

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Other Study Session

Prepared By: Rob Silverstein AS Agenda Item No. R-1

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) _____

DATE: April 10, 2012

TO: City Council

FROM: Jeri Williams, Chief of Police [Signature]
Oxnard Police Department

SUBJECT: Study Session on Mandatory Spay and Neuter Ordinance

RECOMMENDATION

That City Council conduct a study session for a mandatory spay and neuter ordinance for "Pit Bulls".

DISCUSSION

The Director for the Ventura County Animal Shelter (VCAS) proposed a mandatory spay and neuter ordinance for Pit Bulls at the Animal Shelter Commission meeting. The Commissioner for the City of Oxnard is Councilmember Carmen Ramirez. The Director for the shelter requested that each Commissioner discuss the proposed ordinance with their City Council members, and adopt the proposed ordinance.

Health and Safety Code section 122331, defines "Pit Bull" as any Staffordshire Bull Terrier, American Bull Terrier, or American Staffordshire Terrier breed of dog, or any breed of dog that contains, as an element of it's breeding, any of these breeds so as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Pit Bull Terrier or American Staffordshire Terrier. "Pit bull" is not a breed. It is a generic term often used to describe all dogs with similar traits and characteristics known to the public as "Pit bulls".

There are nine cities that comprise the commission, including the City of Oxnard. The following actions and discussions have taken place reference the proposed mandatory spay and neuter ordinance. The City of Ventura has agreed to review the VCAS ordinance. The City of Camarillo has indicated an interest in considering the proposed ordinance. The City of Santa Paula has decided not to adopt the ordinance. The City of Simi Valley had a discussion at a City Council meeting, and pulled the item for further study. The City of Moorpark has discussed the ordinance at a City Council meeting. As a result, the Council has received letters and emails in opposition to the proposed ordinance in greater numbers than those received in support of the proposed ordinance. The City of Port Hueneme has decided to adopt the ordinance because the City of Port Hueneme adopts all County Ordinances by reference. At

this time, it is unknown what discussions or determinations have been made by the City of Fillmore, and the City of Ojai.

There are some negative aspects to adopting such an ordinance. Breed specific ordinances can be seen as a quick fix, and not a sufficient long term solution to the problem. Breed specific ordinances can be seen as shortsighted and an ineffective response to euthanizing adoptable dogs. By placing bans on specific dog breeds (most often pit bulls) breed specific laws can be perceived to unfairly target dogs who are most often not problematic. Another difficulty is in the enforcement of a mandatory spay and neuter law. There are irresponsible pet owners who attempt to evade the law by not licensing their animals, in an effort to keep them unknown to the Animal Safety Officers.

The information from the VCAS director regarding the impact the ordinance will have on the immediate problem has not been addressed. The VCAS policy to perform a home check on "Pit Bulls" up for adoption might be reviewed for effectiveness, to avoid having the animal wait for 3 days to 3 weeks to be re-homed. This process may be a contributing factor in the number of "Pit Bulls" not being adopted from the VCAS.

A review of the County of Los Angeles and the County of Santa Barbara ordinances related to this topic may be beneficial in determining the correct course of action by the City of Oxnard.

The Director for the VCAS has suggested that as a result of adopting the proposed mandatory spay and neuter ordinance, the City of Oxnard will see a reduction in the number of "Pit Bulls" brought into the County shelter. The Director also stated that the City of Oxnard will benefit from having a reduction in the sheltering costs of animals due to the belief that less "Pit Bulls" will be housed at the shelter.

A review of the statistics related to the number of "Pit Bulls" taken to the VCAS revealed that from July 2, 2008 to December 20, 2011, the City of Oxnard impounded 2,308 "Pit Bulls". Of those, 185 were adopted, 384 were returned to the owner, and 1,416 were euthanized. 307 were transferred out of the facility.

FINANCIAL IMPACT

At this time the financial impact of the proposed VCAS ordinance for the mandatory spay and neuter of "Pit Bulls" is unknown.

