

# Agenda Report

July 14, 2014

**TO:** Honorable Mayor and City Council  
**FROM:** Department of Public Works  
**SUBJECT: MANDATORY SPAY/NEUTER ORDINANCE FOR ALL CATS AND DOGS OVER SIX MONTHS OF AGE**

## **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 all cats and dogs over six months of age, excluding those that meet exclusion criteria;
2. Establish a fee differential such that a dog license for an unaltered animal is \$60 more than spayed/neutered animals; and
3. Find that mandatory spay/neuter of all cats and dogs is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15061(b)(3).

## **EXECUTIVE SUMMARY:**

The City Council Legislative Policy Committee has been discussing 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. Current state law prohibits breed specific regulations/bans and the evidence is unclear as to the efficacy of such bans. Conversely, spaying and neutering has been shown to reduce aggression in dogs and has the added benefits of promoting animal welfare and lessening pet overpopulation.

Several cities and counties in Southern California have implemented mandatory spaying and neutering laws including the Los Angeles County, Agoura Hills, Artesia, Bradbury, Lancaster, Lynwood, Oxnard, Riverside County, San Francisco, Santa Clarita, Santa Monica, Simi Valley, Ventura, Ventura County and Walnut to name a few. City and Pasadena Humane Society (PHS) staff recommends that Pasadena adopt a similar ordinance.

As proposed, all cats and dogs over the age of six months would be required to be spayed or neutered, except for aged or infirm dogs, working dogs, show dogs, and those owned by reputable breeders. PHS would enforce the requirement when a violation of existing state or local law pertaining to obligations of a person owning or possessing a dog or cat occurs subject to certain exemptions.

**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 over 4 months in age to be spayed or neutered. The City Council decided to postpone action for six months or until the Pasadena Humane Society (PHS) 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 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.

The Committee recommended that staff develop an ordinance modeled upon the ordinance unanimously approved by the Riverside County Board of Supervisor on October 8, 2013, which requires 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.

On November 25, 2013, the City Council directed 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.

On January 27, 2014, the City Council considered the introduction of an ordinance for to add a chapter to PMC 6.09 requiring mandatory spay and neuter of pit bull cross breeds. City Council tabled the first reading ordinance to July 14, 2014 and directed the Department of Public Works to return to City Council with options and recommendations on whether to pursue mandatory spay and neuter of pit bulls and pit bull cross breeds or a more comprehensive mandatory spay and neuter requirement for all cat and dog breeds including a complete report from the PHS regarding euthanasia data and statistics.

PHS commenced its inaugural dog license canvassing efforts on July 1, 2013 and has completed canvassing 80 percent of the City of Pasadena through June 30, 2014. PHS needs to complete canvassing in the southern section of the City, below Interstate 210, as shown in Attachment 1. PHS expects to complete its initial canvassing efforts in

September 2014. The second round of canvassing will begin thereafter working from October 2014 to October 2015 within the city.

PHS reports the following animal licensing data for FY 2014.

**Table 1 – License Data**

Species	Population	# Licensed	# License Renewals	# New Licenses	Licensed Altered Dogs	Licensed Unaltered Dogs
Cat	33,997	N/A	N/A	N/A	N/A	N/A
Dog	31,120	9,406 30%	5,858	3,548	8,179 87%	1,227 13%

*\*Cats do not require licensing*

There are more than 65,000 dogs and cats in the City of Pasadena. PHS has provided animal field and shelter services to the city since 1904, and more recently, licensing services beginning in 2013. Both agencies have identified the need for the City of Pasadena to enact mandatory spay and neuter for all dogs and cats to promote animal welfare, public health and safety, and quality life within Pasadena.

Five thousand three-hundred twenty-nine live Pasadena animals were housed at the PHS shelter in FY 2014. Reasons for live animal intake include stray, abandoned, and feral animals, as well as owner turn-ins. Detailed intake information for cats and dogs is shown below.

**Table 2 – Animal Intake Reasons – Cat & Dog**

Species	Live Impounds	Stray	Owner Turn- In	Feral	Abandoned	Other
Cat	1,652	924 57%	288 17%	155 9%	81 5%	204 12%
Dog	2,253	1,562 69%	265 12%	0 0%	52 2%	374 17%

Items of note include the high percentage of stray cats and dogs that enter the shelter and owner turn-ins for both species. Mandatory sterilization would reduce the number of unwanted pets that become strays or owner turn-ins and decrease the roaming tendency of cats and dogs.

Of the 5,329 live animals housed in the shelter, 1,498 (28%) of the animals were euthanized. Animals are held for a minimum of five days at PHS, although state requires three days. Animals are typically sheltered at PHS for an indefinite amount of time until their health or behavior deteriorates requiring euthanasia. Animals have been sheltered anywhere from two weeks to two months before they are euthanized.

**Table 3 – Statistics – All Species**

Species	Live Impounds	# Euthanized	% Euthanized
Bird	592	249	42%
Cat	1,652	739	45%
Dog	2,253	283	13%
Mammal	460	113	25%
Rabbit	90	28	31%
Reptile	64	7	11%
Rodent	214	79	37%
Other	4	0	--
Total	5,329	1,498	28%

The euthanasia rate for cats is 45 percent and dogs is 13 percent. Reasons for cat and dog euthanasia are shown below.

**Table 4 – Euthanasia Reasons – Cat & Dog**

Description	Cat		Dog	
Behavior	104	14%	149	53%
Lack of Space	1	0%	13	4%
Not Adoptable	0	0%	6	2%
Injury	25	3%	16	6%
Feral	201	27%	0	0%
Sick	110	15%	76	27%
Young	286	39%	14	5%
Old	7	1%	5	2%
Other	5	1%	4	1%
Total	739		283	

Approximately 39 percent of cats euthanized were underage cats and 27 percent were feral or wild cats. Underage cats are defined as cats less than two months of age requiring extensive maternal care to which PHS cannot devote sufficient time and resources. Underage cats require feeding every two hours and housing for an extended period of time.

Approximately 53 percent of dogs euthanized were due to behavioral issues and 27 percent due to health issues. Dogs with behavioral issues have a vicious demeanor, aggression or depression preventing them from safely interacting with humans and other animals. These behavioral issues also impede dogs from living in kennels for long periods of time. Health issues include several diseases such as parvovirus that can harm the health of the animal population and community.

Additionally, PHS provides owner requested euthanasia. In FY 2014, PHS euthanized 70 cats and 153 dogs at the request of the owners primarily due to animal infirmity and old age.

The outcomes of live animal intake vary by species with cats and dogs having the highest rates for adoption and placement with rescue groups.

**Table 5 – Live Animal Outcomes – All Species**

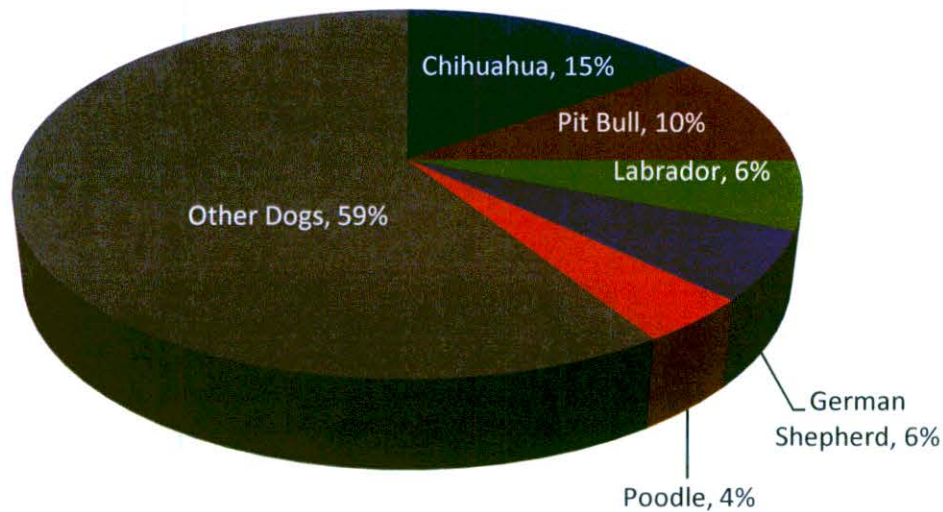
Species	Live Impounds	Adoption	Rescue	Return to Owner	Release	Euthanasia	Various
Bird	592	27 5%	35 6%	4 0%	92 16%	249 42%	185 31%
Cat	1,652	546 33%	136 8%	60 4%	4 0%	739 45%	167 10%
Dog	2,253	790 35%	304 13%	630 28%	0 0%	283 13%	246 11%
Mammal	460	0 0%	1 0%	1 0%	295 64%	113 25%	50 11%
Rabbit	90	18 20%	40 45%	1 1%	1 1%	28 31%	2 2%
Reptile	64	10 16%	21 33%	5 8%	18 28%	7 11%	3 4%
Rodent	214	10 5%	5 2%	0 0%	63 29%	79 37%	57 27%
Other	4	2 50%	1 25%	0 0%	0 0%	0 0%	1 25%
Total	5,329	1,403	543	701	473	1,498	711

Forty-one percent of cats that enter the shelter are adopted or placed with rescue groups. This is less than the 45 percent euthanasia rate for the species. Cats are not required to be licensed and many owners do not claim their cats contributing to the high euthanasia rate. Furthermore, feral and stray cats roam city streets and contribute to the abundance in cat population. Enforcing mandatory spay and neuter assist in reducing over population of stray and feral cats.

