



STAFF REPORT CITY COUNCIL OR STUDY SESSION AGENDA

DATE: September 21, 2010

AGENDA ITEM:

STUDY SESSION DATE: NA

MEETING DATE: October 4, 2010

- **TITLE OF ITEM:** Ordinance Mandating Spay and Neutering Programs for Specific Dog Breeds
- **Brief Description:** This ordinance would require owners of pure bred and mixed breed Pit Bulls and Chihuahuas to have their pets spayed or neutered except for owners who obtain a certificate to maintain an unaltered dog.
- **Recommendation:** To impose these restrictions the Council is asked to introduce this ordinance at the October 4 meeting for adoption on October 18.

SUMMARY: This report supplements the previous staff reports received by the Council at its meetings of May 3, 2010 and August 2. Those reports documented the need for a breed specific ordinance mandating spay and neutering to reduce the number of unadoptable Pit Bulls and Chihuahuas that must be euthanized. At the May 3 meeting Council directed the City Attorney to draft an ordinance that would require owners to spay or neuter pure bred and mixed breed Pit Bulls and Chihuahuas, with some exceptions. The Council introduced the ordinance on August 2. On August 16, the City Attorney recommended that the ordinance not be adopted (1) to allow Animal Control staff to develop an ordinance that would be easier to implement and enforce and (2) to allow City staff and opponents of the ordinance to meet to discuss other options that would reduce the overpopulation of these two breeds.

Committee Meetings since August 16

Staff met with interested members of the community on August 17, August 24, and September 9. Each meeting lasted at least two hours, and the participants included

current Shelter staff and volunteers, members of rescue organizations and kennel clubs, and dog breeders. Some members opposed any mandated spaying/neutering, and other members supported an ordinance that mandates spay/neuter for all dogs.

The participants discussed the problem that the ordinance sought to solve as well as the identification of 20 “solution” ideas, including increased availability of free and low cost spay/neuter services, better dog owner and public education, better and increased advertising of adoptable dogs, better City website, increased volunteer pool, increased licensing fees for all dogs, and increased punishment for at-large dogs. The majority of the participants at the September 9 meeting supported the concept of a mandatory spay/neuter ordinance for Chihuahuas and Pit Bulls (Restricted Breeds) that is more flexible and that requires less staff implementation. This is the ordinance that is recommended by the City Attorney and the Police Department.

Proposed Ordinance

The proposed ordinance is closely modeled upon the Santa Cruz County ordinance. Although Santa Cruz County mandates spay/neuter for all cats and dogs, Hollister’s ordinance only requires that the Restricted Breeds (Pitbulls and Chihuahuas) be altered, consistent with California Food and Agriculture Code Sections 31683 and 122331. These state laws allow local agencies to adopt breed specific mandatory spaying and neutering programs.

The following is a summary of the proposed ordinance that highlights relevant changes from the previous ordinance:

1. The previous proposed ordinance addressed two problems: (1) the fact that in the past two years Pit Bulls were the overwhelming majority of dogs determined to be “dangerous” under our ordinance (Chapter 6.13) and (2) the overpopulation of the two breeds leading to large numbers being euthanized. This ordinance addresses the overpopulation of the two breeds only. As stated in the findings, in 2009 22% of all dogs euthanized were Chihuahuas and mixes and 38% were Pit Bulls and mixes. The numbers as of August 24, 2010 are similar—out of 208 dogs euthanized, 55 (26%) were Chihuahuas and 70 (34%) were Pit Bulls.
2. Both ordinances create Chapter 6.20 of the Municipal Code entitled “Mandatory Spay and Neuter Program” requiring owners to spay/neuter restricted breed dogs. Under the previous proposed ordinance, it was more difficult for an owner to maintain an unaltered restricted dog. Owners had to prove that the restricted dog was a show dog and provide

extensive evidence of its health and temperament. The current proposed ordinance allows any owner to maintain an unaltered restricted dog upon payment of one-time registration fee and annual licensing fee as long as the owner has not been convicted of specific crimes relating to animals.

3. This ordinance limits a restricted breed female to one litter per year except with written authorization from a licensed veterinarian.
4. This ordinance provides a process for appeal of denial or revocation of an unaltered restricted dog license, and regulates the sale or transfer of unaltered restricted dogs.
5. Penalties for violation of the ordinance include criminal prosecution (infraction for first and second violations; misdemeanor charge for the third) and required spay/neuter for the second time that a restricted dog is found running at large. If an unaltered restricted dog is impounded, the owner must get the dog altered or obtain an unaltered dog certificate before the dog may be released (except for unaltered restricted dogs that run at large more than once).

Staff does not believe that the ordinance alone will solve the problem of overpopulation of these two breeds. The ordinance provides one more tool available to the City to control the numbers of unwanted Pit Bulls and Chihuahuas. The staff intends that the ordinance be implemented with other tools such as free or low cost spay/neuter services prioritized for Pit Bulls and Chihuahuas, increased advertising of adoptable dogs, and improved Shelter website, as current resources allow.

Staff in the Police Department and City Attorney's Office support the adoption of this ordinance as a tool to reduce uncontrolled or irresponsible breeding practices in Hollister that have had a significant impact on the city's public health and safety and available City staff resources.

DEPARTMENT: City Attorney, Stephanie Atigh 636-4306

Police Department, Chief Jeff Miller 636-4330

This report was reviewed by the City Manager who concurs with the staff's recommendation : _____

Clint G. Quilter, City Manager

Staff report for mandatory spay ordinance