

# Santa Barbara County Pet Population Awareness Law

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**WHEREAS** the County of Santa Barbara is committed to operating its animal shelters on a 'no-kill' basis insofar as resources and circumstances permit; and

**WHEREAS** the County affirms that trap/neuter/release is the most humane and effective way to manage feral cat populations; and

**WHEREAS** the County recognizes the need for mandatory sterilization of designated dogs and cats as a necessary means of addressing the problem of pet overpopulation and its impact on the community and on County resources;

**NOW THEREFORE** the County of Santa Barbara establishes a Pet Population Awareness Law (Pet PAL) as follows:

## 1. Definitions.

For the purpose of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- a) "Commercial Establishment" means an entity which has been issued a license to operate a pet store or kennel within the County.
- b) "Feral cat" means a feline which is by its nature wild, or is no longer domesticated.
- c) "Feral cat colony" means a group of two or more feral cats.
- d) "Nationally recognized purebred dog registry" means an organization which tracks and provides breed-based registration of dogs in more than one U.S. state. Evidence shall include, but is not limited to, proof of registration with the American Kennel Club, United Kingdom Kennel Club, or American Dog Breeders Association. Organizations which register mixed breed dogs shall not qualify as a "nationally recognized purebred dog registry" for the purposes of this section.
- e) "Nationally recognized purebred cat registry" means an organization which tracks and provides breed-based registration of cats in more than one U.S. state. Evidence shall include, but is not limited to, proof of registration with the Cat Fancier's Association.
- e) "Owner" means any person who keeps, has charge or custody of, or gives care to a dog or cat for at least thirty consecutive days. Such a person shall be subject to the requirements of this chapter. This definition does not apply to: government agencies; animal rescue organizations that have demonstrated to the Department of Animal Services that they have implemented an ongoing spay/neuter program as well as an adoption program; or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law, California Corporations Code, Sections 5110-6910; or persons who provide licensed boarding, kennel, training, or veterinarian services for the owners of dogs and cats.
- f) "Public place" shall include, but not be limited to, streets, highways, sidewalks, carnivals, shopping malls, flea markets, boardwalks, and areas in front of commercial establishments.

## 2. Dogs.

- a) Prohibition--It shall be unlawful to own, possess or keep in the County any dog over the age of six months that has not been spayed or neutered except as provided in section (b) below.

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b) Exemptions—Owners of dogs which qualify for exemptions to the above prohibition are eligible for an unaltered dog license which must be purchased from the Office of Animal Services. In order to qualify for an exemption to the prohibition contained in subsection (a), one of the following conditions must apply:

1) A licensed veterinarian states in writing that the dog is unfit to undergo the required surgical procedure because of the health condition of the dog. Such written document shall contain the name, address, telephone number and state license number of the verifying veterinarian, as well as the name, address, and telephone number of the owner of the dog, and the name, breed type, color, sex, age, and health condition of the dog for whom the exemption is sought. A health exemption shall be granted if either of the conditions below apply:

(A) A licensed veterinarian determines that the dog's health would be placed at risk were it to undergo spay or neuter surgery. The old age of a dog shall not, of itself, constitute a qualifying health condition for purposes of this section. An exemption granted under this condition shall be in effect for the duration of the current license period. An owner may not purchase a three-year unaltered dog license under this exemption unless a veterinarian has determined that the dog's health condition permanently precludes it from being spayed or neutered.

(i) At the time of expiration of the then current license, the owner must supply proof that the dog has been spayed or neutered or provide a new letter of determination regarding the dog's health, according to the terms of this section, in order to qualify for a renewal of the exemption, unless the owner has previously licensed the dog and submitted a veterinary letter of determination specifying that the dog's health condition permanently precludes it from being spayed or neutered. Failure to do so shall constitute a violation of this section.

(ii) An owner in possession of an unaltered dog license granted under the terms of subsection (A) shall not be entitled to breed the dog as set forth in Section (e) below during the term of the license.

(B) A licensed veterinarian determines that the dog is not ready, due to conditions of its youth or health, for spay or neuter.

