



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: January 27, 2014

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 6.09 TO TITLE 6 OF THE PASADENA MUNICIPAL CODE REQUIRING THE MANDATORY SPAYING AND NEUTERING OF PIT BULL AND PIT BULL CROSS BREED DOGS

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 6.09 TO TITLE 6 OF THE PASADENA MUNICIPAL CODE REQUIRING THE MANDATORY SPAYING OF PIT BULL AND PIT BULL CROSS BREED DOGS

PURPOSE OF ORDINANCE:

Animal intake and disposition data provided by the Pasadena Humane Society & SPCA indicates that pit bulls comprise a disproportionately high number of unwanted dogs in Pasadena. Pit bulls and pit bull cross breeds account for approximately 27% of dogs euthanized and only 10% of dogs adopted out by the Pasadena Humane Society. On November 25, 2013, the City Council directed the City Attorney to draft an ordinance requiring the mandatory spaying and neutering of pit bulls and pit bull cross breeds, using Riverside County's recently adopted ordinance as a model. Consistent with that direction, this ordinance will require, with limited exceptions, that all pit bulls and pit bull cross breeds over 4 months be spayed or neutered.

REASON WHY LEGISLATION IS NEEDED:

Animal control regulations are codified within Title 6 of the Pasadena Municipal Code and an ordinance is required to amend Title 6.

MEETING OF 01/27/2014

AGENDA ITEM NO. 15

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Pasadena Humane Society will enforce the pit bull mandatory spay/neuter requirements.

FISCAL IMPACT:

Adoption of the proposed ordinance will have no fiscal impact as the Pasadena Humane Society is already contracted to enforce the animal control regulations.


ENVIRONMENTAL DETERMINATION:

This ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Frank Rhemrev
Assistant City Attorney

Concurrence by:


for Michael Beck
City Manager

Introduced by _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER
6.09 TO TITLE 6 OF THE PASADENA MUNICIPAL CODE
REQUIRING THE MANDATORY SPAYING AND NEUTERING OF
PIT BULL AND PIT BULL CROSS BREED DOGS

WHEREAS, in recent years, pit bulls comprise a disproportionately high number of unwanted dogs in the City of Pasadena accounting for approximately 27 percent of dogs euthanized and approximately 10 percent of dogs adopted out by the Pasadena Humane Society & SPCA; and

WHEREAS, the City Council of the City of Pasadena finds that there is a need to mitigate the large number of unwanted pit bulls in the City; and

WHEREAS, Health and Safety Code section 122331, authorizes a city to enact mandatory breed specific spay/neutering programs.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

Section 1. Chapter 6.09 is hereby added to Title 6 of the Pasadena Municipal Code to read as follows:

“Chapter 6.09 Mandatory Spaying and Neutering of Pit Bull and Pit Bull Cross Breed Dogs

Section 6.09.010 Definition of Pit Bull

Pit bull. Any Staffordshire Bull Terrier, American Pit Bull Terrier, or American Stafford Terrier breed of dog, or any mixed breed of dog which contains, as an element of its breeding, any of these breeds so as to be identifiable as partially of one or more of these breeds.

Section 6.09.020 Mandatory spaying and neutering of pit bulls

(a). No person may own, keep, possess or harbor a pit bull over the age of four months that has not been spayed or neutered. An owner or custodian of an unaltered pit bull must have the dog spayed or neutered or provide a certificate of sterility.

(b). Exemptions. This section shall not apply to any of the following:

1. A pit bull with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California Licensed Veterinarian. If the pit bull is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation.

2. A pit bull that has been appropriately trained and is actually being used by a public law enforcement agency for law enforcement purposes.

3. A pit bull that has been appropriately trained and is actively used in a manner that meets the definition of guide, signal or service dog as set forth in Subdivision (d), (e), and (f) of Section 365.5 of the California Penal Code, or the pit bull is enrolled in a guide, signal, or service dog breeding program administered by a person licensed under Chapter 9.5 (commencing with Section 7200) of Division 3 of the California Business and Professions Code, or the pit bull has been appropriately trained and meets the definition of an assistance dog as defined in Food and Agricultural Code section 30850.

4. A pit bull used to show, to compete, or to breed, and which is of a breed recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), American Dog Breeders Association (ADBA), or other City approved dog breed registries. The pit bull owner must also meet one of the below requirements:

a. The pit bull has competed in at least one show or sporting competition sanctioned by a national registry or approved by the Pasadena Humane Society & SPCA within the last 365 days; or

b. The pit bull has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working, or other title from a purebred dog registry referenced above or other dog registry or dog sport association or Pasadena Humane Society & SPCA; or

c. The owner or custodian of the pit bull is a member of a Pasadena Humane Society & SPCA approved purebred dog breed club which maintains and enforces a code of ethics for dog breeding that includes restrictions from breeding dogs with genetic defects and life threatening health problems that commonly threaten the breed.

Section 6.09.030 Determination of breed

Upon written request of any dog owner or custodian, the Poundmaster (or his/her designee) will schedule a breed determination appointment to determine whether a dog is a pit bull.

1. The Poundmaster shall mail the requesting dog owner or custodian written notice of the date, time, and place for the appointment not less than ten (10) days before the appointment date. The appointment shall be no

more than thirty (30) days after the Poundmaster's receipt of the request for breed determination.

2. The Poundmaster shall mail written results of breed determination to the requesting owner or custodian within ten (10) days after the appointment.

3. The Poundmaster's breed determination results are prima facie evidence of the facts stated therein. On appeal the dog owner or custodian appealing a breed determination has the burden to show that the dog is not a pit bull.

Section 6.09.040 Appeal of breed determination.

(a.) Request for a hearing:

1. The owner or custodian may request a hearing to appeal the Poundmaster's breed determination. The request must be made in writing within 10 days after the Poundmaster's determination is postmarked. Failure to submit a timely written appeal shall be deemed a waiver of the right to appeal the breed determination.

2. Hearing officer. The hearing shall be conducted by the City Manager or his/her designee.

3. Notice and conduct of hearing. The City shall mail a written notice of the date, time, and place for the hearing not less than 10 days before the hearing date. The hearing date shall be no more than 30 days after the City's receipt of request for a hearing. Failure of the owner or custodian or his/her agent to appear at the hearing will result in forfeiture of the right to a hearing. The hearing will be informal and the rules of evidence will not be strictly observed. The City shall mail a written determination to the owner or custodian within 10 days after the hearing.

(b.) The determination of the hearing officer shall be the final administrative decision.

Section 6.09.050 Penalty for violation

The first violation of Section 6.09.020 shall be an infraction. Any subsequent violations shall be a misdemeanor."

Section 2. This ordinance shall take effect 30 days after adoption.

Signed and approved this _____ day of _____, 2014.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this 27th day of January, 2014, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC
City Clerk

Approved as to form:


Frank L. Rhemrev
Assistant City Attorney