



Date: March 4, 2008

To: Members of the Public Safety Committee

From: ^{RA} Ronald R. Arias, Director of Health & Human Services

Subject: **Recommendations for the Inclusion of Elements of a Dangerous Dog Ordinance in Long Beach Municipal Code at Title 6 (Citywide)**

DISCUSSION

On December 18, 2007, Councilwoman Gerrie Schipske requested that the model elements of a dangerous dog ordinance be referred to the Public Safety Committee for possible inclusion in the Long Beach Municipal Code (LBMC), Title 6. The following information is provided for the Committee's consideration.

Department of Health & Human Services staff met with Police, Fire, Parks, Recreation & Marine and City Attorney's Office staff, and have formulated the following recommendations.

Currently, LBMC Chapter 6.16 sets forth a well-defined procedure for determining whether a dog is dangerous and vicious. This model procedure has been replicated in a number of municipalities. The code requires that all dogs found to be dangerous and vicious be subject to mandatory sterilization, micro chipping, and elevated licensing fees. The code also implements an owner tracking system to identify dogs with potentially dangerous and/or aggressive propensities. Likewise, dogs found loose, running at large, and unattended are impounded and owners are made subject to elevated fines for such violations.

RECOMMENDATIONS

To further improve these regulatory requirements, the following amendments are recommended. Given the increased number of dogs found loose and unattended, mandatory micro chipping of such animals is recommended. Additionally, owners of dogs discovered loose and at large that have or have attempted to bite, attack or menace another animal or human, due to the owner's failure to contain the animal by means of ordinary care, will, in addition to possible criminal violations, be subject to administrative penalty.

This report was reviewed by Deputy City Attorney Cristyl Meyers on February 25, 2008.

TIMING CONSIDERATIONS

It is requested that this item be considered by the Committee on March 4, 2008 and forwarded to the City Council for action on April 1, 2008 in order to immediately commence legislative amendments.

FISCAL IMPACT

Any fiscal impact associated with this item is unknown at this time.

SUGGESTED ACTION:

Approve recommendation.

IT IS RECOMMENDED THAT THE COMMITTEE:

Concur with the recommendations and forward to the City Council to request the office of the Long Beach City Attorney to amend the Long Beach Municipal Code Chapter 6.16 Animal Regulations to include elements of a dangerous dog ordinance as stated above. (Citywide)

Attachment

APPROVED:


PATRICK H. WEST
CITY MANAGER



City of Long Beach
Working Together to Serve

R-28
Office of Gerrie Schipske
Councilwoman, Fifth District
Memorandum

Date: December 18, 2007

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Councilwoman Gerrie Schipske *GS*

Subject: AGENDA ITEM: Model Elements of a Dangerous Dog Ordinance

BACKGROUND

Recently, residents contacted the 5th Council District Office to express concern about dangerous dogs in their neighborhoods. On November 29, I hosted a meeting with a representative from the Animal Control Bureau to discuss the issue. The meeting was well attended by residents from the 5th District, as well as residents from other Districts who had their dogs attacked by dangerous dogs.

Those in attendance were extremely concerned about the current municipal code that requires the citizen whose animal is attacked to take action against the owner of the dog which has attacked. More often than not, the owners of these dangerous dogs retaliate against the complainants. Additionally, there was also concern about dogs running free in neighborhoods and dogs barking excessively.

There was extensive discussion for the need to amend the current City Municipal Code on this issue to incorporate language that would educate dog owners about responsible pet ownership, inform citizens about their rights and responsibilities for making communities safer, and assist our city in improving and enforcing good dangerous dog laws.

The Coalition for Living Safely with Dogs

The Coalition for Living Safely with Dogs is a group of Colorado animal health, care, and control professionals seeking to educate dog owners about responsible pet ownership, inform citizens about their rights and responsibilities for making communities safer, and assist municipalities in creating and enforcing good dangerous dog laws. This Coalition is comprised of:

- All Breed Rescue Network (ABRN)
- Animal Assistance Foundation (AAF)
- Colorado Association of Animal Control Officers (CAACO)
- Colorado Association of Certified Veterinary Technicians (CACVT)
- Colorado Federation of Animal Welfare Agencies (CFAWA)
- Colorado Veterinary Medical Association (CVMA)
- Denver Area Veterinary Medical Society (DAVMS)
- Metro Denver Shelter Alliance (MDSA)
- Summerlee Foundation

This group has developed "Model Elements of a Dangerous Dog Ordinance" that I believe Long Beach needs to consider.

