

ORDINANCE NO. 2007-020

Adopted by the Sacramento City Council

March 20, 2007

AMENDING SECTION 9.44.210 OF CHAPTER 9.44 OF THE SACRAMENTO CITY CODE RELATING TO CRIMINAL PENALTIES, AND ADDING SECTION 9.44.215 TO ARTICLE II OF CHAPTER 9.44 RELATING TO ADMINISTRATIVE PENALTIES

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

SECTION 1.

Section 9.44.210 of the Sacramento City Code is amended to read as follows:

9.44.210 Violation-Criminal Penalties.

- A. Any person violating Section 9.44.100, 9.44.660 or 9.44.770 of this chapter is guilty of a misdemeanor punishable as set forth in Section 1.28.010 of this code. Any person violating Section 9.44.680 of this chapter is guilty of a misdemeanor punishable as set forth in Section 9.44.680.
- B. Any person violating subsection (A) or (C) of Section 9.44.490 of this chapter, or subsection (A) or (C) of Section 9.44.430 of this chapter is guilty of an infraction, and shall be subject to the following: upon the first violation, a fine of three hundred dollars (\$300.00) for each animal with respect to which there is a violation, and a second or subsequent violation, a fine of not less than five hundred (\$500.00) for each animal with respect to which there is a violation. If the person no longer possesses the animal, he or she is still responsible for any and all fines assessed to him or her.
- C. Any person violating subsection (B) or (F)(3) of Section 9.44.490 of this chapter, or subsection (B) or (F)(3) of Section 9.44.430 of this chapter is guilty of an infraction, and shall be subject to the following: upon the first violation, a fine of five hundred dollars (\$500.00) for each animal with respect to which there is a violation, and a second or subsequent violation, a fine of not less than one thousand dollars (\$1000.00) for each animal with respect to which there is a violation. If the person no longer possesses the animal, he or she is still responsible for any and all fines assessed to him or her.
- D. Any person violating any other subsection of Section 9.44.490, any other subsection of Section 9.44.430, any other section of Article IV of this chapter, or any other section of Article V of this chapter is guilty of an infraction, and shall be subject to the following: upon the first violation, a fine of one hundred dollars (\$100.00) for each animal with respect to which there is a violation, and a second

or subsequent violation, a fine of not less than five hundred (\$500.00) for each animal with respect to which there is a violation. If the person no longer possesses the animal, he or she is still responsible for any and all fines assessed to him or her.

- E. Any person violating any other provision of this chapter is guilty of an infraction.
- F. Every person violating any provision of this chapter shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues and shall be punishable therefor as provided in this section.

SECTION 2.

Section 9.44.215 is added to Article II of Chapter 9.44 of the Sacramento City Code to read as follows:

9.44.215 Violation-Administrative Penalties

In addition to criminal sanctions and other remedies set forth in this code, the city may impose administrative penalties for all violations of this chapter. Administrative penalties shall be imposed, enforced, collected and reviewed in compliance with the provisions of Section 1.28.010 of this code. However, for the specific violations listed in the subsections of this section, the amount of the administrative penalty shall be as stated in that subsection rather than Section 1.28.010 of this code. For all other violations of this chapter not stated in the subsections of this section, the amount of the administrative penalty shall be determined as stated in subsection (D)(3)(a)(b)(c) and (d) of Section 1.28.010 of this code.

- A. Any person violating subsection (A) or (C) of Section 9.44.490 of this chapter, or subsection (A) or (C) of Section 9.44.430 of this chapter shall be subject to the following administrative penalties: upon the first violation, a fine of three hundred dollars (\$300.00) for each animal with respect to which there is a violation. If the person complies with the applicable section within fourteen (14) days after receiving notice of said violation and presents proof of compliance to the animal care services manager, the fine shall be waived; upon a second or subsequent violation, a fine of not less than five hundred (\$500.00) for each animal with respect to which there is a violation. If the person no longer possesses the animal, he or she is still responsible for any and all fines assessed to him or her.
- B. Any person violating subsection (B) or (F)(3) of Section 9.44.490 of this chapter, or subsection (B) or (F)(3) of Section 9.44.430 of this chapter shall be subject to the following administrative penalties: upon the first violation, a fine of five hundred dollars (\$500.00) for each animal with respect to which there is a violation, and a second or subsequent violation, a fine of not less than one thousand dollars (\$1000.00) for each animal with respect to which there is a violation. If the person no longer possesses the animal, he or she is still responsible for any and all fines assessed to him or her.
- C. Any person violating any other subsection of Section 9.44.490, any other

subsection of Section 9.44.430, any other section of Article IV, or any other section of Article V shall be subject to the following administrative penalties: upon the first violation, a fine of one hundred dollars (\$100.00) for each animal with respect to which there is a violation. If the person complies with the applicable section within fourteen (14) days after receiving notice of said violation and presents proof of compliance to the animal care services manager, the fine shall be waived; upon a second or subsequent violation, a fine of not less than five hundred (\$500.00) for each animal with respect to which there is a violation. In the event that the person no longer possesses the animal, he or she is still responsible for any and all fines assessed to him or her.

- D. A minimum of fifty percent (50%) of all penalty fees collected pursuant to this section and fifty percent (50%) of all unaltered license fees collected by animal care shall be placed in a sterilization fund and used to finance public or private programs that provide sterilization programs to low income individuals or families in the city.

Adopted by the City of Sacramento City Council on March 20, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Waters and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: Councilmember Tretheway.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

Passed for Publication February 20, 2007
Published March 7, 2007
Effective April 19, 2007