 8.16.100.

Section 8.68.080 should be amended by deleting the exemption contained in subpart (B) because the named activities are subject to the Entertainment Permit provisions contained in SCC 5.108.100. That section specifically states that the responsible persons must obey the noise abatement laws contained in Title 8. The lettered provisions following (B) should also be amended to reflect the correct numerical order.

Section 9.12.060 (Alcoholic beverages) should be deleted because it is preempted by California Business and Professional Code § 25662. Section 25662 also regulates the possession of alcoholic beverages by minors, and the Constitution grants exclusive authority to regulate possession to the State.

Chapter 9.44 (Animals) should be amended to reflect current changes to the name of the department as well as to the title of the department’s manager. The name of the department has been changed from “Animal Control” to “Animal Care Services.” The references to “Chief Animal Control Officer” have been changed to “Animal Care Services Manager” to keep responsibility for enforcement of the chapter consistent with section 9.44.020.

Section 9.44.130 has been modified from the version passed by the Law and Legislation Committee to maintain consistency with State law.

Section 9.44.190 has been removed from the version passed by the Law and Legislation Committee because that section was amended by Council on May 18, 2010.

Section 10.20.040 (Walking in the Roadway) should be deleted because under People v. Cox, 168 Cal. App. 4th 702, (3d Dist. 2008), such ordinances are preempted by Vehicle Code § 21956. SCC 10.20.040 attempts to regulate pedestrian traffic on public roads, an activity that the Legislature expressly intended the state to regulate. SCC 10.20.040 is thus preempted and unenforceable.

Section 12.24.020 (Signs, posts, structures, etc.) should be amended to ensure the section complies with current practice. Removal of any sign, post, structure or obstruction that is declared a nuisance is not done by the city engineer. This is currently handled by the Code Enforcement Division of the Community Development Department. For clarity regarding the delegation of this responsibility, this section should be changed to make the City Manager, or his or her designee responsible.

Policy Considerations: The staff recommendation is consistent with City Council priorities and policies related to compliance with the City’s Codes and the City’s goals to improve and expand public safety.

Environmental Considerations:

California Environmental Quality Act (CEQA): Under the CEQA guidelines, continuing administrative activities do not constitute a “project” as defined in Section 15378 of the CEQA Guidelines and are therefore exempt from review.

Sustainability Considerations: None.

Commission/Committee Action: The Law and Legislation Committee reviewed this item on April 6, 2010, and forwarded a recommendation of approval to City Council.

Rationale for Recommendation: The proposed ordinance would update language of the Sacramento City Code by updating the Code to reflect recent court decisions deeming certain provisions unconstitutional, and by making minor administrative changes to provide consistency with current City structure.

Financial Considerations: None.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: 
Michael Benner
Senior Deputy City Attorney

Approved by: 
Eileen M. Teichert
City Attorney

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REDLINE VERSION

ORDINANCE NO. 2010-

Adopted by the Sacramento City Council

Date Adopted **00/00/2010**

**AN ORDINANCE AMENDING AND REPEALING VARIOUS SECTIONS OF
CHAPTERS 1.28, 2.20, 3.52, 5.108, 5.40, 5.138, 8.04, 8.08, 8.16, 8.68, 9.12, 9.44, 10.20, 12.24,
AND 12.32 RELATEING TO GENERAL CODE MAINTENANCE**

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

SECTION 1

Section 2.20.050 of the Sacramento City Code is repealed.

~~2.20.050 Interference with duties of officer.~~

~~It is unlawful for any person to give any warning, signal or information to another of the presence or approach of any police officer who is in the performance of his duty of detecting or discovering violations of the law, of ascertaining if the law is being violated or of apprehending violators of the law, with intent to delay, hinder or impede such police officer in the performance of such duties.~~

SECTION 2

Section 3.44.110 of the Sacramento City Code is amended as follows:

A. Subsection H of Section 3.44.110 is repealed.

~~H. All ballots shall be deemed to be public records upon completion of the tabulation.~~

B. Except as specifically amended by this repeal of Subsection H, Section 3.44.110 shall remain unchanged and in full force and effect.

SECTION 3

Section 3.52.020 of the Sacramento City Code is amended to read as follows:

3.52.020 William Land park fund.

The money bequeathed to the city by the late William Land, former mayor of Sacramento, “to purchase a public park within suitable distance of said city” to be known as the “William Land Park,” shall, with the interest thereon, constitute a fund to be known as the “William Land park fund.” Said fund shall be administered by the mayor and the city council of the city under the terms and conditions of the last will and testament of the said William Land as successors to the mayor and board of trustees named therein.

SECTION 4

Section 5.108.280 of the Sacramento City Code is amended to read as follows:

5.108.280 Violation—Penalty.

A. Any person violating any provision of this chapter, other than sections 5.108.070, 5.108.080, 5.108.110 and 5.108.120, is guilty of a misdemeanor.

B. Any person violating sections 5.108.070, 5.108.080, 5.108.110 or 5.108.120 of this chapter shall be subject to a civil action and/or ~~civil~~ administrative penalties pursuant to Section 1.28.010.

SECTION 5

Section 5.138.110 of the Sacramento City Code is amended as follows:

A. Subsection C of section 5.138.110 is amended to read as follows:

C. In the event the city manager suspends or revokes a license, written notice of the suspension or revocation shall be served upon the licensee within five days of the suspension or revocation in the manner prescribed in Section 5.138.060(~~B~~C). The notice shall contain:

1. A brief statement of the specific grounds for such suspension or revocation;
2. A statement that the licensee may appeal the suspension or revocation by submitting an appeal, in writing, in accordance with the provisions of Section 5.138.120, to the city manager, within ten (10) calendar days of the date of service of the notice; and

3. A statement that the failure to appeal the notice of suspension or revocation will constitute a waiver of all right to an administrative appeal hearing, and the suspension or revocation will be final.

B. Except as specifically amended by the amendment to subsection C, section 5.138.110 shall remain unchanged and in full force and effect.

SECTION 6

Chapter 5.40 of the Sacramento City Code is repealed.

~~Chapter 5.40 CHARITABLE SOLICITATIONS~~

~~5.40.010 Legislative findings and statement of purpose.~~

~~———— The city council does find that persons and organizations have been and are soliciting funds and property in the city on the representation that such funds and property are to be used for charitable or religious purposes, when in truth and in fact such funds and property may be and often are used wholly or in large part for the private profit of the individuals promoting such solicitations; that a variety of misrepresentations and other frauds are at times employed in such solicitations; that as the result of such activities, responsible and needed charitable and religious solicitations suffer from the suspicion engendered by these practices, and the residents of the city have in many cases been defrauded and otherwise imposed upon for lack of adequate protection; and that the public safety and convenience necessitates the exercise of the police power of the city through the enactment and enforcement of this chapter for the purpose of preventing such practices, and promoting an atmosphere conducive to the scrupulous solicitation efforts of bona fide charities and religious groups within the city.~~

~~———— The city council does further determine that these interests of the residents of the city can be best served by providing for coordinated and complimentary procedures for the control of charitable solicitations in the city with procedures therefore adopted pursuant to ordinance by the county, so as to assure uniform and equitable administration thereof throughout the city and county.~~

~~5.40.020 Definitions.~~

~~———— For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

~~———— “Board” means the charitable solicitations appeals board created by Section 5.40.130 of this chapter.~~

~~———— “Bona fide membership” means membership in an organization entitling the member to an equal voice with every other member, official and other agent thereof in the election of~~

~~officers and the determination of activities and policies of the organization; such organization being one that conducts its activities in Sacramento County on a continuing basis, such as, but not limited to, parent-teacher associations and homeowners and neighborhood improvement organizations.~~

~~————“Charitable purposes” means and includes the use, actual or represented, of money or property for the benefit in any manner of poor, impoverished, destitute, underprivileged, needy, sick, refugee, or crippled persons; the use, actual or represented of money or property for the benefit of any church, congregation, religious society or any other religious sect, group or order; the use, actual or represented, of money or property for the relief or assistance of any veteran, or the benefit of any veterans’ organization or association, or any purpose purporting to aid the general welfare of any state or nation or for the relief of any race or group of people; the use, actual or represented, of money or property, for civic purposes, such as social or cultural functions or the improvement or beautification of any state, city or other community; the use, actual or represented, of money or property for the benefit of any fraternal or social organization or association, the use, actual or represented, of money or property for the benefit of educational institutions or for the education of any person or group of persons; the use, actual or represented, of money or property for the benefit of youth service organizations.~~

~~————“Committee” means the charitable solicitations committee created by Section 5.40.040 of this chapter to direct and carry out its services.~~

~~————“Organization” means and includes any partnership, corporation, joint venture, association, society, church, or religious sect, denomination, society, organization or league, and includes any trustee, receiver, assignee, agent or other representative thereof.~~

~~————“Parent organization” means any organization having under its jurisdiction and control one or more subsidiary organizations which exist solely by virtue of a charter or other written authorization issued by it.~~

~~————“Person” means any individual or organization, and includes any trustee, receiver, assignee, agent or other representative thereof.~~

~~————“Promoter” means any person who is employed or engaged by any other person, on a salary, commission or percentage basis, to promote, organize or conduct a solicitation for any charitable purpose for or on behalf of such other person. Except however that no person who holds a permanent salaried office or position with the applicant charitable organization or its parent or subsidiary charitable organization shall be deemed to be a promoter hereunder.~~

~~————“Solicit” and “solicitation” means and includes the request, directly or indirectly, for money, credit, property, financial assistance or other thing of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for charitable purposes (as the term “charitable purposes” is defined in this section), except that it does not include the act of recruiting volunteers to solicit for charitable purposes. “Solicit” and “solicitation” also mean and include the following methods of securing money, credit, property,~~

~~financial assistance or other thing of value on the plea or representation that it will be used for charitable purposes as herein defined:~~

~~1. Any oral or written request;~~

~~2. The distribution, circulation, mailing, posting or publishing of any handbills, written advertisement, or publication;~~

~~3. The making of any announcement to the press, over radio or television, or by telephone or telegraph concerning an appeal, assemblage, athletic or sports event, bazaar, benefit, campaign, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering, which the public is requested to patronize or to which the public is requested to make a contribution for any charitable purpose connected therewith;~~

~~4. The sale of, offer or attempt to sell, any advertisement, advertising space, book, chance, coupon, device, magazine, merchandise, subscription, tax, ticket, membership other than a "bona fide membership" as hereinafter defined, or other thing in connection with which any appeal is made for any charitable purposes, or where the name of any organization for charitable purposes is used or referred to in any such appeal as an inducement or reason for making any such sale, or where in connection with any such sale, any statement is made that the whole or any part of the proceeds of any such sale will go or be donated to any charitable purpose.~~

~~A "solicitation" as defined herein shall be deemed completed when communicated to any person then located within the limits of the city of Sacramento, whether or not the person making the solicitation is located within the limits of the city, and whether or not the person making the solicitation receives any contribution or makes any sale referred to herein.~~

~~"Subsidiary organization" means any organization or organized group which exists solely by authority of a charter or other written authorization issued by a parent organization.~~

~~5.40.030 Applicability of chapter.~~

~~Persons soliciting contributions for any charitable purpose within this city shall comply with the provisions of this chapter.~~

~~Provided however, that the provisions of this chapter shall not apply to:~~

~~A. Any person organized and operated for charitable purposes and not operated for the pecuniary profit of any person to the extent that the solicitations by such person are conducted exclusively among the members or the immediate family of members thereof by other members or officers thereof, voluntarily and without remuneration for making solicitations.~~

~~B. To the extent the solicitations are conducted voluntarily and without remuneration by an employer solely among its employees.~~

~~C. To the extent that the solicitations are in the form of and limited to collections or contributions at the regular assemblies or services of any such person.~~

~~5.40.040 Charitable solicitations committee generally.~~

~~The city manager is authorized, empowered and directed to undertake the administration of the provisions of this chapter, and to do so jointly and in concert with the county executive of Sacramento County as soon and so long as the county executive shall have been similarly authorized, empowered and directed pursuant to ordinance duly enacted by the Sacramento County board of supervisors, and that the city manager and the county executive, or their assistants so designated by them, in exercising their duties and powers hereunder, shall be known as the charitable solicitations committee. It shall be the duty of the committee to cause to be investigated each application for a permit required by the provisions of Section 5.40.050, and to maintain each application on file, together with its recommendation thereon, all of which shall be subject to public inspection at any reasonable time. The committee shall have the power to issue and revoke permits as hereinafter provided, to direct investigations and to do and perform all other acts which may be necessary or proper within the scope of its duties and functions.~~

~~In the event the county of Sacramento fails to enact a corresponding ordinance, or, having enacted one, elects to repeal it, the city manager or such assistant as he may designate, is authorized, empowered and directed to individually undertake the administration of the provisions of this chapter. In such event, any reference herein to the Sacramento County tax and license collector shall be deemed to mean the city collector and any joint authority vested in the board of supervisors and the city council shall be deemed to be vested exclusively in the city council.~~

~~5.40.050 Permit required.~~

~~———— No person shall solicit contributions for any charitable purpose in the city without a permit from the committee authorizing such solicitations, unless such person is expressly and specifically exempted from the provisions of this chapter under Section 5.40.030 of this chapter.~~

~~5.40.060 Permit — Application — Generally.~~

~~———— An application for a permit to solicit for charitable purposes shall be made to the committee by or on behalf of the person for whose benefit and in whose name the solicitation is to be made. Such application shall be made upon a form prescribed by the committee, and sworn to or affirmed and submitted to and filed with the Sacramento County tax and license collector at least thirty (30) days prior to the time on which the permit applied for is to become effective. The committee may, for good cause shown, allow the filing of an application less than thirty (30) days prior to the effective date of such permit. The committee may grant to persons actively engaged in charitable solicitations activities upon the adoption and effective date of this chapter the authority to continue such activities pending the committee's action on such person's application.~~

~~———— The application herein required shall contain the information prescribed in the following subsections, or in lieu thereof, a statement, satisfactory to the committee, of the reasons why such information or any item thereof, is not furnished:~~

~~———— A. — The applicant's name and address, including national, state, regional and local headquarters, if any.~~

~~———— B. — If the applicant is not an individual, the names and addresses of the applicant's principal officers and managers.~~

~~———— C. — If the applicant is a subsidiary organization, the name and address, including national, state, regional and local headquarters, of the parent organization.~~

~~———— D. — If the individual making the application is doing so for or on behalf of the applicant, the nature of the relationship between such individual and the applicant, and verification in form acceptable to the committee that such individual has been duly authorized by the applicant to make the application on applicant's behalf.~~

~~———— E. — The purpose or purposes for which such solicitation is to be made, an outline of the method or methods to be used in conducting the solicitations, the total amount of funds to be raised thereby, and the uses and disposition to be made of the receipts therefrom.~~

~~———— F. — The names and addresses of the person or persons by whom the receipts of such solicitation shall be disbursed.~~

~~—— G. —— The names and addresses of the person or persons who will be in charge of conducting the solicitation, and the names and addresses of all promoters connected or to be connected with the proposed solicitation, together with true copies of contracts between the applicant and such persons covering their such services.~~

~~—— H. —— The amount of any wages, fees, commissions, expenses, or emoluments to be expended or paid to any person in connection with such solicitations, and the names and addresses of all such persons.~~

~~—— I. —— A statement that the actual cost of the solicitation will not exceed twenty (20) percent of the total amount to be raised in the case of direct gifts, or seventy five (75) percent in the case of sales of salvageable and other property, and special events and benefit affairs, or, if the cost of solicitation is expected to exceed these percentages, a statement of what these maximum costs are expected to be, together with a statement of any special facts tending to show that there are peculiar reasons which in the particular case make such higher costs reasonable.~~

~~—— J. —— Copies of any certification issued by federal, state, and county taxing authorities indicating the tax exempt status of the applicant.~~

~~—— K. —— A statement to the effect that if a permit is granted it will not be used or represented in any way as an endorsement by the city or the county or by any department or officer thereof.~~

~~—— L. —— Such other information as may be reasonably required by the committee in order for it to determine the kind and character of the proposed solicitation and that such solicitation is not contrary to the public welfare.~~

~~—— If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy, or method that would alter the information given in the application, the applicant shall so advise the committee by notifying the Sacramento County tax and license collector in writing thereof within seventy two (72) hours after such change, exclusive of Saturdays, Sundays and holidays.~~

~~5.40.070 Permit Application By parent organization for subsidiary organization.~~

~~—— Any parent organization may apply for a charitable solicitations permit for the conduct of charitable solicitations by itself and by any or all of its subsidiary organizations. Permits for solicitations by more than one subsidiary organization may be requested in the same application.~~

~~—— The application shall be subject to the same requirements and shall contain the same information regarding the proposed solicitation as if the parent organization were applying for a permit for itself only, and, in addition, shall contain the names and addresses of all subsidiary organizations to which the permit will be applicable and a statement by the parent organization that it has jurisdiction and control of each subsidiary organization with respect to the conduct of the proposed solicitation and the reports required in conjunction therewith.~~

~~One permit only shall be issued to the parent organization, and such permit shall be sufficient for the use of each subsidiary organization named in the application.~~

~~If a parent organization is qualified for a continuing permit, such a permit may be issued under this section even though the subsidiary organization would not be so qualified if it were applying on its own behalf.~~

~~Permits issued under this section shall be subject to the report requirements of this chapter, and it shall be the duty of the parent organization as a permit holder to file, or cause to be filed, a final or annual report for each of its subsidiary organizations conducting charitable solicitations pursuant to the permit.~~

~~5.40.080 Permit Application Examination Investigation of applicant.~~

~~The committee shall examine all applications filed pursuant to this chapter and shall make, or cause to be made, such further investigation of the application and the applicant as the committee shall deem necessary in order to perform its duties under this chapter. Upon request by the committee, the applicant shall make available for inspection by the committee, or any person authorized by them as their representative for such purposes, all of the applicant's books, records and papers at any reasonable time before the application is granted, during the time a permit is in effect, or after a permit has expired, as well as any other information requested by the committee relating to the charitable operations of the applicant and its agents.~~

~~5.40.090 Permit Standards for issuance.~~

~~The committee shall issue the permit, with or without conditions, whenever it shall appear to each of the members of the committee that the following facts exist:~~

- ~~A. That all of the statements made in the application are true;~~
- ~~B. That the applicant, and every director, officer, manager, promoter, consultant, and other agent of the applicant, has a good reputation for integrity and responsibility;~~
- ~~C. That the applicant, and the persons who are to control, supervise and promote the solicitation on behalf of the applicant, have not knowingly violated this chapter in the conduct of any prior solicitation;~~
- ~~D. That the applicant has not engaged in any fraudulent transactions or enterprises which the committee deems relevant to the application;~~
- ~~E. That the solicitation will not be a fraud on the public;~~
- ~~F. That the solicitation is prompted solely by the desire to finance the charitable cause described in the application, and will not be conducted for private profit;~~

~~——— G. —— That the cost of raising funds will be reasonable;~~

~~——— H. —— That if a promoter or promoters will conduct all or any part of the solicitation, that the provisions of Section 5.40.180, have been complied with;~~

~~——— I. —— That the proposed method or methods of soliciting will not be contrary to the provisions of this chapter;~~

~~——— J. —— That the applicant is maintaining an adequate system of record keeping and accounting, and has agreed to make such available to the committee or its designees for inspections.~~

~~5.40.100 Permit — Contents — Term — Annual and continuing permits.~~

~~——— Permits issued under this chapter shall bear the name and address of the person to whom the permit is issued, the number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the committee, the city or the county.~~

~~——— A permit granted upon the authority hereof shall expire at the termination of the solicitation period specified on the permit. The committee may renew any such permit upon its expiration for additional periods, if it is satisfied that the requirements of this chapter are being met and that no violation of this chapter has been committed; and alternatively, it may require a new application, and its action upon such application shall be governed by the standards applicable to an original application.~~

~~——— The period for which a permit is granted shall not exceed ninety (90) days from its effective date. Provided, however, that the committee may, upon the request of an applicant, issue an annual permit whenever such applicant shall have maintained an office or a fixed place of business or meeting place in the county of Sacramento continuously for not less than one year immediately preceding the date of filing the application with the committee, and shall be regularly conducting charitable solicitations within such period within the county of Sacramento. Provided further; that the committee may, upon the request of an applicant, issue a continuing permit whenever such applicant shall have maintained an office, or a fixed place of business or meeting place in the county of Sacramento continuously for not less than three years immediately preceding the date of filing the application with the committee, and shall be regularly conducting charitable solicitations during such period within the county of Sacramento.~~

~~5.40.110 Permit — Holder to furnish credentials for solicitors — Exception.~~

~~——— All persons to whom permits have been issued under this chapter shall furnish to each of their individual solicitors, as credentials, a copy of the permit, upon which the permit holder shall cause to be indicated the name and signature of the solicitor to whom such credentials are issued. Copies of the permit for this purpose shall, upon request, be provided to the permit holder at a fee to cover the costs thereof, as shall be determined by the committee. Reproductions of the~~

