

## Chapter 8.21

### SPAY, NEUTER AND MICROCHIP

#### Sections:

- 8.21.010 Spay and neuter.**
- 8.20.020 Penalties for failure to spay or neuter.**
- 8.21.030 Microchipping of dogs and cats.**

#### Section 8.21.010 Spay and Neuter.

A. 1. Requirement. No person may own, keep, or harbor an unaltered and unspayed dog or cat over the age of seven months in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with this chapter. An owner or custodian of an unaltered cat must have the animal spayed or neutered, or provide a certificate of sterility.

2. Exemptions. This section shall not apply to any of the following:

a. A dog with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California Licensed Veterinarian. If the dog is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation; should this date be later than thirty (30) days, the owner or custodian must apply for an unaltered dog license.

b. A cat with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California Licensed Veterinarian. If the cat is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation.

c. Animals owned by recognized dog or cat breeders, as defined by Department policy.

B. Denial or revocation of unaltered dog license and reapplication.

1. The Animal Control Director or his/her designee may deny or revoke an unaltered dog license for one or more of the following reasons:

a. The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section;

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

c. The owner, custodian, applicant, or licensee has been previously cited for violating a State law, city code or other municipal provision relating to the care and control of animals;

d. The unaltered dog has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous or vicious, or to be nuisance within the meaning of the Riverside Municipal Code or under state law;

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

f. The license application is discovered to contain a material misrepresentation or omission of fact.

2. Re-application for unaltered dog license:

a. When an unaltered dog license is denied, the applicant may re-apply for a license upon changed circumstances and a showing that the requirements of this chapter have been met. The department shall refund one-half of the license fee when the application is denied. The applicant shall pay the full fee upon re-application.

b. When an unaltered dog license is revoked, the owner or custodian of the dog may apply for a new license after a thirty (30) day waiting period upon showing that the requirements of this chapter 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.

C. Appeal of denial or revocation of unaltered dog license.

1. Request for hearing.

a. Notice of intent to deny or revoke. The Department shall mail to the owner, custodian, licensee, or applicant 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, custodian, licensee or applicant may request a hearing to appeal the denial or revocation by filing such request with the Animal Control Director and/or his/her designee. The request must be made in writing within fifteen (15) 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.

b. Administrative Hearing Officer. Defined by Code section 1.17.020 with the qualifications and authority outlined in code section 1.17.160.

c. Notice and conduct of hearing. The Animal Control Director or his/her designee shall mail a written notice of the date, time, and place for the hearing not less than ten (10) days before the hearing date. The hearing date shall be no more than forty-five (45) days after the Department's receipt of the request for a hearing. The hearing will be informal and the rules of evidence will not be strictly observed. The Administrative Hearing Officer shall prepare and mail a written decision to the owner or custodian after the hearing. The decision of the Administrative Hearing Officer shall be the final administrative decision.

d. Judicial Review of Administrative Decision. Any person aggrieved by the order of the Administrative Hearing Officer may obtain judicial review of that order by filing a petition for review with the Superior Court of Riverside County in accordance with the timelines and provisions set forth in California Code of Civil Procedure Section 1094.6.

2. 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, custodian, licensee, or applicant must provide the department with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

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

1. Offer for sale or transfer of unaltered dog. An owner or custodian who offers any unaltered dog over the age of four (4) months of age 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 this section. An owner or custodian of an unaltered dog must notify the department of the name and address of the transferee within ten (10) days after the transfer. The unaltered license and microchip numbers must appear on a document transferring the animal to the new owner.

2. Offer for sale or transfer of unaltered cat. An owner or custodian of an unaltered cat must notify the department of the name and address of the transferee within ten (10) days after the transfer. The microchip numbers must appear on a document transferring the animal to the new owner.

