

DRAFT

ORDINANCE NO. 630.10

An ordinance amending Title 6 - Animals, to establish a mandatory sterilization program for dogs and cats.

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

SECTION 6.08.010. Section 6.08.010 is hereby added to read as follows:

"Competition dog or cat" means a dog or cat which is used to show, to compete or to breed, which is of a breed recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), American Dog Breeders Association (ADBA), The Cat Fanciers' Association (CFA), or other valid registry approved by the Department per Department policy and meets at least one of the following requirements:

- A. The dog or cat has competed in at least one dog or cat show or sporting competition sanctioned by a national registry or approved by the Department, within the last 365 days;
- B. The dog or cat has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working or other title from a purebred registry referenced above or other registry or sport association approved by the Department; or
- C. The owner or custodian of the dog or cat is a member of a purebred breed club, approved by the Department, which maintains and enforces a code of ethics for animal breeding that includes restrictions from breeding individuals with genetic defects and life threatening health problems that commonly threaten the breed, or
- D. Dogs or cats which are appropriately trained and which are actually used for the herding of other animals, or as livestock guardians, hunting dogs, or such dogs or cats designated as

breeding stock by an appropriate agency or organization approved by the Department after consultation with knowledgeable professionals, or

E. Dogs or cats boarded in a licensed kennel, which boards and professionally trains such animals for use and resale.

“Custodian” is any person who intentionally provides care or sustenance for a dog or cat on behalf of another, or represents the interests of the owner.

“Department” means the Department of Animal Services and its authorized agencies.

“Incapable of breeding” means any dog or cat which has been examined by a California licensed Veterinarian and determined to not be capable of reproducing. A certificate of sterility, signed by the Veterinarian must be provided upon demand.

“Owner” is any person who intentionally provides care or sustenance for a dog or cat for any period exceeding a total of thirty days.

Chapter 6.08, Dogs and Cats, is hereby amended to add “Mandatory Spay and Neuter Program for Dogs and Cats” to read as follows:

Mandatory Spay and Neuter Program for Dogs and Cats

Sections:

- 6.08.031 Mandatory spaying, neutering of dogs and cats.
- 6.08.032 Unaltered dog license - requirements.
- 6.08.033 Denial or revocation of unaltered dog license-grounds and re-application.
- 6.08.034 Appeal of denial or revocation of unaltered dog license.
- 6.08.035 Unaltered cat requirements
- 6.08.036 Transfer, sale and breeding of unaltered dogs and cats.
- 6.08.037 Penalties.
- 6.08.038 Impoundment of an unaltered dog or cat.
- 6.08.039 Allocation of fees and fines collected.

6.08.031 Mandatory spaying, neutering of dogs and cats

A. No person may own, keep, or harbor a 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 animal spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with Section 6.08.032. An owner or custodian of an unaltered cat must have the animal spayed or neutered, or provide a certificate of sterility, or show compliance with Section 6.08.035.

B. The owner or custodian of a dog which is unable to be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity, must obtain written confirmation of that fact from a California licensed Veterinarian. The writing must also state the date by which the dog may be safely spayed or neutered. If the dog is unable to be spayed or neutered within 30 days, the owner or custodian must apply for an unaltered dog license.

C. The owner or custodian of a cat which is unable to be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity, must obtain written confirmation of that fact from a California licensed Veterinarian. The writing must also state the date by which the cat may be safely spayed or neutered.

6.08.032 Unaltered dog license - requirements.

An owner or custodian of an unaltered dog over the age of four months must obtain an annual unaltered dog license for the dog. The license shall be issued if the Department has determined that all of the following conditions are met:

A. The dog is one of the following: a competition dog as defined in Section 6.08.010; a dog used by a law enforcement agency for law enforcement purposes; a qualified service or assistance dog as defined in Section 6.08.010; or a dog which is unable to be spayed or neutered as set forth in Section 6.08.031(B).

B. The owner or custodian has submitted the required application and has paid the fee set forth in Section 6.08.020; and

C. The unaltered dog will be maintained in accordance with the provisions of the Riverside County Code Section 6.08.140, and with applicable state animal care and control laws.

6.08.033 Denial or revocation of unaltered dog license-grounds and re-application.

A. The Department may deny 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 6.08.032;
2. The Department has received at least two complaints, verified by the Department, that the applicant or licensee has allowed a dog to run loose or escape, or has otherwise been found to be neglectful of his or her dog or other animals;
3. The applicant or licensee has been previously cited for violating a state law, county code or other municipal provision relating 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 a potentially dangerous or vicious, or to be a nuisance within the meaning of the Riverside County Code or under state law;
5. Any unaltered dog license held by the applicant has been revoked;
6. The license application is discovered to contain a material misrepresentation of fact.

B. Re-application for unaltered dog license:

1. When an unaltered dog license is denied, the applicant may re-apply for a license upon a showing that the requirements of Section 6.08.032 have been met. The Department shall refund one-half of the license fee when an application is denied. The applicant shall pay the full fee upon re-application.
2. When an unaltered dog license is revoked, the owner or custodian of the dog may apply for a new license after a thirty-day waiting period upon a showing that the requirements of Section 6.08.032 have been met. No part of an unaltered dog license fee is refundable when a license is

revoked and the applicant shall pay the full fee upon re-application.