~~permit for this purpose made by the applicant must be clearly legible, shall be not less than wallet size in dimension (two and one quarter inches by three and one half inches), and may be reproduced onto and incorporated in other material made available to solicitors for use in their solicitation activities.~~

~~— No person shall solicit in person under any permit granted under this chapter without the credential required by this section in their possession. Such credentials must be shown to all persons solicited, and upon request, to any police or sheriff's officer of the city or county of Sacramento.~~

~~— Except, however, that the foregoing provisions of this section shall not apply to the extent that all of the activities of the solicitor are conducted at one fixed location, not involving going from place to place, and a copy of the permit is conspicuously posted at such fixed location to facilitate its inspection by persons solicited and by law enforcement officers of the city and county of Sacramento.~~

~~— No person shall use a credential if the permit to which such credential relates has expired or has been suspended or revoked.~~

~~5.40.120 Permit—Suspension and revocation.~~

~~— Whenever it shall be shown, or whenever the committee has reason to believe, that any person to whom a permit has been issued, or the agents or employees, or those acting in concert with such persons, has violated any of the provisions of this chapter, or that any promoter, solicitor, or other agent, of a permit holder has failed to comply with any provisions hereof or has misrepresented the purpose of the solicitation, or does any act contrary to any statement in his or her application, or, in the case of an annual or a continuing permit holder, the permit holder has ceased to maintain a bona fide office or place of business or meeting place in the county of Sacramento or has failed to submit an annual report as required by this chapter, the committee shall immediately suspend the permit and give the permit holder a written notice in person or by mail of the suspension and of a hearing to be held by the committee within three days of such suspension, excluding Saturdays, Sundays and holidays, to determine whether or not the permit should be revoked. This notice must contain a statement of the fact upon which the committee has acted in suspending the permit.~~

~~5.40.130 Permit—Appeal from denial or revocation—Charitable solicitations appeals board.~~

~~— Any applicant who is denied a permit or a particular permit hereunder or whose application therefore has been neither granted or denied within thirty (30) days from the date of filing the application, or whose permit has been revoked, may appeal in writing by filing his appeal with the Sacramento County tax and license collector within ten (10) days after receiving notification that his or her application for a permit has been denied, or that his or her permit has been revoked, or, if not so notified, within forty (40) days after filing of his or her application.~~

~~For the purpose of considering and determining such appeal, a charitable solicitations appeals board is created which shall consist of three members as follows: a member of the city council appointed by the mayor, a member of the board of supervisors appointed by its chairman, and a public member resident in this county appointed by, and to serve at the pleasure of the city council and the county board of supervisors. In addition, each appointing authority shall appoint an alternate for each regular member to serve during the absence of such regular member. The board shall act by majority rule.~~

~~The board shall have the power to summon witnesses, to take testimony and other evidence, to conduct hearings, and to do and perform all other acts which may be necessary or proper within the scope of its duties and powers.~~

~~The board, after hearing at a time and place to be set by the board, within thirty (30) days from the date of filing such appeal, shall, conditionally or otherwise, either grant, deny, reinstate or refuse to reinstate such permit.~~

~~5.40.140 Permit—Transferability—Return upon expiration.~~

~~Any permit issued under this chapter shall be nontransferable and shall be returned to the committee within seven days of its date of expiration.~~

~~5.40.150 Written receipts required—Exemptions.~~

~~Any person receiving money in the amount of five dollars or more from any contributor under a solicitation made pursuant to a permit granted under this chapter shall give to the contributor a written receipt signed by the solicitor showing plainly the name and permit number of the person under whose permit this solicitation is conducted, the date, and the amount received.~~

~~Except, however, that the provisions of this section shall not apply to:~~

~~A. Contributions collected by means of a closed receptacle used with the prior consent of the committee.~~

~~B. Contributions in connection with special events, where the contributor is given a printed, press-numbered coupon, ticket or similar printed evidence of the donation, on which appears the name of the permit holder, the amount of the contribution evidenced thereby, and the date and a description of the special event to which it relates.~~

~~C. Contributions involving the sale of merchandise, where there is affixed on the merchandise, or on the container thereof, the name of the permit holder and the price paid for the merchandise.~~

~~D. Contributions in the form of personal checks mailed to the permit holder.~~

~~5.40.160 Adequate system of accounting to be maintained.~~

~~———— No person shall solicit any contributions for any charitable purpose without maintaining an adequate system of accounting, whereby all contributions to it, costs and expenses, and all disbursements, are entered upon the books or records of such person's treasurer or other financial officer.~~

~~5.40.170 Report required — Exemption.~~

~~———— It shall be the duty of all persons issued permits under this chapter to furnish to the committee within thirty (30) days after the expiration of such permit, on a form provided by or acceptable to the committee, a detailed report and financial statement showing the total amount raised by the solicitation, an itemization of amounts expended in collecting such funds, including a detailed report of the wages, fees, commissions, emoluments and expenses paid to any person in connection with such solicitation, indicating the name, address, amount paid to and services rendered by each such person; and the specific disposition that will be or has been made, itemized by amount, of the balance of the funds collected by the solicitation. In the case of a continuing permit holder, the report shall be furnished to the committee within thirty (30) days following the close of an annual reporting period to be selected and disclosed on the initial application by the permit holder and shall concern all charitable solicitations for the preceding year. This report shall be available for public inspection at the office of the Sacramento County tax and license collector at any reasonable time. Provided, however, that the committee may extend the time for the filing of the report required by this section for an additional period of thirty (30) days upon proof that the filing of the report within the time specified will work unnecessary hardship on the permit holder. The permit holder shall make available for such purpose, all books, records, and papers whereby the accuracy of the report required by this title may be verified.~~

~~———— Provided, however, that where the total expenses incurred for all activities related to the solicitation or solicitations, including but not limited to costs for products, facilities, services, compensation, fees and administration, do not exceed ten (10) percent of the gross receipts of the solicitation or solicitations, then, in that event, such permit holder may, subject to the approval of the committee, make and file a declaration under penalty of perjury to that effect in lieu of furnishing the detailed report provided for hereunder. However, in such case the committee shall reserve the right to verify the accuracy of such declaration in accordance with provisions of Section 5.40.090(J) of this chapter.~~

~~5.40.180 Permit, bond, etc., required of promoters.~~

~~———— No promoter, or employee or agent of any promoter, shall conduct, manage or carry on any solicitation for contributions for charitable purposes, or represented to be for charitable purposes, unless such promoter shall first have obtained a promoter's permit from the committee. Applications for promoters' permits shall be sworn to or affirmed by the promoter and filed at the same time and in the same manner as the application for the charitable solicitations permit under Section 5.40.060 of this chapter; except that in the case of an application for an annual or~~

~~continuing permit, applications for promoters' permits shall be filed at least thirty (30) days prior to the proposed effective date of the permit. The promoter's permit application shall contain the following information and documentation: The applicant's personal and business name or names; applicant's address or addresses, including principal office and local headquarters, if any; the name of the person for whom the solicitation will be conducted; a true copy of the contract between the promoter and such person, or, if no written contract has been entered into, the terms and conditions, including basis for compensation, under which the promoter will conduct the solicitation for such person; the period during which the permit is to be effective; such other information as may be reasonably requested by the committee to determine that the solicitation activities by the promoter will not be contrary to the public welfare.~~

~~At such time as an application for a promoter's permit is filed, the promoter shall file with the Sacramento County tax and license collector the bond of a corporate surety in the penal sum of five thousand dollars (\$5,000.00) conditioned as follows:~~

~~A. Such bond shall be executed by the promoter and a corporate surety duly authorized to transact business in the state of California and acceptable to the committee. The total aggregate liability on such bond shall be limited to the sum of five thousand dollars (\$5,000.00). The bond shall be conditioned upon the strict compliance by the principal with each and all of the provisions of this chapter, and to the payment of any pecuniary loss sustained by any donor or by any other person or organization on whose behalf any funds or personal property were solicited or received by the principal. The bond shall remain in full force and effect for the entire period of the promoter's permit and any extension thereof.~~

~~B. The surety may cancel such bond and be relieved of further liability thereunder by filing a thirty (30) days' written notice of such cancellation in the office of the Sacramento County tax and license collector. Such cancellation shall not discharge any liability incurred or accrued thereunder prior to the termination of such thirty (30) day period. Failure of the promoter to file a new bond on or before the effective date of cancellation of any bond so canceled shall automatically suspend the permit until a new bond has been filed.~~

~~C. Any donor or person or organization who sustains any loss covered by such bond may, in addition to any other available remedy, bring an action in the name of such person or organization upon such bond for the recovery of any damage sustained. Upon any such action being commenced, such bond shall not be void upon a first recovery thereon, but may be sued upon from time to time until the whole of such penalty shall have been exhausted. The time within which any action may be brought against a surety upon any bond filed hereunder shall, by express provision of the bond to that effect, be limited to a period of two years from and after the discovery by the person aggrieved of the act or default complained of. Within thirty (30) days after the promoter has faithfully complied with all of the provisions of this section, and if the committee finds that all the statements made in the application are true, and unless each of the members of the committee find that the issuance of a promoter's permit to promoter would be contrary to the public interest, the committee shall issue a promoter's permit to the applicant if the committee has issued a corresponding charitable solicitations permit hereunder to the person engaging or employing such promoter. The promoter's permit shall be effective only during the~~

~~period of time that the corresponding charitable solicitations permit is effective, or such shorter period of time as shall be designated by the committee and endorsed upon the promoter's permit; except that in the case of a promoter's permit issued after the issuance of an annual or a continuing charitable solicitations permit, the promoter's permit shall be effective only during the period of time not to exceed ninety (90) days as shall be designated by the committee and endorsed upon the promoter's permit. No promoter shall conduct, manage or carry on any solicitation for charitable purposes for any person except during the time such person holds a valid and effective charitable solicitations permit issued pursuant to this chapter, and subject to the conditions of such permit. The promoter's permit shall not remain in effect for any period of time during which the corresponding charitable solicitations permit is invalid or ineffective.~~

~~———— In addition to the requirements imposed by this chapter, every promoter and every agent or representative of a promoter who engages in soliciting contributions under the provisions of this chapter, shall pay to the city any applicable license fees prescribed in Chapter 3.08 of this code.~~

~~5.40.190 Solicitations by telephone prohibited — Exceptions.~~

~~———— No person shall for pecuniary compensation conduct or make any solicitations by telephone for or on behalf of the applicant.~~

~~———— Except, however, that the provisions of this section shall not apply to:~~

~~———— A. — Any communications by telephone between persons well known to each other through personal contact.~~

~~———— B. — Solicitations by telephone for salvageable personal property as that term is defined in Section 148 of the California Welfare and Institutions Code.~~

~~5.40.200 Deception — Misrepresentation, etc. — Prohibited.~~

~~———— No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his or her name, occupation, financial condition, social condition or residence, and no person shall make or perpetrate any other misstatement, deception or fraud in connection with any solicitation of any contribution for any purpose or in any application or report filed under this chapter.~~

~~5.40.210 Violation — Penalty.~~

~~———— Any person violating any provision of this chapter is guilty of an infraction.~~

SECTION 7

Section 8.04.080 of the Sacramento City Code is amended as follows:

A. Subsection B of section 8.04.080 is amended to read as follows:

B. Civil Penalties. In addition to any other remedy, including injunctive relief, any person violating the provisions of this ~~section~~chapter shall be subject to a civil action to abate or enjoin the nuisance and shall be liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day the violation continues. The city attorney may pursue any lawful civil remedy and civil penalties brought to enforce any provisions of this ~~title~~chapter.

B. Except as specifically amended by the amendment to subsection C, Section 8.04.080 shall remain unchanged and in full force and effect.

SECTION 8

Section 8.08.080 of the Sacramento City Code is amended as follows:

A. Subsection D of section 8.08.080 is amended to read as follows:

D. The occurrence of prostitution, ~~or~~ unlawful activities of a criminal street gang (as defined in Penal Code Section 186.22).

B. Except as specifically amended by the amendment to subsection C, section 8.04.080 shall remain unchanged and in full force and effect.

SECTION 9

Section 8.16.100 of the Sacramento City Code is repealed.

~~8.16.100 Abandoned vehicles—Abandonment prohibited.~~

~~—A.—The provisions of this chapter are intended to provide a procedure for the abatement of abandoned, wrecked, dismantled or inoperative vehicles, and are enacted under the authority granted by the state of California, under Section 22660 of the Vehicle Code.~~

~~—B.—It is the intent of the council to provide that the abatement of public nuisances consisting of abandoned, wrecked, dismantled and inoperative vehicles may be carried on either concurrently with or separately from the abatement of other conditions, if any, constituting a public nuisance on any premises within the city, as deemed appropriate under the circumstances.~~

SECTION 10

Section 8.68.080 of the Sacramento City Code is amended to read as follows:

8.68.080 Exemptions.

The following activities shall be exempted from the provisions of this chapter:

A. School bands, school athletic and school entertainment events. School entertainment events shall not include events sponsored by student organizations.

~~B. Outdoor gatherings, public dances, shows and sporting and entertainment events provided said events are conducted pursuant to a discretionary license or permit by the city or county.~~

~~B.~~ Activities conducted on parks and public playgrounds, provided such parks and public playgrounds are owned and operated by a public entity.

~~C.~~ Any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work.

~~D.~~ Noise sources due to the erection (including excavation), demolition, alteration or repair of any building or structure between the hours of seven a.m. and six p.m., on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, and between nine a.m. and six p.m. on Sunday; provided, however, that the operation of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with suitable exhaust and intake silencers which are in good working order. The director of building inspections, may permit work to be done during the hours not exempt by this subsection in the case of urgent necessity and in the interest of public health and welfare for a period not to exceed three days. Application for this exemption may be made in conjunction with the application for the work permit or during progress of the work.

~~E.~~ Noise sources associated with agricultural operations provided such operations take place between the hours of six a.m. and eight p.m.; provided, however, that the operation of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with suitable exhaust and intake silencers which are in good working order.

~~F.~~ Any mechanical device, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during period of adverse weather conditions or when the use of mobile noise sources is necessary for pest control; provided, however, that the operation of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with suitable exhaust and intake silencers which are in good working order.

~~G.~~ Noise sources associated with maintenance of street trees and residential area property provided said activities take place between the hours of seven a.m. and six p.m.

H. Tree and park maintenance activities conducted by the city department of parks and community services; provided, however, that use of portable gasoline-powered blowers within two hundred (200) feet of residential property shall comply with the requirements of Section 8.68.150 of this chapter.

J. Any activity to the extent provisions of Chapter 65 of Title 42 of the United States Code, and Articles 3 and 3.5 of Chapter 4 of Division 9 of the Public Utilities Code of the state of California preempt local control of noise regulations and land use regulations related to noise control of airports and their surrounding geographical areas, any noise source associated with the construction, development, manufacture, maintenance, testing or operation of any aircraft engine, or of any weapons system or subsystems which are owned, operated or under the jurisdiction of the United States, any other activity to the extent regulation thereof has been preempted by state or federal law or regulation.

K. Any noise sources associated with the maintenance and operation of aircraft or airports which are owned or operated by the United States.

SECTION 11

Section 9.12.060 of the Sacramento City Code is repealed.

~~9.12.060 Alcoholic beverages—Possession or consumption in public places.~~

~~—It is unlawful for any person under the age of twenty-one (21) years to have in his or her possession or control or to consume any alcoholic beverage, as defined in the preceding section, while in or upon any street, alley, public dance hall, public recreation hall, public place of amusement or any other public place in the city.~~

SECTION 12

Chapter 9.44 Animals of the Sacramento City Code is amended as follows:

A. Section 9.44.010 of Chapter 9.44 is amended to read as follows:

9.44.010 Title.

This chapter of the code shall be known as the animal ~~control~~ care services law and may be cited as such, and will hereinafter be referred to herein as “this chapter.”

B. Section 9.44.020 of Chapter 9.44 is amended as follows:

(1) The definition of “animal control shelter” set forth in section 9.44.020 is amended to read as follows:

“~~Animal control~~Care Services shelter” means the facilities provided by the city for the impounding of animals.

(2) Except as specifically amended by the amendment to the definition of “Animal Care Services shelter,” section 9.44.020 shall remain unchanged and in full force and effect.

C. Section 9.44.050 of Chapter 9.44 is amended to read as follows:

9.44.050 ~~Chief animal control officer~~Animal Care Services Manager—Position created—Duties generally.

The position of ~~chief animal control officer~~Animal Care Services Manager is created and this official is authorized and empowered to administer and enforce all provisions of this law.

D. Section 9.44.060 of Chapter 9.44 is amended to read as follows:

9.44.060 ~~Chief animal control officer~~Animal Care Services Manager—Appointment.

The ~~chief animal control officer~~Animal Care Services Manager shall be appointed by and hold office at the pleasure of the city manager. The ~~chief animal control officer~~Animal Care Services Manager shall have as many assistants and deputies as the city manager may deem necessary for the performance of his or her duties.

E. Section 9.44.070 of Chapter 9.44 is amended to read as follows:

9.44.070 Duty of ~~chief animal control officer~~Animal Care Services Manager.

The ~~chief animal control officer~~Animal Care Services Manager 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 9.44.320 of this chapter has strayed from the property of its owner or keeper and has returned to same, ~~animal control~~Animal Care Services 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~~Animal Care Services 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 or her 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~~Animal Care Services Manager, or when such owner or owners refuse to dispose of the carcass within such period of time as may be reasonable under the circumstances.

F. Section 9.44.080 of Chapter 9.44 is amended to read as follows:

9.44.080 Keeping of records.

The ~~chief animal control officer~~Animal Care Services Manager shall keep such records of impounded animals as may be required of him or her by the city manager.

G. Section 9.44.090 of Chapter 9.44 is amended to read as follows:

9.44.090 Uniforms of ~~animal control~~Animal Care Services officers—Markings on vehicles.

Assistant ~~animal control~~Animal Care Services officers and deputy ~~animal control~~Animal Care Services officers shall wear uniforms or other means of distinctive clothing to be provided by the city while performing their duties pursuant to this code. In addition, they shall be provided with a badge or other insignia for their uniform which shall be worn to identify themselves to the public. All vehicles assigned to and routinely used by the ~~animal control~~Animal Care Services center shall be clearly marked and identified as such, but, this shall not mean that the ~~animal control~~Animal Care Services center cannot also use any other public vehicles in the performance of their functions under this chapter.

H. Section 9.44.100 of Chapter 9.44 is amended to read as follows:

9.44.100 Interference with ~~chief animal control officer~~Animal Care Services Manager.

It is unlawful for any person to prevent, oppose, resist or otherwise interfere with the ~~chief animal control officer~~Animal Care Services Manager, his or her assistants and deputies, in the performance of their duties pursuant to this chapter.

I. Section 9.44.120 of Chapter 9.44 is amended to read as follows:

9.44.120 Authority to issue citations.

In accordance with the provisions of Chapter 2.12 of this code, persons employed as ~~animal control~~Animal Care Services officers shall be granted citation issuance and arrest authority for purposes of enforcement of the provisions of this chapter and pertinent state statutes.

J. Section 9.44.130 of Chapter 9.44 is amended to read as follows:

9.44.130 Methods of animal control.

In the performance of his or her duties, the ~~chief animal control officer~~Animal Care Services Manager, his or her assistants and deputies, shall have authority to use all methods of animal control normally employed by animal control agencies within this state, specifically including the use of the tranquilizer gun.

K. Section 9.44.140 of Chapter 9.44 is amended to read as follows:

9.44.140 Miscellaneous fees.

In addition to those fees specified elsewhere in this chapter, the city council may ~~be~~ by resolution set other fees for services provided by the animal care and control division.

L. Section 9.44.150 of Chapter 9.44 is amended to read as follows:

9.44.150 Period of impoundment.

Any impounded animal which is of a type referred to in Section 17003 of the State Agricultural Code shall be kept in the ~~animal control~~ Animal Care Services center or other designated facility for at least five days unless it is redeemed within such period. If the animal is not redeemed, it shall be turned over to the director of agriculture of the state for disposition by him or her.

Any other impounded animal shall be kept in the ~~animal control~~ Animal Care Services center for at least seventy-two (72) hours unless it is redeemed within such period.

M. Section 9.44.160 of Chapter 9.44 is amended to read as follows:

9.44.160 Redemption.

The owner or person entitled to the control or custody of any animal impounded may, at any time before the sale or other disposition thereof, redeem the same by paying to the city all proper fees and charges thereon made by virtue of any of the provisions of this chapter and, if the animal is a dog, after complying with the provisions of this chapter pertaining to licensing and vaccination; except that an impounded dog that has not been vaccinated against rabies, may be released to an owner who has paid all fees required herein, including the license fee, on condition that the owner shall:

A. Have the dog vaccinated for rabies within ten (10) days; and

B. Exhibit a valid certificate of vaccination to the ~~chief animal control officer~~ Animal Care Services Manager within ten (10) days, at which time the license will be issued. It is unlawful for an owner or person receiving an animal subject to such conditions to fail or refuse to comply with such provisions.

