



**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  
9/19/2017 First Reading  
(Departmental)  
10/3/2017 Second  
Reading (Administrative)  
**Estimated Time:** 9/19/2017 30 Minutes  
**Continued Item:** Yes  
**If Yes, date from:** 7/11/2017  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Van Do-Reynoso, PhD, 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 and Fee Ordinance**

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**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:

Hold a public hearing on the Departmental Agenda of September 19, 2017 to consider recommendations regarding a revised Ordinance to amend "Chapter 7 – Animals and Fowl" Vicious and Restricted Dogs of the Santa Barbara County Code and recommended revisions to the Animal Services Fee Ordinance.

On September 19, 2017:

- a) Receive and file a presentation regarding proposed amendments to Chapter 7 – Animals and Fowl, Article VIII. – Vicious and Restricted Dogs and recommended new Fees (Attachment E);
- b) Approve the introduction (First Reading) of an Ordinance amending County Code Chapter 7 – Animals and Fowl, Article VIII. – Vicious and Restricted Dogs (Attachment A);
- 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 October 3, 2017 to consider recommendations.
- e) Approve the introduction (First Reading) of an Ordinance amending the Animal Services Fee Schedule by adding a surcharge to the licensing fee for a dog declared restricted, a new fee

for the cost of a Hearing for a Vicious or Restricted dog, adding a fine for a violation of a restriction placed on a Restricted Dog and adding a fine for a violation of a restriction placed on a Vicious Dog (Attachment C).

- f) Read the title of the Ordinance into the record and waive full reading of the Ordinance; and
- g) Continue to the Administrative Agenda of October 3, 2017 to consider recommendations.

On October 3, 2017:

- i. 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 November 3, 2017.
- ii. Approve the adoption (Second Reading) of the Ordinance amending the Animal Services Fee Schedule by adding a surcharge to the licensing fee for a dog declared restricted, a new fee for the cost of a Hearing for a Vicious or Restricted dog, adding a fine for a violation of a restriction placed on a Restricted Dog and adding a fine for a violation of a restriction placed on a Vicious Dog.
- iii. Determine that adoption of an Ordinance amending Chapter 7, Article VIII. – Vicious and Restricted Dogs, of the Santa Barbara County Code and adoption of an Ordinance amending the Animal Services Fee Schedule by adding a surcharge to the licensing fee for a dog declared restricted, a new fee for the cost of a Hearing for a Vicious or Restricted dog, adding a fine for a violation of a restriction placed on a Restricted Dog and adding a fine for a violation of a restriction placed on a Vicious Dog 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 activities may have a significant impact on the environment, and direct staff to file the Notice of Exemption (Attachment D).

**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 and to impose fees related to the keeping of a restricted dog, holding a hearing regarding a Vicious or Restricted dog and fines related to a violation of a restriction placed on a Restricted Dog and adding a fine for a violation of a restriction placed on 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.

The investigation and hearing process entails extensive staff time and workload. This includes the time for the Animal Control Officer(s) to investigate the case, impound the animal, write a report, testify at the hearing, the time for the Supervising Animal Control Officer to review the case, conduct the hearing, travel to the hearing and speak to involved parties. The recommendation for new fees are for the designation of the dog adjudicated to be a “restricted” dog or a “vicious” dog in the database (surcharge for licensing fee), the cost of a hearing for a dog that is adjudicated to be a “restricted dog” and for fines related to a violation of a restriction placed on a Restricted Dog and for a violation of a restriction placed on a Vicious Dog as set forth in California Food and Agriculture Code 31662. Many jurisdictions do not charge fees for these processes, although neighboring San Luis Obispo County does, and their fees are very similar to those recommended for Santa Barbara County.

**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 is compliance with conditions has not been met

**Summary of Recommended New Fees**

1) Licensing surcharge for “Restricted” Dog	\$60.00
2) Cost for Hearing for Dog found to be “Restricted” or “Vicious”	\$412.00
3) Fine for violation of Restricted Dog Restriction	\$500
4) Fine for violation of Vicious Dog Restriction	\$1,000

**Fiscal and Facilities Impacts:**

Budgeted: N/A

**Fiscal Analysis:**

By approving the adoption of the Ordinance amending Chapter 7, Article VIII., Vicious and Restricted Dogs, of the Santa Barbara County code and the recommended new fees for the licensing surcharge and

hearing costs, it is anticipated that the reasonable costs of the salaries and benefits costs associated with restricted and vicious dog hearings and administrative record keeping will be recouped from dog owners.

No additional costs will be incurred as a result of these ordinance changes. However, the *reasonable* costs of maintaining the records and conducting the hearings can be charged. As these hearings do not include any staff other than the Animal Control Officers, no additional indirect charges are incurred for the County. Thus, in order to keep the fees reasonable to encourage compliance for restricted and/or vicious dog owners with this process, indirect costs have not been included in calculating the fees. It is anticipated that if the fee is too high, owners may not be willing to pay the fees and may abandon the dogs to Animal Services – resulting in new additional costs for their care. The Auditor-Controller’s Office has reviewed the fee and is aware of this decision to exclude indirect costs.

It is estimated that approximately 14 hearings a year will be held and adjudicated as “restricted” resulting in the \$60 license surcharge and the \$412 hearing fee for a total of recouped costs of approximately \$6,600. Due to the relatively low dollar amount and the fact that the timing of the hearings is not predictable, no budget revision request to amend the Animal Services program budget is included with these actions.

In addition, Food and Agriculture code section 31662 allows for the collection of fines of \$500 per violation for a restricted dog and \$1000 per violation for a vicious dog. Assessment of these fines would occur if these offences occurred after the hearing to designate the dogs as restricted or vicious. It is not anticipated that more than one or two of these violations could occur annually. If imposed, these fines will be used to cover any administrative costs associated with the adjudication of the violation.

**Staffing Impacts:**

**Legal Positions:**

0

**FTEs:**

0

**Special Instructions:**

Please provide one original adopted Vicious and Restricted Dogs Ordinance and one original adopted Fees Ordinance and a copy of the minute order. Please contact [PHDCU@sbcpd.org](mailto:PHDCU@sbcpd.org) when ready for pick up.

**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. New Fees Ordinance for Vicious and Restricted Dogs
- D. Notice of CEQA Exemption
- E. Presentation
- F. Public Notice

**Authored by:**

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