(i) An extension period of 180 days maximum shall be granted, during which time the owner may purchase an unaltered six-month license. At the time of expiration of the six-month license, the owner must present proof that the dog has been spayed or neutered or must present a letter from a licensed veterinarian affirming that the dog's health is impaired according to the terms set out in section 1)(A) above. Failure to do so shall constitute a violation of this section.

(ii) An owner in possession of an unaltered six month dog license granted under the terms of this subsection (B) shall not be entitled to breed the dog as set forth in Section (e) below during the term of the license.

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2) The owner of the dog provides evidence that the dog is registered with a nationally recognized purebred dog registry.

3) The dog is brought to the County temporarily, and is kept in the County for less than thirty days. The owner of such a dog shall, if the dog is kept in the County for more than thirty consecutive days, be subject to the requirements of section (a) above.

4) The dog is documented as having been appropriately trained and is being used:

i) by public law enforcement agencies for law enforcement activities, or is designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Services after consultation with knowledgeable professionals;

ii) as a service dog, such as a guide dog, hearing dog, signal dog, assistance dog, or seizure alert dog or is designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Services after consultation with knowledgeable professionals;

iii) by search and rescue agencies for search and rescue activities, or is designated as breeding stock by an appropriate agency or organization approved by the Director of Animal Services after consultation with knowledgeable professionals; or

iv) for herding of other animals or as a livestock guardian on land zoned for agricultural purposes.

c) Violations of Animal Restraint Law - Any dog that is otherwise exempt from the requirements of subsection (a) that is cited twice within one year as being in violation of the animal restraint requirements set forth in County Code Sec. 7-11 shall no longer qualify for an exemption from the spay and neuter requirements. The owner of the dog shall provide proof that the dog has been spayed or neutered within sixty days of issuance of the second citation. Failure to do so shall constitute a violation of this section.

d) Potentially Vicious Dogs - A dog whose owner has received a warning letter from Animal Services regarding its potential designation as a dangerous dog, pursuant to County Code Sec. 7-54, or that has been designated as a "vicious dog" as defined by California Food and Agriculture Code Sec. 31603 is not eligible for an exemption under this section.

e) Breeding of dogs--No one who is not in possession of an unaltered dog license may breed a dog. An owner of an unaltered dog who qualifies for, and is in possession of, an unaltered dog license is subject to the following rules regarding the breeding and sale of dogs:

1) The dog 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 dog owner otherwise complies with any applicable state law concerning the care and housing of animals.

3) The female unaltered dog shall have no more than one live litter per year, unless the owner furnishes the Director of Animal Services, or his or her appointed agent, in advance of any breeding, a written statement from a licensed veterinarian recommending that the female dog be allowed to have up to two litters per year.

4) Offspring of the unaltered dog shall not be sold or adopted until they are at least eight weeks of age.

f) Breeding without Proper License - Any owner of an unspayed or unneutered dog who receives a citation for breeding said dog in violation of any of the terms of this section, shall have his or her citation dismissed if the owner qualifies for and purchases an unaltered dog license within thirty days of issuance of the citation, or if the owner of the dog supplies proof that the animal has been spayed or neutered within sixty days of the issuance of the citation.

g) Revocation of License--An unaltered dog license may be revoked if the Director of Animal Services, or his or her appointed agent, has reasonable cause to believe any of the following to be true:

1) The licensee has violated the provisions of any state or local ordinances relating to the keeping, care or use of any animal.

2) The owner of the dog for which the unaltered license was issued receives a warning letter from Animal Services regarding the dog's potential designation as a "dangerous dog" pursuant to County Code Sec. 7-54, or the dog is designated as a "vicious dog" as defined by California Food and Agriculture Code Sec. 31603.

3) The licensee has failed to comply with any condition or requirement of the license or has failed to pay any fee imposed under this section.

4) The licensee refuses to allow inspection, upon forty-eight (48) hours of written notice, of any dog covered by an unaltered dog license or the premises on which the dog is kept.

