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CITY OF OAKLAND



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September 20, 2005

OAKLAND CITY COUNCIL
Oakland, California

Re: AN ORDINANCE AMENDING SECTION 6.04.020 OF THE OAKLAND MUNICIPAL CODE, DEFINITIONS; AMENDING SECTION 6.04.320 PROHIBITING THE KEEPING OF ROOSTERS IN THE CITY; ADDING SECTION 6.04.400 TO LIMIT THE NUMBER OF DOGS PER HOUSEHOLD TO THREE; AMENDING SECTION 6.04.050 MAKING CHIPPING REQUIRED FOR LICENSING, AND ADDING SECTION 6.04.410 TO ADD EXEMPTIONS TO THE PROVISIONS OF THIS ORDINANCE

Dear Colleagues:

Attached, for your information, are guidelines developed for exempting foster homes associated with non-profit rescue organizations and the general public from the three dog limit. The guidelines were developed with input from the community at large and stakeholders from the animal welfare community.

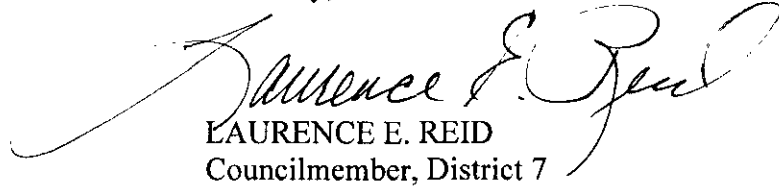
The guidelines call for issuing “conditional dog licenses” to households that want to exceed three dogs through a home inspection and compliance with certain requirements. Exemptions for foster homes will be implemented through the non-profit rescue organizations utilizing their existing screening and home inspection process.

Oakland is the one of the last cities in the Bay Area to adopt dog limits. If the ordinance passes this evening, Oakland will also be the only city to allow its residents to have more dogs than the limit allows if they agree to certain conditions that will insure the well being of the animals in their care and that of the neighboring community. I am also very proud of the fact that this ordinance allows rescue organizations and their foster homes to exceed the limit and continue the great work that they do to save animals lives. No other city has made this kind of exemption for animal rescue work.

Finally, I plan to make a motion to postpone enforcement of the ordinance for a period of sixty days to give households with more than three dogs sufficient time to come into compliance with the limit by licensing their pets if they have not already done so.

Thank you for your continued support of this very important quality of life legislation.

Sincerely,



LAURENCE E. REID
Councilmember, District 7

Foster Home Exemption Guidelines

Oakland Animal Services works closely with a large number of Animal Rescue Organizations to help Oakland's animals. The partnership with Oakland Animal Services and each Animal Rescue Organization becomes official through a signed Memorandum of Understanding between the Oakland Animal Services and the Animal Rescue Organization. If this Memorandum of Understanding becomes invalid for any reason, Oakland Animal Services is required to inform the Animal Rescue Organization in writing so that they can inform their fosters.

Oakland Animal Services trusts and depends on the knowledge and expertise of these partner organizations to choose fosters that can humanely and responsibly care for animals. Oakland Animal Services will rely on these organizations to quickly handle any issues that might arise with any of their foster homes.

Households that foster dogs are eligible for exemption from the three dog limit if they have valid licenses for their own dogs and they are fostering dogs for an Animal Rescue Organization that has a current/valid Memorandum of Understanding on file with Oakland Animal Services.

Revocation of Foster Exemption for the Three Dog Limit

A. First Complaint

- a. If Oakland Animal Services or Oakland Police Department receives an animal related complaint, including those related to animal abuse/neglect, noise or unsanitary conditions, against an individual who claims to be fostering animals for an Animal Rescue Organization, the complaint will be directed to the rescue organization for prompt resolution. Felony complaints will be handled by the Police Department and any sustained felony complaints will result in the immediate revocation of the foster exemption. If the Animal Rescue Organization denies that the individual is a foster, the complaint will be handled using normal procedures.

B. Second Complaint

- a. If Oakland Animal Services or Oakland Police Department receives a second animal related complaint, including those related to animal abuse/neglect, noise or unsanitary conditions, against an individual who is a foster for an Animal Rescue Organization, the Director of Oakland Animal Services will contact the Animal Rescue Organization to discuss the issue and identify solutions that will mitigate the problem. The Director of Oakland Animal Services will evaluate the Animal Rescue Organization's efforts to handle the first complaint and their willingness and ability to continue to address the situation. From this information, the Director may decide:
 - 1) to continue to allow the Animal Rescue Organization to handle the problem
 - 2) to have an Animal Control Officer inspect the property and determine next steps with the Rescue Organization from this information;
 - 3) to revoke the dog limit exemption for the individual foster; or

- 4) to end the Memorandum of Understanding with the Animal Rescue Organization which would remove the dog limit exemption from all of its fosters. This drastic step should only be taken in cases where the Animal Rescue Organization has done nothing to address the problem or when the Director of Oakland Animal Services has other serious concerns about the Animal Rescue Organization's ability to select responsible foster homes or humanely care for animals.

