

ORDINANCE 1308

AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 5.08 "ANIMALS" OF TITLE 5 "SANITATION AND HEALTH" OF THE TRACY MUNICIPAL CODE TO ADHERE TO CURRENT STANDARDS OF ANIMAL CARE AND PRACTICES AND ESTABLISH NEW OPERATIONAL ADMINISTRATIVE PRACTICES AND PERMITTING REQUIREMENTS

WHEREAS, in 2019, the City of Tracy's Animal Services Unit ("Animal Services") of the Tracy Police Department, City Council, and the public had various discussions to identify specific areas where Animal Services could potentially improve its practices and operations, and

WHEREAS, in response to these discussions, Animal Services consulted with a nationally-accredited animal shelter consultant to address how Animal Services could improve its current standards, practices, and enforcement, and

WHEREAS, Animal Services and the consultant conducted a full review of Chapter 5.08 "Animals" of the Tracy Municipal Code and identified areas where changes could be made to reflect the current terminology that is used and considered humane, and

WHEREAS, changes and updates to Chapter 5.08 "Animals" of the Tracy Municipal Code are necessary to adhere to current standards of animal care and practices, to align with Animal Services' current operations and practices, to facilitate Animal Services' goals, and to comply with state law, and

WHEREAS, the City has an interest in the welfare and treatment of animals within the City.

NOW THEREFORE, the City Council of the City of Tracy does ordain as follows:

SECTION 1: The City Council hereby amends Chapter 5.08 "Animals" of Title 5 "Sanitation and Health" of the Tracy Municipal Code as shown in Exhibit "A" attached hereto.

SECTION 2: If any provision or the application of this Ordinance is for any reason held to be unconstitutional, invalid, or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each subsection or provision of this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 3: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 4: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

* * * * *

The foregoing Ordinance 1308 was introduced at a regular meeting of the Tracy City Council on the 18th day of May, 2021, and finally adopted on the 1st day of June, 2021, by the following vote:

AYES: COUNCIL MEMBERS: ARRIOLA, BEDOLLA, DAVIS, VARGAS, YOUNG

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

SIGNED: Nancy D. Young, Mayor

ATTESTED: Adrienne Richardson, City Clerk

Chapter 5.08 - ANIMALS

Sections:

Article 1. - Dogs

5.08.010 - Unlawful to permit rabid animals to run at large.

It shall be unlawful for any person owning, having an interest in, harboring, or having the care, charge, control, custody, or possession of a dog or other animal, knowing that such dog or animal has rabies, to allow or permit such dog or animal to go free and run at large within the City.

(Prior code § 5-2.101)

5.08.020 - Health Officer to be notified immediately upon suspicion of rabies.

Whenever the owner or person having the custody or possession of any animal shall observe or learn that such animal has shown symptoms of rabies, or has acted in a manner which should lead a reasonable person to suspect that such animal might have rabies, such owner or person having the custody or possession of such animal shall immediately notify the Health Officer or his representatives and shall allow the Health Officer to make an inspection or examination of such animal and to quarantine such animal until it shall be established to the satisfaction of such official that such animal has or does not have rabies.

(Prior code § 5-2.102)

5.08.030 - Quarantine.

Whenever it shall appear to the Health Officer or Animal Services Officer that there is reason to believe that any dog or other animal has rabies, or has been exposed to rabies, the Health Officer or Animal Services Officer shall make an inspection and examination of such animal and shall quarantine such animal until it shall be established to the satisfaction of such official that such animal has or does not have rabies.

(Prior code § 5-2.103)

5.08.040 - Quarantine required.

Whenever it is shown that any dog or cat has bitten any person, the owner or person having the custody or possession thereof, upon an order of the Health Officer or Animal Services Officer, shall quarantine such animal and keep it confined for a period of ten (10) days and shall allow the Health Officer or Animal Services Officer to make inspections or examinations of such animal at any time during such period. The Animal Services Officer has the discretion to determine the location of where such quarantine will take place.

(Ord. 1120 § 1, 2008: Ord. 1040 § 5 Exh. E (part), 2002: prior code § 5-2.104)

5.08.050 - Disposition of rabid dogs.

If it shall appear to the Health Officer or Animal Services Officer, upon examination, that a dog or other animal has rabies, the officer shall humanely euthanize such dog or other animal forthwith.

(Ord. 1120 § 2, 2008: prior code § 5-2.105)

5.08.060 - Quarantine of animals biting another animal.

Whenever any animal shall be bitten by another animal with rabies or that potentially has rabies, the owner or person having the custody or possession of the animal so bitten, upon being informed thereof, shall either humanely euthanize such animal or quarantine it and keep it confined for a period of six (6) months, and the Health Officer or Animal Services Officer shall have the power, in his or her discretion, to humanely euthanize or quarantine the animal so bitten in the event the owner or person having the custody or possession thereof shall fail to do so immediately or in the event the owner or person having the custody or possession thereof is not readily accessible.

(Prior code § 5-2.106)

5.08.070 - Transporting dogs to or from cities or counties in which there is or has been rabies.

No person shall take a dog or permit or encourage a dog to go from a City or town in which rabies exists, or has existed, within six (6) months previously, or from any place in the County within five (5) miles of which rabies exists or has existed within six (6) months previously, to any county in which rabies does not exist or has not been known to be present within six (6) months.

(Prior code § 5-2.107)

5.08.080 - Transporting dogs from rabies areas.

No person shall bring a dog into the City from a county in which rabies is present or has been known to be present within six (6) months.

(Prior code § 5-2.108)

5.08.090 - Entering upon premises.

- (a) The Animal Services Officer is authorized to enter upon any land or premises where any animal is kept for the purposes of taking up, seizing, or impounding any animal running at large, staked, herded, or grazing thereon contrary to the provisions of this chapter or for the purpose of ascertaining whether any law of the County or State relating to the care, treatment, or impounding of any animal or whether any provision of this chapter is being violated.
- (b) The Animal Services Officer is authorized to enter upon any land or premises for the purpose of apprehending and impounding a vicious dog or other animal that constitutes a threat or hazard to the safety of any person.

(Prior code § 5-2.109)

5.08.100 - Vicious or dangerous animals.

