



Date: April 1, 2008
To: Honorable Mayor and City Council
From: Councilmember Val Lerch, Chair, Public Safety Committee
Subject: **DANGEROUS DOG ORDINANCE**

The Public Safety Committee, at its meeting held March 4, 2008, considered communications relative to the above subject.

It is the recommendation of the Public Safety Committee to refer to the City Council to request the City Attorney to draft a new ordinance where in addition to possible criminal violations, the owner may be subject to administrative penalty if their dog is discovered loose, and at large that have attempted to bite, attack or menace another human or animal, due the owner's failure to contain the animal by means of ordinary care; and amend the existing ordinance of the Long Beach Municipal Code (LBMC), Title 6 with the following changes:

- Require microchipping of animals impounded by the Animal Control Division prior to owner redemption;
- Strengthen the leash law (LBMC 6.16.100);
- Create a linkage between education and fines that would require mandatory education regarding responsible pet ownership; and
- Possibly require microchipping of all licensed dogs and/or microchipping dogs prior to adoption.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

Councilmember Val Lerch, Chair

Prepared by:
Gloria Harper



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.*

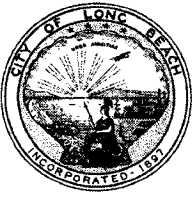
(3) Regionally enforceable dangerous dog ordinances. *Communities should work together on a regional level to ensure (1) strong dangerous dog ordinances are in effect across jurisdictional lines and (2) ordinances are being uniformly enforced throughout the region.*

HONORABLE MAYOR AND CITY COUNCIL
Model Elements of a Dangerous Dog Ordinance
Councilwoman Gerrie Schipske, Fifth District
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(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.



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



Current Long Beach Vicious Animal Regulations

6.16.250 Vicious animals -- Defined.

A. "Vicious animal" is any animal which bites or attempts to bite any human or animal without provocation, or which has a disposition or propensity to attack, bite or menace any human or animal without provocation and endangers the health and safety of any person.

B. Any animal who bites or attempts to bite a person or other animal that is unlawfully on its owner's premises, or which has been provoked or teased, or which is otherwise performing its duties as a police dog, shall not be deemed to be a vicious animal. (Ord. C-6487 § 1, 1988; Ord. C-6093 § 1 (part), 1984).

6.16.260 Impoundment of vicious animal.

A. Any law enforcement or animal control officer of the city shall have the authority summarily and immediately to impound a dog or other animal where there is evidence it is vicious within the meaning of this chapter.

B. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, such official may enter private property at all reasonable times to inspect same or to perform any duty imposed by this chapter; provided, that if such private property is occupied, such official shall first present proper credentials and demand entry. If entry is refused, or if the owner or other person having control of such property is not present to permit entry, such official shall have recourse to every remedy provided by law to secure entry at a later time.

C. Any person keeping or harboring such dog or other animal subject to being impounded who fails to surrender the animal to such official upon demand shall be guilty of a misdemeanor.

D. If the dog or other animal cannot be safely taken up and impounded, it may be destroyed forthwith by such law enforcement or animal control officer. (Ord. C-6487 § 2, 1988; Ord. C-6093 § 1 (part), 1984).



6.16.270 Vicious animal hearing.

Where there exists evidence sufficient to give rise to the suspicion that a dog or other animal falls within the provisions of subsection 6.16.250.A, the superintendent of animal control shall conduct a hearing for the purpose of determining whether the dog or other animal is a vicious animal. The superintendent shall notify the owner of the animal, and may notify any interested parties of the time and place of hearing. At such hearing the owner and any interested party shall be given the opportunity to present any evidence relevant to the issue.

After such hearing the superintendent is empowered to declare such dog or other animal to be a vicious animal. (Ord. C-6487 § 4 (part), 1988).

6.16.280 Disposition of vicious animals.

Any dog or other animal declared to be a vicious animal may, at the discretion of the superintendent, be humanely destroyed. Such humane destruction shall occur no earlier than ten (10) days following notice given to the owner of such animal of intention to destroy. (Ord. C-6487 § 4 (part), 1988).

6.16.290 Issuance of rules and regulations--Summary destruction.

- A. If, after the hearing provided in this chapter, it is determined that the dog or other animal is vicious, the superintendent of animal control, if he elects not to destroy the animal, may issue certain rules and regulations pertaining to the keeping and containing of such animal.
- B. If such dog or other animal is thereafter determined to be in violation of any rule or regulation as made pursuant to subsection 6.16.290.A of this section, such animal shall be impounded and thereafter subject to summary destruction no earlier than ten (10) days following notice given to the owner of intention to destroy.
- C. Any owner of a dog or other animal who knowingly permits such animal to violate any rule and regulation set forth pursuant to subsection 6.16.290.A of this section shall be guilty of a misdemeanor. (Ord. C-6487 § 4 (part), 1988).

