



LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

AGENDA – SPECIAL MEETING

Date: June 17, 2014

Time: 7:00 a.m.

For information regarding this Agenda please contact:

Randi Johl-Olson

City Clerk/Legislative Affairs Officer

Telephone: (209) 333-6702

A. Call to Order / Roll Call

B. Regular Calendar

B-1 Presentation of Proposed Changes to Lodi Municipal Code Title 6 (Animals) and Review Animal Shelter Fees (PD)

Res. B-2 Adopt Resolution Implementing Recommendations of the Animal Commission as Presented in the Annual Report (PD)

C. Adjournment

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this agenda was posted at a place freely accessible to the public 24 hours in advance of the scheduled meeting.

Randi Johl-Olson
City Clerk/Legislative Affairs Officer

All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 72 hours prior to the meeting date. Language interpreter requests must be received at least 72 hours in advance of the meeting to help ensure availability. Contact Randi Johl-Olson at (209) 333-6702. Solicitudes de interpretación de idiomas deben ser recibidas por lo menos con 72 horas de anticipación a la reunión para ayudar a asegurar la disponibilidad. Llame a Randi Johl-Olson (209) 333-6702.

****NOTICE:** Pursuant to Government Code §54954.3(a), public comments may be directed to the legislative body concerning any item contained on the agenda for this meeting before (in the case of a Closed Session item) or during consideration of the item. **



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Presentation of Proposed Changes to Lodi Municipal Code Title 6- (Animals) and Review Animal Shelter Fees

MEETING DATE: June 17, 2014

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Receive presentation of proposed changes to Lodi Municipal Code Title 6- (Animals) and review Animal Shelter fees.

BACKGROUND INFORMATION: City of Lodi Municipal Code Title 6- (Animals) has not been updated since 1995 and lacks needed language to allow for enforcement and to hold animal owners liable and responsible for dogs deemed vicious or potentially dangerous. Police staff will outline a proposed addition to the Lodi Municipal Code that will address vicious dogs, and changes to existing ordinances so that they align with current Animal Shelter operations. The ordinance changes are expected to be introduced at the July 16th council meeting.

The Animal Shelter fee schedule, Resolution 2006-129, was adopted with partial shelter fees and a new Resolution with all-inclusive fees to be presented for adoption at a future council meeting.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Mark Helms
Chief of Police

MH/CJ

Attachments

APPROVED: _____
Stephen Schwabauer, City Manager

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
REPEALING AND RE-ENACTING LODI MUNICIPAL CODE TITLE 6 –
“ANIMALS” IN ITS ENTIRETY

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 6 – Animals – is hereby repealed and re-enacted in its entirety to read as follows:

Title 6 - ANIMALS

Chapters:

- Chapter 6.04 - IMPOUNDMENT
- Chapter 6.08 - PROHIBITED ANIMALS
- Chapter 6.12 - DOGS AND CATS
- Chapter 6.14 - KEEPING AND SANITATION
- Chapter 6.15 – VICIOUS/POTENTIALLY DANGEROUS DOGS
- Chapter 6.16 - PET SHOPS
- Chapter 6.18 - ENFORCEMENT
- Chapter 6.20 - FEES

Chapter 6.04 - IMPOUNDMENT

Sections:

- ~~6.04.010 – Pound Animal Shelter.~~
- 6.04.020 - Minimum time of impoundment.
- 6.04.030 - Redemption of impounded animals.
- 6.04.040 - Register—Disposal.
- 6.04.050 - Advertisement for sale—Procedure—Sale.
- 6.04.060 - Advertisement for sale—Costs if redeemed.
- 6.04.070 - Sale or redemption record.
- 6.04.080 - Disposal upon request.

~~6.04.010 – Pound Animal Shelter.~~

A public ~~pound animal shelter~~ shall be maintained at such place as is provided ~~therefor~~ from time to time by the city council.

6.04.020 - Minimum time of impoundment.

A. Licensed Animals. Any animal wearing a valid city license tag issued pursuant to this title shall be provided with food and water and shall not be sold, given away or destroyed until the following:

1. The owner has been personally notified and has failed to redeem the animal within ~~seventy-two hours, exclusive of Sundays and holidays~~four holidays four business days, not including the day of impoundment, Sundays and holidays; or
2. The owner has given written authorization for release; or

3. The owner has failed to claim the animal within five days, exclusive of Sundays and holidays, of the date a certified letter of notification, return receipt requested was deposited within the U.S. Postal Service by the animal control officer addressed to the owner's last known address, or by the Animal Control Officer posting a Notice of Impoundment at the owner's last known address.

B. Unlicensed Animals. All unlicensed animals impounded will be provided with food and water and held for a period of not less than ~~seventy-two hours, exclusive of Sundays and holidays unless previously redeemed~~ four business days, not including the day of impoundment, Sundays and holidays. All unlicensed animals not redeemed by the owner or person having custody or control of the animal within the ~~seventy-two hour~~ holding period may be euthanized or otherwise disposed of.

6.04.030 - Redemption of impounded animals.

A. Licensed Animals. The owner or person having ~~had~~ custody or control of an animal licensed pursuant to this title, ~~taken up and~~ who is impounded may redeem said animal upon payment of a redemption fee and any other applicable fees or charges as may be established from time to time by resolution of the city council.

B. Unlicensed Animals. The owner or persons having ~~had~~ custody or control of any unlicensed animal, not otherwise prohibited by this title, ~~taken up and~~ who is impounded may redeem said animal upon payment of the annual license fee, the redemption fee, any other applicable fees or charges and by obtaining any necessary anti-rabies vaccinations. The annual license fee, redemption fee and other fees or charges shall be established from time to time by resolution of the city council.

C. Out-of-Town Animals. The owner or persons having ~~had~~ custody of an out-of-town animal taken up and impounded may redeem within ~~seventy-two hours, exclusive of Sundays and holidays~~ four business days, not including the day of impoundment, Sundays or holidays upon payment of a redemption fee and any other applicable fees or charges in such amounts established from time to time by resolution of the city council.

D. If the owner or person having custody or control of an animal ~~taken up and~~ impounded pursuant to this title contests any fee charged pursuant to this chapter, such person may redeem the animal only by paying the applicable fee or fees. After redemption of said animal, the person protesting the fees imposed may appeal the imposition of said fees by letter to the chief of police. The decision of the chief of police shall be final.

6.04.040 - Register—~~Disposal~~.

The animal control officer shall keep a register, which shall be delivered to his or her successor in office, in which shall be entered, in numerical order, a full description of such animals impounded and disposed, ~~other than dogs and cats~~, with all natural and artificial marks and brands, with the time when, and the place where found prior to impoundment, ~~taken up~~.

6.04.050 - Advertisement for sale—~~Procedure~~—Sale.

A. Any animal, other than dogs or cats, whose value in the opinion of the animal control officer, will exceed the expense for which the animal may be liable, may be advertised for sale. The advertisement shall be published for not less than two days in the official newspaper, and shall contain a complete description of the animal to be sold. Advertisement shall give notice that the sale is to be at public auction to be conducted by

the animal control officer; shall give the location, time and date of said sale; and shall set forth that the animal will be sold to pay the charges that have, or will have accrued against it, together with advertising costs. The date set for the conduct of the sale shall be not less than two nor more than ten days from the date of the first publication of the advertisement.

- B. If the animal has not been redeemed prior to the sale, the animal control officer shall sell the animal for cash to the highest bidder, and upon the payment of the purchase money, he shall deliver the animal, together with a bill of sale thereof, to the purchaser.

6.04.060 - Advertisement for sale—Costs if redeemed.

Any owner redeeming an animal after advertisement for sale has begun shall be required to pay the advertising costs which have accrued in addition to any other applicable fees as fixed by resolution of the city council.

6.04.070 - Sale or redemption record.

Whenever any animal other than a dog or cat, has been sold or redeemed, the animal control officer shall enter in the register, under the same number as its description, the date it was sold or redeemed, the name and address of the party buying or redeeming the animal, the total cost and expense incurred, specifying each item, and the sale price or any applicable fees received. This register may be examined and copied, free of charge, at all reasonable hours.

6.04.080 - Disposal upon request.

The animal control officer shall, upon request of any person within the city, receive, remove and/or dispose of any living or dead animal owned by or in the possession of such person subject to any fees which may be established from time to time by resolution of the city council.

Chapter 6.08 - PROHIBITED ANIMALS

Sections:

6.08.010 - Definitions.

6.08.020 - Livestock prohibited.

6.08.030 - Wild animals prohibited.

6.08.040 - Domesticated animals—Number permitted.

6.08.050 - Determination of age of animal.

6.08.010 - Definitions.

- A. "Domesticated animals" means those nonferal animals commonly kept as household pets and includes:

1. Dogs (*canis familiaris*);

2. Cats (*felis catus*);

3. Reptiles such as ~~turtles, salamanders, newts, frogs, nonpoisonous toads and~~ lizards, nonpoisonous snakes under six feet in length; and

4. Rabbits;

~~4. Those Vietnamese variety pot-bellied pigs of less than one hundred pounds in weight, of less than twenty-two inches in height at the shoulder, which are spayed or neutered,~~

~~and which are being harbored or kept within the city on the effective date of the ordinance codified in this chapter.~~

~~a. All such animals being harbored or kept within the city on the effective date of said ordinance shall be registered with the city animal control department on or before May 31, 1995. Thereafter any unregistered pot-bellied pig being harbored or kept within the city shall be conclusively presumed to have been brought into the city after the effective date of said ordinance.~~

~~b. Any and all pigs of every variety brought into or born within the city after the effective date of said ordinance shall be considered livestock pursuant to Section 6.08.010(B)(3) of this code.~~

B. "Livestock" means those animals commonly kept for commercial purposes, including, but not limited to:

1. Horses, mules, burros or jacks;
2. Chickens, turkeys, guinea hens, peacocks, ducks, roosters or similar fowl;
3. Bulls, cows, hogs, pigs, goats, sheep and llamas (other than as provided in Section 6.08.010(A)(4)).