RS

Attachment # 1- VCAS proposed ordinance

County of Ventura

Proposed Addition to Chapter 4 (Animals) of Division 4 of the Ventura County Ordinance Code

Article 9 Spaying and Neutering of Pit Bulls

4700 Purpose and Applicability

Pursuant to Health and Safety Code § 122331, no person shall own or keep a Pit Bull over the age of four months which has not been spayed or neutered, except as provided in Sec. 4720.

4710 Definition

1. For purposes of this section, "Pit Bull" is defined as any Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains, as an element of its breeding, physical traits and distinguishing characteristics that conform to the standards of the above breeds as established by the American Kennel Club ("AKC") or United Kennel Club ("UKC") that identify it as partially of the breed of Staffordshire Bull Terrier or American Pit Bull Terrier or American Staffordshire Terrier. The AKC and UKC standards for the above breeds are listed on their websites as well as online through the Animal Service Department ("Department") website.
2. Determination of Breed. If an owner is unsure as to whether or not his unspayed and/or unneutered dog is a Pit Bull, he may make an appointment with the Department at which a Department staff member shall make a determination as to whether or not the dog is a Pit Bull. If the dog owner wishes to appeal the determination that the dog is a Pit Bull, within five business days of the staff member's determination he may request a hearing before the Department's Director or his designee. The informal hearing shall be held no more than 30 days after the Director receives the request. The decision of the Director or his designee is final.

4720 Mandatory Spaying and Neutering of PitBulls: Exceptions

No person may own, keep, or harbor any dog within the unincorporated area of the County of Ventura that the person in possession knew, or should have known, was a Pit Bull that has not been spayed or neutered unless:

1. The dog is under sixteen weeks of age;
2. It is a purebred Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier, recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), or other national registry;
3. It is a dog used by a law enforcement agency for law enforcement purposes;
4. It is a dog which is unable to be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity and the owner of such dog provides to the Department written confirmation of the condition from a licensed veterinarian;

5. Determination of breed is under appeal pursuant to Section 4710.2.

4730 Penalties for Failure to Spay or Neuter Pit Bull

Violation of Section 43.1 may result in the following penalties:

A first violation shall be an infraction punishable by a fine not to exceed \$100 plus administrative fees in the amount approved by the Board of Supervisors. Continued violation may result in additional fines up to \$500 and/or impoundment of the animal. In order for the owner to reclaim the Pit Bull from the Department, in addition to paying the fines and fees set out in this Section, one of the following must occur:

1. The Department shall have a veterinarian spay or neuter the dog. The dog owner shall pay a deposit of \$65 prior to the procedure and will be charged the fee for such services consisting of the actual expense incurred as established by the Department. There may be additional fees for any extraordinary care provided.
2. In the alternative, the owner shall arrange for another veterinarian within the County to spay or neuter and shall pay the Department's costs of delivering the dog to a vet of the owner's choosing. The Department shall deliver the dog to the vet, and the vet shall release the dog to the owner only after the spaying or neutering is complete.
3. At the discretion of the Director, or his designee, the Director may release the dog to the owner provided that the owner signs an affidavit that he will have the dog spayed or neutered within two weeks and will provide documentation verifying that the spaying or neutering occurred upon completion. If the owner fails to have his dog spayed or neutered as agreed in the affidavit, the Department shall have the authority to impound the dog, and the owner may be charged with a second violation.
4. In the event that the Director or his designee determines that payment of any fees by the owner of a dog which is impounded or otherwise taken into custody would cause extreme financial difficulty to the owner, the Director or his designee may, at his discretion, waive all or part of the fees necessary for compliance with this section.
5. The owner shall contact the Department within the first four business days of the dog's holding period and pay all fees and fines toward its reclaim, or pursuant to Food & Agricultural Code Section 31254, the dog will be deemed to be abandoned.

4740 Allocation of Fees and Fines Collected

All fees and fines collected under Section 4730 shall be used only by the Department to fund the implementation and enforcement of the Department spaying/neutering program.