

ORDINANCE NO. 28392

**AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING
SECTION 7.20.020 OF CHAPTER 7.20 OF TITLE 7 OF
THE SAN JOSÉ MUNICIPAL CODE TO REQUIRE BOTH
SHADE AND SHELTER FOR ANIMALS WHO ARE
MAINTAINED OUTDOORS**

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

Section 7.20.020 of Chapter 7.20 of Title 7 of the San José Municipal Code is amended to read as follows:

7.20.020 Shelter and Shelter Maintenance Requirements

- A. Any animal maintained outdoors must have adequate shade and shelter such that the animal can protect itself from the direct rays of the sun when the sunlight is likely to cause overheating or discomfort, and the animal can remain dry during the rain;

- B. The shelter for any animal must be:
 - 1. Accessible to the animal at all times;

 - 2. Situated to prevent exposing the animal to unreasonably loud noise, or teasing, abuse or injury by another animal or person;

 - 3. Constructed with at least five (5) sides including a roof and floor. The floor must be raised off the ground; be free of cracks, depressions and rough areas where insects, vermin or eggs for internal parasites may lodge; and protect the animal's legs and feet from injury;

4. Of adequate size inside and outside the shelter to allow the animal to stand up, sit, turn around freely or lie down in a normal position; defecate or urinate away from its confinement; and safely interact with any other animal;
5. Adequately lighted to provide regular diurnal lighting cycles of natural or artificial light uniformly diffused throughout the shelter, and sufficient illumination for routine inspections and care of the animal;
6. Supplied with clean and dry bedding material or other means of protection from the weather elements to maintain the shelter at a temperature that is not harmful to the health of the animal;
7. Cleaned and maintained in a manner designed to insure sanitary conditions and to control for insects, ectoparasites, and other pests. Carcasses, debris, food waste, and excreta must be removed from the shelter as often as necessary to minimize unreasonably obnoxious odor, allergen, pests, and the risk of disease. If the animal is confined within the shelter during cleaning, the animal may not be exposed to any cleaning agents or water. Rugs, blankets, or other bedding material must be kept clean and dry.

PASSED FOR PUBLICATION of title this 26th day of August, 2008,
by the following vote:

AYES: CHIRCO, CHU, CORTESE, LICCARDO, NGUYEN,
OLIVERIO, PYLE, WILLIAMS; REED.

NOES: NONE.

ABSENT: CAMPOS, CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk