



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE



selected
best in the nation

2760 N. Studebaker Road, Long Beach, CA 90815-1697
(562) 570-3100 • FAX (562) 570-3109
www.LBParks.org

March 3, 2015

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare Ordinance amending Title 6 of the Long Beach Municipal Code to make it mandatory for dog owners to spay or neuter their pets, unless they possess a medical exclusion or exemption, and to prohibit the sale of dogs, cats, or rabbits in any pet shop, retail business, or other commercial establishment, unless they were obtained from an animal shelter, humane society, rescue organization, or bred on the premises possessing a valid breeding permit, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

On November 18, 2014, the City Council directed City of Long Beach (City) staff to develop proposed changes to Title 6 of the Long Beach Municipal Code (Municipal Code) making it mandatory for dog owners to spay or neuter their pets, unless they possess a medical exclusion or meet certain exemptions, and requested recommendations for supporting the successful introduction and implementation of the Mandatory Spay & Neuter Ordinance, including, but not limited to, public education, spay/neuter vouchers, mobile services, and enforcement through administrative citations and license canvassing. Additionally, staff was directed to draft an ordinance making it unlawful to sell dogs, cats, or rabbits in any pet shop, retail business, or other commercial establishment, unless they were [1] obtained from a public animal shelter, humane society, or nonprofit rescue organization, or [2] bred in Long Beach possessing a breeding permit in accordance with current restricted breeding and transfer laws (6.16.190).

The Department of Parks, Recreation and Marine, Animal Care Services Bureau (ACS), in coordination with the City Attorney's Office, drafted a set of proposed Title 6 Municipal Code amendments based on comments made during the City Council meeting on November 18, 2014, and conducted a review of existing laws from other cities. The proposed changes represent a balance of mandating the spaying and neutering of all dogs, while providing an exemption process for the owners of dogs with health issues, pure bred show dogs, and working dogs, so that these types of dog owners can continue with their endeavors. The changes also include new laws regulating the sale of dogs, cats, and rabbits in the City. The new laws would take effect on October 1, 2015, providing ample time for affected parties to comply.

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The current Municipal Code, Title 6.16.085, states: "No person responsible for a cat over the age of four (4) months shall allow such cat to remain unaltered, unless the cat is certified by a licensed veterinarian as not being suitable for spaying or neutering due to health reasons." The proposed changes would create parity for cat and dog owners alike.

In order to successfully implement the mandatory spay and neuter program for dogs, ACS will incorporate a three-pronged plan, which would include education, enforcement, and financial assistance. A marketing campaign, including, but not limited to, social media, traditional media, advertising, flyers, and posters would be incorporated to help educate the public. One part-time Animal License Inspector, dedicated to outreach and compliance, would be needed. Enforcement is outlined in the new Municipal Code and is based on initial warnings and education, rather than severe financial penalties. Lastly, ACS currently administers a program that provides \$30-vouchers to residents to assist with spay and neuter procedure costs. The limited voucher program is currently funded mainly through donations from the public. Additional funding would be required to help increase the number and/or the voucher amount to help more residents in need of assistance. ACS will continue to partner with and support community groups, such as Friends of Long Beach Animals and Fix Long Beach, who are dedicated to providing free and low-cost spay/neuter services to residents.

This matter was reviewed by Deputy City Attorney Kendra L. Carney on January 22, 2015, and by Budget Management Officer Victoria Bell on February 5, 2015.

TIMING CONSIDERATIONS

City Council action is requested on March 3, 2015, in order to implement the Ordinance in a timely manner.

FISCAL IMPACT

ACS staff anticipate the net fiscal impact will be cost neutral to the General Fund as a result of proposed fee adjustments that are expected to fully offset the initial revenue loss and ongoing costs, as noted below.

The cost neutral impact would result from the following:

- Lost licensing revenue in the amount of \$187,500, as a result of the differential between the unaltered dog license fee (\$95) to the altered dog license fee (\$20);
- Ongoing educational and marketing materials in the amount of \$5,000;
- Increased Animal License Inspector staffing to provide program enforcement in the amount of \$21,000; and
- Increased support to the spay and neuter voucher program in the amount of \$30,000 to assist dog owners with the cost associated with compliance.

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Revenue derived from the following fee increases:

- \$8 increase in the altered dog license fee (from \$20 to \$28);
- \$4 increase in the senior discounted altered dog license fee (from \$10 to \$14);
- \$10 increase in the unaltered dog license fee (from \$95 to \$105).