(Repealed by Ord. 1074 § 1, 2005. For present provisions concerning potentially vicious or dangerous animals, see Article 4 of this chapter.)

Article 2. - Animal Shelter and Animal Services

5.08.110 - Animal shelter authorized.

A public animal shelter is hereby authorized in the City. The animal shelter shall be located at some convenient place to be fixed by the Council. Such animal shelter shall be and remain under the charge and control of the Tracy Police Department.

The Tracy Police Department shall cause all animals impounded to be provided with sufficient food and water suitable therefor and shall keep such animal shelter in a clean and sanitary condition at all times.

(Ord. 1040 § 5 Exh. E (part), 2002: prior code § 5-2.201)

5.08.120 - Office of Animal Services established.

The Office of Animal Services is hereby established. The Animal Services Officer shall be appointed by the Chief of Police and shall receive such compensation as the Council, from time to time, may provide. For the purposes of enforcement of this chapter and other laws, the title "Animal Services Officer" shall be synonymous with "Animal Control Officer" and shall include the Animal Services Supervisor, Police Officers when enforcing this chapter, the Animal Services Officer, and assistants and deputies that have satisfactorily completed a certified course in "Powers and Arrest."

- (a) The Animal Services Officer, and all assistants and deputies, shall satisfactorily complete a certified course in "Powers of Arrest." Such persons may thereafter exercise the powers of arrest as specified in section 836.5 of the California Penal Code on any person who has committed a misdemeanor or infraction in their presence which is a violation of the provisions of this chapter.
- (b) The Animal Services Officer, and all assistants and deputies, may carry weapons when acting in the course of their employment, providing they have satisfactorily completed a course of training in the carrying and use of firearms.

(Ord. 1040 § 5 Exh. E (part): prior code § 5-2.202)

5.08.130 - License tags for dogs.

- (a) Licenses required. It is hereby declared unlawful for any dog, not duly vaccinated, licensed, and registered in accordance with the provisions of this section, to be in the City or to be owned, kept, or possessed in the City by any person. Licenses shall not be transferable on a change of ownership, nor from one dog to another. Licenses will be issued for a term of one (1) year for dogs under one (1) year of age, and for a term of three (3) years for dogs over one (1) year of age. Licenses will be issued at the time they are purchased, and shall expire at the end of their term.
- (b) Vaccinations required. Any person desiring to keep a dog in the City, within ten (10) days after the dog attains the age of four (4) months and prior to licensing the dog, shall have the dog vaccinated by a licensed veterinarian with a canine anti-rabies vaccine.
- (c) Veterinarian collaboration required. All veterinarians within the City shall provide rabies records to the Animal Services Supervisor upon his or her request. The records provided must specify the animal owner's first and last name, address, and phone number, the name and physical description of the animal, and the date the rabies vaccine was administered.
- (d) License fees. Any person desiring to keep a dog over the age of four (4) months in the City, shall pay the City a license fee within thirty (30) days after acquiring such a dog or within thirty (30) days of an owned dog attaining the age of four (4) months. The license fee shall be established by resolution of City Council. Such fee shall be reduced by one-half ($\frac{1}{2}$) or more if a certificate is presented from a licensed veterinarian that the dog is spayed or neutered. Licenses of dogs over the age of four (4) months shall be renewed before or upon expiration of the current license. The license fee shall be

delinquent if not paid on or before the due date. A penalty determined by resolution of City Council shall be added to the fee when the license is delinquent. All license terms issued shall not exceed the expiration date of the anti-rabies vaccination.

Two and 50/100ths (\$2.50) dollars for each unaltered male or female dog and one and 50/100ths (\$1.50) dollars for each altered male or female dog of the fees collected pursuant to the provisions of this subsection shall be deposited into an account for Rabies Treatment and Eradication, thus allowing Tracy Animal Services to provide discounted rabies vaccines. At the end of each fiscal year, any remaining amount of such fees may be transferred, by the order of Council, to the General Fund provided that sufficient funds remain to adequately carry out the administration of the Animal Shelter's operations.

- (e) Certificates of vaccination. A dog license shall not be issued unless the applicant shows Animal Services a valid certificate of canine anti-rabies vaccination, which certificate adequately describes the physical features of the dog, the date of vaccination, the type of vaccine used, and bears the signature of a licensed veterinarian.
- (f) Type and frequency of vaccinations. The type of vaccine acceptable and the frequency of vaccination shall be determined by the Department of Public Health of the State.
- (g) House-to-house checks. A house-to-house check may be conducted to locate dogs which are not vaccinated or licensed according to the provisions of this section to cause licenses to be taken and vaccinations to be given for such dogs.
- (h) License tags. A suitable tag shall be furnished by the City to each owner who shall pay such license fee, which tag the owner shall attach and keep attached to a collar around the neck of such dog at all times. Such tag shall have legibly stamped thereon the registered number of the dog.
- (i) Registration records. The City shall keep a record in which it shall register the number of such tags supplied to each of the owners of such dogs, a description of the dog, the period for which such tag was purchased, the amount received therefor, and the residence address of the owner thereof.
- (j) Dogs not allowed at large. Such license shall entitle the owner of the dog for which such license is issued to keep such dog in the City during the term for which the license was issued; provided, however, such owner at all times shall keep such dog securely enclosed in a room, pen, or enclosure or shall keep such dog secured on a leash, and it shall be unlawful for any person at any time to have, own, or possess any dog within the City, whether the dog shall be licensed or not, unless such dog shall be kept so enclosed or on a leash.
- (k) Impoundment of dogs at large. It is hereby made the duty of the Tracy Police Department to take and impound any dog so licensed and registered which may be found in the City, and also to take and impound any dog, whether licensed and registered or not, which may be found in the City if such dog is not enclosed or is not on a leash as provided in this section, or if the owner cannot be located to return the dog.
- (l) Notices of impoundment. If any dog so taken or impounded shall be licensed or registered, and if such tag and number shall be upon the collar of such dog, the Tracy Police Department shall give a notice to the owner thereof within forty-eight (48) hours after such dog shall have been taken. Such notice shall state that the dog has been taken and impounded and that such dog will be disposed of or humanely euthanized as provided in this section. Such notice shall be served upon the owner by delivering the notice to such owner personally, or by leaving the notice with any person at the place of residence of the owner, as stated in the records of the City, or by posting the notice in a conspicuous place at the address of such owner, or by United States mail.
- (m) Redemption of impounded dogs and cats. At any time within three (3) days after such notice shall have been so given, the owner or possessor of such licensed dog may redeem the dog by paying to the City a redemption fee and a boarding fee established by resolution of the Council. The owner or possessor of an unlicensed dog may redeem the dog by purchasing a license and paying to the City the same charges and fees set forth in this subsection. The owner or possessor of a cat may redeem the cat by paying to the City the same charges and fees set forth in this subsection. All dogs and cats not redeemed, as provided in this section, may be assigned to a third party provided the third party

