



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Albert Balagso

SUBJECT: Animal Ordinance Fee
Resolution Update

DATE: September 10, 2007

Approved

Date

9/18/07

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Adoption of a resolution amending Part 4 of the Schedule of Fees, adopted by Resolution No. 72737 and as amended by Resolution No. 73242, to update San Jose Municipal Code section numbers to reflect the changes to Title 7, the Animal Ordinance, approved by the City Council on June 26, 2007 ; and to add an administrative late fee for licensing after an administrative citation is issued and the dismissal of the citation.

OUTCOME

Adoption of the resolution would update the San José Municipal Code section numbers in Part 4 of the Schedule of Fees to reflect the changes to Title 7, the Animal Ordinance, approved by the City Council on June 26, 2007, and add a \$30.00 administrative late fee for licensing after an administrative citation is issued and the dismissal of the citation.

BACKGROUND

On June 26, 2007, the Mayor and Council approved comprehensive changes to Title 7 of the San Jose Municipal Code (SJMC), the Animal Ordinance. These changes include the renumbering of all code sections. The Schedule of Fees includes fees and charges associated with animals in Part 4 and references the former code sections.

Animal Care and Services (ACS) monitors and enforces dog and cat licensing laws and rabies vaccinations. One method of encouraging compliance is through the issuance of administrative citations to dog and cat owner/guardian whose license has expired.

ACS estimates that less than 20% of dog and cat owners are currently licensed in San José. In fiscal year 2006-2007, ACS issued approximately 5,240 citations for failing to license a dog or cat. The animal owner/guardian then has 30 days to appeal the citation. During the 30 day

appeal period, many animal owners/guardians will license their animal. The animal owner/guardian must appeal the citation to a hearing officer, present evidence that the animal is licensed, and may request that the citation be dismissed. In an effort to make this process easier on the residents, ACS plans to request dismissal of citations in situations where the owner/guardian obtains a license 30 days after the citation is issued. ACS anticipates that of the citations issued, approximately 25% will be dismissed once the owners/guardians license the animals.

ANALYSIS

The Schedule of Fees must be amended to accurately reflect the new code section numbers. Approval of this action will accomplish that.

An owner/guardian who does not license their dog or cat is subject to a late fee of \$15 after 30 days of the expiration of a license or 30 days after obtaining a dog or cat. This proposal would also allow that an owner/guardian who receives an administrative citation for failing to license their dog or cat may license the animal and pay an additional late fee of \$30. The proposed \$30 fee is to offset the administrative staff cost to correct and remove the citation and avoid any appeal process. Alternatively, the owner/guardian may contest the issuance of the citation in the first instance and potentially be subject to the total fine amount of \$100. A person would not be subject to the \$30 late fee unless they specifically requested the option for an administrative dismissal. Approval of this action will allow the more timely disposition of citations for members of the public by the department at no net additional cost to the City.

ACS estimates it will recover approximately \$10,000-\$15,000 each year from the late fee. Since 2003-2004, the number of animals being licensed have increase by more than 50% leading to a commensurate rise in fees paid to the City.

EVALUATION AND FOLLOW-UP

This item is a follow-up to the changes to Title 7, the Animal Ordinance, approved by the City Council on June 26, 2007.

PUBLIC OUTREACH/INTEREST

No public outreach was required for this item. This memo is posted to the City's website for the October 2, 2007 City Council Agenda.

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**

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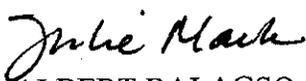
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

City Attorney's Office

CEQA

Not a project


ALBERT BALAGSO
for Director, Parks, Recreation, and
Neighborhood Services

For questions please contact Jon Cicirelli, Deputy Director, at 408-361-6623.