6.08.034 Appeal of denial or revocation of unaltered dog license.

A. Request for hearing.

1. Notice of intent to deny or revoke. The Department shall mail to the owner or custodian a written notice of its intent to deny or revoke the license for an unaltered dog which includes the reason(s) for the denial or revocation. The owner or custodian may request a hearing to appeal the denial or revocation. The request must be made in writing within ten days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request 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 Director of the Department or his designee.

3. Notice and conduct of hearing. The Department shall mail a written notice of the date, time, and place for the hearing not less than ten days before the hearing date. The hearing date shall be no more than thirty days after the Department's receipt of the request for a hearing. Failure of the owner or custodian or his or 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 Department shall mail a written decision to the owner or custodian within ten days after the hearing. The decision of the hearing officer shall be the final administrative decision.

B. Change in location of dog. If the dog is moved after the Department has issued a letter of intent to deny or revoke, but has not yet denied or revoked the license, the owner or custodian must provide the Department with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

6.08.035 Unaltered cat requirements

An owner or custodian of an unaltered cat over the age of four months must have the animal spayed or neutered, or provide a certificate of sterility, or show that the cat a competition dog or cat as

defined in Section 6.08.010 or a cat which is unable to be spayed or neutered as set forth in Section 6.08.031 (C).

6.08.036 Transfer, sale and breeding of unaltered dog or cat.

A. Offer for sale or transfer of unaltered dog: An owner or custodian who offers any unaltered dog for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and establish compliance with Section 6.08.032. The license and microchip numbers must appear on a document transferring the animal to the new owner.

B. Offer for sale or transfer of unaltered cat: The owner or custodian of an unaltered cat over the age of four months, which is not a competition dog or cat as defined in Section 6.08.010, a cat used by a law enforcement agency for law enforcement purposes, or a qualified service or assistance animal as defined by Section 6.08.010 must demonstrate compliance with Section 6.08.031 prior to the transfer, and must notify the Department of the name and address of the transferee within ten days after the transfer. The microchip numbers must appear on a document transferring the animal to the new owner.

C. Notification of litter and sale or transfer of puppies or kittens: Within thirty days after a litter is born to a female dog or cat, the owner or custodian of the female dog or cat shall advise the Department in writing of the number of live born puppies or kittens. When a puppy or kitten under the age of four months is sold or otherwise transferred to another person, the owner or custodian shall advise the Department of the name, address and telephone number of the new owner or custodian, and the microchip number of the animal within ten days after the transfer.

6.08.037 Penalties.

The penalties for violations of any provision of this part are as follows:

A. First violation. A first violation shall be an infraction punishable by a fine not to exceed \$250. If the owner or custodian fails to correct the underlying cause of the violation within 30 days after being notified of the violation, it shall be deemed a second violation.

B. Second violation. A violation within a year of a first violation shall be deemed a second violation. A second violation is a misdemeanor punishable by imprisonment in the county jail for a period not to exceed six months or by a fine not to exceed \$1,000, or by both such fine and imprisonment. Each subsequent violation within one year shall be considered an additional misdemeanor.

6.08.038 Impoundment of unaltered dog or cat.

A. When an unaltered dog or cat is impounded, the owner or custodian may reclaim the unaltered animal, one time, when one of the following occurs:

1. The dog is spayed or neutered by a Department veterinarian at the expense of the owner or custodian. Such expense may include additional fees due to extraordinary care required;

2. The dog or cat is spayed or neutered by another Department approved veterinarian. The owner or custodian may arrange for another Department approved veterinarian to spay or neuter the animal, and shall pay to the Department the cost to deliver said animal to the chosen veterinarian. The cost to deliver the animal shall be based on the Department's hourly rate established by the Auditor-Controller, billed in minimum one hour increments. The veterinarian shall complete and return to the Department within ten days, a statement confirming that the dog or cat has been spayed or neutered or is, in fact, incapable of breeding and shall release the dog or cat to the owner or custodian only after the spay or neuter procedure is complete; or,

3. At the discretion of the Director of Animal Services, the dog or cat may be released to the owner or custodian if he or she signs a statement under penalty of perjury, representing that the animal will be spayed or neutered and that he or she will submit a statement within ten days, signed by the veterinarian, confirming that the dog has been spayed or neutered or is incapable of breeding.

4. If the owner or custodian demonstrates compliance with Section
6.08.032

B. Costs of Impoundment.

PRELIMINARY DRAFT FOR DISCUSSION PURPOSES ONLY - SUBJECT TO CHANGE

1. The owner or custodian of the unaltered dog or cat shall be responsible for the costs of impoundment, which shall include daily board costs, vaccination/medication, and any other diagnostic or therapeutic applications as provided in Section 6.08.110.

2. The costs of impoundment shall be a lien on the dog or cat, and the unaltered animal shall not be returned to its owner or custodian until the costs are paid. If the owner or custodian of an impounded unaltered animal does not pay the lien against it in full within fourteen days, the animal shall be deemed abandoned to the Department in accordance with Section 6.12.070

6.08.039 Allocation of fees and fines collected.

All costs and fines collected under this part and the fees collected under Section 6.08.037 and 6.08.38 shall be paid to the Department for the purpose of defraying the cost of the implementation and enforcement of this program.

The provisions of this ordinance shall not become operative until January 1, 2007.