

*"Setting the standard in health care excellence"*

November 5, 2013

**Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA93009**

**SUBJECT: Amendments to the Ventura County Ordinance Code  
Division 4, Chapter 4 (Animals), and Division 2, Chapter 4,  
Article 6(Kennels), Including, Among Other Things,  
Mandatory Spay/Neuter for Dogs and Cats, Requirements for  
Breeding Permits for Dogs and Cats, and a Prohibition on the  
Sale of Certain Commercially Bred Animals.**

**Barry Fisher**  
Chief Deputy Director  
Compliance Officer

**Joan R. Araujo**  
Deputy Director  
VCMC Ambulatory Care Administrator

**Cyndle R. Cole, RN**  
Deputy Director  
VCMC/SPH Hospital Administrator

**Eileen Ffsler**  
Chief Financial Officer

**Sheila Murphy**  
Public Information Officer

**Meloney Roy**  
Behavioral Health Director

**Jon J. Smith, MD**  
Medical Examiner/Coroner

**Maria Teran**  
Health Care Agency  
Human Resources Director

**Rigoberto Vargas**  
Public Health Director

**RECOMMENDATION:**

It is recommended that your Board:

1. Introduce, read in title only, and waive further reading of the attached proposed Ordinance which will:
  - A. Amend the Ventura County Ordinance Code Division 4, Chapter 4 (Animals) and Division 2, Chapter 4, Article 6 (Kennels) to, among other things: add mandatory spay/neuter provisions for dogs and cats to complement existing education and voluntary compliance measures; add requirements for breeding permits for dogs and cats (and adoption of a new fee of \$100 per animal for an annual breeding permit); prohibit the sale of certain commercially bred animals; provide for the provisional rescission of animal nuisance order penalties upon demonstrated and sustained improvement in animal behavior; further describe the process to appeal from a hearing officer's decision after an animal nuisance hearing; address failure to quarantine; address permitting animals to go without care; address rescue and abandonment of domestic animals; provide for issuance of wild animal facility licenses; and to repeal obsolete text and make various technical corrections, including, but not limited to, updating text to reflect the previous change in administrative reporting structure of Ventura County Animal Services from a stand-alone department to a division under the Ventura County Department of Public Health.

- Schedule a public hearing and final adoption of the ordinance for December 10, 2013.

**Animal Services Fiscal/Mandates Impact:**

Mandatory: No  
 Source of Funding: N/A  
 Funding Match Required: N/A  
 Impact on Other Departments: None

<b><u>Summary of Revenue and Costs</u></b>	<b><u>FY 2013-2014</u></b>	<b><u>FY 2014-2015</u></b>
Revenue	\$10,000	\$20,000
Costs		
Direct Costs	\$10,000	\$20,000
Indirect - Agency/Dept	\$0	\$0
Indirect – CAP	\$0	\$0
Total Costs	\$10,000	\$20,000
Net Gain / (Loss):		

The number of persons in the unincorporated area impacted by the new \$100 fee for a breeding permit over the course of a fiscal year is estimated to be approximately 200. Civil penalty revenue is uncertain at this time. It is anticipated that reliance on education and voluntary compliance measures will help reduce the numbers of persons ultimately assessed civil penalties.

<b>FY 2013-14 Budget Projection Animal Services – Budget Unit 4600</b>				
	Adopted Budget	Adjusted Budget	Projected Budget	Estimated Savings / (Deficit)
Appropriations	\$ 5,465,554	5,537,497	5,537,497	-0-
Revenue	\$ 3,965,554	3,965,554	3,965,554	-0-
Net Cost	\$ 1,571,943	1,571,943	1,571,943	-0-

**BACKGROUND:**

On June 5, 2012, your Board moved oversight of Ventura County Animal Services (VCAS) to the Public Health Department to manage and to make it a goal to get to a no-kill facility. Since then, VCAS has operated with the goal that no healthy adoptable animal will be euthanized. New staffing, resources, programs, protocols and policies have been introduced over the last seventeen months resulting in life-saving results. Adoptions have increased and euthanasia has decreased to an all-time low for Ventura County. In FY 2011-2012, euthanasia in the unincorporated areas of Ventura County was 34% for dogs and 65% for cats. This last fiscal year, adoptions and reclaims were increased and euthanasia was down in the unincorporated areas to 28% of dogs and 58% of cats. The statistics are better, but we are far from meeting your Board's goal of

saving every healthy treatable animal. Since County shelters are "open admission" and turn away no animal, both animal shelters (Camarillo and Simi Valley) have been operating over capacity.

In FY 2012-2013, 60% of impounded dogs and 75% of incoming cats at our shelters were unaltered. A full 21% of all dog intakes were unaltered Chihuahuas and pit bulls. Animals that have a severe medical condition or those who show aggression are candidates for euthanasia. There is a higher incident of adverse medical conditions and behavioral problems with unaltered animals. At County shelters, 82% of dogs and 79% of cats were unaltered at the time of euthanasia.

On Sunday, October 13, 2013, in reviewing the published classified ads in the Star, Pennysaver and Craig's List, approximately 125 puppies were for sale on this day within Ventura County. On this same day, a local rescue had 57 puppies available to the public which would be sterilized and given all puppy shots, a Ventura County license and a microchip registered to the owner. VCAS and the local rescues that pull from our shelters cannot keep up with the supply of puppies being introduced each day in our County.

