

**CITY COUNCIL
REPORT OF OFFICERS**

DATE: February 22, 2011

TO: Mayor and City Council Members

FROM: Andy Takata, City Manager

SUBJECT: Amendment to Title 6 of the Banning Municipal Code to Regulate and Control the Keeping of Animals

RECOMMENDATION:

That the City Council adopt Ordinance No. 1437 amending Title 6 of the Banning Municipal Code by adopting by reference the entirety of the Title 6 of the Beaumont Municipal Code entitled "Animals" to regulate and control the keeping of animals and introduce the first reading of Ordinance No. 1437.

JUSTIFICATION:

The City's current animal control regulations codified in Title 6 "Animals" of the Banning Municipal Code have not been updated since their adoption in 1965. The City currently contracts with the City of Beaumont for animal control services. It is efficient and convenient for the Beaumont animal control officers to enforce the regulations since they are already familiar with the Code. Adoption by reference the entirety of the Beaumont Municipal Code Title 6 provisions allows the enforcement officers to facilitate consistency and ease of enforcement between rules that apply in Banning and Beaumont to residents who wish to keep animals. Additionally, the ordinance updates the Banning animal control regulations and brings them into compliance with existing law.

BACKGROUND/DISCUSSION:

The City entered into a contract services agreement with the City of Beaumont on July 1, 2010 for providing animal control services. The Beaumont Police Department is the department within the City of Beaumont that enforces animal regulations. Since the Beaumont animal control officers are already familiar with their Municipal Code, it is more efficient and convenient for them to enforce the same code in Banning. Additionally, the City of Beaumont fully revised and amended to their animal ordinance in November 2009, which is fairly recent. By adopting by reference the entirety of the Beaumont Code would help not only to provide consistent and ease of enforcement between the two cities but also will update the Banning Animal Section of the Code, which has not been updated since 1965.

The most significant changes to the ordinance include a mandatory spaying or neutering of all dogs and cats within the City, or the requirement to obtain an unaltered license if the owner is unable to spay or neuter their animal; and mandatory micro-chipping of all dogs and cats that are licensed within the City. Certain exemptions apply, which include animals that are unable to be spayed, neutered, or micro-chipped as certified by a licensed veterinarian. For clarification, mandatory micro-chipping of cats applies only to cats that

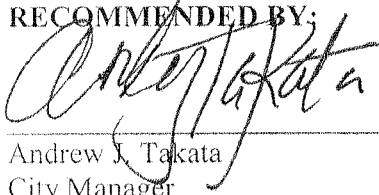
have been impounded and transported to the shelter will be required to be micro-chipped prior to their release back to their owner. The new ordinance prohibits owners from allowing unspayed or unaltered cats from remaining outdoors.

Fees for enforcing this ordinance will be evaluated and adopted as part of the City-wide fee evaluation/review.

FISCAL DATA:

The cost associated with the preparation of the ordinance is absorbed in the current staffing and budget.

RECOMMENDED BY:



Andrew J. Takata
City Manager

Attachments:

1. Ordinance No. 1437
2. Title 6 "Animals" of the Beaumont Municipal Code