5) The dog for which the unaltered license has been issued is cited twice within one year as being in violation of the animal restraint requirements set forth in County Code Sec. 7-11. Upon issuance of the second citation, the unaltered license shall immediately lapse, and the owner of the dog shall provide proof that the dog has been spayed or neutered within sixty days of the issuance of the second citation. Failure to do so shall constitute a violation of this section.

6) The licensee has transferred, sold or otherwise disposed of the dog for which the unaltered license was issued.

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h) Right to Hearing - If, after investigation, an Animal Services officer concludes that it is probable that one or more of the above grounds for revocation has occurred, he or she shall cause written notice thereof to be transmitted by mail to the address of the licensee. The notice shall specify the grounds of possible revocation of the license, and shall specify a date and time for an informal hearing to be held before the animal control officer. The date shall be not less than five days subsequent to the date the notice is mailed. After the informal hearing, the animal control officer may revoke the unaltered license and issue a citation requiring spay or neuter of the dog within sixty days. Provided, further, that if the health or well-being of the animal is in danger the animal control officer may take custody and control of the dog until such time as a hearing is conducted pursuant to the terms of this section.

### 3. Cats.

a) Prohibition--It shall be unlawful to own, possess or keep in the County any cat over the age of six months that has not been spayed or neutered except as provided below.

b) Exemptions-- Owners of cats who qualify for exemptions to the above prohibition are exempt from its requirements if one of the following conditions applies:

1) A licensed veterinarian states in writing that the cat is unfit to undergo the required surgical procedure because of the health condition of the cat. Such written document shall contain the name, address, telephone number and state license number of the verifying veterinarian, as well as the name, address, and telephone number of the owner of the cat, and the name, breed type, color, sex, age, and health condition of the cat for whom the exemption is sought.. A health exemption shall be granted if a licensed veterinarian determines that the cat's health would be placed at risk were it to undergo spay or neuter surgery. The old age of a cat shall not, of itself, constitute a qualifying health condition for purposes of this section.

(A) An exemption granted under this condition shall be in effect for the duration of the health condition, as determined by the examining veterinarian. At the expiration of the period specified by the veterinarian in his or her letter of determination the owner must supply proof that the cat has been spayed or neutered or provide a new letter of determination regarding the cat's health, according to the terms of this section, in order to qualify for a renewal of the exemption. Failure to do so shall constitute a violation of this section.

(B) An owner of a cat granted an exemption under the terms of this section shall not be entitled to breed the cat for the period of time the exemption was granted.

2) The owner of the cat provides evidence that the cat is registered with a nationally recognized purebred cat registry.

3) The cat is brought to the County temporarily, and is kept in the County for less than thirty days. The owner of such a cat shall, if the cat is kept in the County for more than thirty consecutive days, be subject to the requirements of section (a) above.

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4) The owner of a cat applies for, and receives, a breeding permit as per the terms of subsection c) below.

5) Any cat that is otherwise exempt from the requirements of subsection (a), which is cited twice within one year as being in violation of the animal restraint requirements set forth in County Code Sec. 7-11 shall no longer qualify for an exemption. The owner of the cat shall provide proof that the cat has been spayed or neutered within sixty days of the issuance of the second citation. Failure to do so shall constitute a violation of this section.

c) Breeding of Cats - No one may breed a cat without first applying for and receiving a breeding permit issued by the Office of Animal Services. The owner of a cat may apply for a breeding permit for an unaltered cat over the age of six months, if he or she agrees in writing to comply with the following terms of the permit:

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

2) The cat owner otherwise complies with any applicable state law concerning the care and housing of animals.

3) The female unaltered cat shall have no more than one litter per year, unless the owner furnishes the Director of Animal Services, or his or her appointed agent, in advance of any breeding, a written statement from a licensed veterinarian recommending that the female cat be allowed to have up to two litters per year.

4) Offspring of the unaltered cat shall not be sold or adopted until they are at least eight weeks of age.

5) The owner shall pay an annual breeding permit fee, equivalent to the cost of an annual unaltered dog license, to Animal Services.