VCAS cannot adopt its way out of the thousands of dogs and cats that come through our doors each year. We believe that in order to attain your no-kill goal in our County, increased spay/neuter is a necessary part of the solution. Historically, VCAS offers lower cost animal licenses and vouchers for assistance with the cost of spay/neuter as an incentive to the public to alter their pets. However, voluntary spay/neuter is not adequately stemming the tide of unwanted animals arriving at our shelters. Responsible pet owners already voluntarily spay/neuter their pets.

Mandating spay/neuter for every dog/cat over four months old would add a tool for VCAS to continue working its way toward achieving the no-kill goal. The intent of the ordinance amendment is to create a culture and common practice of spaying and neutering dogs and cats. Education and voluntary compliance are the preferred means of achieving spaying and neutering, with enforcement measures as a last resort. This type of ordinance is not uncommon in California.

Of all the dogs and cats that pass through the County shelters, only a fraction are from the unincorporated area of the County, and the vast majority are from the following eight cities: Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Simi Valley and Ventura. The hope is that in pursuit of the benefits of a no-kill goal, our partner cities will also pass an ordinance similar to the one before your Board today.

#### **DISCUSSION:**

Chapter 4 (Animals) of Division 4 (Public Health) of the Ventura County Ordinance Code contains local regulations regarding domestic animal control and rabies suppression. The proposed amendments are as follows:

**Mandatory spay/neuter provisions for dogs and cats over 4 months old:** (*section 4421, et seq.*) The ordinance amendments would require, with certain exceptions, that all cats and dogs over four months old in the unincorporated areas of Ventura County be surgically sterilized. A dog that has not been spayed or neutered is required to be

implanted with an animal identification device, at the owner's expense, that identifies the owner. The intent of these provisions is for voluntary compliance through education. Enforcement measures would be used as a last result.

- *Exceptions:* Active exhibition and competing; law enforcement, military and search and rescue; signal, service and guide dogs; specified working dogs; veterinarian certification that the animal's health will not allow; animal owner is an American Kennel Club "Breeder of Merit"; animal has a breeding permit issued by VCAS.
- *Violations and penalties:* Given written notice which quotes pertinent ordinance requirements as well as low cost spay/ neuter information. After 60 days, may be issued an administrative citation, with a civil penalty of up to \$25/day, or such other amount approved by resolution of your Board. Failure to comply is an infraction.

**Breeding permit:** (*section4425, et seq.*) The ordinance amendments would require persons wishing to breed their dogs and cats to first obtain a breeding permit from VCAS, for an annual fee of \$100 per animal. VCAS will allow no more than one litter whelped within a one-year period unless prior written permission is obtained based on good cause. The issuance of this permit will be conditioned upon the owner's consent to inspection. No breeding permits will be issued to persons convicted of animal cruelty or neglect. The breeding permit number is required to be prominently displayed in all advertisements.

- *Violations and penalties:* Given written notice. After 60 days, may be issued an administrative citation with a civil penalty of up to \$500 per cat/dog, or such other amount approved by resolution of your Board. Failure to comply is an infraction.

**Sale of commercially bred dogs, cats and rabbits in pet store – prohibition:** (*section4428.*) This ordinance amendment would make it unlawful for any person to sell any dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the unincorporated area of the County that was not obtained from a shelter or humane society located in the County or non-profit animal rescue and humane organization registered with VCAS. The prohibition would become operative one year after the effective date of the ordinance.

- *Violations and penalties:* Given written notice. After 60 days, may be issued an administrative citation with a civil penalty of up to \$100 for the first violation, up to \$200 for the second violation, and \$500 for the third and following violations. Failure to comply is a misdemeanor.

**Failure to quarantine/withholding information:** (*section4458.*) This ordinance amendment duplicates state law and will allow animal control officers to issue

administrative citations for civil penalties or citations for infractions/misdemeanors, depending upon the severity of the incident.

**Permitting animals to go without care:** (*section 4462-1.*) This ordinance amendment duplicates state law and will allow animal control officers to issue administrative citations for civil penalties or citations for infractions/ misdemeanors, depending upon the severity of the incident.

**Provisional rescission of barking nuisance order penalties if demonstrated and sustained improvement is made; further description of appeal process:** (*section 4467.*) Currently barking nuisance penalties are for the life of the dog. In cases of demonstrated and sustained improvement, permanent penalties are not necessary. This ordinance amendment would allow a review and possible rescission of nuisance orders, after a three-year time period, if the dog's behaviors have been modified and VCAS has not received any further complaints. This ordinance amendment also further describes the process to appeal from a hearing officer's decision after an animal nuisance hearing.

Other provisions of the proposed ordinance amendments address rescue and abandonment of domestic animals, provide for issuance of wild animal facility licenses, repeal obsolete text and make various technical corrections, including, but not limited to, updating text to reflect the previous change in the administrative reporting structure of VCAS from a stand-alone department to a division under the Ventura County Department of Public Health.

The proposed ordinance amendments address only the animals that originate from the unincorporated area of the County. Our hope is that in response to your Board's leadership, and in an effort to reach the common goal of a no-kill shelter, our partner cities will also pass an ordinance similar to the one before your Board today. This will greatly improve the County's ability to attain your Board's goal of a no-kill shelter.

This letter has been reviewed by County Counsel, the Auditor-Controller's Office and the County Executive Office. If you have any questions regarding this item, please call Donna Gillesby, Animal Services Interim Director, at 805-383-4788.



BARRY FISHER  
Chief Deputy Director



ROBERT GONZALEZ, M.D.  
Health Care Agency Director