

**ORDINANCE #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**

**WHEREAS,** The City Council has requested that the Albany City Code be amended to include provisions to require that impounded unaltered dogs and cats be spayed or neutered ~~and to~~ before being returned to owner ~~there as~~, and

**WHEREAS,** The provisions of this section will be consistent with Berkeley City regulations and the animal shelter facility that Albany contracts with Berkeley to use.

**NOW THEREFORE, BE IT ORDAINED BY THE ALBANY CITY COUNCIL AS  
FOLLOWS:**

**Section 10-4.6:** Will be added to the Albany Municipal Code and shall read as follows:

**Section 1: 10-4.6: Impounded unaltered dogs or cats returned to owner/guardian-When spaying or neutering required- Hearing-Fees.**

A. A dog or cat that is not spayed or neutered ~~and is subject to the licensing requirements of this chapter~~ that is impounded at the animal shelter shall, ~~after five (5) days written notice to the owner, if known,~~ be spayed or neutered at the owner/guardian's expense before being returned to the owner/guardian, subject to the conditions and exceptions in this section.

B. The owner/guardian shall be given a choice of veterinarians to perform the procedure. If the owner/guardian does not select a veterinarian, the City, or its agent, may choose one.

C. The City, or its agent, may not have an impounded animal spayed or neutered without the consent of the owner/guardian until at least five

1 days after impoundment, unless the fifth day falls on a day that the  
2 animal shelter is closed, in which case the procedure shall be stayed  
3 until the next working day.

4 D. If the owner/guardian objects to the spay/neuter within five days after  
5 after notice of the intent to spay, and requests a hearing, the hearing  
6 shall be granted. A hearing officer to be designated by the City  
7 Administrator may determine whether the animal may be returned to  
8 its owner/guardian without first being spayed or neutered. In making  
9 this decision, the hearing officer shall determine whether the risk that  
10 the animal will produce unwanted offspring outweighs the reasons  
11 given by the owner/guardian against conducting the procedure. If the  
12 hearing officer requires that the spay/neuter procedure be done, that  
13 decision shall be final. The owner/guardian is responsible for all  
14 boarding fees during the entire impound period.

15 E. This section shall not apply if a licensed veterinarian certifies that the  
16 animal (1) should not be spayed or neutered for health reasons, or (2)  
17 is permanently non-fertile.

18 **Section 2: Publication:** This ordinance shall be published in a newspaper of  
19 general circulation in the City of Albany, which said newspaper is designated for that  
20 purpose, or it shall be posted in three locations.

21 **Section 3: Severability:** If any section, subsection, sentence, clause, or phrase of  
22 this ordinance is for any reason held to be invalid, such decision shall not affect the  
23 validity of the remaining portions of the ordinance, and each section, subsection,  
24 sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections,  
25 subsections, sentences, clauses or phrases be declared invalid.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**Section 4: Effective Date:** This ordinance shall become effective 30 days after its passage and adoption by the City Council.

---

Mayor