

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: October 7, 2013

FROM: CITY ATTORNEY

SUBJECT: 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

TITLE OF PROPOSED ORDINANCE:

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

PURPOSE OF ORDINANCE:

Spaying and neutering has been shown to reduce aggression in dogs and has the added benefit of reducing the population of unwanted and stray animals. On July 8, 2013, the City Council directed the City Attorney to draft a mandatory spay/neuter ordinance. This ordinance will require that all cats and dogs over 4 months must be spayed or neutered. The ordinance will also provide exemptions to the mandatory spay/neuter requirement.

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.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

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

MEETING OF 10/07/2013

AGENDA ITEM NO. 9

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.

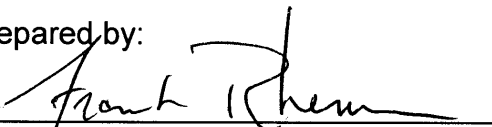
ENVIRONMENTAL DETERMINATION:

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.

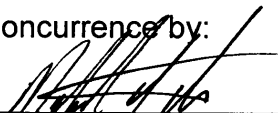
Respectfully submitted,


Michele Beal Bagnaris
City Attorney

Prepared by:


Frank Rhemrev
Assistant City Attorney

Concurrence by:


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 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 may own, keep, or harbor an unaltered and unspayed dog or cat over the age of four 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 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 approved breed registries. The dog or owner must also meet one of the below requirements:

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

c. The owner or custodian of the dog 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 6.09.020 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 four months or older.

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 escaped, 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 with 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.

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

Signed and approved this _____ day of _____, 2013.

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 _____, 2013, by the following vote:

AYES:

NOES:

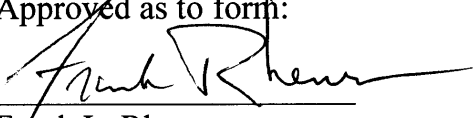
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC
City Clerk

Approved as to form:



Frank L. Rhemrev
Assistant City Attorney