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San Bernardino County, CA Code of Ordinances

CHAPTER 15: CIRCUMSTANCES UNDER WHICH DOGS MUST BE SPAYED OR NEUTERED

Section

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§ 32.1501 Spaying and Neutering of Pit Bulls.

(a) Pursuant to Health and Safety Code § 122331, no person shall own or keep a Pit Bull over the age of four months which has not been spayed or neutered, except as provided in Subdivision (b) below. For purposes of this Section, “Pit Bull” is defined as any Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains, as an element of its breeding, any of these breeds so as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Pit Bull Terrier or American Staffordshire Terrier.

(b) The following Pit Bulls are exempt from Subdivision (a) above: a purebred Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier, recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), or other national registry; a dog used by a law enforcement agency for law enforcement purposes; a qualified service or assistance dog as defined in Food and Agriculture Code § 30850; a dog which is unable to be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity and the owner or keeper of such dog provides to the Health Officer written confirmation of the condition from a licensed veterinarian; a dog used for breeding at a licensed breeding kennel as defined in § 32.0301.

(Ord. 4114, passed - -2010)

§ 32.1502 Spaying or Neutering of Unaltered Dogs Other Than Pit Bulls.

(a) No person may own or have custody of an unaltered dog over the age of four months if such owner or custodian has been found to have violated any State law or the County Code pertaining to the owner’s or custodian’s obligations regarding such dog. The owner or custodian in such circumstance must have the dog spayed or neutered or provide a certificate of sterility to the Health Officer or his or her designee (hereinafter referred to as the “Health Officer”).

(b) The owner or custodian of an unaltered dog is exempt from the requirements of § 32.1502(a) if:

(1) The dog is unable to be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity. Written confirmation of that fact from a licensed veterinarian must be submitted by the owner or custodian to the Health Officer in order for this exemption to apply. The writing must also state the date by which the dog may be safely spayed or neutered.

(2) The dog is one of the following: a competition dog that has competed in at least one dog show or sporting competition sanctioned by a national registry within the last 365 calendar days or has earned a conformation, obedience, agility, carting, herding, protection, rally, sporting, working or other title from a purebred dog registry; a purebred dog, recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), or other national registry; a dog used by a law enforcement agency for law enforcement purposes; a qualified service or assistance dog as defined in Food and Agriculture § 30850; a dog used for breeding at a licensed breeding kennel as defined in § 32.0301; or a dog possessed by an owner or custodian who possesses a valid license pursuant to § 32.0111 or § 32.0112. The owner or custodian must provide sufficient written proof of such status of the dog in order for this exemption to apply.

(Ord. 4150, passed - -2011)

§ 32.1503 Captured, Received, Taken Up, or Impounded Unaltered Dogs Other Than Pit Bulls.

(a) When an unaltered dog is captured, received, taken up, or impounded pursuant to § 32.0102(a), the dog shall be spayed or neutered as set forth below.

(1) The dog may be released to the owner or custodian with written notice provided to the owner or custodian that the owner or custodian must within ten calendar days of such release have the dog spayed or neutered and submit a statement signed by a licensed veterinarian confirming such spaying or neutering. Failure to comply with such noticed requirements is a violation of this Code.

(2) Notwithstanding Subdivision (a)(1), the Health Officer, solely at his or her own discretion, may have the dog spayed or neutered by a veterinarian designated by the Health Officer, prior to releasing the dog to the owner or custodian. The owner or custodian shall be liable for all costs associated with such spaying or neutering, including the time expended by the Health Officer, based on the hourly rate set forth in § 16.0213A(b)(1). The owner or custodian must pay such costs prior to the release of the dog to the owner or custodian.

(b) The owner or custodian of an unaltered dog is exempt from the requirements of § 32.1503(a) if the owner or custodian complies with § 32.1502(b).

(c) If such dog is impounded, the costs of impoundment shall be a lien on the dog, and the dog shall not be returned to its owner or custodian until the costs are paid. If the owner or custodian of an impounded unaltered dog does not pay the lien against the dog in full within ten calendar days of notice of impoundment, the dog shall be deemed abandoned to the Health Officer in accordance with § 32.0102(a)(1)(E).

(Ord. 4150, passed - -2011)

§ 32.1504 Appeal.

(a) If an owner or custodian claims that his or her dog is exempt from the spaying or neutering requirements pursuant to § 32.1501 or § 32.1502, but the Health Officer has determined that the dog does not qualify for such exemption, the owner or custodian may file with the Health Officer a written appeal contesting the determination. Any such appeal must be filed within five calendar days of notice of the determination otherwise the right to appeal is deemed waived.

(b) At a noticed appeal hearing before the Chief Officer or designee (hereinafter “Chief Officer”), relevant evidence may be submitted by the parties. Following the hearing, the Chief Officer shall prepare a written notice of findings and determination as to whether an exemption to the spaying or neutering requirements exists under § 32.1501 or § 32.1502 and shall transmit said notice of findings and determination to the owner or custodian by first class mail, postage prepaid, or by other reasonable means of service. The owner's or custodian's failure to appear at the hearing shall constitute a waiver of appeal. The findings and orders of the Chief Officer shall be final and conclusive upon all parties.

(Ord. 4150, passed - -2011)

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