

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING CHAPTER 10, ARTICLE 3, SECTION 10-328
OF THE FRESNO MUNICIPAL CODE, RELATING TO
BREEDING, TRANSFER AND SALE OF DOGS AND CATS

WHEREAS, the City of Fresno is experiencing a dire crisis due to the overcrowding of dogs in the City of Fresno Animal Center (Animal Center); and

WHEREAS, the current dog population in the Animal Center has exceeded kennel capacity; and

WHEREAS, current shelter overpopulation is not ideal for the shelter dogs, escalates costs of animal care and control and poses an increasing threat to public health and safety; and

WHEREAS, the City Council adopted an ordinance in 2006 (Ordinance No. 2006-34) to regulate the breeding, transfer and sale of dogs and cats within the City of Fresno; and

WHEREAS, the City Council finds that tighter regulation of breeding and the transfer of dogs and cats will help alleviate the City's pet overpopulation crisis by allowing increased City control over the breeding of dogs and cats; as well as the transfer and sale of dogs and cats within the City of Fresno.

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

SECTION 1. Section 10-328 of the Fresno Municipal Code shall be amended as follows.

1 of 9

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: AMK

Ordinance No.

SECTION 10-328. – BREEDING, TRANSFER AND SALE OF DOGS AND CATS.

The Council of the City of Fresno finds and declares that there exists a serious pet overpopulation problem within the City of Fresno that has resulted in a threat to public safety and health, inhumane treatment of animals, [has resulted in euthanization] of animals at the local animal shelter and escalating costs for animal care and control for animal care and control. The Council finds that uncontrolled breeding is a cause and, without further action aimed at the source, this problem and its serious consequences will remain unabated and will increase in severity.

The Council finds that part of the solution is for all dogs [and cats] over the age of [four] five months to be spayed or neutered, unless their owners purchase the appropriate licenses for the privilege of maintaining the animal intact and[/or a breeder permit to] allowing it to breed. Further, the Council finds that regulation of the transfer of dogs and cats will help alleviate the City's pet overpopulation crisis by allowing increased City control over enforcement of the dog licensing provisions and limiting the means of obtaining a dog or cat.

(a) The Unaltered Dog License shall contain the following terms and conditions:

(1) The Owner of an unaltered female dog [or cat] shall not allow the [dog or cat to breed without first obtaining a breeder's permit.]

(2) No offspring may be sold, adopted, bartered or otherwise transferred, whether for compensation or otherwise, until such offspring has reached the age of at least eight (8) weeks.

(3) The Owner must prominently display their Unaltered Dog License number in any advertisement to the public for the sale, adoption or transfer (whether for compensation or otherwise) of the offspring. The Owner must provide the Unaltered Dog License number to any person who purchases, adopts or receives the

offspring and include the Unaltered Dog License number on any receipt of sale or transfer document.

(4) The Owner shall provide to all persons who receive any offspring, whether for compensation or otherwise, an application for a ~~City of Fresno~~ dog license, as well as written information regarding the ~~City of Fresno's~~ [City's] dog license requirements. The Owner shall obtain these documents from the ~~poundmaster or the controller~~ [City Manager or designee].

[(b) Breeder Permit Requirements:

(1) No person shall cause or allow any dog or cat owned, harbored or kept within the City to breed without first obtaining a breeding permit, as described below.

(2) Applications for a breeder permit pursuant to this chapter shall be filed with the Animal Center Department on a form prescribed by the City Manager or designee. Fees charged for these permits shall be set in the Master Fee Schedule.

(3) Applications for a breeder permit will require the animal to possess an unaltered dog license and a business tax license certificate from the City's Finance Department; and to maintain the certificate while in operation.

(4) The term breeding permit shall mean a written authorization, issued annually by the City Manager or designee, giving its lawful holder permission to breed a dog or cat.

(5) Each breeding permit shall be valid for one year from the date of issuance, and may be renewed annually, before its expiration date.

(6) Each applicant for such a permit shall pay an annual fee as specified in the Master fee Schedule.

(7) A separate permit must be obtained for each owned dog or cat which is allowed to breed.

(8) The City's Animal Center Department shall administer an animal breeding permit program to allow the breeding of unaltered dogs and cats consistent with criteria and according to procedures established by the City Manager or designee. Under no circumstances shall such a permit be issued to a person who has been convicted of animal cruelty or neglect.

(9) In addition to the criteria and procedures established by the City Manager pursuant to paragraph 8 of this subsection, all breeding permits shall contain the following terms and conditions:

(i) The Owner of an unaltered female dog or cat shall not allow the whelping of more than one litter in any household within the permit year. Notwithstanding this

provision, the City Manager is hereby authorized, upon application of a permittee, to allow on a one time basis the whelping of up to two dog or cat litters per breeding animal within any domestic household within a permit year, if the permittee establishes, according to regulations promulgated by the City Manager, that such breeding is required to protect the health of the animal or avert a substantial economic loss to the permittee. In the event that a permittee is forced to euthanize a litter of dogs or cats, the City Manager may authorize the whelping of one additional litter of dogs or cats within the same permit year by the permittee.]

[(b)(c)] Sale and Other Transfer of Dogs and Cats.

[(1) Any person who offers or provides, whether for compensation or otherwise, any dog or cat for sale or other type of transfer, shall disclose to the transferee information regarding the license and permit requirements of the City applicable to the transferred animal.]

(2) No person shall present any dog or cat for sale, barter, exchange, or adoption, whether for compensation or otherwise, in any public place, without first obtaining a breeding permit from the City. The term public place shall include, but not limited to streets, highways, sidewalks, businesses, shopping malls, flea markets,

swap meets, and areas in front of commercial establishments. This prohibition shall not apply to:

(i) Government agencies, nonprofit animal rescue organizations exempt from taxation under Internal Revenue Code section 501(c)(3); or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of the California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110.

(ii) Permitted dog or cat shows.

(iii) Permitted pet stores which sell or otherwise transfer dogs or cats, whether for compensation or otherwise, within the store.]

(4[3]) No person shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game or competition.

(2[4]) No person shall give away any dog or cat as an inducement to enter a place of business.

(3[5]) No person shall sell or give away any dog or cat in any public place or in front of any business not owned by him/her or at any swap meet.

(4[6]) No person shall sell, barter, exchange or offer for adoption, whether for compensation or otherwise, any dog or cat to any minor under the age of eighteen years, without the written permission of one of the minor's parents or legal guardians.

[(7) Failure to display the breeding permit number or include it in any advertisement for sale, adoption or other transfer of dogs and cats is an infraction punishable in accordance with Subsection (d)(4) below.]

[(8) Possession of a valid permit under this section of the Code does not entitle the permit holder to engage in activity which is otherwise prohibited by law.]

~~[(ed)] Enforcement of Dog License Provisions [and Penalties]. Any violation of this section shall be an infraction.~~

[(1) Any cat or dog owner found by the City to be in violation of the breeding permit provisions of this section may correct the violation(s) by providing conclusive proof to the City that the dog(s) or cat(s) have been spayed, or by obtaining the necessary permit(s) mentioned in this section, no later than thirty (30) days from the date when the City first notified the owner of the violation. Should the owner fail to correct the violation(s) in the manner described above, the City shall impose a \$1,000 civil penalty per animal on the dog or cat owner. This penalty shall not be waived by the City upon the

transfer or abandonment of the dog or cat by the non-compliant owner. This penalty shall be in addition to any other applicable civil or criminal penalties.

(2) If the civil penalty mentioned above is not paid and the owner does not spay/neuter his/her dog(s) or cat(s) or obtains a breeding permit(s) required under Subsection (b)(2), above within fifteen (15) days from the date the City first notified the owner of the imposition of the civil penalty mentioned in Section (d)(1), the continuing violation of the permit requirement of this section becomes a misdemeanor and may be prosecuted as such.

(3) The City may revoke any permit issued pursuant to this section upon a finding that the permit holder has violated its terms and conditions. Such a finding shall be made after an administrative hearing pursuant to Section 1-401 et seq.

(4) Except as specifically mentioned in Subsection d(1), (2) and (3), above failure to comply with any of the requirements mentioned in Subsections (a), (b) and (c) of Section 10-328 of this Code shall be an infraction.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

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

I, TODD STERMER, 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 _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Senior Deputy City Attorney