

**REPORT TO LAW &
LEGISLATION COMMITTEE
City of Sacramento**

915 I Street, Sacramento, CA 95814-2671



STAFF REPORT
April 22, 2010

**Honorable Members of the
Law and Legislation Committee**

**Title: Ordinance Amending Sacramento City Code Section 9.44.190 Related to
Animal Redemption Fees**

Location/Council District: Citywide

Recommendation: Approve and forward to City Council for adoption, an **Ordinance:** amending subsection B of City Code section 9.44.190 related to animal redemption fees.

Contact: Penny Cistaro, Animal Care Services Manager, 808-7433

Presenters: None

Department: General Services

Organization No: 13001121

Description/Analysis

Issue: Current City Code (Section 9.44.190, Section B) creates a specific relationship between first, second and third redemption fees for animals impounded. This structure limits the City's ability to create a redemption fee that scales fees to reflect the cost of service for handling a given animal.

Policy Considerations: The recommendation is consistent with City Council priorities and policies related to compliance with the City's Codes, cost recovery, and the City's goal to enhance and preserve the neighborhoods by providing enforcement of animal related laws.

Environmental Considerations:

California Environmental Quality Act (CEQA): CEQA does not apply because adoption of the proposed ordinance pertains to administrative activities that will not have a significant effect on the environment (CEQA

Guidelines Section 15061(b)(3)), and that do not constitute a "project" for purposes of CEQA (CEQA Guidelines Section 15378(b)(2)).

Sustainability Considerations: None

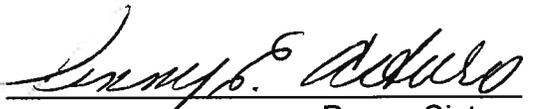
Committee/Commission Action: On March 30, 2010 the Animal Care Services Citizens Advisory Committee was notified that City staff would be pursuing a change in ordinance language to allow greater flexibility in establishing redemption fees, although the specific language had not yet been finalized so had not been shared with them. The Committee also was provided with the proposed new fee schedule shown in Attachment 1 to this report. The specific ordinance language and a review of the proposed new redemption fees will be reviewed with the Committee at their next regularly scheduled meeting on April 27, 2010 for their discussion and action.

Rationale for Recommendation: Currently, Subsection B of Sacramento City Code Section 9.44.190 states that redemption fees shall be twice the first impound fee for the second impound and three times for the third impound. This existing language does not allow the City to implement a redemption fee schedule that scales fees to reflect the cost of service for handling a given animal. For example, a dog that is impounded that has been altered and is already licensed is less costly to process than one that is unaltered and unlicensed. Additionally the current fee schedule does not offer an incentive for an owner to alter their animal or maintain its license. The escalation in the redemption fees is to target the repeat offender. In order to provide greater flexibility (and potentially greater cost recovery), Subsection B of Section 9.44.190 is recommended to be amended to state that a subsequent impound (within 24 months of a previous impound) shall pay a higher redemption fee, which shall be set by resolution of the City Council.

The proposed new fee schedule (Attachment 1) will be recommended to Council as part of the Citywide Fee & Charges report that will be heard in conjunction with Budget Hearings in May or June of this year. No action is requested on the fees at this time. Amending this ordinance language allows for the flexibility needed to change the fee schedule.

Financial Considerations: This report does not result in any financial impact to the City.

Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this report.

Respectfully Submitted by: 
Penny Cistaro
Animal Care Services Manager

Approved by: 
Reina J. Schwartz
Director, Department of General Services

Recommendation Approved:


Gus Vina
Interim City Manager

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Attachment 1

DRAFT FEE SCHEDULE

REDEMPTION FEES

| DOGS | First | Second | Third | Fourth |
|--|--------------|---------------|--------------|---------------|
| Altered wearing current license | 40 | 60 | 80 | 150 |
| Altered not licensed / not wearing current license | 60 | 80 | 100 | 170 |
| Unaltered wearing current license | 60 | 80 | 100 | 170 |
| Unaltered not licensed / not wearing current license | 80 | 100 | 120 | 190 |

| CATS | First | Second | Third | Fourth |
|--|--------------|---------------|--------------|---------------|
| Altered wearing current license | 40 | 60 | 80 | 150 |
| Altered not licensed / not wearing current license | 60 | 80 | 100 | 170 |
| Unaltered wearing current license | 60 | 80 | 100 | 170 |
| Unaltered not licensed / not wearing current license | 80 | 100 | 120 | 190 |

| Biting or Intimidating Dogs | First | Second | Third | Fourth |
|--|--------------|---------------|--------------|---------------|
| Altered wearing current license | 80 | 120 | 160 | 300 |
| Altered not licensed / not wearing current license | 120 | 160 | 200 | 340 |
| Unaltered wearing current license | 120 | 160 | 200 | 340 |
| Unaltered not licensed / not wearing current license | 160 | 200 | 240 | 380 |
| Confiscation Fee | 200 | | | |

| Potentially Dangerous or Dangerous Dogs | First | Second |
|--|--------------|-------------------------|
| Potentially Dangerous | 200 | 400 |
| Dangerous | 400 | not redeemable |
| Confiscation Fee | 300 | |
| Yearly Permit PDD | 200 | plus proof of insurance |
| Yearly Permit DD | 300 | plus proof of insurance |

Board Fees

All impounded and confiscated animals shall incur boarding fees of \$12.00 per day or any portion thereof.

Attachment 2

REDLINE VERSION

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING CITY CODE SECTION 9.44.190 RELATED TO ANIMAL REDEMPTION FEES TO AMEND SUBSECTION B

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

9.44.190 Redemption subsequent to first redemption.

A. Required Alteration. In order to reduce the likelihood that dogs allowed to be at large shall breed unwanted animals, any dog impounded for being at large which previously has been redeemed from the animal control center after impoundment for being at large shall be spayed or neutered at the redeeming owner's expense prior to a second or subsequent redemption. The chief animal control officer may waive this requirement when there are extenuating circumstances that justify waiver.

In the event the chief animal control officer determines that a dog shall be spayed or neutered at the redeeming owner's expense prior to redemption, the chief animal control officer shall notify the owner of this requirement in writing and inform the owner of the owner's right to appeal as provided by this section.

The owner of the animal may, prior to the date specified by the chief animal control officer in the written notice, appeal the determination of the chief animal control officer by filing a notice of such appeal with the chief animal control officer. The city manager shall appoint a hearing officer, who may be an employee of the city.

The hearing shall be informal. The hearing officer shall determine, based on evidence presented, whether the chief animal control officer correctly determined that the requirement to spay or neuter applies, and if so, whether there are any extenuating circumstances which justify waiver of the requirement to spay or neuter, or waiver of the requirement that the owner pay for the procedure. The decision of the hearing officer shall be final.

B. Redemption Fees. In addition to any payment which may be required pursuant to subsection A of this section, the owner of any animal which has been

previously redeemed within the past twenty-four months from the animal control center shall pay a higher redemption fee which shall be set by resolution of the city council ~~of twice the amount of the usual redemption fee for the second redemption of such animal and shall pay a redemption fee three times the amount of the usual redemption fee for the third and any subsequent redemption~~, in addition to the per diem costs established by resolution of the city council, and other actual costs of impoundment. (Prior code § 6.07.086)

Attachment 3

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B. In addition to any payment which may be required pursuant to subsection A of this section, the owner of any animal which has been previously redeemed within the past twenty-four months from the animal control center shall pay a higher redemption fee which shall be set by resolution of the city council, in addition to the per diem costs established by resolution of the city council, and other actual costs of impoundment.