

# Agenda Report

November 25, 2013

**TO:** Honorable Mayor and City Council  
**THROUGH:** Legislative Policy Committee (11/23/13)  
**FROM:** Department of Public Works  
**SUBJECT: MANDATORY SPAY/NEUTER ORDINANCE FOR PIT BULL AND PIT BULL CROSS BREED DOGS**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Direct the City Attorney to draft an ordinance and return within 60 days mandating the spay/neuter of pit bull and pit bull cross breed dogs, excluding those that meet exclusion criteria;
2. Find that mandatory spay/neuter of pit bull and pit bull cross breed dogs is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15061(b)(3); and
3. Authorize the Mayor to send letters to State Legislators on behalf of the City of Pasadena advocating for the repeal of the preemption on dog breed ban ordinances that have been in place since 2005.

## **LEGISLATIVE POLICY COMMITTEE RECOMMENDATION:**

On October 23, 2013, the Department of Public Works presented an update to the Legislative Policy Committee regarding state law pertaining to dog breed specific legislation, possible legislative attempts at the state level to change the preemption on dog breed ban ordinances that have been in place since 2005, and available options to address specific dog breeds.

Based on the discussion by the Committee to develop an ordinance using Riverside County's recently adopted ordinance as a model, that would require owners of pit bulls and pit bull cross dogs to spay/neuter or receive exemptions allowing the dogs to maintain reproductive capabilities. The Committee also recommended staff to write a

letter to the City's state legislative representatives advocating for the repeal of the preemption on dog breed ban ordinances as ban equates to a loss of local control.

### **BACKGROUND:**

On October 7, 2013, the City Council considered the introduction of an ordinance to add Chapter 6.09 to Title 6 of the Pasadena Municipal Code requiring all dogs and cats within the City to be spayed or neutered. The City Council decided to postpone action for six months or until the Pasadena Humane Society completes its initial round of dog license canvassing within the City. As an interim step, City Councilmember Madison suggested that on October 23, 2013, the Legislative Policy Committee consider advocating for state legislation to allow dog breed-specific regulations.

On October 23, 2013, the Department of Public Works presented an update regarding state law pertaining to dog breed specific legislation, possible legislative attempts at the state level to change the preemption on dog breed ban ordinances that have been in place since 2005, and available options to address specific dog breeds to the Legislative Policy Committee. Exhibit 2 contains the Legislative Policy Committee Agenda Report and attachments.

The Committee recommended that staff develop an ordinance using Riverside County's recently adopted ordinance as a model, that would require owners of pit bulls and pit bull cross dogs to spay/neuter or receive exemptions allowing the dogs to maintain reproductive capabilities and bring the ordinance back to the full City Council for approval. Riverside County Board of Supervisors unanimously adopted by the Board of Supervisors on October 8, 2013, is contained in Exhibit 3.

The key provisions of the Riverside County ordinance include:

- Findings that ensure consistency with California Senate Bill 861, enacted in 2005 and codified as California Health and Safety Code Sections 122330 and 122331
  - o Section 122330 (a) of the California Health and Safety Code states in pertinent part that "Uncontrolled and irresponsible breeding of animals contributes to pet overpopulation, inhumane treatment of animals, mass euthanasia at local shelters...this irresponsible breeding also contributes to the production of defective animals that present a public safety risk;"
- Definition of pit bull;
- Requirement that no person shall own or possess pit bull over age of four months that has not been spayed or neutered, except as provided in the Exemptions Section of ordinance; and

- Exemptions from the ordinance regulations for registered breeders, pit bulls used by public law enforcement agencies for law enforcement purposes, assistance dogs, pit bull certified by licensed veterinarian as having a health reason for not being spayed/neutered, and a pit bull in training at a licensed kennel and currently licensed by the owner in another jurisdiction.

Animal intake and disposition data provided by the Pasadena Humane Society & SPCA indicates that pit bulls comprise a disproportionately high number of unwanted dogs in Pasadena similar to the situation in Riverside County. As a result, the number of unwanted pit bulls and pit bull cross breeds in Pasadena ensures consistency with California Senate Bill 861.

|            | <b>Pasadena Humane Society</b>                      | <b>Riverside County</b>         |
|------------|-----------------------------------------------------|---------------------------------|
| Intake     | 15% Pit Bull<br>17% Chihuahua<br>68% All other dogs | 20% Pit Bull                    |
| Euthanasia | 27% Pit Bull<br>10% Chihuahua<br>63% All other dogs | 30% Pit Bull                    |
| Adoption   | 10% Pit Bull<br>19% Chihuahua<br>71% All other dogs | Historically low adoption rates |

*Note – PHS data is for its contract cities; Pasadena animals comprise over 40% of the population*

**COUNCIL POLICY CONSIDERATION:**

This proposed ordinance supports the City Council's goal to ensure public safety by promoting healthy prevention measures for pet overpopulation. Reducing the number of intact pit bulls and pit bull cross breed dogs will foster an environment less conducive to overpopulation of pit bulls in Pasadena.


**ENVIRONMENTAL ANALYSIS:**

The actions proposed herein have been reviewed for compliance with the California Environmental Quality Act (CEQA) and are exempt per Section 15061 (b) (3). The actions are covered by the general rule that CEQA only applies to projects that have the potential for causing a significant effect on the environment. The proposed ordinance pertains to the spaying and neutering of pit bull and pit bull cross breeds, which does not create the potential for a significant environmental effect.

**FISCAL IMPACT:**

There will be no additional costs to the City as a result of adopting the proposed mandatory spay/neuter ordinance for pit bull and pit bull cross breed dogs. Enforcement of the ordinance would be provided by the Pasadena Humane Society under the existing services contract with the City. Pursuant to that agreement, the City and Pasadena Humane Society split net revenues from animal licensing.

Respectfully submitted,



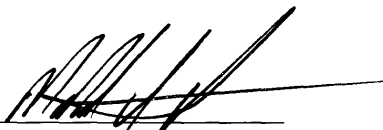
\_\_\_\_\_  
SIOBHAN FOSTER  
Director of Public Works

Prepared by:



\_\_\_\_\_  
Siobhan Foster  
Director of Public Works

Approved by:



\_\_\_\_\_  
MICHAEL J. BECK  
City Manager

Exhibit 1 – City Council, October 7, 2013, Agenda Item 9  
Exhibit 2 – Legislative Policy Committee, October 16, 2013, Agenda Item 4B  
Exhibit 3 – Riverside County Ordinance No. 921