agrees to indemnify the City for incurred costs of care, and for the proper license fees, and for assignment fees, and further agrees to carry out the other provisions of this section, or the dog or cat may be humanely euthanized by the Animal Service Officer after five (5) business days of the impoundment of cat and unlicensed dogs and five (5) business days after proper notification of impoundment to the owners of licensed dogs.

- (n) Mandatory alteration for multiple impounds. Any unaltered dog or cat impounded three (3) or more times from the same owner within the lifetime of the animal shall be spayed or neutered at the owner's expense prior to redemption. Animal Services shall provide the owner with notice of such determination. At the option of the owner, a private veterinarian may perform the spaying or neutering. In the event the owner chooses to have a private veterinarian perform the spaying or neutering, the owner must provide animal services with documentation showing that the animal was altered within thirty (30) days of such alteration.
 - (1) Hearing. In the event an owner wishes to challenge the mandatory alteration for multiple impounds, the owner shall notify Animal Services in writing within ten (10) days after receiving notice from Animal Services that the animal must be altered. A hearing shall be set within thirty (30) days of receiving written notice from the owner, and written confirmation of the date, time, and place of the hearing shall be provided to the owner at least (5) days before the hearing by personal delivery or mail. The Hearing Officer, as defined in Section 1.12.030 of this Code, shall consider all relevant evidence presented at the hearing. The formal rules of evidence shall not apply.
 - (2) Hearing Officer's decision. Following the hearing and within fifteen (15) days of the hearing, the Hearing Officer shall notify the owner in writing of his or her decision.
- (o) Prohibition against adopting unaltered dogs or cats.
 - (1) The animal shelter shall not adopt any dog or cat which has not been spayed or neutered, unless the dog or cat cannot be medically-cleared for surgery by a veterinarian. The fee for alteration shall be determined by resolution of Council, and shall be comparable to the fee charged by veterinarians in the locale.
 - (2) In the event a dog or cat is adopted unaltered because the dog or cat is not medically-cleared for surgery at the time of adoption, once medically-cleared the adopter shall provide Animal Services with written documentation that the dog or cat has been spayed or neutered within sixty (60) days of the surgery. Failure to comply with this section shall result in an administrative citation specified in Chapter 1.28 of this Code.
- (p) Prohibition against adopting dogs which have not been vaccinated for rabies: Deposits for costs of rabies vaccination.
 - (1) The animal shelter shall not adopt any dog which has not been vaccinated for rabies, unless the adopter obtains a rabies vaccination voucher from Animal Services. The fee for the voucher shall be determined by resolution of Council, and shall be comparable to the fee charged by veterinarians in the locale.
 - (2) Any dog four (4) months of age or younger at the time of adoption shall be vaccinated for rabies within ten (10) days after attaining the age of four (4) months and prior to licensing. Any dog over four (4) months of age at the time of adoption shall be vaccinated for rabies and licensed within ten (10) days.

(Ord. 1040 § 5 Exh. E (part), 2002; prior code § 5-2.203)

(Ord. No. 1159, § 12, 6-7-2011)

5.08.140 - Animal Service Officer shall wear a badge.

The Animal Services Officer shall wear, while engaged in the discharge of his or her duties, a badge designating his or her office, except that when any police officer acts as Animal Services Officer, his or her badge as such police officer shall be sufficient.

(Ord. 1040 § 5, Exh. E (part), 2002: prior code § 5-2.204)

5.08.150 - Interference with Animal Services Officer unlawful.

It is unlawful for any person to resist or interfere with the Animal Services Officer in the discharge of his or her official duties or to in any way, directly or indirectly, remove any animal from the animal shelter without lawful authority.

(Ord. 1040 § 5 Exh. E (part), 2002: prior code § 5-2.205)

5.08.160 - Record of all animals entering animal shelter required to be kept.

The Animal Services staff shall keep a record of every animal entering the animal shelter, setting forth a description thereof, the date and manner of disposition of the animal, whether notice was given to the owner and the date such notice was given, and the name of the person to whom adopted or transferred.

(Ord. 1040 § 5 Exh. E (part), 2002: prior code § 5-2.206)

5.08.170 - Burial of deceased animals.

It is the duty of all persons owning or possessing a deceased animal to dispose of such animal within twenty-four (24) hours upon the animal dying. If the animal weighs twenty-five (25) pounds or under, the animal may be buried at the owner's premises, and shall be buried at least one (1) foot underground. If the animal weighs more than twenty-five (25) pounds, the owner must bring the animal to the animal shelter or a licensed veterinarian for disposal.

(Ord. 1040 § 5 Exh. E (part), 2002: prior code § 5-2.207)

5.08.180 - Failure or refusal of owner to bury deceased animal.

If any person fails or neglects to bury or otherwise dispose of any animal as provided for in this article, then in such case it shall be the duty of the Animal Services Officer to proceed forthwith to have the same disposed of, and it shall be lawful for the City to charge to and recover from the owner or possessor of such deceased animal the cost of disposal thereof; and such person who shall neglect or refuse to bury or dispose, or cause the burial or disposal of, any deceased animal as provided for in this article upon his premises or in any public place of which he or she is the owner or possessor, or pay the City the cost incurred in burying such deceased animal, shall be guilty of a misdemeanor. In case the Animal Services Officer, after diligent search, cannot find the owner or possessor of any deceased animal, in this article referred to, the Animal Services Officer shall cause the same to be disposed of and the cost thereof shall be paid by the City.

