

FORM APPROVED COUNTY COUNSEL
 BY: *Jenny Hara* 12/5/08
 DATE

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



FROM: Community Health Agency/Department of Animal Services

SUBMITTAL DATE:

SUBJECT: Ordinance No. 630.12 amending Ordinance No. 630.11 for the Department of Animal Services

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Introduce and set for public hearing the adoption of Ordinance No. 630.12 amending Ordinance No. 630.11, an Ordinance of the County of Riverside Relating to Dogs and Cats, to include provisions of mandatory microchipping and mandatory spaying/neutering;
- 2) Authorize the Clerk of the Board to place an advertisement for the public hearing in the appropriate local publications; and
- 3) Upon the close of the Public Hearing, adopt Ordinance No. 630.12.

BACKGROUND: It is estimated that there are two million dogs and cats in Riverside County. Consequently, the Department of Animal Services has been overwhelmed with dogs and cats on a daily basis. Many of these pets are either impounded by our Animal Control Officers or presented to the shelters by their owners and citizen Samaritans. (cont'd)

FISCAL PROCEDURES APPROVED
 ROBERT E. BYRIS, AUDITOR-CONTROLLER
 BY: *[Signature]*
 MICHAEL G. ALEXANDER
 Departmental Concurrence

[Signature of Robert Miller]

Robert Miller, Director of Animal Services

FINANCIAL DATA	Current F.Y. Total Cost:	N/A	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	08/09

SOURCE OF FUNDS: Contract revenue and department budget	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	

C.E.O. RECOMMENDATION:

APPROVE

BY: *[Signature of Debra Cournoyer]*
 Debra Cournoyer

County Executive Office Signature

Consent Policy
 Consent Policy

Dept's Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.:

District: All

Agenda Number:

3.16

BACKGROUND (continued):

The Department estimates that more than 33,000 animals will be housed in County shelters this coming year with an average daily shelter count in excess of 1200 animals. Despite great strides to increase the adoption and redemption rates, there remain very few post-impound strategies capable of dealing with this number of apparently unwanted pets. In February 2006, the Department of Animal Services ("Department") adopted the policy that healthy, adoptable animals will no longer be euthanized. As the County's pet population continues to grow, there is simply not enough shelter space to house this surplus. The Department's solution is to decrease the population of unwanted pets through a multi-pronged approach. The revisions included in Ordinance No. 630.12 include two steps to help achieve this goal:

1. Inclusion of a mandatory identification microchipping provision of all dogs and cats in the unincorporated areas; and
2. Inclusion of a mandatory spaying/neutering provision for all dogs and cats over four months of age, subject to certain exceptions, in the unincorporated areas.

Mandatory Microchipping

Microchips are positive identification aids that act as essential tools in reuniting lost pets with their families. Unlike dog tags or tattoos, which can become lost, damaged, faded and/or altered, microchips provide a permanent identification system with unique numbers that cannot be changed. Microchipping of animals has largely become a customary practice; millions of dogs, cats, horses, livestock, birds, wildlife, and endangered species have been "chipped." The process is simple and non-surgical. The chip, which is approximately the size of a grain of rice, is injected underneath the skin with a needle. Anesthesia is not required, and even the smallest animals such as fish, puppies, and kittens are safely microchipped.

Of the 18,569 stray dogs that were impounded during the last calendar year, only 2,731 (14%) were reclaimed by their owners. Of the 13,307 stray cats that were impounded in the same timeframe, only 120 (0.9%) were reclaimed by their owners. The most common reason dogs and cats are not reclaimed is due to lack of identification and the inability to contact the owner. Microchips will improve the Department's returned-to-owner rate and lessen euthanasia in County shelters.

Microchipping of pets will also help the Department positively discern and differentiate dogs of the same breed to efficiently enforce state and local law with no risk that the dog at issue has been substituted, including rabies and other vaccinations, and licensing requirements. Microchip identification will also greatly aid the Department's ability to investigate bite cases and animal cruelty cases. The Department has been able to reunite more than 400 distraught owners with their pets through use of microchip identification. Furthermore, it will be an invaluable tool in the Department's goal of reducing the number of impounds into our shelters and increase the percentage of redeemed pets.

Mandatory Spay/Neuter

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, the Department has sterilized every adopted pet for the last eight years, including puppies and kittens as young as two months, and has had positive results with very few complications relating to this practice.

