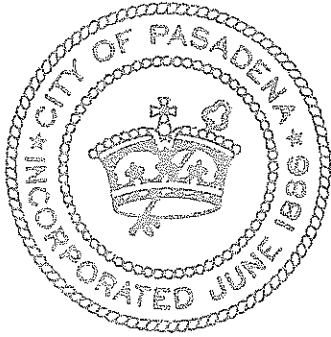


Item 4.B

Mandatory Spay/Neuter Ordinance for Cats and Dogs Over 4  
Months and Enforcement of Anti-Tethering Law\*



# Agenda Report

**DATE:** July 8, 2013

**TO:** Honorable Mayor and City Council

**THROUGH:** Public Safety Committee (June 17, 2013)

**FROM:** Public Health Department

**SUBJECT: MANDATORY SPAY/NEUTER ORDINANCE FOR CATS AND DOGS  
OVER 4 MONTHS AND ENFORCEMENT OF ANTI-TETHERING LAW**

**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 cats and dogs, 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 the proposed action is in accordance with the California Health and Safety Code, Division 105, Part 6. Chapter 8. Dog Tethering, specifically dogs shall
  - a. Be under direct human control or
  - b. Secured in a fenced yard or building at all times.
4. Find that mandatory spay/neuter of 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 Public Safety Committee has been discussing the issue of dog attacks and breed specific regulations. Current state law prohibits breed specific regulations/bans and the evidence is unclear as to the efficacy of such bans. Conversely, spay and neutering has been shown to reduce aggression in dogs and has the added benefit of reducing the population of unwanted and stray animals. A number

of cities and counties, including unincorporated areas of Los Angeles County, have implemented mandatory spay and neutering laws. Staff is recommending that Pasadena adopt a similar ordinance.

As proposed all cats and dogs over the age of four months would be required to be spayed or neutered, except for working dogs, show dogs, and those owned by reputable breeders. In addition, tethering a dog would be prohibited. The reason for this recommendation is that common factors in severe bite cases are the animal being intact and/or tethered.

### **BACKGROUND:**

In December 2012, in response to a growing concern for public safety and protection from dangerous dogs, the City of Pasadena Public Safety Committee requested an investigation into risk factors and prevention measures for lethal and non-lethal dog bites. Scientific literature presented showed that the greatest risk factors for bites included intact males and females with pups. In addition, data illustrated that biting dogs are more likely to be chained/tethered while in the yard.

Subsequently, the Pasadena Humane Society & SPCA made recommendations to mandate spay or neuter for cats and dogs in Pasadena and further enforcement efforts of the California State Anti-Tethering policies.

During 2004-05, the Los Angeles County Department of Animal Care and Control impounded more than 40,000 dogs. More than 24,000 of those animals were unsterilized, stray dogs, found running at large and raising public safety concerns by their behavior. Once housed in county shelters, almost 19,000 dogs were euthanized during the same period because the agency could not find their owners or was unable to place them in new homes. In response, the Los Angeles County Board of Supervisors approved a measure in 2006 that requires in part that all adult dogs kept in unincorporated Los Angeles County be spayed or neutered. Several Los Angeles areas cities have followed suit including Agoura Hills, Artesia, Bradbury, La Puente, Lynwood, Santa Clarita and Walnut to name a few.

In calendar year 2012, more than 4,800 dogs and cats were impounded in Pasadena, of which more than 3,000 were strays. While the Pasadena Humane Society is dedicated to minimizing all unnecessary euthanasia, more than 1,300 dogs and cats still required euthanasia. Additionally, reported dog bites in 2011 totaled to more than 101 with varying severity. Sterilization of cats and dogs is an effective means of population control. For example, a large cat population can lead to zoonotic disease issues such as toxoplasmosis and murine typhus. In light of growing concern, and in consideration of the literature on dog-bite risk and other impacts on human health, the proposed ordinance will mandate the spay and neuter of dogs and cats more than four months of age.

Spaying/Neutering

“Spay” and “neuter” are defined as any procedure performed by a licensed veterinarian that permanently sterilizes an animal and makes it incapable of reproduction. Spaying and neutering presents many salubrious benefits for dogs. Certain types of cancers can be prevented by spaying and neutering. Sterilized dogs are also less likely to roam and therefore less likely to be lost, hit by a car, or injured in a fight. The proposed policy is also expected to reduce the total number of animals being picked up by the Pasadena Humane Society & SPCA.

While spaying and neutering has health and public safety benefits, 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 Competition Dog is a dog which is 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 & SPCA within the last 365 days; or
  - 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 & SPCA; or
  - c. The owner or custodian of the dog is a member of a Pasadena Humane Society & SPCA 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.

Spaying or neutering dogs and cats will help prevent pet overpopulation, and protect animals and humans from potential harm.

### Tethering

Pursuant to the California Health and Safety Code, Division 105, Part 6, Chapter 8, no person shall tether, fasten, chain, tie, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object.

Pursuant to 597t of the Penal Code a few exceptions do apply:

1. A person may attach a dog to a running line, pulley, or trolley system, but a dog shall not be tethered to the running line, pulley, or trolley system by means of a choke collar or pinch collar.
2. Tether, fasten, chain, tie, or otherwise restrain a dog pursuant to the requirements of a camping or recreational area.
3. Tether, fasten, chain, or tie a dog no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period.
4. Tether, fasten, chain, or tie a dog while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the State of California if the activity for which the license is issued is associated with the use or presence of a dog. Nothing in this paragraph shall be construed to prohibit a person from restraining a dog while participating in activities or using accommodations that are reasonably associated with the licensed activity.
5. Tether, fasten, chain, or tie a dog while actively engaged in any of the following:
  - a. Conduct that is directly related to the business of shepherding or herding cattle or livestock.
  - b. Conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

According to the Pasadena Humane Society & SPCA, the current law's exceptions for agriculture, camping, pulleys, and three hours of tethering within a 24-hour period poses risk for residents during those time periods and presents a major enforcement challenge. For example, proving a dog is tethered for more than 3 hours in a 24 hour period would require an officer to witness the full three hours. This makes enforcement of the State's policy as-written, infeasible. The Pasadena Humane Society & SPCA recommends that an ordinance be adopted that removes these exceptions, and instead would require dogs to be in the physical control of a person or behind a 4-6 foot fence at all times.

### Fee Schedule

To encourage compliance to the law, City staff and the Pasadena Humane Society & SPCA recommends dog licensing fees with a cost differential; the City does not license cats. Currently, for Fiscal Year 2014, licenses for unaltered dogs are \$32.11, and those for altered dogs \$16.07. In order to encourage compliance, staff is recommending that

the fee for unaltered dogs, not meeting the exclusion criteria, be \$60 more than the cost for altered dogs. If approved, staff would return with the necessary amendments to the General Fee Schedule when returning with the ordinance for first reading.

To ensure affordability, the Pasadena Humane Society & SPCA offers low cost spay/neuter surgery to Pasadena residents by appointment. In addition, Chihuahuas, Chihuahua mixes up to 15 pounds, Pit Bulls, and Pit Bull mixes are sterilized and microchipped at no cost to residents by appointment. Numerous veterinarians throughout the county also offer low-cost or voucher program spay/neuter services. A complete list can be obtained at the Los Angeles County Animal Care website.

### Public Outreach

The Pasadena Humane Society & SPCA has tools to conduct outreach regarding a new ordinance and changes in the fee schedule. They plan to canvas the community and conduct individual outreach and education through its licensing program. Strategies include using traditional print and electronic media sources as well as a social media campaign. Additionally, they plan to use the required licensing requirement to spread messages regarding the importance of not tethering an animal.

Furthermore, they will continue to offer low-cost vaccination clinics that can act as educational opportunities for the public. In fact, a new low-cost spay/neuter clinic will be opening by the end of 2013.

### Enforcement

Enforcement of the mandatory spay/neuter and anti-tethering ordinance will be conducted by the Pasadena Humane Society & SPCA. Recommended enforcement efforts include: mandatory animal licensing, impounds, off-leash violations, and other animal investigations. Owners violating the new mandatory spay/neuter will be issued a warning for first offense, and given 30 days to comply. Licenses will not be issued to dogs until evidence of sterilization from a veterinarian is supplied. Pasadena Humane Society & SPCA recommend subsequent offenses will be a misdemeanor carrying possible fines up to \$500 and six months of jail.

During field investigations, compliance of the anti-tethering ordinance will be noted and violators will be cited. Violating the new anti-tethering ordinance would be a misdemeanor carrying a maximum penalty of up to \$500 and six months of jail.

### COUNCIL POLICY CONSIDERATION:

The proposed policy measures further the City Council's strategic goal of ensuring public safety by promoting healthy prevention measures for pet overpopulation and aggression. Reducing the number of intact cats and dogs, and better enforcement of the

anti-tethering laws will foster an environment less conducive to dog bites and attacks and pet overpopulation.

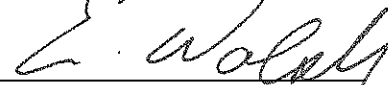
**ENVIRONMENTAL IMPACT:**

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 project is the spaying and neutering of dogs and cats, 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. 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. As proposed, the increased dog license fee for unaltered animals may result in a modest increase in revenues to both the City and the Humane Society.

Respectfully submitted by:



ERIC G. WALSH, MD, DrPH  
Director of Public Health, Health Officer

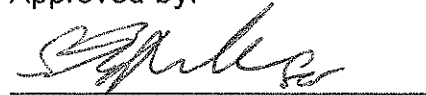
Prepared by:



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Approved by:



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MICHAEL J. BECK  
City Manager