



**Department:** Police  
**Cost Center:** 8001  
**For Agenda of:** 8/20/2024  
**Placement:** Public Hearing  
**Estimated Time:** 30 Minutes

**FROM:** Rick Scott, Police Chief  
**Prepared By:** Brian Amoroso, Deputy Chief

**SUBJECT:** INTRODUCE AN ORDINANCE AMENDING TITLE 6 (ANIMALS) OF THE SAN LUIS OBISPO MUNICIPAL CODE

## RECOMMENDATION

Introduce a Draft Ordinance entitled, "An Ordinance of the City Council of the City of San Luis Obispo, California, amending Title 6 (Animals) of the Municipal Code to adopt and incorporate by reference San Luis Obispo County Code Title 9 (Animals) and to retain certain city requirements regarding animals."

## POLICY CONTEXT

The City of San Luis Obispo contracts with the County of San Luis Obispo to provide animal control services to the City. The animal services contract is coordinated and funded as an expense item in the budget of the Police Department. The County has recently updated their animal control ordinance, Title 9 of the County Code, and has asked each contract city to adopt their Code by reference into the Municipal Code to streamline and simplify the enforcement of animal control throughout the County.

By adopting Title 9 of the County Code (by reference), many current San Luis Obispo municipal codes in Title 6 (Animals) will be duplicates and will be removed. The City will retain all current animal control Municipal Codes that are not represented in Title 9, resulting in no significant changes to the current animal control rules and regulations of the City, but this approach will provide future efficiencies should the County make further updates to Title 9.

## DISCUSSION

### Background

Title 9 of the San Luis Obispo County Code establishes rules and regulations related to the care, management, and keeping of animals within the County. Additionally, it establishes the County Division of Animal Services' role, responsibility, and authority in the enforcement of those codes. The last substantial revisions to the County's Animal Control Code occurred in 1998.

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Since that time, standards and expectations with regard to animal care and control have evolved, leaving some of the code's provisions outdated and inconsistent with currently recognized best practices. Beyond addressing omissions and additions, the County Code revisions clarified existing language, resolved conflicting provisions, eliminated redundancies, and provides continuity between Title 9 and other sections of the County Code.

The City of San Luis Obispo Municipal Code contains the rules and regulations related to animal regulations in the City. Animal Control Officers from the County are tasked with enforcing the regulations of each contract city, creating a confusing mix of numerous municipal codes, combined with the County Code, that required research and analysis, depending on which jurisdiction they were currently responding to for a call for service. Having each contract city adopt Title 9 of the County Code will provide a standardized set of regulations that can be more easily enforced, create continuity throughout the county, while still allowing each city to keep additional regulations that are not contained in Title 9. The City of Grover Beach was the first to adopt Title 9 of the County Code by reference on July 22, 2024. If approved, San Luis Obispo will be the second city in the County to adopt the County Code. Other cities in the County have begun work on this but are in the early stages of analysis and the timeframe for their adoption is unknown.

Attachment B provides an analysis of each current SLOMC Title 6 section, and the relevant County Code Title 9 section that will replace it.

Should the City adopt the County Code by reference, the following SLOMC chapters and sections will be rescinded in their entirety as they are codified in a like manner in the County Code:

- 6.04 (Definitions), 6.08 (Public Pound), 6.12 (Impoundment Procedures), 6.16 (Dog Registration and Licensing), 6.24 (Dog Kennels, Pet Shops, Catteries and Aviaries), 6.20.020 (Keeping of Noisy Animals), 6.20.030 (Disposition of Dead Animals – Owner's Responsibilities), 6.20.040 (Disposition of Dead Animals – By Poundmaster Upon Request), 6.20.050 (Leash Law), 6.20.060 (Animals Showing Rabies Symptoms), 6.20.070 (Menacing and Aggressive Animals), 6.28.020 (Animals and Poultry Running at Large – Prohibited - Exceptions), 6.28.030 (Animals and Poultry Running at Large – Impoundment), 6.28.040 (Disposition of Impounded Animals and Poultry) and 6.28.050 (Unsanitary Conditions Prohibited).

The adoption of Title 9 of the County Code by reference will result in the following minor changes from the City's current municipal code:

- 6.12.130 – Formalize that the County no longer impounds healthy stray cats, and that practice would extend to the City. The impounding of healthy stray cats has not been occurring since 2019, including in the City of San Luis Obispo. According to Animal Control, this is a best practice in the industry and does not result in a measurable increase of stay cats.
- 6.16.070 – Licensing of dogs would be valid for a term of up to 3 years. Current SLOMC dog licensing is only valid for one year. This change will create greater efficiencies for City residents.

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- 6.16.080 – Licensing fees will be set by the County and updated annually to properly reflect costs. The County currently sets the licensing fees that City residents pay, so licensing fees will not be different from the current rates.
- 6.20.020 – Complaints arising from noisy animals can now escalate to a complaint with the District Attorney's Office.

