

SANTA CRUZ COUNTY, CALIFORNIA SPAY/NEUTER/BREEDING PROVISIONS

6.10.010 Findings.

The board of supervisors finds and declares that a program for mandatory spaying/neutering of cats and dogs combined with a certification system for unaltered cats and dogs owned, harbored or kept within the unincorporated areas of Santa Cruz County is a reasonable and effective means of reducing the population of homeless or stray cats and dogs, reducing the need to euthanize healthy cats and dogs, and providing for the health, safety and welfare of the public. (Ord. 4305 § 1 (part), 1994)

6.10.020 Definitions.

"Feral cat" means a feline which is by its nature wild, or is no longer domesticated.

"Feral cat colony" means a group of two or more feral cats.

"Unaltered animal certification" means a written authorization, issued annually by the director of animal control services giving permission to maintain an unaltered dog or cat. Fees for the certification shall be established by resolution of the board of supervisors. (Ord. 4490 § 3 (part), 1998; Ord. 4305 § 1 (part), 1994)

6.10.030 Mandatory spaying/ neutering.

A. No person shall own, harbor or keep within the unincorporated area of Santa Cruz County, a dog or cat over the age of six months, which has not been spayed or neutered unless such person holds an unaltered animal certification for the animal issued pursuant to Section 6.10.050.

B. Any person intentionally providing care or sustenance for a dog or cat shall be deemed the owner of such dog or cat and shall comply with this section.

C. The following animals are exempt from the provisions of this section:

1. Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement activities, or dogs designated as breeding stock by an appropriate agency or organization approved by the director of animal control services after consultation with knowledgeable professionals;
2. Dogs documented as having been appropriately trained and actually being used as a service dog such as a guide dog, hearing dog, assistance dog, seizure alert dog or social/therapy dog, or a dog designated as breeding stock by an appropriate agency or organization approved by the director of animal control services after consultation with knowledgeable professionals;
3. Dogs documented as having been appropriately trained and actually being used by search and rescue agencies for search and rescue activities, or dogs designated as

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breeding stock by an appropriate agency or organization approved by the director of animal control services after consultation with knowledgeable professionals;

4. Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed/neutered;

5. Dogs which are appropriately trained and actually being used for herding of other animals, or as livestock guardian dogs, or dogs designated as breeding stock by an appropriate agency or organization approved by the director of animal control services after consultation with knowledgeable professionals;

6. Dogs or cats boarded in a licensed kennel or a business which boards such animals for professional training or resale. (Ord. 4490 § 3 (part), 1998; Ord. 4305 § 1 (part), 1994)

### 6.10.040 Care of feral cats.

A. It is unlawful for any person within the unincorporated area of the county intentionally to provide food, water or other forms of sustenance to a feral cat colony unless the person furnishes the director of animal control services with a signed statement agreeing to the following conditions:

1. Register with the director of animal control services as caring for feral cats;

2. Regularly feed the cat colony, including weekends and holidays;

3. Regularly and frequently trap the cats over the age of eight weeks and have them spayed or neutered;

4. Arrange to have all trapped cats tested for feline leukemia and feline immune deficiency virus, and to have those who test positive humanely euthanized or isolated indoors;

5. Identify all trapped cats by tipping their ears; and

6. Arrange to have all trapped cats vaccinated for rabies in addition to any other vaccination or immunization requirement imposed by the state. (Ord. 4490 § 3 (part), 1998; Ord. 4305 § 1 (part), 1994)

### 6.10.050 Unaltered animal certification; administration.

A. The director of animal control services shall administer a certification program to allow for unaltered animals over the age of six months when the director of animal control services determines that the following conditions have been met:

1. The animal is examined annually by a licensed veterinarian and is following the preventative health care program recommended by the veterinarian;

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2. The owner has not been convicted of one or more violations of the following offenses within the preceding twenty-four months:

- a. County Code Section 6.12.100 (harassment, threat or injury by dog),
- b. County Code Section 6.12.110 (dog killing domesticated animal),
- c. County Code Section 6.12.130 (dog threatening or injuring livestock or wild game),
- d. County Code Section 6.12.140 (unrestrained vicious animal),
- e. County Code Section 6.16.020 (failure to acquire permit for a kennel/pet shop),
- f. County Code Section 6.20.030 E (refusing demand to produce animal),
- g. County Code Section 6.24.060 (failure to provide requested information),
- h. County Code Section 6.24.080 (interference with director of animal control services),
- i. Health and Safety Code Section 121705 (concealing bite information),
- j. Penal Code Section 286.5 (sexual assault on animal),
- k. Penal Code Section 596 (poisoning of animal),
- l. Penal Code Section 597 (animal cruelty),
- m. Penal Code Section 597.5 (fighting dogs),
- n. Penal Code Section 599aa (seizure of fighting dogs),
- o. Penal Code Sections 487e, 487f, or 487g (theft of animal);

