



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** August 24, 2010

**TO:** Council Ordinance Committee

**FROM:** City Attorney's Office

**SUBJECT:** Discussion Of Animal Licensing Ordinance Amendment To Include Consultation With Veterinarian Prior To Ownership Of An Unaltered Animal

### **RECOMMENDATION:**

That the Ordinance Committee review a draft City ordinance to amend Santa Barbara Municipal Code Chapter 6.12 to require proof of a veterinarian consultation prior to the issuance of a City license for a non-spayed or non-neutered dog and establish similar licensing requirements for cats and, if appropriate, refer the proposed ordinance to the City Council for possible introduction and adoption.

### **DISCUSSION:**

In January 2010, Santa Barbara County adopted a County-wide ordinance recommending the spay or neuter of all dogs and cats prior to licensing. The County ordinance further mandates that, prior to an owner retaining an unaltered animal, the owner must consult with a veterinarian to consider the overall circumstances of the animal and the owner, and the appropriateness of the animal remaining unaltered. Shortly after the adoption of this County program, Councilmembers House and White asked that this subject be placed on an agenda of the City Council for possible reference to City staff and the Council Ordinance Committee for their consideration and the drafting of a City ordinance similar to the County's. Following discussion and public comment, on March 2, 2010, the City Council referred this matter to the Ordinance Committee.

As discussed with the Ordinance Committee on June 29, 2010, there are currently no requirements in the City of Santa Barbara to license cats. In addition, while the City provides for a lower annual license fee for spayed or neutered dogs as a way to encourage owners to have a dog spayed or neutered, there is currently no Municipal Code requirement that dogs be altered or mandating consultation between a dog owner and the owner's veterinarian.

Since the Municipal Code does not currently require a license in order to own a cat, the Municipal Code would also need to be amended to add this requirement for all cats and to also mandate consultation between a cat owner and a veterinarian if the owner chooses to keep the cat unaltered.

At the conclusion of the June 29<sup>th</sup> meeting, the Ordinance Committee asked staff to return with a proposed draft ordinance which required a City-issued license for the ownership of a cat and which provided for consultation between a pet owner and a veterinarian whenever the owner chooses to have an unaltered dog or cat.

As requested by the Committee on June 29<sup>th</sup>, the attached draft ordinance would require an annual City license for the ownership of a cat within the City and it mandates that, before an unaltered dog or cat may be licensed by the City as required, the owner of such a pet must consult with a licensed veterinarian on the options available for altering a pet and concerning the problems sometimes caused by unaltered pets. On hand for questions will be staff from the Police Department who supervise the City's Animal Control Operations as well as staff from City Attorney's Office responsible for preparing the draft ordinance.

**ATTACHMENT:** Draft Ordinance

**PREPARED BY:** City Attorney's Office

**SUBMITTED BY:** City Attorney's Office

**APPROVED BY:** City Administrator's Office

**ORDINANCE COMMITTEE DRAFT**  
*SHOWING CHANGES FROM CURRENT CODE*  
NEW LANGUAGE IN UNDERLINE  
~~DELETIONS IN STRIKE OUT TEXT~~  
AUGUST 24, 2010 Meeting

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY  
COUNCIL OF THE CITY OF SANTA  
BARBARA AMENDING THE  
MUNICIPAL CODE CONCERNING THE  
CITY LICENSING REQUIREMENTS  
FOR THE KEEPING OF DOGS AND  
CATS WHICH HAVE NOT BEEN  
SPAYED OR NEUTERED AND  
IMPOSING A NEW LICENSING  
REQUIREMENT FOR CATS.

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES  
ORDAIN AS FOLLOWS:

**SECTION ONE.** Chapter 6.12 of Title Six of the Santa Barbara  
Municipal Code is amended to revise Section 6.12.050 and  
Section 6.12.060 to read as follows:

**Section 6.12.050 Dog License Requirement.**

**A. Mandatory License Requirement - Altered Dogs.** Any person  
owning or having custody or control of one or more dogs in  
the City shall obtain a license and pay the license fee for  
custody or control of each such dog over the age of four  
(4) months. The license fees authorized by this Chapter  
shall be established by resolution of the City Council and  
such fees shall be set a lesser amount for dogs which have  
been spayed or neutered. In the event the animal to be  
licensed has been spayed or neutered, prior to the issuance  
by the City of the first license to that dog, a written  
statement from a licensed veterinarian certifying the dog  
to have been spayed or neutered must be presented at the  
time the license is obtained in order to qualify for a  
reduced dog license fee.

