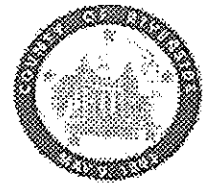


FORM APPROVED COUNTY COUNSEL
 BY: *JERRY H. RA* 1/15/09
 DATE

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

101



FROM: Community Health Agency/Department of Animal Services

SUBMITTAL DATE:
 January 16, 2009

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

RECOMMENDED MOTION: That the Board of Supervisors:

Upon completion of the third reading, adopt Ordinance No. 630.12, with the recommended amendments from the Public Hearing held and closed on January 13, 2009.

Departmental Concurrence

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. 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. (cont'd)

Robert P. 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	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
Debra Courmoyer
 Debra Courmoyer

County Executive Office Signature

Dept R. .m.:
 Per Exec. Ofc.:

Policy
 Policy

Consent
 Consent

Prev. Agn. Ref.: 1/13/09, item 9.7;
 12/16/08, item 3.16

District: All

Agenda Number:

3.12

BACKGROUND (continued):

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 micro-chipping 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, as secondary enforcement and subject to certain exemptions, in the unincorporated areas.

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 micro-chipped and may be 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 as outlined currently in Riverside County Code Title VI (Riverside County Ordinance 630.11, section 21) under Administrative Citations and Penalties.

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

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

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

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

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

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

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

17 2. Re-application for unaltered dog license:

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

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

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

2 1. Request for hearing.

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

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

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

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

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

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

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

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

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

27 2. Should the owner or custodian of an unaltered dog or cat be found in
28 violation of a state or local law, as stated above, in subsection (1), the owner or

1 custodian shall be required to spay or neuter the unaltered animal in accordance
2 with this section.

3 f. **IMPOUNDMENT OF UNALTERED DOG OR CAT**

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

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

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

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

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

3 E. If the owner or custodian demonstrates compliance with this
4 Section.

5 2. Costs of Impoundment.

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

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

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

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

21 “Section 14. MANDATORY MICROCHIPPING OF DOGS AND CATS

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

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

3 1. A dog or cat with a high likelihood of suffering serious
4 bodily injury, if implanted with the microchip identification,
5 due to the health conditions of the animal. The owner or
6 custodian must obtain written confirmation of that fact from
7 a California licensed Veterinarian. If the dog or cat is able to
8 be safely implanted with an identifying microchip at a later
9 date, that date must be stated in the written confirmation.

10 2. A dog or cat which would be impaired of its athletic ability
11 or performance if implanted with the microchip
12 identification. The owner or custodian must obtain written
13 confirmation of that fact from a California licensed
14 Veterinarian. If the dog or cat is able to be safely implanted
15 with an identifying microchip at a later date, that date must
16 be stated in the written confirmation.

17 3. A dog or cat that is kenneled or trained in Riverside County,
18 but is owned by an individual that does not reside in
19 Riverside County. The owner or custodian must keep and
20 maintain the animal in accordance with the applicable laws
21 and ordinances of the jurisdiction in which the owner or
22 custodian of the animal permanently resides, including but
23 not limited to the applicable licensing and rabies vaccination
24 requirements of that jurisdiction.

25 c. Transfer, sale of dogs and cats.

26 1. An owner or custodian who offers any dog, over the age of
27 four months, for sale, trade, or adoption must provide t'
28 microchip identification number and the valid dog license

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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 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 ordinance and shall be subject to the penalties set forth herein.

2. An owner or custodian who offers any cat, over the age of four 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 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 ordinance and shall be subject to the penalties set forth herein.

3. When a puppy or kitten under the age of four 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

1 owner or custodian, and the microchip number of the puppy
2 or kitten within ten days after the transfer. If it is discovered
3 that an owner or custodian has failed to provide the
4 Department with the name and address of the new owner and
5 the microchip number of the puppy or kitten, the owner or
6 custodian shall be subject to the penalties set forth in this
7 ordinance.

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

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

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

1 complete; or,

2 3. At the discretion of the Director of Animal Services, the dog
3 or cat may be released to the owner or custodian if he or she
4 signs a statement under penalty of perjury, representing that
5 the dog or cat will be implanted with a microchip and that he
6 or she will submit a statement within ten (10) days of the
7 release, signed by a California licensed veterinarian,
8 confirming that the dog or cat has been so implanted and
9 provide the microchip number to the Department or allow
10 the Department to scan the dog or cat for the microchip to
11 verify.

12 e. Fees for microchip identification device. The fee for an identifying
13 microchip device shall be included in the cost of adoption when
14 adopting a dog or cat from a Riverside County animal shelter. The
15 fee for an identifying microchip device shall be the amount set forth
16 in Section 11, subdivision (o) per animal for all other animals. If an
17 animal has already been implanted with an identifying microchip
18 device by some other facility, there will be no fee to have the
19 identification microchip number entered into the Department's
20 registry as required by subdivision (a) of this section.

21 f. Penalties

22 1. An owner or custodian in violation of this section may be
23 issued an administrative citation, pursuant to the
24 Administrative Citations and Penalties section set forth in
25 this Ordinance, for failure to microchip the owner or
26 custodian's dog or cat.

27 2. If an administrative citation is issued for violation of this
28 Section of this ordinance, persons receiving such

1 administrative citation, may choose to clear the citation
2 within ten (10) calendar days, thereby avoiding potential
3 higher penalty, by demonstrating their compliance with the
4 mandatory microchipping requirement of subdivision (a) of
5 this section to the Director and paying an administrative fee
6 of twenty dollars (\$20.00) to the Department.

7 g. Allocation of fees and fines collected. All costs, fees, and fines
8 collected under this section shall be paid to the Department for the
9 purpose of defraying the cost of the implementation and
10 enforcement of this program and for low cost microchipping
11 programs administered by the Department.”

12 Section 9. Existing Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26
13 are renumbered 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 respectively.

14 Section 10. Renumbered Section 24, which was previously Section 22, of Ordinance
15 No. 630.11 is amended to read as follows:

16 The references to “Section 22” are changed to “Section 24.”

17 Section 11. This Ordinance shall take effect thirty (30) days after its adoption.

18 BOARD OF SUPERVISORS OF THE COUNTY
19 OF RIVERSIDE, STATE OF CALIFORNIA

20
21 By: _____
22 Chairman

23 ATTEST:

24 CLERK OF THE BOARD

25
26 By: _____
27 Deputy

28 (SEAL)

FORM APPROVED COUNTY COUNSEL
BY: JIMMY H. RA 1/15/09
DATE