3. The owner has not been convicted of two or more violations of the following offenses involving the dog for whom the unaltered animal certification is sought, within the preceding twenty-four months:

- a. County Code Section 6.12.010 (dog at large),
- b. County Code Section 6.12.020 (dog off leash);
- c. County Code Section 6.08.020 (vaccination required);

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4. Within the preceding twenty-four months, the owner has not received a director of animal control services order involving the dog for whom the unaltered animal certification is sought, pursuant to:

a. County Code Section 6.04.100 A (quarantine a dog for biting a person),

b. County Code Section 6.04.100 C (impounding a dog for nonconfinement),

c. County Code Section 6.20.020 D (impounding a vicious animal without notice.); and such determination has not been expressly overturned by the animal nuisance abatement appeals commission;

5. The dog for whom the unaltered animal certification is sought, has not been determined by the director of animal control services to be a "vicious animal" pursuant to County Code Section 6.24.070, unless such determination has been expressly overturned by the animal nuisance abatement appeals commission;

6. The animal is properly housed and cared for as follows:

a. The animal is provided sufficient quantity of good and wholesome food and water,

b. The animal is provided shelter that will allow the animal to stand up, turn around, and lay down without laying in his/her feces. That the area where the animal is kept is properly cleaned and disinfected,

c. If the animal is a dog, it must be fully contained on the owner's property and be provided appropriate exercise,

d. The animal owner otherwise complies with any applicable state law concerning the care and housing of animals;

7. The owner furnishes the director of animal control services with a signed statement agreeing to the following conditions:

a. The female unaltered animal will have no more than one litter per year, unless the owner furnishes the director of animal control services in advance of any breeding, a written statement from a licensed veterinarian recommending that the female feline be allowed to have up to two litters per year. This written recommendation may result from the annual examination required pursuant to subsection (A)(1) of this section,

b. Offspring of the unaltered animal will not be sold or adopted until they are at least seven weeks of age,

c. Records will be kept documenting how many offspring were produced and who adopted or purchased them;

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8. The dog for whom the unaltered animal certification is sought is currently licensed as required by Chapter 6.08 of this code.

B. Any person advertising to the public, the availability of any dog or cat subject to certification pursuant to this chapter, for adoption, sale, barter or other transfer must prominently display his or her unaltered animal certification number in the advertisement. The certification number shall also be provided to any person adopting or purchasing any dog or cat subject to certification pursuant to this chapter, that is bred in the unincorporated area of the county.

C. Any owner of an unspayed or unneutered dog or cat who has been cited for failing to obtain an unaltered animal certification shall have his or her citation dismissed if they are subsequently issued an unaltered animal certification, or if there is proof that the animal has been spayed or neutered within thirty days of the issuance of the citation.

D. Any owner who is denied an unaltered animal certification or whose certification is revoked by the director of animal control services for failure to comply with the requirements of this section may appeal such denial or revocation to the nuisance abatement appeals commission pursuant to the provisions of Chapter 2.66 of this code. (Ord. 4490 § 3 (part), 1998: Ord. 4409 § 1, 1996: Ord. 4305 § 1 (part), 1994)

6.10.060 Use of certification revenue.

A. All certification revenue collected pursuant to this chapter, unless otherwise specified, shall be applied by the board of supervisors as follows:

1. To recover and/or offset the costs for the enforcement, administration and support of this chapter;
2. To advance the purposes of this chapter by providing for the spaying and neutering of animals, and/or providing for the testing and immunization of feral cats. (Ord. 4490 § 3 (part), 1998: Ord. 4305 § 1 (part), 1994)

6.10.070 Penalty for violation.

A. Except as otherwise provided, any person violating or causing or permitting the violation of this chapter shall be deemed guilty of an infraction, and shall be punished by a fine in accordance with Section 1.12.040 of this code.

B. Any person who has been cited for his or her first violation of Section 6.10.040 shall not be subject to a fine, but may be ordered to comply with the requirements of that section. (Ord. 4490 § 3 (part), 1998: Ord. 4305 § 1 (part), 1994)

6.10.080 Enforcement responsibility.

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The director of animal control services shall be responsible for the enforcement and administration of this chapter. (Ord. 4490 § 3 (part), 1998: Ord. 4305 § 1 (part), 1994)

### 6.10.090 Severability.

The provisions of this chapter are severable. If any section, paragraph, sentence, phrase or word of this chapter is declared invalid for any reason by a court of competent jurisdiction, such invalidity thereof shall not affect the validity of any other portion of this chapter, which shall remain in full force and effect. (Ord. 4490 § 3 (part), 1998: Ord. 4305 § 1 (part), 1994)

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<http://ordlink.com/codes/santacruzco/ DATA/TITLE06/index.html>

Santa Cruz County Animal Authority <http://www.scanimalservices.us/>