(Ord. 1040 § 5 Exh. E (part), 2002: prior code § 5-2.208)

5.08.185. - Owner surrender of live animals.

If an owner wishes to surrender an animal to the Animal Services Officer or Police Department, the owner shall pay the cost of surrendering the animal, in an amount established by resolution of the City Council.

(Ord. No. 1159, § 13, 6-7-2011)

5.08.190 - Council may contract.

The Council may contract with the Society for the Prevention of Cruelty to Animals or the County for the administration of this article and section 5.04.240 of article 3 of this chapter.

(Prior code § 5-2.209)

Article 3. - Other Than Household Pets

5.08.200 - Declaration of council.

The Council does hereby find and determine that the growth and development of the City for residential purposes has reached such a stage that the keeping of animals or poultry within the City, unless properly regulated as to location and sanitary conditions and as to certain animals unless definitely limited in number or entirely prohibited, is detrimental to public health, safety and general welfare and that the public interest requires that the Council prescribe the following rules and regulations with respect thereto set forth in this article.

(Prior code § 5-2.301)

5.08.210 - Definitions.

- (a) Wherever the word "animals" is used herein, it shall be construed to include horses, ponies, mules, jacks, jennies, cows, bulls, calves, heifers, sheep, goats, swine, rabbits and all other domestic or domesticated animals other than household pets.
- (b) "Poultry" shall be construed to include pigeons, chickens, ducks, geese, turkeys, and all other domestic or domesticated fowls other than household pets.
- (c) "Household pets" shall be construed to include cats, dogs, canaries, parrots and other kindred animals and birds usually and ordinarily kept as household pets.
- (d) "Dwelling" shall be construed to mean the main or principal dwelling located on the property of a person other than the keeper of the animals or poultry.

(Prior code § 5-2.302)

5.08.220 - Unsanitary conditions prohibited.

It is hereby declared to be a nuisance and it shall be unlawful for any person to keep or permit to be kept upon any premises, any animals or poultry or household pets in a foul, offensive, obnoxious, filthy unsanitary or inhumane condition.

(Ord. 1040 § 5 Exh. E (part), 2002: prior code § 5-2.303)

5.08.230 - Animals at large.

It is hereby declared to be a nuisance and it is unlawful for any person to allow or permit animals, poultry or household pets, to run at large upon any public street or place, or to trespass upon the property of another. This section shall not apply to community cats, as described in Article 6 of this Chapter.

(Ord. 1040 § 5 Exh. E (part), 2002: prior code § 5-2.304)

5.08.240 - Impounding.

The Chief of Police and all police officers and other persons employed to perform any of such duties are hereby authorized and empowered to take up and impound any animals or poultry running at large in violation of the provisions of this article, and to keep such animals or poultry confined at the animal shelter or at such other place as the Chief of Police may provide, for not less than three (3) days unless such animals or poultry be redeemed by the payment in the amount established by resolution of the City Council. Notices containing a description of the animals or poultry impounded shall be posted publicly for at least three (3) days.

If after five (5) days the animals or poultry are not redeemed, the Chief of Police shall be deemed to have acquired jurisdiction over the animals or poultry and is hereby authorized to humanely euthanize, or to sell, or to otherwise dispose of them, and any proceeds derived therefrom shall accrue to the City, to be deposited in its general fund.

(Prior code § 5-2.305)

(Ord. No. 1159, § 14, 6-7-2011)

5.08.250 - Unnecessary noise.

It is hereby declared to be a nuisance and it shall be unlawful to keep, maintain, or permit on any lot or parcel of land, any animals, poultry or household pets, which by any sound or cry shall disturb the peace and comfort of any neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property.

(Prior code § 5-2.306)

5.08.260 - Limitations—Rabbits and poultry.

It is hereby declared to be a nuisance and it shall be unlawful to keep or permit to be kept, upon any premises in the City, any rabbits or poultry:

- (a) Within twenty-five (25') feet of any dwelling, school, church, or hospital, or,
- (b) If more than thirty (30) in all of any such rabbits or poultry are kept, within fifty (50') feet of any dwelling, school, church or hospital.
- (c) If more than 200 in all, of such rabbits or poultry, except by special permit of the Council first had and obtained, or to keep any rooster over four (4) months old within fifty (50') feet of any dwelling, school, church, or hospital. This provision limiting the maximum number of rabbits or poultry to 200 in all shall not be retroactive or effective as to rabbit or poultry ranches actually in operation as to the effective date hereof, where the average number of rabbits or poultry ordinarily kept at any such establishment exceeds the number.

(Prior code § 5-2.307)

5.08.270 - Horses, calves, goats, pygmy goats, etc.

It is hereby declared to be a nuisance and it shall be unlawful to keep or permit to be kept upon any premises in the City, any horse, mule, jack, jenny, cow, bull, calf, heifer, sheep, goat (except pygmy goats), swine, hog or pig (except pot belly pigs):

- (a) On any lot containing less than 20,000 square feet; or
- (b) In any corral or barn within seventy-five (75') feet of any dwelling.

(Prior code § 5-2.308)

5.08.280 - Hog manure.

It is hereby declared to be a nuisance and it shall be unlawful to use hog manure as a fertilizer within the City limits, unless such hog manure is turned into the soil within twenty-four (24) hours after it is spread.

(Prior code § 5-2.309)

5.08.290 - Abandonment.

Any cessation of operations of existing dairies, coupled with a change in the use of the premises for other purposes, shall be construed to be an abandonment of the premises for such original purpose.

(Prior code § 5-2.310)

5.08.300 - Maintenance of existing dairies.

The provisions of this article shall not be retroactive so as to apply to dairies actually in operation on November 21, 1950. No extensions or additions shall be permitted to be made to any such dairies except such alterations or repairs as may be required to be made therein to fulfill any requirements of the San Joaquin Department of Environmental Health and in such event such alterations or repairs may be made only upon the express permission of the Council, issued upon written approval of the San Joaquin Department of Environmental Health stating the necessity therefor; and provided further, that no enlargement of any existing dairy shall be permitted by adding to the number of animals kept upon any premises in the City in connection with such use.

(Ord. 1120 § 3, 2008: prior code § 5-2.311)

5.08.310 - Riding academies.