6.16.300 Liability for charges.

The owner of a dog or other animal impounded pursuant to this chapter shall be liable for any and all of the prevailing board and keep charges at the animal control center. (Ord. C-6487 § 4 (part), 1988).

Model Elements of a Dangerous Dog Ordinance

Wesley Moore

Animal Control Services Officer

Department of Health and Human Services

Overview

- Long Beach Dog Bite Data
- Model Elements in Long Beach
- Areas For Improvement

Long Beach Reported Dog Bite Data

- Definitions
- Number of Bites Over The Past Five Years
- 2007 Reported Dog Bites
 - Severity
 - How They Occurred
 - Distribution Throughout The City

Definitions

- Data – Reportable Dog bites to humans
 - Requires a break in the skin
 - The number of dog bites is likely underreported, especially in the category of minor bites.
- Does not include bites between animals
 - Data is not readily available

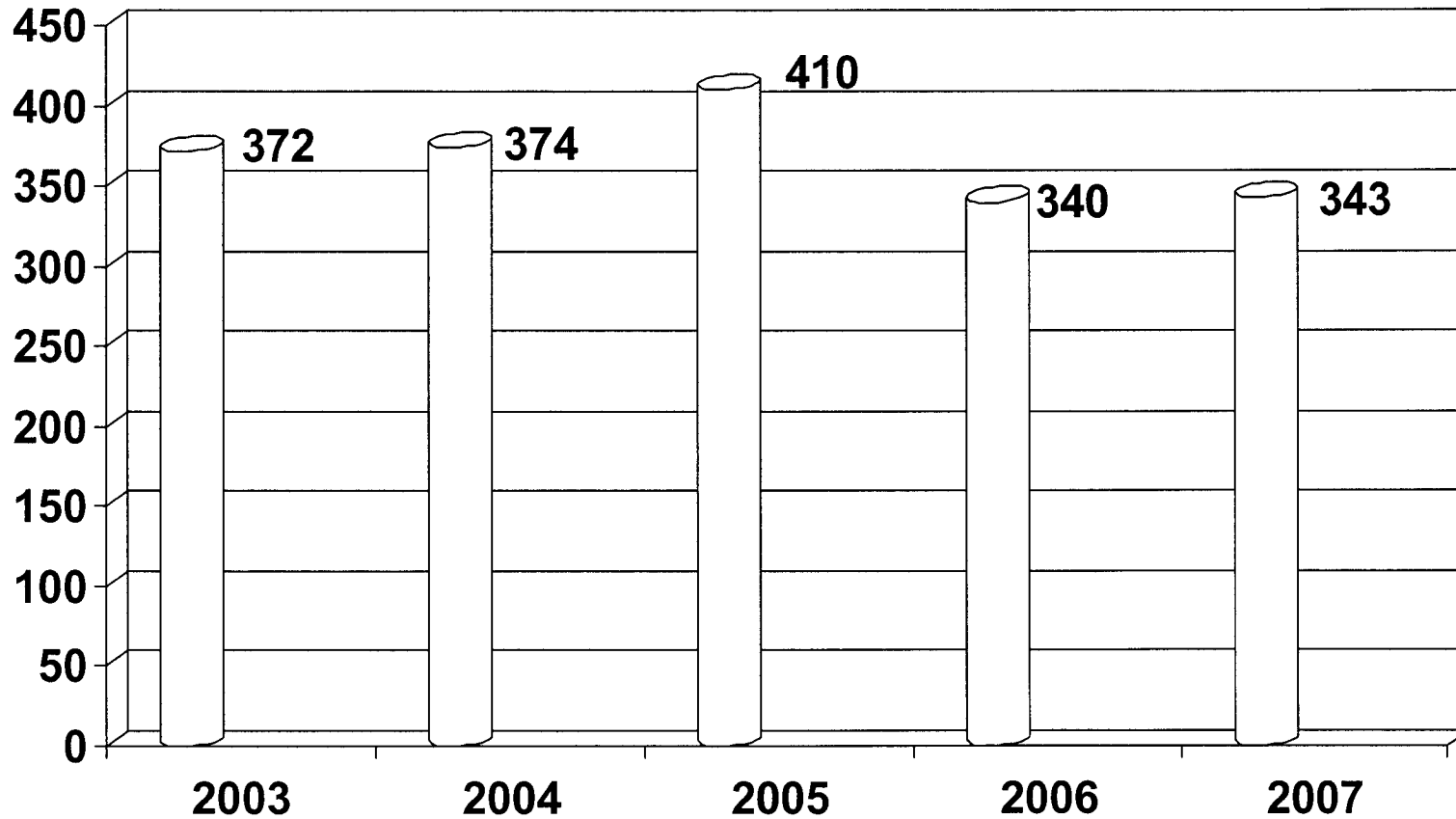
Definitions

- **Minor** – Small breaks in the skin, scratches, or wounds that would be treated by washing, disinfectant and/or a Band-Aid
- **Moderate** – Breaks in the skin that may be self-treated or require medical treatment, larger dressings or a single suture.
- **Severe** – Larger breaks in the skin and multiple bites, requiring medical treatment that may include multiple sutures, large dressings, surgery, etc.
- **Unknown** – Information was not provided for report.