Of the 19,008 stray and owner-surrendered dogs that were impounded during the last calendar year, 59% were two years or less of age. 1,671 were puppies, younger than two months, and not old enough for adoption. Similarly, of the 14,448 cats impounded in the same timeframe, 78.5 % were younger than two years and 3,219 or 22.3% were less than two months old. Given the age of the animals, it is safe to attribute these significant numbers as the results of the two latest breeding cycles. Accordingly, it is clear that the animals in Riverside County need some type of further management/limitation relating to their unrestrained reproduction. This degree of fecundity can only be lowered by enforcement of a mandatory spay/neuter provision.

The spay/neuter provisions shall be secondary enforcement only; accordingly, focus of the spay/neuter requirement is directed at individuals who are likely to contribute to the overpopulation problem. These are individuals who violate existing state or local law relating to animals, including animals at large, bite cases, animal cruelty cases, and noncompliance with citations. The requirement to spay/neuter dogs and cats whose owners and/or custodians fail to comply with the law will greatly help to implement the Department's plan to solve the burdensome unwanted animal surplus in our County.

In addition to the above, the Department also implements a low-cost spay/neuter voucher program called ASAP (Animal Sterilization Assistance Program), formally known as the POPCO program, which serves as a financial incentive toward voluntary spay/neuter. In further efforts, the Department also includes deployment of the Animal Neuter Spay Wellness and Education Resource vehicle, the "ANSWER" on wheels, for community outreach measures on education of the process and long term benefits of pet sterilization.

IMPLEMENTATION/ENFORCEMENT:

The ordinance will be enforced when Animal Control Officers check the status of pets they contact during the normal course of their work. A stray dog or cat impounded by the Department will be microchipped and altered prior to being reclaimed by its owner or custodian. An appeal process is prescribed for those owners who may dispute the circumstances or application of this ordinance.

FISCAL IMPACT/FINANCING:

The fiscal impacts of this ordinance will be neutral to positive depending upon the level of initial voluntary compliance. Overall, as the number of intact animals decreases, so too will the absolute number of pets produced from unplanned reproduction decrease, which would over time reduce the funding required to impound, house and care for such animals. The segment of the impounded pet population most capable of marked improvement is that population which is to be "returned to owner." These pets generally are held for fewer days, require less care by Department personnel, and generate revenue for the County. Microchip identification will permit these efficiencies.

1 “Class I Kennel. Any building, structure, enclosure, or premises whereupon, or within
2 which, five (5) to ten (10) dogs, four (4) months of age or older, are kept or maintained. A
3 Class I Kennel shall not include a Sentry Dog Kennel or an Animal Rescue Operation that
4 meets the definition and requirements set forth in this ordinance.”

5 “Class II Kennel. Any building, structure, enclosure or premises whereupon, or within
6 which, eleven (11) to twenty-five (25) dogs, four (4) months of age or older, are kept or
7 maintained.”

8 “Unaltered and Unspayed. A dog or cat, four (4) months of age or older, that has not been
9 spayed or neutered. A condition that exists in an animal which permits the producing of
10 offspring.”

11 Section 3. The first paragraph of subsection a. of Section 5. of Ordinance No. 630.11
12 is amended to read as follows:

13 “a. No person shall operate or maintain a Class I Kennel, Class II Kennel, Class III
14 Kennel, Class IV Kennel, Sentry Dog Kennel or cattery without first obtaining an
15 appropriate license from the Department. Such license shall be valid for a period of either
16 one (1) or two (2) years from the date of issuance. Said license shall be renewed within
17 thirty (30) days after the date of expiration. Where a kennel license has been issued and is
18 in effect, the dogs contained in such kennel shall be exempt from the requirements of
19 individual license tags as provided in Section 2 of this ordinance. The Class I Kennel,
20 Class II Kennel, Class III Kennel, Class IV Kennel, Sentry Dog Kennel and cattery license
21 fees, and late fees, shall be as set out below. If an application for a license or renewal of a
22 license is made more than thirty (30) days after the date such license is required or such
23 previous license has expired, a late fee of 50% of the applicable fee shall be added.”

24 Section 4. The following categories are added to subsection a. of Section 5. of
25 Ordinance No. 630.11 to read as follows:

26 “Class III (26-40 dogs)

27 1 year license, Un-Altered*	\$500.00
2 year license, Un-Altered*	\$700.00
28 1 year license, Altered*	\$350.00
2 year license, Altered*	\$500.00

***One (1) acre minimum as per Ordinance No. 348**

COMMENTS:

- 1. Altered: All dogs are spayed and/or neutered
- 2. Unaltered: One or more dogs are not spayed and/or neutered

Late Fee: 50% of the applicable fee(s)."