From and after November 21, 1950, no riding academies, clubs, or schools having horse, mule or pony corrals or barns in connection therewith, may be commenced, maintained or operated within the City, excepting upon special permit from the Council first had and obtained.

(Prior code § 5-2.312)

5.08.320 - Special permits—Public hearings.

In the event that any person believes that unreasonable restrictions or unnecessary and extraordinary hardship or damage will be imposed upon him or her from the carrying out of the strict letter of any of the provisions of this article, he or she may request a hearing thereon before the Council, and, after a public hearing thereon held upon notice to claimant, if the Council finds that unreasonable restrictions, unnecessary and extraordinary hardship or damage will be imposed upon him or her, then

any of the provisions or regulations hereby may be modified in harmony with the general purposes and objectives hereof to the end that the public health, safety and welfare of the people may be secured and substantial justice done.

(Prior code § 5-2.313)

5.08.330 - Pygmy goats and pot belly pigs.

Pygmy goats and pot belly pigs shall be allowed to be kept within the corporate limits of the City. All such pygmy goats and pot belly pigs will require registration and licensing with the City's Animal Services Officer.

- (a) The license fee for pygmy goats and pot belly pigs shall be determined by resolution of City Council.
- (b) Such license shall entitle the owner of the pygmy goat/pot belly pig for which such license is issued to keep such pygmy goat/pot belly pig in the City during the term for which the license was issued; provided, however, such owner at all times shall keep such pygmy goat/pot belly pig securely enclosed in a room, pen, or enclosure or shall keep such pygmy goat/pot belly pig secured or on a leash.
- (c) It shall be unlawful for any person at any time to have, own, or possess any pygmy goat/pot belly pig within the City, whether the pygmy goat/pot belly pig shall be licensed or not, unless such pygmy goat/pot belly pig shall be kept so enclosed or on a leash as provided in subsection (b) of this section.
- (d) It shall be unlawful for any person to keep a pot belly pig greater than nineteen (19") inches at the shoulders or weighing more than 150 pounds.
- (e) It shall be unlawful for more than two (2) pygmy goats/pot belly pigs to be kept at any dwelling, establishment or residence within the City.

(Prior code § 5-2.314)

Article 4. - Potentially Dangerous or Vicious Animals

5.08.340 - Purpose.

This article is intended to reduce the risk of serious attacks or bites by dogs and other animals. The provisions of this article set forth the procedures for finding an animal potentially dangerous or vicious and subjecting the animal to appropriate controls and enforcement actions. This article is intended to supplement rather than supplant any other remedies available under this Code or State law.

(Ord. 1074 § 3 (part), 2005)

5.08.350 - Definitions.

- (a) "*Animal Services Officer*" means a City of Tracy Animal Services Officer, assistant, or the City Manager's designee.
- (b) "*Hearing Officer*" means a person designated by the City Manager to conduct an administrative hearing. The designated Hearing Officer shall be an impartial person, such as:
 - (1) A City employee from a department or division other than the Police Department, Animal Services division, or Code Enforcement division; or

- (2) Someone selected randomly from a panel of law students and/or local attorneys willing to volunteer as a Hearing Officer; or
- (3) Someone hired from an organization which provides Hearing Officers, in which case the cost will be shared equally by the City and the person cited.
- (c) "Owner" of an animal shall include a keeper, custodian, handler, or a person having immediate control of the animal.
- (d) "*Potentially dangerous*" describes an animal meeting any of the following criteria:
 - (1) Any animal which, when unprovoked, on two (2) separate occasions within the prior thirty-six (36) months, engages in aggressive behavior including, but not limited to growling, barking, chasing, lunging, and behaving in a manner that requires a defensive action by a person to prevent bodily injury when the animal is off the property of the owner of the animal;
 - (2) Any animal which, when unprovoked, bites a person inflicting a less severe injury than that defined in subsection (e) of this section;
 - (3) Any animal which, when unprovoked, has killed, seriously bitten, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner of the animal.
- (e) "*Severe injury*" means any physical injury to a human being that results in muscle tear or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.
- (f) "*Vicious*" describes an animal meeting any of the following criteria:
 - (1) Any animal which, when unprovoked, inflicts severe injury on or kills a human being;
 - (2) Any animal previously determined to be a potentially dangerous animal which, within thirty-six (36) months after its owner has been notified of this determination, engages in any of the behaviors described in subsection (d) of this section;
 - (3) Any dog seized under section 599aa of the California Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of section 597.5 of the California Penal Code;
 - (4) Any potentially dangerous animal for which the owner has violated any provision of the Animal Services Officer's order or, if applicable, any provision of the Hearing Officer's order under section 5.08.380 of this article.

(Ord. 1111 § 4 Exh. A (part), 2007: Ord. 1074 § 3 (part), 2005)

5.08.360 - Determination of potentially dangerous animals and possible actions.

- (a) Any animal that the Animal Services Officer believes to be potentially dangerous shall be impounded by or surrendered to the Animal Services Officer, or quarantined upon the owner's property in an approved enclosure, as directed by the Animal Services Officer.
- (b) The Animal Services Officer shall take the severity of the injury and the number of attacks and the circumstances into consideration in making his or her determination. If the Animal Services Officer determines an animal to be potentially dangerous, he or she may take any of the following actions or a combination thereof:
 - (1) Take no further action against the animal and its owner;
 - (2) Order that the animal be put on a leash not to exceed six (6') feet long whenever accessible to public and/or be securely tied or chained and cage muzzled as ordered by the Animal Services Officer;
 - (3) Order that the owner of such animal shall immediately keep such animal in a run which is totally enclosed or held securely on a chain, or kept under other adequate control as approved by the Animal Services Officer. Or, if any of these means of restraint is impossible or impracticable, order

that such animal shall be impounded in the animal shelter facility at the owner's expense, until such time as the owner of such animal shall provide for the restraint of the animal either in a run which is totally enclosed or held securely on a chain or kept under other adequate control as approved by the Animal Services Officer;

