

Agenda Report

TO: CITY COUNCIL **DATE:** MARCH 10, 2008

THROUGH: PUBLIC SAFETY COMMITTEE (March 3, 2008)

FROM: BERNARD K. MELEKIAN, CITY MANAGER

SUBJECT: MANDATORY SPAYING/NEUTERING OF PIT BULL AND PIT BULL MIXES ORDINANCE

RECOMMENDATION:

It is recommended that the City Council direct the City Attorney's Office to return in 60 days with an ordinance requiring the spaying and neutering of pit bull and pit bull mixes.

BACKGROUND:

Incidents of injuries and deaths caused by pit bulls and pit bull mixes have been well publicized in the Los Angeles area. The most recent incident in Pasadena occurred on July 18, 2007 when four pit bulls escaped from an unsecured yard and attacked several residents. Pasadena Police Department responded to this incident and shot two of the four dogs.

The Pasadena Humane Society has reported that pit bulls and pit bulls mixes are seldom adopted by the public and ultimately the dogs must be euthanized or given away to pit bull rescue organizations. A review of Humane Society records indicates that an average of 15% of the impound space was taken up by pit bulls and pit bull mixes during FY 2007 and 25% of the impound space during FY 2006 was occupied by pit bulls and pit bull mixes.

Under State law, the City could legally ban all dogs from public places, but cannot single out pit bulls for such a ban. California Health and Safety Code Section 122331 allows local governments to pass laws mandating forced spaying and neutering of all dogs of a specified breed, provided that no specific dog breed, or mixed dog breed, will be declared potentially dangerous or vicious under those ordinances. Specifically, this law:

STR0381

MEETING OF 03/10/2008

AGENDA ITEM NO. 5.D.1.

1. Makes findings and declarations pertaining to controlled and responsible animal breeding, the fact that no specific breed of dog is inherently dangerous or vicious, and the need for a limited repeal of the ban on breed-specific legislation in order to eliminate uncontrolled and irresponsible animal breeding.
2. Authorizes breed-specific mandatory spaying and neutering, and breeding restrictions.
3. Prohibits any specific dog breed or mixed breed from being declared potentially dangerous or vicious under any breed-specific ordinance adopted by a city or county pertaining to mandatory spay/neuter or breeding requirements.
4. Provides for increased reporting to the State Public Health Veterinarian of dog bite data and other information by local jurisdictions that make use of the authorization provided by this bill.

Many cities and counties throughout the United States have enacted regulations aimed at reducing over population and the potential for injury from vicious and dangerous dogs. Attachment A includes examples of such action taken by various cities throughout the United States to control over-population of vicious and dangerous dogs.

On January 1, 2006, a new law became effective in San Francisco requiring all pit bulls and pit bull mixes to be spayed or neutered with certain exceptions. San Francisco's Animal Care and Control Agency has reported that the pit bull population has diminished significantly and the number of pit bulls and pit bull mixes abandoned and euthanized in San Francisco has fallen since the law was enacted.

Public Health Department staff proposes an ordinance similar to that which was adopted by the City and County of San Francisco. The ordinance would require all pit bulls and pit bull mixes to be spayed or neutered unless the pit bull is under the age of eight weeks, the pit bull has resided in the City less than thirty days, or the pit bull has a physical abnormality that would harm the animal if it was spayed or neutered. If the dog has a physical abnormality, a veterinarian must certify such condition and determine the time frame when the dog can be spayed/neutered.

Exemptions to the ordinance would be allowed if the dog owner has registered the pit bull as a show dog or the owner has applied for a permit to breed the pit bull. The following requirements must be met in order for an individual to obtain a permit to breed pit bulls:

(1) The applicant has submitted the appropriate forms and fees required by the Poundmaster in order to seek consideration for a breeding permit.

(2) The applicant has a space to breed pit bulls and raise the puppies that the Poundmaster is satisfied will contain the animals as well as provide them with safe, sanitary, and humane conditions, appropriate for breeding pit bulls.

(3) The Poundmaster has evaluated and determined that the suitability of the particular pit bulls can be bred, including consideration of their lineage, age and health condition. The Poundmaster will use standard guidelines in making a determination.

(4) Breeders will not allow their pit bulls to have more than one litter per year.

The Poundmaster may deny the permit if one or more of the following occurs, and that decision shall be final: (1) The applicant fails to pay the permit fee or (2) the applicant has a history of allowing dogs to run loose or escape, or has otherwise been found to be neglectful; has had his/her dog identified as a nuisance; or has previously been determined to have violated Pasadena Municipal Code Chapter 6.18 (Regulation of Public Nuisance Dog).

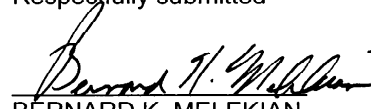
The Poundmaster may perform an inspection of the dog's living quarters to ensure that the standards required to receive a permit are met. The Poundmaster will give the owner, guardian or keeper a twenty-four hour notice and will conduct such inspection at a reasonable time when the owner, guardian or keeper, or his/her representative, is present. The owner, guardian or keeper will allow the Poundmaster access to conduct the inspection. If the property does not meet the required standards, or the owner, guardian or keeper cannot be contacted for an inspection within two weeks of the Poundmaster's initial attempt, or the owner, guardian or keeper fails or refuses to allow an inspection, the Poundmaster will not issue a permit.

A person found to be in violation of the ordinance may be charged with a misdemeanor or an infraction at the discretion of the City Prosecutor. The Pasadena Humane Society has agreed to enforce the new ordinance in the City with no increase to its current contract for animal control services with the City. The Humane Society already has a program to spray and neuter pit bulls at no cost to City residents. Currently, there is an eight week waiting period to have a pit bull altered by the Humane Society. To comply with the mandatory spay and neuter requirements, residents can have their pit bulls and pit bull mixes be spayed or neutered by the Humane Society, a private veterinarian, or another low cost spay and neuter program in the Los Angeles area.

FISCAL IMPACT:

There is no fiscal impact as the result of the adoption of the Mandatory Spaying and Neutering of Pit Bull and Pit Bull Mix Ordinance.

Respectfully submitted



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