

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

105



FROM: Department of Animal Services

SUBMITTAL DATE:
September 19, 2013

SUBJECT: Riverside County Ordinance 921 Regulating the Reproduction of Pit Bull and Pit Bull Cross Dogs

RECOMMENDED MOTION: That the Board of Supervisors:

1. Upon the close of the public hearing, adopt Ordinance No. 921

BACKGROUND:

Summary

California Senate Bill 861, enacted 2005, was codified as *Health and Safety Code* sections 122330 and 122331. Animals: Dogs spay, neuter, and breeding programs. Existing law sets forth provisions relating to veterinary public health and safety, as specified.

RPM:nd

Robert P. Miller
Director, Animal Services

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy X
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: n/a

Budget Adjustment: n/a
For Fiscal Year: 13/14

C.E.O. RECOMMENDATION:

APPROVE

BY:
Debra Cournoyer

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FISCAL PROCEDURES APPROVED
 PAUL ANGIULO, CPA, AUDITOR-CONTROLLER
 BY: Lisette Rose
 9/23/13
 Departmental Concurrence

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.: 4/9/13 3.9, 9/24/13 | District: All | Agenda Number:

BACKGROUND:

Summary (continued)

Local governments are authorized to enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances.

Currently, County Ordinance requires the sterilization of pet dogs only under circumstances when citations are written violations of the basic tenants of pet ownership; this is known as secondary enforcement. These citations are most commonly issued when a dog is stray-at-large, unvaccinated against rabies, and/or unlicensed.

Pit Bull and Pit Bull mixes significantly impact the health and safety of Riverside County residents and their pets. The media frequently reports incidents of human injury and death from attacks by this type of canine. Additionally, this breed of dog represents 20 percent of the dogs impounded and 30 percent of the dogs euthanized by the department and has historically very low redemption or adoption rates.

Impact on Citizens and Businesses

On April 9, 2013, item 3.9 the Board of Supervisors adopted an order initiating an ordinance that would regulate the reproduction of pit bull and pit bull cross dogs. The result of this order, proposed Ordinance No. 921, mandates the sterilization of all Pit Bull type dogs with limited exceptions. Reducing the fertility of this segment of the dog population is the only effective way to mitigate these negative impacts on the County and its residents. A Public Hearing to adopt Ordinance No. 921 will be on October 8, 2013.

SUPPLEMENTAL:

Additional Fiscal Information

The fiscal impact on the department is expected to be minimal. Sterilization of Pit Bull dogs will become a condition of licensure for dogs four months of age or older and enforced through the routine activities of Animal Control Officers and License Inspectors utilizing administrative citations. Additional staffing or other resources will not be needed.

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ORDINANCE NO. 921

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
REQUIRING THE MANDATORY SPAYING AND NEUTERING OF PIT BULL BREEDS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS.

- a. In recent years, pit bulls comprise a disproportionately high number of unwanted dogs in the County, accounting for twenty (20) percent of shelter dogs and thirty (30) percent of dogs euthanized in the County.
- b. While the majority of pit bull owners are responsible and take appropriate measures to ensure that their dogs do not have unwanted offspring, there is a need to mitigate the large number of unwanted pit bulls in the County.
- c. Restricting the maintenance of and breeding of intact pit bulls and requiring the spaying and neutering of pit bulls will not prevent responsible pet owners and pet breeders from owning, breeding, or showing pit bull breeds.

Section 2. PURPOSE. To protect the public's health and welfare from irresponsible owners of pit bulls by mitigating the over population of unwanted pit bulls.

Section 3. AUTHORITY. This Ordinance is adopted pursuant to Health and Safety Code section 122331, which authorizes counties to enact mandatory breed specific spay/neutering programs.

Section 4. EXEMPTIONS. The following pit bulls are exempt from the regulations described in this Ordinance:

- a. Currently licensed pit bulls whose owners are registered breeders with the County's Department of Animal Services.
- b. A pit bull that has been appropriately trained and is actually being used by a public law enforcement agency for law enforcement purposes.

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- c. A pit bull that is an assistance dog as defined in Food and Agricultural Code section 30850.
- d. A pit bull which has been certified by a licensed veterinarian as having a health reason for not being spayed/neutered.
- e. A pit bull which is in training at a licensed kennel and is currently licensed by the owner in another jurisdiction. The owner of the pit bull has the burden of showing that said pit bull is licensed in another jurisdiction.
- f. A dog that is pending a breed determination when the dog owner or custodian requests such a determination in accordance with Section 6 of this Ordinance.

Section 5. DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings:

- a. County. County of Riverside.
- b. Department. County of Riverside Department of Animal Control.
- c. 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. DETERMINATION OF BREED.

- a. Upon written request of any dog owner or custodian, the Department's Chief Veterinarian or designee will schedule a breed determination appointment to determine whether a dog is a pit bull.
- b. The Department 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 date shall be no more than thirty (30) days after the Department's receipt of the request for a breed determination.

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- 1 c. The Department shall mail written results of breed determination to the
- 2 requesting owner or custodian within ten (10) days after the appointment
- 3 d. The above mentioned breed determination results are prima facie evidence
- 4 of the facts stated therein. On appeal, the dog owner or custodian appealing
- 5 a breed determination has the burden to show that the dog is not a pit bull.
- 6 e. If the dog owner or custodian is cited for violation of this Ordinance after
- 7 the Department has determined that the dog is a pit bull, the citation may be
- 8 appealed as provided in Section 8 of this Ordinance.

9 Section 7. MANDATORY SPAY NEUTERING OF PIT BULL BREED DOGS. No
 10 person shall own or possess a pit bull over the age of four (4) months that has not been spayed or
 11 neutered, except as provided for in Section 4 of this Ordinance.

12 Section 8. VIOLATIONS AND PENALTIES. Any person violating any provision of
 13 this Ordinance shall be deemed guilty of an infraction or misdemeanor and subject to the same criminal,
 14 civil and administrative fines, penalties and costs, including all rights to appeal, as enumerated Riverside
 15 County Ordinance (“RCO”) No. 630, including any amendments to RCO No. 630 that may occur from
 16 time to time.

17 Section 9. SEVERABILITY. If any provision, clause, sentence or paragraph of this
 18 Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
 19 shall not affect the other provisions of this Ordinance which can be given effect without the invalid
 20 provision or application, and to this end, the provisions of this Ordinance are hereby declared to be
 21 severable.

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1 Section 10. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after
2 its adoption.

3 BOARD OF SUPERVISORS OF THE COUNTY
4 OF RIVERSIDE, STATE OF CALIFORNIA

5 By: _____
6 Chairman, Board of Supervisors

7 ATTEST:
8 CLERK OF THE BOARD

9 By: _____
10 Deputy

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12 (SEAL)

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17 APPROVED AS TO FORM:

18 September 26, 2013

19 By: 
20 BRUCE FORDON
21 Deputy County Counsel

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09/25/2013

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