C. "Wild animals" means those feral animals, not commonly kept as household pets, including but not limited to:

1. The following members of the class mammalian:
 - a. Order Carnivora, except the domestic dog (*canis familiaris*) and the domestic cat (*felis catus*), but including, but not limited to, the family Felidea (such as ocelots, margays and cougars) and family Canidae (such as wolves, wolf hybrids, coyotes and jackals), and
 - b. Order Columbae (such as doves and pigeons) unless registered with a homing pigeon club-State Government Code Section 65852.6, and
 - ~~bc.~~ Order Marsupialia (such as kangaroos and opossums), and
 - ~~ed.~~ Order Chiroptera (bats), and
 - ~~de.~~ Order Primata (such as monkeys, chimpanzees and gorillas); and
2. Reptiles that are poisonous or in excess of six feet in length or thirty pounds in weight;
3. Any nondomestic species when kept, maintained or harbored in such numbers or in such a manner as to constitute the likelihood of danger to themselves, to human beings or to the property of human beings.

6.08.020 - Livestock prohibited.

Except as permitted in Title 17 of this code, it is unlawful to harbor, keep or have within the city any livestock.

6.08.030 - Wild animals prohibited.

It is unlawful to harbor, keep or have within the city any wild animal.

6.08.040 - Domesticated animals—Number permitted.

- A. It is unlawful to harbor, keep or have within a single household within the city more than five domesticated animals in excess of four months of age in any combination thereof, except in a licensed business, where permitted in a particular district as provided by Title 17 of this code.
- B. It is unlawful to harbor, keep or have within a single household within the city more than one litter of puppies or kittens during any twelve-month period, except in a licensed business, where permitted in a particular district as provided by Title 17 of this code.

6.08.050 - Determination of age of animal.

If there is any dispute as to the age of any domesticated animal, in the absence of any affidavit or sworn testimony from a person who has personal knowledge of the date of birth, a determination made by the animal control officer is conclusively presumed to be correct.

Chapter 6.12 - DOGS AND CATS

Sections:

- 6.12.010 - License—Required.
- 6.12.020 - License—Fee—Information—Transferability.
- 6.12.030 - License—Renewal—Delinquency.
- 6.12.040 - Identification tag—Required—Replacement.
- 6.12.050 - [Seeing-eye dogs/gGuide or Service dogs.](#)
- 6.12.060 - ~~Dog~~vVaccination—Required—Certificate—Exceptions.
- 6.12.070 - Business of breeding or raising.
- 6.12.080 - Removal of collar or tag.
- 6.12.090 - Dogs and cats in food establishments.
- 6.12.100 - Police dog mistreatment.
- 6.12.110 - Animal noise.
- 6.12.120 - Animals at large.
- 6.12.130 - Rabies danger.
- 6.12.140 - Bites.

6.12.010 - License—Required.

- A. It is unlawful for any person to harbor, keep or have any dog or cat in excess of four months of age within the city unless the person owning or having custody or control of the dog or cat shall have secured a license to keep the dog or cat, obtained by licensing the dog or cat pursuant to this chapter.
- B. For the purposes of this chapter, a dog or cat is not licensed until all applicable fees are paid, all required vaccinations are obtained and the license is issued to the owner or person having custody or control of such dog or cat.
- C. Notwithstanding any other provision of this code, no impounded dog or cat may be adopted until such dog or cat has been licensed pursuant to this chapter.

6.12.020 - License—Fee—Information—Transferability.

- A. The license required by Section 6.12.010 of this code shall be obtained in the following manner:
1. The owner or person having custody or control of a dog or cat as described in Section 6.12.010 shall pay to the ~~director of finance~~ Animal Shelter a license fee as may be fixed and set by resolution of the city council;
 2. The owner or person having custody or control of a dog or cat as described in Section 6.12.010 shall furnish to the ~~director of finance~~ Animal Shelter a description of the dog or cat sufficient for identification, which description shall be entered in a record kept by the ~~director of finance~~ Animal Shelter for that purpose;
 3. The owner or person having custody or control over the dog or cat shall have complied with Section 6.12.060 of this code.
- B. Once the owner or person having custody of a dog or cat as described in Section 6.12.010 has complied with subsection A of this section, the ~~director of finance~~ Animal Shelter shall then issue to that person a license to keep a dog or cat and an identification tag having a number corresponding with the license number of the dog or cat. The owner or person having custody of the licensed dog or cat shall preserve said license and shall, upon demand of the animal control officer, an assistant animal control officer or a police officer, show such license.
- C. The license to keep a dog or cat shall not be transferable from one dog or cat to another nor on change of ownership.
- ~~D. If you move to a different address you must~~The owner or person having custody or control of a dog or cat shall notify the Animal Shelter within 30 days ~~to~~ of a change ~~the~~ in address for the license when a dog or cat has been moved to a different address.

6.12.030 - License—Renewal—Delinquency.

- A. All dogs and cats in excess of four months of age must be licensed within thirty days of the date such dog or cat came into the custody of a person residing in the city. Failure to so obtain a license shall be a violation of this chapter.
- B. Dog license issuance is accomplished by paying the applicable license fee and by obtaining any vaccinations required by Section 6.12.060 of this code. Upon tendering said fee and a valid vaccination certificate as required by Section 6.12.060 of this code, the city shall issue the license. Said license shall expire one year following its date of issuance. Said license may be renewed in the same manner as it was issued.
- C. Cat license issuance is accomplished by paying the applicable license fee. Cat licenses are issued on an annual basis and expire one year following the date of issuance. Said license may be renewed in the same manner as it was issued.
- D. Notwithstanding any other provision of this chapter, the expiration date of a license obtained pursuant to this chapter may be extended for up to three years, in increments of one year, from its date of issuance. The expiration date extension is accomplished by tendering the license fee for the desired additional years at the time of issuance of the

standard license and a valid vaccination certificate as required by Section 6.12.060 of this code.

- E. Dog and cat licenses must be renewed on or before the date of expiration. Failure to timely renew any dog or cat license shall constitute a violation of this chapter.
- F. The failure to timely renew any license required by this title shall cause any applicable license fees to become delinquent, and a charge in an amount to fixed by resolution of the city council shall be added to the regular license fee. The regular license fee and all accrued charges must be paid before the license may be issued. This section is intended to supplement rather than supplant any other remedy available either under state law or this code.

6.12.040 - Identification tag—Required—Replacement.

- A. Every licensed dog and cat shall be ~~provided~~maintained by the owner or person having custody or control ~~thereof~~ with a suitable collar or other device to which shall be attached the identification tag issued by the ~~director of finance~~ Animal Shelter. Every dog and cat not licensed or not ~~provided~~maintained with such collar or other device and identification tag found upon any streets, alleys, lanes, courts or other public places in the city, or upon private property, whether leashed or unleashed, whether or not it is in any manner under the control of any person may be taken into custody by the animal control officer or a police officer and lodged in the public ~~pound~~ Animal Shelter and a citation for violation of this chapter may be issued to the owner or person having custody of said dog or cat.
- B. Lost identification tags may be replaced by surrendering to the ~~director of finance~~ Animal Shelter the license to keep a dog or cat issued at the time the lost identification tag was procured, and by paying to the ~~director of finance~~ Animal Shelter a fee as may be fixed by resolution of the city council. After complying with the provisions of this section, the ~~director of finance~~ Animal Shelter will again license the dog or cat, issue a new license to keep a dog or cat, and new identification tag. The ~~director of finance~~ Animal Shelter shall attach the surrendered license to the city's copy of the new license, to substantiate the fee collected and verify the transaction.
- C. It is unlawful for any person to use any identification tag on any dog or cat other than that for which it was specifically issued.

6.12.050 - ~~Seeing-eye dogs/g~~Guide or Service dogs.

~~Seeing-eye or g~~Guide or service dogs are those dogs which have been especially trained to lead and aid ~~the blind or deaf~~persons with disabilities recognized within the State of California. Any ~~blind or deaf person~~disabled or impaired person having custody of such a dog may keep and harbor the dog within the city by obtaining a license to keep a dog, ~~from the director of finance~~, and may lawfully take the dog into any food establishment within the city. There will be no fee charged for such dogs upon proof of anti-rabies vaccination.

6.12.060 - ~~Dog~~Vaccination—Required—Certificate—Exceptions.

- A. The person owning or having custody or control of a dog or cat over the age of four months shall at such intervals of time as may be prescribed by the State Department of Public Health, procure its vaccination by a licensed veterinarian with the canine anti-rabies vaccine approved by and in a manner prescribed by the State Department of Public Health.