Definitions

- **Playful** – During play with the dog.
- **Provoked** – The victims action caused the bite
- **Unprovoked** – No apparent reason for dog bite (single bite or snap)
- **Vicious** – Attacked victim, multiple or sustained bites
- **Unknown** – Information was not provided for the report.

Reported Dog Bites In Long Beach Over the Past Five Years

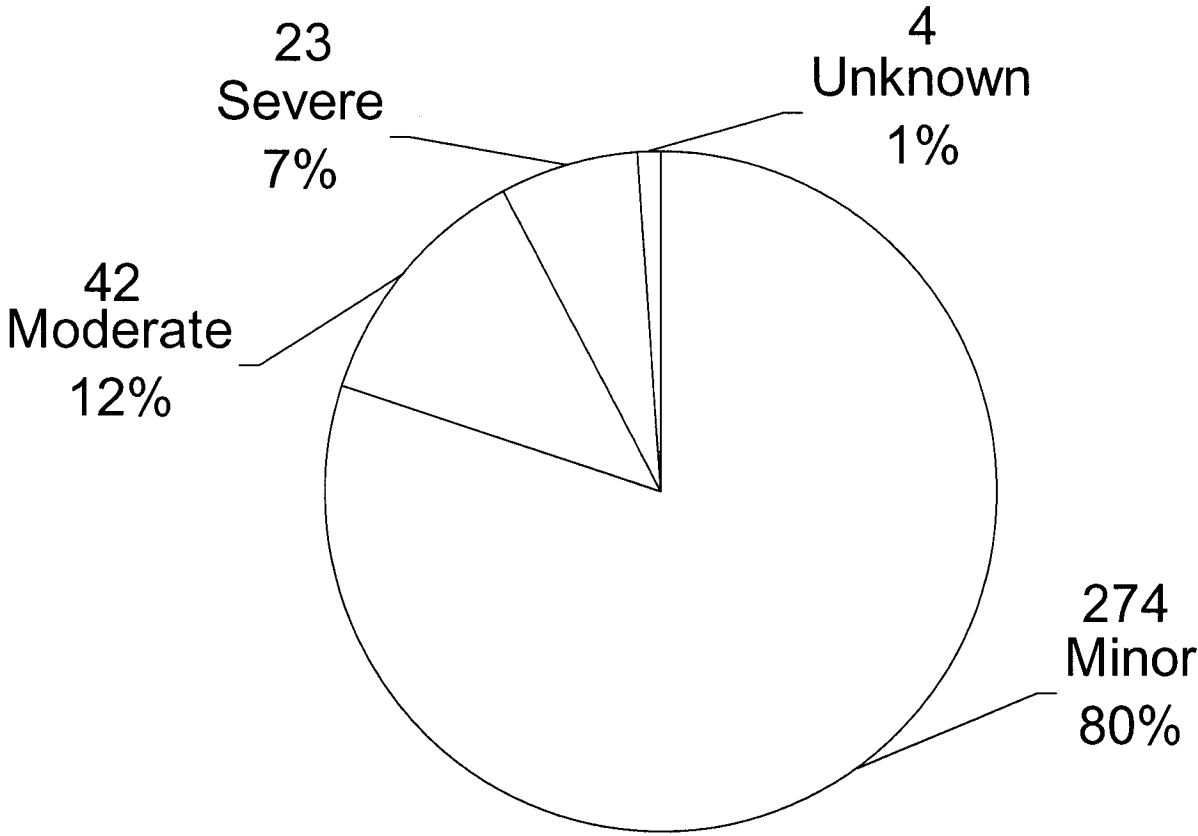


Reported Dog Bite Data – 2007

Sorted by the following categories:

- Severity
 - Minor
 - Moderate
 - Severe
 - Unknown
- If The Dog Was Loose
 - Loose
 - Confined
 - Unknown
- How the Bite Occurred
 - Playful
 - Provoked
 - Unprovoked
 - Vicious
 - Unknown

