

City of Santa Barbara
Mayor and Council Offices

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Memorandum

CITY ADMINISTRATOR'S OFFICE
SANTA BARBARA

DATE: January 27, 2010

TO: Jim Armstrong, City Administrator

FROM: Councilmember Grant House *Grant House*
Councilmember Harwood Bendy White *Harwood White*

SUBJECT: Amending the Animal Control Ordinance

Pursuant to Council Resolution 05-073 regarding the Conduct of City Council Meetings, we request that an item be placed on the Santa Barbara City Council Agenda at the earliest convenience regarding drafting an amendment to the Title 6, Animal Control of the Santa Barbara Municipal Code to require that pet owners wishing to keep an intact dog or cat obtain a veterinary certificate as part of fulfilling the City's licensing requirements.

- Summary of Information to be Presented and Background Information

Discussion of proposed amendment to the Animal Control Ordinance. Please refer to the attached document for language details.

- Statement of Specific Action

Councilmembers House and White request that Council authorize staff to instruct the Ordinance Committee to draft an amendment for Council consideration to Chapter 6.12 of Title Six of the Santa Barbara Municipal Code, Dog Licensing, to encourage spaying or neutering by requiring an owner to consult with a veterinarian before they can purchase an unaltered animal license. Further, Councilmembers House and White request that Council authorize staff to instruct the Ordinance Committee to draft an amendment to Title 6 to establish a license for unaltered cats, also requiring an owner to consult with a veterinarian in order to qualify to purchase an unaltered cat license.

- Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action

Such an amendment would further the City's goal of encouraging the spaying/neutering of dogs and preventing the creation of unwanted animals.

**AN ORDINANCE AMENDING SANTA BARBARA COUNTY CODE:
CHAPTER 7 – ANIMALS AND FOWL**

ORDINANCE NO. 09-_____

WHEREAS, the number of unwanted dogs and cats in County animal shelters continues to increase; and

WHEREAS, despite the efforts of committed staff and volunteers to find homes for these dogs and cats, the capacity of the animal sheltering system is consistently exceeded; and

WHEREAS, many of these animals are lost, abandoned, or relinquished and there are too few homes to adopt them; and

WHEREAS, this results in poor outcomes for animals, poor outcomes for County residents, and increased costs to local jurisdictions; and

WHEREAS, the Santa Barbara County Board of Supervisors established a Spay-Neuter Task Force under the oversight of the Public Health Department to review the problem of pet overpopulation within the County and the Spay-Neuter Task Force was charged to "return to the Board as appropriate with proposed draft language for a spay/neuter ordinance".

NOW THEREFORE, the Spay-Neuter Task Force proposes an amendment to Chapter 7 of the County Code by means of this ordinance to reduce pet overpopulation and promote responsible pet ownership and licensing in response to local needs.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Chapter 7 – Animals and Fowl

is amended to read:

Article III. Licenses and Tags

Section 7-18. Licenses and Tags—Required.

Unaltered Animal License for Responsible Owners

- (a). Owners of dogs and cats shall act responsibly when considering whether to breed their dog or cat.
- (1) Spaying or neutering of dogs and cats is recommended.
 - (2) Owners of dogs and cats may purchase an Unaltered Animal License from Animal Services if a California licensed veterinarian issues a Veterinary Certificate stating in writing that:
The owner has discussed the objectives and purpose for owning the dog or cat with the veterinarian, and after considering the overall circumstances, including the age and health of the animal, the veterinarian concludes that the owner and dog or cat will best be served by authorizing the owner to purchase an Unaltered Animal License.
 - (3) A current Veterinary Certificate is required each time an Unaltered Animal License is purchased.
 - (4) A Veterinary Certificate is valid for either one year or the term of the license, whichever is longer.
- (b). For every owner in the County who owns a dog or cat over 6 months of age and whose animal does not meet the requirements to purchase an Unaltered Animal License, the owner shall have the dog or cat spayed or neutered.
- (c). These requirements do not apply to owners of dogs and cats temporarily visiting the county for 30 days or less.
- (d). These requirements do not apply to owners of dogs and cats residing on parcels that are designated as AG-II and a minimum parcel size of 40 acres.

