

City Council Agenda  
April 7, 2009  
Police  
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Reviewed by  
City Mgr's office: /SJP

Memo to: Manteca City Council  
From: Dave Bricker, Chief of Police  
Date: March 30, 2009  
Subject: Spay and Neuter Ordinance

Recommendation:

Waive the first reading by substitution of the title and introduce Ordinance No. 1434 , amending Title 6, Chapter 6.10, Sections 6.10.010 through 6.04.130, and Chapter 6.16, Adding Section 6.16.180 of the Manteca Municipal Code pertaining to the mandatory spaying and neutering of dogs and to the micro-chipping of adopted or redeemed dogs and cats.

Background:

In September of 2008 the City Council adopted section 6.10.010 through 6.10.150 of Title 6 of the Municipal Code pertaining to the mandatory spaying and neutering of pit bull breed dogs. At that time the Mayor directed staff to develop a mandatory spay and neuter ordinance for all dogs and bring that ordinance forward for Council's approval. At the City Council meeting of March 17, 2009, staff was directed to make modifications to the proposed ordinance and to conduct a public meeting to receive input on the proposal. Council also directed staff to research the use of microchip identification to reduce the number of unclaimed stray animals.

A public meeting was held in the City Council Chambers on March 30, 2009 where staff received public comments and recommendations regarding the proposed ordinance. The meeting was attended by 27 members of the public, most of whom represented dog breeders or animal support organizations. They were generally opposed to any ordinance that mandated altering their dogs. They were concerned that the ordinance did not include dog trials such as those attended by police or cattle dogs as well as dog shows to allow the dog to qualify for a

breeding permit. They asked that the wording of the certifying or registering organizations be expanded to include nationally or internationally recognized organizations that certify function as well as pedigree. They were also concerned that there was no exemption for dogs that were not yet old enough to compete or that were past competition age but were now valuable for breeding purposes.

The proposed ordinance requires the procedure for all dogs over the age of 6 months. It provides exceptions for police, livestock, and health service working dogs, as well as licensed show or trial dogs and dogs that, due to age or medical condition, the procedure would be life threatening. The ordinance retains a permit process for maintaining an unaltered dog. The ordinance allows owners of show dogs wishing to breed their animals to obtain a no-cost breeders permit. It also gives the Chief of Police the ability to waive any or all fees for the dog's owner, guardian, or keeper after they have had their dog spayed or neutered if it is determined that the additional fees would impose an undue financial hardship to the owner.

Based on the concerns expressed at the public meeting, the ordinance also provides for a permanent spay or neuter waiver for dogs whose owner, keeper, or guardian has met the other requirements for a breeding permit; has a City of Manteca business license as a breeder, trainer or other business where the use, showing, or breeding of the dog is primary to the business; and has had to dog micro-chipped so Animal Services can identify the specific canine that has been exempted. The proposed ordinance was also modified to include recognized competitions other than just dog shows and nationally and internationally recognized organizations that certify function as well as pedigree.

Currently the cost of spaying or neutering a dog ranges from \$60 to \$130, depending on the size of the dog. This cost will be borne by the dog owner and is not subsidized by the City. It would be our intent to give dog owners a reasonable period to come into compliance with the ordinance before beginning strict enforcement.

The proposed spay and neuter ordinance is designed after the ordinance currently in use in Santa Cruz County. That ordinance has been in effect for 14 years and has resulted in cutting the animal shelter population and subsequent euthanization in half in the first 10 years.

The micro-chipping of animals is currently conducted by Animal Shelter staff at the request of an animal's owner. It involves the injection of a chip about the size of a grain of rice under the skin of an animal's leg. The chip contains a number marker specific to the animal and identifies

the animal and its owners. In the event the animal is located running free, a simple scan will provide Animal Services Officers with the information necessary to return the animal to its owners. The cost for this service is \$10.

The micro-chipping of animals found running loose or adopted from the Animal Shelter will facilitate the return of the animal if there are further incidents of the animal left uncontrolled. The proposed addition to ordinance 6.16.180 will require these animals be chipped before their release from the shelter. This ordinance will not affect responsible pet owners who maintain control over their animals. The cost for the chipping will be part of the release or adoption fee.

*Fiscal Impact:*

Currently the City licenses about 3,000 dogs each year resulting in approximately \$37,000 in revenue. In some communities where this type of ordinance was enacted, there was a reduction in the number of dogs licensed in subsequent years, primarily by individuals who could not afford to have the dogs altered. The Police Department currently uses SHARP volunteers to contact dog owners who have not renewed their licenses to determine if they still possess the dog. We intend to continue this process, which should minimize the reduction in licensing. There are no increases in hard costs to the Department resulting from this ordinance. Over time, we anticipate the ordinance will result in a reduction in the Animal Shelter's intake and authorization of dogs resulting in a corresponding reduction in operating costs.

There will be no fiscal impact to the required micro-chipping of adopted or redeemed animals as this cost will be borne by the adopting/redeeming individuals.