"Class IV (41+ dogs)

1 year license, Un-Altered*.....	\$750.00
2 year license, Un-Altered*.....	\$900.00
1 year license, Altered*.....	\$500.00
2 year license, Altered*.....	\$650.00

***One (1) acre minimum as per Ordinance No. 348**

COMMENTS:

- 1. Altered: All dogs are spayed and/or neutered
- 2. Unaltered: One or more dogs are not spayed and/or neutered

Late Fee: 50% of the applicable fee(s)."

"Sentry Dog Kennel

1 year license, Un-Altered*+	\$500.00
2 year license, Un-Altered*+	\$750.00
1 year license, Altered*+	\$350.00
2 year license, Altered*+	\$500.00

***One (1) acre minimum as per Ordinance No. 348**

+ Conditional Use Permit required as per Ordinance No. 348

COMMENTS:

- 1. Altered: All dogs are spayed and/or neutered
- 2. Unaltered: One or more dogs are not spayed and/or neutered

Late Fee: 50% of the applicable fee(s)."

Section 5. Subsection c. of Section 6. of Ordinance No. 630.11 is amended to read as

follows:

"c. An animal rescuer may keep a maximum of four (4) personal (not for adoption or sale) dogs and nine (9) personal (not for adoption or sale) cats and must include these animals as "personal pets" on the animal rescue permit application."

Section 6. Subsection n. of Section 11. of Ordinance No. 630.11 is amended to read as

follows:

"n. The hourly rate for the recovery of administrative costs associated with the recoupment of enforcement costs, as provided in this Ordinance, shall be \$53.00."

1 B. The Department has received at least two complaints, verified by the
2 Department, that the owner, custodian, applicant, or licensee has allowed a
3 dog to be stray or run at large or has otherwise been found to be neglectful
4 of his or her or other animals;

5 C. The owner, custodian, applicant, or licensee has been previously
6 cited for violating a state law, county code or other municipal provision
7 relating to the care and control of animals;

8 D. The unaltered dog has been adjudicated by a court or an agency of
9 appropriate jurisdiction to be potentially dangerous, dangerous or vicious,
10 or to be nuisance within the meaning of the Riverside County Ordinances or
11 under state law;

12 E. Any unaltered dog license held by the applicant has been revoked;

13 F. The license application is discovered to contain a material
14 misrepresentation or omission of fact.

15 2. Re-application for unaltered dog license:

16 A. When an unaltered dog license is denied, the applicant may re-apply
17 for a license upon changed circumstances and a showing that the
18 requirements of this ordinance have been met. The Department shall refund
19 one-half of the license fee when the application is denied. The applicant shall
20 pay the full fee upon re-application.

21 B. When an unaltered dog license is revoked, the owner or custodian of
22 the dog may apply for a new license after a thirty (30) day waiting period
23 upon showing that the requirements of this ordinance have been met. No part
24 of an unaltered dog license fee is refundable when a license is revoked and
25 the applicant shall pay the full fee upon re-application.

26 c. APPEAL OF DENIAL OR REVOCATION OF UNALTERED DOG LICENSE.

27 1. Request for hearing.

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1 A. Notice of intent to deny or revoke. The Department shall mail to the
2 owner, custodian, licensee, or applicant a written notice of its intent to deny
3 or revoke the license for an unaltered dog which includes the reason(s) for the
4 denial or revocation. The owner, custodian, licensee or applicant may request
5 a hearing to appeal the denial or revocation. The request must be made in
6 writing within ten (10) days after the notice of intent to deny or revoke is
7 mailed. Failure to submit a timely written hearing request shall be deemed a
8 waiver of the right to appeal the license denial or revocation.

9 B. Hearing officer. The hearing shall be conducted by the Animal
10 Services Director's designee.

11 C. Notice and conduct of hearing. The Department shall mail a written
12 notice of the date, time, and place for the hearing not less than ten (10) days
13 before the hearing date. The hearing date shall be no more than thirty (30)
14 days after the Department's receipt of the request for a hearing. The hearing
15 will be informal and the rules of evidence will not be strictly observed. The
16 Department shall mail a written decision to the owner or custodian within ten
17 (10) days after the hearing. The decision of the hearing officer shall be the
18 final administrative decision.

