

**CITY OF SAN BERNARDINO – REQUEST FOR COUNCIL ACTION**

**From: Kenneth Childress**

**Dept: Animal Control**

**Date: January 22, 2007**

**Subject: An Ordinance of the City of San Bernardino amending Section 6.01.010 and adding new Sections 6.01.160, 6.01.170, 6.01.180 and 6.01.190 to Title 6 of the San Bernardino Municipal Code requiring mandatory spay/neuter of dogs.  
Meeting Date: February 20, 2007**

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**Synopsis of Previous Council Action:**

Feb. 6, 2007 The Legislative Review Committee recommended that the proposed ordinance be forwarded to the full Council.

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**Recommended Motion:**

That said ordinance be laid over for final adoption.



Signature

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**Contact person: Kenneth Childress** \_\_\_\_\_

**Phone: 1514** \_\_\_\_\_

**Supporting data attached: Staff Report & draft ordinance** \_\_\_\_\_

**Ward: All** \_\_\_\_\_

**FUNDING REQUIREMENTS: None.**

**Source: NA** \_\_\_\_\_

**Finance:** \_\_\_\_\_

**Council Notes:** \_\_\_\_\_

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Agenda Item No. 31  
2/20/07

# **CITY OF SAN BERNARDINO – REQUEST FOR COUNCIL ACTION**

## **Staff Report**

### **Subject:**

An Ordinance of the City of San Bernardino amending Section 6.01.020 and adding new Sections 6.01.160, 6.01.170, 6.01.180 and 6.01.190 to Title 6 of the San Bernardino Municipal Code requiring mandatory spay/neuter of dogs.

### **Background:**

The Animal Control Commission has had numerous discussions over the years about the large number of animals that are impounded in our area and the equally large numbers of animals that are surrendered to the City Animal Control Department by pet owners who no longer want them.

Recent comparisons of statistical data of animals entering shelters in our area show that the Inland Empire has the highest animal population numbers and the highest animal euthanasia rates in Southern California.

Last year our animal control department took in 16,149 animals. Of those, 11,552 or 71% were euthanized. These figures are from a population base of 450,000 which include our contract cities of Fontana, Loma Linda, Colton and Grand Terrace. In comparison, the entire City of Los Angeles with its 6 animal shelters only handled 47,000 animals with a human population of 3,700,000. The number of animal euthanized in Los Angeles was 19,367 or 41%.

Reducing the numbers of animals handled by our Animal Control Department is a viable solution to reducing our animal euthanasia rate. Introducing mandatory spay/neuter in our City and ultimately to the entire Inland Empire is not a drastic measure but rather a practical and relatively simple alternative to destroying unwanted animals. We have the opportunity to lead the way.

Mandatory spay/neuter ordinances are being considered by a number cities and counties across the United States. Los Angeles and Santa Cruz Counties passed mandatory spay/ neuter laws last year. Orange and Riverside Counties are considering similar ordinances this year.

### **Overview of Ordinance:**

#### **6.01.160 Mandatory Spay Neuter of Dogs**

- A. No person may own, keep, harbor, or maintain a dog over the age of four months which has not been spayed or neutered. All dogs over the age of four months must be spayed or neutered.
- B. After the effective date of the ordinance, pet owners will have 60 days to come into compliance. (Failure to comply would result in a \$100 citation)

**Exceptions:**

- (1) Purebred dogs that are recognized and registered with the American Kennel Club (AKC), United Kennel Club (UKC), or other national registry and have competed a competition or show in the past year.
- (2) Dogs that are medically exempt by a Veterinarian.
- (3) Dogs used by Law enforcement Agencies.

**6.01.170 Impoundment of Dogs**

When a dog is impounded, the owner or custodian may reclaim the animal provided when one of the following occur:

- (1) The owner shows proof the animal is spayed or neutered.
- (2) The owner shall pay a spay/neuter deposit of \$100 and shall then have 30 days to have the animal spayed or neutered.

**6.01.180 Denial or Revocation of Unaltered Dog License or Exempt status**

The department may deny or revoke an unaltered dog license or exempt status when:

- (1) Pet owner is not in compliance with Section 6.01.160
- (2) The department has received at least one written complaint about the dog being allowed to run loose.
- (3) Pet owner was previously cited for violating a state law, county code or other municipal provisions relating to the care and control of animals.
- (4) The unaltered dog has been adjudicated by a court as dangerous.

**6.01.190 Allocation of Fees Collected**

All fines and forfeited deposits collected under Section 6.01.160 shall be paid to the Spay/Neuter Trust for the purpose of providing assistance to the public in the spaying and neutering of dogs and cats.

**Attachments:**

- Title 6 of the Municipal Code, new Section 6.01.160

**Financial Impact:**

While there is no direct financial impact as a result of these ordinance changes, Council may wish to consider increasing the Animal Control Department's Spay/Neuter fund by \$10,000 next fiscal year in order to assist residents with spay/neuter costs. The department has allocated \$10,000 for public spay/neuter vouchers for the past two years.

**Recommendation:**

The Animal Control Commission unanimously approved the draft of the attached ordinance. The LRC reviewed and recommended forwarding the proposed ordinance to the full Council.

It is recommended that the ordinance be laid over for final adoption.

