

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTERS 8.04 AND 8.08 OF THE MONTEREY COUNTY CODE
CONCERNING MANDATORY SPAY/NEUTER OF CATS AND DOGS**

County Counsel Summary

This ordinance amends Chapters 8.04 and 8.08 of the Monterey County Code to require that all dogs over the age of six months and cats over the age of five months be spayed or neutered. The ordinance aims to promote responsible pet ownership in the unincorporated Monterey County and address the issue of pet overpopulation in our community by mandating spaying and neutering of dogs and cats and creating a permitting process for keeping unaltered animals and breeding animals, while allowing certain exemptions.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. The Board of Supervisors recognizes that there is a substantial population of unspayed and unneutered dogs and cats within the unincorporated areas of Monterey County and that reproduction by these animals leads to an increased population of unwanted, homeless and stray dogs and cats, which in turn leads to increased need to humanely euthanize healthy dogs and cats, and otherwise has significant negative effects on the health, safety and welfare of the public.

C. The Board of Supervisors finds that in order to encourage compliance with this ordinance and discourage violations, after an initial no-fine 60-day correction notice is given for a first violation, administrative citations imposing civil penalties of up to five hundred dollars (\$500.00) for a second violation and up to seven hundred fifty dollars (\$750.00) for third and subsequent violations are reasonable and effective means of obtaining compliance with this ordinance.

D. The Board of Supervisors finds and declares that a program for mandatory spaying and neutering of dogs and cats kept within the unincorporated areas of Monterey County and implementation of a permitting process keeping unaltered pets or engaging in breeding of animals is a reasonable and effective means of reducing the populations of unwanted, homeless or stray dogs and cats, reducing the need to humanely euthanize healthy dogs and cats, and providing for the health, safety and welfare of the public.

SECTION 2. Section 8.04.010 is hereby amended to insert the following sentences:

“Neutered” refers to the procedure performed by a licensed veterinarian on male animals, under anesthesia, to remove testicles to prevent breeding.

“Spayed” refers to the procedure performed by a licensed veterinarian on female animals, under anesthesia, to remove the ovaries and uterus to prevent breeding.

SECTION 3. Chapter 8.08 entitled “Vaccination, Vaccination Certificate, and License” is hereby amended to change its title as follows:

Chapter 8.08 - Vaccination, Vaccination Certificate, License, and Mandatory Spaying and Neutering.

SECTION 4. Section 8.08.060 is hereby added to the Monterey County Code to read as follows:

8.08.060 – Mandatory Spaying and Neutering.

A. No person shall keep a dog over the age of six months or cat over the age of five months which has not been spayed or neutered unless such person holds an unaltered animal certification for the animal issued pursuant to Section 8.08.070.

B. Any person intentionally providing care or sustenance for a dog or cat, including feral cats, shall be deemed the owner of such dog or cat and shall comply with this Section.

C. The following animals are exempt from the provisions of this Section:

1. Dogs documented as having been appropriately trained and actually being used by public law enforcement agencies for law enforcement purposes, or dogs designated as breeding stock for law enforcement purposes by an appropriate agency or organization approved by the Animal Control Officer after consultation with knowledgeable professionals;
2. Dogs or cats certified by a licensed veterinarian as having a health reason for not being spayed/neutered; or
3. Dogs or cat which are owned and in the custody and control of persons who do not reside in the unincorporated area of Monterey County, but who are temporarily visiting Monterey County or traveling through Monterey County.

SECTION 5. Section 8.08.070 is hereby added to the Monterey County Code to read as follows:

8.08.070 – Unaltered animal certification.

The Animal Control Officer shall establish and administer a certification program to allow for unaltered animals over the age of six months when the Animal Control Officer determines that all the following conditions have been met:

- A. The animal is examined annually by a licensed veterinarian and is following the preventative health care program recommended by the veterinarian.
- B. The owner has not had more than two violations of this Chapter within the preceding twenty-four months.
- C. The animal is properly housed and cared for as follows:
 - 1. The animal is provided sufficient quantity of good and wholesome food and water;
 - 2. The animal is provided shelter that will allow the animal to stand up, turn around, and lie down without lying in his/her feces;
 - 3. The area where the animal is kept is properly cleaned and disinfected;
 - 4. The animal must be fully contained on the owner’s property and be provided appropriate exercise; and
 - 5. The animal owner otherwise complies with any applicable state or local law concerning the care and housing of animals.
- D. The owner of an unaltered female dog furnishes the Animal Control Officer with a signed statement agreeing that the female unaltered animal will have no litters per year, unless the owner also obtains and maintains a permit for breeding the animal.

SECTION 6. Section 8.08.080 is hereby added to the Monterey County Code to read as follows:

8.08.080 – Breeding permit.

- A. No person shall cause or allow any dog or cat owned, harbored, or kept within the unincorporated area of Monterey County to breed with the intent to sell, gift, or transfer the offspring for money without first obtaining a breeder permit, in addition to an unaltered certification pursuant to this Chapter. A breeder permit is written authorization, issued by the Animal Control Officer or authorized designee, giving permission to breed a dog or cat. The

breeder permit shall be valid for one year from the date of issuance and may be renewed annually prior to the expiration date. Each applicant for a breeder permit shall pay an annual fee as prescribed by the County Board of Supervisors and set forth in the fee schedule. Under no circumstances shall a breeder permit be issued to a person who has been convicted of animal cruelty or neglect.

B. The Animal Control Officer shall establish procedures for and administer a breeder permit program to allow the responsible breeding of unaltered dogs and cats, including limitations on the total numbers of breeding permits to be issued within the unincorporated area of Monterey County. In addition to the procedures set forth by the Animal Control Officer:

1. Any breeder permit holder who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the breeder permit number in any such advertisement. Further, the breeder permit holder must provide the permit number to any person who purchases, adopts, or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document.
2. Breeder permits will not be issued for animals under twelve months of age or over seven years of age.
3. Any breeder permit holder selling or otherwise transferring a dog or cat, whether for compensation or otherwise, shall maintain records for a period of three years containing the name, address, and telephone number of the animal's new owner on a form approved by the Animal Control Officer.
4. Any breeder permit holder which sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owner written information regarding the license and permit requirements of the County; and all puppies must be microchipped or have some other form of identification acceptable to the Animal Control Officer and shall be licensed by the County.

SECTION 7. Section 8.08.090 is hereby added to the Monterey County Code to read as follows:

8.08.090 – Penalties for Violations of Sections 8.08.060 through 8.08.080.

Any dog or cat owner in violation of Sections 8.08.060 through 8.08.080 is subject to the following penalties:

A. First-time violators will receive a correction notice detailing the particular violations. Violators will have sixty days from the date when the owner was first notified of the violation to correct the violations.

B. For second and subsequent violations of this Chapter, the Animal Control Officer may issue a compliance order for the violations of these Sections as a civil penalty as follows:

1. The second violation shall be punishable by a fine of not more than five hundred dollars (\$500.00).
2. The third and subsequent violations during a twelve (12) month period shall be punishable by a fine of not more than seven hundred fifty dollars (\$750.00).

SECTION 8. SEVERABILITY. If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect. The Board of Supervisors hereby declares that it would have adopted this Ordinance, and each subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional. The courts are hereby authorized to reform the provisions of this Section to preserve the maximum permissible effect of each subsection herein.

SECTION 9. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day following its adoption.

PASSED AND ADOPTED this ____ day of ____ 2026, by the following vote:

AYES:

NOES:

ABSENT:


Wendy Root Askew
Chair, Monterey County Board of Supervisors

A T T E S T:

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM



Kelly L. Donlon
Chief Assistant County Counsel