N. Section 9.44.180 of Chapter 9.44 is amended to read as follows:

9.44.180 Redemption fees.

The ~~chief animal control officer~~Animal Care Services Manager shall charge and collect the fees established for impounded animals when claimed:

A. Any horse, cow, bull, steer, ox, mule, burro, ass or other animal of similar or larger size which is impounded, may be redeemed by the owner or person entitled to have charge of the animal upon payment of both a redemption fee and a fee for feeding and caring for such animal, both fees to be established by resolutions of the city council, plus any other actual costs of impoundment.

B. Any dog, cat, rabbit, hog, sheep, goat, fowl, other small animal or any wild animal not otherwise provided for in this chapter, which is impounded, may be redeemed by the owner or person entitled to have charge of such animal upon payment of both a redemption fee established by resolution of the city council for the feeding and caring for such animal, plus any other actual costs of impoundment.

O. Section 9.44.200 of Chapter 9.44 is amended to read as follows:

9.44.200 Livestock and wild animal capture fee.

In the event it is necessary for the ~~chief animal control officer~~Animal Care Services Manager to cause the impoundment of any large quadruped domestic animal of the type specified in Section 9.44.180(A) of this chapter or any wild animal, there shall be collected from the owner of such animal, in addition to all other fees, a capture fee according to a schedule established by resolution of the city council.

P. The title to Article III of Chapter 9.44 is amended to read as follows:

Article III. ~~Animal Control~~Animal Care Services Regulations Generally

Q. Section 9.44.230 of Chapter 9.44 is amended to read as follows:

9.44.230 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~~Animal Care Services officer.

R. Section 9.44.270 of Chapter 9.44 is amended to read as follows:

9.44.270 Mistreatment prohibited.

It is unlawful for any person to treat, control or maintain any animal in a cruel or inhumane manner. It shall be the duty of the ~~chief animal control officer~~Animal Care Services Manager of the city and his or her assistants or deputies to immediately report any evidence of mistreatment of animals to the Sacramento Society for the Prevention of Cruelty to Animals.

S. Section 9.44.300 of Chapter 9.44 is amended as follows:

(1) Subsection D of section 9.44.300 is amended to read as follows:

D. Subsection A of this section shall not apply to the city ~~animal control~~Animal Care Services center.

(2) Except as specifically amended by the amendment to subsection D, section 9.44.300 shall remain unchanged and in full force and effect.

T. Section 9.44.350 of Chapter 9.44 shall be amended to read as follows:

9.44.350 Therapeutic animals.

A. The ~~chief animal control officer~~Animal Care Services Manager shall approve the keeping of no more than one animal classified as livestock (excluding roosters), weighing no more than sixty (60) pounds, upon making the following findings:

1. That the keeping of the animal will be of substantial therapeutic value to its owner or a member of the owner's household, based upon a certification from a California licensed physician and surgeon, psychologist, clinical social worker, or marriage, family, and child counselor, or other satisfactory evidence;

2. That the keeping of the animal will not create a nuisance;

3. That the keeping of the animal will not be detrimental to the animal's welfare.

The ~~chief animal control officer~~Animal Care Services Manager may impose such conditions on the keeping of the animal as he or she deems necessary to prevent the creation of a nuisance.

B. The Animal Care Services Manager~~chief animal control officer~~ may revoke any approval granted hereunder if he or she determines that the keeping of the animal has resulted in a nuisance, or is contrary to the public health, safety or welfare.

C. Any person aggrieved by the ~~chief animal control officer~~Animal Care Services Manager's grant or denial of approval to keep an animal, or by the ~~chief animal control officer~~Animal Care Services Manager's revocation of an approval, may appeal such decision to a review committee consisting of:

1. The city manager or the manager's designee;
2. The director of public works, or the director's designee; and
3. A veterinarian designated by the city manager, by filing a notice of appeal with the city manager within ten (10) days after the Animal Care Services Manager~~chief animal control officer~~ makes his or her written determination. The review committee shall hold an informal hearing at which interested parties may present testimony and evidence concerning the matter. The decision of the review committee shall be final; provided, however, that the city council may, by motion, assume jurisdiction of the appeal and make a final determination which shall substitute for or supersede the review committee's decision.

U. Section 9.44.380 of Chapter 9.44 shall be amended to read as follows:

9.44.380 Wild animals—Permit—Required—Exceptions.

A. No persons shall own any wild animal without first applying to and receiving from the Animal Care Services Manager~~chief animal control officer~~ a permit to do so. The permit requirements of this article are not applicable to the following:

B. Owners who use wild animals for diagnostic purposes or research, the use having been approved by the California State Board of Public Health pursuant to Section 1666 of the Health and Safety Code; owners who use wild animals for teaching purposes in recognized educational institutions; owners of establishments which treat or board animals and which are owned or operated by veterinarians licensed by the state of California; owners of game farms or game breeding establishments licensed by the state of California; owners of nonprofit zoological gardens open to the public; owners of pet shops who maintain wild animals solely at their place of business; and owners of circuses which are being presented on or in property owned by a governmental entity.

V. Section 9.44.390 of Chapter 9.44 shall be amended to read as follows:

9.44.390 Wild animals—Permit—Application—Fee.

A. The application for a permit shall contain the name of the applicant, his or her address, the address of the proposed location of the animal, if different from the applicant's, and a brief description of the applicant's plan for keeping the animal which shall include the specie or species of animal, the number of individuals of each specie and a description of the housing facilities for the animal.

B. The initial fee for the issuance of each permit shall be established by resolution of the city council and shall be valid for a period of one year from the date of its issuance unless revoked or suspended. Such fee shall cover either one animal or a collection, and the maximum number of specimens permitted to be kept shall be specified in the permit. Whenever a new animal or collection is added so as to exceed the maximum number permitted, a new permit must

be secured and a new fee must be paid subject to the exceptions in Section 9.44.400 of this chapter. The fee shall be due and payable at the time of issuance of the permit and shall be a prerequisite of such issuance. Whenever, in any given permit year, there are new animals in a collection due to the reproduction of members of the collection or due to trade, exchange or replacement in the same number and of the same zoological order as the members of the collection traded, exchanged or replaced, such new animals shall not require an additional permit during that year, provided the Animal Care Services Manager ~~chief animal control officer~~ is notified in writing of such new animals within thirty (30) days of acquisition.

W. Section 9.44.410 of Chapter 9.44 shall be amended to read as follows:

9.44.410 Wild animals—Permit—Approval of application.

Upon receipt of an application for an initial permit by the Animal Care Services Manager ~~chief animal control officer~~, the application shall be forwarded to the building inspections division of the city, the superintendent of the city zoo, and the public health department of the county and designated employees of these departments shall ascertain whether or not the applicant's plan is in conformity with all laws governing their respective departments.

If the applicant's plan is in conformity with the law governing such departments, departmental approval shall be indicated on the face of the application. If the applicant's plan is not in conformity with the law governing the departments, the face of the application shall be marked "Not Approved" and the reason for nonapproval noted thereon, along with any revisions or changes in the applicant's plan which if made would result in approval by the department in question.

Upon approval by the departments of an application for an initial permit or upon the receipt of an application for a renewal permit, the Animal Care Services Manager ~~chief animal control officer~~ shall make any investigation he or she deems proper. He or she shall approve an application if he or she finds all of the following:

- A. The keeping of the wild animal at the location specified in the application will not violate any law or ordinance of the city or any law of the state.
- B. The keeping and maintenance of the wild animal will not endanger the peace, health, or safety of persons in the immediate vicinity, or in the city as a whole.
- C. The premises and housing where the wild animal is to be kept are in a clean and sanitary condition, and any wild animal will not be subject to suffering, cruelty or abuse.
- D. The applicant has not had a permit provided for herein revoked within a year prior to the date of application.
- E. The keeping and maintenance of the wild animal does not constitute a public nuisance.

X. Section 9.44.420 of Chapter 9.44 shall be amended to read as follows:

9.44.420 Wild animals—Permit—Revocation and suspension.

Any permit issued pursuant to this article may be revoked or suspended as herein provided if, after investigation, the Animal Care Services Manager~~chief animal control officer~~ finds any of the following to be true:

A. The owner, his or her agent or employee has been convicted of any offense involving the violation of Section 597 of the Penal Code of the state of California, or any provisions of this article, or is in violation of the zoning, health, and safety or building ordinances relating to the keeping of wild animals; or

B. The owner has failed to keep and maintain the premises or housing for the wild animals in a clean and sanitary condition; or

C. The owner has, at the place for which the permit is issued, failed to provide any wild animal with proper food, water, shelter or attention; or

D. The owner has violated any rules, regulations or conditions adopted by the Animal Care Services Manager~~chief animal control officer~~ as necessary to insure that the wild animal will not endanger the safety of any person or property.

Y. Section 9.44.460 of Chapter 9.44 shall be amended to read as follows:

9.44.460 Application—Issuance—Identification tag to be issued.

The person owning or having control of the cat shall furnish to the animal care services division or other authorized city department a description of the cat sufficient for identification, which description shall be entered in a record kept by the Animal Care Services Manager~~chief animal control officer~~ for that purpose. A metallic or plastic identification tag having a number corresponding with the registration upon the cat shall be issued to the owner of the cat. Upon such registration, a license certificate shall be issued to the applicant.

Z. Section 9.44.480 of Chapter 9.44 shall be amended to read as follows:

9.44.480 Identification tag—Not transferable.

It is unlawful for any person to use any identification tag for any other cat than for the one for which it was originally issued. The owner of a licensed cat shall preserve the license certificate upon the premises wherein the registered cat is kept and shall, upon demand of the animal care services manager, or any health officer, or a police officer of the city, show to such ~~animal control~~Animal Care Services officer, health officer or police officer the license certificate to maintain such cat.

AA. Section 9.44.570 of Chapter 9.44 shall be amended to read as follows:

9.44.570 Fee—Penalties—Waiver of penalties.

A. A license fee in the same amount as established by resolution of the city council for dog licenses shall be collected by the Animal Care Services Manager~~chief animal control officer~~ or other authorized city department, or by veterinarians or other persons 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.

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 thirty (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.

B. Notwithstanding the provisions of subsection A of this section, the Animal Care Services Manager~~chief animal control officer~~ is authorized to waive delinquency fees for up to one month per year, in order to encourage citizens with unlicensed swine to obtain licenses. The Animal Care Services Manager~~chief animal control officer~~ shall cause this licensing amnesty program to be publicized throughout the city.

BB. Section 9.44.580 of Chapter 9.44 shall be amended to read as follows:

9.44.580 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 Animal Care Services Manager~~chief animal control officer~~ or other authorized city department a valid certificate of neutering.

