



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-23

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June 1, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare ordinance amending Chapter 6.08 and Sections 6.12.110, 6.12.120, 6.12.130, 6.12.140 and 6.12.150 of the Long Beach Municipal Code relating to Dog and Cat Licensing and Rabies Control read the first time and laid over to the next regular meeting of the City Council for final reading.

DISCUSSION

Pursuant to the request of the City Council at its meeting of May 4, 2010, this office has prepared for your consideration the attached above-referenced ordinance.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By

HEATHER A. MAHOOD
Assistant City Attorney

1 Subsection B.1 below or a microchip as provided in Subsection B.2 below.

2 1. Tag. The tag shall be securely fastened to a collar or
3 harness as provided in this Chapter. Said tag may be issued at any time
4 during the calendar year and may be issued for a period of twelve (12)
5 months. The tag shall be obtained from the Director, inscribed with the
6 letters and words "LONG BEACH" and with the serial number of the tag.
7 The tag shall be sufficient only during the period for which the tag is issued.

8 2. Microchip. In place of the tag and collar described in
9 Subsection B,1 above, a person responsible for a cat may instead ensure
10 that the cat bears an identifiable microchip. For the purposes of this
11 Chapter, the term "microchip" shall mean the injection of an identification
12 chip below the skin of an animal performed by a veterinarian, registered
13 veterinary technician or other qualified staff. The person responsible for
14 such cat shall obtain an annual license at such times and in the manner as
15 specified in Section 6.08.030.

16 6.08.015 Penalty.

17 A. Violation of or failure to comply with any provision of Chapter
18 6.08 of this Code constitutes a criminal offense punishable as an infraction
19 for the first offense, and a misdemeanor for any subsequent offense
20 committed within a twelve-month period, with criminal penalties set forth in
21 Chapter 1.32 of this Code.

22 B. In addition to criminal penalties, persons who violate any
23 provision of this Chapter may be assessed administrative fines and
24 penalties established pursuant to Chapter 6.16 of this Code.

25 6.08.020 Annexed territory—County license acceptable.

26 It shall not be necessary for a person who is a resident of any area at
27 the time the area is annexed to the City and who at said time is a person
28 responsible for a dog or cat for which a license fee has been paid and a dog

1 or cat license issued under and by virtue of the ordinances of the county to
2 obtain a license for the animal as is provided in Section 6.08.010 except that
3 after the effective date of an annexation such person shall cause the dog or
4 cat to have upon it a collar, harness or similar device to which shall be
5 attached the county dog or cat license tag or such other official indicia as is
6 issued by the county, or, in the case of a cat, a microchip; but such person
7 shall be subject to all provisions of Section 6.08.010 from and after the
8 expiration date of the county dog or cat license.

9 6.08.030 License —Issuance—Records.

10 A. Tags for Dogs or Cats. The Director is authorized and
11 directed to procure on an as needed basis such quantity of tags as may be
12 required for dogs and cats in the City, which tags shall be plainly inscribed
13 as set forth in this Chapter, and shall be valid for only the period for which
14 they are issued. The Director shall furnish such tags to the person(s)
15 responsible for dogs and cats in the City for fees which shall be established
16 by the City Council by resolution for each unaltered dog and for each altered
17 dog whose spaying or neutering is verified by a certificate from a licensed
18 veterinarian and for each altered cat. The Director shall keep a register
19 wherein shall be entered the name of every person to whom a dog or cat
20 tag has been issued, together with the serial number, and the period for
21 which it is valid, the date of issuance, the address of applicant, and any
22 other data deemed pertinent. Such tag shall be good only for use upon the
23 dog or cat described in such application.

24 B. Microchipped Cats. The Director shall issue a certificate of
25 license, which shall be valid for only the period for which it is issued. The
26 Director shall furnish such licenses to the person(s) responsible for cats in
27 the City for fees which shall be established by the City Council by resolution
28 for each microchipped cat. The Director shall keep a register wherein shall

1 be entered the name of every person to whom a license has been issued,
2 together with the microchip number and the period for which the license is
3 valid, the date of issuance, the address of applicant, and any other data
4 deemed pertinent. Such license shall be good only for use upon the cat
5 described in such application.

6 6.08.040 License—Late penalty.

7 Penalties, which shall be established by the City Council by
8 resolution, shall be added to the license fees established by the City Council
9 by resolution for dogs and cats, if the required tag for a dog or cat is
10 secured more than sixty (60) days subsequent to the required renewal date;
11 provided, that no penalty shall be added for the securing of any license
12 secured within sixty (60) days after the date on which the dog or cat for
13 which the license is secured becomes subject to the provisions of this
14 Chapter, nor shall any penalty be added for a license secured within sixty
15 (60) days after the applicant becomes the person responsible for the dog or
16 cat for which the license is bought.

17 6.08.050 Tag—Replacement.

18 In case of loss or destruction of any tag required by the provisions of
19 this Chapter, a duplicate shall be issued by the Director upon request and
20 upon the payment of the fee established therefore by the City Council by
21 resolution.

22 6.08.060 Exemptions.

23 No license fee or tax shall be required for the issuance of a tag for
24 any dog owned as a guide dog, signal dog and/or service dog, as those
25 terms are currently defined in California Penal Code Section 365.5 or as
26 may be amended in the future. The Director shall annually issue tags free of
27 charge to persons responsible for having the custody and control of such
28 dogs.