- (4) Order that the animal be spayed or neutered, at the owner's expense, within thirty (30) days of the potentially dangerous animal determination;
 - (5) Order that the owner or possessor of the animal and the animal attend at least one, eight-week training course, acceptable to the Animal Services Officer, on dog obedience;
 - (6) Order that the owner or possessor of the animal display a sign advising of the presence of a dangerous or potentially dangerous animal at the entrance to every place wherein any such animal is confined. The sign shall be capable of being understood by a child. The cost of the sign shall be the responsibility of the owner of the animal, and must be approved by the Animal Services Officer;
 - (7) Order that the owner or possessor of the animal purchase a dangerous dog permit from Animal Services, the fee of which shall be established by resolution of City Council;
 - (8) Order that the owner or possessor of the animal notify Animal Services and complete a declaration with Animal Services prior to any change in location of the animal or new ownership of the animal at least thirty (30) days prior to any such change. Animal Services shall have the discretion to require that the owner or possessor of the animal comply with certain conditions prior to any change in location of the animal or new ownership of the animal;
 - (9) Order any other appropriate reasonable action; and
 - (10) In addition to any of the above, the Animal Services Officer may order the owner to reimburse the City for the cost of maintaining the animal, if applicable.
- (c) The Animal Services Officer, or his or her designee, is authorized to make whatever inspections he or she deems necessary to ensure compliance with this chapter, the provisions of his or her order and, if such order is appealed, any order the Hearing Officer may issue under section 5.08.380 of this article.
 - (d) The Animal Services Officer shall notify the owner of the animal in writing of his or her determination as well as the owner's right to appeal the officer's decision within five (5) business days, either in person or by first class mail with return receipt requested.
 - (e) If an animal has been determined to be potentially dangerous under this section, the owner may appeal such determination and any order resulting therefrom to the City Manager, under section 1.12.010 of this Code.
 - (f) It is unlawful to violate the terms of the Animal Services Officer's order or, if applicable, any order of the Hearing Officer issues under section 5.08.380.

(Ord. 1111 § 4 Exh. A (part), 2007: Ord. 1074 § 3 (part), 2005)

5.08.370 - Determination of vicious animals and possible actions.

- (a) Any animal that the Animal Services Officer believes to be vicious shall immediately be impounded by or surrendered to the Animal Services Officer.
- (b) The Animal Services Officer shall take the severity of the injury and the number of attacks and the circumstances into consideration in making his or her determination. If the Animal Services Officer determines an animal to be vicious, he or she may take any of the following actions or a combination thereof:

- (1) Require that the animal be permanently removed from the City;
 - (2) Order that the animal be spayed or neutered, at the owner's expense, within thirty (30) days of the vicious animal determination;
 - (3) Order that the owner or possessor of the animal and the animal attend at least one, eight-week training course, acceptable to the Animal Services Officer, on dog obedience;
 - (4) Order that the owner or the custodian will lose all rights of ownership and control of the animal;
 - (5) Order the owner or possessor of the animal to surrender the animal to the Animal Services Officer for destruction;
 - (6) Order that the owner may not own or possess any dog or other animal weighing in excess of five (5 lbs.) pounds for a thirty-six-month period;
 - (7) Order that the owner or possessor of the animal purchase a vicious dog permit from Animal Services, the fee of which shall be established by resolution of City Council; and
 - (8) Order the owner to reimburse the City for the cost of maintaining the animal, if applicable.
- (c) Before allowing a person to keep a vicious animal, the Animal Services Officer shall find all of the following:
- (1) That allowing such will not result in any detriment or danger to the peace, health or safety of the people in the vicinity of the location the animal will be kept;
 - (2) That possession and maintenance of the animal at the location has not resulted in and is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse;
 - (3) The location where the animal is possessed or maintained is kept clean and sanitary, and the animal is provided with proper and adequate food, water, ventilation, shelter and care at all times;
 - (4) Possession of the animal at the location shall not violate any law, code, or regulation; and
 - (5) The animal will not be possessed or maintained at any other location than that specified in the order.
- (d) The Animal Services Officer, or his or her designee, is authorized to make whatever inspections he or she deems necessary to ensure compliance with this chapter, the provisions of his or her order and, if such order is appealed, any order the Hearing Officer may issue under section 5.08.380 of this chapter.
- (e) The Animal Services Officer shall notify the owner of the animal in writing of his or her determination, and the basis therefor, as well as the owner's right to appeal the officer's decision within five (5) business days, either in person or by first class mail with return receipt requested.
- (f) If an animal has been determined to be vicious under this section, the owner may appeal such a determination and any order resulting therefrom to the City Manager under section 1.12.010 of this Code.
- (g) It is unlawful to violate the terms of the Animal Services Officer's order or, if applicable, any order of the Hearing Officer issues under section 5.08.380.

(Ord. 1111 § 4 Exh. A (part), 2007: Ord. 1074 § 3 (part), 2005)

5.08.380 - Hearing.

- (a) The Hearing Officer shall hold a hearing within ten (10) days, not including weekends or holidays, after receipt of the request if the animal has been surrendered to or impounded by the Animal Services Officer. Where the animal has not been surrendered to or impounded by the Animal Services Officer, the Hearing Officer shall promptly set a time and place for the hearing and shall cause notice of the hearing to be personally delivered to the owner or deposited in the mail.

