



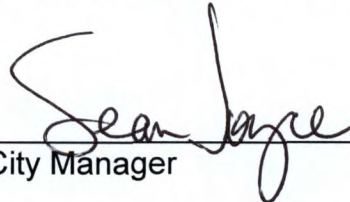
REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: OCTOBER 11, 2011

TITLE: APPROVAL OF ANIMAL WELFARE ORDINANCE TO PROHIBIT RETAIL SALES OF DOGS AND CATS, CIRCUSES FEATURING WILD OR EXOTIC ANIMAL ACTS, AND RODEOS IN THE CITY OF IRVINE



Director of Community Services



City Manager

RECOMMENDED ACTION

1. Receive staff report.
2. Open public hearing; receive public input.
3. Close public hearing.
4. City Council comments and questions.
5. Introduce for first reading, and read by title only ORDINANCE NO. - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING SECTION 4-5-506, 4-5-1111, AND 4-5-1112 TO THE IRVINE MUNICIPAL CODE, AND AMENDING SECTIONS 4-5-101, 4-5-501 AND 4-5-515 OF THE IRVINE MUNICIPAL CODE RELATING TO THE PROHIBITION OF RETAIL SALE OF DOGS AND CATS IN COMMERCIAL ESTABLISHMENTS, AND THE PROHIBITION OF CIRCUSES DISPLAYING OR EXHIBITING WILD OR EXOTIC ANIMAL ACTS, RODEOS AND SIMILAR EVENTS

EXECUTIVE SUMMARY

This item was first brought before the City Council on February 22, 2011. At that meeting, the City Council, in response to citizen requests, directed staff to research and develop ordinance language for City Council consideration that would:

1. Require that on the third impound of an unaltered dog (by Animal Services or at the Irvine Animal Care Center), the dog would be required to be spayed or neutered (with exceptions for canine age or health);
2. Ban retail sale of dogs and cats in Irvine; and
3. Ban circus and rodeo performances in Irvine.

With regard to an ordinance related to spaying or neutering animals, staff researched Irvine impound statistics and determined that the incidence of Irvine dogs that would be impacted by an ordinance requiring an action after a third impound would be fewer than

five dogs per year. It is staff's recommendation that in lieu of enacting an ordinance specific to impounded dogs, that the City develop a public education program regarding spay and neuter benefits for pets with the intention of having a broader community impact, and make no changes or additions to current Municipal Code language at this time.

In July 2011, the City's largest retail property holder, the Irvine Company, notified Mayor Kang that effective immediately, the Irvine Company would no longer lease space to tenants who intend to sell dogs or cats in any of its neighborhood, community or regional retail centers. The Irvine Company indicated that it would honor the lease of its one retail store in Irvine in which animals are sold through the end of the lease term in October 2012. Since this store is the only commercial establishment where pets are available for retail sale in Irvine, staff recommends that should the City Council vote in favor of revising the Municipal Code to prohibit retail sale of dogs and cats and this existing commercial establishment be allowed to continue its operations until the end of its lease.

The most recent circuses that have held performances in Irvine have not included animal acts, and no rodeos have occurred in Irvine since incorporation. It is staff's recommendation to prohibit rodeos and continue to allow circuses, but prohibit those that include wild or exotic animal performances.

To prohibit retail sale of dogs and cats in Irvine and prohibit circuses featuring wild and exotic animal acts and rodeo performances in Irvine, staff recommends the City Council adopt the proposed ordinance, as presented in Attachment 1.