CC. Section 9.44.590 of Chapter 9.44 shall be amended to read as follows:

9.44.590 Application—Issuance—Identification tag to be issued.

The person owning or having control of the swine shall furnish to the Animal Care Services Manager~~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

Animal Care Services Manager~~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.

DD. Section 9.44.610 of Chapter 9.44 shall be amended to read as follows:

9.44.610 Identification tag—Not transferable.

It is 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 Animal Care Services Manager~~chief animal control officer~~, or any health officer, or a police officer of the city, show to such ~~animal control~~Animal Care Services officer or health officer or police officer the license tag and permit to keep such swine.

EE. Section 9.44.630 of Chapter 9.44 shall be amended to read as follows:

9.44.630 Vaccination—Exception.

Any dog may be exempted from antirabies vaccination if its owner presents to the Animal Care Services Manager~~chief animal control officer~~ a statement in writing from a licensed veterinarian, that such dog is not in physical condition to be vaccinated or that antirabies vaccination would be detrimental, for physiological reasons, to such dog's health. Such written statement must be presented to and endorsed by the health officer within five days of the examination. The intent of this provision is to cover periods of actual illness and not to exempt animals because of age alone.

FF. Section 9.44.650 of Chapter 9.44 shall be amended to read as follows:

9.44.650 Quarantine of animals—When required.

The Animal Care Services Manager~~chief animal control officer~~ shall insure that all animals falling into the following categories shall be isolated or quarantined for a period not less than fourteen (14) days (dogs and cats ten (10) days) at the place and under the conditions prescribed by the health officer and pertinent state laws and regulations; (1) known rabid animals, (2) suspected rabid animals, (3) animals that have bitten or otherwise exposed a human to rabies, (4) animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a rabid or suspected rabid animal.

GG. Section 9.44.660 of Chapter 9.44 shall be amended to read as follows:

9.44.660 Quarantine—Violation unlawful.

It is unlawful for the owner or keeper of any animal to violate any of the conditions of isolation or quarantine prescribed by the health officer, the Animal Care Services Manager~~chief animal control officer~~, or their assistants.

HH. Section 9.44.670 of Chapter 9.44 shall be amended to read as follows:

9.44.670 Examination of dead animals for rabies.

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has or is suspected of having bitten or otherwise exposed a human to rabies, the Animal Care Services Manager~~chief animal control officer~~ shall obtain and turn over to the health officer the carcass of such animal or an adequate specimen thereof.

II. Section 9.44.680 of Chapter 9.44 shall be amended to read as follows:

9.44.680 Duty to assist in quarantine of suspected rabid animals.

It is the duty of any person having knowledge that any dog or other animal has or is suspected of having bitten any human being within the limits of the city to immediately report that fact to Animal Care Services Manager~~the chief animal control officer~~ or to the health department and to furnish complete information regarding the incident. In the event that the Animal Care Services Manager~~chief animal control officer~~ secures information of the existence of any case of rabies or other animal disease dangerous to human beings in the city, he or she shall immediately report the same to the health officer. The owner of any animal which has or is suspected of having bitten any person within the preceding fourteen (14) days, shall immediately, upon demand, surrender such animal to the Animal Care Services Manager~~chief animal control officer~~ for purposes of quarantine or confinement as set forth in Section 9.44.650. It is unlawful and a misdemeanor for any person having control, custody or possession of the animal, whether or not he or she is the owner of such animal, to fail to surrender such animal to the Animal Care Services Manager~~chief animal control officer~~ upon demand or to in any way hinder, interfere with, or delay the Animal Care Services Manager~~chief animal control officer~~ in the performance of his or her duties under the provisions of this chapter. Punishment for a violation of this section shall be imprisonment for a period of not less than fifteen (15) days or more than one hundred eighty (180) days or a fine of not less than two hundred fifty (250) dollars nor more than five hundred dollars (\$500.00) for each violation, or both such fine and imprisonment.

JJ. Section 9.44.690 of Chapter 9.44 shall be amended to read as follows:

9.44.690 Period of quarantine.

Upon order of the health officer, the period of isolation or quarantine for any animal may be extended to twenty (20) days. If the health officer shall determine that such animal is suffering from rabies and by reason of such disease is dangerous to persons or other animals, he or she shall require that the animal be destroyed. If the health officer shall determine that the

animal is not so diseased the Animal Care Services Manager~~chief animal control officer~~ shall notify the owner or person from whom custody of the animal was taken, that further isolation or quarantine is unnecessary.

If the animal was isolated or quarantined at the city ~~animal control~~Animal Care Services center, it shall not be released until the owner or person from whose custody the animal was taken shall have paid to the Animal Care Services Manager~~chief animal control officer~~ the sum per day established by resolution of the city council for keeping such animal; provided, however, that if no person lawfully entitled to such animal shall, within five days after the last day of the quarantine period, appear at the ~~animal control~~Animal Care Services center and request the release of such animal and pay the charges, such animal may be sold or disposed of.

SECTION 13

Section 10.20.040 of the Sacramento City Code is repealed.

~~10.20.040 Pedestrians walking along roadways.~~

~~Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.~~

SECTION 14

Section 12.24.20 of the Sacramento City Code is amended to read:

12.24.020 Signs, posts, structures, etc.

It is unlawful to erect, place or maintain on any sidewalk within the city limits any signs, posts, structures or obstructions of any kind whatsoever; except, as otherwise provided in this title.

Any such sign, post, structure or obstruction, except such as may be specifically provided for in this title, is declared to be a nuisance and shall be removed by the ~~city engineer~~City Manager, or his or her designee immediately upon its existence being ascertained.

ORDINANCE NO. 2010-

Adopted by the Sacramento City Council

Date Adopted **00/00/2010**

**AN ORDINANCE AMENDING AND REPEALING VARIOUS SECTIONS OF
CHAPTERS 1.28, 2.20, 3.44, 3.52, 5.108, 5.40, 5.138, 8.04, 8.08, 8.16, 8.68, 9.12, 9.44, 10.20,
AND 12.24 RELATING TO GENERAL CODE MAINTENANCE**

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

SECTION 1

Section 2.20.050 of the Sacramento City Code is repealed.

SECTION 2

Section 3.44.110 of the Sacramento City Code is amended as follows:

- A. Subsection H of Section 3.44.110 is repealed.
- B. Except as specifically amended by this repeal of Subsection H, Section 3.44.110 shall remain unchanged and in full force and effect.

SECTION 3

Section 3.52.020 of the Sacramento City Code is amended to read as follows:

3.52.020 William Land park fund.

The money bequeathed to the city by the late William Land, former mayor of Sacramento, "to purchase a public park within suitable distance of said city" to be known as the "William Land Park," shall, with the interest thereon, constitute a fund to be known as the "William Land park fund." This fund shall be administered by the mayor and the city council of the city under the terms and conditions of the last will and testament of William Land as successors to the mayor and board of trustees named therein.

SECTION 4

Section 5.108.280 of the Sacramento City Code is amended to read as follows:

5.108.280 Violation—Penalty.

A. Any person violating any provision of this chapter, other than sections 5.108.070, 5.108.080, 5.108.110 and 5.108.120, is guilty of a misdemeanor.

B. Any person violating sections 5.108.070, 5.108.080, 5.108.110 or 5.108.120 of this chapter shall be subject to a civil action and/or administrative penalties pursuant to Chapter 1.28. 010

SECTION 5

Section 5.138.110 of the Sacramento City Code is amended as follows:

A. Subsection C of section 5.138.110 is amended to read as follows:

C. In the event the city manager suspends or revokes a license, written notice of the suspension or revocation shall be served upon the licensee within five days of the suspension or revocation in the manner prescribed in Section 5.138.060(C). The notice shall contain:

1. A brief statement of the specific grounds for such suspension or revocation;
2. A statement that the licensee may appeal the suspension or revocation by submitting an appeal, in writing, in accordance with the provisions of Section 5.138.120, to the city manager, within ten (10) calendar days of the date of service of the notice; and
3. A statement that the failure to appeal the notice of suspension or revocation will constitute a waiver of all right to an administrative appeal hearing, and the suspension or revocation will be final.

B. Except as specifically amended by the amendment to subsection C, section 5.138.110 shall remain unchanged and in full force and effect.

SECTION 6

Chapter 5.40 of the Sacramento City Code is repealed.

SECTION 7

Section 8.04.080 of the Sacramento City Code is amended as follows:

A. Subsection B of section 8.04.080 is amended to read as follows:

B. Civil Penalties. In addition to any other remedy, including injunctive relief, any person violating the provisions of this chapter shall be subject to a civil action to abate or enjoin the nuisance and shall be liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day the violation continues. The city attorney may pursue any lawful civil remedy and civil penalties brought to enforce any provisions of this chapter.

B. Except as specifically amended by the amendment to subsection C, Section 8.04.080 shall remain unchanged and in full force and effect.

SECTION 8

Section 8.08.080 of the Sacramento City Code is amended as follows:

A. Subsection D of section 8.08.080 is amended to read as follows:

D. The occurrence of prostitution or unlawful activities of a criminal street gang (as defined in Penal Code Section 186.22).

B. Except as specifically amended by the amendment to subsection C, section 8.04.080 shall remain unchanged and in full force and effect.

SECTION 9

Section 8.16.100 of the Sacramento City Code is repealed.

SECTION 10

Section 8.68.080 of the Sacramento City Code is amended to read as follows:

8.68.080 Exemptions.

The following activities shall be exempted from the provisions of this chapter:

A. School bands, school athletic and school entertainment events. School entertainment events shall not include events sponsored by student organizations.

B. Activities conducted on parks and public playgrounds, provided such parks and public playgrounds are owned and operated by a public entity.

C. Any mechanical device, apparatus or equipment related to or connected with emergency activities or emergency work.

D. Noise sources due to the erection (including excavation), demolition, alteration or repair of any building or structure between the hours of seven a.m. and six p.m., on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, and between nine a.m. and six p.m. on Sunday; provided, however, that the operation of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with suitable exhaust and intake silencers which are in good working order. The director of building inspections, may permit work to be done during the hours not exempt by this subsection in the case of urgent necessity and in the interest of public health and welfare for a period not to exceed three days. Application for this exemption may be made in conjunction with the application for the work permit or during progress of the work.

E. Noise sources associated with agricultural operations provided such operations take place between the hours of six a.m. and eight p.m.; provided, however, that the operation of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with suitable exhaust and intake silencers which are in good working order.

F. Any mechanical device, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during period of adverse weather conditions or when the use of mobile noise sources is necessary for pest control; provided, however, that the operation of an internal combustion engine shall not be exempt pursuant to this subsection if such engine is not equipped with suitable exhaust and intake silencers which are in good working order.