- (b) Prior to taking evidence on whether an animal is potentially dangerous or vicious at the hearing, any person designated to serve as a Hearing Officer is subject to disqualification for bias, prejudice, interest or for any other reason for which a judge may be disqualified in a court of law. If a Hearing Officer is so disqualified, a new Hearing Officer shall be designated and the new Hearing Officer shall promptly set a time and place for the hearing and shall cause notice of the hearing to be personally delivered to the owner or deposited in the mail.
- (c) The Hearing Officer may continue hearings, based on good cause, as established by one of the parties to the hearing or if the Hearing Officer independently determines that due process has not been adequately afforded.
- (d) The Hearing Officer shall consider all relevant evidence presented at the hearing. The formal rules of evidence shall not apply. The Hearing Officer shall also consider circumstances of mitigation including, but not limited to, the owner's and animal's history with animal services, the age of any attacked persons and any legal training of the animal in the use of deadly force.
- (e) If the hearing is based on a complaint, the Hearing Officer may find that failure of the complainant to appear and testify at the hearing makes that complaint less credible.
- (f) Before allowing a person to keep a vicious animal, the Hearing Officer shall find all of the following:
 - (1) That allowing such will not result in any detriment or danger to the peace, health or safety of the people in the vicinity of the location the animal will be kept;
 - (2) That possession and maintenance of the animal at the location has not resulted in and is not likely to result in the animal being subjected to neglect, suffering, cruelty or abuse;
 - (3) The location where the animal is possessed or maintained is kept clean and sanitary, and the animal is provided with proper and adequate food, water, ventilation, shelter and care at all times;
 - (4) Possession of the animal at the location shall not violate any law, code, or regulation; and
 - (5) The animal will not be possessed or maintained at any other location than that specified in the order.
- (g) The Hearing Officer may uphold, modify or dismiss the determination of the Animal Services Officer on the basis of evidence produced at the hearing. Subsequently, the Hearing Officer shall give written notice of his or her decision by first class or registered mail sent within fifteen (15) days of the hearing to the owner.
- (h) If the owner or keeper of the animal contests the Hearing Officer's decision, he or she may, within ten (10) days of the mailing of the Hearing Officer's notice of decision, appeal the decision of the Hearing Officer directly to the Superior Court in and for San Joaquin County at the courthouse with jurisdiction to hear such matters located closest to the City of Tracy. The owner or keeper of the animal shall serve personally or by first class return receipt mail, notice of the appeal to the City Clerk's within three (3) days of filing same with the court. Any such appeal shall be by trial de novo. Failure to timely file such an appeal or properly serve notice of same on the City will result in the Hearing Officer's decision being final.
- (i) The determination of the court hearing the appeal shall be final and conclusive upon all parties.

(Ord. 1074 § 3 (part), 2005)

5.08.390 - Control of vicious animals.

- (a) If the Animal Services Officer, Hearing Officer, or court allows a person to own or have custody of an animal determined to be vicious, the animal shall be kept securely confined indoors or in a securely enclosed escape-proof locked kennel or pen other than when on a leash as described in subsection (b) of this section. Such kennel, pen or structure must have secure sides and a secure top attached thereto. The kennel or pen shall be constructed in a manner so that it cannot be broken down by any action of the confined animal. All structures used for confinement of vicious animals must be locked

with a key or combination lock of sufficient strength to ensure confinement of the animal. Such structures must be erected upon a secure bottom or floor constructed of concrete or other material sufficient to prevent the animal from digging free. Vicious animals enclosed in a house, apartment, building or similar structure shall be allowed only where the windows and doors of such structure are secured to prevent the animal from exiting without the assistance of the owner or person with the right to control such animal.

- (b) A vicious animal may be permitted off the owner's premises only when it is secured with a cage muzzle and is leashed on a leash not to exceed three (3') feet in length and under the control of a person eighteen (18) years of age or older, who is physically capable of restraining the animal. This leash must be capable of restraining four (4) times the weight of the animal. Moreover, the leash must be attached to a prong collar (commonly called a "pinch collar") of a type and fit acceptable and approved in advance by the Animal Services Officer. Vicious animals shall not be leashed or tethered at any time to inanimate objects such as trees, posts, or buildings. The muzzling device for vicious animals must be constructed so that it is impossible for the animal to remove it without human assistance.
- (c) A sign advising of the presence of a vicious dog or animal shall be posted at the entrance to every place wherein any such vicious dog or animal is confined. The sign shall be capable of being understood by a child. The cost of the sign shall be the responsibility of the owner of the animal, and must be approved by the Animal Services Officer.
- (d) Transportation of a vicious animal shall only be in locked animal carriers equivalent in construction quality to those used by commercial air carriers. Moreover, a vicious animal shall not be left unattended or loose in or about any motor vehicle.
- (e) Upon any violation of this chapter, or a violation of any nonappealable order under this chapter, that is observed by the Animal Services Officer, or sworn to in a written affidavit from a complaining party, the Animal Services Officer shall issue an order for the owner or possessor of the vicious animal to surrender the vicious animal to the Animal Services Officer for destruction. This order shall be subject to the appeal provisions set forth in this chapter.
- (f) The owner must notify Animal Services prior to any change in location of the animal or new ownership at least thirty (30) days prior to such change.

(Ord. 1074 § 3 (part), 2005)

5.08.400 - Exceptions.

- (a) No animal may be declared potentially dangerous or vicious based only on any injury or damage sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon the animal possessor's or owner's premises, or the injured party was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime. No animal may be declared potentially dangerous or vicious based only on the animal protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault. No animal may be declared potentially dangerous or vicious based only on an injury or damage sustained by a domestic animal which at the time of the injury or damage was sustained was tormenting, abusing or assaulting the animal.
- (b) No animal may be declared potentially dangerous or vicious based only on an injury or damage to a domestic animal sustained while the animal was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.
- (c) This article does not apply to Humane Society shelters, City Animal Services facilities, or to dogs while utilized by any Police Department or any Law Enforcement Officer in the performance of police work; guide dogs for the blind or deaf while performing their duties; dogs participating in field or obedience trials or conformation exhibitions; dogs assisting their owner in legal hunting activities or in the herding of livestock.

(Ord. 1074 § 3 (part), 2005)

Article 5. - Limitations on Number of Dogs and Cats

5.08.410 - Number limited; multiple pet permit required.

It shall be unlawful to own, keep or harbor more than three (3) adult dogs and/or three (3) adult cats at the same residence without first obtaining a multiple pet permit. For purposes of this section a cat or dog is considered to be an adult at four (4) months of age.

(Ord. No. 1133, 1 § 1, 3-3-2009)

5.08.420 - Application for multiple pet permit; fee's, investigation.

- (a) Any person who desires to keep more than three (3) dogs and/or three (3) cats at any single residence in the City must apply to Animal Services for a multiple pet permit. A multiple pet permit shall be effective for five (5) years and must be renewed upon expiration.
- (b) The application must be made on a form provided by Animal Services and there shall be paid a nonrefundable application fee, the amount of which shall be set by Council resolution, and revised from time to time, in an amount sufficient to recover the costs of administering the multiple pet permit program.
- (c) The application shall identify the owner by name, address and telephone number, the animals by name, breed, age, sex and for dogs, City of Tracy License Number.
- (d) Upon receipt of the application and application fee, Animal Services shall serve notice of application and comment cards to neighboring property owners within a 100-foot radius of the applicant's residence.
- (e) An Animal Services Officer shall inspect the applicant's property to determine if the size and condition of the property is adequate for keeping additional animals, and whether the manner of keeping the additional animals may violate any of the provisions of this chapter or of State or Federal law.
- (f) An Animal Services Officer shall investigate whether there have been previous complaints regarding animals involving the applicant in accordance with Section 5.08.430(c).