A review of surrounding agencies found the increases would be comparable. The ongoing cost increase, along with proposed fee adjustments, will be addressed through the FY16 budget process, dependent upon the action taken by the City Council. The recommended action will result in a positive impact on jobs. One part-time Animal License Inspector dedicated to this program will be hired.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



GEORGE CHAPJIAN
DIRECTOR OF PARKS, RECREATION AND MARINE

GC:TS

Attachments: Ordinance
Redline

APPROVED:



PATRICK H. WEST
CITY MANAGER



OFFICE OF THE CITY ATTORNEY
Long Beach, California

CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

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Tiffany L. Shin
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

March 3, 2015

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 6.16.085 and by adding Section 6.16.062 all relating to animal regulation, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

Pursuant to your request on November 18, 2014, this ordinance has been prepared and is submitted for your consideration.


SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By


KENDRA L. CARNEY
Deputy City Attorney

KLC:bg A14-02393
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REDLINE

1
2
3 6.16.085 Unaltered dogs and cats prohibited.

4 A. No person responsible for a dog or cat over the age of eightfour (48)
5 months shall allow such dog or cat to remain unaltered, except as described in
6 Subsection 6.16.085. Unless the cat is certified by a licensed veterinarian as not being
7 suitable for spaying or neutering due to health reasons.

8 B. Exceptions to the spay or neuter requirements identified in Subsection
9 6.16.085.A are:

10 1. A dog or cat that is incapable of breeding, as determined in
11 accordance with Subsection 6.16.085.C.

12 2. A dog or cat that is medically unsuited to undergo a spay or neuter
13 procedure, as determined in accordance with Subsection 6.16.085.C.

14 3. A dog that is undergoing or has received appropriate training and
15 certification by a recognized agency, if such certification is available, and will be or is
16 utilized or is retired from use:

17 a. By a law enforcement agency for law enforcement activities;

18 b. By a search and rescue agency for search and rescue
19 activities;

20 c. As a service animal, such as a guide animal, hearing animal,
21 assistance animal, seizure alert animal, or social/therapy animal approved by the Animal
22 Care Services Bureau; or

23 d. As breeding stock for dogs described in Subsection
24 6.16.085.B.3 by a recognized agency or organization approved by the Director.

25 e. For each of the above, the owner shall provide proof to the
26 satisfaction of the Director with each application for a new or renewal license.

27 4. A dog or cat harbored by a public shelter, humane society, or similar
28 organization, whether public or private, the principal purpose of which is securing the

1 adoption of dogs or cats, provided that such organization requires the spaying or
2 neutering of all dogs and cats placed for adoption by such organization.

3 5. A dog or cat that is a breed approved by and registered with a
4 national or international breed registry or association which, at a minimum, requires
5 identification of the breed, date of birth, names of registered sire and dam, the name of
6 the breeder and recordkeeping relating to breeding, transfer of ownership. The owner
7 shall provide verified proof to the satisfaction of the Director with each application for a
8 license.

9 6. A dog which is undergoing training to or currently is trained to
10 compete or be used for herding of other animals, or as a livestock guardian dog, or a dog
11 designated as breeding stock for these purposes by a recognized agency or organization
12 approved by the Director. The owner shall provide proof to the satisfaction of the Director
13 with each application for a new or renewal license.

14 C. Qualification for exemption. For purposes of the exemptions set forth in
15 Subsections 6.16.085.A and 6.16.085.B, a dog or cat is:

16 1. Incapable of breeding if a licensed veterinarian has so certified in
17 writing.

18 2. Medically unsuited to undergo a spay or neuter procedure if a
19 licensed veterinarian has certified in writing, that a spay or neuter procedure would likely
20 cause the animal's death or substantially aggravate a physical condition of the animal.
21 The certification shall indicate the medical basis for the exemption and whether the
22 unsuitability is temporary or permanent. If temporary, the certificate shall indicate the
23 period of time the unsuitability is anticipated to last. For an exemption to apply beyond
24 that period, a new certificate must be obtained.

25 D. Temporary exemption.

26 1. Unless otherwise extended by the City Council, the provisions of this
27 Section shall not be applicable until October 1, 2015.

28 2. An unaltered dog or cat that has a valid license from the Animal Care

OFFICE OF THE CITY ATTORNEY
CHARLES PARKER, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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Services Bureau shall not be subject to this Section until the license expires, or October 1, 2015, whichever occurs last.

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 6.16.085
AND BY ADDING SECTION 6.16.062 ALL RELATING TO
ANIMAL REGULATION

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 6.16.085 the Long Beach Municipal Code is amended
to read as follows:

16.16.085 Unaltered dogs and cats prohibited.

A. No person responsible for a dog or cat over the age of eight
(8) months shall allow such dog or cat to remain unaltered except as
described in Subsection 6.16.085.B.

B. Exceptions to the spay or neuter requirements identified in
Subsection 6.16.085.A are:

1. A dog or cat that is incapable of breeding, as
determined in accordance with Subsection 6.16.085.C.

2. A dog or cat that is medically unsuited to undergo a
spay or neuter procedure, as determined in accordance with Subsection
6.16.085.C.

3. A dog that is undergoing or has received appropriate
training and certification by a recognized agency, if such certification is
available, and will be or is utilized or is retired from use:

a. By a law enforcement agency for law
enforcement activities;

1 b. By a search and rescue agency for search and
2 rescue activities;

3 c. As a service animal, such as a guide animal,
4 hearing animal, assistance animal, seizure alert animal, or social/therapy
5 animal approved by the Animal Care Services Bureau; or

6 d. As breeding stock for dogs described in
7 Subsection 6.16.085.B.3 by a recognized agency or organization approved
8 by the Director.

9 e. For each of the above, the owner shall provide
10 proof to the satisfaction of the Director with each application for a new or
11 renewal license.

12 4. A dog or cat harbored by a public shelter, humane
13 society, or similar organization, whether public or private, the principal
14 purpose of which is securing the adoption of dogs or cats, provided that
15 such organization requires the spaying or neutering of all dogs and cats
16 placed for adoption by such organization.

17 5. A dog or cat that is a breed approved by and registered
18 with a national or international breed registry or association which, at a
19 minimum, requires identification of the breed, date of birth, names of
20 registered sire and dam, the name of the breeder and recordkeeping
21 relating to breeding, transfer of ownership. The owner shall provide verified
22 proof to the satisfaction of the Director with each application for a license.

23 6. A dog which is undergoing training to or currently is
24 trained to compete or be used for herding of other animals, or as a livestock
25 guardian dog, or a dog designated as breeding stock for these purposes by
26 a recognized agency or organization approved by the Director. The owner
27 shall provide proof to the satisfaction of the Director with each application
28 for a new or renewal license.

1 C. Qualification for exemption. For purposes of the exemptions
2 set forth in Subsections 6.16.085.A and 6.16.085.B, a dog or cat is:

3 1. Incapable of breeding if a licensed veterinarian has so
4 certified in writing.

5 2. Medically unsuited to undergo a spay or neuter
6 procedure if a licensed veterinarian has certified in writing, that a spay or
7 neuter procedure would likely cause the animal's death or substantially
8 aggravate a physical condition of the animal. The certification shall indicate
9 the medical basis for the exemption and whether the unsuitability is
10 temporary or permanent. If temporary, the certificate shall indicate the
11 period of time the unsuitability is anticipated to last. For an exemption to
12 apply beyond that period, a new certificate must be obtained.

13 D. Temporary exemption.

14 1. Unless otherwise extended by the City Council, the
15 provisions of this Section shall not be applicable until October 1, 2015.

16 2. An unaltered dog or cat that has a valid license from
17 the Animal Care Services Bureau shall not be subject to this Section until
18 the license expires, or October 1, 2015, whichever occurs last.

19
20 Section 2. Section 6.16.062 is added to the Long Beach Municipal Code
21 to read as follows:

22 6.16.062 Animal shop - Animal sales.

23 A. No person or animal shop shall engage in the sale, barter,
24 giving away, or transferring of dogs, cats, or rabbits unless the person or
25 animal shop sells, barter, gives away, or transfers:

26 1. A dog or cat bred and reared within the City in
27 compliance with Section 6.16.190;

28 2. A dog, cat, or rabbit obtained from a publicly operated

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animal shelter; or

3. A dog, cat, or rabbit obtained from a private humane society or duly incorporated organization devoted to the rescue, care, and adoption of stray, abandoned, or surrendered dogs, cats, and/or rabbits.

B. Nothing in this Section shall prevent an animal shop from providing space and appropriate care for dogs, cats, and rabbits harbored by an animal shelter or duly incorporated organization devoted to the rescue, care, and adoption of stray, abandoned, or surrendered dogs, cats, and/or rabbits for the purpose of engaging in the retail sale of those animals.

C. Certificate of source.

1. An animal shop shall post in a conspicuous place, on or within three (3) feet of each animal's kennel, cage, or enclosure, a certificate of source for each dog, cat, or rabbit offered for sale demonstrating the dog, cat, or rabbit was obtained in compliance with this Section.

2. Upon sale or transfer, the animal shop shall provide a copy of the certificate of source to the purchaser or transferee.

D. Temporary exemption.

Unless otherwise extended by the City Council, the provisions of this Section shall not be applicable until October 1, 2015.

Section 3. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2015, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
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