

CITY OF OJAI
ORDINANCE NO. 883

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF OJAI, CALIFORNIA AMENDING SECTION 5-4.202 OF
ARTICLE 2, SECTION 5-4.314 OF ARTICLE 3, AND
ADDING ARTICLE 7 OF CHAPTER 4 OF TITLE 5 OF THE
OJAI MUNICIPAL CODE REGULATING THE
MICROCHIPPING AND MANDATORY STERILIZATION
OF DOGS AND CATS**

WHEREAS, the City recognizes there is a serious overpopulation of dogs and cats, as evidenced by the number of unwanted animals that are impounded each year in City and County shelters after being found running at large;

WHEREAS, the population of dogs and cats continues to increase, with some animals remaining impounded for more than one year;

WHEREAS, the City desires to promote responsible pet ownership as a means of promoting the public health, safety and welfare of humans and pets in the City; and

WHEREAS, the City finds that the mandatory sterilization of dogs and cats, with limited exceptions, is an appropriate means of preventing further overpopulation of these animals and of reducing the numbers of animals that end up in shelters.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI
CALIFORNIA DOES ORDAIN AS FOLLOWS:**

SECTION 1. Findings. The City Council hereby determines that the foregoing findings are true and correct, and incorporates them herein by reference.

SECTION 2. Code Amendment. Section 5-4.202 of Article 2 of Chapter 4 of Title 5 of the Ojai Municipal Code is amended to read as follows. Additions are denoted by underlined text and deletions are denoted by struck-through text.

Sec. 5-4.202. License Applications.

The license and license tag required by the provisions of this chapter may be obtained by displaying an acceptable rabies vaccination certificate, furnishing the information required by the provisions of this section, and paying the proper fee to the County Animal Control Department. Such information shall include the name, sex, breed, age, and color of the dog for which the application is made, the microchip number, whether the dog has been sterilized, and the address and, when available, the telephone number of the person owning, harboring, or keeping such dog. The official receiving such information shall record it on the receipt to be given for the payment of the license fee. If the dog is unaltered, written documentation in accordance with Section 5-4.702 must be provided by the owner. A rabies vaccination certificate, to be acceptable, shall show that the vaccination has at least ~~sixty (60) days~~ one year to run before its expiration date. ~~A vaccination of the chick embryo type shall expire thirty (30) months after it is administered, and a vaccination of the nerve tissue type shall expire eighteen (18) months after it is administered.~~ The expiration date of the rabies vaccination shall be recorded on the receipt.

SECTION 3. Code Amendment. Section 5-4.314 of Article 3 of Chapter 4 of Title 5 of the Ojai Municipal Code is amended to read as follows. Additions are denoted by underlined text and deletions are denoted by struck-through text.

Sec. 5-4.314. Kennel License Fee Period.

The dog kennel license required by this chapter may be obtained by a written application to the Poundmaster or Tax Collector. Such application shall be in duplicate and shall state the name and address or location of the kennel, the names of the persons owning, managing, or operating such kennel, the number and approximate ages of the dogs currently kept therein, and the purposes for which they are kept. Such application shall be accompanied by a certificate from the County Health Officer stating that such kennel was inspected and found to be in a sanitary and healthful condition. If applicable, the application shall also include documentary evidence in accordance with Section 5-4.702 showing that any breeding dog(s) being kept at the kennel are in compliance with Section 5-4.702 and have received all recommended vaccinations and have had proper veterinary care. Such application shall also be accompanied by an annual fee of Twenty-Five and no/100ths (\$25.00) Dollars. If such application, certificate, and fee are proper, a copy of the application shall be signed and dated by the Poundmaster or Tax Collector and issued to the applicant as his current kennel license. The license period for the kennel license required by this chapter shall be one year, beginning January 1 and ending December 31. Any kennel license issued pursuant to the provisions of this chapter shall expire and cease to be current at the expiration of the license year for which it was issued. Renewal shall be made only upon an application, certification, and payment of the fee in the manner provided for the issuance of an original kennel license.

SECTION 4. Code Amendment. Article 7 of Chapter 4 of Title 5 of the Ojai Municipal Code is added to read as follows.

Article 7. Mandatory Sterilization of Dogs and Cats.

Sec. 5-4.701. Intent.

The intent of this article is to create a culture and common practice of sterilization of dogs and cats. Education and voluntary compliance is the preferred method of achieving sterilization, with enforcement measures as a last resort. Nothing in this Article shall make veterinarians mandatory reporters of animals that have not been sterilized.

Sec. 5-4.702. Unaltered Dogs and Cats Prohibited; Exceptions.

For purposes of this Chapter, sterilization shall mean any medical procedure performed by a veterinarian on a dog or cat that prevents reproduction of that dog or cat. No person domiciled within the jurisdictional boundaries of the City shall own a dog or cat over the age of six months that has not been sterilized, unless valid written documentation is provided to the City to show proof that the animal is exempt from the requirement to be sterilized by reason of one of the following:

(a) If a dog, the dog is a breed approved by and registered with the American Kennel Club (“AKC”) or United Kennel Club (“UKC”), and the dog is actively used to exhibit or compete and has competed in at least one legitimate exhibition or sporting competition hosted or approved by the AKC and/or UKC within the last two years, or is being trained to exhibit or compete and is too young to have yet competed.

(b) The dog has earned, or if under three (3) years old, is actively being trained and is in the process of earning, an agility, carting, herding, protection, rally, hunting, working, or other title from the AKC or UKC.

(c) The owner of the dog is an American Kennel Club “Breeder of Merit.”

(d) The dog is being, or has been, appropriately trained and is actively being used in a manner that meets the definition of a guide, signal, or service dog as set forth in California Penal Code section 365.5, subdivisions (d), (e), and (f), or the dog is enrolled in a guide dog program administered by a person licensed under California Business and Professions Code section 7200 et seq.

(e) The dog is being, or has been, appropriately trained and is actively used by law enforcement agencies, the military, or search and rescue organizations, for law enforcement, military, or search and rescue activities.

(f) If a cat, the cat is a breed recognized by the Cat Fancier’s Association and meets one of the following:

(1) The cat has competed in at least one cat show or sporting competition sanctioned by the Cat Fancier’s Association within the last 365 days; or

(2) The cat has earned a conformation, obedience, agility, rally, sporting, working or other title from the Cat Fancier’s Association.

City of Ojai
Ordinance No. 883

(g) The owner of the dog or cat provides a letter from a licensed veterinarian certifying that the animal's health would be best served by sterilization after a specified date; or, that due to age, poor health, or illness of the animal, it is detrimental to the health of the animal to have it sterilized; or, that arrangements have been made to sterilize the animal within 60 days. This letter shall include the veterinarian's license number and, if applicable, the date by which the animal may safely be sterilized.

Sec. 5-4.703. Animal Identification Device.

All dogs and cats over the age of four (4) months shall be implanted with an animal identification device (or microchip), at the owner's expense, identifying the owner of the animal. The owner shall notify the City and the national registry applicable to the implanted chip, of a change of owner, address or telephone number.

Sec. 5-4.704. Notice of Violation and Penalties.

Every act prohibited or declared unlawful by this Chapter, and every failure to perform an act made mandatory by this Chapter, shall be punishable as a misdemeanor or an infraction at the discretion of the City Attorney or the District Attorney, in accord with Ojai Municipal Code section 1-2.03. In addition, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a public nuisance subject to abatement as provided in this Code or under California law.

SECTION 5. Grace Period. The City Council wants to encourage voluntary compliance with the provisions of this Ordinance. Upon the effective date of this Ordinance, owners of existing dogs and cats will have a one-year grace period in which to comply with the mandatory sterilization and microchipping requirements. During this time, no penalties shall be imposed for the failure to comply with sections 5-4.202, 5-4.314, 5-4.702 or 5-4.703, providing that after this time expires, violations of these sections shall be punishable pursuant to Section 5-4.704, together with any other remedies as permitted by applicable law.


SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 7. Environmental Determination. The City Council finds that this amendment to the Municipal Code is exempt from California Environmental Quality Act (CEQA). The City Council hereby determines that that the text amendments will not have a significant effect on the environment. This Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061 (b)(3) of the California Code of Regulations.

SECTION 8. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 9. Effective Date. This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937.


CITY OF OJAI, CALIFORNIA

By 
John F. Johnston, Mayor
2-21-18
Date signed

ATTEST:


Gail Davis, Deputy City Clerk


APPROVED AS TO FORM:


Matthew T. Summers, City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on January 23, 2018 and adopted at a regular meeting held on February 13, 2018 by the following vote:

AYES: Blatz, Francina, Haney, Johnston, Weirick
NOES: None
ABSTAIN: None
ABSENT: None


Gail Davis
Deputy City Clerk for the City of Ojai