



**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:** October 13, 2015  
**Placement:** Set Hearing  
Departmental (11/03/15-  
First Reading)  
Administrative  
(11/17/15- Second  
Reading)  
**Estimated Tme:** 1 hour on 11/03/15  
**Continued Item:** Yes  
**If Yes, date from:** 11/4/2014  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Takashi Wada, MD, MPH, Director and Health Officer  
Director(s) Public Health Department 681- 5102  
Contact Info: Jan Glick, MS, Director of Animal Services, 681-5284  
**SUBJECT:** Ordinance to Amend County Code Chapter 7 - Animals and Fowl

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors consider the following recommendations:

On October 13, 2015, set a public hearing on the Departmental Agenda of November 3, 2015 to consider recommendations regarding a revised Ordinance to amend “Chapter 7 – Animals and Fowl” of the Santa Barbara County Code, as follows:

- a) Receive and file a presentation regarding proposed amendments to Chapter 7 – Animals and Fowl;
- b) Approve all or part of the proposed amendments to Chapter 7 of the Santa Barbara County Code (Attachments A and B) as follows:
  - i. Approve amendments to Article 1. – In General; Article II. – Restraint and Impoundment; Article III. – Licenses and Tags;
  - ii. Approve amendments to Article IV. – Rabies Suspect Animals; Article V. – Beekeeping;

- iii. Approve amendments to Article VI. – Dog Noise; Article VII. – Use of Steel-Jawed Leg-Hold Traps; and
  - iv. Approve amendments to Article VIII. – Vicious and Restricted Dogs.
- c) Introduce an Ordinance that includes the amendments to Chapter 7 of the Santa Barbara County Code that were approved pursuant to Recommended Action (b) above (first reading);
  - d) Read the title of the Ordinance into the record and waive full reading of the Ordinance; and
  - e) Continue to the Administrative Agenda of November 17, 2015 to consider recommendations as follows:
    - i. Approve the adoption (second reading) of the Ordinance amending Chapter 7 of the Santa Barbara County Code with an effective date of January 1, 2016.
    - ii. Determine that adoption of an Ordinance amending Chapter 7 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- Animals and Fowl, of the Santa Barbara County Code. Animal Services, as the Administrative Authority, is proposing changes to Chapter 7 to update terminology, incorporate current practices, delete sections of the ordinance that are no longer applicable, add new sections pertaining to removal of animal waste and sanitation, and revise the article related to dangerous dogs.

**Background:**

Chapter 7 of the County Code establishes laws regarding restraint and impoundment of animals, duties and responsibilities of animal control officers, rules and regulations for animal businesses and permits, animal licensing requirements, bite investigations and rabies control, beekeeping, dog noise, use of leg-hold traps, transfers of dogs and cats and dangerous dogs. Chapter 7 was last amended in 2009 to implement the recommendations of the Spay/Neuter Task Force by enacting the Responsible Pet Ownership ordinance. The ordinance was based on the tenet that responsible pet owners should bring their dog or cat to a veterinarian regularly and that they should consider the breeding potential of their dog or cat as well as the benefits of spaying and neutering of animals. As a result of those revisions, there is clarity about the responsibilities of dog and cat owners related to the altering of their animals. Outside of these revisions made in 2009 and effective in 2010, and periodic fee updates, there have been minimal revisions to animal related laws in Santa Barbara County over the past sixteen years.

In early 2014, Animal Services began identifying many areas within the Chapter where revisions were needed to update the ordinance language and make it consistent with current terminology and practices in the animal care and control field.

Animal Services drafted recommended changes to Chapter 7 and in September of 2014 held two public meetings, one in Santa Barbara and one in Santa Maria, for public comment and discussion. Feedback was requested in verbal, written or electronic formats. Revisions to the Dangerous Dog section of the ordinance received public attention and recommendations. As a result of comments received, a draft ordinance was revised to incorporate feedback. A draft ordinance was proposed to the Board of

Supervisors on November 4, 2014 that included these revisions. The Board of Supervisors did not concur with the proposed revisions and requested Animal Services to revise the draft ordinance revisions to strengthen the focus on public safety and return at later date.

Chapter 7, Animals and Fowl has nine articles. Animal Services proposes changes throughout the chapter to modernize the language and add current practice elements. These changes include:

- Adding new definitions and clarifying and updating existing definitions
- Deleting obsolete language and updating with current terminology and position titles
- Addition of a new section addressing sanitation of quarters where animals are housed and removal of animal waste
- Revising the dangerous dogs article

### **Highlights of Recommended Ordinance Revisions:**

#### **Article I. – In General**

*Section 7-1. – Definitions* adds six new definitions and updates existing definitions.

*Section 7-3. - Animal health and population control committee* was eliminated by the Board of Supervisors in 1982.

*Section 7-4. – Disposition of funds collected* is addressed in Article III.

*Section 7-9. - Removal of Animal Waste and Sanitation of Quarters Where Animals are Housed* is a new section that addresses removal of animal waste by the owner or custodian of the animal.

#### **Article II. – Restraint and Impoundment**

Most of the recommended changes are updates to terminology (for example: destruction or killing changed to euthanasia, selling changed to adoption), clarification on stray and relinquished animal holding period timelines, and adding the concept of *transfers* to animal adoption agencies.

*Section 7-16. – Spay or neuter of unaltered animals released for adoption* updates the language to match state codes and clarifies the process for alteration of adopted animals not altered due to medical reasons prior to adoption (This is very rare).

#### **Article III. – Licenses and Tags**

Most of the recommended changes are updates to terms.

*Section 7-18(5)(b)* delineates the designation of certain fees into the Animal Services Spay/Neuter Agency Fund or the Animal Services Capital Improvement Agency Fund.

#### **Article IV. – Rabies Suspect Animals (previously titled Diseased and Dangerous Animals)**

The title and some of the existing text of this article are unclear as currently written. Going forward, the article revisions are recommended to address the handling of potential rabies exposures and handling of animal bite quarantines. The existing article refers to dangerous animals which are more appropriately addressed in Article VIII. Recommended changes include describing rabies suspect animals and changing the term isolation to quarantine.

#### **Article V. – Beekeeping**

Minimal changes are recommended to the article. Consultation with the office of the Agricultural Commissioner results in the recommendation to retain the article in the animal ordinance.

#### **Article VI. – Dog Noise**

A change is recommended under Section 7-38(b) as fees are set by adoption of an ordinance. The only change is that the sections are re-numbered.

#### Article VII. – Use of Steel-Jawed Leg Hold Traps

No changes are recommended

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

This article is recommended to be modified to clarify possible dispositions for dogs found to be vicious or requiring restrictions (“Restricted dog”) to protect public safety. The current article provides that if the finding is that a dog is deemed dangerous, the outcome must be euthanasia. The proposed amendment establishes new definitions for dogs and classifies such dogs as either “vicious” or “restricted” (Section 7-54.).

Restricted Dog Finding (Section 7-54) - Under the proposed amendment 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

Vicious Dog Finding (Section 7-54) - Under the proposed amendment 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.

Consequences of vicious dog determination (Section 7-59):

- (a) A dog determined to be vicious shall be euthanized by the department, when it is determined that release of the dog would create a significant threat to the public health, safety and welfare.
- (b) If it is determined that a dog found to be vicious shall not be destroyed, the only option is release to an animal rescue sanctuary for the remainder of the animal’s life and the owner is responsible for all associated costs.

Consequences of restricted dog determination (Section 7-60):

- (a) The dog must be licensed, microchipped, spayed or neutered and vaccinated.
- (b) Animal Services may include the “restricted” designation in the license registration records
- (c) The hearing officer may impose other restrictions which may include:
  - (1) Fence or enclosure requirements;
  - (2) Yard inspections;

- (3) Muzzling when in public;
- (4) Notification to Animal Services of incidents involving the restricted dog;
- (5) Training;
- (6) Maintenance of general liability insurance
- (7) Other reasonable restrictions

(d) The owner is responsible for all charges and fines

Hearing – An administrative hearing is held to determine whether the dog in question should be declared vicious or “restricted” (Section 7-57). In the current ordinance the administrative hearing officer was designated as the director of animal health and regulation (now known as the Animal Services Director). In the proposed revised ordinance the hearing officer is defined as a neutral hearing officer and the department may authorize its own officer or an outside hearing officer.

Compliance with conditions and consequences of violation of conditions (Section 7-61):

- (a) The hearing officer may schedule follow-up hearings to ensure compliance with the conditions imposed.
- (b) Consequences of failure to comply with conditions may include:
  - (1) A fine and/or imprisonment
  - (2) A civil action for injunctive relief
  - (3) Filing of an action to determine if the dog is vicious under Section 7-57 (c).

Exceptions (Section 7-62):

- (a) Cases of the injured person was trespassing on the premises, or was teasing, tormenting, abusing, or assaulting the dog or committing a crime. Dog was defending a person from an unjustified attack or assault.
- (b) Dog was working as a hunting, herding or predator control dog and the injury was to a species or type of domestic animal or livestock appropriate to the work of the dog.
- (c) Dog was a law enforcement dog performing law enforcement duties.
- (d) Does not apply to humane societies, municipal animal control or veterinary clinics.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

Adopting the recommended amendments to Chapter 7- Animals and Fowl of the County Code will not affect the Animal Services budget.

**Staffing Impacts:**

No increase or decrease in staff would result as a result of adopting the proposed ordinance amendments.

**Special Instructions:**

- A. That the Clerk of the Board publish notice of this hearing, per the attached Public Notice, in a newspaper of general circulation in Santa Barbara County 10 days prior to the hearing and again 5 days prior to the hearing.

- B. That the Clerk of the Board publish the ordinance within 15 days of its adoption.
- C. That the Clerk of the Board return one original adopted Ordinance and one Minute Order to Public Health by emailing PHDcu@sbcpd.org for pick-up.

**Attachments:**

- A. Proposed Amendments to Chapter 7, Animals and Fowl Ordinance- Strikeout version
- B. Proposed Chapter 7, Animals and Fowl Ordinance- Final
- C. Notice of CEQA Exemption
- D. Public Notice

**Authored by:**

Jan E. Glick, MS, Director of Animal Services, 681-5284.