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

24 d. **TRANSFER, SALE, AND BREEDING OF UNALTERED DOG OR CAT.**

25 1. Offer for sale or transfer of unaltered dog. An owner or custodian who
26 offers any unaltered dog for sale, trade, or adoption must include a valid unaltered
27 dog license number with the offer of sale, trade or adoption, or otherwise state and
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1 establish compliance with this section. The unaltered license and microchip numbers
2 must appear on a document transferring the animal to the new owner.

3 2. Offer for sale or transfer of unaltered cat. An owner or custodian of an
4 unaltered cat must notify the Department of the name and address of the transferee
5 within ten days after the transfer. The microchip numbers must appear on a document
6 transferring the animal to the new owner.

7 e. PENALTIES. Penalties issued for failure to spay or neuter a dog or cat shall be
8 enforced as set forth below:

9 1. An administrative citation, infraction, or other such authorized penalty may
10 be issued to an owner or custodian of an unaltered dog or cat for a violation of this
11 section only when the owner or custodian is concurrently cited for another violation
12 under state or local law pertaining to the obligations of a person owning or
13 possessing a dog or cat. Examples of such state law or local ordinance violations
14 include, but are not limited to, the following: failure to possess a current canine
15 rabies vaccination of the subject dog; dog or cat at large; failure to license a dog;
16 leash law violations; kennel or cattery permit violations; tethering violations;
17 unhealthy or unsanitary conditions; failure to provide adequate care for the subject
18 dog or cat in violation of the Penal Code; rabies quarantine violations for the subject
19 dog; operating a business without a license and/or lack of State Tax ID Number;
20 fighting dog activity in violation of Penal Code section 597.5; animals left
21 unattended in motor vehicles; potentially dangerous, dangerous or vicious animals;
22 and noisy animals.

23 2. Should the owner or custodian of an unaltered dog or cat be found in
24 violation of a state or local law, as stated above, in subsection (1), the owner or
25 custodian shall be required to spay or neuter the unaltered animal in accordance
26 with this section.

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1 f. IMPOUNDMENT OF UNALTERED DOG OR CAT

2 1. When an unaltered dog or cat is impounded pursuant to state and/or local
3 law, in addition to satisfying applicable requirements for the release of the animal,
4 including but not limited to payment of impound fees pursuant to this Ordinance,
5 the owner or custodian shall also do one of the following:

6 A. Provide written proof of the dog or cat's prior sterilization, if
7 conditions cannot or do not make this assessment obvious to Department
8 personnel;

9 B. Have the dog or cat spayed or neutered by a Department veterinarian
10 at the expense of the owner or custodian. Such expense may include
11 additional fees due to extraordinary care required;

12 C. Have the dog or cat spayed or neutered by another California
13 licensed veterinarian. The owner or custodian may arrange for another
14 California licensed veterinarian to spay or neuter the animal, and shall pay to
15 the Department the cost to deliver said animal to the chosen veterinarian. The
16 cost to deliver the animal shall be based on the Department's hourly rate
17 established by the Auditor-Controller. The veterinarian shall complete and
18 return to the Department within ten days, a statement confirming that the dog
19 or cat has been spayed or neutered or is, in fact, incapable of breeding and
20 shall release the dog or cat to the owner or custodian only after the spay or
21 neuter procedure is complete;

22 D. At the discretion of the Director, the dog or cat may be released to
23 the owner or custodian if he or she signs a statement under penalty of perjury,
24 representing that the dog or cat will be spayed or neutered and that he or she
25 will submit a statement within ten (10) days of the release, signed by the
26 veterinarian, confirming that the dog or cat has been spayed or neutered or is
27 incapable of breeding; or

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1 E. If the owner or custodian demonstrates compliance with this
2 Section.

3 2. Costs of Impoundment.

4 A. The owner or custodian of the unaltered dog or cat shall be
5 responsible for the costs of impoundment, which shall include daily board
6 costs, vaccination/medication, and any other diagnostic or therapeutic
7 applications as provided in this Ordinance.

8 B. The costs of impoundment shall be a lien on the dog or cat, and the
9 unaltered animal shall not be returned to its owner or custodian until the
10 costs are paid. If the owner or custodian of an impounded unaltered animal
11 does not pay the lien against it in full within fourteen (14) days, the animal
12 shall be deemed abandoned to the Department in accordance with this
13 Ordinance.

14 g. APPLICATION OF FEES AND FINES COLLECTED. All costs and fines
15 collected under this part and the fees collected under this Section, subsection (f) shall be
16 paid to the Department for the purpose of defraying the cost of the implementation and
17 enforcement of this program.”

18 Section 8. A new Section 14 is added to Ordinance No. 630.11 to read as follows:

19 “Section 14. MANDATORY MICROCHIPPING OF DOGS AND CATS

20 a. All dogs and cats over the age of four months must be implanted with an
21 identifying microchip. The owner or custodian is required to provide the
22 microchip number to the Department, and shall notify the Department of
23 any change of ownership of the dog or cat, or any change of address or
24 telephone number. Nothing in this section supersedes, eliminates, or alters
25 the requirements of sections 2, 5, and any other licensing requirements of
26 this ordinance.

27 b. Exemptions. The mandatory microchipping requirements shall not apply to
28 any of the following:

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1. A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to the health conditions of the animal. The owner or custodian must obtain written confirmation of that fact from a California licensed Veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, that date must be stated in the written confirmation.
2. A dog or cat which would be impaired of its athletic ability or performance if implanted with the microchip identification. The owner or custodian must obtain written confirmation of that fact from a California licensed Veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, that date must be stated in the written confirmation.
3. A dog or cat that is kenneled or trained in Riverside County, but is owned by an individual that does not reside in Riverside County. The owner or custodian must keep and maintain the animal in accordance with the applicable laws and ordinances of the jurisdiction in which the owner or custodian of the animal permanently resides, including but not limited to the applicable licensing and rabies vaccination requirements of that jurisdiction.

c. Transfer, sale of dogs and cats.

1. An owner or custodian who offers any dog, over the age of four months, for sale, trade, or adoption must provide the microchip identification number and the valid dog license number with the offer of sale, trade or adoption. The license and microchip numbers must appear on a document

1 transferring the dog to the new owner. The owner or
2 custodian shall also advise the Department of the name and
3 address of the new owner or custodian in accordance with
4 subdivision (a) of this section. An owner or custodian who
5 offers any dog, over the age of four months, for sale, trade,
6 or adoption and fails to provide the Department with the
7 name and address of the new owner, is in violation of this
8 ordinance and shall be subject to the penalties set forth
9 herein.

10 2. An owner or custodian who offers any cat, over the age of
11 four months, for sale, trade, or adoption must provide the
12 microchip identification number with the offer of sale, trade
13 or adoption. The microchip numbers must appear on a
14 document transferring the cat to the new owner. The owner
15 or custodian shall also advise the Department of the name
16 and address of the new owner or custodian in accordance
17 with subdivision (a) of this section. An owner or custodian
18 who offers any cat, over the age of four months, for sale,
19 trade, or adoption and fails to provide the Department with
20 the name and address of the new owner, is in violation of this
21 ordinance and shall be subject to the penalties set forth
22 herein.

23 3. When a puppy or kitten under the age of four months
24 implanted with microchip identification is sold or otherwise
25 transferred to another person, the owner or custodian shall
26 advise the Department of the name and address of the new
27 owner or custodian, and the microchip number of the puppy
28 or kitten within ten days after the transfer. If it is discovered

1 that an owner or custodian has failed to provide the
2 Department with the name and address of the new owner and
3 the microchip number of the puppy or kitten, the owner or
4 custodian shall be subject to the penalties set forth in this
5 ordinance.

6 d. When an impounded dog or cat is without microchip identification,
7 in addition to satisfying applicable requirements for the release of
8 the animal, including but not limited to payment of impound fees
9 pursuant to this Ordinance, the owner or custodian shall also do one
10 of the following:

11 1. Have the dog or cat implanted with a Department microchip
12 by a Department registered veterinarian technician or
13 veterinarian or designated personnel at the expense of the
14 owner or custodian;

15 2. Have the dog or cat implanted with a Department approved
16 microchip by a California licensed veterinarian. The owner
17 or custodian may arrange for another California licensed
18 veterinarian to perform the implant, and shall pay to the
19 Department the cost to deliver the dog or cat to the chosen
20 veterinarian. The cost to deliver the dog or cat shall be based
21 on the Department's hourly rate established by the Riverside
22 County Auditor-Controller. The veterinarian shall complete
23 and return to the Department within ten days, a statement
24 confirming that the microchip has been implanted, provide
25 the Department with the number and shall release the dog or
26 cat to the owner or custodian only after the procedure is
27 complete; or,

28 3. At the discretion of the Director of Animal Services, the dog