6) The breeding permit issued by Animal Services shall be in effect for a period of one year, at which time it shall terminate. Upon termination of the permit, the owner must present proof that the cat has been spayed or neutered or apply for a new breeding permit. Failure to do so shall constitute a violation of this section.

d) Breeding without Proper Permit - Any owner of an unspayed or unneutered cat who receives a citation for breeding said cat without complying with the terms of this section shall have his or her citation dismissed if the owner qualifies for and purchases a breeding permit within thirty days of issuance of the citation, or if the owner supplies proof that the animal has been spayed or neutered within sixty days of the issuance of the citation.

e) Revocation of Permit—A breeding permit may be revoked if the Director of Animal Services, or his or her appointed agent, has reasonable cause to believe any of the following to be true:

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- 1) The permittee has violated the provisions of any state or local ordinances relating to the keeping, care or use of any animal.
- 2) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this section.
- 3) The permittee refuses to allow inspection, upon forty-eight (48) hours of written notice, of any cat covered by the permit or the premises on which the cat is kept.
- 4) The cat for whom the breeding permit has been issued is cited twice within one year as being in violation of the animal restraint requirements set forth in County Code Sec. 7-11. Upon issuance of the second citation, the breeding permit shall immediately lapse and the owner shall be required to provide proof that the cat has been spayed or neutered within sixty days of impoundment. Failure to do so shall constitute a violation of this section.
- 5) The permittee has transferred, sold or otherwise disposed of the cat for which the breeding permit was issued.

f) Right to Hearing - If, after investigation, an Animal Services officer concludes that it is probable that one or more of the above grounds for revocation has occurred, he or she shall cause written notice thereof to be transmitted by mail to the address of the permittee. The notice shall specify the grounds of possible revocation of the permit, and shall specify a date and time for an informal hearing to be held before the animal control officer. The date shall be not less than five days subsequent to the date the notice is mailed. After the informal hearing, the animal control officer may revoke the breeding permit and issue a citation requiring spay or neuter of the cat within sixty days. Provided, further, that if the health or well-being of the animal is in danger the animal control officer may take custody and control of the animal until such time that a hearing is conducted pursuant to the terms of this section.

g) Care of Feral Cats--Any person who intentionally provides food, water or other forms of sustenance to one or more feral cats shall be considered the owner of that feral cat or feral cat colony according to the terms of this section, and shall be subject to its requirements. Under no circumstances will a feral cat be eligible for a breeding permit.

## **4. Transfers of Dogs and Cats**

The following conditions shall apply to all transfers of dogs and cats, whether or not for remuneration:

- a) Each animal shall be examined by a licensed veterinarian prior to adoption, sale, barter or other transfer, and provided with such care as is determined appropriate by the examining veterinarian, including but not limited to de-worming and vaccination.

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- b) Records shall be kept documenting how many offspring were produced by the animal, what veterinary care each animal received, and who adopted or purchased each animal, including name, address, and telephone number. Such records are to be maintained for a minimum of three years and to be produced upon demand by the Director of Animal Services, or his or her appointed agent.
- c) Any person advertising to the public the availability of any offspring for adoption, sale, barter or other transfer must prominently display his or her unaltered dog license number or breeding permit number in the advertisement. The unaltered dog license number or breeding permit number shall also be provided to any person adopting or purchasing any dog or cat, respectively, subject to the rules of this section.
- d) The owner of the unaltered dog or cat shall provide to each adopter or purchaser of an animal or animals, information regarding the County's licensing and spay and neuter regulations.
- e) No person shall sell, barter, exchange, give or offer for adoption, any dog or cat to any person under the age of eighteen years without the written permission of a parent or legal guardian.

