



City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JUNE 15, 2010
FROM: PUBLIC WORKS DEPARTMENT ITEM NO: 1
WARDS: ALL

**SUBJECT: ORDINANCE AMENDING RIVERSIDE MUNICIPAL CODE SECTION 8.02.010,
CHAPTER 8.18 AND CHAPTER 8.21—ANIMAL PROTECTION ORDINANCE**

ISSUE:

The issue for City Council consideration is adoption of the Animal Protection Ordinance. The ordinance would promote animal welfare, public health and safety, and quality of life within the City of Riverside.

RECOMMENDATIONS:

That the City Council:

1. Introduce and adopt the proposed amendments to Riverside Municipal Code (RMC) Section 8.02.010, Chapter 8.18 regarding commercial and residential kennels/catteries, and Chapter 8.21 regarding spay and neuter required for violation of existing laws, and mandatory microchip otherwise known as the Animal Protection Ordinance; and
2. Adopt the attached resolution to amend the fees and charges resolution to add a residential and commercial kennel/cattery license fee.

COMMITTEE RECOMMENDATIONS:

The Public Works Department presented this item to the Land Use Committee on June 3, 2010. All three committee members were present and unanimously recommended that the City Council introduce and adopt the proposed amendments to RMC Section 8.02.010, Chapter 8.18 regarding commercial and residential kennels/catteries, and Chapter 8.21 regarding spay and neuter required for violation of existing laws, and mandatory microchip otherwise known as the Animal Protection Ordinance; and amend the fees and charges resolution to add a residential and commercial kennel/cattery license fee.

BACKGROUND:

There are more than 160,000 dogs and cats in the City of Riverside. The Riverside County Department of Animal Services (DAS) has provided animal field, shelter, and intermittent licensing services to the City of Riverside since 1995. Both agencies have identified the need for the City of

Riverside to enact the Animal Protection Ordinance to promote animal welfare, public health and safety, quality of life within the City of Riverside.

More than 12,000 City of Riverside animals were housed in the City/County shelter in 2009; an increase of 1,500 animals (15%) from 2007. Of that number, 6,947 (57%) of the animals were euthanized. Despite great strides to increase the adoption and redemption rates, there are few post-impound strategies capable of addressing this number of unwanted pets. In February 2006, DAS adopted the policy that healthy, adoptable animals would no longer be euthanized. This policy has resulted in an increased number of animals housed in the City/County Shelter. As the City's pet population continues to grow, there is not enough shelter space and funding to house the surplus.

During this time, the City of Riverside has also become the preferred destination for animal hoarders and dog breeders of ill-repute. As an example, the City discovered that an individual was keeping more than 235 dogs on a 0.57 acre commercial parcel in the Airport neighborhood jeopardizing the welfare of the animals and quality of life for adjacent properties. In other instances there are pit-bull breeders maintaining animals on small residential parcels. In the La Sierra Acres neighborhood, there is a breeder with more than 40 pit-bulls on a 0.50 acre parcel in the Rural Residential (RR) zone. A breeder in the La Sierra neighborhood is maintaining 27 adult pit-bulls on a 0.44 acre parcel in the Single Family Residential (R-1) zone.

The intensity of animal keeping as noted above not only presents animal welfare, public health and safety, and quality of life concerns but challenges compliance with California Regional Water Quality Control Board (RWQCB) Waste Discharge Requirements. This area-wide urban runoff management program requires the City to regulate pollutants discharged into the local storm water system which may cause or contribute to, or threaten to cause or contribute to, a condition of pollution in the Santa Ana River. The Order requires the City to identify contributing residential activities and to develop and implement a residential program to reduce the discharge of pollutants from residential activities including the collection and disposal of pet wastes. Significant fines will be imposed on the City if it fails to comply with the order.

The Public Works Department's recommendation is to decrease the population of unwanted pets through a multi-pronged approach. The proposed Animal Protection Ordinance, which is consistent with the Riverside County ordinances, includes three steps to help achieve this goal:

1. Inclusion of a mandatory identification microchip provision for all dogs and cats subject to certain exceptions;
2. Inclusion of a spay/neuter provision for all dogs and cats over four months when a violation of existing state or local law pertaining to obligations of a person owning or possessing a dog or cat occurs subject to certain exceptions; and
3. Inclusion of mandatory licensing of residential kennels and catteries.

Microchipping

Microchips are identification aids that are essential tools in reuniting lost pets with their owners. Unlike dogs tags or tattoos which can become lost, faded, or damaged, microchips are a permanent identification system with unique numbers that cannot be changed. Microchipping of animals is a common practice; millions of dogs, cats, and other animals are "chipped." The process is simple and non-surgical. The chip, approximately the size of a grain of rice, is injected underneath the skin with a needle. Anesthesia is not required. Small animals such as fish, puppies, and kittens are safely microchipped.

Of the 10,531 stray animals impounded in 2009, only 1,103 (11%) were reclaimed by their owners. Of the 4,641 stray dogs impounded during this period, 974 (21%) were reclaimed. Comparatively only 119 (3%) of 4,602 stray cats were reclaimed. The most common reason dogs and cats are not reclaimed is due to lack of identification and the inability to identify/contact the owner. Microchips will improve DAS's returned-to-owner rate and lessen the euthanasia rate in the City/County shelter.

Further, microchip technology enables stray pets to be scanned for the identification in the field and immediately reunited with their owners. This eliminates the need for animals to be transported to the shelter, a potentially traumatic experience, and costs associated with sheltering the pets while waiting for owners to identify and redeem the pets.

The Animal Protection Ordinance requires all dogs and cats over the age of four months to be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to DAS, and shall notify DAS of any change of ownership of the dog or cat, or any change of address or telephone number.

The microchip requirement does not apply to the following:

- A dog or cat 10 years old or older;
- A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to health conditions of the animal; and
- A dog or cat that is kenneled or trained in the City of Riverside, but is owned by an individual who does not reside in the City of Riverside.

Spay/Neuter for Violation of Existing Laws

Veterinary science has demonstrated the safety and positive health benefits of spaying and neutering which is especially true if the pet is sterilized before maturity. Pursuant to state law, DAS has sterilized every adopted pet for the last nine (9) years including puppies and kittens as young as two months. This has had positive results with few complications relating to this practice.

Currently, only 17% of dogs and cats impounded into City/County shelter are spayed or neutered. One un-spayed female cat and her offspring can be responsible for the birth of 73,000 kittens in six (6) years time. According to the American Veterinary Medical Association, spaying and neutering can help pets' live longer and healthier lives and can prevent cancer and other life threatening illnesses such as prostate disease. Additionally, spaying and neutering your pet can improve pet behavior and reduce its tendency to roam.

Of the 5,174 stray and owner-surrendered dogs that were impounded in 2009, approximately 60% were less than two years of age and approximately 10% were puppies younger than two months and not old enough for adoption. Similarly of the 5,477 cats impounded, approximately 80% were younger than two years and approximately 20% less than two months old. Given the age of the animals, these numbers can be attributed to the two latest breeding cycles. Accordingly, it is clear that the animals in the City need some type of management relating to their unrestrained reproduction. This degree of fecundity can only be lowered by enforcement of a spay/neuter requirement for irresponsible pet owners.

The spay/neuter provisions do not apply to any of the following:

- A dog or cat with a high likelihood of suffering serious bodily harm or death of spayed or neutered, due to age or infirmity; and
- Animals owned or recognized dog or cat breeders, as defined by DAS policy.

Humane Society of the United States (HSUS) research shows the primary reason owners do not alter their pets is cost. DAS offers both a low-cost spay/neuter program and the ASAP (Animal Sterilization Assistance Program) voucher program which is a financial incentive toward voluntary spay/neuter. Further, the Mary S. Roberts Pet Adoption Center (formerly the Riverside Humane Society) is launching the Lifeline Spay/Neuter Subsidy Program. The organization plans to lead the City of Riverside to achieve a “no-kill” community. All low-to-moderate-income pet owners, per their stated income limitation, who reside in the City of Riverside, are eligible to have their personal dogs and cats, and feral cats they support, covered by the Lifeline Program.

In further efforts to protect and enhance the quality of life for pets in Riverside, DAS deploys the Animal Neuter Spay Wellness and Education Resource vehicle, the “ANSWER” on wheels for community outreach regarding pet sterilization. This vehicle is deployed regularly at City of Riverside events.

The Public Works Department and DAS through its recently formed Animal Solutions Konnection (ASK), a California Non-Profit 501(3)(c) Public Benefit Corporation dedicated to serving the needs of animals and the mission of DAS, is actively seeking grant funds to provide additional financial support for spay/neuter services. For example, the agencies are currently preparing an application for grant funds from PetSmart Charities.

Kennels/Catteries

Any person owning five or more dogs and/or ten or more cats prior to the adoption of this ordinance will be allowed to keep their animals without subjection to the ordinance for a period of 20 years, as long as the animals are properly licensed.

Currently, the City of Riverside allows an unlimited number of pets to be maintained on residential property. The majority of animal-related complaints received by the City pertain to parcels with high animal density. Concerns fall into the following categories—failure to provide adequate care, noisy animals, odor, and inadequate sanitation. Such matters are animal welfare and public health and safety matters. Their existence also deteriorates the quality of life for adjacent residents and jeopardizes the City’s ability to comply with regulatory requirements.

To promote animal welfare, public health and safety, and quality of life within the City of Riverside the Animal Protection Ordinance requires a person desiring to operate or maintain a kennel or cattery to obtain a license. Licenses will be valid for up to a two-year period and may be renewed within thirty days of the expiration.

Nonprofit corporations formed for the prevention of cruelty to animals will not be required to pay the license fee. All other provisions in this section will be applicable to any such nonprofit corporation.

The kennel permitting process will allow the City to align its Animal Protection Ordinance with Riverside County’s ordinance which has been in place since 1999. It will provide residents who wish to own five or more dogs or ten or more cats with the ability to obtain a kennel or cattery license. To obtain a kennel or cattery license, the brief process is as follows:

- (For kennels only) obtain verification from City that dogs are licensed;

- File application with DAS; and
- Inspection of premises by DAS for compliance with applicable laws and standards for kennels or catteries.

The ordinance provides for the development of kennel and cattery standards and includes an appeal process if any resident is denied a permit.

Implementation/Enforcement

The Animal Protection Ordinance will be enforced when Animal Control Officers check the status of pets they contact during the normal course of their work. A stray pet impounded by DAS will be microchipped and may be altered prior to being reclaimed by its owner. The owner will be given the option to have the animal altered at the Shelter, or must show proof of sterilization within 30 days. Appeal processes are prescribed for those owners who may dispute the circumstances or application of this ordinance.

Dog License Amnesty

To encourage residents to license dogs in furtherance of public health, safety, identification of lost dogs, and likelihood of reuniting lost animals with owners without becoming wards of the County, the Public Works Department will provide a dog licensing amnesty program during July and August. The amnesty program would allow City residents to license dogs without incurring costs for expired years or late fees. The program would also allow residents to license dogs at no cost for 1 year if the dogs are vaccinated, altered, and microchipped. After the amnesty period, licensing requirements would be enforced and dog owners are responsible for late fees and prior year licenses.

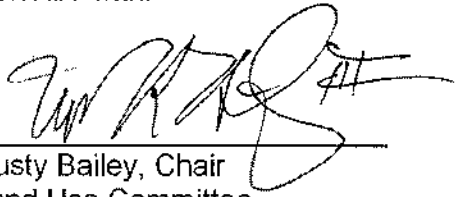
FISCAL IMPACT:

The fiscal impacts of the Animal Protection Ordinance on the General Fund will be neutral to positive depending on the level of initial voluntary compliance. As the number of microchipped pets increase there will be less animals impounded in the City/County shelter. Similarly, as the number of unaltered animals decreases so too will the number of pets produced from unplanned reproduction and impounded at the shelter. Both initiatives will reduce the funding required to impound, house, and care for such animals.

The amendment to the fees and charges resolution for kennels/catteries would ensure a percentage cost recovery from those residents who are operating kennels/catteries. The Public Works Department recommends an annual residential kennel/cattery license fee of \$100 and \$500 for an annual commercial kennel/cattery license fee.

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| Prepared by: | Siobhan Foster, Public Works Director |
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| Approved as to form: | Gregory P. Priamos, City Attorney |

Concurs with:

A handwritten signature in black ink, appearing to read 'Rusty Bailey', with a horizontal line drawn through it.

Rusty Bailey, Chair
Land Use Committee

Attachments:

1. Ordinance
2. Resolution