**B. Mandatory License Requirement - Unaltered Dogs.** For  
those dogs which are to be licensed as non-spayed or non-  
neutered dogs, prior to the issuance by the City of the  
first license to that dog, the owner shall present to the  
City a copy of veterinary certificate (as such certificate  
is shown in the form attached to this Chapter) certifying  
that the owner has discussed the potential concerns and  
problems which may arise in owning and keeping a non-spayed  
or non-neutered dog with a duly-licensed veterinarian and

that the owner has been counseled by the veterinarian on how to properly avoid and prevent the potential problems related to keeping such a dog.

**C. License - Period of Validity.** The license period shall not extend beyond the remaining period of validity for the current rabies vaccination. A license shall only be issued if the rabies vaccine is current through the entire licensing period. A license shall be purchased for either a six (6) month period or twelve (12) month period. A license shall expire either six (6) months or twelve (12) months from the exact date the license was issued. The license fee shall not apply to any dog kept or maintained exclusively in any dog kennel in the City. No dog license required by this Section shall be transferable.

**D. Transfer of Ownership of Dogs.** Within thirty (30) days of the transfer of ownership of any licensed dog, the person receiving ownership shall obtain a license as set forth in Subsection A of this Section.

**E. Possible Penalties for Failure to Comply.** Failure to comply with the provisions of Subsections A and B of this Section may result in the impoundment of the dog or a fine or both.

**Section 6.12.060 Dog or Cat License Information.**

Each dog or cat license shall state the name, address, and telephone number of the person to whom such license is issued, the amount paid, the date when issued, the date on which such license shall expire, and in the case of an individual dog license, a description of the dog or cat for which such license is issued, and the number of the metallic tag accompanying the license. In the case of a kennel license, such license shall show, in addition to the above information, the maximum number of dogs or cats which may be kept in such kennel under authority of such license.

**SECTION TWO:** Chapter 6.12 of Title Six of the Santa Barbara Municipal Code is hereby amended to add a new section, Section 6.12.055 ("Cat License Requirement"), which reads as follows:

**Section 6.12.055 Cat License Requirement.**

**A. Mandatory License Requirement - Altered Cats.** Any person owning, keeping, or having custody or control of one or more cats in the City shall obtain a cat license from the City and pay the required license fee for having custody or control of each cat over the age of four (4) months. The license fees authorized by this Chapter shall be established by resolution of the City Council and such fees shall be set a lesser amount for cats which have been spayed or neutered. In the event the animal to be licensed has been spayed or neutered, prior to the issuance by the City of the first license to that cat, a written statement from a duly-licensed veterinarian certifying the cat to

have been spayed or neutered must be presented to the City at the time the license is obtained in order to qualify for the reduced license fee.

**B. Mandatory License Requirement - Unaltered Cats.** For those cats which are to be licensed as non-spayed or non-neutered dogs, prior to the issuance by the City of the first license to that cat, the owner shall present to the City a copy of veterinary certificate (as such certificate is in the form attached to this Chapter) certifying that the owner has discussed the potential concerns and problems which may arise in owning or keeping a non-spayed or non-neutered cat with a duly-licensed veterinarian and that the owner has been counseled by the veterinarian on how to properly the potential problems related to keeping such a cat.

**C. License - Period of Validity.** A license shall be purchased for either a six (6) month period or twelve (12) month period. A license shall expire either six (6) months or twelve (12) months from the exact date the license was issued. The license fee shall not apply to any cat kept or maintained exclusively in any kennel in the City. No cat license required by this Section shall be transferable.

**D. Transfer of Ownership of Cats.** Within thirty (30) days of the transfer of ownership of any licensed cat, the person receiving ownership of or now keeping a cat shall obtain a cat license as set forth in Subsection A of this Section.

**E. Possible Penalties for Failure to Comply.** Failure to comply with the provisions of Subsections A and B of this Section may result in the impoundment of the cat or a fine or both.

**EXHIBIT A  
EXHIBIT TO SBMC SECTION 6.12.050  
AND SECTION 6.12.055**

**VETERINARIAN CERTIFICATE OF COUNSELING  
FOR NON-SPAYED OR NON-NEUTERED  
DOGS OR CATS**

This Certificate is to certify that -----,  
D.V.M has discussed the potential problems which may arise  
in keeping and properly maintaining a dog or cat which has  
not been spayed or neutered with (insert owners name) \_\_\_\_  
, the owner of the dog or cat.

I have been advised by the owner that this pet will be kept  
at the following address within the City of Santa Barbara  
which will be the licensing address:

(insert address for license and where pet will be kept)

I also certify that I provided this owner with the  
following informational materials and literature on the  
keeping of non-spayed or non-neutered pets and discussed  
this information with him or her.

Informational Materials:

- 1.
- 2.
- 3.

DATED

-----, DVM  
ADDRESS