

Introduced by _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA ADDING
CHAPTER 6.09 TO TITLE 6 OF THE PASADENA MUNICIPAL
CODE REQUIRING ALL DOGS AND CATS WITHIN THE CITY
TO BE SPAYED OR NEUTERED

WHEREAS, tens and thousands of unwanted and abandoned dogs and cats are euthanized every year in Los Angeles County; and

WHEREAS, the City Council of the City of Pasadena finds that by requiring that all dogs and cats be spayed or neutered the number of these unwanted and abandoned dogs and cats will decrease;

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 Dogs and Cats to be Spayed or Neutered

Section 6.09.010 Mandatory spaying / neutering of dogs and cats

(a). No person shall own, keep or exercise control over, or harbor an unaltered and unspayed dog or cat over the age of six months in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered or provide a certificate of sterility; or obtain an unaltered dog license in accordance with this chapter. An owner or custodian of an unaltered cat must have the animal spayed or neutered or provide a certificate of sterility.

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

1. A dog or cat 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 dog or cat is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation; for dogs, should this date be later than thirty (30) days, the owner must apply for an unaltered dog license.

2. A dog used by law enforcement agencies for law enforcement purposes.

3. A dog 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 dog 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.

4. A dog or cat 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), Cat Fancier's Association (CFA), The International Cat Association (TICA), American Cat Fancier's Association (ACFA), or other approved dog or cat breed registries. The dog or cat or the owner must also meet one of the below requirements:

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

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

Section 6.09.020 Unaltered dog license

Notwithstanding Chapter 6.19 relating to dog license regulations, an unaltered dog license can only be issued to dogs meeting the exemption requirements set forth in section 6.09.010 above. An application, together with all required license fees (the fee may be exempted by Chapter 6.19), for an unaltered dog license must be submitted by the owner or custodian of an unaltered dog six months or older.

Section 6.09.025 Grace Period

The provision of Section 6.09.010 and Section 6.09.020 shall be enforced starting July 1, 2015 and shall be subject to the following Grace Period:

- a. The owner or custodian of an unaltered dog currently licensed may renew the license at the current unaltered dog license rate for one year. During that year the owner or custodian must have the dog spayed or neutered or apply for and be granted an unaltered dog license.
- b. The owner or custodian of an unaltered dog who is licensing the dog for the first time may obtain a dog license at the current unaltered dog rate for one year. During that year, the owner or custodian must have the dog spayed or neutered or apply for and be granted an unaltered dog license.
- c. This grace and exemption period shall terminate on June 30, 2018.

Section 6.09.030 Denial or revocation of unaltered dog license.

(a.) The Poundmaster (or his/her designee) may deny an application for or revoke an unaltered dog license for one or more of the following reasons;

1. The applicant or licensee is not in compliance with all of the requirements of Section 6.09.010;
2. The City has received at least two complaints within a twelve month period, verified by the Poundmaster, that the applicant or licensee has allowed a dog to

run loose or escape, or has otherwise been found to be neglectful of his/her dog or other animals.

3. The applicant or licensee has been previously cited, ticketed, sued, fined, and/or prosecuted for violating a state law, county code or other municipal provision related to the care and control of animals.

4. The unaltered dog has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous or vicious, or to be a nuisance within the meaning of this Code or under state law;

5. Any other unaltered dog license held by the applicant has been revoked.

(b) Notice of intent to deny the application or to revoke the unaltered dog license shall be mailed by the Poundmaster to the applicant or license holder and shall include the reasons for the denial or revocation of the unaltered dog license. The notice shall also include a date on which the Poundmaster will hold a hearing where the owner or custodian may present any relevant evidence in opposition to the denial or revocation. The hearing will be informal and the rules of evidence will not be strictly enforced. Following the hearing the Poundmaster shall mail the owner or custodian a written decision. The Poundmaster's decision shall be effective on the date the written decision is postmarked.

Section 6.09.040 Appeal of denial or revocation of unaltered dog license.

(a). Request for a hearing:

1. The owner or custodian may request a hearing to appeal any denial or revocation of an unaltered dog license. The request must be made in writing within 10 days after the Poundmaster's decision is postmarked. Failure to submit a timely written appeal shall be deemed a waiver of the right to appeal the license denial or revocation.

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 decision to the owner or custodian within 10 days after the hearing. The decision of the hearing officer shall be the final administrative decision.

Section 6.09.050 Impoundment of unaltered dog or cat

(a.)When an unaltered dog or cat is impounded pursuant to state or local law, in addition to satisfying applicable requirements for the release of the animal, including but not limited to the payment of any administrative citation and the impound fees as set forth in section 6.08.150, the animal shall not be released until such time as:

1. The owner or custodian has provided a certificate of sterility; or
2. The animal is spayed or neutered by a veterinarian chosen by the City at the expense of the owner or custodian. Such expense shall include additional fees due to extraordinary care required; or
3. The owner or custodian may arrange for another City approved veterinarian to spay or neuter the animal, and shall pay to the City the cost to deliver said animal to the chosen veterinarian. The cost to deliver the animal shall be based upon the City's actual cost. The veterinarian shall complete and return to the City within 10 days, a statement confirming that the animal 1) has been spayed or neutered, or 2) is incapable of breeding, or 3) the animal's health would be endangered by the spay/neuter process. After said statement has been issued, the veterinarian may release the animal to the owner or custodian.

Section 6.09.060 Kennel

The owner or custodian of an unaltered dog exempt under Section 6.09.010(b)(4) and who wishes to breed the dog, shall be subject to the regulations set forth in Section 6.04.020F (definition of "kennel") and Section 6.24.010 (dog kennels) of this Title.

Section 6.09.070 Penalty for violation

The first violation of Section 6.09.010 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 _____ day of _____, 2014, by the following vote:

AYES:

NOES:

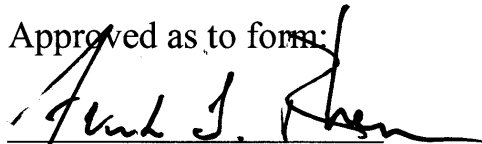
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC
City Clerk

Approved as to form:



Frank L. Rhemrev
Assistant City Attorney