Forty-eight percent of dogs are adopted or placed with rescue groups, which is significantly higher than the 13 percent euthanasia rate. Twenty-eight percent of dogs are returned owner as a result of their dog license, identification tag, and/or micro-chip.

Dog intake and disposition data provided by PHS for Pasadena dogs for the prior two fiscal years shows that five breeds comprise a disproportionately high number, approximately 41 percent, of unwanted dogs in Pasadena based on animal intake at the shelter. As a result, the number of unwanted dogs in multiple breeds affirms the need for mandatory spay and neuter of all dogs in Pasadena.

**Chart 1 - Dog Intake by Breed FY 2013 & FY 2014**



The live animal outcomes for the five breeds also support the need for mandatory spay and neuter of all breeds. During the past two fiscal years, for instance, four breeds including Chihuahua, pit bull, German shepherd, and poodle have had higher euthanasia rates than the FY 2014 species-wide rate of 13 percent. Additionally, all five breeds have had either lower adoption or rescue placement rates than the FY 2014 species average of 35 percent and 13 percent respectively.

**Table 6 – Live Dog Outcomes by Breed FY 2013 & 2014**

	Adopted	Rescue	Returned	Euthanasia
<b>2013-14</b>				
Chihuahua	29%	32%	19%	13%
Pit Bull	21%	6%	28%	35%
Labrador Mix	6%	1%	57%	6%
German Shepherd	23%	3%	41%	11%
Poodle	40%	4%	21%	8%
<b>2012-13</b>				
Chihuahua	22%	36%	19%	21%
Pit Bull	15%	2%	21%	52%
Labrador Mix	23%	2%	51%	10%
German Shepherd	21%	2%	34%	37%
Poodle	34%	0%	29%	29%

Implementing mandatory spay and neuter for all cats and dogs over the age of six months when a violation of existing state or local law pertaining to obligations of a person owning or possessing a dog or cat occurs subject to certain exemptions would promote animal welfare, public health and safety, and quality of life within the community.

Veterinary science has demonstrated the safety and positive health benefits of spaying and neutering which is especially true if the animal is sterilized before maturity. According to the American Veterinary Medical Association, spaying and neutering can help pets live longer and healthier lives and prevent cancer and other life threatening illnesses such as prostate disease. Additionally, sterilization can improve pet behavior including reducing aggression in dogs and lessen the tendency to roam.

One un-spayed female cat and her offspring can be responsible for the birth of 73,000 kittens in six years' time. Of the 739 cats euthanized in FY 2014, 286 (39%) were younger than two months old. Given the age of the animals, these numbers can be attributed to the two latest breeding cycles. Accordingly, it is clear that the animals in the City need some type of management relating to their unrestrained reproduction. The degree of fecundity can only be lowered by enforcement of a spay/neuter requirement for irresponsible pet owners.

Scientific literature shared with the City Council on July 8, 2013 by the Department of Public Health showed that the greatest risk factors for dog bites include intact males (approximately 70-76% of reported dog bite incidents) and females with puppies, and chained/tethered dogs. By lessening the number of intact adult dogs, especially strays and other dogs that are allowed to roam freely, the proposed ordinance would lessen the public safety risk. Of the 2,253 live dogs taken into custody by PHS in FY 2014, 1,562 (69%) were stray.

Reported dog bites within the City of Pasadena with varying severity total 271 in CY 2011, 2012 and 2013. There were 101 reported dog bites in both CY 2011 and 2012 and 69 reported bites in CY 2013. The greater amount of intact adult dogs leaves a greater chance of dog bites. Given this information, the proposed mandate to spay and neuter cats and dogs more than six months of age will benefit the City of Pasadena and be consistent with a growing number of neighboring jurisdictions.

#### Proposed Spay/Neuter Requirement

As discussed with the City Council on July 8, 2013, "spay" and "neuter" are defined as any procedure performed by a licensed veterinarian that permanently sterilizes an animal and makes it incapable of reproduction. While spaying and neutering offers health, public safety and quality of life benefits as outlined in this report, as proposed animals that meet the following criteria would be excluded from the spay/neuter requirement:

1. Dogs which are unable to be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity. Written confirmation from a licensed veterinarian would be required to qualify for this exception;
2. Dogs used by law enforcement agencies for law enforcement purposes;
3. Service or assistance dogs that assist disabled persons;

4. Competition dogs: a dog used to show, to compete, or to breed, and which is of a breed recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), American Dog Breeders Association (ADBA), or other approved breed registries. The dog or owner must also meet one of the following requirements:
  - a. The dog has competed in at least one dog show or sporting competition sanctioned by a national registry or approved by the Pasadena Humane Society within the last 365 days;
  - b. The dog has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working, or other title from a purebred dog registry referenced above or other registry or dog sport association or Pasadena Humane Society; or
  - c. The owner or custodian of the dog is a member of an approved purebred dog breed club which maintains and enforces a code of ethics for dog breeding that includes restrictions from breeding dogs with genetic defects and life threatening health problems that commonly threaten the breed.