G. Noise sources associated with maintenance of street trees and residential area property provided said activities take place between the hours of seven a.m. and six p.m.

H. Tree and park maintenance activities conducted by the city department of parks and community services; provided, however, that use of portable gasoline-powered blowers within two hundred (200) feet of residential property shall comply with the requirements of Section 8.68.150 of this chapter.

I. Any activity to the extent provisions of Chapter 65 of Title 42 of the United States Code, and Articles 3 and 3.5 of Chapter 4 of Division 9 of the Public Utilities Code of the state of California preempt local control of noise regulations and land use regulations related to noise control of airports and their surrounding geographical areas, any noise source associated with the construction, development, manufacture, maintenance, testing or operation of any aircraft engine, or of any weapons system or subsystems which are owned, operated or under the jurisdiction of the United States, any other activity to the extent regulation thereof has been preempted by state or federal law or regulation.

J. Any noise sources associated with the maintenance and operation of aircraft or airports which are owned or operated by the United States.

SECTION 11

Section 9.12.060 of the Sacramento City Code is repealed.

SECTION 12

Chapter 9.44 Animals of the Sacramento City Code is amended as follows:

A. Section 9.44.010 of Chapter 9.44 is amended to read as follows:

9.44.010 Title.

This chapter of the code shall be known as the animal care services law and may be cited as such, and will hereinafter be referred to herein as “this chapter.”

B. Section 9.44.020 of Chapter 9.44 is amended as follows:

(1) The definition of “animal control shelter” set forth in section 9.44.020 is amended to read as follows:

“Animal Care Services shelter” means the facilities provided by the city for the impounding of animals.

(2) Except as specifically amended by the amendment to the definition of “Animal Care Services shelter,” section 9.44.020 shall remain unchanged and in full force and effect.

C. Section 9.44.050 of Chapter 9.44 is amended to read as follows:

9.44.050 Animal Care Services Manager—Position created—Duties generally.

The position of Animal Care Services Manager is created and this official is authorized and empowered to administer and enforce all provisions of this law.

D. Section 9.44.060 of Chapter 9.44 is amended to read as follows:

9.44.060 Animal Care Services Manager—Appointment.

The Animal Care Services Manager shall be appointed by and hold office at the pleasure of the city manager. The Animal Care Services Manager shall have as many assistants and deputies as the city manager may deem necessary for the performance of his or her duties.

E. Section 9.44.070 of Chapter 9.44 is amended to read as follows:

9.44.070 Duty of Animal Care Services Manager.

The Animal Care Services Manager 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 9.44.320 of this chapter has strayed from the property of its owner or keeper and has returned to same, Animal Care Services 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 Care Services 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 or her 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 Animal Care Services Manager, or when such owner or owners refuse to dispose of the carcass within such period of time as may be reasonable under the circumstances.

F. Section 9.44.080 of Chapter 9.44 is amended to read as follows:

9.44.080 Keeping of records.

The Animal Care Services Manager shall keep such records of impounded animals as may be required of him or her by the city manager.

G. Section 9.44.090 of Chapter 9.44 is amended to read as follows:

9.44.090 Uniforms of Animal Care Services officers—Markings on vehicles.

Assistant Animal Care Services officers and deputy Animal Care Services officers shall wear uniforms or other means of distinctive clothing to be provided by the city while performing their duties pursuant to this code. In addition, they shall be provided with a badge or other insignia for their uniform which shall be worn to identify themselves to the public. All vehicles assigned to and routinely used by the Animal Care Services center shall be clearly marked and identified as such, but, this shall not mean that the Animal Care Services center cannot also use any other public vehicles in the performance of their functions under this chapter.

H. Section 9.44.100 of Chapter 9.44 is amended to read as follows:

9.44.100 Interference with Animal Care Services Manager.

It is unlawful for any person to prevent, oppose, resist or otherwise interfere with the Animal Care Services Manager, his or her assistants and deputies, in the performance of their duties pursuant to this chapter.

I. Section 9.44.120 of Chapter 9.44 is amended to read as follows:

9.44.120 Authority to issue citations.

In accordance with the provisions of Chapter 2.12 of this code, persons employed as Animal Care Services officers shall be granted citation issuance and arrest authority for purposes of enforcement of the provisions of this chapter and pertinent state statutes.

J. Section 9.44.130 of Chapter 9.44 is amended to read as follows:

9.44.130 Methods of animal control.

In the performance of his or her duties, the Animal Care Services Manager, his or her assistants and deputies, shall have authority to use all methods of animal control normally employed by animal control agencies within this state, specifically including the use of the tranquilizer gun.

K. Section 9.44.140 of Chapter 9.44 is amended to read as follows:

9.44.140 Miscellaneous fees.

In addition to those fees specified elsewhere in this chapter, the city council may by resolution set other fees for services provided by the animal care and control division.

L. Section 9.44.150 of Chapter 9.44 is amended to read as follows:

9.44.150 Period of impoundment.

Any impounded animal which is of a type referred to in Section 17003 of the State Agricultural Code shall be kept in the Animal Care Services center or other designated facility for at least five days unless it is redeemed within such period. If the animal is not redeemed, it shall be turned over to the director of agriculture of the state for disposition by him or her.

Any other impounded animal shall be kept in the Animal Care Services center for at least seventy-two (72) hours unless it is redeemed within such period.

M. Section 9.44.160 of Chapter 9.44 is amended to read as follows:

9.44.160 Redemption.

The owner or person entitled to the control or custody of any animal impounded may, at any time before the sale or other disposition thereof, redeem the same by paying to the city all proper fees and charges thereon made by virtue of any of the provisions of this chapter and, if the animal is a dog, after complying with the provisions of this chapter pertaining to licensing and vaccination; except that an impounded dog that has not been vaccinated against rabies, may be released to an owner who has paid all fees required herein, including the license fee, on condition that the owner shall:

A. Have the dog vaccinated for rabies within ten (10) days; and

B. Exhibit a valid certificate of vaccination to the Animal Care Services Manager within ten (10) days, at which time the license will be issued. It is unlawful for an owner or person receiving an animal subject to such conditions to fail or refuse to comply with such provisions.

N. Section 9.44.180 of Chapter 9.44 is amended to read as follows:

9.44.180 Redemption fees.

The Animal Care Services Manager shall charge and collect the fees established for impounded animals when claimed:

A. Any horse, cow, bull, steer, ox, mule, burro, ass or other animal of similar or larger size which is impounded, may be redeemed by the owner or person entitled to have charge of the animal upon payment of both a redemption fee and a fee for feeding and caring for such animal, both fees to be established by resolutions of the city council, plus any other actual costs of impoundment.

B. Any dog, cat, rabbit, hog, sheep, goat, fowl, other small animal or any wild animal not otherwise provided for in this chapter, which is impounded, may be redeemed by the owner or person entitled to have charge of such animal upon payment of both a redemption fee established by resolution of the city council for the feeding and caring for such animal, plus any other actual costs of impoundment.

O. Section 9.44.200 of Chapter 9.44 is amended to read as follows:

9.44.200 Livestock and wild animal capture fee.

In the event it is necessary for the Animal Care Services Manager to cause the impoundment of any large quadruped domestic animal of the type specified in Section 9.44.180(A) of this chapter or any wild animal, there shall be collected from the owner of such animal, in addition to all other fees, a capture fee according to a schedule established by resolution of the city council.

P. The title to Article III of Chapter 9.44 is amended to read as follows:

Article III. Animal Care Services Regulations Generally

Q. Section 9.44.230 of Chapter 9.44 is amended to read as follows:

9.44.230 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 Care Services officer.

R. Section 9.44.270 of Chapter 9.44 is amended to read as follows:

9.44.270 Mistreatment prohibited.

It is unlawful for any person to treat, control or maintain any animal in a cruel or inhumane manner. It shall be the duty of the Animal Care Services Manager of the city and his

or her assistants or deputies to immediately report any evidence of mistreatment of animals to the Sacramento Society for the Prevention of Cruelty to Animals.

S. Section 9.44.300 of Chapter 9.44 is amended as follows:

(1) Subsection D of section 9.44.300 is amended to read as follows:

D. Subsection A of this section shall not apply to the city Animal Care Services center.

(2) Except as specifically amended by the amendment to subsection D, section 9.44.300 shall remain unchanged and in full force and effect.

T. Section 9.44.350 of Chapter 9.44 shall be amended to read as follows:

9.44.350 Therapeutic animals.

A. The Animal Care Services Manager shall approve the keeping of no more than one animal classified as livestock (excluding roosters), weighing no more than sixty (60) pounds, upon making the following findings:

1. That the keeping of the animal will be of substantial therapeutic value to its owner or a member of the owner's household, based upon a certification from a California licensed physician and surgeon, psychologist, clinical social worker, or marriage, family, and child counselor, or other satisfactory evidence;

2. That the keeping of the animal will not create a nuisance;

3. That the keeping of the animal will not be detrimental to the animal's welfare.

The Animal Care Services Manager may impose such conditions on the keeping of the animal as he or she deems necessary to prevent the creation of a nuisance.

B. The Animal Care Services Manager may revoke any approval granted hereunder if he or she determines that the keeping of the animal has resulted in a nuisance, or is contrary to the public health, safety or welfare.

C. Any person aggrieved by the Animal Care Services Manager's grant or denial of approval to keep an animal, or by the Animal Care Services Manager's revocation of an approval, may appeal such decision to a review committee consisting of:

1. The city manager or the manager's designee;

2. The director of public works, or the director's designee; and

3. A veterinarian designated by the city manager, by filing a notice of appeal with the city manager within ten (10) days after the Animal Care Services Manager makes his or her written determination. The review committee shall hold an informal hearing at which interested parties may present testimony and evidence concerning the matter. The decision of the review committee shall be final; provided, however, that the city council may, by motion, assume jurisdiction of the appeal and make a final determination which shall substitute for or supersede the review committee's decision.

U. Section 9.44.380 of Chapter 9.44 shall be amended to read as follows:

9.44.380 Wild animals—Permit—Required—Exceptions.

A. No persons shall own any wild animal without first applying to and receiving from the Animal Care Services Manager a permit to do so. The permit requirements of this article are not applicable to the following:

B. Owners who use wild animals for diagnostic purposes or research, the use having been approved by the California State Board of Public Health pursuant to Section 1666 of the Health and Safety Code; owners who use wild animals for teaching purposes in recognized educational institutions; owners of establishments which treat or board animals and which are owned or operated by veterinarians licensed by the state of California; owners of game farms or game breeding establishments licensed by the state of California; owners of nonprofit zoological gardens open to the public; owners of pet shops who maintain wild animals solely at their place of business; and owners of circuses which are being presented on or in property owned by a governmental entity.

