



AGENDA NO: 8.a

MEETING DATE: April 8, 2025

# Staff Report

TO: Honorable Mayor and City Council

DATE: March 20, 2025

FROM: Amy Watkins, Police Chief

SUBJECT: **Introduce An Ordinance Repealing and Replacing Title 7 (Animals) of the Morro Bay Municipal Code**

## RECOMMENDED ACTION

1. Receive Presentation on Scope of Services and Cost Allocation Methods provided by San Luis Obispo County Animal Services Manager, Eric Anderson, DVM; and
2. 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, repealing and replacing 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 Ordinance 669 incorporating Title 9 of the County Code by reference 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 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 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

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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. To support today’s discussion, the County Animal Control Services Manager will provide service overview presentation. The County has recently updated their animal control ordinance, Title 9 of the County Code (Attachment 3), 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 duplicated 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. The current municipal code sections that will be retained are renumbered in the proposed Ordinance 669 (Attachment 1).

## **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),
- 7.04.015 (Adoption)
- 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),
- 7.04.085 (Nuisance Abatement Hearing)
- 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),
- 7.04.150 (Impoundment of sick/disabled animals – Post and pre-seizure hearings)
- 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),
- 7.08.105 (Veterinarian determination of sick animals)
- 7.08.125 (Reporting of Animal Bites),
- 7.08.130 (Biting Dogs),
- 7.08.140 (Impoundment of Dogs that Bite),
- 7.08.145 (Violation of quarantine),
- 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. -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:

- 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:

- 7.04.130 – Permit refusal, suspension. The City code directs an appeal of revocation or denial to the City Council.
- 7.16.020 (new 7.08.010) – 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 (new 7.08.015) – Molesting wild birds – Nuisance remedies.
- 7.16.030 (new 7.08.020) – Poultry, rabbits, and other fowl.
- 7.16.040 (new 7.08.025) – Livestock.
- 7.16.045 (new 7.08.030) – Keeping of pygmy livestock.

Attachment 2 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 come back for adoption at the April 8<sup>th</sup> Regular Meeting and take effect in 30 days thereafter. 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. In anticipation of general questions regarding the animal control services, County’s Animal Service Manager will be in attendance and provide a presentation. The presentation slide deck is in Attachment 5,

To conclude, there are no significant substantive changes to the current rules and regulations related to animals. The proposed ordinance is a clean-up effort to streamline city’s animal regulations to reflect state law changes and align with regional animal services regulations. Once adopted, the ordinance will ensure efficiency in implementing the regional animal service agreement. This update has been a county-wide collaborative effort. Other municipalities are conducting similar changes for the same purposes.

## **ATTACHMENTS**

1. Proposed Ordinance No. 669 amending Title 7 (Animals)
2. Comparison document of SLO County Code Title 9 and MBMC Title 7
3. San Luis Obispo County Code Title 9
4. [Link](#) to existing MBMC Title 7 – Animals
5. SLO County Presentation on Scope of Services and Cost Allocation Methods