In order to keep the current animal regulations that are unique to the City of San Luis Obispo in place, the following SLOMC sections will be retained as they are not prohibited actions identified in the County Code:

- 6.20.010 – Keeping Noisy Animals – Prohibited
- 6.28.010 – Animal Definitions
- 6.28.060 – Keeping of Animals – limitations and regulations on keeping of poultry, rabbits, swine, hogs, pigs, and other animals. Specifically retains the maximum number of five cats allowed in a residence in the City.
- 6.28.070 – Prohibition on beekeeping
- 6.28.080 – Prohibition on breeding in the city

Attachment C provides a list of regulations in Title 9 of the County Code that are not currently contained in Title 6 of the City Municipal Code. These will constitute new animal control restrictions in the City. Most are administrative in nature, but some of the noteworthy additions include:

- 9.02.002 – Prohibits the unauthorized feeding of animals by individuals on property other than their own.
- 9.02.003 – Requires animal owners to remove animal wastes deposited off the owner's property.
- 9.02.009 – Prohibits the keeping of dangerous and wild animals including large and venomous snakes, wolf hybrid dogs and others.
- 9.02.010 – Requires motorists striking domestic animals to stop and render aid or make official notification.
- 9.03.001 – Requires microchipping of adult dogs and cats.
- 9.03.004 – Prohibits cat owners from allowing unaltered cats to roam at large. Allows finders of unaltered cats roaming at large to have the cat altered at their expense.
- 9.08.002 – Establishes a requirement for owners of cats allowed to roam outdoors to have those cats vaccinated against rabies.

Note: Animals will not be taken by Animal Services for these violations. There are low cost options for micro-chipping and vaccinations available at Animal Services, and it is the current law that any animal that is taken into custody is required by state law to be micro-chipped before it can be returned to the owner, but an inability to pay does not result in the animal being retained. The code requires that it be performed at no-cost to the owner in these cases.

Attachment D provides a color-coded, marked legislative draft of San Luis Obispo Municipal Code Title 6 highlighting the proposed additions, deletions and modifications.

Attachment E provides the current version of the San Luis Obispo County Code Title 9.

Attachment A is the draft ordinance proposed to Council.

**Next Steps**

If approved, the ordinance will take effect after the second reading, on September 3<sup>rd</sup>. When the County code changes in the future, those amendments would become effective on the same date due to the reference in the Municipal Code. The adoption or rejection of the County Code by other cities does not affect the City of San Luis Obispo or our contract with Animal Services.

**Previous Council or Advisory Body Action**

None.

**Public Engagement**

No prior formal public engagement was conducted on this item as there will be no significant substantive changes to the current rules and regulations related to animals, but rather only a change to where the rules and regulations are codified. Public engagement will occur as part of the standard City Council meeting agenda workflow, including the opportunity to comment in writing and in person at the City Council meeting.

**CONCURRENCE**

None

**ENVIRONMENTAL REVIEW**

The California Environmental Quality Act does not apply to the recommended action in this report, because the action does not constitute a “Project” under CEQA Guidelines Sec. 15378 as adoption of the ordinance will not cause a direct physical change in the environment or cause a reasonably foreseeable indirect change in the environment.

**FISCAL IMPACT**

Budgeted: Yes/No

Budget Year: 2023-24

Funding Identified: Yes/No

**Fiscal Analysis:**

<b>Funding Sources</b>	<b>Total Budget Available</b>	<b>Current Funding Request</b>	<b>Remaining Balance</b>	<b>Annual Ongoing Cost</b>
General Fund	\$ 339,026	\$	\$	\$339,026
State				
Federal				
Fees				
Other:				
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

There is no projected fiscal impact directly related to adopting the County of San Luis Obispo Title 9 by reference. The City costs associated with Animal Services are based on our calls for service and shelter usage, based on a percentage of total costs in relation to the usage and calls for service of the other cities and the County.

## ALTERNATIVES

1. ***Council could decide not to introduce Title 9 of the County Code and keep the existing Municipal Code language.*** This action is not recommended, as City staff does not have the animal control expertise needed to ensure current regulations are updated with best practices and in compliance with regulations and laws related to animal control.
2. ***Council could direct staff to modify sections of Title 6 of the City's Municipal Code that are proposed to be retained in the draft ordinance (e.g. SLOMC Sections 6.20.010 – Keeping Noisy Animals – Prohibited; 6.28.010 – Animal Definitions; 6.28.060 – Keeping of Animals – limitations and regulations on keeping of poultry, rabbits, swine, hogs, pigs, and other animals; 6.28.070 – Prohibition on beekeeping; 6.28.080 – Prohibition on breeding in the city), while retaining the proposed incorporation of Title 9 of the County Code, and further direct staff to conduct outreach regarding these proposed revisions and return to Council with the revised ordinance for introduction in the future.***
3. ***Council could remove certain provisions of Title 9 of the County Code from incorporation by reference into Title 6 of the City's Municipal Code and introduce the proposed ordinance as modified.*** Depending on the nature of the County Code Title 9 provision removed, this alternative could create greater inconsistencies and concerns for the County in carrying out animal control services within the City. It is, therefore, recommended that, should Council wish to move forward with this alternative, staff be provided time to confer with the County before adoption of the proposed changes.

## ATTACHMENTS

- A - Draft Ordinance amending Title 6 (Animals)
- B - Comparison document of SLO County Code Title 9 and SLOMC Title 6
- C - SLO County Code Title 9 sections that will be new to the City of San Luis Obispo
- D - Legislative Draft of SLOMC Title 6
- E - San Luis Obispo County Code Title 9