



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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:
Placement: 10/21/14 Set Hearing
11/04/14 First Reading
12/02/14 Second
Reading/Adoption
Estimated Tme: 1.5 hours on 11/04/14
Continued Item: No
If Yes, date from:
Vote Required: Majority

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

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:

Set a hearing on the Departmental Agenda of November 4, 2014 to consider recommendations regarding an 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 Fowls;
- b) Approve the introduction (first reading) of an Ordinance amending Chapter 7 of the Santa Barbara County Code;
- c) Read the title of the Ordinance into the record and waive full reading of the Ordinance; and
- d) Set a hearing on the Administrative Agenda for December 2, 2014 to consider recommendations, as follows:
 - i) Approve the adoption (second reading) of an Ordinance amending Chapter 7 of the Santa Barbara County Code; and

- 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.

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, and to add flexibility to the article related to dangerous dogs with a focus on both public safety and animal welfare. New sections are proposed to address removal of animal waste.

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 include the recommendations of the Spay/Neuter Task Force and enact the Responsible Pet Ownership ordinance which was based on the tenet that responsible pet owners bring their dog/cat to a veterinarian regularly and that they consider the breeding potential of their dog/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 alteration of their animals. Outside of the revisions amended 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 fifteen 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 field. At the same time, following an increased number of hearings on dangerous dogs, there was awareness that Article VIII on Dangerous Dogs did not allow for options outside of euthanasia for an animal that was determined to be a dangerous dog and there were situations where the public and the owner could be better served with the legal availability of alternate options and requirements.

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. As a result of comments received, the draft ordinance was revised to incorporate feedback. The draft ordinance that is proposed to the Board of Supervisors includes these revisions.

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 elements include:

- Adding and updating definitions
- Deleting obsolete language
- Addition of a new section addressing sanitation of quarters where animals are housed and removal of animal waste
- Substantial revision of dangerous dogs article

Chapter 7, Article VIII deals with the subject of dangerous dogs. In the past year, through a number of hearings and incidents involving dangerous dog investigations, parties involved have recommended more flexibility in the County ordinance. Currently, if a dog is deemed dangerous, the mandate in

County Code is euthanasia. If more flexibility is allowed, there may be stipulations and requirements that allow the animal to be controlled in such a way that protects the health and welfare of the public and other animals, without requiring euthanasia. New definitions of potentially dangerous and vicious are proposed. Additional proposed amendments to the Article VIII include specific consequences which may be applied by a hearing officer when a dog is determined to be potentially dangerous or vicious.

Potentially Dangerous Dog requirements:

- Licensing, micro-chipping, spaying or neutering, and vaccinating the dog
- Maintaining the dog indoors or in a secure enclosure
- Muzzling and restraining the dog with a substantial leash when off the owner's premises
- Notifying the department if the dog is at large or has committed an attack
- Specific training requirements
- Payment of fees due prior to release of the dog

Potentially Dangerous Dog optional requirements that may be ordered by a hearing officer:

- Wearing a bright reflective collar
- Requiring the owner maintain liability insurance

Vicious Dog Consequences (in addition to those applied to Potentially Dangerous Dogs)

- The dog *may* be euthanized
- The enclosure *shall* be enclosed on all sides and padlocked
- The enclosure *may* be required to have a concrete floor and a secure top
- The owner *shall* provide written notice to the post office and all utility companies that a dog determined to be vicious resides on the premises
- The owner *shall* post signs warning of Vicious Dog
- Vicious Dog designation *may* be included in licensing records
- Owner *may* be prohibited from owning a dog for a period of up to three years

These amendments are recommended to provide the hearing officer the authority to impose appropriate controls to protect public safety while not requiring that all dogs that are potentially dangerous or vicious be euthanized.

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@sbcphd.org for pick-up.

Attachments:

Attachment 1 -Proposed Amendments to Chapter 7, Animals and Fowl changes tracked

Attachment 2 -Proposed Amendments to Section VIII Dangerous Dogs changes tracked

Attachment 3 –Proposed Chapter 7, Animals and Fowl Ordinance

Attachment 4 -Notice of CEQA Exemption

Attachment 5- Public Notice

Attachment 6 – Presentation on Amendments to Chapter 7

Authored by:

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