ANALYSIS

Discussion of revisions to the Irvine Municipal Code related to animal welfare came about as a result of a request made by a group of citizens in meetings with Mayor Kang and Councilmember Agran. The group indicated it was seeking local regulatory actions that would:

1. Reduce incidence of stray, unaltered dogs in the City and decrease the likelihood of a stray, unaltered dog attacking other dogs, animals and/or people while out of control of its guardian; and reduce the overpopulation of dogs and number of dogs impounded and/or brought to the Irvine Animal Care Center;
2. Eliminate the sale of dogs and cats purchased for resale by retailers from commercial mass breeding facilities, and reduce the likelihood of impulse buys that result in buyer's remorse (both have been cited as reasons people relinquish their dogs to the Animal Care Center); and

3. Preclude the possibility of abuse of animals associated with circuses and rodeos.

There are many examples of policies and laws in practice in other cities, special districts, counties, states and countries that regulate animal welfare. For comparison purposes, each of the proposed actions and possible alternatives are listed in table format, as presented in Attachment 2. For each proposed action, staff has cited current applicable laws and policies (city, state and federal); the stated intention of the proposed action, impact the proposed action would have on existing conditions and estimated cost to implement proposed actions; alternatives suggested or in place in other jurisdictions; and anticipated impacts if the alternative action was implemented. A separate discussion of each proposed action follows.

Spay/Neuter Upon Third Impound

The citizen group that submitted this request originally proposed that the City make spaying or neutering mandatory on the third occasion an unaltered dog is impounded by Irvine Animal Services or at the Animal Care Center. If enacted as proposed, this regulation would impact fewer than five dogs annually. An alternative for a regulation that would make spaying or neutering mandatory at the second impound would affect fewer than ten dogs in Irvine.

The Concerned Dog Owners of California, Southern California Veterinary Medical Association, American Kennel Club (AKC), National Animal Interest Alliance and several other organizations all have position statements advocating responsible pet ownership. These groups advocate voluntary spaying and neutering of dogs combined with education and incentives such as micro-chipping and financial assistance.

Staff recommends the City develop an educational "responsible pet ownership" campaign, which may include additional incentives for owners that spay or neuter their animals. By this method, a broader community impact is expected to be achieved.

Prohibit Retail Sale of Dogs and Cats in Irvine

The stated intentions of the citizen group that presented the request to prohibit retail sale of dogs and cats in Irvine was twofold:

1. To eliminate any Irvine outlet for retail sale of dogs or cats purchased by the retailer from a commercial mass breeding facility; and
2. To reduce the possibility of on the spot, impulse purchases of dogs and cats.

Many sources, including the Best Friends Animal Society, the Humane Society of the United States (HSUS) and Animal Law Network indicate that all commercial businesses that sell dogs and cats purchase their stock from commercial mass breeding facilities,

referred to as “puppy mills” and “kitten factories” by some. The concern that has been expressed is that some of the breeding facilities do not treat the animals humanely, notwithstanding the regulation of these facilities by the U.S. Department of Agriculture. Breeding facilities are located around the country and the City does not have the means, expertise or authority to inspect them.

There is currently only one commercial establishment in Irvine that sells dogs and cats. This pet store leases space from the Irvine Company. In an action complementary to the regulation being sought, the Irvine Company has established a new policy to no longer allow dogs or cats to be sold at any Irvine Company neighborhood, community or regional retail center. The Irvine Company has indicated it will honor the current business owner’s lease until termination in October, 2012 (unless the City Council elects to implement an ordinance to take effect sooner), but will not lease space to any new businesses that sell dogs or cats, nor will it allow the current business to renew its lease if it wishes to continue to sell dogs and cats.

Pet supply and other similar businesses have begun to work with animal rescue groups to facilitate pet adoptions by hosting adoption events at their stores. To encourage adoption partnerships with commercial establishments while protecting pets and consumers, staff recommends that the City Council approve an ordinance to prohibit retail sale of dogs and cats, while specifically allowing adoption of animals from shelters and 501c(3) animal rescues at commercial establishments, and allowing the existing retail establishment currently selling puppies and kittens to continue to do so until expiration of the lease term on October 31, 2012. Staff also recommends that the ordinance ensure that persons interested in adopting these animals would have at least the same protections and assurances as those provided by commercial establishments under the City’s Municipal Code.

Prohibit Circuses from Displaying or Exhibiting Wild and Exotic Animals

In the materials provided to the City by the citizen group, the intention for prohibiting circuses with wild and exotic animal performances was to promote protection and prevent exploitation of these animals by prohibiting them from being used for public entertainment or amusement. Circuses that recently held performances in Irvine have not included wild or exotic animals.

Should the City Council adopt the proposed ordinance, no circuses will be permitted to display, exhibit or use any wild or exotic animal in its performances. As this regulatory language only pertains to circuses, activities such as camel rides at festivals and wild animal or reptile shows including snakes, exotic birds and the like are not subject to the proposed ordinance and are currently permitted and regulated by the City’s Animal Services Division. Other animal exhibits, including pony rides and farm animal petting zoos, are also currently permitted and regulated, and not impacted by the proposed ordinance since these animals are defined as domestic by the Code.

The existing Irvine Municipal Code defines a circus as “a commercial variety show featuring animal acts for public entertainment.” The Code also defines wild and exotic animals as “animals normally found in the wild state which are being kept for exhibition purposes or as private pets.” These definitions are not changed in the proposed ordinance.

Legislation that bans wild and exotic animal performances in circuses and/or traveling animal exhibitions is found in nearby cities such as Pasadena, Encinitas, and Rohnert Park and globally in China, Brazil and the United Kingdom.

Staff recommends the City Council approve an ordinance that prohibits circuses from displaying or exhibiting wild or exotic animals for public entertainment, amusement or benefit.

Prohibit Rodeos

Similar to the case made by the citizens group to protect wild and exotic animals from being used or exploited in circuses, the intent of prohibiting rodeos in Irvine is to prevent abuse and injurious treatment of animals. There are very few places in Irvine where a rodeo could be held. Irvine has no rodeo grounds at this time, nor are there any areas where a rodeo could be staged without significant investment on the part of a company sponsoring such an event. At present, one of the region’s top rodeo facilities is located in San Juan Capistrano.

Legislation banning rodeos is found in several cities including Fort Wayne, Indiana; St. Petersburg, Florida; Vancouver, British Columbia; and Auckland, Australia. Several cities, the state of Rhode Island, and a number of countries have enacted legislation restricting some rodeo practices (steer wrestling) or banning certain types of rodeo tack i.e., flank straps and bull whips. Rodeos are opposed by the HSUS, People for the Ethical Treatment of Animals and American Society for the Prevention of Cruelty to Animals.

Staff research determined that some rodeo events have been shown to cause direct injury to animals and practices used to excite or control animals have been cited as abusive by proponents of this type of legislation.

Staff recommends the City Council approve an ordinance to prohibit all rodeos within the City of Irvine.

FINANCIAL IMPACT

There may be costs associated with the implementation of an educational spay/neuter program that will be addressed as needed, either within the internal management of existing resources and/or as future operating budgets are prepared. There will be minimal financial impact to the City to implement the remaining recommendations.

REPORT PREPARED BY Jana Ransom, Community Services Manager

ATTACHMENTS

1. Ordinances
2. Alternatives Table

CITY COUNCIL ORDINANCE NO. 11-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, ADDING SECTIONS 4-5-506, 4-5-1111 AND 4-5-1112 TO THE IRVINE MUNICIPAL CODE AND AMENDING SECTIONS 4-5-101, 4-5-501 AND 4-5-515 OF THE IRVINE MUNICIPAL CODE RELATING TO THE PROHIBITION OF RETAIL SALE OF DOGS AND CATS IN COMMERCIAL ESTABLISHMENTS, AND THE PROHIBITION OF CIRCUSES DISPLAYING OR EXHIBITING WILD OR EXOTIC ANIMAL ACTS AND RODEOS

The City Council of the City of Irvine DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Short title. This Ordinance shall be known as the Animal Welfare Ordinance.

SECTION 2. Purpose. This Ordinance is intended to ratify and memorialize the City's commitment to the humane treatment of animals within the City.

SECTION 3. Findings and declarations. The City Council finds and declares:

A. The City of Irvine is recognized as a humane and animal friendly city. It is known for its nationally recognized animal care facility and standards of practice relating to animals including publicly and privately supported programs that provide extended care to hard-to-adopt animals, animals with medical challenges, and a "third chance" for highly adoptable animals rescued from other shelters in which the likelihood of euthanasia was imminent.

B. Although the State of California is a leader in regulating animal welfare, the City of Irvine sets for itself a higher standard to prevent the possibility of abuse, neglect and cruelty towards animals.

C. The residents of Irvine, as responsible pet owners who, when made aware of the benefits of spaying and neutering dogs will undertake this method of population control for their own dogs to help decrease the possibility of accidental breeding, overcrowding at animal shelters and, to a certain extent, euthanasia rates in Irvine and Orange County.

D. It is important to protect the public against hazards that wild and exotic animals used in entertainment pose to society, and to protect wild and exotic animals from inhumane treatment.

E. While not all retail stores that sell dogs and cats, circuses that have wild and exotic animals, and rodeos engage in practices that could be considered inhumane, the current state of these industries in the City is inconsistent with the City's goal to be a community that cares about animal welfare.

F. A prohibition on the retail sale of dogs and cats, circuses that display or exhibit wild or exotic animals, and rodeos will foster a more humane environment in the City.

SECTION 4. Section 4-5-506, to be entitled “Prohibition on retail sale of dogs and cats,” is hereby added to the Irvine Municipal Code to read in its entirety as follows:

Sec. 4-5-506. Prohibition on retail sale of dogs and cats.

- A. No commercial establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City on or after the effective date of the ordinance codified in this section.
- B. A pet shop that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred or disposed of dogs or cats in the City of Irvine as of the effective date of this section, and whose operations complied with all applicable provisions of the Irvine Municipal Code, may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer or dispose of dogs and cats until the one-year anniversary of the effective date of the ordinance codified in this section
- C. This section shall not apply to:
 - 1. A commercial animal rescue shop that offers dogs or cats for an adoption fee;
 - 2. A publicly operated animal control facility or animal shelter;
 - 3. A private, charitable, nonprofit humane society or animal rescue organization; or
 - 4. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet shop.
- D. Nothing in this section shall prevent a pet shop or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet stop for the purpose of adopting those animals to the public.

SECTION 5. Section 4-5-1111, to be entitled “Prohibition on rodeos and similar events,” is hereby added to the Irvine Municipal Code to read in its entirety as follows:

Sec. 4-5-1111. Prohibition on rodeos and similar events.

No person shall sponsor, conduct, operate, or participate in a rodeo or similar event on public or private property within the City of Irvine.

SECTION 6. Section 4-5-1112, to be entitled “Prohibition on circuses displaying or exhibiting wild or exotic animal acts,” is hereby added to the Irvine Municipal Code to read in its entirety as follows:

Sec. 4-5-1112. Prohibition on circuses displaying or exhibiting wild or exotic animal acts.

No person shall sponsor, conduct, operate, or participate in a circus that offers for display or exhibit any wild or exotic animal acts for public entertainment, amusement or benefit on public or private property within the City.

SECTION 7. Section 4-5-101 (“Definitions”) of the Irvine Municipal Code is hereby amended to add a definition of “adoption fee” to read in its entirety as follows:

Adoption fee: Any compensation or monetary exchange for the purpose of taking ownership or custody of an animal.

SECTION 8. Section 4-5-101 (“Definitions”) of the Irvine Municipal Code is hereby amended to add a definition of “commercial animal rescue shop” to read in its entirety as follows:

Commercial animal rescue shop: A commercial establishment that offers dogs and/or cats for a non-profit adoption fee, and such dogs and/or cats are made available to the establishment by non-profit humane societies, animal shelters, bona fide animal rescue organizations, or the City of Irvine Animal Care Center.

SECTION 9. The definition of “commercial establishment” in Section 4-5-101 (“Definitions”) of the Irvine Municipal Code is hereby amended to read in its entirety as follows:

Commercial establishment: Any commercial breeding or boarding kennel or cattery, commercial aviary, pet shop, grooming parlor, stable, riding academy, pony ride, guard dog and/or sentry dog service, commercial animal rescue shop, zoo, animal menagerie, animal exhibition, ~~rodeo~~, circus featuring animals not otherwise prohibited by Section 4-5-1112, pet show, miscellaneous animal reptile establishment, or animal dealer who operates for profit or not that provides such services in the City.

SECTION 10. The definition of “pet shop” in Section 4-5-101 (“Definitions”) of the Irvine Municipal Code is hereby amended to read in its entirety as follows:

Pet shop: A person or establishment that buys for resale and sells at retail, animals (excluding dogs and cats) bred by others, whether as owner, agent, or on consignment, and that sells or offers to sell to the general public at retail.

SECTION 11. The definition of “rodeo” in Section 4-5-101 (“Definitions”) of the Irvine Municipal Code is hereby amended to read in its entirety as follows:

Rodeo: A public exhibition or competition between persons which includes ~~two or more~~ any of the following events: bareback bronc riding, saddle bronc riding, bull riding, calf roping, steer wrestling, team roping, tie-down roping, or ~~like~~ any similar event.

SECTION 12. Section 4-5-501 ("Permit required") of the Irvine Municipal Code is hereby amended to read in its entirety as follows:

Sec. 4-5-501. Permit required.

No person shall conduct or operate within the City any commercial breeding or boarding kennel or cattery, commercial aviary, domestic animal care facility, pet shop, grooming parlor, commercial stable, riding academy, pony ride, guard dog and/or sentry dog service, commercial animal rescue shop, zoo, animal menagerie, animal exhibition, ~~rodeo~~, circus featuring animals not otherwise prohibited by Section 4-5-1112, pet show, miscellaneous animal reptile establishment, or operate as an animal dealer, without first obtaining an animal establishment permit from the Director of Public Safety or his or her designee in accordance with the provisions of this Chapter. For the purpose of this section, guard dog and/or sentry dog services located outside the City but providing service within the City on a regular basis shall be included. In addition to the permit required by this Chapter, each commercial establishment shall:

1. Obtain and maintain a valid City business license in accordance with Division 6 of this title;
2. Obtain, where applicable, a Conditional Use Permit as required by Zoning Ordinance Section 3-3-1; and
3. Comply with any applicable federal, state, or local law, regulation, or ordinance.

SECTION 13. Section 4-5-515 ("Humane animal care") of the Irvine Municipal Code is hereby amended to read in its entirety as follows:

Sec. 4-5-515. Humane animal care.

Every person who owns, conducts, manages or operates any commercial animal establishment or commercial animal rescue shop for which a permit is required pursuant to this Chapter shall comply with each of the following conditions:

- A. No dog or cat under the age of eight weeks shall be bought, shipped into the City for the purpose of ~~resale~~ adoption, and no such dog or cat shall be offered for ~~sale~~ adoption by any ~~pet shop or dealer~~ or commercial animal rescue shop.
- B. Every ~~puppy~~ dog or ~~kitten~~ cat offered for ~~sale~~ an adoption fee must be examined by a State-licensed veterinarian and be certified free of congenital defects, distemper, worms, skin disease, skin and ear mites, and other diseases or conditions which would be injurious to the animal or a potential owner.
- C. Every ~~puppy~~ dog or ~~kitten~~ cat offered for ~~sale~~ an adoption fee shall have been vaccinated against distemper and parvo ~~by a State-licensed veterinarian~~. A ~~certificate providing the name of the veterinarian and the date and treatment~~

vaccination record providing the date of vaccination, lot number, and manufacturer must be provided to the purchaser person adopting the puppy or kitten at the time of sale adoption.

- D. No animal shall be transported by a commercial kennel, pet shop, commercial animal rescue shop, or dealer, whether by private or public means, unless housed in a container designed for that purpose including provisions for adequate ventilation and food and water.
- E. No animals shall be without attention more than 18 consecutive hours.
- F. Every reasonable precaution shall be used to insure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means. Any tack, equipment, device, substance, or material that is or could be injurious or cause unnecessary cruelty to any animal is prohibited. Animals which are natural enemies or are temperamentally or otherwise are incompatible shall not be housed or quartered together or so near each other as to cause injury or torment.
- G. Every animal establishment shall isolate sick animals sufficiently so as not to endanger the health of other animals.
- H. Every building or enclosure wherein animals are maintained, shall be constructed of material easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of animals and sanitation.
- I. Any animal shall be taken to a veterinarian for treatment if the animal services officer or any person authorized to enforce this Chapter finds such treatment is necessary in order to maintain the health of the animal and orders the owner or custodian to do so. When the owner or custodian is unable or unwilling to transport an animal for such treatment, the animal may be impounded pursuant to this Chapter for the purpose of having it examined and/or treated by a licensed veterinarian in order to maintain the health of the animal. The cost of impoundment and the veterinarian expenses shall be the responsibility of the owner or custodian.
- J. All animal rooms, cages, kennels, shopping containers, and runs shall be of a sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. As a minimum, sufficient space must be provided for every animal within an enclosure to separately and together, stand up, lie down, and turn around in a natural position free of obstruction.
- K. No animals bearing evidence of malnutrition, ill health, unhealed injury or having been kept in an unsanitary condition shall be displayed to the public.

- L. Clean potable water shall be available to all animals in conformance with the principles of good animal husbandry, unless restricted by a veterinarian. Proof of such veterinarian restrictions shall be presented to the animal services officer upon request. Water receptacles, containers or dispensers shall be kept in a clean and sanitary state at all times.
- M. Food receptacles shall be accessible to all animals unless restricted by a veterinarian and shall be located so as to minimize contamination by excreta. Proof of any veterinarian restrictions shall be presented to the animal services officer upon request. Food contaminated by urine shall be discarded and replaced with fresh uncontaminated food. Disposable receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food, and they shall be kept clean and free of mold, deterioration and the caking of food.
- N. Any other applicable federal, state, or local law, regulation or ordinance.

SECTION 14. If any portion of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 15. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the _____ day of _____, 2011.

MAYOR OF THE CITY OF IRVINE

ATTEST:

CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF IRVINE)

I, Sharie Apodaca, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on _____, 2011, and duly adopted at a regular meeting of the City Council of the City of Irvine held on the _____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY CLERK OF THE CITY OF IRVINE

PROPOSED ANIMAL WELFARE ORDINANCES

Each proposal is highlighted and any pertinent existing Irvine laws or policies are listed. Following this information is a table that lists the proposal, its impact and any known costs in the first column, followed by the intent of what the recommended action is supposed to do, as detailed in the citizen request to Council, in the second column. In the third and fourth columns are alternatives that have been recommended or that are in place in other jurisdictions and what the impact would be for the Irvine population if the alternative were approved instead of the recommended proposed action/ordinance.

RECOMMENDATION 1:

Voluntary spaying and neutering of dogs and cats; increased educational program describing benefits of this surgery including health and behavioral disposition of animals, financial incentives.

Current Laws/Policies:

- a. Current State Law allows cities to charge a higher license fee for an unaltered dog (Irvine license fee for a spayed/neutered dog is \$20 – an unaltered dog is \$50)
- b. Spaying and neutering is not mandatory in Irvine, Orange County or State of California

Proposal	Intent	Alternatives to proposed action	Impact if alternative selected
Voluntary spay/neuter with greater emphasis on education and licensing enforcement Will not require an ordinance change Impact: No change Cost: Staff will develop a menu of options for City Council consideration, some of which may require increased funding	To reduce incidence of loose, unaltered dogs in city and decrease likelihood of a loose unaltered dog attacking other dogs, animals and people while out of control of guardian; to reduce overpopulation of dogs and number of dogs being impounded and/or brought to Irvine Animal Care Center	1. Mandatory spay/neuter for all dogs upon 1st impound	1. 25-30 licensed dogs or dogs able to be returned to owners each year are not already altered when impounded for the first time
		2. Mandatory spay/neuter for all dogs upon 2 nd /3 rd impound	2. Fewer than 10 dogs per year are not already altered when impounded for a second time; 4-5 per year for a third time
		3. Mandatory for all dogs and, in some cases, all cats at 4-6 months (exceptions allowed with breeding permit; for health/age of animal; police dogs; show dogs)	3. It is estimated there are 10,000 dogs in Irvine households. Staff estimate more than 70% are already altered. A small number would meet criteria for an exception

RECOMMENDATION 2:

Ban the retail sale of dogs and cats in Irvine

Current laws/policies:

- a. Current State Law, called the California State Protection Act, protects dogs (and other animals) once the merchants bring the dogs to their stores for sale. The law requires that each dog be examined and certified in good health by a certified veterinarian; same law protects customers that purchase a dog from a store bestowing certain rights related to health of the dog and recourse from the merchant.
- b. Large national chain pet stores no longer sell dogs/cats due to the California State Protection Act requirements (although they still sell animals at their stores in other states where the protections for animals and customers are not in place).
- c. Federal law (Animal Welfare Act or AWA) governs breeding facilities that are inspected by US Department of Agriculture (USDA). Many high volume breeders are also inspected by the American Kennel Club. Some states additionally regulate breeding facilities by governing the number of adult dogs allowed, the number of litters per year per dog and the disposition of dogs when they are no longer being bred.
- d. There is only one retail establishment in Irvine that currently offers dogs and cats for sale. All commercial establishments that have dogs and cats for sale acquire the animals from commercial breeders. Private breeders do not make their animals available for sale through retail outlets.
- e. Rescue organizations and shelters have formed relationships with pet stores to house and show pets available for adoption. The partnerships vary, some retailers simply provide space, others allow boarding and "split" the proceeds for animals that are adopted, others charge a fee for the space/boarding.
- f. The Irvine Company has notified the City that they will no longer allow the sale of dogs or cats on any of their properties effective immediately. The Company will honor its lease to the current establishment in Irvine through the end of October, 2012 at which point that establishment will also no longer be allowed to sell dogs or cats. Sale of other animals such as birds, fish, and reptiles will be allowed.

Proposal	Intent	Alternatives to proposed action	Impact if alternative selected
<p>Ban retail sale of dogs and cats in Irvine</p> <p>Impact: Currently there is one retail establishment where dogs and cats are available for purchase in Irvine; Irvine Company, on whose property the store is located, has notified the City that effective immediately they will no longer allow the sale of dogs or cats on any of their properties, although they will allow the existing store to sell dogs and cats through the end of their lease term (10/2012)</p> <p>Cost: There would be little financial impact to City; may increase internet purchases of dogs/cats which could create other problems or impacts at City shelter and for local veterinarians; could result in an increase of adoptions from Irvine Animal Care Center thereby reducing housing costs incurred by City</p>	<p>(A) To eliminate the sale of dogs and cats purchased for resale by the retailer from commercial "mass breeding facilities."</p>	1. (A) No action - monitor State and Federal legislation	1. No change
		2. (A) Allow the retail sale of dogs/cats (or all companion animals) that come from "responsible and humane breeders"	2. Unknown – creating definitions for this option, and determining how to enforce it, may prove difficult.
		3. (A) Ban retail sale but allow adoption of dogs, cats and other animals from shelters and animal rescues at commercial establishments (currently allowed with a permit)	3. Business models exist for this type of relationship but profit from adoption would be less than profit from a sale
		4. (A) Ban retail sale of all "companion" animals (adding rabbits and other commonly domesticated animals to the proscribed sales).	4. Would eliminate profit gained by retail sellers of animals.
	<p>(B) A secondary intent is to reduce the likelihood of "impulse buys" that result in "buyer remorse." Buyer remorse and impulse buys have been cited as reasons people bring their dogs to the Animal Care Center.</p>	5. (B) Require a period of time to elapse prior to purchaser taking possession of pet ("cooling off" period).	5. May reduce returns to store; may reduce purchase of pets
		6. (B) Require retailers to provide a statement of anticipated costs associated with caring for pet over its estimated lifespan.	6. May reduce initial purchase of pets

CITIZEN RECOMMENDATION Item 3:

Ban the performance of wild and exotic animal acts in circuses and ban rodeos in Irvine.¹

Municipal Code definitions:

Circus: A commercial variety show featuring animal acts for public entertainment.

Rodeo: A public exhibition or competition between persons which includes two or more of the following events: bareback bronc riding, saddle bronc riding, bull riding, calf roping, steer wrestling, team roping, tie-down roping, or like event.

Wild/exotic animals: Animals normally found in the wild state which are being kept for exhibition purposes or as private pets.

Current Municipal Code requires a permit from the Public Safety Department, and in some cases a Conditional Use permit, in order to display wild animals:

- a. The keeping of animals, or the conduct of operation of the business for which the animal establishment permit is requested and at the place set forth in the application, will not violate any applicable federal, state, or local law, regulation or ordinance ; and
- b. The keeping of the animals, or the conduct or operation of the business for which the animal establishment permit is requested, will not endanger the health, peace or safety of the community; and
- c. The premises and establishment where animals are to be kept are in a clean and sanitary condition, and that animals will not be subject to suffering, cruelty or abuse.
- d. Wild/exotic/poisonous animal permit is required (from Public Safety) and will be issued if the following conditions are met:
 - a. That the wild/exotic, non-domesticated animal, or poisonous reptile at the proposed location will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
 - b. That the proposed site is adequate in size and shape to accommodate the number and type of animals for which the permit is requested/approved and will not result in harm to the animals or reptiles or material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.

¹ The proposed regulation is not intended to affect petting zoos, pony rides, shelter/rescue displays, dog agility trials and so on that are currently regulated under Irvine Municipal Code and enforced by Public Safety.

Proposal	Intent	Alternatives to proposed action	Impact if alternative selected
<p>Ban the performance of wild and exotic animal acts in circuses and rodeos in Irvine</p> <p>(Rodeos also considered separately, below)</p> <p>Impact: Circuses with animals and rodeos would not be allowed to perform in Irvine</p> <p>Cost: There are no costs associated with implementation of this proposal, although there may be future revenue loss due to reduced number of permits and business licenses requested and City percentage of ticket sales for circuses or rodeos held on City property.</p>	<p>To preclude the possibility of abuse of animals allegedly associated with these industries.</p> <p>Continues to allow animals in the city by permit (issued by Irvine Police Dept), such as petting zoos, rescue group displays, dog agility trials, pony rides</p>	1. No action - monitor State and Federal legislation.	1. No change
		2. Require veterinarian to be in attendance during the entirety of circus or rodeo.	2. Financial burden to operator's vets, usually on-call 24-7, versus being on site all hours of circus/rodeo set-up to tear-down
		3. Allow circuses and rodeos but ban the display of animals in any act that engages the animal in unnatural behavior, any act in which the animal is wrestled, fought, mentally or physically harassed, or displayed in a manner that abuses the animal or causes the animal mental or physical stress.	3. Circuses and rodeos may choose not to come to Irvine
		4. Allow circuses and rodeos but ban the use of painful techniques and devices where animals are induced or encouraged to perform through the use of any chemical, mechanical or electrical manual device that will cause injury, torment or suffering.	4. Circuses and rodeos may choose not to come to Irvine
		5. Prohibit traveling animal shows	5. Circuses and rodeos that travel will not be allowed to perform in Irvine

Proposal (cont.)	Intent (cont.)	Alternatives (cont.)	Impact (cont.)
<p>Ban rodeos in Irvine</p> <p>There have been no rodeos held in Irvine. A large rodeo competition complex is located in Mission Viejo</p>		<p>1. Adopt Professional Rodeo Cowboys' Association rules for rodeos.</p>	<p>1. No change</p>
		<p>2. Allow rodeos but ban the use of "flank" or "buck" straps; ban "steer tailing" events.</p>	<p>2. Will likely mean rodeos will not come to Irvine</p>