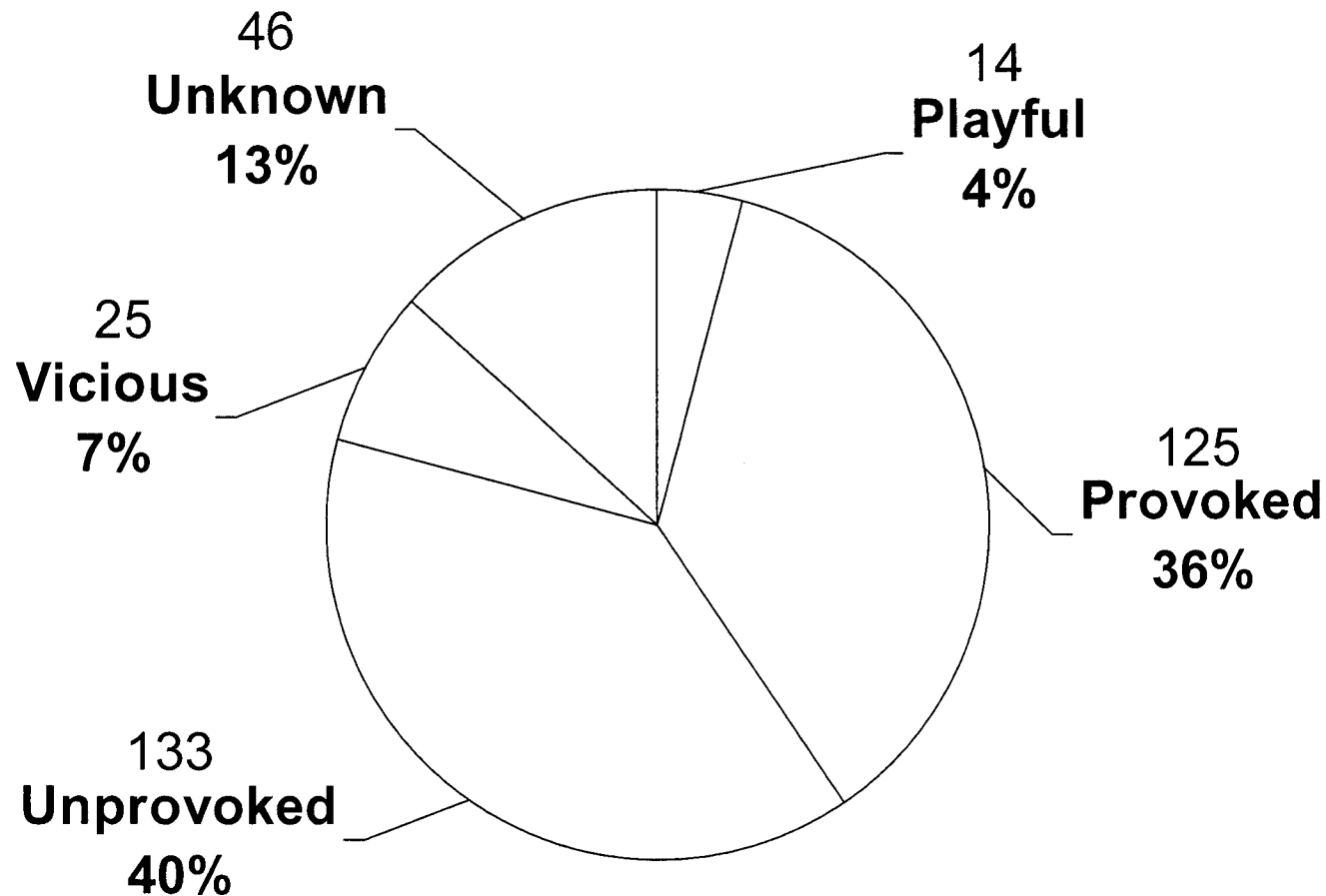
Severity of Reported Dog Bites - 2007



343 Dog Bites Reported

How The Bite Occurred

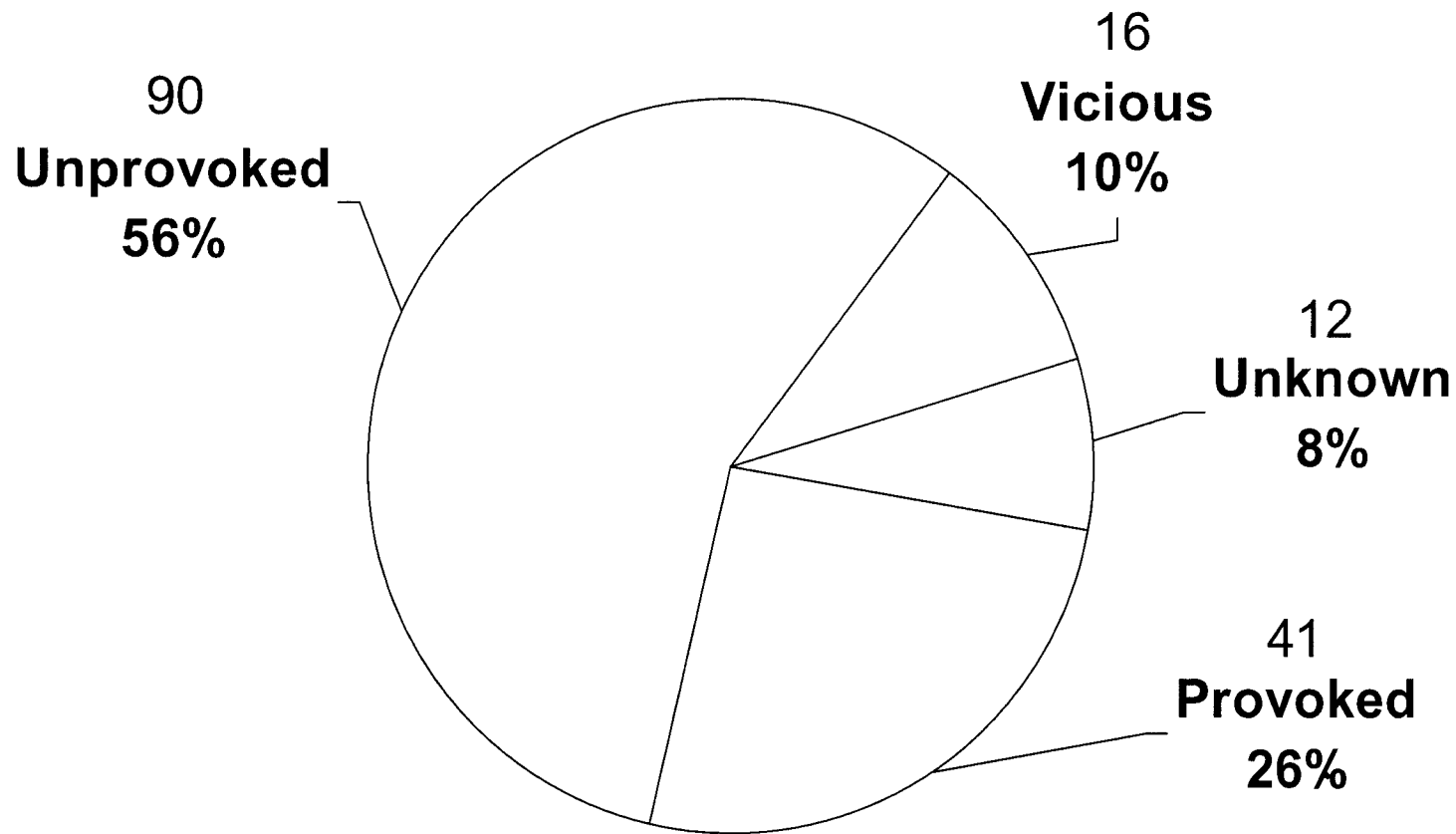