Please note that PHS has increased the proposed age for mandatory spay and neuter from four months to six months of age. This four month age limit was proposed as part of the ordinance the City Council considered on October 7, 2013. PHS is recommending this adjustment because spaying and neutering at four months is considered by some as premature for cats and dogs and therefore recommend spay neuter at six months.

#### Enforcement

The mandatory spay and neuter ordinance would be enforced when PHS officers check the status of cats and dogs they contact during the normal course of their work. PHS will not actively seek violators, but enforce the requirement as secondary enforcement when a violation of existing state or local law pertaining to obligations of a person owning or possessing a dog or cat occurs. The ordinance may be enforced by PHS during the second round of dog licensing canvassing commencing in October 2014.

Chapters 6.12 and 6.16 of the Pasadena Municipal Code contain the local animal regulations PHS enforces on behalf of the City. Failure to comply with these regulations including allowing a dog to run loose without a leash and failure to license any dog over four months of age could trigger enforcement of the proposed spay and neuter requirement.

PHS would issue those who violate the mandatory spay and neuter ordinance a warning for the first offense and give the owner 30 days to comply with the sterilization requirement. PHS recommends subsequent offenses be enforced in accordance with Chapter 1.24.020 of the Pasadena Municipal Code.



### License Fees

To encourage compliance with the spay and neuter requirement, City staff and PHS recommends dog licensing fees with a cost differential; the City does not license cats. Currently, for FY 2014, license for unaltered dogs are \$31.11, and those for altered dogs are \$16.07. To encourage compliance, the City and PHS is recommending that the fee for unaltered dogs, not meeting the exception criteria, be \$60 more than the cost for altered dogs. If approved, the Department of Public Works would return to the City Council with the necessary amendments to the General Fee Schedule when returning with the ordinance for first reading.

### Low Cost Spay/Neuter Program

Humane Society of the United States (HSUS) research shows the primary reason owners do not alter their pets is cost. To ensure affordability, PHS offers low cost spay/neuter surgery to Pasadena residents by appointment. PHS can waive spay/neuter fees for all pit pulls, pit bull-mixes, and Chihuahua and Chihuahua-mixes up to 15 pounds contingent on available funding and intake dog population. Dogs qualifying for this program are sterilized and micro-chipped at no cost as long as the animal owner resides in PHS service area (Arcadia, Bradbury, Glendale, La Cañada Flintridge, Monrovia, Pasadena, San Marino, Sierra Madre and South Pasadena.)

**Table 7 – Current Low Cost Spay/Neuter Program Fees**

	Female	Male
Cat	\$65	\$45
Dog: 0 – 40 lbs.	\$125	\$95
Dog: 41 – 100 lbs.	\$160	\$125
Dog: 101+ lbs.	\$185	\$150

### Public Outreach

PHS has several tools available to conduct outreach regarding the new requirements and changes in the fee schedule. Specific strategies involve use of traditional print, newsletters, social media, and educational outreach in City schools and via the license canvassing program.

PHS also utilizes a mobile unit that visits communities throughout its service area. The mobile unit transports adoptable cats and dogs to shopping centers, events and festivals. The unit also carries current information on spay/neuter and vaccination services, area wildlife and other PHS programs and services.

Furthermore, PHS will continue to offer low cost vaccination clinics that can act as educational opportunities for the community.

**COUNCIL POLICY CONSIDERATION:**

This proposed ordinance supports the City Council's strategic goals to ensure public safety by promoting healthy prevention measures for pet overpopulation. Reducing the number of several intact dogs and cats will foster an environment less conducive to overpopulation of cats and dogs in Pasadena.

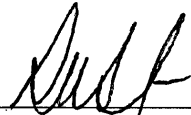
**ENVIRONMENTAL ANALYSIS:**

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 all cats and dogs over six months of age, 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 all cats and 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.

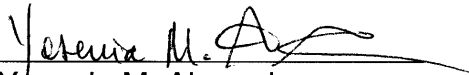
Respectfully submitted,



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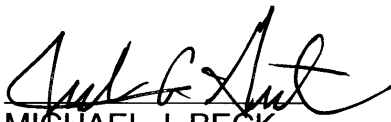
SIOBHAN FOSTER  
Director of Public Works

Prepared by:



Yesenia M. Alvarado  
Public Information Coordinator

Approved by:



*MB*  
MICHAEL J. BECK  
City Manager

Attachment 1 – Pasadena Humane Society Un canvassed Area in the City of Pasadena