

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BAKERSFIELD CREATING
CHAPTER 6.07 OF THE BAKERSFIELD MUNICIPAL CODE
RELATING TO MANDATORY SPAY AND NEUTER OF DOGS.**

BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Chapter 6.07 of the Bakersfield Municipal Code is hereby enacted to read as follows:

6.07 – Mandatory Spay & neuter

Sections.

6.07.010 Findings.

6.07.020 Definitions.

6.07.030 Mandatory spaying/neutering.

6.07.040 Unaltered animal certification – Administration.

6.07.050 Penalty for violation.

6.07.060 Severability.

6.07.010 Findings.

The city council finds and declares that a program for mandatory spaying/neutering of dogs combined with a certification system for unaltered dogs kept within the city of Bakersfield is a reasonable and effective means of reducing the population of homeless or stray dogs, reducing the need to euthanize healthy dogs, and providing for the health, safety and welfare of the public.

6.07.020 Definitions.

As used in this chapter:

“Director of Animal Control” means the director or supervisor of the organization, or designee, which has the responsibility of enforcing the provisions of this chapter.

“Unaltered Animal Certification” means a written authorization, issued annually by the Director of Animal Control, giving permission to maintain an unaltered dog. Fees for the certification shall be established by resolution of the city council.

6.07.030 Mandatory spaying/neutering.

A. No person shall keep a dog over the age of six months which has not been spayed or neutered unless such person holds an unaltered animal certification for the animal issued pursuant to Section 6.07.040.

B. Any person intentionally providing care or sustenance for a dog shall be deemed the owner of such dog and shall comply with this section.

C. The following animals are exempt from the provisions of this section:

1. Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement purposes, or dogs designated as breeding stock for law enforcement purposes by an appropriate agency or organization approved by the Director of Animal Control after consultation with knowledgeable professionals;

2. Dogs certified by a licensed veterinarian as having a health reason for not being spayed/neutered; or

3. Dogs which are owned and in the custody and control of persons who do not reside in the city of Bakersfield, but who are temporarily visiting the city of Bakersfield or traveling through the city of Bakersfield.

6.07.040 Unaltered animal certification – Administration.

A. The Director of Animal Control shall administer a certification program to allow for unaltered animals over the age of six months when the Director of Animal Control determines that the following conditions have been met:

1. The animal is examined annually by a licensed veterinarian and is following the preventative health care program recommended by the veterinarian;

2. The owner has not had more than two violations of Title 6 of this code within the preceding twenty-four months;

3. The animal is properly housed and cared for as follows:

(a) The animal is provided sufficient quantity of good and wholesome food and water;

(b) The animal is provided shelter that will allow the animal to stand up, turn around, and lie down without lying in his/her feces;

(c) The area where the animal is kept is properly cleaned and disinfected;

(d) The animal must be fully contained on the owner's property and be provided appropriate exercise; and

(e) The animal owner otherwise complies with any applicable state or local law concerning the care and housing of animals.

4. The owner of an unaltered female dog furnishes the Director of Animal Control with a signed statement agreeing to the following conditions:

(a) The female unaltered animal will have no more than one litter per year, unless the owner also obtains and maintains a permit for breeding the animal pursuant to Chapter 6.09;

(b) Offspring of the unaltered animal will not be sold for money absent a permit for breeding, and no puppies may be transferred or adopted until they are at least eight weeks of age; and

(c) Records will be kept documenting how many offspring were produced, when, and who adopted or purchased them.

6.07.050 Penalty for Violation.

A. Any dog owner in violation of this chapter is subject to the following penalties:

1. First time violators will receive a correction notice detailing the particular violations. Violators will have 30 days from the date when the owner was first notified of the violation to correct the violations.

2. Second and subsequent violations of this chapter will be punished in accordance with Chapter 1.40 of this code.

6.07.060 Severability.

The provisions of this chapter are severable. If any section, paragraph, sentence, phrase, or word of this chapter is declared invalid for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of any other portion of this chapter, which shall remain in full force and effect.

SECTION 2.

This Ordinance shall be posted in accordance with the Bakersfield Municipal Code and shall become effective thirty (30) days after the date of its passage.

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I HEREBY CERTIFY that the foregoing Ordinance was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on _____, by the following vote:

AYES:	COUNCILMEMBER: ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, KAUR
NOES:	COUNCILMEMBER: _____
ABSTAIN:	COUNCILMEMBER: _____
ABSENT:	COUNCILMEMBER: _____

JULIE DRIMAKIS, CPMC, MMC
 CITY CLERK and Ex Officio Clerk of the
 Council of the City of Bakersfield

APPROVED: _____

By: _____
KAREN GOH
 Mayor

APPROVED AS TO FORM:

VIRGINIA GENNARO
 City Attorney

By: _____
ASHLEY E. ZAMBRANO
 Deputy City Attorney

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