

839



**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FROM: Department of Animal Services

SUBMITTAL DATE:
September 3, 2013

SUBJECT: Riverside County Ordinance 921 Regulating the Reproduction of Pit Bull and Pit Bull Cross Dogs

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce and set for public hearing the adoption of Ordinance No. 921
2. Authorize the Clerk of the Board to place an advertisement for a public hearing in the appropriate local publications; and
3. Upon the close of the public hearing, adopt Ordinance No. 921

BACKGROUND:

Summary

California Senate Bill 861, enacted 2005, was codified as *Health and Safety Code* sections 122330 and 122331. Animals: Dogs spay, neuter, and breeding programs. Existing law sets forth provisions relating to veterinary public health and safety, as specified.

Robert P. Miller
 Robert P. Miller
 Director, Animal Services

RPM:nd

FORM APPROVED COUNTY COUNSEL
 BY: BRUCE G. FORDON 9/10/13 DATE
 Departmental Concurrence
 FISCAL PROCEDURES APPROVED
 PAUL ANTONIO... 9/10/13
 List here

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost: | POLICY/CONSENT (per Exec. Office) |
|-----------------------------|----------------------|-------------------|-------------|-------------------------------|---|
| COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 | Consent <input type="checkbox"/> Policy X |
| NET COUNTY COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 | |
| SOURCE OF FUNDS: n/a | | | | Budget Adjustment: n/a | |
| | | | | For Fiscal Year: 13/14 | |

C.E.O. RECOMMENDATION:

APPROVE

BY: *Debra Cournoyer*
 Debra Cournoyer

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above Ordinance is approved as amended on page 1 line 24 to remove "at the time of the first reading of this Ordinance" with waiver of the reading and is set for public hearing October 8, 2013, at 9:30 a.m.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley

Nays: None

Absent: None

Date: September 24, 2013

xc: Animal Services, COB

Kecia Harper-Ihem
Clerk of the Board

By: *Kecia Harper-Ihem*
 Deputy

Prev. Agn. Ref.: 4/9/13 3.9

District: All

Agenda Number:

3-14

- Positions Added
- Change Order
- A-30
- 4/5 Vote

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Riverside County Ordinance 921 Regulating the Reproduction of Pit Bull and Pit Bull Cross Dogs

DATE: September 3, 2013

PAGE: Page 2 of 2

BACKGROUND:

Summary (continued)

Local governments are authorized to enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances.

Currently, County Ordinance requires the sterilization of pet dogs only under circumstances when citations are written violations of the basic tenants of pet ownership; this is known as secondary enforcement. These citations are most commonly issued when a dog is stray-at-large, unvaccinated against rabies, and/or unlicensed.

Pit Bull and Pit Bull mixes significantly impact the health and safety of Riverside County residents and their pets. The media frequently reports incidents of human injury and death from attacks by this type of canine. Additionally, this breed of dog represents 20 percent of the dogs impounded and 30 percent of the dogs euthanized by the department and has historically very low redemption or adoption rates.

Impact on Citizens and Businesses

On April 9, 2013, item 3.9 the Board of Supervisors adopted an order initiating an ordinance that would regulate the reproduction of pit bull and pit bull cross dogs. The result of this order, proposed Ordinance No. 921, mandates the sterilization of all Pit Bull type dogs with limited exceptions. Reducing the fertility of this segment of the dog population is the only effective way to mitigate these negative impacts on the County and its residents.

SUPPLEMENTAL:

Additional Fiscal Information

The fiscal impact on the department is expected to be minimal. Sterilization of Pit Bull dogs will become a condition of licensure for dogs four months of age or older and enforced through the routine activities of Animal Control Officers and License Inspectors utilizing administrative citations. Additional staffing or other resources will not be needed.



THE PRESS-ENTERPRISE **PE.com**



WEEKLY



HS

e-MEDIA waves

LANDSOCAL

| 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 | 20 |
|------|------------------|--------------------------------------|--------------|------|--------------|-----------|------|--------------|------------|
| DATE | REFERENCE NUMBER | DESCRIPTION - OTHER COMMENTS/CHARGES | PRODUCT/ZONE | SIZE | BILLED UNITS | TIMES RUN | RATE | GROSS AMOUNT | NET AMOUNT |

| | | | | | | | | | |
|------------|--------------------|-----------------------------------|------------------|------------|-----|---|------|--------|--------|
| 09/28/2013 | I01138277-09282013 | PO# Ord 921, NOTICE OF PUBLIC HEA | Press-Enterprise | 2 x 166 LI | 332 | 1 | 1.30 | 431.60 | 431.60 |
|------------|--------------------|-----------------------------------|------------------|------------|-----|---|------|--------|--------|

Order Placed by: Cecilia Gil

*Animal Services
3-14 of 09/24/13*

**RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS
2013 OCT -2 PM 1:43**

Legal Advertising Invoice

BALANCE
\$431.60

| SALES CONTACT INFORMATION | | ADVERTISER INFORMATION | | | | | |
|--------------------------------|-------------------------|--------------------------|------------------------|----------------------|---|---|---|
| 1 | 25 | 1 | 6 | 7 | 2 | 7 | 2 |
| BILLING PERIOD | BILLED ACCOUNT NUMBER | ADVERTISER/CLIENT NUMBER | ADVERTISER/CLIENT NAME | | | | |
| Maria Tinajero 951-368-9225 | 09/28/2013 - 09/28/2013 | 100141323 | 100141323 | BOARD OF SUPERVISORS | | | |

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

| ADVERTISER/CLIENT NAME | | | |
|-------------------------|-----------------------|--------------------------|--------------------------|
| BOARD OF SUPERVISORS | | | |
| 1 | 6 | 7 | ADVERTISER/CLIENT NUMBER |
| BILLING PERIOD | BILLED ACCOUNT NUMBER | ADVERTISER/CLIENT NUMBER | |
| 09/28/2013 - 09/28/2013 | 100141323 | 100141323 | 100141323 |
| 23 | 24 | 3 | TERMS OF PAYMENT |
| BALANCE | INVOICE NUMBER | | |
| \$431.60 | I01138277-09282013 | | DUE UPON RECEIPT |



Legal Advertising Invoice

8 BILLING ACCOUNT NAME AND ADDRESS

9 REMITTANCE ADDRESS

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
P.O. BOX 1147
RIVERSIDE, CA 92502

Enterprise Media
POST OFFICE BOX 12009
RIVERSIDE, CA 92502-2209

THE PRESS-ENTERPRISE

3450 Fourteenth Street
Riverside, CA 92501-3878
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: / Ord 921

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, under date of February 4, 2013, Case Number RIC 1215735, under date of July 25, 2013, Case Number RIC 1305730, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

09/28/2013

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: September 30, 2013
At: Riverside, California



BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
P.O. BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0001138277-01

P.O. Number: Ord 921

Ad Copy:

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, October 8, 2013 at 9:30 a.m., or as soon as possible thereafter, to consider adoption of the following:

ORDINANCE NO. 921

AN ORDINANCE OF THE COUNTY OF RIVERSIDE REQUIRING THE MANDATORY SPAYING AND NEUTERING OF PIT BULL BREEDS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS.

- in recent years, pit bulls comprise a disproportionately high number of unwanted dogs in the County, accounting for twenty (20) percent of shelter dogs and thirty (30) percent of dogs euthanized in the County.
- While the majority of pit bull owners are responsible and take appropriate measures to ensure that their dogs do not have unwanted offspring, there is a need to mitigate the large number of unwanted pit bulls in the County.
- Restricting the maintenance of and breeding of intact pit bulls and requiring the spaying and neutering of pit bulls will not prevent responsible pet owners and pet breeders from owning, breeding, or showing pit bull breeds.

Section 2. PURPOSE. To protect the public's health and welfare from irresponsible owners of pit bulls by mitigating the over population of unwanted pit bulls.

Section 3. AUTHORITY. This Ordinance is adopted pursuant to Health and Safety Code section 122331, which authorizes counties to enact mandatory breed specific spay/neutering programs.

Section 4. EXEMPTIONS. The following pit bulls are exempt from the regulations described in this Ordinance:

- Currently licensed pit bulls whose owners are registered breeders with the County's Department of Animal Services.
- A pit bull that has been appropriately trained and is actually being used by a public law enforcement agency for law enforcement purposes.
- A pit bull that is an assistance dog as defined in Food and Agricultural Code section 30850.
- A pit bull which has been certified by a licensed veterinarian as having a health reason for not being spayed/neutered.
- A pit bull which is in training at a licensed kennel and is currently licensed by the owner in another jurisdiction. The owner of the pit bull has the burden of showing that said pit bull is licensed in another jurisdiction.
- A dog that is pending a breed determination when the dog owner or custodian requests such a determination in accordance with Section 6 of this Ordinance.

Section 5. DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings:

- County. County of Riverside.
- Department. County of Riverside Department of Animal Control.
- Pit bull. Any Staffordshire Bull Terrier, American Pit Bull Terrier, or American Stafford Terrier breed of dog, or any mixed breed of dog which contains, as an element of its breeding, any of these breeds so as to be identifiable as partially of one or more of these breeds.

Section 6. DETERMINATION OF BREED.

- Upon written request of any dog owner or custodian, the Department's Chief Veterinarian or designee will schedule a breed determination appointment to determine whether a dog is a pit bull.
- The Department shall mail the requesting dog owner or custodian written notice of the date, time, and place for the appointment not less than ten (10) days before the appointment date. The appointment date shall be no more than thirty (30) days after the Department's receipt of the request for a breed determination.
- The Department shall mail written results of breed determination to the requesting owner or custodian within ten (10) days after the appointment.
- The above mentioned breed determination results are prima facie evidence of the facts stated therein. On appeal, the dog owner or custodian appealing a breed determination has the burden to show that the dog is not a pit bull.
- If the dog owner or custodian is cited for violation of this Ordinance after the Department has determined that the dog is a pit bull, the citation may be appealed as provided in Section 8 of this Ordinance.

Section 7. MANDATORY SPAY NEUTERING OF PIT BULL BREED DOGS. No person shall own or possess a pit bull over the age of four (4) months that has not been spayed or neutered, except as provided for in Section 4 of this Ordinance.

Section 8. VIOLATIONS AND PENALTIES. Any person violating any provision of this Ordinance shall be deemed guilty of an infraction or misdemeanor and subject to the same criminal, civil and administrative fines, penalties and costs, including all rights to appeal, as enumerated Riverside County Ordinance ("RCO") No. 630, including any amendments to RCO No. 630 that may occur from time to time.

Section 9. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 10. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its adoption.

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the hearing or may appear and be heard in support or opposition to the project at the time of the hearing. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the Board of Supervisors at or