Subchapter Two: Spaying, Neutering and Breeding

8.02.010 Definitions.

For the purposes of this chapter, the definitions contained in Section 8.01.010 shall apply.

[*History*: ORD. 606, 9/10/03]

8.02.020 Spaying/Neutering.

(a) Any person who owns or harbors within the incorporated city of the Town of Colma, any cat or dog over the age of six months which has not been spayed or neutered, shall procure either a license to keep an unaltered dog or cat or a license and permit for breeding cats or dogs issued by the Town of Colma Animal Control Program under section 8.02.030 of this chapter.

(b) A license shall be issued for an unaltered dog or cat if the owner signs a written statement that such animal will not be allowed to breed unless the owner has first obtained a breeding permit under section 8.02.030 of this code.

(c) Any person providing care or sustenance for a period of thirty days or longer shall be deemed the owner of such animal and shall adhere to the provision of the section.

(d) Subsection (c) above shall not be interpreted to apply to a person caring for barn cats or a colony of feral cats if such person:

(1) Registers (at no charge) with the Peninsula Humane Society or Town of Colma Animal Control Services as a caretaker for barn cats or feral cats.

(2) Regularly feeds or arranges for the feeding of the cats, including on weekends and holidays;

(3) Traps or makes a reasonable effort to trap all barn or feral cats over the age of eight (8) weeks in his/her care, and has them spayed or neutered;

(4) Has all trapped cats tested for feline leukemia and has those who test positive humanely euthanized or isolated indoors;

(5) Identifies barn or feral cats that have been spayed or neutered by means of ear notching, ear tipping, or ear tagging;

(6) Has all trapped cats vaccinated according to state and local laws.

[*History*: ORD. 606, 9/10/03]

8.02.030 Breeding Permits; Administration.

(a) No person shall cause or allow any dog or cat owned or harbored, in the incorporated Town of Colma, to breed without first obtaining a breeding permit under this section.

(b) Town of Colma Animal Control Services shall administer a permit program to allow breeding of cats and dogs consistent with criteria and according to procedures contained in this chapter.

(c) Each applicant who is issued a permit to breed cats or dogs under this section shall pay a breeding permit fee according to the fee schedule contained in the Master Fee Schedule of this code.

(d) No person shall cause or allow the breeding of a male or female dog or cat without first obtaining a breeding permit issued by the Animal Control Services. Such breeding permit is required in addition to any license required under section 8.01.040 of this code. Breeding permits shall be valid for twelve months, renewable on an annual basis. Fees for such permit shall be as set forth in the Master Fee Schedule. All breeding permits shall contain the following terms and conditions and be subject to all of the following requirements:

(1) No offspring may be sold or adopted and permanently placed until reaching an age of at least eight (8) weeks.

(2) No offspring may be sold or adopted until immunized against common diseases, or until they have begun a course of disease prevention under the direction of a State of California licensed veterinarian.

(3) If within one year of placement a new owner becomes unable or unwilling to continue ownership and responsibility for an animal, the permit holder shall assist in placement of the animal. If no suitable placement can be found within six (6) months, the permit older shall accept return of the animal if healthy and shall become fully responsible for its care.

(4) Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit numbers in any publications in which they advertise. Further, the permit number must be provided to any person adopting or purchasing an animal bred by the permit holder.

(5) The breeding permit holder shall adhere to minimum standards regarding the care and keeping of animals developed and approved by the Animal Control Services.

[*History*: ORD. 606, 9/10/03]

8.02.040 Sale or Adoption of Cats, Dogs or Wolf Hybrids.

(a) Any person who provides or offers to the public, whether or not for compensation, any cat, dog, or wolf hybrid shall provide to their clients, free of charge, information relating to pet care and ownership, including information where applicable, on City laws pertaining to animal control. This required information will be prepared and provided by City Animal Control Services upon request.

(b) Any person offering cats, dogs, or wolf hybrids for sale or adoption shall disclose to any purchaser or adoptive owner information regarding the licensing, registration or permit requirements of the Town of Colma applicable to such animal.

(c) No person shall offer for sale or adoption any cat, dog, or wolf hybrid on any public street, sidewalk or public park unless such person first obtains a business license to sell pets or is a recognized pet rescue/adoption agency such as Pets in Need and the Peninsula Humane Society.

(d) Prior to release for adoption, any animal adopted from any animal welfare agency shall be spayed or neutered as early as is medically appropriate, unless the adoptive owner obtains a certificate from a licensed veterinarian certifying as to the health reasons for failing to alter such animal.

[*History*: ORD. 606, 9/10/03]

8.02.050 Revocation of Permit.

(a) Any permit issued pursuant to section 8.02.030 may be revoked if the Animal Control Officer has reasonable cause to believe any of the following to be true:

(1) The permittee has violated any City ordinances relating to the keeping, care or use of any animal including, but not limited to, those contained in Sections 8.01, 8.02 and 8.03 of the Colma City Ordinance Code;

(2) The permittee is in violation of any State health or safety law or regulation regarding animal care or control;

(3) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this code;

(4) The permittee refused to allow inspection, upon forty-eight hours written notice, of any animal covered by the permit or the premises on which the animal is kept; or

(5) The permittee has transferred, sold or otherwise disposed of the animal for which the permit was issued.

(b) If, after inspection, the Animal Control Officer concludes that it is probable that one or more of the above grounds for revocation has occurred, it shall cause written notice thereof to be transmitted by mail to the address of the permittee. Said notice shall specify the grounds of possible revocation of the permit and shall specify a date and time for an informal hearing to be held before an Animal Control Officer. Said date shall be not less than five days subsequent to the date the notice is mailed. After the informal hearing, the Animal Control Officer may modify the terms of the permit or revoke the permit.

(c) The permittee may appeal the decision of the Animal Control Officer to the City Environmental Health Officer if the permittee gives written notice of such appeal within five working days of the decision.

[*History*: ORD. 606, 9/10/03]

8.02.060 Penalties.

Except as otherwise provided by this subchapter, any violation of any of the provisions of this subchapter shall be an infraction, which shall be punishable as set forth in section 1.05.010 et seq.

[*History*: ORD. 606, 9/10/03, ORD. 643, 4/12/06]

8.02.070 Responsibility for Enforcement.

The Animal Control Program shall be responsible for the enforcement and administration of this chapter.

[*History*: ORD. 606, 9/10/03]