Does Not Qualify for an Unaltered Animal License

The following owners of dogs or cats do not qualify for an Unaltered Animal License:

- (1) Owners of dogs or cats impounded and/or cited at large three times within a year.
- (2) Owners of dogs or cats convicted in California for crimes against animals and/or domestic violence.
- (3) Dogs whose owners have been found guilty of an infraction under section 7.65 of this chapter after their dog has bitten, attacked, or caused injury to a human being or animal while the dog was running at large.

Dog Licenses

- (a). It shall be unlawful to own or have custody of a dog four months of age or older unless a county dog license has been procured.
- (b). The county shall only issue a dog license after the dog to be licensed has been vaccinated against rabies by a method approved by a licensed veterinarian who shall issue to the owner or person entitled to custody of the dog to be licensed a rabies certificate which shall include information as prescribed by the county veterinarian.
- (c). Upon payment of the license fee and the presentation of a valid rabies vaccination certificate, the county shall issue a dog license and dog tag to the person paying the license fee. The dog tag shall be securely affixed to the dog and shall remain attached at all times.

- (d). A county dog license shall be valid for a period not to exceed three years and the license period shall not extend beyond the remaining period of validity for the current rabies vaccination.

Unaltered Cat Licenses

- (a). It shall be unlawful to own or have custody of an unaltered cat six months of age or older unless a Unaltered Animal License has been procured.
- (b). Upon payment of the license fee and the presentation of a current Veterinary Certificate, the county shall issue an Unaltered Animal License and cat license tag to the person paying the license fee. The cat tag shall be securely affixed to the cat and shall remain attached at all times.
- (c). An Unaltered Animal License for a cat shall be valid for one year.

General

- (a). An Unaltered Animal License constitutes a breeders license. The Unaltered Animal License number will be displayed in any advertisements to sell or give away offspring of the animal.
- (b). For each Unaltered Animal License sold, \$10 will be deposited into the Animal Services Spay/Neuter Agency Fund to be used for services such as: educational outreach and spay or neuter subsidies.

Enforcement Responsibility

The Director of Animal Services shall be responsible for the administration and enforcement of this ordinance. Any request for review of a denial for an Unaltered Animal License shall be submitted in writing to the Director of Animal Services who shall hold a hearing.

Article IX. Transfer of Dogs and Cats

Section 7-67. Transfer of Dogs and Cats

- (a). **Definition-** "Transfer" shall mean any transaction in which a dog, puppy, cat or kitten is delivered to a new owner, and shall include, but not be limited to, the sale, sale at auction, barter, exchange, gift or adoption of any dog, puppy, cat or kitten.
- (b). **Health Records-** Any individual who transfers a dog, cat, puppy or kitten to a new owner shall authorize access to the animal's health and vaccination records, including the name of the licensed veterinarian who examined the animal. The individual transferring the animal(s) shall also provide the new owner with a copy of this ordinance if the new owner resides in Santa Barbara County; or the requirements of H&S Code sections 122045-122110 and 122125-22315 (Polanco-Lockyer Pet Breeder Warranty Act and the Lockyer-Polanco Farr Pet Protection Act, respectively) if the new owner resides in California.
- (c). Any person advertising the availability of a puppy or kitten for transfer must prominently display the Unaltered Animal License number of the mother dog or cat in the advertisement. Any person advertising the availability of an unaltered dog or cat for transfer must prominently display the Unaltered Animal License number in the advertisement.
- (d). No dog, puppy, cat or kitten shall be transferred as a prize.

Ordinance 4705 – Animal Services Fee Schedule

is amended as follows:

Unaltered Cat Licenses

1- year.....\$50.00
1- year belonging to a senior (65 years).....\$28.00

Unaltered Animal License Surcharge

For each Unaltered Animal License sold, a \$10 surcharge will be added and deposited into the Animal Services Spay/Neuter Agency Fund to be used for services such as: educational outreach or spay and/or neuter subsidies.

Penalty for failure to license a dog or an unaltered cat\$250.00

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____ 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Board of Supervisors

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

BY _____
Deputy

APPROVED AS TO FORM:
DENNIS MARSHALL
COUNTY COUNSEL

By Celeste E. Andersen
Deputy County Counsel