



Department: Police
Cost Center: 8001
For Agenda of: 9/17/2024
Placement: Consent
Estimated Time: N/A

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

SUBJECT: SECOND READING OF ORDINANCE NO. 1738 (2024 SERIES)
AMENDING MUNICIPAL CODE TITLE 6 - ANIMALS

RECOMMENDATION

Adopt Ordinance No. 1738 (2024 Series) 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

On August 20, 2024, City Council introduced Ordinance No. 1738 (2024 Series) (Attachment A) amending Title 6 of the City of San Luis Obispo Municipal Code, to adopt and incorporate by reference San Luis Obispo County Code Title 9 (Animals) and to retain certain city requirements regarding animals.

In addition to the following changes at Council also requested current San Luis Obispo Municipal Code sections 6.28.070 and 6.28.080 be amended to read as follows:

6.28.070 Bees prohibited-Exception

No person, firm or corporation shall keep bees within the corporate limits; provided, that nothing herein shall be deemed to prohibit the keeping of bees for the purpose of study and observation in a hive or box, which is situated within a school district-owned property designated by the district for such educational purposes; or for agricultural purposes, located within a Conservation/Open Space or Agriculture zoning district.

6.28.080 Breeding prohibited in city.

No owner of, and no person in possession or in charge of, any livestock, poultry, or any domestic or domesticated animals other than household pets, shall breed or permit the breeding of such livestock, poultry, or domestic or domesticated animal within the city; provided, that nothing herein shall be deemed to prohibit breeding for the purpose of study and observation in a location situated within a school district-owned property designated by the district for such educational purposes; or for agricultural purposes, located within a Conservation/Open Space or Agriculture zoning district.

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 code occurred in 1998. 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 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 7/22/2024. If approved, San Luis Obispo will be the second City in the county to adopt the County Code.

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Should council adopt the county code by reference, the following SLOMC chapters and sections will be rescinded in their entirety:

- 6.04, 6.08, 6.12, 6.16, 6.24, 6.20.020, 6.20.030, 6.20.040, 6.20.050, 6.20.060, 6.20.070, 6.28.020, 6.28.030, 6.28.040 and 6.28.050.

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

- 6.12.130 – The county no longer impounds healthy stray cats, and that practice would extend to the city. (Potential of lowering future animal control contract services fees)
- 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)
- 6.16.080 – Licensing fees will be set by County and updated annually to properly reflect costs.
- 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 status quo in the city of San Luis Obispo, 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.
- 6.28.070 – Prohibition on beekeeping (including minor language update at council direction)
- 6.28.080 – Prohibition on breeding in the city (including minor language update at council direction)

There are some laws 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.

Previous Council or Advisory Body Action

On August 20, 2024, the City Council introduced Ordinance No. 1738 (2024 Series), amending the Animal Control Ordinance to incorporate San Luis Obispo County Code Title 9, by reference.

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. In accordance with the City’s public noticing requirements for proposing amendments to the Municipal Code, a legal ad was published in The New Times on August 8, 2024, 10 days prior to the introduction of the Ordinance and an additional legal ad will be published on September 12, 2024, 5 days prior to the second reading on September 17, 2024. 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

The City Attorney’s Office reviewed the San Luis Obispo County Code and the current Municipal Code and drafted the ordinance.

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.

FISCAL IMPACT

Budgeted: Yes

Budget Year: 2024-25

Funding Identified: Yes

Fiscal Analysis:

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

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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. The current contract cost for animal services for the City of San Luis Obispo is \$339,026.

ALTERNATIVE

Do not amend the ordinance. Staff does not recommend this alternative as the city is contractually obligated to update the municipal code, either by way of reference or direct incorporation, animal regulations that do not substantially differ from the county code.

ATTACHMENT

A - Ordinance No. 1738 Animal Services Ordinance Amendment