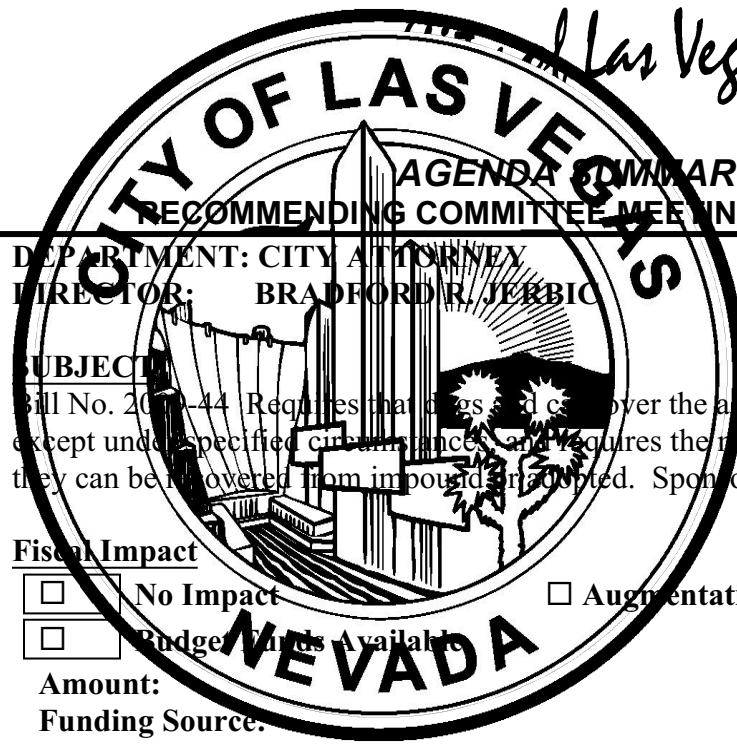




Las Vegas

Agenda Item No.: 3.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 3, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2009-44 Requires that dogs and cats over the age of four months be spayed or neutered, except under specified circumstances, and requires the microchipping of dogs and cats before they can be recovered from impound or adopted. Sponsored by: Councilman Steven D. Ross

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill would require that dogs and cats over the age of four months be spayed or neutered, except under specified circumstances. Among the exceptions: animals being held by a shelter or other organization for adoption; animals held by persons with a fanciers permit; animals that are incapable of breeding or are medically unsuited for the procedure; and service and law enforcement animals. The bill would also impose reporting requirements on pet shops. Finally, the bill would require the microchipping of dogs and cats before they can be recovered from impound or adopted.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2009-44
2. Business Impact Statement
3. Submitted at Meeting - E-mail by Jana Wright and Documentation by Various Attendees

Motion made by STAVROS S. ANTHONY to Forward 2009-44 to the Full Council without a recommendation

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STAVROS S. ANTHONY, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

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KAREN COYNE, Chief of Detention and Enforcement and Animal Regulation Officer, went over the subject of the Bill and some of the exceptions. The Bill requires mandatory microchipping in order to be able to return animals to respectful owners.

CHIEF COYNE explained that according to the Humane Society of the United States, more than seven million animals are impounded every year, four million of which are euthanized. In the Las Vegas Valley, 50,000 animals are impounded and nearly 25,000 are euthanized, which accounts for nearly the amount of animals that the City of Las Vegas impounds. Requiring spaying and neutering of cats and dogs is a great way to start to make a positive impact. Although the effects of such ordinance may not produce the desired market effects, the increase in pet population will remain flat. The goal is to promote responsible pet ownership, ensure that pets are licensed, vaccinated, spayed, neutered and microchipped. The shelter struggles with holding animals, which is not conducive to their health.

JANA WRIGHT, Ward 5 resident appearing in support of the proposed ordinance and as Administrative Specialist for COMMISSIONER CHRIS GUNCHIGLIANI, stated that as a citizen she believes the intent is to have aggressive enforcement for non-compliant dog/cat owners, as many of them will not pay/neuter their pets on their own charge. MS. WRIGHT asked that the Committee consider language revisions, a copy of which was read and submitted for the minutes. She noted that some of the revisions are being suggested to provide uniformity among the local jurisdictions.

As a member of COMMISSIONER GUNCHIGLIANI'S staff, MS. WRIGHT asked that the Committee consider adding language under Section 7.14.010 from Assembly Bill 15 prohibiting the sale of animals less than eight weeks of age. Under Section 7.14.050, she suggested language requiring disclosure of where an animal is obtained for sale. Under Section 7.20.010 (E), to require regular updates to the Chamber database to make the information available electronically.

KEITH WHITLOCK expressed his opposition and noted that he and various associations and hundreds of animal groups throughout the United States are against mandatory spay/neuter laws because the studies he has seen are inconclusive. Only PETA and other groups support mandatory spaying/neutering because they want to get rid of animals. The mandatory law will only cause an increase in shelter intakes, euthanasia rates, stray animals, rabies and diseases, a reduction in standard veterinarian visits and will have no affect on backyard breeders. The proposed ordinance does not address the cost of animal control for feral cats. Approximately 80 percent of shelter intake is from the lowest 5 percent income households and this bill is discriminatory against the poor and ethnic groups. He indicated that statistics cited indicate that every dollar spent on low-cost spaying/neutering will save taxpayers about \$20; however, he regarded those statistics as being flawed and inconclusive.

MR. WHITLOCK outlined the different costs incurred by veterinarians and submitted statistical data, noting that mandatory spaying and neutering studies are inconclusive.

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DAVE HENDERSON, a small veterinarian shop owner, supported the proposed ordinance and disagreed with the statistics cited by the previous speaker. He stated that he was instrumental in helping the Animal Foundation establish its low-cost spay/neuter clinic in the 1990's. He noted that, unfortunately, there is a small portion of the pet-owner population that will not spay/neuter its pets even if the service is offered at no cost, and this portion of the population is adamantly convinced that it is not causing the problem. Mandatory pet spaying/neutering is necessary to control the pet population. There are plenty of low-cost and free spay/neuter services available.

MIKE CONNELL, past president of the Silver State Kennel Club, stated that he previously submitted a packet of information regarding long-term studies, and he stated that to spay/neuter a four-month old pet is equal to the mutilation of a young body. A good house pet cannot be spayed/neutered so young. Both females and males need hormones and testosterone to avoid long-term medical problems. He is not against spaying/neutering because it is necessary and as long as it is done no sooner than the age of six months. He suggested utilizing the City of Las Vegas' Channel 2 to educate and inform the public about responsible pet ownership. He pointed out that microchipping only works well if the information is turned over to a national registry.

MR. CONNELL expressed concern about the 72-hour rule if a family goes on a long vacation and a pet gets out and when the family returns finds that an animal has been spayed/neutered or euthanized. Regarding the study on euthanasia, MR. CONNELL stated that Los Angeles' spaying/neutering is up 104 percent and costs are already very high for this year. He opined that this bill will not work, as a federal court ruled in Kentucky that animals are personal property that cannot be seized without a warrant.

MR. CONNELL informed COUNCILMAN BARLOW that spaying/neutering pets before the age of six months is not recommended, as doing so may shorten the pet's lifespan and could cause many long-term medical problems. CHIEF COYNE emphasized that the bill includes exceptions to the four-month spay/neuter requirement, and she listed those.

MR. CONNELL stated that good dogs are not spayed/neutered before six months in order to breed them and to continue the good bloodline. Even in Iraq and Afghanistan, the military will not spay/neuter dogs to keep the vital organs necessary for them to function at top condition. He reiterated the importance of educating the public.

KEN SONDEJ, Legislative Liaison for the American Kennel Club (AKC), stated that he is not against spaying/neutering, as long as clients are protected and consideration is given to the reality that some dogs do not mature until two years of age, and this has to be determined by a licensed veterinarian. He offered to work with the City to help educate the public.

MR. SONDEJ suggested the following changes to the following pages of this proposed bill: Page 1, Lines 14-17 - private pet owners should have a veterinarian/client option to spay/neuter his or her pet starting at the age of six months. Page 2, Lines 15-17 - records be kept by animal shelters, including the place the animals came from. Page 4, Lines 20-22 - the owner of a dog that is picked up by animal control officers on a first offense should be given the option to have the animal spayed/neutered or to obtain a pet fancier's permit, on the second offense the pet owner

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should be given six to nine months, but after the second offense the animal should be spayed/neutered and returned to the owner. Page 5, Line 24, a one-year period should be given instead of five years if two offenses are going to be allowed.

CHIEF COYNE pointed out that language in the bill in brackets is to be deleted and language that is underlined is to be added.

MR. SONDEJ indicated for COUNCILMAN BARLOW that he is for microchipping, which can be traced to the manufacturer and even prior owners if the right wording is included, making it easier to return an animal to its rightful owner.

CHIEF COYNE clarified that the bill requires approval by the Animal Regulation Officer of the manufacturer of the microchip.

KAREN LANE, President of the Las Vegas Valley Humane Society, 3395 South Jones Boulevard, stated that many people are committed to trying to reduce the number of animals going into shelters, and the Las Vegas Humane Society stands behind measures that deal with this issue because it is important. As animal lovers and taxpayers, Humane Society members believe there is a better way to do this, and they have been working hard to provide low-cost spay/neuter services. Since the early 1990s, it has spayed/neutered all its animals prior to adoption, kittens at eight weeks and puppies at three months, and has had no issues with microchipping them. The Humane Society has tried to be as responsible as possible and is very supportive of these types of regulations.

MS. LANE pointed out that even though spaying/neutering is regulated, a pet owner has the option of not spaying/neutering their animal with a letter from his or her veterinarian. It is not the intent to burden breeders and people that show animals, as long as they follow the rules. She strongly believes the measures in this bill could reduce the death rate of animals.

Statistics show that animals are being left behind by their owners due to the suffering economy; therefore, this would be an opportune time to adopt laws that will help control the increasing pet population. So many veterinarians offer low-cost spay/neuter services, and the Las Vegas Humane Society will also help those people that cannot afford the services.

MS. LANE strongly believes that legislative action is necessary to help control the pet population. If spaying/neutering is not regulated, people will continue to not be responsible pet owners and just try to make money off their animals.

Regarding the time period, MS. LANE suggested people who do not want their pets spayed/neutered at four months obtain a letter from their veterinarian. But she strongly supported the four-month rule in order to be uniform throughout the Valley, as North Las Vegas regulates spaying/neutering and Clark County is considering approving such regulation this year.

CHRISTINE ROBINSON, Executive Director of the Animal Foundation, appeared in support. She remarked that the Foundation takes in about 50,000 animals a year and adopts out about

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15,000 each year. The reality is that the pet population has to be controlled. She agreed that it is rare that one solution solves the problem and that education is critical.

GINA GRAYSON, Nevada Voters for Animals, 4004 Richwood, appeared in support because the pet population is a real, tragic issue. She pointed out that the number of pets killed every year in the Las Vegas Valley could fill the entire Sam Boyd stadium. This bill may not be the ideal resolution, but it is a start. Animal Control Officers cannot handle backyard breeders without legislation. She agreed that the Mayor and the Councilmembers should make public service announcements encouraging spaying/neutering. She noted that it is easier to implant a microchip at the time of recovery of an animal, and then have it registered.

JASON SMITH, Animal Foundation, 655 North Mojave Road, stated that the Foundation sends in paper cards for every microchip implanted, and it is using technology to identify and rectify mistakes in order to electronically transfer the information upon entry into the system.

COUNCILMAN BARLOW verified with MR. SMITH that if an animal receives a microchip, the information does not transfer into the system. The manufacturing company would be contacted, and they would have the name of the organization that chip was sold to and any information provided on the owner.

MS. GRAYSON asked if that cost is covered through underground fees, as it is in many countries. MR. SMITH replied that the cost of the microchip is built into the adoption fee and every pet is spayed and neutered. The difference between registering and not registering are the extra services. There is no charge to provide the personal information of the person who adopted the animal.

MR. CONNELL pointed out that the United States uses different megahertz than European countries. If a pet is implanted with a foreign microchip, it will not show up on U.S. scanners. Currently, it costs \$25 for an individual to record a microchip.

JUDY ERICKSON, ARLENE POWERS and JOAN BERNETT supported the ordinance. MS. ERICKSON and MS. POWERS noted that it is necessary in order to control the pet population because people will not spay/neuter their pets even if it offered gratis. It may not be a perfect solution, but it will reduce the number of animals being killed senselessly. They also supported providing public education on this issue.

HAROLD VASCO, Heaven Can Wait, 546 North Eastern Avenue, stated that the problem stems from people in low-income areas that can barely afford their next meal. Ground Zero program gets abandoned pets spayed/neutered immediately. Since the start of the Heaven Can Wait program, about 60,000 animals have been spayed/neutered. He also suggested holding pet fairs in order to educate the public.

MR. WHITLOCK stated that many people are afraid to speak against this ordinance for fear of retaliation. The model proposed has failed in other places.

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SUSIE OSBORNE and GINGER AUSTIN opposed the four-month rule. MS. OSBORNE stated she has been a breeder of standard poodles for 40 years. Puppies must be at least six months, depending on the breed, for the health of the animal.

CHRISTY SANTORO expressed her support and preference to have pets spayed and neutered at four months because the kittens that she fosters have had kittens at six months old.

LIZ ARMITAGE, member of the Cat Fancier Association (CFA), stated that it is very rare that a six-month female kitten would produce kittens, as they are not considered adult until eight months old by the CFA. She is against mandatory spaying/neutering at four months because it is mutilation.

JOHN SHOEMAKER and KATHY HAMILTON opposed mandatory spaying/neutering. MR. SHOEMAKER believes it should be a decision made between a pet owner and his/her veterinarian. MS. HAMILTON added that professionals who raise pedigree cats are required to spay/neuter before they sell the pets. The CFA gives money to shelters and humane societies for these services.

RICHARD LEAVITT, member of the Nova Scotia Duck Tolling Retriever Club, said he does not support mandatory spaying/neutering. All his pets are required to be spayed/neutered no sooner than six months old.

LAURA IVERSON brought her dog, Ariadne, and stated that she chose to spay her pet. When she was looking into it spaying her pet, she did not find assistance from any of the agencies represented at this meeting. When she tried to register two other dogs, they would not take information from her because the pets are from out of state.

NANCY SMITH expressed her support and stated she volunteers for the Humane Society, where pets are spayed at three months of age without any problems.

COUNCILMAN ANTHONY stated that there is no perfect solution to this problem. He is concerned about the controversy of the four-month regulation. He was unsure whether to leave the rule in the bill or let a veterinarian decide whether to spay or neuter the animal. There is also the issue about due process, because animals, which are considered personal property, would be altered without the owner's permission. He questioned the cost of mandatory spaying/neutering, to which MR. SMITH replied that the cost would be passed on to the pet owner and would not be a City transaction. Currently, there are laws that require spaying/neutering after a second impound within a certain time period and the charge to the public is \$65. CHIEF COYNE stated that would be the cost to have it done through the Animal Foundation, but pet owners would have the option to go through their veterinarians.

CHIEF COYNE referenced, Page 7, Section 9, where it outlines staff's responsibility to bring forward a resolution that would authorize the creation of a fund to offer public assistance, and those funds would be specified by the percentage of revenue generated by means of enforcement. MR. SMITH added that the Animal Foundation has a payment program available and can defer

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the costs. They have not had to deal with mandates on a large scale, and they are mainly concerned about animals running at large.

CHIEF COYNE stated that the mandated 72-hour hold presently costs taxpayers about \$65 for standard stay and that is for an animal without any health issues. For the 50,000 animals that are impounded annually, those numbers add up quickly just for housing costs.

MR. SMITH verified for COUNCILMAN ANTHONY that the Animal Foundation charges \$15 for the microchip.

CHIEF COYNE indicated that about 12 years ago the City, through an ordinance, implemented the ticket home program. If officers encounter an animal running at large and that animal is properly licensed and/or microchipped, the officers make every effort to take that animal home rather than into the shelter. The microchip and licensing will be a big help.

COUNCILMAN ANTHONY read an e-mail from SUSANNA KUKOL opposing the four-month rule because she feels it is too soon and could cause health problems. Animals are personal property and this would create undue expenses and it could cause more animals to be surrendered to shelters. Spaying/neutering should be a personal choice.

COUNCILMAN BARLOW clarified that the four months animal euthanized is a national statistic. Locally, 50,000 are taken to the shelter each year and of the 50,000, about 52 percent are euthanized.

COUNCILMAN BARLOW asked CHIEF COYNE what repercussions exist for citizens if they do not spay/neuter their pets. CHIEF COYNE replied that the violation is considered a misdemeanor and penalties are imposed. The first offense is \$225, second \$500 and the third and subsequent offense is a \$1,000 fine. The penalty could be reduced by 80 percent if certain rules are met.

Due to the number of concerns regarding this bill, COUNCILMAN BARLOW decided to reserve his comments until the bill comes before the City Council.

COUNCILMAN BARLOW declared the Public Hearing closed.