### **5. Sales of Dogs and Cats by Commercial Establishments.**

Commercial Establishments in the business of selling dogs, cats, puppies and/or kittens shall be required to comply with the following rules:

- a) No puppy or kitten may be sold or otherwise transferred until it is at least eight weeks of age.
- b) Each dog, cat, puppy or kitten shall be examined by a licensed veterinarian prior to adoption, sale, barter or other transfer, and provided with such care as is determined appropriate by the examining veterinarian, including but not limited to de-worming and vaccination. Records of such care shall be provided to the purchaser of the animal(s) involved in the transaction.
- c) Commercial Establishments selling locally bred dogs or cats shall prominently display the dog license or cat breeding permit number(s), as well as the address(es), of the breeder(s) whose dogs and/or cats are sold in said establishments. Commercial establishments selling dogs and cats which were not bred within Santa Barbara County shall prominently display the name and address of the breeder(s) of such dogs and cats.
- d) Records shall be kept regarding the name, address and telephone number of the purchaser of each animal, such records to be maintained for a minimum of three years and to be produced upon demand by the Director of Animal Services or his or her appointed agent.



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e) Commercial Establishments shall provide purchasers of any dogs, cats, puppies or kittens with information regarding the County's licensing and spay and neuter regulations.

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## **6. Adoption or Other Transfers of Dogs and Cats in a Public Place.**

a) No person shall present any dog or cat for sale, barter, exchange, or adoption, whether or not for remuneration, in any public place. This prohibition shall not apply to:

1) Government agencies; non-profit animal rescue organizations exempt from taxation under Internal Revenue Code section 501(c)(3); or humane societies or societies for the prevention of cruelty to animals if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation Law in Part 2 of the California Corporations Code, beginning at Section 5110;

2) Dog or cat shows;

3) Permitted pet stores, kennels or catteries which sell or otherwise transfer dogs or cats, whether for compensation or otherwise, within the store, kennel or cattery.

b) No person shall give away any dog or cat as a prize or as an inducement to enter into any contest, lottery, drawing, game or competition.

c) No person shall give away any dog or cat as an inducement to enter a place of business, or to enter into a business arrangement.

## **7. Enforcement responsibility.**

The Director of Animal Services shall be responsible for the enforcement and administration of this chapter.

## **8. Penalties for Violation.**

a) Violations--Violation of any provision of this section shall be considered an infraction and is punishable by:

1) A fine not exceeding one hundred dollars (\$100) for a first offense;

2) A fine not exceeding two hundred dollars (\$200) for a second offense within one year after the first conviction;

3) A fine not exceeding five hundred dollars (\$500) for each additional violation of this Chapter within one year after the second conviction.

b) Waiver of Penalty--Notwithstanding the provisions of subsection a), any person cited for a violation of this article shall have his or her citation dismissed if there is proof of compliance with the terms of this article within sixty days of the date of the summons or impoundment.

c) Application of Penalty Fees - Any civil penalty collected pursuant to this section shall be used

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for funding the administration, enforcement, and low-cost spay/neuter support services mandated by this section.

## **9. License surcharge.**

a) A \$10 surcharge shall be placed on each unaltered dog license and cat breeding permit issued by Animal Services. The revenue generated by this surcharge shall be deposited in an account established specifically for the purpose of providing funding for low-cost spay/neuter as follows:

1) Fifty percent of funds generated by the license and permit surcharge shall be allocated towards subsidy of spay/neuter services for dog and cat owners who qualify for public assistance.

2) Fifty percent of funds generated by the license and permit surcharge shall be allocated towards funding of reduced cost spay/neuter, without restriction as to the eligibility of recipients of the service.

b) Any remaining revenue collected pursuant to this act which is unused during any calendar year shall remain the spay/neuter account for use during the following year.

c) Animal Services shall establish an outreach program, the intent of which is to provide the residents of Santa Barbara County with information about the benefits of and requirements for spaying and neutering their pets, along with information regarding the availability of low cost and subsidized spay/neuter services in the County. Where possible, this program will partner with existing or future non-profit organizations engaged in outreach and education regarding pet overpopulation, responsible pet ownership, and spaying and neutering of pets. The goal of the program shall be to encourage compliance with the terms of this section, and the distribution of funds generated by this section for the purpose of subsidizing low income and low cost spay and neuter services.

## **10. 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.