



AGENDA NO: 9.a

MEETING DATE: February 11, 2025

Staff Report

TO: Honorable Mayor and City Council

DATE: January 31, 2025

FROM: Tony Mosqueda, Commander

Prepared by: Amy Watkins, Police Chief

SUBJECT: Introduce An Ordinance Amending Title 7 (Animals) of the Morro Bay Municipal Code

RECOMMENDED ACTION

Introduce by title only with further reading waived, Ordinance No. 669 entitled, "An Ordinance of the City Council of the City of Morro Bay, California, amending Title 7 (Animals) of the Morro Bay Municipal Code to adopt and incorporate by reference San Luis Obispo County Code Title 9 (Animals) and to retain certain city requirements regarding animals, and finding the action not subject to CEQA."

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 7 of the City's Municipal Code that are proposed to be retained in the draft ordinance 7.04.085 – Nuisance abatement hearing – Procedures and findings. 7.04.130 – Permit refusal, suspension. 7.16.020 – Wild bird sanctuary. The city is designated and signs bearing the legend "Morro Bay is a bird sanctuary" shall be placed at appropriate locations. 7.16.025 – Molesting wild birds – Nuisance remedies. 7.16.030 – Poultry, rabbits, and other fowl. 7.16.040 – Livestock. 7.16.045 – Keeping of pygmy livestock, 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 7 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

Prepared By: AW

Dept Review: _____

City Manager Review: _____

City Attorney Review: RWS

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.

FISCAL IMPACT

The Animal Services contract is budgeted out of the Police Department General Fund Budget under Support Services/Contractual Services. The total budget allocated for FY 2024-25 is \$60,000 for animal services.

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.

BACKGROUND

The City of Morro Bay contracts with the County of San Luis Obispo ("County") to provide animal control services to the City. The animal services contract is coordinated and funded as an expense item in the Police Department budget. 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 Morro Bay municipal codes in Title 7 (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

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.

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 the 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 Morro Bay 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 and the City of San Luis Obispo were the first to adopt Title 9 of the County Code by reference. Other cities in the County have begun working on this but are in the early stages

of analysis and the timeframe for their adoption is unknown.

Attachment 2 provides an analysis of each current MBMC Title 7 section, and the relevant County Code Title 9 section that will replace it.

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

- 7.04.010 (Public Pound),
- 7.04.020 (Animal Control Officer Duties),
- 7.04.030 (Citation Authority),
- 7.04.040 (Badges/Uniforms)
- 7.04.050 (Records of Division),
- 7.04.065 (Fees),
- 7.04.070 (Unnecessary Noise – Unsanitary Conditions),
- 7.04.080 (Noise/nuisance Abatement),
- 7.04.090 (Owner’s Responsibility to Dispose of Dead Animals),
- 7.04.100 (Division Disposal of Dead Animals),
- 7.04.110 (Definitions),
- 7.04.120 (Animal Use Operation, Pet Shop – Division Regulations),
- 7.04.125 (Pet Shops – Business License Required),
- 7.04.140 (Interference with Animal Control Officer),
- 7.04.145 (Violation of Order),
- 7.04.160 (Violation and Penalties),
- 7.04.170 (Menacing and Aggressive Animals),
- 7.08.010 (Definitions – Stray),
- 7.08.020 (Leash Law),
- 7.08.025 (Animal Wastes – Duty to Remove),
- 7.08.030 (Enforcement of Regulations),
- 7.08.040 (Seizing and Impounding of Stray Dogs),
- 7.08.050 (Dogs Running at Large),
- 7.08.060 (Private Individuals Finding Lost Pets),
- 7.08.070 (Notice of Impoundment),
- 7.08.080 (Redemption of Impounded Animals),
- 7.08.090 (Redemption Fees),
- 7.08.095 (Holding periods),
- 7.08.100 (Sale, Gift, or Destruction of Unclaimed Dogs),
- 7.08.125 (Reporting of Animal Bites),
- 7.08.130 (Biting Dogs),
- 7.08.140 (Impoundment of Dogs that Bite),
- 7.08.150 (Suspicion of Rabies),
- 7.08.160 (Registration and License),
- 7.08.170 (Vaccination Required),
- 7.08.180 (Exemptions from Rabies Vaccination Requirements),
- 7.08.190 (Rabies Vaccination Certificate),
- 7.08.195 (Rabies Deposit Fee Required),

- 7.08.200-7.08.290 (Record of Registration, Tags, Term, Fees, Lost Tags, Exemptions, Limitations of Dogs and Cats),
- 7.08.310 (Dogs in Public Parks)
- 7.12.014-7.12.050 (Cats at Large, Redemption of Impounded Cats, Feral Cats, Sale/Gift/Destruction of Cats, Impoundment of Biting Cats, Limitation on Cats),
- 7.16.010 (Animals and Poultry at Large).

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:

- 7.04.085 – Complaints arising from noisy animals can now escalate to a complaint with the District Attorney's Office.
- Removal of 7.08.020 – Leash Law. County code addresses loophole in municipal code regarding public property.
- Removal of 7.08.095 – County code establishes different holding time requirements for household pets and livestock. City code makes no distinction.
- Removal of 7.12.010 – 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 Morro Bay. According to Animal Control, this practice has been found to be ineffective at controlling stray cat population and leads to significantly high amount of euthanasia. This is a best practice in the industry and does not result in a measurable increase of stray cats.

In order to keep the current animal regulations that are unique to the City of Morro Bay in place, the following MBMC sections will be retained as they are not prohibited actions identified in the County Code. If deemed necessary, they can be preserved as addendum codes following the adoption of Title 9 by reference:

- 7.04.085 – Nuisance abatement hearing – Procedures and findings. Nuisance hearing would remain within the city and be heard by a hearing officer.
- 7.04.130 – Permit refusal, suspension. The City code directs an appeal of revocation or denial to the City Council.
- 7.16.020 – Wild bird sanctuary. The city is designated and signs bearing the legend "Morro Bay is a bird sanctuary" shall be placed at appropriate locations.
- 7.16.025 – Molesting wild birds – Nuisance remedies.
- 7.16.030 – Poultry, rabbits, and other fowl.
- 7.16.040 – Livestock.
- 7.16.045 – Keeping of pygmy livestock.

Attachment 3 provides a list of regulations in Title 9 of the County Code that are not currently contained in Title 7 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.
- 9.02.008 – Places restrictions on the keeping of animals designated as potentially dangerous or vicious.
- 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.
- 9.03.003 – Allows owners to obtain a variance permit for keeping additional animals over standard limitation.
- 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.
- 9.04.005 – Authorizes Animal Services to vaccinate and provide medical care for impounded animals.
- 9.04.007 - Defines holding periods for livestock.
- 9.05.006 – Requires individual report of animal sales.
- 9.06.002 – Requires commercial animal operation permit.
- 9.06.005 – Emergency notification related to inspections of breeders.
- 9.07.007 – Allows for assistance animal tags to be issued by Animal Services to also serve as a license tag.
- 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.

If approved, the ordinance will take effect 30 days after the second reading, on February 25, 2025. When the County code changes in the future, those amendments will 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 Morro Bay or our contract with Animal Services.

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.

ATTACHMENTS

1. Proposed Ordinance No. 669 amending Title 7 (Animals)
2. Comparison document of SLO County Code Title 9 and MBMC Title 7
3. SLO County Code Title 9 sections that will be new to the City of Morro Bay
4. San Luis Obispo County Code Title 9