1 6.08.070 License—Counterfeit prohibited.

2 No person shall imitate or counterfeit any tag, license, receipt or
3 registration certificate required or issued pursuant to this Chapter or use any
4 imitation or counterfeit of any such tag, license, receipt or certificate.

5 6.08.080 - Exhibit of receipt or license required.

6 No person responsible for any dog or cat subject to license under this
7 Chapter shall refuse to show upon demand to the Director, any animal care
8 services bureau enforcement officer or inspector, or any police officer, the
9 City license or the license tag for any duly registered dog or cat.

10 6.08.090 Unaltered cats – License prohibited.

11 No license shall be issued for an unaltered cat pursuant to this
12 Chapter, unless the cat is certified by a licensed veterinarian as not being
13 suitable for spaying or neutering due to health reasons pursuant to Section
14 6.16.085.

15
16 Section 2. Section 6.12.110 of the Long Beach Municipal Code is hereby
17 amended to read as follows:

18 6.12.110 Inoculation—Required.

19 No person responsible for any dog or cat shall permit a dog or cat
20 four (4) months of age or older to be in the City unless such person has
21 procured a canine anti-rabies vaccine for the dog or a feline anti-rabies
22 vaccine for the cat from a state licensed veterinarian unless:

- 23 A. Such dog or cat is less than four (4) months of age; or
24 B. Such dog or cat is in a state of health that inoculation at the
25 time would be hazardous to the life of the dog or cat, as evidenced by the
26 written, dated and signed statement of a licensed veterinarian, and
27 approved by the authority of the health officer. Such statement shall provide
28 exemption from the requirements of this section for a maximum period of

1 one (1) year. The health officer shall not authorize the endorsement of the
2 statement for any period of time unless the illness of the dog or cat requires
3 it.

4
5 Section 3. Section 6.12.120 of the Long Beach Municipal Code is hereby
6 amended to read as follows:

7 6.12.120 Inoculation—Certificate.

8 Every person responsible for a dog or cat in the City, whenever such
9 dog or cat is required to be inoculated by the provisions of Section 6.12.110,
10 shall have such dog or cat inoculated against rabies by a licensed
11 veterinarian. The inoculation by any person licensed to practice veterinary
12 medicine in the state, or in the event the dog or cat is inoculated in any state
13 other than California, then the inoculation by any person authorized or
14 permitted by such state to practice veterinary medicine, shall be deemed to
15 be inoculated by a licensed veterinarian. The health officer shall, at such
16 intervals of time as he deems necessary, provide for the rabies inoculation
17 of such dog or cat upon payment of a fee established therefore by the City
18 Council by resolution. The health officer shall issue to such person a
19 certificate of inoculation, signed under the authority of the health officer,
20 stating thereon the breed and description of the dog or cat, the date of the
21 inoculation, and the type of vaccine used.

22
23 Section 4. Section 6.12.130 of the Long Beach Municipal Code is hereby
24 amended to read as follows:

25 6.12.130 Inoculation—Required for license issuance.

26 Every person responsible for any dog or cat, and who is required by
27 the provisions of Chapter 6.08 to secure a license tag for such dog or cat,
28 shall provide evidence satisfactory to the licensing authority of compliance

1 with Section 6.12.110. A certificate of inoculation or a statement of health
2 containing the information required by Sections 6.12.110 and 6.12.120,
3 signed under the authority of the health officer and a licensed veterinarian,
4 shall be deemed satisfactory evidence of compliance with Section 6.12.110.
5 No dog or cat license shall be issued unless and until the requirements of
6 this section are fulfilled.

7
8 Section 5. Section 6.12.140 of the Long Beach Municipal Code is hereby
9 amended to read:

10 6.12.140 Inoculation—Record.

11 The Director shall, at the time a dog or cat license is issued, record
12 on the register, provided for by Section 6.08.030, the date of inoculation, the
13 type of vaccine used, or the reason no vaccine was used.

14
15 Section 6. Section 6.12.150 of the Long Beach Municipal Code is hereby
16 amended to read as follows:

17 6.12.150 Rabies vaccination certificates.

18 Every person practicing veterinary medicine in the City of Long
19 Beach who vaccinates a dog or cat with rabies vaccine shall issue to the
20 person responsible to whom he or she delivers the dog or cat the original
21 certificate and to the Director of the Animal Care Services Bureau of the City
22 of Long Beach a copy of every rabies immunization certificate issued by
23 such veterinarian. The certificate should contain the following:

- 24 A. Name, address and telephone number of the person
25 responsible for the dog or cat;
- 26 B. A description of the dog or cat, including breed, color, sex and
27 age;
- 28 C. The date of rabies immunization;

- 1 D. The type of rabies vaccine administered;
- 2 E. The name of the manufacturer and the lot number of the
- 3 vaccine used;
- 4 F. The veterinarian's name, address and telephone number
- 5 either stamped, printed or typed on the certificate;
- 6 G. The signature of the veterinarian who administered the
- 7 vaccine or the signature of a person authorized by the veterinarian to sign
- 8 the certificate.
- 9

10 Section 7. The City Clerk shall certify to the passage of this ordinance by
11 the City Council and cause it to be posted in three (3) conspicuous places in the City of
12 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
13 Mayor.

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OFFICE OF THE CITY ATTORNEY
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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2010, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor