

City Code Section XXX is amended to add new definitions of “irremediably suffering” “licensed veterinarian,” “rescue organization,” “severe injury” and “unprovoked biting” to read as follows, and to renumber the remaining definitions accordingly:

- (1) IRREMEDIABLY SUFFERING means an animal who has a poor or grave prognosis for being able to live without severe, unremitting physical pain even with comprehensive, prompt, and necessary veterinary care, as certified in writing by a licensed veterinarian.
- (2) LICENSED VETERINARIAN means a veterinarian licensed to practice veterinary medicine in the State of California.
- (14) RESCUE ORGANIZATION means an organization that is:
 - (a) described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and that is also
 - (b) an animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals.
- (3) SEVERE INJURY means any physical injury from a dog bite that results in broken bones, permanently disfiguring lacerations requiring multiple sutures or cosmetic surgery, other surgery or nerve damage.
- (4) UNPROVOKED BITING means biting that is not provoked. Biting is provoked if, among other things, it occurs because the dog was being taunted, or the dog was acting in defense of self, a person, another animal, or property, or the dog was acting from maternal instinct, or the dog was reacting to hunger, pain, or fear, or the dog bites accidentally, as when playing.

PART 2. City Code Section XXX is amended to read:

- (A) The city manager or the manager of an animal shelter must waive a fee assessed against an owner reclaiming an impounded animal if:
 - (1) the animal shelter intends to destroy the animal;
 - (2) the owner presents a written statement of inability to pay; or
 - (3) the animal is sterile or the owner agrees to sterilize the animal.
- (B) The city manager must not assess a fee to a rescue organization or a finder for accepting the transfer of an impounded animal.

PART 3. City Code Section XXXX is amended to read:

- (A) Not less than two business days before the euthanasia of any animal, the City animal shelter must:
 - (1) Notify or make a reasonable attempt to notify by verifiable, documented communication any rescue organization that has previously requested to be notified before animals are euthanized;
 - (2) Unless there is evidence of neglect or animal cruelty as certified in writing by a licensed veterinarian, notify or make a reasonable attempt to notify by verifiable, documented communication the owner who surrendered the animal and inform that person that the animal is scheduled to be killed, unless the person requests not to be contacted;
 - (3) Notify or make a reasonable attempt to notify by verifiable, documented communication the finder who surrendered the stray animal and inform that person that the animal is scheduled to be killed, unless the person requests not to be contacted;
 - (4) Give one of the rescue organizations or persons notified under subsections (1), (2) or (3) possession of the animal to avoid the animal's death if the rescue organization or person requests it.

- (B) The City animal shelter may not euthanize any animal without making the notification required by subsections (A)(1), (2) and (3).
- (C) This section does not apply to:
 - (1) An animal who is irremediably suffering;
 - (2) A dog whose release to a rescue organization would violate a court order; or
 - (3) A dog with a documented history of unprovoked biting that has resulted in severe injury to a person.
- (D) This section also applies to animals *in utero* when a female animal is visibly pregnant.