

**HOLD HARMLESS AND INDEMNIFICATION AGREEMENT
(PLEASE READ CAREFULLY)**

I, _____ (Permittee) on behalf of, _____ agrees to indemnify, defend, and hold harmless the City, and its officers, employees, and agents ("City indemnitees"), from and against any and all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels' fees and costs of litigation ("claims"), arising out of the Permittee's performance of its obligations under this agreement or out of the operations conducted by Permittee, including the City's active or passive negligence, except for such loss or damage arising from the sole negligence or willful misconduct of the City. In the event the City indemnitees are made a party to any action, lawsuit, or other adversarial proceeding arising from Permittee's performance of this agreement, the Permittee shall provide a defense to the City indemnitees, or at the City's option, reimburse the City indemnitees their costs of defense, including reasonable legal counsels' fees, incurred in defense of such claims.

Signature: _____ Date: _____

6-1.4006 - Cats and Dogs—Maximum Number

Except as otherwise set forth in this Chapter, no person shall keep or have upon any premises owned, occupied, or controlled by him or her within the City more than three (3) dogs and three (3) cats over four (4) months of age. Upon application for relief from the maximum number of dogs or cats allowed by this Section, the Animal Control Services Unit may allow by administrative permit the occupant of the premises to maintain additional dogs or cats subject to reasonable conditions as are necessary to insure the general public health, safety and welfare of the general public and or nearby residents or businesses

6-1.4007 - Feral Cats

- (a) It shall be unlawful for any person within the City of Los Banos to intentionally provide food, water, or other forms of sustenance to a feral cat except under the following conditions:
- (1) Register with the City as a caretaker of feral cats;
 - (2) Feed feral cat(s) daily in a manner that does not leave excess food in the area;
 - (3) Regularly trap and spay/neuter cats over the age of eight (8) weeks;
 - (4) Identify all altered cats by tipping their ears;
 - (5) Arrange to have all trapped cats vaccinated for rabies in addition to any other vaccination or immunization requirement imposed by the State.

6-1.7001 - Rescue Permit

- (a) The term "rescue permit" shall mean a written authorization issued annually by the Animal Control Services Unit giving a lawful rescue group the authority to hold an agreed upon number of dogs and/or cats at a specific location for the purpose of placing them in permanent homes, without having to obtain a use permit.
- (b) The rescue group must provide proof to the Animal Control Services Unit of a current and valid nonprofit group status, as defined in the Internal Revenue Code and issued by the Internal Revenue Service Department of Treasury, as required by Food and Agriculture Code Section 31108(b).
- (c) The rescue group must submit to annual inspections of the site where animals are to be housed.
- (d) The rescue group must provide documentation of caretakers that are responsible for the care, feeding and treatment of the animals in addition to and in the absence of the individual applying for the permit.
- (e) An evacuation plan must be on file at the site location.
- (f) If the residence is not owned by the applicant, written permission from the land owner must be kept on file with the Animal Control Services Unit.
- (g) No dog or cat may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least eight (8) weeks of age and not dependent on maternal care and has received its first immunization against common diseases and proof of spay or neuter (as required by Food and Agriculture Code Section 30503) has been provided to the new owner. If a veterinarian has determined that spay/neuter is inappropriate for the animal's advanced age or health, a dog/cat may be placed with a new family with proof of verification, as stipulated in the Food and Agriculture Code Section 30503.
- (h) Rescue permits can be revoked by the Animal Control Officer if there are complaints of excessive noise, feces or smell. All feces must be removed prior to accumulation upon the property. Feces must be removed prior to the occurrence of offensive odors or fly and/or rodent infestation. Feces must be removed by placing them in a plastic bag for deposit in appropriate garbage container. It is unlawful to deposit feces in manner which may create a health hazard.
- (i) Any kennels built or operated at the permitted location or on the grounds of the rescue group shall be subject to the requirements of the Los Banos Zoning or Building Code.
- (j) No dead animals shall be buried on the premises.
- (k) Rescue permits shall not be issued to any person who has been convicted of animal cruelty or neglect.

6-1.7002 - Breeder Certificate

- (a) No person shall cause or allow any dog or cat owned, harbored, or kept within the City of Los Banos to breed without first obtaining a Breeder Certificate from the City.
- (b) The term "Breeder Certificate" shall mean a written authorization issued annually by the Animal Control Services Unit giving its lawful holder permission to breed one (1) litter per year per designated animal.
- (c) Any holder of a Breeder Certificate who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the Breeder Certificate number in any such advertisement. Further, the Breeder Certificate holder must provide the Certificate number to any person who purchases, adopts or receives any animal from the Certificate holder and include the Certificate number on any receipt of sale or transfer document.
- (d) No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least eight (8) weeks of age and not dependent on maternal care and has received its first immunization against common diseases.
- (e) The following animals are exempt from Breeder Certificate requirements:
- (1) Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities;
 - (2) Dogs documented as guide, signal, or service dogs pursuant to California Penal Code Sections 365.5(d), (e) and (f) and successor sections;
 - (3) Dogs and cats under the care of governmental animal control agencies; animal rescue organizations which have demonstrated to Animal Control Services Unit that they have implemented an ongoing spay/neuter plan, as well as an adoption plan; or humane societies or societies for the prevention of cruelty to animals, if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110, and successor sections;
 - (4) Dogs documented as enrolled in a guide, signal or service dog breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200), Division 3 of the California Business and Professions Code; and
 - (5) When a veterinarian has determined that spay/neuter is inappropriate for the animal's age or health.
- (f) When contacted by an Animal Control Officer, the owner of a pregnant or whelping dog or cat must either show proof of an impending spay/neuter appointment or agree to participate in a low-cost spay/neuter program, or purchase a Breeder Certificate.
- (g) Breeder Certificates shall not be issued to any person who has been convicted of animal cruelty or neglect.