These elements include:

Model Elements of a Dangerous Dog Ordinance

(1) Clear, fair, and easy-to-follow procedures. A well-defined procedure for determining whether a dog is potentially dangerous or dangerous. This procedure should include a complaint process, a notice period for owners, a hearing, and procedures that would allow dogs to be removed from the list after meeting some objective criteria. (e.g., passing a behavior test, combined with X number of months with no reported incidents.)

(2) Owners are held accountable. A mechanism that tracks ordinance violations by owner, not by the individual dog involved. (e.g., if an owner has two dogs, and each is found running at large on separate occasion, the ordinance should allow animal control professionals to charge the owner with an elevated penalty for the second infraction, despite it being the individual animal's first incident).

(3) No injury to people or animals required for action. Inclusion of a classification for dogs that have not yet attacked or killed people or animals, but have shown a propensity towards aggressive/vicious behavior. (e.g., a "potentially dangerous" or "aggressive" classification.)

(4) Increased penalties. Increased penalties for the first and second "running at large" incidents and other violations of animal control ordinances. Owners could be given the choice between a very costly reclamation fee for first running at large offense and spaying/neutering their dog.

(5) Sterilization required. Spay and neuter requirement that is triggered when the dog is found running at large more than one time. This provision would also require sterilization of dogs that have been adjudged to be potentially dangerous or dangerous. Under this system, authorities would also have the ability to defer certain enumerated fines, such that owners would only be required to remit payment if they failed to undertake court-mandated actions (e.g., sterilizing or micro-chipping their dog).

(6) Owners can choose education over fines. In conjunction with increased penalties, offering a "first-time animal ordinance offender diversion program." Offenders would be given the choice between

attending the diversion program or paying a very costly fine (e.g., at least \$500). Classes should cover the basic health, nutrition, and safety requirements of dog ownership. Additional points that could be covered include: information about local spay/neuter and vaccination clinics and services offered at local shelters.

(7) Increased licensing fees for intact and dangerous animals. *Differential licensing fees based on the animal's spay/neuter status and on the animal's potentially dangerous/dangerous status.*

(8) No tethering permitted. *Prohibition of/restrictions on tethering of dogs.*

(9) Mandatory micro-chipping. *Mandatory micro-chipping for dogs found running at large more than once. Requirement should include some means of enforcement (e.g., microchip registration materials are submitted by the owner to the animal control agency, which forwards them to the database administrator).*

(10) Strong anti-cruelty provisions. *Anti-cruelty provisions that are enforced in conjunction with the municipality's dangerous dog law.*

Measures to Help Ensure the Success of a Dangerous Dog Ordinance

(1) Community education. *Using the fees generated from increased penalties and differential licensing, communities should consider offering basic pet ownership classes, particularly in underserved areas of the community.*

(2) Community-friendly reporting system. *Using fees generated from increased penalties and differential licensing, communities should consider instituting a hotline number or an 800 number that would allow citizens to report dogs running at large, dogs behaving in a potentially dangerous manner, or other animal control ordinance violations. This system could be particularly effective if implemented at the regional level, with operators trained in dispatching calls to the appropriate shelter or animal control agency.*

(3) Regionally enforceable dangerous dog ordinances. *Communities should work together on a regional level to ensure (1) strong dangerous dog ordinances are in effect across jurisdictional lines and (2) ordinances are being uniformly enforced throughout the region.*

(4) Integration of education and enforcement programs. As part of the sentencing process information about sterilization, vaccinations, and community animal resources should be given to animal ordinance violators. Depending on available community resources, courts may elect to dispense free or subsidized spay/neuter vouchers to ordinance violators (particularly where violators have been ordered to sterilize their animals).

RECOMENDATION

Request the Model Elements of a Dangerous Dog Ordinance be referred to the City Council Committee on Housing and Neighborhoods for consideration for possible inclusion in the Long Beach Municipal Code at Title 6.