E. Impoundment of unaltered dog or cat.

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

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

b. Have the dog or cat 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;

c. Have the dog or cat spayed or neutered by another California licensed veterinarian. The owner or custodian may arrange for another California licensed 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. The veterinarian shall complete and return to the Department within ten (10) 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;

d. At the discretion of the Animal Control Director, 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 dog or cat will be spayed or neutered and that he or she will submit a statement within ten (10) days of the release, signed by a California licensed veterinarian, confirming that the dog or cat has been spayed or neutered or is incapable of breeding; or

2. Costs of impoundment.

a. 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 this chapter.

b. 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 or other arrangements are made including, but not limited to, a payment plan. If the owner or custodian of an impounded unaltered animal does not pay the lien against it in full within fourteen (14) days, the animal shall be deemed abandoned and become the property of the Department.

F. Application of fees and fines collected. All costs and fines collected under this part and the fees collected under this section shall be paid to the City of Riverside for the purpose of defraying the cost of the implementation and enforcement of this program. (Ord. 7084 § 3, 2010)

**Section 8.21.020 Penalties for Failure to Spay or Neuter.**

Penalties issued for failure to spay or neuter a dog or cat shall be enforced as set forth below:

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

B. Should the owner or custodian of an unaltered dog or cat be found in violation of a State or local law, as stated above, in subsection (1), the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section. (Ord. 7084 § 3, 2010)

**Section 8.21.030 Microchipping of Dogs and Cats.**

A. All dogs and cats over the age of four (4) months must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to

the Department, and shall notify the Department of any change of ownership of the dog or cat, or any change of address or telephone number. Nothing in this section supersedes, eliminates, or alters the requirements of Sections 8.12.010, 8.18.020, and any other licensing requirements of Title 8.

B. Exemptions. The mandatory microchipping requirements shall not apply to any of the following:

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 that is kenneled or trained in the City of Riverside, but is owned by an individual that does not reside in the City of Riverside. 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.

3. A dog or cat over the age of ten (10) years.

C. Transfer, sale of dogs and cats.

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

2. An owner or custodian who offers any cat, over the age of four (4) months, for sale, trade, or adoption must provide the microchip identification number with the offer of sale, trade or adoption. The microchip numbers must appear on a document transferring the cat to the new owner. The owner or custodian shall also advise the Department of the name and address of the new owner or custodian in accordance with Subdivision (A) of this section. An owner or custodian who offers any cat, over the age of four (4) months, for sale, trade, or adoption and fails to provide the Department with the name and address of the new owner, is in violation of this chapter and shall be subject to the penalties set forth herein.

3. When a puppy or kitten under the age of four (4) months implanted with microchip identification is sold or otherwise transferred to another person, the owner or custodian shall advise the Department of the name and address of the new owner or custodian, and the microchip number of the puppy or kitten within ten (10) days after the transfer. If it is discovered that an owner or custodian has failed to provide the Department with the name and address of the new owner and the microchip number of the puppy or kitten, the owner or custodian shall be subject to the administrative remedies set forth in Chapter 1.17.

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

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

2. Have the dog or cat implanted with a department approved microchip by a California licensed veterinarian. The owner or custodian may arrange for another California licensed

veterinarian to perform the implant, and shall pay to the department the cost to deliver the dog or cat to the chosen veterinarian. The veterinarian shall complete and return to the Department within ten (10) days, a statement confirming that the microchip has been implanted, provide the Department with the number and shall release the dog or cat to the owner or custodian only after the procedure is complete; or

3. At the discretion of the Animal Control Director, 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 dog or cat will be implanted with a microchip and that he or she will submit a statement within ten (10) days of the release, signed by a California licensed veterinarian, confirming that the dog or cat has been so implanted and provide the microchip number to the Department or allow the Department to scan the dog or cat for the microchip to verify.

E. Fees for microchip identification device. The fee for an identifying microchip device shall be included in the cost of adoption when adopting a dog or cat from an animal shelter operated by the Department. If an animal has already been implanted with an identifying microchip device by some other facility, there will be no fee to have the identification microchip number entered into the Department's registry as required by subdivision (A) of this section.

F. Application of fees and fines collected. All costs and fines collected under this part and the fees collected under this section shall be paid to the City of Riverside for the purpose of defraying the cost of the implementation and enforcement of this program. (Ord. 7084 § 3, 2010)