- B. No license to keep a dog or cat shall be issued for any dog or cat, which has attained the age of four months or over, unless a valid, official certificate of vaccination with ~~canine~~ anti-rabies vaccine is presented with the specified license fee. Such certificate of vaccination, signed by a licensed veterinarian, shall indicate the date of vaccination and the type of vaccine used. The certificate shall be accepted as valid if the certificate ~~will expire on or after July 1st of the year~~ does not expire within a six month period for which the license is to be issued. ~~The certificate shall be accepted as valid if by its terms the certificate expires less than six months prior to the expiration date of the license being issued.~~
- C. The provisions of Section 6.12.060 (A) and (B) shall not apply when the person owning or having custody or control of the dog or cat presents to the ~~director of finance~~ Animal Shelter a certificate from a licensed veterinarian certifying that the dog or cat cannot be vaccinated as required by this code without causing physical injury or the death of the dog or cat.

6.12.070 - Business of breeding or raising.

~~Any person who is engaged in the business of breeding or raising dogs or cats shall obtain a business tax certificate and pay a tax as set by resolution of the city council. Said person shall be exempt from the requirement of paying license fees for each dog or cat kept in the establishment. No such dog or cat may be permitted to be in the city contrary to the provisions of this code.~~

- A. Any person who is engaged in the business of breeding or raising dogs or cats that produce offspring for sale or transfer ("Breeder") shall obtain a business tax certificate and pay a tax as set by resolution of the city council, subject to the requirements and exemptions set forth in Title 3 Revenue & Tax of the Lodi Municipal Code.
- B. Any Breeder shall be allowed the whelping of up to two litters for each breeding animal (dog or cat) within any twelve month period. A litter is the offspring produced at one birth of a dog or cat from the same mother.
- C. At no time shall the Breeder be allowed to maintain more than four breeding animals of any variety (dogs or cats) within any business or household.
- D. No puppies or kittens may be sold, adopted, bartered, gifted or otherwise transferred, until it has reached the age of at least eight weeks, unless the transfer of a puppy or kitten less than eight weeks old is authorized in writing by a licensed California veterinarian in accordance with State law.
- E. The Breeder selling or otherwise transferring a dog or cat, shall maintain written records for each dog or cat for a period of three years including a bill of sale with the name, address and telephone number of the animal's new owner.
- F. Breeders are subject to reasonable inspections of the premises to ensure that state health or safety laws and city ordinances relating to the keeping and care of animals are met.

6.12.080 - Removal of collar or tag.

It is unlawful for any unauthorized person to remove from any dog or cat any collar, harness or other device to which is attached an identification tag for the current year or to remove such tag therefrom.

6.12.090 - Dogs and cats in food establishments.

No person shall allow, permit or take any dog or cat, whether loose, on leash or in arms, into any restaurant, grocery store, meat market, convenience store, fruit store or food establishment of any kind in the city, except ~~seeing-eye~~/guide or service dogs, as defined in this chapter.

6.12.100 - Police dog mistreatment.

No person shall wilfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department or parks and recreation department of the city in the performance of the functions of such departments, or interfere or meddle with any such dog while being used by such departments or any member thereof in the performance of any of the functions or duties of such departments or of such officers or members. A violation of this section constitutes a misdemeanor.

6.12.110 - Animal noise.

No person shall keep or permit to remain in any premises within the city any animal which continuously and incessantly produces noise at any time during the day or night to the disturbance of any other person. "Continuous and incessant noise" means producing noise for an aggregate period of ten minutes or more duration during any one-hour period which disturbs the peace of another person, including barking, howling, crying, baying, squealing or making any other noise, provided that at the time of the complaint, no person or persons were trespassing or threatening to trespass upon the private property of the owner or person in custody or control of the animal, or the animal was not being teased or provoked in any manner.

6.12.120 - Animals at large.

- A. No person owning any dog or other domesticated animal as defined herein or having the care, custody, control or possession of any such animal shall, except as provided in Section 12.12.020(B) of this code, suffer, allow or permit such animal to run, be or remain at large on any public street, road, alley, park, square or other public place, or upon any private property other than the property of the owner or custodian of such animal without the consent of the owner of such property within the corporate limits of the city. Except as provided in subsection C of this section, all animals are "running at large" within the meaning of this section unless tied, restrained by chain, strap or cord not exceeding six feet in length attached to their collars and actually held by some person or tied or restrained in an automobile or other vehicle, or unless staked or fastened or kept securely in an enclosure upon the property of the owner or person in control of said dog. A dog is not "kept securely in an enclosure" within the meaning of this section when said dog has exhibited the ability to escape from that enclosure.
- B. No person shall permit a female dog or cat during the period when the dog or cat is in heat or breeding condition, to be outside a house, garage, building, closed structure or secure enclosure except for purpose of exercising and while under strict control of the owner.

C. No person owning or having the care, custody, control or possession of any cat shall suffer, allow or permit such cat to run at large beyond the boundaries of the property upon or within which such cat is kept. ~~All cats are "running at large" within the meaning of this section unless within the immediate presence, control or supervision of the person owning, or having the care, custody, control or possession of said cat.~~

D. When not in an enclosed area on the owner's property, any dog or other domesticated animal must be in immediate presence, control or supervision of the person owning, or having the care, custody or possession of said animal or be restrained.

6.12.130 - Rabies danger.

Whenever any cases of rabies exist in the city or in the vicinity of the city, the chief of police is authorized to publish an order requiring every person owning or having possession of any dog or cat to keep it confined upon private premises or else keep it effectively muzzled to prevent biting. When the period of danger from rabies has terminated, in the opinion of the chief of police, he or she shall publish a notice terminating the order. During the period between the published notice and the termination of such order, it is unlawful for any person owning or having possession of any dog or cat to allow it to be so unconfined or unmuzzled, and every unmuzzled dog or cat not so confined during such period shall be taken by the animal control officer and impounded in the public pound. The notices referred to in this section shall be published by posting in at least three public places in the city and by one or more publications in a newspaper published and circulated within the city.

6.12.140 - Bites.

In the event that any dog or cat is impounded upon complaint of any person asserting that such dog or cat has bitten some person, the animal control officer may impound and keep such dog or cat safely segregated during a period of at least ten days for observation for rabies, and following such period of observation, if it is found that the dog or cat does not have rabies, and if it is licensed and otherwise eligible to be returned, it shall be returned to the owner upon payment of impound fees and feeding charges. If the dog or cat is found to have rabies, it shall be forthwith destroyed by the animal control officer. In the event of any statute taking precedence over the provisions of this title with respect to the impounding or regulating of dogs or cats suspected of having rabies or otherwise regulating dogs or animals, then to the extent that such statutes conflict with the provisions of this title, the provisions of this title shall be suspended during such period of conflict.

Chapter 6.14 - KEEPING AND SANITATION

Sections:

6.14.010 - Property damage—Personal injury.

~~6.14.020 - Vicious behavior prohibited.~~

~~6.14.030 - Vicious dog abatement hearing procedure.~~

6.14.0420 - Sanitation of premises.

6.14.0530 - Removal of animal waste.

6.14.0640 - Dead animals.

6.14.010 - Property damage—Personal injury.

A. Every animal which has injured any person, other than a trespasser or the person owning or having the possession thereof, and every animal which has damaged the property of any person other than the person owning or having the possession of such animal, may be

taken by the animal control officer and impounded provided the violation took place in the presence of said animal control officer or any regular member of the city police department.

- B. Before any animal may be picked up and impounded by the animal control officer for a violation of this section which has been committed outside of the presence of the animal control officer or of a regular member of the city police department, the person complaining against such violation shall be required to file a written complaint, setting forth the details with respect to the injury or damage asserted to have been committed and identifying the animal which has committed the injury or damage. In the event that the facts and circumstances of any case warrant, in the opinion of the chief of police, an arrest of the person owning or having possession of the animal, then the person complaining may also be required to sign a complaint to cause the arrest.

~~6.14.020 – Vicious behavior prohibited.~~

- ~~A. It is unlawful for any person owning, possessing, controlling, harboring or keeping any dog or puppy to cause or permit said animal to exhibit or engage in vicious behavior. "Vicious behavior" means any of the following:~~

- ~~1. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully;~~
- ~~2. An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully;~~
- ~~3. An attack on another animal, livestock or poultry which occurs on property other than that of the owner of the attacking dog;~~
- ~~4. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.~~

- ~~B. For the purpose of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of the owner or possessor of the animal when he or she is on such property in the performance of a duty imposed by the law of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on such property by invitation, either expressed or implied.~~

- ~~C. This section shall not apply to any dog assisting a peace officer or park ranger engaged in law enforcement duties.~~

~~6.14.030 – Vicious dog abatement hearing procedure.~~

~~Purpose and Intent. Within the city there are vicious dogs which constitute a public nuisance which should be abated. The provisions of this section provide an administrative procedure by which dogs found to be a nuisance may be abated following a hearing at which oral and documentary evidence is considered. This section is intended to supplement rather than supplant any other remedy available either under state law or this code.~~

- ~~A. Vicious Dog Defined. Any dog, except one assisting a peace officer or park ranger engaged in law enforcement duties, which demonstrates any of the following behavior, is presumed vicious:~~

- ~~1. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully;~~
- ~~2. An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully;~~
- ~~3. An attack on another animal, livestock or poultry which occurs on property other than that of the owner of the attacking dog;~~
- ~~4. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.~~

~~B. For the purposes of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of an owner or possessor of the dog when he or she is on such property in the performance of any duty imposed on such person by state or local law or by the laws or postal regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied.~~

