

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA
ADDING SECTION 10-329 TO THE FRESNO MUNICIPAL CODE
RELATING TO SPAYING AND NEUTERING OF DOGS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 10-329 of the Fresno Municipal Code is added to read:

SECTION 10-329. PET RESPONSIBILITY ACT.

The Council of the City of Fresno finds and declares that a contributing cause of the serious dog overpopulation problem within the City of Fresno is the number of unaltered dogs found at large. The Council wishes to promote responsible pet ownership as a means for promoting the public health, safety, and welfare of humans and pets in the City of Fresno. The Council finds and declares that mandatory spaying or neutering of dogs is appropriate when dog owners fail to act responsibly to prevent their animals from being at large.

- (a) Title. This Section shall be known as the "Pet Responsibility Act."
- (b) Applicability. This Section shall apply to all persons whose dogs are found to be at large in violation of Section 10-308(a) of this Code and any requirements imposed by this Section shall be cumulative to any requirements or penalties otherwise imposed by this Code.
- (c) Definitions. The following terms used in this section shall be defined as follows:
 - (1) "At large" shall mean an animal in or upon any public street, public alley or other public place or in or upon an unenclosed lot or

premises, unless the animal is securely confined to the lot or premises by a suitably strong leash or is securely and continuously held by the owner or custodian of such animal by a strong leash suitable for maintaining control of the animal, or the animal is confined within an automobile.

(2) "Owner" shall mean the owner or custodian of any animal.

(d) Enforcement. This Section shall be enforced as follows:

(1) Upon a first violation of Section 10-308(a), the owner shall be issued a written warning prior to the issuance of a citation or initiation of further enforcement action.

(2) Upon a second violation of Section 10-308(a) an owner shall be issued an administrative citation with a penalty in the amount of \$100.00;

(3) Upon a third or subsequent violation of Section 10-308(a) an owner shall be issued an administrative citation in the amount of \$200.00.

(4) Upon a third or subsequent violation of Section 10-308(a) an owner shall be issued an order to comply with one or both of the following requirements:

(A) Spay or neuter all dogs possessed by that person and provide proof of compliance to the poundmaster within sixty (60) days;

(B) Implant a microchip identification device in all dogs possessed by that person.

- (e) Responsibility for Enforcement. The poundmaster shall be responsible for enforcement and administration of this section.
- (f) Cost Recovery. The City may collect abatement, actual, administrative and enforcement costs, as well as penalties and administrative expenses pursuant to the provisions of Chapter 1, Article 5 of this Code.
- (g) Appeals. Any person receiving an administrative citation, order to spay/neuter an animal, or order to microchip an animal may appeal the issuance of the administrative citation or order pursuant to Chapter 1, Article 4 of this Code.

SECTION 2. Severability. If any section or portion of this ordinance shall be determined invalid or unconstitutional, that section or portion shall be deemed severable and all remaining sections or portions shall remain in full force and effect.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the day of _____, 2010.

AYES :
NOES :
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2010

Mayor Approval/No Return: _____, 2010

Mayor Veto: _____, 2010

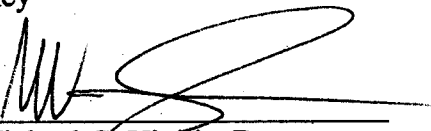
Council Override Vote: _____, 2010

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

BY: 
Michael G. Vigilia, Deputy

MGV:ns-sn [50158ns-sn/mgv]- 4/29/10