

5. NEIGHBORHOOD SERVICES

- 5.1 **Report of the Neighborhood Services and Education Committee**
Council Member Chirco, Chair
No Report.

- 5.2 **Consideration of changes to the Animal Regulations of the San José Municipal Code.**

Recommendation:

- (a) Consideration of staff analysis and response to direction from Council regarding changes to the Animal Ordinance.

Approved.

Noes: Constant, Cortese, Oliverio; Reed.

- (b) Consideration of an ordinance amending Title 7, the "Animal Ordinance" of the San José Municipal Code, in its entirety, to reflect changes requested by the City Council on May 1, 2007; to update existing animal related regulations to reflect current animal care and control practices on the proper and adequate care of animals, to revise livestock and small animal regulations, sale of animals, rabies vaccinations, and animal trapping; to define new terms; and to make other technical and conforming changes.

Ordinance No. 28079 passed for publication, as amended:

- (1) **Replace the term "Guardian" with "Owner/Guardian". (Opposed: Constant;Reed.)**
- (2) **Section 7.10.200, do not include the term "service dog in training" in the definition of "service dog" or other references to "service dog" in the Title.**
- (3) **Section 7.20.570, amend the language to allow any person who harbors or has control, custody or possession of a dog that is participating in or preparing an animal exhibition to carry metal license tags for the purpose of identification while in public; the dog must have a microchip implant and this section would not exempt the dog from the leash law.**
- (4) **Section 7.40.020(D), modify language to allow only one litter per household per year, with no limit on the number of unsprayed females with the maximum number of cats or dogs allowed any dwelling unit.**
- (5) **Section 7.60.030, delete this section and amend Section 7.10.080 and 7.10.185.**
- (6) **Section 7.10.080, amend the definition of "Commercial Kennel" to provide that allowing parturition or rearing of more than two litters of animals per year per premises would require a commercial kennel permit and delete any references to the sale of litters for compensation as a basis for being included as a Commercial Kennel.**

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5. NEIGHBORHOOD SERVICES

5.2 Consideration of changes to the Animal Regulations of the San José Municipal Code (Cont'd.)

- (b) (7) Section 7.10.185, amend the definition of “Private Kennels” to provide that allowing the parturition or rearing of two litters per year would require a private kennel permit.
 - (8) Section 7.60.080, eliminate the requirement for a two hundred fifty foot distance between Private Kennel and any dwelling unit, apartment, motel or other building used for human habitation.
 - (9) Section 7.40.040(B), add language that would clarify that a dog may be maintained on a leash of more than six feet but less than twenty feet when in a public park or public open space provided that the dog makes no physical contact with another person or animal without the consent of that person or the consent of the “Owner/Guardian”. Clarify that the six foot leash requirement applies to when a dog is at an event on public property or on a public sidewalk or public street.
 - (10) Section 7.40.100, continue to require that animal events held in a City building or facility require approval by the City Manager. Animal Services will maintain a list of City facilities that are appropriate for animal events.
 - (11) Add a cross reference to Section 1.16.010 specifying the time to appeal the final administrative hearing decisions where appropriate in Title 7. Noes: Cortese, Oliverio; Reed.
- (c) Approval of an ordinance amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the list of animal infractions to include the new code sections.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Heard in the evening.

Ordinance No. 28080 passed for publication, as amended.

Noes: Cortese, Oliverio; Reed.

5.3 Acceptance of staff’s response to the Civil Grand Jury’s Report on, “The Ten-Year Plan to Advance the Well-Being of Senior Citizens Falls Short of its Goal.”

Recommendation: Acceptance of the Parks, Recreation and Neighborhood Services response to the 2006-07 Santa Clara County Civil Grand Jury’s report entitled “The Ten-Year Plan to Advance the Well-Being of Senior Citizens Falls Short of Its Goal” issued on April 23, 2007. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Accepted.