~~C. Investigation. Any incident reported to the Lodi police department concerning a vicious dog may be investigated by the police chief, or his designee. The investigation may consist of the observations and/or reports of officers made at the time of the incident, or follow-up reports. If, based on the investigation, the police chief or his designee, concludes that there is probable cause to believe that the dog is vicious, he shall so certify in writing within ten working days following completion of the investigation to the person owning or controlling the dog. Thereafter a hearing may be held pursuant to subsections E, F and G of this section.~~

~~D. Confinement of Dog. If the police chief or his designee, certifies that there is probable cause to believe that a dog is vicious and a risk to public safety, he may direct any animal control officer, police officer or other authorized employee of the city to enter the yard of any private residence or business in order to seize any such dog, whether running at large or not, and confine the dog at an appropriate animal shelter pending the decision of the city manager or his designee, following the hearing provided for in subsections E, F and G of this section. The cost of said confinement shall be paid by the person owning or controlling such dog. The dog shall not be released until such costs have been paid in full.~~

~~E. Hearing—Schedule. A hearing date shall be set not later than fifteen working days from the date of certification. The city manager, or the appointed hearing officer, shall mail or otherwise deliver to the owner or person controlling the dog and other interested persons, which may include but is not necessarily limited to, properties within three hundred feet of the address of the owner or person controlling the dog, at least five working days prior to the date set for hearing, a notice in substantially the following form:~~

~~NOTICE OF HEARING REGARDING VICIOUS DOG~~

~~TO: (name);
—(address)—~~

~~NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 6.14.030 of the Lodi Municipal Code, the Police Chief has certified that there is probable cause to believe a dog owned or controlled by you, a (breed), is vicious.~~

FURTHER NOTICE IS HEREBY GIVEN that on _____ the _____ day of _____, 19_____, at the hour of _____ o'clock, in the offices of the City Manager, City Hall, 221 West Pine Street, Lodi, California, the report of the Police Chief or his designee, will be considered by the City Manager or an appointed hearing officer with such other oral and documentary evidence bearing upon the question of whether your dog is vicious. You may appear and may present evidence at the hearing. You may also be represented by an attorney. If you fail to appear without giving notice to the City Manager, the matter may proceed in your absence and such absence may be further considered a waiver of your right to present evidence and object to any decision made.

In the event your dog is found to be vicious, it will be ordered to be controlled, confined, destroyed, restricted, or otherwise abated as a public nuisance and any impoundment cost incurred shall be assessed against you.

A copy of this notice has been sent to property owners within three hundred (300) feet of your address.

Dated: _____

City Manager

F. ~~Hearing Procedure.~~ At the hearing, which may be continued from time to time, both oral and documentary evidence may be taken from any interested person and considered in determining whether the dog is vicious. Any owner who fails to appear after notice as provided herein was given, without obtaining a continuance from the city manager or an appointed hearing officer, may be deemed to have waived any right to introduce evidence or object to an order made by the city manager. If the hearing is conducted by a hearing officer other than the city manager, the hearing officer shall submit a report to the city manager summarizing the evidence and making a recommendation as to disposition.

G. ~~Hearing Findings Public Nuisance.~~ If, based upon the hearing, and the report of the hearing officer, if any, the city manager upholds the findings of the police chief or his designee, that the dog is vicious, the city manager shall so specify in writing together with the reasons therefor. Any dog found to be vicious is deemed a public nuisance and shall be, pursuant to the order of the city manager, humanely destroyed, be removed from the city, or the nuisance otherwise abated by appropriate order of the city manager including, but not limited to, confinement, fencing, muzzling or leashing. The decision of the city manager shall be made within ten working days after the conclusion of the hearing and shall be final. A copy of the decision shall be sent by certified mail or personally served upon the person owning or controlling the dog.

H. ~~Cost of Impoundment.~~ If the city manager finds the dog is vicious, the costs of impoundment incurred by the city, including any abatement period, shall be paid by the owner or the person controlling the dog and may become a lien against the real property upon which the dog was kept and maintained until said lien is paid. If the order includes the release of a dog found to be vicious to the owner or person controlling it, the dog shall not be released until such costs have been paid in full. If such costs have not been paid within thirty calendar days after the date of mailing or delivery of the order, the city manager may dispose of the dog in any manner provided by law, or return the dog and pursue alternative collection procedures. The total amount of the impoundment charges may be entered on the next fiscal year tax roll as a lien against the property upon which the dog was maintained and shall be subject to the same penalties as are provided for other delinquent taxes, liens or assessments of the city,

~~or an action may be brought in the name of the city to recover the costs of impoundment.~~

~~I. Criminal Sanctions. The first violation of any order issued pursuant to subsection G of this section shall constitute an infraction. The second and any further violations within twenty-four months of the order shall be misdemeanors.~~

| 6.14.04~~20~~ - Sanitation of premises.

- A. It is unlawful for any person, at any time, to maintain any lot or other premises, or any portion thereof in the city, upon which an animal is kept, in an unsanitary condition. No person shall maintain any such lot or premises, or portion thereof upon which an animal is kept, in such condition as to be infested with flies or insects or to create any noxious or offensive odors.
- B. It is unlawful for any person owning or having charge, care, control or custody of any animal to allow animal waste or fecal matter produced by said animal to accumulate or remain on the ground or about the premises or property for more than three days without said animal waste or fecal matter being placed in an airtight bag or other container and removed from the property within seven days.
- C. Notwithstanding the above, any person owning or having charge, care, control or custody of any animal shall at all times prevent urine and/or feces odors of said animal's waste from hindering, hampering, impeding, interfering with, infringing upon, or detracting from another person's enjoyment of their real or personal property.

| 6.14.05~~30~~ - Removal of animal waste.

- A. It is unlawful for the owner or any person having custody of any dog, cat or other domesticated animal, referred to as "animal" in this section, to fail to immediately remove and dispose of any feces deposited by the animal on either public property or on private property not under the control of such person. Disposal shall be by placing the feces in a closed or sealed container and depositing the container in a trash receptacle.
- B. Persons having custody or control of such animals in a public place or private property not under such person's control shall have in their possession a suitable wrapper, bag or container for the purpose of complying with this section's requirements. Failure to have the wrapper, bag or container while with the animal in such designated places shall constitute a violation of this section.
- C. This section shall not apply to a ~~sightless~~physically disabled person who has custody or control of a guide or service dog.
- D. A violation of this section is an infraction, ~~punishable by:~~
 - ~~1. A fine not to exceed twenty-five dollars for the first violation; and~~
 - ~~2. A fine not to exceed one hundred dollars for the second violation and each subsequent violation within one year.~~

6.14.0640 - Dead animals.

The animal control officer shall remove and dispose of all dead dogs, cats and other animals found on any street or other public place.

Chapter 6.15 – VICIOUS / POTENTIALLY DANGEROUS DOGS

6.15.010 - Definitions

6.145.020 - Vicious behavior prohibited.

6.145.030 - Vicious dog abatement hearing procedure.

6.15.040 - Time limit to meet requirements

6.15.050 – Insurance requirements for vicious or potentially dangerous dogs

6.15.060 – Unlawful to own, harbor or keep a dog ~~Founddetermined by Another Jurisdiction to~~ be vicious —or potentially dangerous

6.15.070 - Muzzling of a vicious or potentially dangerous dog.

6.15.080 - Civil penalties for violations of provisions regulating vicious or potentially dangerous dogs

6.15.090 - Notice of escape or disposal of vicious or potentially dangerous dogs

6.15.100 - Sterilization requirement and microchip for vicious or potentially dangerous dogs

6.15.110 – Penalties for willful violation of ~~Provisions Regulating~~ regulations for vicious and potentially dangerous dogs

6.15.120 – Exemption for police dogs

6.15.010 - Definitions

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used in this chapter are defined as follows:

“Animal section” means that section of the Lodi Police Department designated by the Chief of Police as being responsible for animal control and/or services within the City.

“Enclosure” means a fence or structure suitable to prevent the entry of young children, and which is suitable to confine a potentially dangerous dog or vicious dog. The enclosure shall be securely locked, shall have secure sides and bottom sufficient to prevent the dog from escaping, and shall be of sufficient size to provide the dog with an adequate exercise area. A top may be required for the enclosure if necessary to assure the dog’s containment.

“Impoundment” means the taking into custody of an animal by a Police Officer or an Animal Services Officer.

“Muzzle” means a device that is placed over the snout of an animal to keep it from biting. A muzzle is primarily solid with air holes to allow the animal to breathe and drink usually made in leather, wire, plastic, nylon or similar materials.

“Potentially dangerous dog” means:

1. Any dog which, when unprovoked, on two (2) separate occasions within the prior 36-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog; or

~~2. Any dog which, when unprovoked, bites a person causing a transitory or short-lived bodily distress or incapacity without need for multiple sutures or corrective or cosmetic surgery; or causing a less severe injury defined by State law as any physical injury that results in muscle tears, disfiguring, lacerations, or requires multiple sutures, corrective or cosmetic surgery.~~

~~3. Any dog which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a guide dog for the blind, a service dog for the disabled, or a hearing dog for the deaf while off the property of the owner or keeper of the dog; or~~

~~4.3. Any dog which, when unprovoked on two separate occasions within the prior thirty-six month period, has killed, seriously bitten, inflicted injury, or otherwise caused injury while attacking a domestic animal off the property of the owner or keeper of the dog.~~

~~“Severe injury” means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.~~

~~“Unprovoked” means without being intentionally incited to aggressive action.~~

~~“Vicious dog” means:~~

~~1. Any dog which, when unprovoked, attacks any person, requiring that person to take defensive action to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully;~~

~~2. Any dog which causes property damage or injury to a person when such a person is conducting himself or herself peacefully and lawfully;~~

~~3. Any dog that attacks another animal on property other than that of the owner of the attacking dog;~~

~~1. Any dog which has been trained to fight or which is owned or maintained for this purpose; or~~

~~4.2. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being; exhibits behavior that constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.~~

~~5.3. Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in the definition of potentially dangerous dog or is maintained in violation of the requirements of a potentially dangerous dog.; or~~

6.145.020 - Vicious behavior prohibited.