All Reported Dog Bites - 2007



343 Dog Bites Reported

How The Bite Occurred

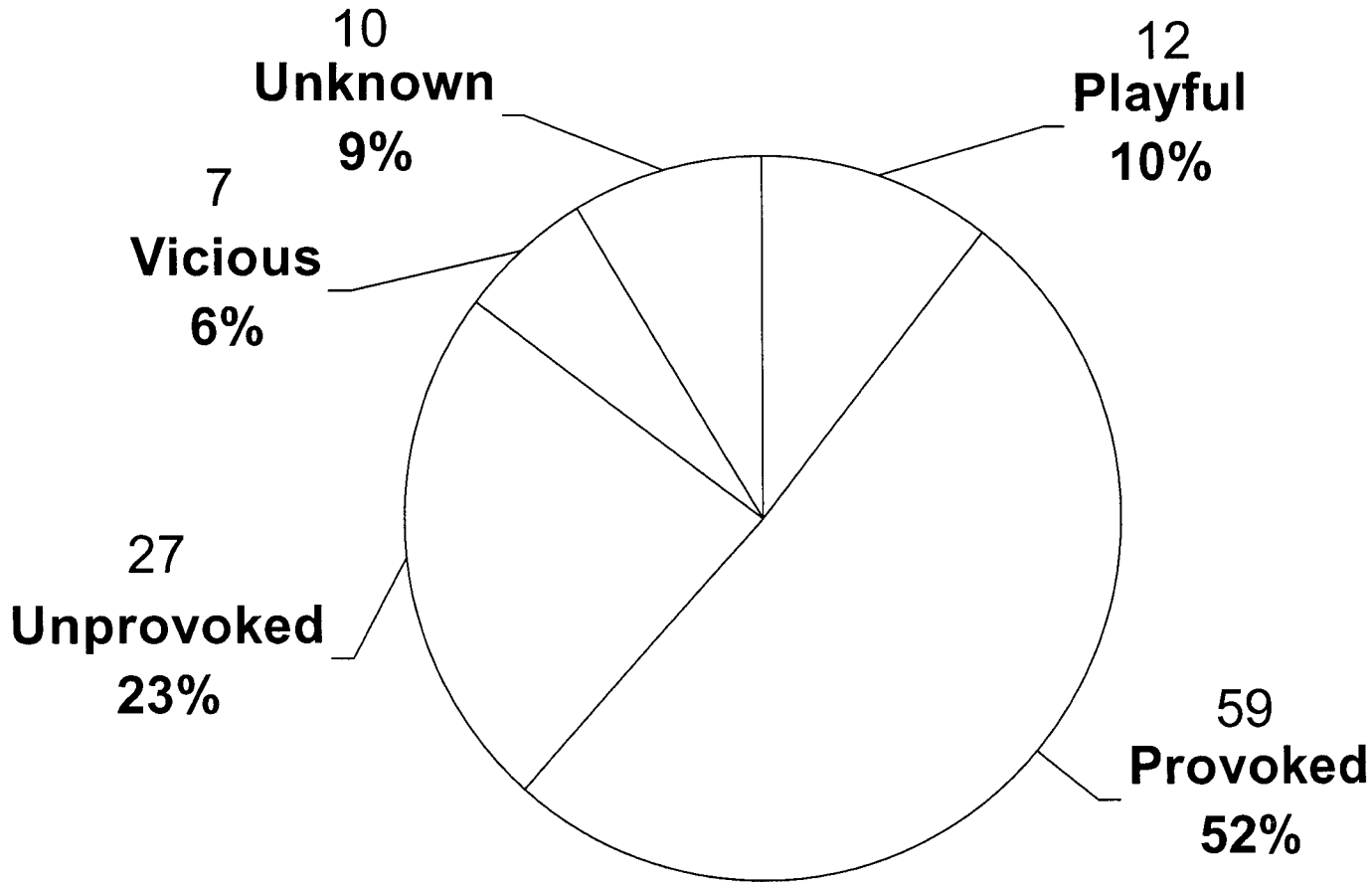
Reported Bites by Loose Dogs



