

Moreno Valley Municipal Code

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10.02.100 Mandatory spaying and neutering—Dogs and cats.

A. Requirement. No person may own, keep, or harbor an unaltered and unspayed dog or cat in violation of this section. An owner or custodian of an unaltered dog must have the dog spayed or neutered, or provide a certificate of sterility, or obtain an unaltered dog license in accordance with this chapter. An owner or custodian of an unaltered cat must have the animal spayed or neutered, or provide a certificate of sterility.

B. Exemptions. This section shall not apply to any of the following:

1. A dog with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California licensed veterinarian. If the dog is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation; should this date be later than thirty (30) days, the owner or custodian must apply for an unaltered dog license.

2. A cat with a high likelihood of suffering serious bodily harm or death if spayed or neutered, due to age or infirmity. The owner or custodian must obtain written confirmation of this fact from a California licensed veterinarian. If the cat is able to be safely spayed or neutered at a later date, that date must be stated in the written confirmation.

3. Animals recognized and registered with the American Kennel Club (AKC), United Kennel Club (UKC), or other national registry.

4. A dog used by law enforcement or the military for law enforcement, military or rescue activities.

5. A qualified service or assistance dog as defined in California [Food and Agricultural Code](#) Section 30850.

6. Any animal medically qualified by a California licensed veterinarian which is unable to be spayed or neutered due to the likelihood of the animal suffering serious bodily injury or death due to age or infirmity.

C. Denial or Revocation of Unaltered Dog License and Reapplication. The animal services division may deny or revoke an unaltered dog license for one or more of the following reasons:

1. The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section;

2. The animal services division has received at least three complaints, verified by the department, that the owner, custodian, applicant, or licensee has allowed a dog to be stray or run at large or has otherwise been found to be neglectful of his or her or other animals;

3. The owner, custodian, applicant, or licensee has been previously cited for violating a state law, local ordinance or other municipal provision relating to the care and control of animals;

4. The unaltered dog has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous or vicious, or to be nuisance within the meaning of the Moreno Valley Municipal Code or under state law;

5. Any unaltered dog license held by the applicant has been revoked;

6. The license application is discovered to contain a material misrepresentation or omission of fact.

D. Re-Application for Unaltered Dog License.

1. When an unaltered dog license is denied, the applicant may re-apply for a license upon changed circumstances and a showing that the requirements of this chapter have been met. The animal services division shall refund one-half of the license fee when the application is denied. The applicant shall pay the full fee upon re-application.

2. When an unaltered dog license is revoked, the owner or custodian of the dog may apply for a new license after a thirty (30) day waiting period upon showing that the requirements of this chapter have been met. No part of an unaltered dog license fee is refundable when a license is revoked and the applicant shall pay the full fee upon re-application.

E. Appeal of Denial or Revocation of Altered Dog License—Request for Hearing.

1. Notice of Intent to Deny or Revoke. The animal services division shall mail to the owner, custodian, licensee, or applicant a written notice of its intent to deny or revoke the license for an unaltered dog which includes the reason(s) for the denial or revocation. The owner, custodian, licensee or applicant may request a hearing to appeal the denial or revocation. The request must be made in writing within ten (10) days after the notice of intent to deny or revoke is mailed. Failure to submit a timely written hearing request shall be deemed a waiver of the right to appeal the license denial or revocation.

2. Hearing Officer. The hearing shall be conducted by the animal services division manager's designee.

3. Notice and Conduct of Hearing. The animal services division shall mail a written notice of the date, time, and place for the hearing not less than ten (10) days before the hearing date. The hearing date shall be no more than thirty (30) days after the department's receipt of the request for a hearing. The hearing will be informal and the rules of evidence will not be strictly observed. The animal services division shall mail a written decision to the owner or custodian within ten (10) days after the hearing. The decision of the hearing officer shall be the final administrative decision.

4. Change in Location of Dog. If the dog is moved after the animal services division has issued a letter of intent to deny or revoke, but has not yet denied or revoked the license, the owner, custodian, licensee, or applicant must provide the animal services division with information as to the dog's whereabouts, including the current owner or custodian's name, address, and telephone number.

F. Transfer, Sale, and Breeding of Unaltered Dog or Cat.

1. Offer for Sale or Transfer of Unaltered Dog. An owner or custodian who offers any unaltered dog for sale, trade, or adoption must include a valid unaltered dog license number with the offer of sale, trade or adoption, or otherwise state and establish compliance with this section. The unaltered license must appear on a document transferring the animal to the new owner.

2. Offer for Sale or Transfer of Unaltered Cat. An owner or custodian of an unaltered cat must notify the department of the name and address of the transferee within ten (10) days after the transfer. The microchip numbers, if any, must appear on a document transferring the animal to the new owner.

G. Penalties issued for failure to spay or neuter a dog or cat shall be enforced as set forth below:

1. An administrative citation, infraction, or other such authorized penalty may be issued to an owner or custodian of an unaltered dog or cat for a violation of this section only when the owner or custodian is concurrently cited for another violation under state or local law pertaining to the obligations of a person owning or possessing a

dog or cat. Examples of such state law or local ordinance violations include, but are not limited to, the following: failure to possess a current canine rabies vaccination of the subject dog; dog at large; failure to license a dog; leash law violations; kennel or cattery permit violations; tethering violations; unhealthy or unsanitary conditions; failure to provide adequate care for the subject dog or cat in violation of the [Penal Code](#); rabies quarantine violations for the subject dog or cat; operating a business without a license and/or lack of State Tax ID Number; fighting dog activity in violation of [Penal Code](#) Section 597.5; animals left unattended in motor vehicles; potentially dangerous, dangerous or vicious animals; and noisy animals.

2. Should the owner or custodian of an unaltered dog or cat be found in violation of a state or local law, as stated above, in subsection (G)(1), the owner or custodian shall be required to spay or neuter the unaltered animal in accordance with this section.

H. When an unaltered dog or cat is impounded pursuant to state and/or local law, in addition to satisfying applicable requirements for the release of the animal, including, but not limited to, payment of impound fees pursuant to this chapter, the owner or custodian shall also do one of the following:

1. Provide written proof of the dog or cat's prior sterilization, if conditions cannot or do not make this assessment obvious to animal services personnel;

2. Have the dog or cat spayed or neutered by a veterinarian under contract with the animal services division at the expense of the owner or custodian. Such expense may include additional fees due to extraordinary care required;

3. Have the dog or cat spayed or neutered by another California licensed veterinarian. The owner or custodian may arrange for another California licensed veterinarian to spay or neuter the animal, and shall pay a spay/neuter deposit to the animal services division. The veterinarian shall complete and return to the department within ten (10) days, a statement confirming that the dog or cat has been spayed or neutered or is, in fact, incapable of breeding and shall release the dog or cat to the owner or custodian only after the spay or neuter procedure is complete;

4. At the discretion of the animal services division manager, the dog or cat may be released to the owner or custodian if he or she signs a statement under penalty of perjury, representing that the dog or cat will be spayed or neutered and that he or she will submit a statement within ten (10) days of the release, signed by the veterinarian, confirming that the dog or cat has been spayed or neutered or is incapable of breeding; or

5. If the owner or custodian demonstrates compliance with this section.

I. The owner or custodian of the unaltered dog or cat shall be responsible for the costs of impoundment, which shall include daily board costs, vaccination/medication, and any other diagnostic or therapeutic applications as provided in this chapter.

1. The costs of impoundment shall be a lien on the dog or cat, and the unaltered animal shall not be returned to its owner or custodian until the costs are paid. If the owner or custodian of an impounded unaltered animal does not pay the lien against it in full within fourteen (14) days, the animal shall be deemed abandoned to the animal services division in accordance with this chapter.

J. Application of Fees and Fines Collected. All costs and fines collected under this chapter and the fees collected under this section shall be paid to the animal services division for the purpose of defraying the cost of the implementation and enforcement of this program.

K. No person shall be permitted to adopt any dog or cat, which has not been neutered, unless and until a spay/neuter deposit shall have been paid to the city. The spay/neuter deposit shall be as established from

time to time by resolution of the city council in accordance with California Food and Agriculture Code Section 30503.

L. Upon presentation to the animal services administrator of a written statement or receipt from a veterinarian that such adopted dog or cat has been altered within six months, the alter deposit shall be refunded to the person who paid the deposit.

M. All adopted dogs or cats, if not already spayed or neutered, shall be altered within sixty (60) days; or the alter deposit, if any, shall be deemed unclaimed and nonrefundable. (Ord. 833 § 1.1, 2011; Ord. 631 § 2.1, 2003)

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