

**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 or unaltered dogs and cats be spayed or neutered and to return 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 that is impounded at the animal shelter shall 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 an approved veterinarian to perform the procedure. If the owner/guardian does not select an approved 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 the end of the legal holding period after impoundment, unless it falls on a day that the

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animal shelter is closed, in which case the procedure shall be stayed until the next working day.

D. If the owner/guardian objects to the spay/neuter within the legal holding period after the animal is impounded, and requests a hearing, the hearing shall be granted. A hearing officer to be designated by the City Administrator may determine whether the animal may be returned to its owner/guardian without first being spayed or neutered. In making this decision, the hearing officer shall determine whether the risk that the animal will produce unwanted offspring outweighs the reasons given by the owner/guardian against conducting the procedure. If the hearing officer requires that the spay/neuter procedure be done, that decision shall be final. The owner/guardian is responsible for all boarding fees during the entire impound period.

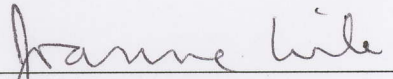
E. This section shall not apply if a licensed veterinarian certifies that the animal (1) should not be spayed or neutered for health reasons, or (2) is permanently non-fertile.

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

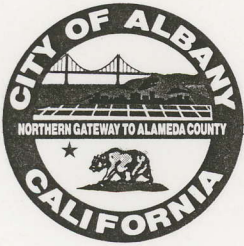
**Section 3: Severability:** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective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

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

  
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Mayor Joanne Wile





# City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

**CITY ADMINISTRATOR**  
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**CITY CLERK**  
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- Teen Center  
PH. (510) 525-0576

STATE OF CALIFORNIA )  
COUNTY OF ALAMEDA ) ss  
CITY OF ALBANY )

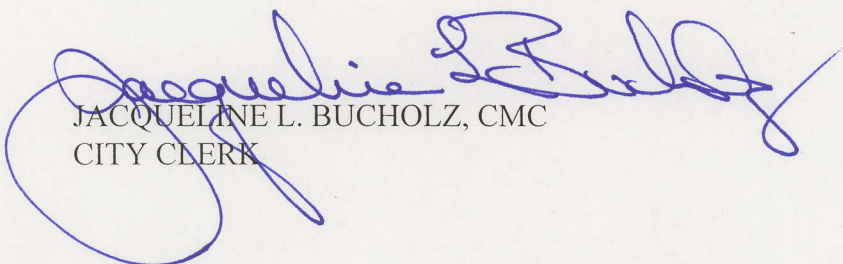
I, **JACQUELINE L. BUCHOLZ**, City Clerk of the City of Albany, California, do hereby certify that the whole number of members of the City Council of said City of Albany is five and that the foregoing is a true and correct copy of Ordinance No. 09-017 which was passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council on the 19th day of January 20 10 A.D., and that the same was so passed and adopted by the following votes and duly published or posted according to State law.

AYES: Council Members Atkinson, Javandel, Lieber & Mayor Wile

NOES: Council Member Thomsen

ABSENT: None

In witness whereof, I have hereunto set my hand and affixed the official seal of the City of Albany, this 20th day of January, 20 10.

  
JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.*



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