V. Section 9.44.390 of Chapter 9.44 shall be amended to read as follows:

9.44.390 Wild animals—Permit—Application—Fee.

A. The application for a permit shall contain the name of the applicant, his or her address, the address of the proposed location of the animal, if different from the applicant's, and a brief description of the applicant's plan for keeping the animal which shall include the specie or species of animal, the number of individuals of each specie and a description of the housing facilities for the animal.

B. The initial fee for the issuance of each permit shall be established by resolution of the city council and shall be valid for a period of one year from the date of its issuance unless revoked or suspended. Such fee shall cover either one animal or a collection, and the maximum number of specimens permitted to be kept shall be specified in the permit. Whenever a new animal or collection is added so as to exceed the maximum number permitted, a new permit must be secured and a new fee must be paid subject to the exceptions in Section 9.44.400 of this chapter. The fee shall be due and payable at the time of issuance of the permit and shall be a prerequisite of such issuance. Whenever, in any given permit year, there are new animals in a collection due to the reproduction of members of the collection or due to trade, exchange or

replacement in the same number and of the same zoological order as the members of the collection traded, exchanged or replaced, such new animals shall not require an additional permit during that year, provided the Animal Care Services Manager is notified in writing of such new animals within thirty (30) days of acquisition.

W. Section 9.44.410 of Chapter 9.44 shall be amended to read as follows:

9.44.410 Wild animals—Permit—Approval of application.

Upon receipt of an application for an initial permit by the Animal Care Services Manager, the application shall be forwarded to the building inspections division of the city, the superintendent of the city zoo, and the public health department of the county and designated employees of these departments shall ascertain whether or not the applicant's plan is in conformity with all laws governing their respective departments.

If the applicant's plan is in conformity with the law governing such departments, departmental approval shall be indicated on the face of the application. If the applicant's plan is not in conformity with the law governing the departments, the face of the application shall be marked "Not Approved" and the reason for nonapproval noted thereon, along with any revisions or changes in the applicant's plan which if made would result in approval by the department in question.

Upon approval by the departments of an application for an initial permit or upon the receipt of an application for a renewal permit, the Animal Care Services Manager shall make any investigation he or she deems proper. He or she shall approve an application if he or she finds all of the following:

- A. The keeping of the wild animal at the location specified in the application will not violate any law or ordinance of the city or any law of the state.
- B. The keeping and maintenance of the wild animal will not endanger the peace, health, or safety of persons in the immediate vicinity, or in the city as a whole.
- C. The premises and housing where the wild animal is to be kept are in a clean and sanitary condition, and any wild animal will not be subject to suffering, cruelty or abuse.
- D. The applicant has not had a permit provided for herein revoked within a year prior to the date of application.
- E. The keeping and maintenance of the wild animal does not constitute a public nuisance.

X. Section 9.44.420 of Chapter 9.44 shall be amended to read as follows:

9.44.420 Wild animals—Permit—Revocation and suspension.

Any permit issued pursuant to this article may be revoked or suspended as herein provided if, after investigation, the Animal Care Services Manager finds any of the following to be true:

A. The owner, his or her agent or employee has been convicted of any offense involving the violation of Section 597 of the Penal Code of the state of California, or any provisions of this article, or is in violation of the zoning, health, and safety or building ordinances relating to the keeping of wild animals; or

B. The owner has failed to keep and maintain the premises or housing for the wild animals in a clean and sanitary condition; or

C. The owner has, at the place for which the permit is issued, failed to provide any wild animal with proper food, water, shelter or attention; or

D. The owner has violated any rules, regulations or conditions adopted by the Animal Care Services Manager as necessary to insure that the wild animal will not endanger the safety of any person or property.

Y. Section 9.44.460 of Chapter 9.44 shall be amended to read as follows:

9.44.460 Application—Issuance—Identification tag to be issued.

The person owning or having control of the cat shall furnish to the animal care services division or other authorized city department a description of the cat sufficient for identification, which description shall be entered in a record kept by the Animal Care Services Manager for that purpose. A metallic or plastic identification tag having a number corresponding with the registration upon the cat shall be issued to the owner of the cat. Upon such registration, a license certificate shall be issued to the applicant.

Z. Section 9.44.480 of Chapter 9.44 shall be amended to read as follows:

9.44.480 Identification tag—Not transferable.

It is unlawful for any person to use any identification tag for any other cat than for the one for which it was originally issued. The owner of a licensed cat shall preserve the license certificate upon the premises wherein the registered cat is kept and shall, upon demand of the animal care services manager, or any health officer, or a police officer of the city, show to such Animal Care Services officer, health officer or police officer the license certificate to maintain such cat.

AA. Section 9.44.570 of Chapter 9.44 shall be amended to read as follows:

9.44.570 Fee—Penalties—Waiver of penalties.

A. A license fee in the same amount as established by resolution of the city council for dog licenses shall be collected by the Animal Care Services Manager or other authorized city department, or by veterinarians or other persons 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.

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 thirty (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.

B. Notwithstanding the provisions of subsection A of this section, the Animal Care Services Manager is authorized to waive delinquency fees for up to one month per year, in order to encourage citizens with unlicensed swine to obtain licenses. The Animal Care Services Manager shall cause this licensing amnesty program to be publicized throughout the city.

BB. Section 9.44.580 of Chapter 9.44 shall be amended to read as follows:

9.44.580 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 Animal Care Services Manager or other authorized city department a valid certificate of neutering.

CC. Section 9.44.590 of Chapter 9.44 shall be amended to read as follows:

9.44.590 Application—Issuance—Identification tag to be issued.

The person owning or having control of the swine shall furnish to the Animal Care Services Manager or other authorized city department a description of the swine sufficient for identification, which description shall be entered in a record kept by the Animal Care Services Manager 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.

DD. Section 9.44.610 of Chapter 9.44 shall be amended to read as follows:

9.44.610 Identification tag—Not transferable.

It is 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 Animal Care Services Manager, or any health officer, or a police officer of the city, show to such Animal Care Services officer or health officer or police officer the license tag and permit to keep such swine.

EE. Section 9.44.630 of Chapter 9.44 shall be amended to read as follows:

9.44.630 Vaccination—Exception.

Any dog may be exempted from antirabies vaccination if its owner presents to the Animal Care Services Manager a statement in writing from a licensed veterinarian, that such dog is not in physical condition to be vaccinated or that antirabies vaccination would be detrimental, for physiological reasons, to such dog's health. Such written statement must be presented to and endorsed by the health officer within five days of the examination. The intent of this provision is to cover periods of actual illness and not to exempt animals because of age alone.

FF. Section 9.44.650 of Chapter 9.44 shall be amended to read as follows:

9.44.650 Quarantine of animals—When required.

The Animal Care Services Manager shall insure that all animals falling into the following categories shall be isolated or quarantined for a period not less than fourteen (14) days (dogs and cats ten (10) days) at the place and under the conditions prescribed by the health officer and pertinent state laws and regulations; (1) known rabid animals, (2) suspected rabid animals, (3) animals that have bitten or otherwise exposed a human to rabies, (4) animals of a species subject to rabies which have been bitten by a known rabid or suspected rabid animal or have been in intimate contact with a rabid or suspected rabid animal.

GG. Section 9.44.660 of Chapter 9.44 shall be amended to read as follows:

9.44.660 Quarantine—Violation unlawful.

It is unlawful for the owner or keeper of any animal to violate any of the conditions of isolation or quarantine prescribed by the health officer, the Animal Care Services Manager, or their assistants.

HH. Section 9.44.670 of Chapter 9.44 shall be amended to read as follows:

9.44.670 Examination of dead animals for rabies.

Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has or is suspected of having bitten or otherwise exposed a human to rabies, the Animal Care Services Manager shall obtain and turn over to the health officer the carcass of such animal or an adequate specimen thereof.

II. Section 9.44.680 of Chapter 9.44 shall be amended to read as follows:

9.44.680 Duty to assist in quarantine of suspected rabid animals.

It is the duty of any person having knowledge that any dog or other animal has or is suspected of having bitten any human being within the limits of the city to immediately report that fact to Animal Care Services Manager or to the health department and to furnish complete information regarding the incident. In the event that the Animal Care Services Manager secures information of the existence of any case of rabies or other animal disease dangerous to human beings in the city, he or she shall immediately report the same to the health officer. The owner of any animal which has or is suspected of having bitten any person within the preceding fourteen (14) days, shall immediately, upon demand, surrender such animal to the Animal Care Services Manager for purposes of quarantine or confinement as set forth in Section 9.44.650. It is unlawful and a misdemeanor for any person having control, custody or possession of the animal, whether or not he or she is the owner of such animal, to fail to surrender such animal to the Animal Care Services Manager upon demand or to in any way hinder, interfere with, or delay the Animal Care Services Manager in the performance of his or her duties under the provisions of this chapter. Punishment for a violation of this section shall be imprisonment for a period of not less than fifteen (15) days or more than one hundred eighty (180) days or a fine of not less than two hundred fifty (250) dollars nor more than five hundred dollars (\$500.00) for each violation, or both such fine and imprisonment.

JJ. Section 9.44.690 of Chapter 9.44 shall be amended to read as follows:

9.44.690 Period of quarantine.

Upon order of the health officer, the period of isolation or quarantine for any animal may be extended to twenty (20) days. If the health officer shall determine that such animal is suffering from rabies and by reason of such disease is dangerous to persons or other animals, he or she shall require that the animal be destroyed. If the health officer shall determine that the animal is not so diseased the Animal Care Services Manager shall notify the owner or person from whom custody of the animal was taken, that further isolation or quarantine is unnecessary.

If the animal was isolated or quarantined at the city Animal Care Services center, it shall not be released until the owner or person from whose custody the animal was taken shall have paid to the Animal Care Services Manager the sum per day established by resolution of the city council for keeping such animal; provided, however, that if no person lawfully entitled to such animal shall, within five days after the last day of the quarantine period, appear at the Animal Care Services center and request the release of such animal and pay the charges, such animal may be sold or disposed of.

SECTION 13

Section 10.20.040 of the Sacramento City Code is repealed.

SECTION 14

Section 12.24.20 of the Sacramento City Code is amended to read:

12.24.020 Signs, posts, structures, etc.

It is unlawful to erect, place or maintain on any sidewalk within the city limits any signs, posts, structures or obstructions of any kind whatsoever; except, as otherwise provided in this title.

Any such sign, post, structure or obstruction, except such as may be specifically provided for in this title, is declared to be a nuisance and shall be removed by the City Manager, or his or her designee immediately upon its existence being ascertained.