



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 5, 2010

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Pet Licensing Ordinance - Amendment To Include Consultation With Veterinarian Prior To Ownership Of An Unaltered Dog or Cat

RECOMMENDATION:

That Council introduce and subsequently adopt, by reading of title only, An Ordinance of the 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.

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 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 in public hearings held by the Ordinance Committee on June 29, 2010, August 24th, and on September 28th, 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 to be spayed or neutered, there is no Municipal Code requirement that dogs be altered or mandating consultation on this subject between a dog owner and a veterinarian. Since the Municipal Code does not currently require a City license in order to own a cat, the Code will need to be amended to add this requirement for unaltered cats and to mandate consultation between a cat owner and a veterinarian if the owner chooses to keep the cat unaltered. Ultimately, the Ordinance Committee asked staff to prepare a proposed draft ordinance

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which required a City issued license for the ownership of an unaltered 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 a result, the attached draft ordinance would require an annual City license for the ownership of an unaltered cat within the City. It also 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 be advised concerning the owner's responsibilities if he or she chose to keep an unaltered pet.

During the Ordinance Committee meeting of August 24th, the Committee also 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 or requiring the owner to obtain a counseling certificate from a veterinarian before an impounded unaltered cat can be licensed and then released.

As directed, the City Attorney's office has also amended the draft 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 an 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. The draft ordinance also contains a provision which would preclude an owner whose dog has been determined to be vicious from licensing that dog as unaltered.

Finally, as directed by the Committee, 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 and an uncodified provision has been added to the ordinance to provide for City Council review of the effectiveness of this program three years after the adoption date of this ordinance. This fund would be funded by a surcharge imposed on the license fee for unaltered pets in an amount established by the City Council in the Council's annual fee resolution.

On September 28, 2010, the Council Ordinance Committee unanimously forwarded this draft to City Council with the recommendation for introduction and eventual adoption.

PREPARED BY: City Attorney's Office

SUBMITTED BY: City Attorney's Office

APPROVED BY: City Administrator's Office