



# CITY OF SANTA BARBARA

## ORDINANCE COMMITTEE AGENDA REPORT

**AGENDA DATE:** September 28, 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 a veterinarian consultation certificate prior to the City licensing of a non-spayed or non-neutered dog and establish similar licensing requirements for unaltered cats and, if appropriate, refer the proposed ordinance to the City Council for possible introduction and adoption as an amendment to Title Six of the Santa Barbara Municipal Code.

### DISCUSSION:

On January 1, 2010, Santa Barbara County adopted an ordinance recommending the spay or neuter of all dogs and cats prior to licensing. The County ordinance further mandated that, prior to an owner retaining an unaltered animal, an owner must consult with a veterinarian to consider the overall circumstances of the animal and the appropriateness of the animal remaining unaltered. Shortly after the adoption of this County program, Council members 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 its consideration and the possible drafting of a City ordinance similar to that adopted by the County. Following discussion and public comment, on March 2, 2010, the City Council referred the matter to the Ordinance Committee for review.

As discussed with the Ordinance Committee on June 29<sup>th</sup> and on August 24<sup>th</sup>, there are currently no requirements in the City of Santa Barbara to license cats. In addition, while the City provides for a lowered license annual fee for spayed or neutered dogs as a way to encourage that dogs be spayed or neutered, there is no City Municipal Code requirement that dogs be altered or mandated consultation on this subject between a dog owner and a veterinarian. Since the Municipal Code does not currently require a license in order to own a cat, the Code would need to be amended to add this requirement for unaltered cats and to mandate consultation and counseling 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 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 Ordinance Committee on June 29<sup>th</sup> and on August 24<sup>th</sup>, the attached draft ordinance would require an annual City license for the ownership of an unaltered cat within the City and it mandates that before an unaltered dog or an unaltered cat may be licensed as required, the owner of such a pet must consult with a licensed veterinarian and be counseled on the options available for altering a pet and concerning the owner's responsibilities if he or she chooses to keep an unaltered pet.

During the Committee meeting of August 24<sup>th</sup>, the Committee elected to revise the ordinance to have the license requirement only apply to unaltered cats – recognizing that the only real and practical enforcement methodology for this requirement will consist of the County Animal Shelter requiring the owner of an unaltered cat (which has been impounded for being at large within the City) to either consent to spaying or neutering the cat before the cat is released to the owner or requiring the owner to obtain a veterinary counseling certificate before an impounded unaltered cat can be licensed and released by the Shelter to the owner.

As directed during the Ordinance Committee meeting of August 24<sup>th</sup>, the City Attorney's office has revised the prior version of the ordinance to require a veterinary "counseling" certificate be obtained each time a dog's rabies vaccination certificate has expired and concurrently with the re-licensing of the unaltered dog. In addition, the veterinary certificate form was revised to reflect that the veterinarian would counsel a pet owner concerning his or his responsibilities in owning and properly keeping an unaltered pet. Also, after legal research on the City's ability to revise the penalties provided in the Municipal Code for maintaining a dog determined to be vicious by the Animal Control Supervisor, the draft ordinance now contains a provision which would preclude an owner whose dog has been determined to be vicious from licensing that dog as unaltered - for the possible consideration of the Committee.

Finally, as also requested, a new provision has been added to the ordinance which establishes a special fund to be used for owner education and outreach with respect to how to properly maintain an unaltered pet. This fund would be funded by a surcharge on the license fee for unaltered pets in an amount established by the City Council in the Council's annual fee resolution.

On hand for questions will be City police staff who supervise the City Animal Control Operations as well as staff from the City Attorney's office responsible for the draft ordinance.

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Veterinarian Prior To Ownership Of An Unaltered Animal  
September 28, 2010  
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**ATTACHMENT:** Draft Ordinance

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

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

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

**ATTACHMENT**

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**ORDINANCE COMMITTEE DRAFT**  
SHOWING CHANGES FROM CURRENT CODE  
NEW LANGUAGE IN UNDERLINE  
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SEPTEMBER 28, 2010

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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 UNALTERED 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.

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**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 a dog, and each time a City dog license is issued after the renewal of a rabies vaccination certificate for that dog, the owner of an unaltered dog

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shall present to the City a copy of the veterinary certificate (as such certificate is shown in the form attached to this Chapter as an exhibit) certifying that the owner has discussed the potential concerns which may arise in owning and keeping an unaltered dog with a duly-licensed veterinarian and that the owner has been counseled by the veterinarian on the owner's responsibilities in keeping an unaltered dog.

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**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, 24 month period or a 36 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. At the discretion of the City Animal Control Supervisor, a dog determined to be vicious under Santa Barbara Municipal Code Sections 6.08.404 or 6.12.040 may not issued an unaltered dog license.

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

Each dog or unaltered 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 ("Unaltered Cat License Requirement") and a new section, Section 6.12.058 ("Unaltered License Surcharge - Special Fund for Educational Services"), both which read as follows:

**Section 6.12.055 Unaltered Cat License Requirement.**

**A. Mandatory License Requirement - Altered Cats.** Any person owning, keeping, or having custody or control of one or more unaltered 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 unaltered cat over the age of four (4) months. The license fees authorized by this Chapter for unaltered cats shall be established by resolution of the City Council.

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

**C. License - Period of Validity.** A license for an unaltered cat may be purchased for either a twelve (12) month period, a 24 month period, or a 36 month period. No unaltered 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 unaltered 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.

**Section 6.12.058 Special Fund - Unaltered License Surcharge.** Notwithstanding Santa Barbara Municipal Code section 6.04.020, in establishing the amount of City pet license fees for the keeping of an unaltered pet pursuant to section 6.12.050 hereof, the City Council may also establish a license surcharge amount which surcharge is to be earmarked into a special City fund for use, at the

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discretion of the Chief of Police, in funding City educational outreach activities regarding the possible problems caused by unaltered pets and in methods to encourage City pet owners to be responsible in the ownership and maintenance of a pet.

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**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 and concerns  
which may arise in keeping and properly maintaining a dog  
or cat which has not been altered and the responsibilities  
which come with owning an unaltered dog or cat with  
(insert owners name) \_\_\_\_\_, the owner of  
the dog or cat.

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spayed or neutered with

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)

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I also certify that I provided this owner with the  
informational materials and literature on how to  
responsibly and properly keep and maintain a non-spayed or  
non-neutered pet and I have discussed this information with  
him or her and advised them of their ownership  
responsibilities.

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