

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

**Amended 12/04/09  
(New information in bold type)**

Agenda Date: 12/07/09  
Reviewed by: BP

**SUBJECT:** Ordinance No. 09-017 - Regulations for Impounded Unaltered Dogs and Cats

**REPORT BY:** Jacqueline L. Bucholz, City Clerk  
Beth Pollard, City Administrator

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**RECOMMENDATION**

Approve for First Reading Ordinance No. 09-017 – An Ordinance of the Albany City Council Adding Regulations for Impounded Unaltered Dogs and Cats to Chapter 10 of the Albany Municipal Code. Waive reading of entire Ordinance.

**BACKGROUND**

Council Member Wile asked for this item to be on the November 2, 2009, agenda for discussion. It was noted that there is an overpopulation of homeless dogs and cats in the Albany area and many of these animals without homes end up in a rescue shelter, where efforts are made to find them homes.

Sometimes the dogs and cats that are found running loose by animal control officials have homes, but the owners/ guardians have not taken steps to have them spayed or neutered. By allowing unaltered animals to run loose, more potentially unwanted animals are born, which adds to the number of animals for which shelters need to seek homes.

**DISCUSSION**

The City Council directed the City Attorney to draft an Ordinance that deals with this issue. Ordinance No. 09-017, which is modeled after the City of Berkeley's Ordinance, is before Council for first reading. **The motion read: *Moved by Council Member Lieber, seconded by Council Member Wile to direct the City Attorney to draft an ordinance to include a five (5) days waiting period and have procedures for a hearing.***

**On December 4, 2009, the City Attorney amended Section 1: 10-4.6 to include language about a five day written notice to the owner. There was also Council discussion, which may have intended in the motion, about not requiring spaying or neutering if the dog or cat is picked up by the owner within the five days; staff will**

bring language to reflect that exception to the Council meeting. Procedures for a hearing are described in Section 1:10-4.6.D.

Attached to this report are statistics received from Berkeley Animal Control on dogs and cats impounded between November 1, 2008 and October 31, 2009.

**SUSTAINABILITY IMPACT**

N/A

**FINANCIAL IMPACT**

Staff time to handle any appeals is the only anticipated cost to the City. **If the City contracted for hearing services, there would likely be an associated cost.** There would be a cost to the owner/guardian for the spaying or neutering.

**Berkeley Animal Control this week noted that the City of Berkeley has a \$30,000 fund for low cost/no cost spay/neuters. No such fund currently exists in the City of Albany. Costs of spaying and neutering varies between vets and type and size of animal, but estimates range from \$50 to neuter a cat to \$115 to spay a dog.**

Attachment

Draft Ordinance #09-17