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**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF SAN BERNARDINO AMENDING SECTION 6.01.020 AND ADDING NEW SECTIONS 6.01.160, 6.01.170, 6.01.180 AND 6.01.190 TO TITLE 6 OF THE SAN BERNARDINO MUNICIPAL CODE REQUIRING MANDATORY SPAY/NEUTER OF DOGS.**

**WHEREAS**, there exists within the City a serious pet overpopulation problem, created through irresponsible pet ownership that has resulted in a serious threat to the safety, health and humane treatment of animals; and

**WHEREAS**, the impact of these animals includes, but is not limited to the indiscriminate breeding of unaltered animals, the transmission of disease, the injury of humans and other animals, the creation of hazards to vehicular traffic, and the drain of public finances; and

**WHEREAS**, the majority of animals received by the City Animal Control Department are pets that citizens voluntarily surrender, many thousands of which are euthanized because there are not enough homes for all the unwanted animals; and

**WHEREAS**, the idea of controlling and reducing the City's pet overpopulation problem through euthanasia is becoming increasingly problematic. History has shown that treating the symptoms of societal problem is useless without addressing the root cause of the problem.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARINO DO ORDAIN AS FOLLOWS:**

**CHAPTER 6.01** Section 6.01.020 of the San Bernardino Municipal Code is hereby amended to include the following definitions:

II. **"Registered Animal"** means a purebred dog, recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), or other national registry.

Section 6.01.160 of the San Bernardino Municipal Code is hereby added and reads as follows:

No. 31  
2/20/07

1 **6.01.160 Mandatory Spay or Neutering of Dogs**

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3 A. No person may own, keep, harbor, or maintain a dog over the age of four months  
4 which has not been spayed or neutered unless the dog is exempt as follows:

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6 (1) The dog is a registered purebred as defined in Section 6.01.120, and has  
7 competed in at least one dog show or sporting competition sanctioned by a  
8 national registry within the last 365 calendar days or has earned a conformation,  
9 obedience, agility, carting, herding, protection, rally, sporting, working or other  
10 title from a purebred dog registry.

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12 (2) The animal is unable to be spayed or neutered without a high likelihood of  
13 suffering serious bodily harm or death due to age or infirmity. The owner or  
14 custodian must obtain written confirmation to that effect from a licensed  
15 veterinarian. The statement must also include the date by which the animal may  
16 be safely spayed or neutered, if at all possible.

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19 (3) Dogs used by law enforcement agencies.

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21 B. After the effective date of this ordinance, pet owners will have 60 days to come  
22 into compliance. New pet owners or pet owners new to the city, will have 60  
23 days to come into compliance.

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25 **6.01.170 Impoundment of dogs.**

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27 A. When a dog is impounded, the owner or custodian may reclaim the animal provided  
28 one of the following occurs:

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- (1) The owner shows proof the animal is spayed or neutered.
  
- (2) The owner shall pay a spay/neuter deposit of \$100 and shall then have 30 days to have the animal spayed or neutered. Upon proof of the spaying or neutering the \$100 deposit will be refunded to the pet owner. Failure to have the animal spayed or neutered in that time frame will result in forfeiture of the deposit.
  
- (3) Exempt animals whose status was denied or revoked under the provisions of 6.01.180 will be required to comply with Section A(1) above.

**B. Costs for impoundment.**

- (1) The owner of an unaltered animal shall be responsible for the costs of impoundment including outstanding fines, fees or any amount set by the Mayor and Common Council.
  
- (2) If any person does not provide proof of the animal owner's identity or provide satisfactory proof of ownership, claim the animal and pay any sums due prior to the expiration of the holding period prescribed by state law, the animal shall become the property of the City

**6.01.180 Denial or Revocation of Unaltered Dog License or Exempt Status**

- A. The department may deny or revoke an unaltered dog license or exempt status for one or more of the following reasons:

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- (1) The pet owner is not in compliance with all of the requirements of Section 6.01.160A(1).
  
- (2) The department has received at least one complaint, in writing, by a complainant and verified by the department, that the pet owner has allowed the dog to run loose or escape.
  
- (3) The pet owner was 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 potentially dangerous or vicious;

**6.01.190 Allocation of Fees Collected**

All fines and forfeited deposits collected under Section 6.01.160 shall be paid to the Spay/Neuter Trust for the purpose of providing assistance to the public in the spaying and neutering of dogs and cats.

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**AN ORDINANCE OF THE CITY OF SAN BERNARDINO AMENDING TITLE 6  
OF THE SAN BERNARDINO MUNICIPAL CODE RELATING TO ANIMALS.**

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and Common Council of the City of San Bernardino at a joint regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote, to wit:

Council Members:	AYES	NAYS	ABSTAIN	ABSENT
ESTRADA	_____	_____	_____	_____
BAXTER	_____	_____	_____	_____
BRINKER	_____	_____	_____	_____
DERRY	_____	_____	_____	_____
KELLEY	_____	_____	_____	_____
JOHNSON	_____	_____	_____	_____
MCCAMMACK	_____	_____	_____	_____

\_\_\_\_\_  
Rachel G. Clark, City Clerk

The foregoing resolution is hereby approved this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Patrick J. Morris, Mayor  
City of San Bernardino

Approved as to Form:

JAMES F. PENMAN,  
City Attorney

By: James F. Penman