159 Dog Bites by
Loose Dogs

How The Bite Occurred

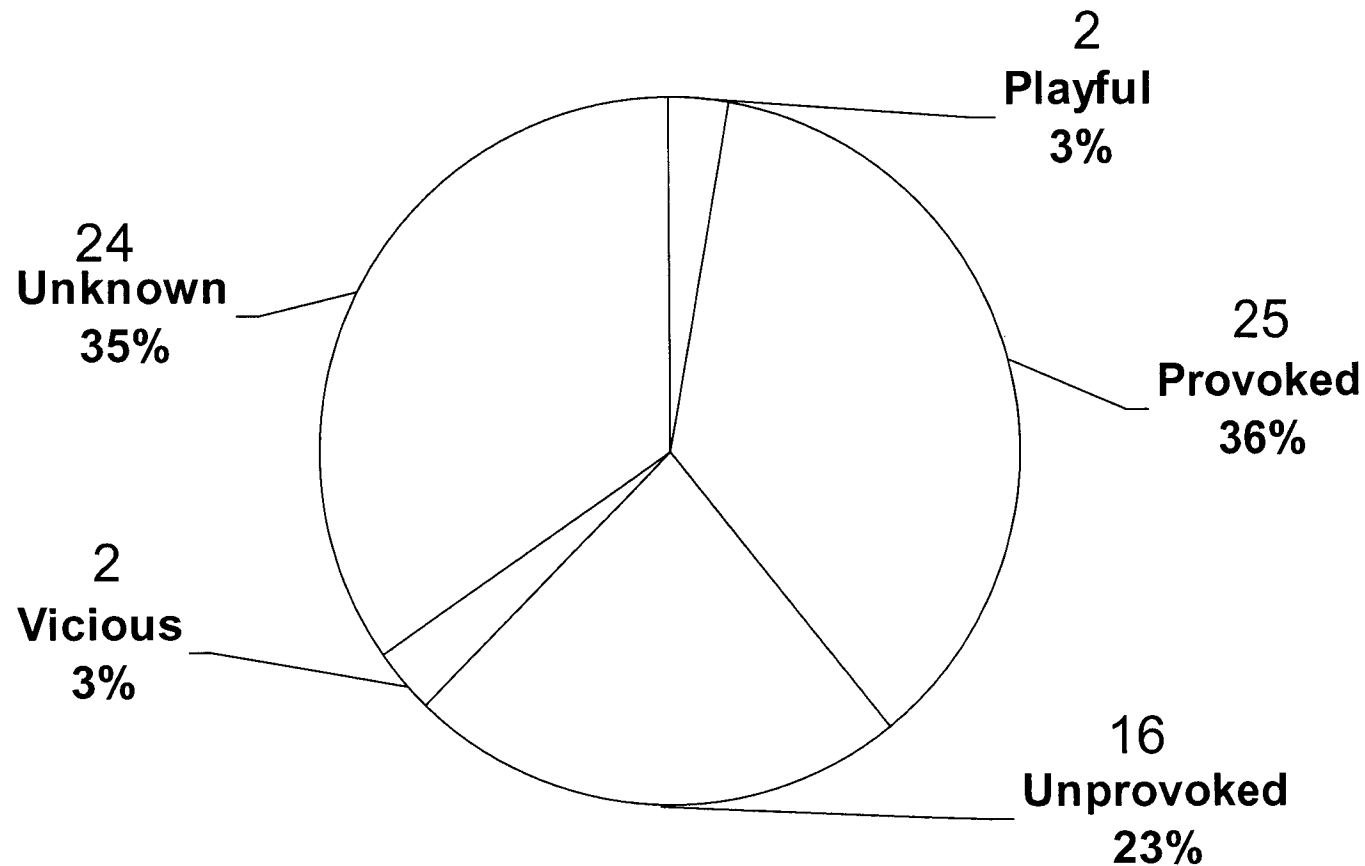
Reported Bites by Confined Dogs



115 Dog Bites by
Confined Dogs

