

ORDINANCE NO. _____

AN ORDINANCE OF THE SAN JOSÉ MUNICIPAL CODE ADOPTING A LIMITED AMNESTY PROGRAM UNDER WHICH THE CITY WILL FORGIVE ALL LATE LICENSING FEES, DELAY THE IMPLEMENTATION OF FISCAL YEAR 2004-2005 INCREASE IN FEES FOR LICENSING UNALTERED DOGS AND CATS, AND SUSPEND ISSUANCE OF CITATIONS FOR VIOLATIONS OF SECTION 7.08.610 OF CHAPTER 7.08 OF THE SAN JOSÉ MUNICIPAL CODE

WHEREAS, the City of San José (“City”) estimates the number of animals licensed represents only a small percentage of the total pet population; and

WHEREAS, the City seeks to monitor pet owner compliance with rabies vaccination because proof of rabies vaccination is a condition precedent to the issuance or renewal of an animal license; and

WHEREAS, experience has demonstrated that the likelihood of pet owners licensing their pets greatly diminishes after 60 days of the dog or cat reaching 4 months of age, after 60 days of the dog or cat being brought into the City, or after 30 days of the expiration of a previously issued license because of late fees and potential citations for the failure to license; and

WHEREAS, the City will perform outreach to residents regarding services offered at the new Animal Care Center; and

WHEREAS, the City desires to implement a limited-period amnesty program to encourage persons with delinquent licenses to vaccinate and license their pets on a voluntary basis; and

WHEREAS, to encourage participation in the amnesty program, the City will suspend issuance of citations for violation of San José Municipal Code Section 7.08.610, forgive

payment of late licensing fees, interest and penalties, delay the implementation of the Fiscal Year 2004-2005 increase in license fees for unaltered dogs and cats, and exempt dog and cat owners who license their pet under the amnesty program from San José Municipal Code Section 7.08.595;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

SECTION 1. The definitions set forth in this Section shall govern the application and interpretation of this Ordinance.

- A. “Amnesty Period” means the forty-five day period commencing at 12:00 a.m. on October 15, 2004, and ending at 5:00 p.m. on November 30, 2004.
- B. “Amnesty Program” means the program described in this Ordinance.
- C. “Pet Owner” means the person who is required to have a license for a dog or cat as specified in San José Municipal Code Section 7.08.610.
- D. “Director” means the Director of the Animal Care and Services Division of the Department of Parks, Recreation and Neighborhood Services.
- E. “Late Fee” means the fees set forth in the Resolution No. 72165 (Schedule of Fees and Charges effective July 1, 2004) that are imposed when the Pet Owner does not license the dog or cat within 60 days of the dog or cat reaching 4 months of age, within 60 days of acquiring or bringing the dog or cat into the city, or within 30 days of the expiration of a previously issued license.
- F. “License Fee” means the fee set forth in Resolution No. 72165 (Schedule of Fees and Charges effective July 1, 2004) for the licensing of altered dogs and cats and

the fee set forth in Resolution No. 71603 (Schedule of Fees and Charges effective July 1, 2003) for the licensing of unaltered dogs and cats.

- G. "Pet Limit" means the maximum number of dogs and cats (altered or unaltered) permitted per dwelling unit in the City as specified in San José Municipal Code Section 7.08.595.

SECTION 2. The Director shall be responsible for administering the Amnesty Program. The Director is authorized to adopt reasonable rules and regulations as needed to implement the Amnesty Program consistent with the provisions set forth herein.

SECTION 3. Except as described in Section 6(b) below, the Amnesty Program shall be effective only during the Amnesty Period.

SECTION 4. In order to receive the benefits of the Amnesty Program, the Pet Owner must apply for a license during the Amnesty Period and must meet the following conditions:

- A. The Pet Owner's application shall be made in person at the Animal Care Center, located at 2750 Monterey Road, San Jose, California, or as otherwise directed by the Director, during normal business hours, no later than 5 p.m. on November 30, 2004.
- B. The Pet Owner's application for a license shall be accompanied by the vaccination certificate required by San José Municipal Code Section 7.08.600.
- C. The Pet Owner's application shall include the full payment of the License Fee and any required payment must be made by cash, check, credit card or money order.

SECTION 5. Any Pet Owner meeting the conditions set forth in Section 4 of this Ordinance shall be entitled to the following benefits:

- A. The City shall waive and forever give up any right or claim to the Late Fee and any interests or penalties imposed because of failure to timely comply with the licensing requirements San José Municipal Code Section 7.08.610.
- B. For fees paid during the Amnesty Period, the City shall suspend the fees for the licensing of unaltered dogs and cats as set forth in Resolution No. 72165, shall charge the fee set forth in Resolution No. 71603, and forever give up any claim to that portion of the fee for licensing the dog or cat that exceeds the fee set forth in Resolution No. 71603.
- C. The City shall provide the Pet Owner with a license as described in San José Municipal Code Section 7.08.615.
- D. The City shall suspend issuance of a citation to a Pet Owner for the failure to license the dog or cat in accordance with San José Municipal Code Section 7.08.610 prior to the Amnesty Period.

SECTION 6. Limited Exception to Pet Limit.

- A. During the Amnesty Period only, a Pet Owner who meet the licensing conditions specified in Section 4 shall be allowed to obtain a license for a dog or cat that absent the Amnesty Program would place the Pet Owner in violation of the Pet Limit.
- B. The Pet Owner taking advantage of this exception to the Pet Limit shall not be in violation of the Pet Limit with respect to pets licensed during the Amnesty Period and the Pet Limit exception shall apply to renewals of the pet licenses licensed during the Amnesty Period. The Pet Owner shall be required to meet all conditions for pet license renewals then in effect.

- C. The Pet Owner shall not be allowed to obtain licenses for more than twice the maximum number of dogs and cats set forth in San José Municipal Code Section 7.08.595.

SECTION 7. The Amnesty Program shall not affect the City's right or claim to any and all fines, interest or penalties imposed as a result of administrative citations issued prior to the Amnesty Period.

SECTION 8. Except as otherwise provided herein, no refund or credit shall be granted for any amount of the License Fee paid by the Pet Owner under the Amnesty Program.

SECTION 9. No provisions herein shall be construed to allow a Pet Owner to create or maintain a public nuisance as defined under San José Municipal Code Section 7.08.410.

SECTION 10. If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any other provisions or applications of this ordinance, which can be given effect without the invalid provision, or application. To this end the various provisions of this ordinance are severable and each would have been enacted without the other.

RD:RLT:RLT
9/10/2004

PASSED FOR PUBLICATION of title this _____ day of _____, 2004, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

RON GONZALES
Mayor

ATTEST:

LEE PRICE, CMC
City Clerk