

ORDINANCE NO. 12

**AN ORDINANCE OF THE CITY OF GOLETA,
CALIFORNIA REPEALING AND REPLACING SECTIONS
6.01.160 THROUGH 6.01.190 AND AMENDING TO ADD A
NEW SECTION 6.01.195 TO TITLE 6, ARTICLE III
AMENDING OF THE GOLETA MUNICIPAL CODE OF THE
GOLETA MUNICIPAL CODE TO ADD SPAY-NEUTER
REQUIREMENTS FOR DOGS AND CATS**

WHEREAS, the County of Santa Barbara, which provides Animal Services to the City pursuant to an agreement, adopted an Ordinance in December 2009 that became effective on January 1, 2010 that recommends the the spaying-neutering of domestic animals to address pet over-population; and

[INSERT ADDITIONAL RECITALS]

WHEREAS, on June 7th, 2011, in order to address similar pet over-population concerns in the City as well as to provide uniformity in Ordinance language to the City's designated Animal Services provider in delivering its services, City Council gave input and directed staff to draft similar spay-neuter ordinance amendments to Title 6, Article III of the Goleta Municipal Code; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals

The foregoing recitals are true and correct.

**SECTION 2. Repeal and Replacement of Title 6 Article III – Dogs
Licenses and Tags**

The heading of Title 6 Article III of the Goleta Municipal Code is hereby repealed and replaced to read as follows:

TITLE 6 Article III – Animal Licenses and Tags

**SECTION 3. Repeal and Replacement of Title 6 Article III Section
6.01.160 Goleta Municipal Code Section.**

Title 6 Article III Section 6.01.160 of the Goleta Municipal Code is hereby repealed and replaced to read as follows:

6.01.160 Required.

A. Dog Licenses.

1. It shall be unlawful to own or have custody of a dog four months of age or older unless a dog license from the City has been procured.
2. A City dog license shall be issued if proof of current vaccination against rabies by a method approved by a licensed veterinarian is presented. The rabies certificate shall include information as prescribed by the City.
3. Upon payment of the license fee, furnishing of required information, and the presentation of a valid rabies vaccination certificate, the City dog license and dog tag may be issued to the owner of the dog. The dog tag shall be securely affixed and maintained affixed to the dog.
4. City dog license shall be valid for a period of up to three years, but shall not exceed the expiration date of the rabies vaccination.

B. Unaltered Animal License.

1. Requirement. Any owner of a dog or cat in the City that is over 6 months of age shall obtain a City unaltered animal license or have the dog or cat spayed or neutered.
2. Owners of dogs and cats may purchase a City unaltered animal license, if a California licensed veterinarian issues a veterinary certificate stating in writing that:

The owner has discussed the objectives and purpose for owning the dog or cat with the veterinarian, and after considering the overall circumstances, including the age and health of the animal, the veterinarian determines that it is acceptable for the owner of the domestic animal to purchase an unaltered animal license.

2. A current veterinary certificate is required each time a City unaltered animal license is purchased.
3. Term. A veterinary certificate is valid for either one year or the term of a City unaltered animal license, whichever is longer.
4. Breeders License. A City unaltered animal license constitutes a breeders license. The license number shall be displayed in any advertisements to sell or give away offspring of the animal.

5. Ineligibility. The following categories of owners of dogs or cats do not qualify for a City unaltered animal license:

(a) Owners of a dog or cat which have had any animal impounded and/or cited at large three times within a year.

(b) Owners of dogs whose owners have been found guilty of an infraction or misdemeanor under GMC 6.01.290 or any other city or county ordinance within the County of Santa Barbara, as a result of their dog having bitten, attacked, or caused injury to a human being or animal while the dog was running at large.

D. Enforcement Responsibility. The City shall be responsible for the implementation, administration and enforcement of this Chapter and may delegate those duties hereunder. Any request for review of a denial for a City unaltered animal license shall be submitted in writing within five days after receipt of such notice to the City.

SECTION 4. Repeal and Replacement of Title 6 Article III Section 6.01.170 Goleta Municipal Code Section.

Title 6 Article III Section 6.01.170 of the Goleta Municipal Code is hereby repealed and replaced to read as follows:

6.01.170 Exceptions.

A. Unaltered Animal Licenses. The requirements for a City unaltered animal license do not apply to dogs or cats in the custody and control of nonresidents of the City who are traveling through or in the City for less than 30 days.

B. Dog Licenses. The requirements for a City dog license do not apply to the following:

1. Dogs owned or in the custody and control of nonresidents of the City who are traveling through or in the City for less than 30 days.
2. Dogs used to assist a person with impaired vision.
3. Dogs trained for official law enforcement duties which are currently serving in that capacity.

SECTION 5. Repeal and Replacement of Title 6 Article III Section 6.01.180 Goleta Municipal Code Section.

Title 6 Article III Section 6.01.180 of the Goleta Municipal Code is hereby

repealed and replaced to read as follows:

6.01.180 Duplicates.

A duplicate dog or cat tag may be issued upon presentation of: (1) the animal license; (2) a declaration under penalty of perjury, on a form prescribed by the City that the tag has been lost; and (3) upon the payment of a duplicate tag fee.

SECTION 6. Repeal and Replacement of Title 6 Article III Section 6.01.190 Goleta Municipal Code Section.

Title 6 Article III Section 6.01.190 of the Goleta Municipal Code is hereby repealed and replaced to read as follows:

6.01.190 Unlawful Acts.

- A. It shall be unlawful for any person to remove the dog or cat tag from any dog or cat not their own or not in their lawful custody.
- B. It shall be unlawful for any person to place a dog or cat tag on any dog or cat for which the tag was not issued.
- C. It shall be unlawful for any person to place any imitation or false dog or cat tag on any dog or cat.

SECTION 7. Title 6 Article III of the Goleta Municipal Code is hereby amended by adding a new Section to be numbered and titled and to read as follows:

6.01.195 Transfer of Dogs and Cats.

- A. "Transfer" shall mean any transaction in which a dog, puppy, cat or kitten is delivered to a new owner, and shall include, but not be limited to, the sale, sale at auction, barter, exchange, gift or adoption of any dog, puppy, cat or kitten.
- B. Any individual who transfers a dog, cat, puppy or kitten to a new owner shall authorize access to all of the animal's health and vaccination records, including the name of the licensed veterinarian who examined the animal. The individual transferring the animal(s) shall also provide the new owner with a copy of this ordinance if the new owner resides in the City; or the requirements of California Health & Safety Code sections 122045-122110 and 122125-22315 (Polanco-Lockyer Pet Breeder Warranty Act and the Lockyer-Polanco-Farr Pet Protection Act, respectively) if the new owner resides in California.

C. Any person advertising the availability of a puppy or kitten for transfer must prominently display the Unaltered Animal License number of the mother dog or cat in the advertisement.

D. No dog, puppy, cat or kitten shall be transferred as a prize.

SECTION 8. Severability

Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance shall remain in full force and effect.

SECTION 9. Construction

The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

SECTION 10. Effective Date

This Ordinance shall take effect on the 31st day following the date of its final adoption.

SECTION 11. Certification

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED ON the _____ day of _____, 2012.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2012.

EDWARD EASTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 12-__ was duly adopted by the City Council of the City of Goleta at a meeting held on the __ day of _____, 2012, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK