



MEMORANDUM

TO: City Council

FROM: Michael T. Martinez, Chief of Police

BY: Zak Ayala, Police Commander

SUBJECT: Amendments to Title 6 (Animals) of the Arroyo Grande Municipal Code

DATE: March 25, 2025

RECOMMENDATION:

- 1) Introduce an Ordinance amending Title 6 (Animals) of the Municipal Code to adopt and incorporate by reference San Luis Obispo County Code Title 9 (Animals) and to retain certain city requirements regarding animals.
- 2) Find that the ordinance is exempt from the California Environmental Quality Act (CEQA) because it will not result in a direct, or reasonably foreseeable indirect, physical change in the environment (State CEQA Guidelines, §§ 15060 (c)(2) and (3), 15378.).

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is no projected fiscal impact directly related to adopting the County of San Luis Obispo Title 9 by reference. The City of Arroyo Grande contracts with the County of San Luis Obispo to provide animal control services to the City. The animal services contract is coordinated and funded as an existing expense item in the budget of the Police Department.

BACKGROUND:

The City of Arroyo Grande's animal control regulations, set forth in Title 6 of the Arroyo Grande Municipal Code (AGMC), guide the administration of animal control services within the City.

In 2023, City staff worked with staff from other cities within San Luis Obispo County (the "County") and County staff to review and develop consistent and uniform city ordinances and county regulations regarding animals. As a result of this work, uniform County Code Title 9 regulations were developed to allow consistent enforcement across the County and its cities. The County has asked each city that contracts with the County to adopt the County's Title 9 regulations by reference into their Municipal Code to streamline and simplify the enforcement of animal control consistently.

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By adopting Title 9 of the County Code by reference, many current Arroyo Grande municipal code provisions in Title 6 (Animals) will be duplicates. As a result, staff is recommending an overhaul of the current AGMC Title 6 and the adoption of a new ordinance in its place (Attachment 1) that will incorporate the San Luis Obispo County Title 9 regulations by reference (Attachment 3).

The City will retain all current AGMC provisions that are not currently represented in Title 9, resulting in no significant changes to the current animal control rules and regulations, but will provide future efficiencies should the County make further updates to Title 9.

ANALYSIS OF ISSUES:

Title 9 of the 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 currently recognized best practices. Beyond addressing omissions and additions, the County Code revisions clarified existing language, resolved conflicting provisions, eliminated redundancies, and provided continuity between Title 9 and other sections of the County Code.

The AGMC 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 in the County, creating the potential for 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. Requiring each city that contracts with the County to adopt Title 9 of the County Code provides a standardized set of regulations that can be more easily enforced and create continuity throughout the County while still allowing each city to keep additional regulations that are not contained in Title 9.

Should the City adopt the County Code by reference, Chapters 6.04 (Definitions), 6.08 (Administration and Enforcement), 6.12 (Animal Control Regulations Generally), 6.16 (Dogs and Cats), 6.20 (Pet Shops and Other Animal Use Operations) of the AGMC will be repealed in their entirety.

In order to keep current animal regulations that are unique to the City in place, the following AGMC sections will be retained in a substantially similar form as they are not prohibited actions identified in the County Code:

- AGMC Chapter 6.24 Apiaries.

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- 6.24.010 – General requirements.
- 6.24.020 – Enforcement of provisions.

Attachment 3 provides a list of regulations in Title 9 of the County Code that are not currently contained in Title 6 of the AGMC. These will constitute new animal services restrictions in the City. Most are administrative in nature, but some of the noteworthy additions include:

- 9.02.002 – Unauthorized feeding or attraction of animals prohibited.
 - (Prohibits the unauthorized to feeding, sheltering, or attracting animals on property other than your own)
- 9.02.003 – Animal wastes – Duty to remove.
 - (Requires disposal of dog or cat waste from any public or private area other than their own).
- 9.02.007 – Menacing and aggressive animals
 - (Defines and regulates aggressive animals)
- 9.02.008 – Animals designated as potentially dangerous or vicious
 - (Provides consistency with other counties for designations of these animals)
- 9.02.009 – Possession of unsafe and wild animals prohibited
 - (Prohibits animals which could constitute a danger to human life or property, including large and venomous snakes, wolf-hybrid dogs, and others)
- 9.02.010 – Injury to animals by motorists – Duty to stop and assist
 - (Requires motorists who strike, injure, or kill a domestic animal to stop and give reasonable aid and assistance to the animal, and make official notification)
- 9.03.001 – Microchipping required
 - (Requires microchipping of dogs and cats over four months old)
- 9.03.004 – Cats at large.
 - (Prohibits unaltered cats from roaming at large. Allows to have roaming cats altered at the finder's expense)
- 9.04.005 – Vaccination and medical treatment of impounded animals authorized.
 - Note: Animals will not be taken by the County Division of Animal Services for these violations. There are low-cost options for micro-chipping and vaccinations available at Animal Services, and any animal that is taken into custody is currently 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

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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 after the public hearing required under Government Code Section 50022.3 and second reading, on April 8, 2025. When the County Code changes in the future, those amendments will become effective on the same date due to the reference in the AGMC. The adoption or rejection of the County Code by other cities does not affect the City of Arroyo Grande or our contract with Animal Services.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Introduce and conduct first reading of the Ordinance amending Title 6 (Animals) of the Municipal Code to adopt and incorporate by reference San Luis Obispo County Code Title 9 (Animals) and to retain certain city requirements regarding animals;
2. Do not introduce the Ordinance 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 services;
3. Modify sections of Title 6 of the City's Municipal Code, direct staff to conduct outreach regarding these proposed revisions, and return to Council with the revised ordinance for introduction in the future;
4. Remove certain provisions of Title 9 of the County Code from incorporation by reference into Title 6 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; or
5. Provide other direction to staff.

ADVANTAGES:

Adopting the Ordinance amendment will streamline processes and provide continuity with County Animal Control Services for animal services enforcement across the County and in the City.

DISADVANTAGES:

None identified.

ENVIRONMENTAL REVIEW:

The California Environmental Quality Act ("CEQA") does not apply to the recommended action in this report. This proposed Ordinance is not a "project" subject to the California Environmental Quality Act ("CEQA") because it has no potential to result in a direct or indirect physical change in the environment (State CEQA Guidelines, §§ 15060 (c)(2) and (3), 15378.) The sole effect of the proposed Ordinance is to adopt newly enacted and uniform animal regulations in consultation with the County of San Luis Obispo.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

ATTACHMENTS:

1. Proposed Ordinance amending Title 6 (Animals)
2. Comparison document of SLO County Code Title 9 and AGMC Title 6
3. Title 9 regulations not currently contained in AGMC Title 6
4. Proposed AGMC Title 6
5. Existing AGMC Title 6
6. San Luis Obispo County Code Title 9