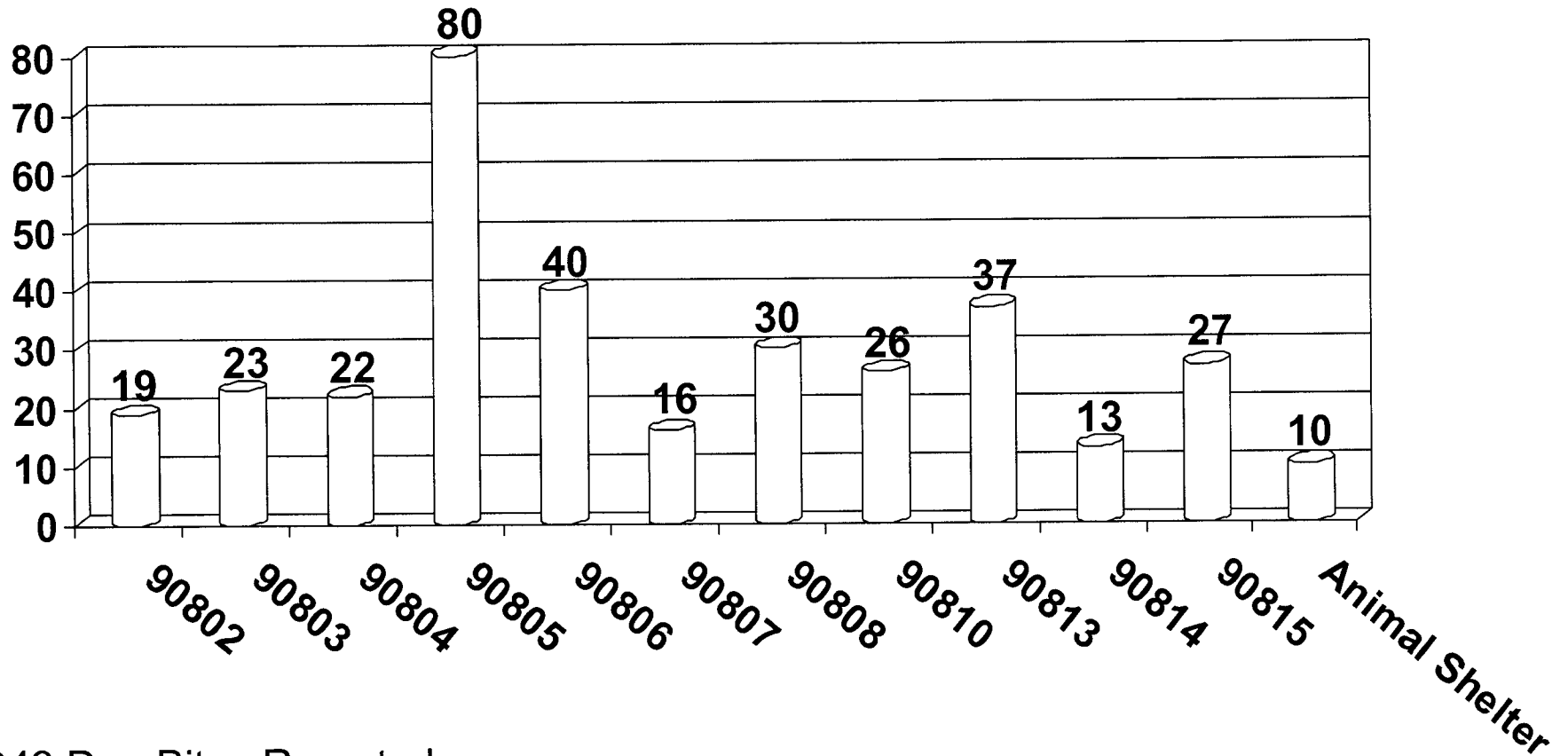
How The Bite Occurred

Reported Bites, Unknown if Loose or Confined



69 Dog Bites Unknown if
Loose or Confined

