



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** LEE PRICE  
CITY CLERK

**SUBJECT: ORDINANCE NO. 28419  
AMENDING THE MUNICIPAL  
CODE REGARDING CAT/DOG  
LICENSING AS IT RELATES  
TO ANNEXATIONS**

**DATE:** October 30, 2008

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## RECOMMENDATION

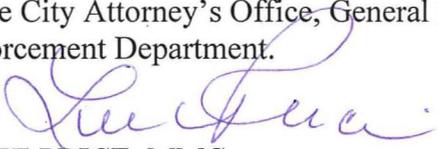
Re-adopt Ordinance 28419 – Amending Section 7.20.520 of Chapter 7.20 of Title 7 of the San José Municipal Code to allow residents who obtained a cat or dog license from another jurisdiction and are annexed into the City to transfer the remainder of the license period.

## BACKGROUND

This ordinance was passed for publication on October 7, 2008 and put on the Council agenda for final adoption on October 21, 2008. Pursuant to City Charter Section 604, the title of an ordinance shall be published in the newspaper no later than the *third day immediately preceding* the date of the final adoption. Due to a technical issue with the required legal publication, the title for this ordinance will publish on October 31, 2008. Staff is, therefore, recommending that the Council re-adopt the ordinance to comply with the Charter. The effective date of the ordinance will be December 4, 2008.

## COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office, General Services Department and the Planning, Building and Code Enforcement Department.

  
LEE PRICE, MMC  
City Clerk

Attachment: Ordinance No. 28419 (to publish in the Post Record on October 31, 2008)



**ORDINANCE NO. 28419**

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 7.20.520 OF CHAPTER 7.20 OF TITLE 7 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW RESIDENTS WHO OBTAINED A CAT OR DOG LICENSE FROM ANOTHER JURISDICTION AND ARE ANNEXED INTO THE CITY TO TRANSFER THE REMAINDER OF THE LICENSE PERIOD**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 7.20.520 of Chapter 7.20 of Title 7 of the San José Municipal Code is amended to read as follows:

**7.20.520 License Required**

- A. It is unlawful for any person to own, maintain, or board any adult dog or adult cat that has not been licensed pursuant to the provisions of this Part, except that a license is not required for a dog or cat owned, maintained by, or under the control of a nonresident of the City which is kept in the City for thirty (30) or fewer days in any twelve (12) month period.
- B. Any dog or cat that is not properly licensed in accordance with this Part is rebuttably presumed to be an unvaccinated stray animal and may be subject to the seizure and impoundment procedures set forth in Chapter 7.50 of this Title.
- C. Animal shelters, animal hospitals, animal rescuers, commercial kennels, and pet shops are exempt from the requirement of this Section to obtain a license for each dog or cat within the facility unless the dog or cat is owned by a person that owns or works at the facility.

- D. Annexed lands: The owner/guardian of a dog or cat that is currently licensed in a separate jurisdiction at the time the property where the animal resides is annexed to the City of San José, may exchange his or her current license for a license from the City within sixty (60) days of the annexation provided the rabies vaccination is current for the license period. Upon expiration of the valid rabies vaccination that was in effect at the time of annexation, the owner/guardian shall thereafter license the dog or cat in San José in accordance with the established process and fees for all residents.

PASSED FOR PUBLICATION of title this 7<sup>th</sup> day of October, 2008, by the following vote:

AYES: CHIRCO, CHU, CONSTANT, LICCARDO, NGUYEN,  
OLIVERIO, PYLE, REED.

NOES:

ABSENT: CAMPOS, CORTESE, WILLIAMS.

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk