

ORDINANCE NO. 1260

**AN ORDINANCE OF THE CITY OF SANTA PAULA AMENDING
CHAPTER 91 OF THE SANTA PAULA MUNICIPAL CODE RELATING
TO THE MANDATORY SPAYING OR NEUTERING AND
MICROCHIPPING OF DOGS AND CATS**

The City Council of the city of Santa Paula does ordain as follows:

SECTION 1: The City Council finds and declares that:

- A. The City Council finds that there is a serious overpopulation problem within the City in the number of unaltered dogs and cats found at large;
- B. The City desires to promote responsible pet ownership as a means of promoting the public health, safety and welfare of humans and pets in the City;
- C. The Council finds that mandatory spaying or neutering of dogs and cats is appropriate to prevent overpopulation and prevent animals from running at large.

SECTION 2: Section 91.32 is added to Chapter 91 of the Santa Paula Municipal Code to read as follows:

"91.32 Mandatory Spaying and Neutering of Dogs and Cats.

A. No person may own, keep or harbor a dog or cat over the age of four months that has not been spayed or neutered. A guardian/custodian of an unaltered dog or cat must have the animal spayed or neutered or obtain an unaltered dog or cat license in accordance with Section 91.33.

B. The guardian/custodian of a dog or cat that is unable to be spayed or neutered without a serious risk of bodily harm or death due to age or infirmity, must obtain written confirmation of that fact from a licensed veterinarian. The writing must also state the date by which the dog or cat may be safely spayed or neutered.

C. If a cat is unable to be safely spayed or neutered within 30 days, the guardian/custodian of the cat must obtain an unaltered cat license and pay the required fee as set by resolution of the City Council.

D. If a dog is unable to be safely spayed or neutered within 30 days, the guardian/custodian must apply for an unaltered dog license. If the unaltered dog license is granted, the guardian/custodian must pay the required fee as set by resolution of the City Council.”

SECTION 3: Section 91.33 is added to Chapter 91 of the Santa Paula Municipal Code to read as follows:

“91.33 Unaltered dog licenses--Requirements.

A. A guardian/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 by the City if it determines that the following conditions are met:

1. The guardian/custodian provides written confirmation from a licensed veterinarian that the dog is unable to be safely spayed or neutered without a serious risk of bodily harm or death; or
2. Competition dogs used to show or breed that are of a breed recognized by and registered with approved breed registries such as the American Kennel Club or United Kennel Club; or
3. The guardian/custodian is a member of an approved purebred dog breed club which enforces a code of ethics for dog breeding; or
4. The dog is used by a law enforcement agency for law enforcement purposes; or
5. The dog is a qualified service or assistance dog;
6. Working dog developed or trained to do useful work, such as herding animals, pulling wagons or sleds, or guarding property; and
7. The owner or custodian has submitted the required application and has paid the fee established by resolution of the City Council.”

SECTION 4: Section 91.34 is added to Chapter 91 of the Santa Paula Municipal Code to read as follows:

“91.34 Transfer, Sale and Breeding of Unaltered Dog or Cat

A. Offer for sale or transfer of an unaltered dog or cat: A guardian/custodian who offers any unaltered dog or cat for sale, trade or adoption must include a valid unaltered dog or cat license number with the offer of sale, trade or adoption or otherwise state and establish

compliance with Section 91.32. The offer for sale or transfer of an unaltered dog must also include the microchip number as required in Section 91.36. The license and/or microchip numbers must appear on a document transferring the animal to the new guardian/custodian.

B. Transfer of unaltered dog or cat: The guardian/custodian of an unaltered dog over the age of four months, which is not a competition dog, must demonstrate compliance with Sections 91.32 prior to the transfer, and must notify the City of the name and address of the transferee within ten days after the transfer.

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 guardian/custodian of the female animal shall advise the City 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 guardian/custodian shall advise the Department of the name and address of the new guardian/custodian, and the microchip number of the puppy or kitten, if applicable, within ten days after the transfer. "

SECTION 5: Section 91.35 is added to Chapter 91 of the Santa Paula Municipal Code to read as follows

"91.35 Dog and Cat Breeding - Permit Required - Fees.

A. Any person, except for a person possessing a valid kennel license, who causes the breeding of a dog or cat, shall obtain a breeding permit from the City and shall pay the fee for such permit. Breeding permits shall be valid for a term of one year from the date of issuance.

B. Each permit shall authorize the whelping of no more than one (1) litter per female dog or cat in any twelve (12) month period and no more than one (1) litter per domestic household in any twelve (12) month period, or the offering of a male dog or cat for stud once in any twelve (12) month period.

C. Breeding permits must be obtained in person at the animal control authority (or specially designated satellite offices) where the Director shall keep a register wherein shall be entered the name and address of each person to whom any breeding permit is issued, the date of issuance thereof, the date or approximate date the person obtained the dog or cat, the age or approximate age of the dog or cat, and, if a first-time breeding permit, the number of past litters produced.

D. The person applying for the breeding permit shall demonstrate a basic understanding of humane breeding practices, administered in the form of a test, designed and administered by the Director. Should the applicant fail to pass the humane practices breeding test, he or she shall be denied the breeding permit and may not reapply for such a permit for a minimum period of 30 days.

E. Should the applicant provide any false information or fail to provide any required information, the breeding permit shall be denied.”

SECTION 6: Section 91.36 is added to Chapter 91 of the Santa Paula Municipal Code to read as follows:

“91.36 Microchipping of dogs and cats required.

All dogs and cats over the age of four months must be implanted with an identifying microchip. The guardian/custodian is required to provide the microchip number to the City, and shall notify the City and the national registry applicable to the implanted chip, of a change of ownership of the dog or cat, or a change of address or telephone number.”

SECTION 7: *Grace Period.* The City Council wants to encourage voluntary compliance with Sections 91.32 and 91.36. Upon the effective date of this ordinance, guardians/custodians of cats and dogs will have a one-year grace period to comply with the mandatory spaying, neutering and microchipping requirements. During this time, no penalties shall be imposed for failure to comply with Sections 91.33 and 91.36, providing that after this time expires, violations of these Sections will be punishable pursuant to Santa Paula Municipal Code Section 13.03.

SECTION 8: *Administrative Regulations.* The City is authorized to promulgate any administrative rules, regulations and procedures necessary to ensure the effective implementation of this Ordinance.

SECTION 9: *Environmental Assessment.* The California Environmental Quality Act (CEQA) requires that the environmental impacts of the action be assessed. The proposed amendment will not in itself result in any environmental impacts nor will the amendment result in any changes in the physical conditions that exist in the City. Staff has determined the project to be Exempt from the California Environmental Quality Act (CEQA) Guidelines per § 15061 (b)(3).

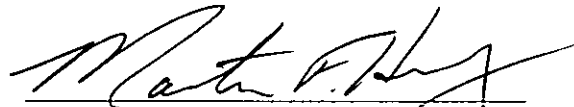
SECTION 10: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 11: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications, and to this end the provisions of this Ordinance are severable.

SECTION 12: Notice. The City Clerk is directed to certify the passage and adoption of the Ordinance, make a note of the passage and adoption in the records of this meeting, and within fifteen days after the passage and adoption of this Ordinance cause it to be published and posted in accordance with California law.

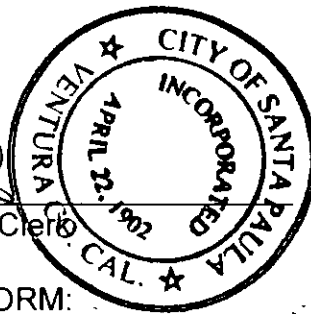
SECTION 13: Effectiveness. This Ordinance will become effective on the 31st day following its passage and adoption.

PASSED AND ADOPTED this 21st day of February 2016.


Martin F. Hernandez, Mayor

ATTEST:


By: 
Judy Rice, City Clerk



APPROVED AS TO FORM:

By: 
John C. Cotti, City Attorney

APPROVED AS TO CONENT

By: 
City Manager (Interim)