Appeal Process

The OAS Director's decision to revoke a foster's exempt status is final. The OAS Director's decision to revoke a Memorandum of Understanding with an Animal Rescue Organization is valid until the Director determines it should be reinstated.

9/14/05

Conditional Dog License Guidelines

Households wishing to exceed the three dog limit may apply for a conditional license for each additional dog. To obtain a conditional dog license, the applicant must meet the following requirements:

- The applicant must have current/valid licenses for the existing three dogs at the present address for at least one year at the time of application. None of these licenses can be for a potentially dangerous or vicious dog. New residents to Oakland must abide by the three dog limit for one year before becoming eligible for a conditional dog license.
- All dogs in the household must be spayed/neutered;
- The applicant (and all adult members of the household) can not have a complaint history with Oakland Animal Services (such as citations for dog at large and violations of Oakland's leash law), Code Compliance or Oakland Police Department (regarding animal related issues, including those related to animal abuse/neglect, noise or unsanitary conditions);
- The applicant must show proof that he/she owns the primary residence or show proof that his/her landlord will permit additional dogs living at the property;
- The applicant must successfully pass an inspection of the home and property by an Oakland Animal Control Officer. The inspection will be paid for by the applicant prior to the inspection;
- The applicant must have a valid rabies certificate for the dog to be licensed and pay the applicable fees;
- The applicant must meet any additional conditions as determined by the Director of Oakland Animal Services.

Home Inspection

Households wishing to exceed the three dog limit must keep all dogs inside their primary residence during the hours of 8:00 p.m. to 8:00 a.m. and have an appropriate outside area for their dogs. A primary residence does not include a garage, a mobile/motor home, storage shed, car port, or a section of another residence. The home inspection by Oakland Animal Services will include a review of both the inside and outside areas of the home. Oakland Animal Control Officers are trained to perform home inspections and their judgment and expertise will be used to determine if an applicant passes inspection.

The inside of the primary residence must be large enough for all human and animal occupants to comfortably live. This requirement will be based on the size and special needs of the dogs that will be living in that residence. The residence must be determined to be safe and reasonably clean and sanitary by the inspecting Animal Control Officer.

The outside area of the primary residence must:

1. Be large enough for all of the dogs to exercise simultaneously. This requirement will be based on the size and exercise needs of the dogs that will be living at the residence.

2. Have covered, dry area(s) where all dogs can be simultaneously protected from the elements.
3. Be fully enclosed by fencing that meets City Ordinance and law. All gates to the outside must be secured from the inside and can not open from the outside without a key. The yard must be fully secure to prevent dogs from straying from the property. Chains, ropes or other restraining devices shall not be permitted when dogs are in the yard or used as a method to secure dogs within the property.
4. Be reasonably clean and free of obstructions, equipment or vegetation that could potentially injure dogs.

Oakland Animal Services reserves the right to conduct additional inspections to ensure ongoing compliance with the requirements of the conditional license.

Renewal

A conditional license is valid for the length of the rabies vaccination. When the license expires, the conditional license can be renewed if the applicant has continued to have no sustained complaints with Oakland Animal Services, Code Compliance or Oakland Police Department (regarding animal related issues, including those related to animal abuse/neglect, noise or unsanitary conditions), shows proof that he/she continues to live at the same address, and has a valid rabies certificate for the dog.

If the owner moves to a new address in Oakland, the conditional license becomes invalid. The applicant must reapply for a new conditional license at the new location and pay for a home inspection of the property.

Revocation

The permit may be revoked by the Director of Oakland Animal Services if the conditional license owner violates any of the conditions of the license or if any of the adult members of the household receives a sustained complaint from Oakland Animal Services, Code Compliance or the Oakland Police Department (related to animal abuse/neglect, noise or unsanitary conditions).

Appeal Process

- a) Households that are denied a conditional dog license or have had a conditional dog license revoked may appeal to the City Administrator's Office.
- b) The City Administrator's decision to deny or revoke a permit is final.

9/14/05