A. It is unlawful for any person owning, possessing, controlling, harboring or keeping any dog or puppy to cause or permit said animal to exhibit or engage in vicious behavior as defined in this Section. "Vicious behavior" means any of the following:

~~1. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully;~~

- ~~2. An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully;~~
- ~~3. An attack on another animal, ~~livestock or poultry~~ which occurs on property other than that of the owner of the attacking dog;~~
- ~~4. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.~~

~~B. For the purpose of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of the owner or possessor of the animal when he or she is on such property in the performance of a duty imposed by the law of this state or any city or county, or by the laws or postal regulations of the United States, or when he or she is on such property by invitation, either expressed or implied.~~

~~CB.~~ This section shall not apply to any dog assisting a peace officer or park ranger engaged in law enforcement duties.

6.44515.030 - Vicious dog abatement hearing procedure.

Purpose and Intent. Within the city there are vicious dogs which constitute a public nuisance which should be abated. The provisions of this section provide an administrative procedure by which dogs found to be a nuisance may be abated following a hearing at which oral and documentary evidence is considered. This section is intended to supplement rather than supplant any other remedy available either under state law or this code.

A. Vicious Dog Defined. Any dog, except one assisting a peace officer or park ranger engaged in law enforcement duties, which demonstrates any of the following behavior as described in Section 6.15 as set forth herein, is presumed vicious.:

- ~~1. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully;~~
- ~~2. An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully;~~
- ~~3. An attack on another animal, ~~livestock or poultry~~ which occurs on property other than that of the owner of the attacking dog;~~
- ~~4. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.~~

~~B. For the purposes of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of an owner or possessor of the dog when he or she is on such property in the performance of any duty imposed on such person by state or local law or by the laws or postal regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied.~~

~~CB.~~ Investigation. Any incident reported to the Lodi police department concerning a vicious dog may be investigated by the police chief, or his designee. The investigation may consist of the observations and/or reports of officers made at the time of the incident, or follow-up reports. If, based on the investigation, the police chief or his designee,

concludes that there is probable cause to believe that the dog is vicious, he shall so certify in writing within ten working days following completion of the investigation to the person owning or controlling the dog. Thereafter a hearing may be held pursuant to subsections ED, FE and GE of this section.

DC. Confinement of Dog. If the police chief or his designee, certifies that there is probable cause to believe that a dog is vicious and a risk to public safety, he may direct any animal control officer, police officer or other authorized employee of the city to enter the yard of any private residence or business in order to seize any such dog, whether running at large or not, and confine the dog at an appropriate animal shelter pending the decision of the city manager or his designee, following the hearing provided for in subsections ED, FE and GE of this section. The cost of said confinement shall be paid by the person owning or controlling such dog. The dog shall not be released until such costs have been paid in full.

ED. Hearing—Schedule. A hearing date shall be set not later than fifteen working days from the date of certification. The city manager, or the appointed hearing officer, shall mail or otherwise deliver to the owner or person controlling the dog and other interested persons, which may include but is not necessarily limited to, properties within three hundred feet of the address of the owner or person controlling the dog, at least five working days prior to the date set for hearing, a notice in substantially the following form:

NOTICE OF HEARING REGARDING VICIOUS DOG

TO: (name);
(address) .

NOTICE IS HEREBY GIVEN that pursuant to the provisions of [Section 6.44515.030](#) of the Lodi Municipal Code, the Police Chief has certified that there is probable cause to believe a dog owned or controlled by you, a (breed) , is vicious.

FURTHER NOTICE IS HEREBY GIVEN that on _____ the _____ day of _____, 19_____, at the hour of _____ o'clock, in the offices of the City Manager, City Hall, 221 West Pine Street, Lodi, California, the report of the Police Chief or his designee, will be considered by the City Manager or an appointed hearing officer with such other oral and documentary evidence bearing upon the question of whether your dog is vicious. You may appear and may present evidence at the hearing. You may also be represented by an attorney. If you fail to appear without giving notice to the City Manager, the matter may proceed in your absence and such absence may be further considered a waiver of your right to present evidence and object to any decision made.

In the event your dog is found to be vicious, it will be ordered to be controlled, confined, destroyed, restricted, or otherwise abated as a public nuisance and any impoundment cost incurred shall be assessed against you.

A copy of this notice has been sent to property owners within three hundred (300) feet of your address.

Dated: _____

City Manager

FE. Hearing—Procedure. At the hearing, which may be continued from time to time, both oral and documentary evidence may be taken from any interested person and considered in determining whether the dog is vicious. Any owner who fails to appear after notice as provided herein was given, without obtaining a continuance from the city

manager or an appointed hearing officer, may be deemed to have waived any right to introduce evidence or object to an order made by the city manager. If the hearing is conducted by a hearing officer other than the city manager, the hearing officer shall submit a report to the city manager summarizing the evidence and making a recommendation as to disposition.

~~GF.~~ Hearing—Findings—Public Nuisance. If, based upon the hearing, and the report of the hearing officer, if any, the city manager upholds the findings of the police chief or his designee, that the dog is vicious, the city manager shall so specify in writing together with the reasons therefor. Any dog found to be vicious is deemed a public nuisance and shall be, pursuant to the order of the city manager, humanely destroyed, be removed from the city, or the nuisance otherwise abated by appropriate order of the city manager ~~including, but not limited to, confinement, fencing, muzzling or leashing.~~ The decision of the city manager shall be made within ten working days after the conclusion of the hearing and shall be final. A copy of the decision shall be sent by certified mail or personally served upon the person owning or controlling the dog.

~~HG.~~ Cost of Impoundment. If the city manager finds the dog is vicious, the costs of impoundment incurred by the city, including any abatement period, shall be paid by the owner or the person controlling the dog and may become a lien against the real property upon which the dog was kept and maintained until said lien is paid. If the order includes the release of a dog found to be vicious to the owner or person controlling it, the dog shall not be released until such costs have been paid in full. If such costs have not been paid within thirty calendar days after the date of mailing or delivery of the order, the city manager may dispose of the dog in any manner provided by law, or return the dog and pursue alternative collection procedures. The total amount of the impoundment charges may be entered on the next fiscal year tax roll as a lien against the property upon which the dog was maintained and shall be subject to the same penalties as are provided for other delinquent taxes, liens or assessments of the city, or an action may be brought in the name of the city to recover the costs of impoundment.

~~H.~~ Criminal Sanctions. ~~The first violation of any order issued pursuant to subsection G of this section shall constitute an infraction. The second and any further violations within twenty-four months of the order shall be misdemeanors.~~ Any violation of this section is a misdemeanor.

6.15.040 – Time Limit to Meet Requirements

All requirements for owners of a dog determined vicious or potentially dangerous dog must be satisfied within thirty (30) days of notice of determination. Proof of compliance must be provided to Animal Services. If all the requirements are not satisfied within thirty (30) days, or animal owner is unable or unwilling to comply, the dog shall be humanely euthanized either by an Animal Services Officer or by a licensed veterinarian. Proof of euthanasia shall be provided to Animal Services within two (2) days.

6.15.050 – Insurance Requirements for Vicious or Potentially Dangerous Dogs.

The owner or keeper of any dog found determined to be vicious or potentially dangerous under this Chapter or a Court of competent jurisdiction shall present to Animal Services proof that the owner or keeper has procured liability insurance in the amount of at least \$100,000.00. The liability insurance shall cover any damage or injury which may be caused by the vicious or potentially dangerous dog. The liability insurance coverage shall be evidenced by a certificate

issued by the insurer. Liability insurance shall not be cancelled unless the owner or keeper ceases to keep the dog prior to expiration of that license. City to receive notice of the annual renewal and all cancellations.

6.15.060 – Unlawful to Own, Harbor or Keep a Dog Found by Another Jurisdiction to be Vicious or Potentially Dangerous.

No dog, which has been determined to be vicious or potentially dangerous following an administrative hearing or court proceeding by another jurisdiction, will not be allowed to be kept, owned or harbored in the City. A notice by Animal Services to remove any dog owned, harbored or maintained in violation of this section may be appealed to the City Manager or his or her designee by filing a written statement for the appeal within five working days of the receipt of said notice. Decision of the City Manager is final and not subject to an administrative appeal.

6.15.070 - Muzzling of a Vicious or Potentially Dangerous Dog.

In any case where a dog determined to be vicious pursuant to this chapter is outside an enclosure, except in cases where it is inside the dwelling of its owner or keeper, which dwelling is sufficient to contain the dog, or in custody of a veterinarian, the dog shall be securely and humanely muzzled and restrained with a harness and nylon leash sufficient to restrain the dog, having a minimum tensile strength of 300 pounds and not exceeding two (2) feet in length, and shall be under the direct charge and control of its owner or keeper. For the purposes of this section, a dog which is humanely muzzled shall be able to drink, breathe and pant freely.

6.15.080 - Civil penalties for violations of provisions regulating vicious or potentially dangerous dogs.

Any violation of this Chapter involving a vicious or potentially dangerous dog shall be punishable as a misdemeanor per Chapter 1.08 of the Lodi Municipal Code. Such fine may be assessed by City Manager after hearing conducted or by a court of competent jurisdiction and shall be paid to the City to defray the cost of implementation of this Chapter.

6.15.090 - Notice of Escape or Disposal of Vicious or Potentially Dangerous Dogs.

A. The owner or keeper of any dog found to be vicious or potentially dangerous shall notify Animal Services immediately if the dog has attacked another animal, has bitten a human being, has escaped or has died.

~~B. The owner or keeper of a dog found to be vicious or potentially dangerous shall notify Animal Services at least 2 days prior to the dog being transferred, sold or permanently removed from the place where the dog was kept at the time the dog was determined to be vicious or potentially dangerous. The owner or keeper must provide Animal Services with the name, address and telephone number of the new owner of the dog. If the dog dies, or is sold, transferred, or permanently removed from the city or county where the owner or keeper resides, the owner shall notify the animal control department of the changed condition and new location within two working days.~~

6.15.100 - Sterilization requirement and microchip for vicious or potentially dangerous dogs.

The owner or keeper of any dog found to be vicious or potentially dangerous pursuant to this chapter shall, at their expense, have a microchip, assigned by Animal Services, inserted into the dog for identification purposes. The identifying information listed on the microchip shall be noted in the City licensing files for that dog. A dog that has been found to be potentially dangerous or vicious pursuant to this chapter shall be sterilized at the owner's expense.

6.15.110 Penalties for willful violation of provisions regulating vicious and potentially dangerous dogs.

It is a misdemeanor for any owner or keeper of a determined vicious or potentially dangerous dog to intentionally fail to comply with sections, LMC 6.15.090 Notice of escape or disposal of vicious or potentially dangerous dogs, LMC 6.15.050 Insurance requirements for vicious or potentially dangerous dogs, LMC 6.15.100 Sterilization requirement and microchip for vicious or potentially dangerous dogs, and LMC 6.15.070 Muzzling of a vicious or potentially dangerous dog. Conviction shall be punished by a fine of \$1,000.00 and imprisonment in the County Jail not to exceed one year. Upon conviction of misdemeanor, the court shall order the vicious or potentially dangerous dog to be seized and humanely destroyed. Any person convicted for this violation shall be prohibited from owning or keeping any dog within the City for a minimum of 3 years.

6.15.120 - Exemption for police dogs.

This chapter does not apply to any dog owned by a government agency, ~~which~~ when the dog is used in the performance of law enforcement duties.

Chapter 6.16 - PET SHOPS

Sections:

- 6.16.010 - Permit required.
- 6.16.020 - Exemptions—Animal shelters.
- 6.16.030 - Permit—Issuance conditions.
- 6.16.040 - Annual permit fee—Renewal—Delinquency.

6.16.010 - Permit required.

- A. It is unlawful for any person to erect, establish or maintain any pet shop without first obtaining a permit from the director of [finance community development](#).
- B. For purposes of this chapter a "pet shop" means a commercial establishment where live animals are sold or kept for sale or hire.
- C. The permit required by this title is a separate requirement exclusive of any other licenses or permits required by any other provision of this code.

6.16.020 - Exemptions—Animal shelters.

The provisions of this chapter requiring the payment of an annual license fee shall not apply to an animal shelter maintained and operated by a society for the prevention of cruelty to animals duly incorporated under Title 1, Division 2, part 4 of the Corporations Code of the state, or to the city pound.

6.16.030 - Permit—Issuance conditions.

The granting of the permit required by Section 6.16.010 shall be in the discretion of the director of [financecommunity development](#), who shall take into consideration the type of construction to be employed as it relates to sanitation and the manner in which animals are to be housed, and such zoning regulations as may be in effect or adopted from time to time, provided that:

- A. No permit shall be granted for a pet shop that is not in compliance with the zoning ordinance or other federal, state or local law; and
- B. The application for a permit shall show that odor, noise, dust and drainage from the pet shop shall not constitute a nuisance or hazard to the public.

6.16.040 - Annual permit fee—Renewal—Delinquency.

- A. Upon approval of the director of [financecommunity development](#) and subject to the payment of the annual permit fee as set by resolution of the city council, the director of [financecommunity development](#) shall issue to the applicant a permit in such form as he or she may prescribe, and deliver a copy thereof to the applicant.
- B. All permits issued pursuant to this section are issued on a year to year basis and expires on January 31st of the year following the year of issuance. All such permits must be renewed on or before the date of expiration. Permit renewal is accomplished by paying the applicable annual permit fee. Failure to timely renew any permit required under this chapter shall constitute a violation of this chapter.
- C. The failure to timely renew any permit required by this chapter shall cause any applicable permit fees to become delinquent, and a charge in an amount fixed by resolution of the city council shall be added to the regular annual permit fee. The regular annual permit fee and all accrued charges must be paid before the permit may be issued. This section is intended to supplement rather than supplant any other remedy available under state law or this code.

Chapter 6.18 - ENFORCEMENT

Sections:

- 6.18.010 - Powers of animal control officer.
- 6.18.020 - Resisting or obstructing animal control officer.
- 6.18.030 - Violation—Infraction.

6.18.010 - Powers of animal control officer.

The animal control officer shall have the powers of enforcement of the provisions of this title and such state laws and local ordinances as relate to the care and treatment of animals and for the prevention of cruelty thereto. For the purpose of discharging these duties, the animal control officer is authorized and directed, when it is lawful to do so, to enter upon any premises for the inspection or examination thereof or for the performance of any other of his or her official duties thereon; to take up and impound any animal or fowl which may be in the city contrary to any provision of this title; to destroy any animal lawfully impounded, which is by reason of age, disease or other cause, unfit for further use, or is dangerous to keep impounded.

6.18.020 - Resisting or obstructing animal control officer.

It is unlawful for any person to resist or obstruct the animal control officer in any way in the performance of his duties under this title. A violation of this section constitutes a misdemeanor.

6.18.030 - Violation—Infraction.

Except where specifically stated, any violation of this title is an infraction unless the defendant has been convicted of three or more violations of a particular section within the twelve-month period immediately preceding the commission of the offense, and then the violations of this title ~~constitutes~~constitute a misdemeanor.

Chapter 6.20 – FEES

6.20.010- Fees.

The City Council shall establish by Resolution, and from time to time may amend, the fees charged by the Lodi Animal Shelter for the administration of Lodi Municipal Code Title 6 “Animals.”

SECTION 2. No Mandatory Duty Of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. Non-Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall invalidate the entire ordinance. To this end, the provisions of this ordinance are not severable. The City Council hereby declares that it would not have adopted this ordinance if any portion thereof is determined to be invalid.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this _____ day of _____, 2014

PHIL KATZAKIAN
Mayor

Attest:

RANDI JOHL-OLSON, City Clerk

State of California

| County of San Joaquin, ss.

I, Randi Johl-Olson, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held _____, 2014, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2014, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL-OLSON
City Clerk

Approved as to Form:

JANICE D. MAGDICH
City Attorney

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE LODI CITY COUNCIL REPEALING
RESOLUTION 2006-129 RELATING TO ANIMAL SHELTER
FEES; AND APPROVING NEW ALL INCLUSIVE ANIMAL
SHELTER FEE SCHEDULE

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WHEREAS, the Lodi Municipal Code requires the City Council, by Resolution, to set fees for various services provided by the City of Lodi to recover those costs associated with providing specific services and programs; and

WHEREAS, staff recommends repealing Resolution No. 2006-129 relating to Animal Shelter Fees, and further recommends that the City Council approve a new Animal Shelter Fee Schedule, thereby incorporating all fees related to Animal Shelter services into one schedule, as shown on the attached schedule marked Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby repeal Resolution 2006-129 relating to Animal Shelter fees; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby approve and implement the Animal Shelter Fee Schedule as shown on Exhibit A attached hereto and made a part of this Resolution.

FURTHER RESOLVED, that all resolutions or parts of resolutions in conflict herewith are repealed insofar as such conflict may exist.

FURTHER RESOLVED, that this resolution shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect immediately upon its adoption.

Dated: July 16, 2014

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I hereby certify that Resolution No. 2014-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 16, 2014, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL-OLSON
City Clerk

2014-_____

ANIMAL SHELTER FEE SCHEDULE

LICENSING	
Unaltered dogs/cats	\$ 50.00
Altered dogs/cats	\$ 10.00
Unlicensed Animals	\$ 50.00
Expired License	\$ 50.00
License Replacement of Lost Tag, Dog or Cat	\$ 5.00
BOARDING	
Dogs (per day)	\$ 10.00
Cats (per day)	\$ 10.00
DISPOSAL FEE	
Dogs and Cats	\$ 50.00
IMPOUND/FIELD CALL FEE	
Dogs and Cats – 1 st Call	\$ 50.00
Dogs and Cats - 2 nd Call	\$ 100.00
Dogs and Cats - 3 rd Call	\$ 200.00
Dogs and Cats - 4 th Call	\$ 400.00
SPAY/NEUTER DEPOSITS	
Dogs	\$ 75.00
Cats	\$ 75.00
ADOPTION FEE	
Dogs	\$ 15.00
Cats	\$ 15.00
Rabbits	\$ 15.00
VACCINATION/MISC. FEE	
Rabies – Dog or Cat	\$ 12.00
DAPPv Vx-Dog	\$ 8.00
Bordetella Vx-Dog	\$ 8.00
Eclipse 3 Vx-Cat	\$ 8.00
Deworming – Cat or Dog	\$ 10.00
Flea Control	\$ 10.00
Felv/FIV Test – Cat	\$ 20.00
MICRO-CHIP FEE	
Dogs or Cats – on adopted animals only	\$ 25.00
SPAY/NEUTER FEES	
Male Cat – Neuter	\$ 30.00
Female Cat – Spay	\$ 50.00
Male Rabbit – Neuter	\$ 50.00
Female Rabbit – Spay	\$ 100.00
Male Dogs – Neuter – 0-24 lbs.	\$ 50.00
Male Dogs - Neuter – 25-49 lbs.	\$ 65.00
Male Dogs – Neuter – 50+ lbs.	\$ 80.00
Female Dogs – Spay – 0-24 lbs.	\$ 70.00
Female Dogs – Spay – 25-49 lbs.	\$ 85.00
Female Dogs – Spay – 50-74 lbs.	\$ 120.00
Female Dogs – Spay – 75+ lbs.	\$ Per Vet
PERMIT FEE – DOGS DEEMED POTENTIALLY DANGEROUS OR VICIOUS	
Permit Fee	\$150.00

Lodi Municipal Code Title 6- Animals Update



Lodi Municipal Code Title 6- Animals Update

➤ Chapters that will be covered:

- Chapter 6.04- Impoundment
- Chapter 6.08- Prohibited Animals
- Chapter 6.12- Dogs and Cats
- Chapter 6.14- Keeping and Sanitation
- **Chapter 6.15- Vicious/Potentially Dangerous Dogs**
- Chapter 6.16- Pet Shops
- Chapter 6.18- Enforcement
- **Chapter 6.20- Fees**

Lodi Municipal Code Title 6- Animals Update

- Reviewed current Title 6- Animals section and found that it has not been reviewed or updated since 1995.
- Found that the section was in need of language clean up to the existing ordinances.
- Added Chapter 6.15 for enforcement of vicious/potentially dangerous dogs.
- Animal Shelter fees schedule Resolution 2006-129 was adopted with partial shelter fees and present a new Resolution with an all-inclusive fees schedule for adoption.

Lodi Municipal Code Title 6- Animals Update

- Added chapters: 6.15- Vicious/Potentially Dangerous dogs and 6.20- Fees.
 - 6.15 introduced to address dogs deemed vicious/potentially dangerous. Existing sections 6.14 .020 and 6.14.030 did not provide enforcement options and were removed from Title 6.
 - 6.20 introduced to establish the fees charged by the Lodi Animal Shelter for LMC Title 6 “Animals”.

Lodi Municipal Code Title 6- Animals Update

➤ Modifications to the existing code:

- Changed all references in current Title 6 from “Pound” to Animal Shelter and “Director of Finance” to “Animal Shelter”.
- 6.04.020- Impoundment sections- Changed from 72 hours to four business days, not including the day of impound, Sundays, and holidays.

Lodi Municipal Code Title 6- Animals Update

- Updated 6.08 Chapters
- 6.08.010 Definitions
 - A. Domesticated Animals
 - A. 3. Removed turtles, salamanders, newts, and frogs and added lizards.
 - A. 4. Added Rabbits and deleted “Pot Bellied Pigs” sections completely.
 - B. Livestock
 - B. 2. Added Ducks and Roosters
 - C. Wild Animals
 - 1.b. Added “Order Columbidae (such as doves and pigeons) unless registered with a homing pigeon club. State Government Code Section 65852.6.

Lodi Municipal Code Title 6- Animals Update

- Updated 6.12.050- Changed title from “Seeing Eye Dogs” to “Guide or Service Dogs”.
 - Removed the terms “deaf and blind person” and added “disabled or impaired person with disabilities recognized in the State of California”.
- Updated 6.12.060- Vaccination required.
 - Sections A, B, and C adding “cats”, for anti-rabies vaccine.
- Updated 6.12.120- Animals at large.
 - Added section D- “When not in an enclosed area, any dog or other domesticated animal must be in immediate presence, control or supervision of the person owning, or having the care, custody or possession of said animal or be restrained.”

Lodi Municipal Code Title 6- Animals Update

➤ Added chapters:

- 6.15.010 Definitions- Vicious/ Potentially Dangerous
- 6.15.020 Vicious behavior prohibited
- 6.15.030 Vicious dog abatement hearing procedure
- 6.15.040 Time limit to meet requirements
- 6.15.050 Insurance requirements for Vicious or Potentially Dangerous Dogs
- 6.15.060 Unlawful to Own, Harbor or Keep a dog found by another jurisdiction to be vicious or potentially dangerous

Lodi Municipal Code Title 6- Animals Update

- 6.15.070 Muzzling of a vicious or potentially dangerous dog
- 6.15.080 Civil penalties for violations of provisions regulating vicious or potentially dangerous dogs
- 615.090 Notice of Escape or Disposal of Vicious or Potentially Dangerous dogs
- 6.15.100 Sterilization requirement and microchip for vicious or potentially dangerous dogs
- 6.15.110 Penalties for willful violation of provision regulating vicious and potentially dangerous dogs
- 6.15.120 Exemption for police dogs

Lodi Municipal Code Title 6- Animals Update

➤ Added Chapter 6.20.010- Fees

- The City Council shall establish by Resolution, and from time to time may amend, the fees charged by the Lodi Animal Shelter for the administration of Lodi Municipal Code Title 6 “Animals”.

Questions?



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Implementing Recommendations of the Animal Commission as Presented in the Annual Report

MEETING DATE: June 17, 2014

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Adopt resolution implementing recommendations of the Animal Commission as presented in the Annual Report.

BACKGROUND INFORMATION: On March 5, 2014, the City Council provided direction for staff to bring back for City Council action the Animal Commission recommendations provided in the 2012-2013 Annual Report.

The recommendations are as follows:

1. Council to review and approve Barn Cat letter, which will be mailed to wineries and dairies regarding this program. (Letter Attached)
2. Council to modify resolution 2012-210 as follows:
 - a. Modify powers and duties of commission to include: periodic visits to other shelters in the area and make suggestions of procedures that shelters in area have found to be successful.
 - b. Add to powers and duties: Council establish a place holder on the council agenda for the first March council meeting each year.
 - c. Membership: Council to appoint a P.A.L.S. representative to the commission.
 - d. Allow Lodi Animal Advisory Commission to consider two (2) members present as a quorum for discussion purposes.

The draft bylaws (attached) have been amended to incorporate the recommendations listed above.

FISCAL IMPACT: Minimal costs associated with postage for Barn Cat letters and P.A.L.S. will conduct staff work involving the letters.

FUNDING AVAILABLE:

Mark Helms
Chief of Police

APPROVED: _____
Stephen Schwabauer, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Receive the 2012-2013 Annual Report from the Lodi Animal Advisory Commission

MEETING DATE: March 5, 2014

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Receive the combined 2012-2013 Annual Report from the Lodi Animal Advisory Commission.

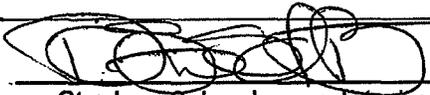
BACKGROUND INFORMATION: The City Council established the Lodi Animal Shelter Advisory Commission in 2008 to advise the City Council regarding matters concerning animal planning and programming. The Lodi Animal Advisory Commission prepared a combined 2012 and 2013 annual report that summarizes the Commission's activities during 2012 and 2013 and provides recommendations to the Council in response to areas the Commission has been asked to examine. A copy of the Commission's report and recommended Barn Cat program letter is attached for Council consideration.

FISCAL IMPACT: There is no fiscal impact associated with receiving the annual report from the Commission. Specific recommendations in the report have a variety of fiscal impacts including staff time and operational costs.

FUNDING AVAILABLE: Not applicable at this time.

Mark Helms
Chief of Police

MH/CJ
Attachments

APPROVED: 
Stephen Schwabauer, Interim City Manager

Lodi Animal Advisory Commission

ANNUAL REPORT 2012-2013

Commission Members:

Linda Castelanelli, Hayim "Hy" Cohen (Chair), Phillip N. Laughlin, John Primasing, and Rebecca Hernandez

Purpose:

To act in advisory capacity to City Council in all matters pertaining to animals; explore short-term and long-term needs of the Lodi Animal Shelter; make periodic inventories of animal services that exist and/or may be needed; aid in coordinating and promoting pet population control measures and explore funding opportunities for programs; and serve as an information and referral source on animals in the community.

2012-2013 Key Animal Shelter Statistics: Fiscal year July 1, 2012 through June 30, 2013

1. (Intake)	Dogs- 909 Cats- 888
2. (Adoptions)	Dogs- 331 Cats-153
3. (Transfers)	Dogs- 93 Cats- 115 *includes PALS and other non-profits
4. (Redeemed)	Dogs- 216 Cats- 24
5. (Euthanized)	Dogs- 254 Cats- 683

2012-2013 Highlights and Accomplishments: The Commission congratulates PALS, LSP, and Lodi Shelter on many accomplishments:

1. Implementing the Barn Cat Program to help save the lives of many feral cats as well as making more space available for adoptable animals.
2. Usage of the sign at the Shelter which makes hundreds of impressions each day throughout the community.
3. Decreasing the total intake of cats. The 2012 total was under 1000, the lowest number in the past ten years.
4. Exemplary implementation of the Community Development Block Grant funds.

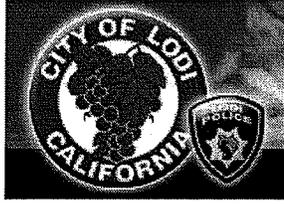
2014 Goals: The Commission expects to address the following in future discussions:

1. Methods of increasing the number of vouchers for spay/neuter participation by locating and seeking additional funding and/or additional partners in the community.
2. Increasing public awareness of the needs of the animal shelter and the support provided by PALS and LSP.
3. Increasing public awareness of the Barn Cat Program focused on local businesses and wineries, increasing public involvement with the Shelter.

4. Increasing private donations and support of the Shelter.

Specific Recommendations for City Council Consideration:

- 1. Council to review and approve Barn Cat letter, which will be mailed wineries and dairies regarding this program. Letter attached to this report.**
- 2. Council to modify resolution 2012-210**
 - a. Modify powers and duties of commission to include: periodic visits to other shelters in the area and make suggestions of procedures that shelters in area have found to be successful.**
 - b. Add to powers and duties: Council establish a place holder on the council agenda for the first March council meeting each year.**
 - c. Membership: Council to appoint a P.A.L.S. representative to the commission.**
 - d. Allow Lodi Animal Advisory Commission to consider two (2) members present as a quorum for discussion purposes.**



Lodi Animal Services

Barn Cat Program

The Lodi Animal Shelter along with Lodi Shelter PALS (People Assisting Lodi Shelter) are starting a new program that we feel can benefit both the Animal Shelter as well as your business.

Feral cats have become a concern of the staff at the shelter. These are wild cats that cannot acclimate to an indoor environment but can live outdoors very comfortably. In an attempt to have feral cats adopted and not euthanized, we are starting a new program called "Barn Cats". This program will provide your business with a feral cat, very effective/ green tool in the control of rodents that are common in large warehouses and surrounding areas. The cost to your business is \$30.00 per feral cat. This would include vaccination and spay or neuter fees. Attached you will find more information about the program.

Please consider this program for your rodent control and help us prevent euthanizing this valuable resource. Thank You in advance for your consideration in this matter.

Jennifer Bender A.S.O

Lodi Police Department
Animal Services Supervisor
1345 W. Kettleman Lane
Lodi, Ca 95242
209-333-6741 Office
209-333-5530 Direct
209-333-5599 Fax

LODI ANIMAL SERVICES

BARN CAT PROGRAM



Lodi Animal Shelter receives numerous cats that cannot live as house pets. These cats are mostly feral or semi-feral cats that cannot acclimate to an indoor environment but can live outdoors comfortably. These cats help control mice, rats, lizards, snakes, gophers, mole, squirrels and other types of animals. They still need to be provided with shelter, dry food and water.

All cats available for adoption through this program are spayed or neutered, are feline and rabies vaccinated and have an ear tipped for identification purposes thanks to donations from PALS (People Assisting Lodi Shelter). The \$ 30.00 adoption fee for a barn cat covers the medical costs.



This is what is needed to provide a proper home for a barn cat:

- **Shelter in a barn, stable area or outdoor buildings**
- **Daily food & water as barn cats can't live on rodents alone**
- **Long term veterinary care**
- **A secure place to house them for 2 weeks while they acclimate to their new environment. This needs to be a secure indoor enclosure where they cannot escape.**

This program is an opportunity to save the lives of feral and semi-feral cats that would otherwise be euthanized. If you are interested in adopting a barn cat through Lodi Animal Shelter you can download a Barn Cat Application from our web site. The application must be completed and approved before an adoption is finalized.

Donations towards this program are greatly appreciated. Donations can be made to PALS- People Assisting Lodi Shelter via their, website at palslodi.org email: pals.lodi@yahoo.com

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AMENDING THE GUIDELINES FOR THE LODI
ANIMAL ADVISORY COMMISSION

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WHEREAS, the City of Lodi has a long-standing history of recognizing the need associated with the pet population in the community; and

WHEREAS, the City Council adopted Resolution No. 2007-161 establishing the Lodi Animal Advisory Commission on August 1, 2007, to review, among other things, responsible pet ownership including benefits of spaying and neutering, proper care and shelter, and general awareness of issues concerning the humane treatment of animals; and

WHEREAS, the following design for the establishment of the Lodi Animal Advisory Commission was created; however, it is recommended that the membership of the Commission be reduced from seven members to five.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby amend the guidelines of the Lodi Animal Advisory Commission as follows:

Recitals

ORGANIZATION:

The Lodi Animal Advisory Commission (hereinafter "Commission") shall organize and adopt administrative rules and procedures consistent with the powers and duties provided to accomplish its purposes. The Chairperson shall appoint such officers or committees as shall be deemed necessary by the Commission.

POWERS AND DUTIES:

1. Act in advisory capacity to the City Council in all matters pertaining to animals and to cooperate and coordinate with other governmental agencies and civic groups in the advancement of sound animal planning and programming;
2. Explore both the short-term and long-term needs of the Lodi Animal Shelter and investigate and make recommendations on possible funding sources to meet identified needs;
3. Make periodic inventories of animal services that exist and/or may be needed and present the same to the City Council;
4. **Make periodic visits to other shelters in the area and make suggestions of procedures that shelters in the area have found to be successful;**
5. Aid in coordinating and promoting pet population control measures through education and development of spay/neuter programs and explore funding opportunities for programs and education regarding the same;
6. Serve as an information and referral source on animals in the community.

MEMBERSHIP:

The Commission shall consist of five (5) members appointed by the Mayor from a list of nominees with the approval of the City Council.

Each member of the Commission shall hold office for a term of three (3) years, except that:

1. The terms of the members first taking office expired as follows, as designated by the Mayor at the time of appointment: two (2) at the end of the first year, two (2) at the end of the second year, and three (3) at the end of the third year; and
2. Current appointees will retain their appointment following adoption of this Resolution; and
3. As terms expire, succeeding appointees shall serve for three (3) years; and
4. Any member appointed to fill the vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

Members of the Commission may consist of individuals representing other non-profit organizations, the veterinarian profession, the business community, and the general citizenry, among others, **including but not limited to, representatives from People Assisting Lodi Shelter (PALS).**

No two voting members of the Commission shall be representatives, employees, and/or officers of the same group, association, corporation, and/or organization.

In addition to the Mayor, the City Manager, and the City Attorney, such other persons may be designated by the Mayor as ex officio members without vote from any department, office, commission, board, employee, or instrumentality of the City of Lodi to aid, assist, and advise the Commission.

For the purposes of discussion only, two (2) members of the Commission shall constitute a quorum. For action purposes, three (3) or more members of the Commission shall be required.

VACANCIES:

If a member of the Commission is absent from three (3) consecutive regular meetings of the Commission without leave of absence from the Commission expressed in its official minutes, such office shall become vacant and shall be so declared by the Mayor. The Commission shall notify the City Clerk's office of such vacancy as soon thereafter its occurrence as practicable.

ANNUAL REPORT:

The Commission shall prepare and submit an annual report to the Commission Liaison for City Council review no later than February 1st of each calendar year. The report shall be considered by the City Council no later than the first meeting in March of each calendar year.

COMPENSATION:

Members of the Commission, the Chairman, and persons appointed to assist the Commission in making its studies shall serve at no salary, but shall be reimbursed for

travel and subsistence expenses incurred in the performance of their official duties while away from the City of Lodi in accordance with the travel allowance policies adopted by the City of Lodi but only to the extent that appropriations for such travel allowance have been approved by the City Council.

STAFF ASSISTANCE:

The Commission is authorized to secure through the City Manager from any department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi suggestions, estimates, and statistics for the purposes of carrying out the provisions of this part and each such department, officer, consultant, commission, board, employee, or other instrumentality of the City of Lodi through the City Manager is authorized and directed to furnish such information, suggestions, estimates, and statistics to the Commission upon request made by the Chairman of the Commission or upon the request of any member or subcommittee of the Commission whatsoever.

MEETINGS; LOCATIONS:

The Commission shall hold bi-monthly meetings on the 2nd Monday of January, March, May, July, September, and November at 6:00 p.m., in the Community Room of the Police Department, located at 215 West Elm Street, Lodi, California 95240. Such meeting shall be open to the public and comply with all applicable provisions of the Ralph M. Brown Act.

AUTHORITY NON-EXCLUSIVE:

Nothing herein in this Part shall be deemed to deprive the City Council or any board, commission, or officer of the City of any power, duty, or function, which such Council, board, commission, or officer may now have or be hereafter granted, it being the intention that the powers and functions hereinabove provided to be exercised by the Commission be non-exclusive. Also, nothing herein contained shall be deemed to require the City Council, or any board, commission, or officer, to refer or submit to the Commission, or to receive from such any report or recommendation respecting any matter hereinabove mentioned in the Part before taking any action or making any decision with respect to such matter, it being the intention of this Part to authorize the performance of certain functions by said Commission and not to deprive the Council or any board, commission, or officer of any power, duty, or privilege, which it now may have or may hereafter be granted.

Dated: June 17, 2014

=====

I hereby certify that Resolution No. 2014-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 17, 2014, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk