



BOARD OF SUPERVISORS **Agenda Number:**
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Health
Department No.: 041
For Agenda Of: June 6, 2017
Placement: 6/6/2017 Set Hearing
7/11/2017 First Reading
(Departmental)
7/18/2017 Second
Reading (Administrative)
Estimated Time: 7/11/2017 30 Minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Carrie Topliffe, Interim Director
Director(s) Public Health Department
Contact Info: Jan E. Glick, MS, Director of Animal Services (934-6953)

SUBJECT: Ordinance Revisions Chapter 7 Vicious and Restricted Dogs

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors consider the following recommendations:

On June 6, 2017, set a public hearing on the Departmental Agenda of July 11, 2017 to consider recommendations regarding a revised Ordinance to amend "Chapter 7 – Animals and Fowl" of the Santa Barbara County Code.

On July 11, 2017:

- a) Receive and file a presentation regarding proposed amendments to Chapter 7 – Animals and Fowl, Article VIII. – Vicious and Restricted Dogs;
- b) Approve the introduction (First Reading) of an Ordinance amending County Code Chapter 7 – Animals and Fowl, Article VIII. – Vicious and Restricted Dogs;
- c) Read the title of the Ordinance into the record and waive full reading of the Ordinance; and
- d) Continue to the Administrative Agenda of July 18, 2017 to consider recommendations.

On July 18, 2017:

- a) Approve the adoption (Second Reading) of the Ordinance amending Chapter 7, Article VIII. – Vicious and Restricted Dogs, of the Santa Barbara County Code with an effective date of August 18, 2017.
- b) Determine that adoption of an Ordinance amending Chapter 7, Article VIII. – Vicious and Restricted Dogs, of the Santa Barbara County Code is exempt from California Environmental Quality Act (CEQA) review per CEQA Guideline Section 15061(b)(3), since it can be seen with certainty that there is no possibility that the activity may have a significant impact on the environment, and direct staff to file the Notice of Exemption (Attachment C).

Summary Text:

This item is on the Agenda to adopt an Ordinance to amend Chapter 7- Article VIII. – Vicious and Restricted dogs, of the Santa Barbara County Code. Animal Services, as the Administrative Authority, is proposing changes to expand the definition of a vicious dog.

Background:

On November 3, 2015 Animal Services proposed changes to Chapter 7, Animals and Fowl. The proposed changes included changes throughout the chapter to modernize the language and add current practice elements. These changes included adding new definitions and updating existing definitions; updating with current terminology and position titles; adding a new section addressing sanitation of animal quarters; and extensively revising Article VIII, the article on vicious dogs. As the new ordinance has been implemented and the hearing process refined, we see a need to have the ability to address the more egregious first time dog attacks with a finding of vicious dog, in some circumstances.

Article VIII. – Vicious Dogs and Restricted Dogs (previously titled Dangerous Dogs)

Historically, the county has utilized an administrative hearing process to address dangerous dogs in the community. With the changes to Article VIII that were approved effective January 1, 2016, there have been numerous hearings to address incidents involving dogs loose in the community that injure or kill other animals or people. Many of these hearings have led to imposition of restrictions requiring dog owners to exercise more control over their dogs in order to protect public safety.

Under the current ordinance, a Restricted Dog Finding (Section 7-54) – is made if and the dog will be classified as a “restricted dog” if it:

- (a) Engages in a behavior that requires a defensive action by a person to prevent bodily injury to a person, domestic animal or livestock; or
- (b) Bites a person unprovoked causing a less severe injury than defined as “Severe injury” (Sec 7-54); or
- (c) Unprovoked has killed, seriously bitten, inflicted injury or otherwise caused injury to a domestic animal or livestock; and
- (d) Any dog for which an administrative hearing has been held and restrictions have been designated by a hearing officer

Under the current ordinance, a Vicious Dog Finding (Section 7-54) – is made and a dog will be determined to be vicious if it:

- (a) Engages in or has been found to have been trained to engage in exhibitions of illegal fighting; or
- (b) Inflicts serious injury or kills a person when unprovoked; or
- (c) A “restricted dog” that continues the behavior that resulted in designating it as a “restricted dog”;
or
- (d) A dog designated to be dangerous or vicious in another jurisdiction which exhibits the behavior defined in (a) or (b) above.

Animal Services, as the Administrative Authority, is proposing changes to expand the definition of a vicious dog beyond injury to or killing of a person to include a first event in which the dog kills or severely injures another domestic animal. This change is brought forth following incidents with an egregious first-time dog attack where a finding of vicious dog would be most appropriate for public safety.

Summary of Recommended Amendments to Article VIII – Vicious and Restricted Dogs

Section 7-54. – Definitions.

“Restricted dog”

- (b) Add clarifying language that the behavior occurs when the dog is off the property of the owner
- (c) Delete *killed, seriously bitten* a domestic animal and reference less serious injuries only for restricted dogs

“Vicious dog”

- (c) Add language to define a vicious dog as one that severely injures or kills another domestic animal under certain circumstances
- (d) Add language clarifying the behavior defining a vicious dog which includes documented prior history

Add a definition of “severe injury to an animal”

Add a definition of “business day”

Section 7-57. –Vicious or Restricted Dog Hearing

- (b) (4) clarify number of business days required for service of hearing notice

Section 7-59. – Consequences of vicious dog determination

- (a) and (b) clarify consequences of vicious dog determination

Section 7-60. – Consequences of restricted dog determination.

- (a) clarifying language

- (c) clarify designation of restricted dog in license records

- (d) (7) Add clarifying language for restrictions

- (f) Add conditions for owner of restricted dog to notify Animal Services is moving or re-homing the dog

Section 7-61. – Compliance with conditions and consequences of violation of conditions

- (4) Add ability for hearing officer to order seizure of the dog if compliance with conditions has not been met

Fiscal and Facilities Impacts:

Budgeted: N/A **Fiscal Analysis:**

There is no fiscal impact by approving the adoption of the Ordinance amending Chapter 7, Article VIII., Vicious and Restricted Dogs, of the Santa Barbara County code.

Staffing Impacts:

Legal Positions:
0

FTEs:
0

Special Instructions:

1. Request the Clerk of the Board to publish the attached legal notice (Attachment D) of this hearing pursuant to Section 6066 of the Government Code in a newspaper of general circulation in Santa Barbara County 10 days prior to the hearing and again 5 days prior to the hearing and shall make available information as required per Section 54986 of the Government Code.
2. Please provide one adopted ordinance and a copy of the minute order. When ready for pick-up, please contact PHDCU@sbcpd.org.

Attachments:

- A. Proposed Amendments to Chapter 7, Article VIII- Vicious and Restricted Dogs Strikeout version
- B. Proposed Chapter 7, Article VIII- Vicious and Restricted Dogs - Final
- C. Notice of CEQA Exemption
- D. Public Notice
- E. Presentation

Authored by:

Jan E. Glick, MS, Director of Animal Services, 934-6953.