(Ord. No. 1133, 1 § 1, 3-3-2009)

5.08.430 - Application review.

- (a) Issuance of a multiple pet permit is at the sole discretion of the Police Chief or designee, based on the criteria set forth in this section.
- (b) At no time shall a permit be granted allowing more than five (5) dogs and/or five (5) cats. For the purposes of title 10 of this Code, the number of permitted dogs or cats allowed pursuant to the permit process set forth in this article shall not be counted in determining whether the residence meets the definition of "kennel".
- (c) Permits shall not be granted when credible complaints exist regarding animals, kept at the applicant's current or previous residence, causing excessive noise, being overly aggressive, or running at large. The investigating Animal Services Officer shall determine the credibility of such complaints based on a preponderance of evidence standard.
- (d) Permits shall not be granted when, in the discretion of the investigating Animal Services Officer, the condition of the residence is unsuitable for the health or proper containment of dogs or cats.

- (e) Permits shall not be granted if neighboring property owners or persons in lawful possession of such neighboring properties provide credible testimony that the existing animals at the applicant's residence cause excessive noise, are overly aggressive, or have been found running at large. The investigating Animal Services Officer shall determine the credibility of such testimony based on a preponderance of evidence standard.
- (f) Permits shall not be granted when, in the discretion of the investigating Animal Services Officer, additional animals may cause unreasonable noise, aggression, or sanitation issues.
- (g) Permits shall be granted or denied within sixty (60) days of the Animal Services Division's receipt of a complete and accurate application, application fee and if approved, a permit fee.
- (h) Denials of an application may be appealed to the City Manager, or designee, following the procedures set forth under section 1.12.010 of this Code.

(Ord. No. 1133, 1 § 1, 3-3-2009)

5.08.440 - Revocation of multiple pet permit.

- (a) The permit may be revoked at any time by Animal Services when credible complaints on the keeping of additional animals are received or the applicant has provided false information on application. The investigating Animal Services Officer shall determine the credibility of such complaints based on a preponderance of evidence standard.
- (b) Revocations may be appealed to the City Manager, or designee, following the procedures set forth under section 1.12.010 of this Code.

(Ord. No. 1133, 1 § 1, 3-3-2009)

Article 6. - Community cats

5.08.450 - Definitions.

- (a) "Community cat" is any free roaming cat that is cared for by a registered community cat caregiver; a community cat may or may not be feral. Community cats are exempt from any licensing requirements required under this Chapter.
- (b) "Community cat caregiver" is a person who registers with Animal Services as a community cat caregiver to provide food to community cats. A community cat caregiver is not the owner of a community cat.

5.08.460 - Community cat caregiver.

It shall be unlawful for any person within the City of Tracy to intentionally provide food, water, or other forms of sustenance to a community cat, unless the person registers as a community cat caregiver with Animal Services. Animal Services may impose certain conditions and requirements for a person to register as a community cat caregiver.

Article 7. - Breeder certificates

5.08.470 – Definitions.

- (a) The term "breeder certificate" shall mean a written authorization issued by Animal Services giving the holder of the certificate permission to breed one (1) litter per year per designated animal.

- (b) The term “breeder certificate holder” means the individual who applies for and obtains a breeder certificate from Animal Services.

5.08.480 – Breeder certificate requirements.

- (a) A breeder certificate shall be effective for a period of one (year). Upon application and issuance of a breeder certificate, Animal Services will provide a breeder certificate number. The designated animal must be licensed pursuant to Section 5.08.130 of this Chapter. The fee for a breeder certificate shall be established by resolution of City Council.
- (b) Any breeder certificate holder who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the breeder certificate number on any such advertisement. Further, the breeder certificate holder must provide the breeder certificate number on any receipt of sale or transfer document to any person who purchases, adopts, or receives any animal from the breeder certificate holder.
- (c) A breeder certificate holder may not sell, adopt, or transfer, whether for compensation or otherwise, any animal until it has reached the age of at least seven (7) weeks and has received its first immunization.
- (d) The following animals are exempt from the breeder certificate requirements:
 - (1) Dogs appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities;
 - (2) Animals under the care of governmental agencies or Animal Services;
 - (3) Dogs documented as guide, signal, or service dogs;
 - (4) Dogs documented and enrolled in a guide, signal, or service dog breeding program;
 - (5) Dogs and cats under the care of valid 501(c)(3) animal rescue organizations at the discretion of Animal Services;
 - (6) Dogs and cats under the care of humane societies or societies for the prevention of cruelty to animals at the discretion of Animal Services; and
 - (7) When a veterinarian has determined that spaying or neutering is inappropriate due to the animal's age or health.

Article 8. – Mandatory Microchipping for dogs and cats

5.08.490 – Requirements.

- (a) All dogs and cats over the age of four (4) months and kept within City limits for a period of sixty (60) days or longer must be implanted with an identifying microchip. The owner or custodian of the dog or cat shall provide the microchip number to Animal Services within thirty (30) days of the microchipping procedure.
- (b) If a dog or cat is adopted from the animal shelter and is not microchipped, the new owner shall provide Animal Services with documentation that the dog or cat has been microchipped within thirty (30) days of the date the dog or cat is adopted.
- (c) If a microchipped dog or cat is sold, adopted, or transferred, the new owner shall provide Animal Services with his or her current address and contact information.

5.08.500 – Exemptions.

- (a) This article does not require that a dog or cat be microchipped if a licensed veterinarian certifies in writing to Animal Services that the dog or cat is medically unfit for the microchipping procedure.
- (b) This article does not require a dog or cat be microchipped in the event doing so would impose an economic hardship for the owner. Animal Services may require the owner to sign an economic hardship form.