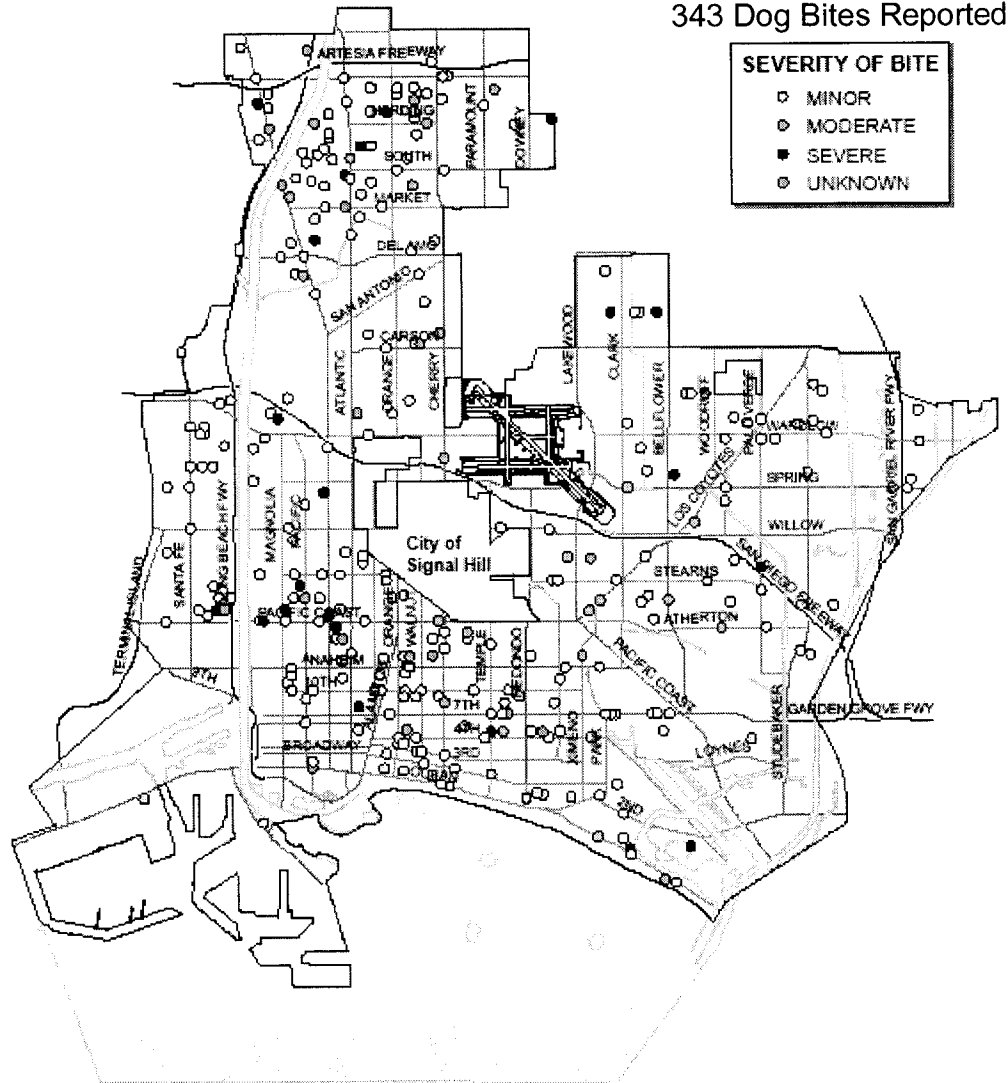
Reported Dog Bites By Zip Code



343 Dog Bites Reported

Dog Bites Reported to Animal Control City of Long Beach, 2007

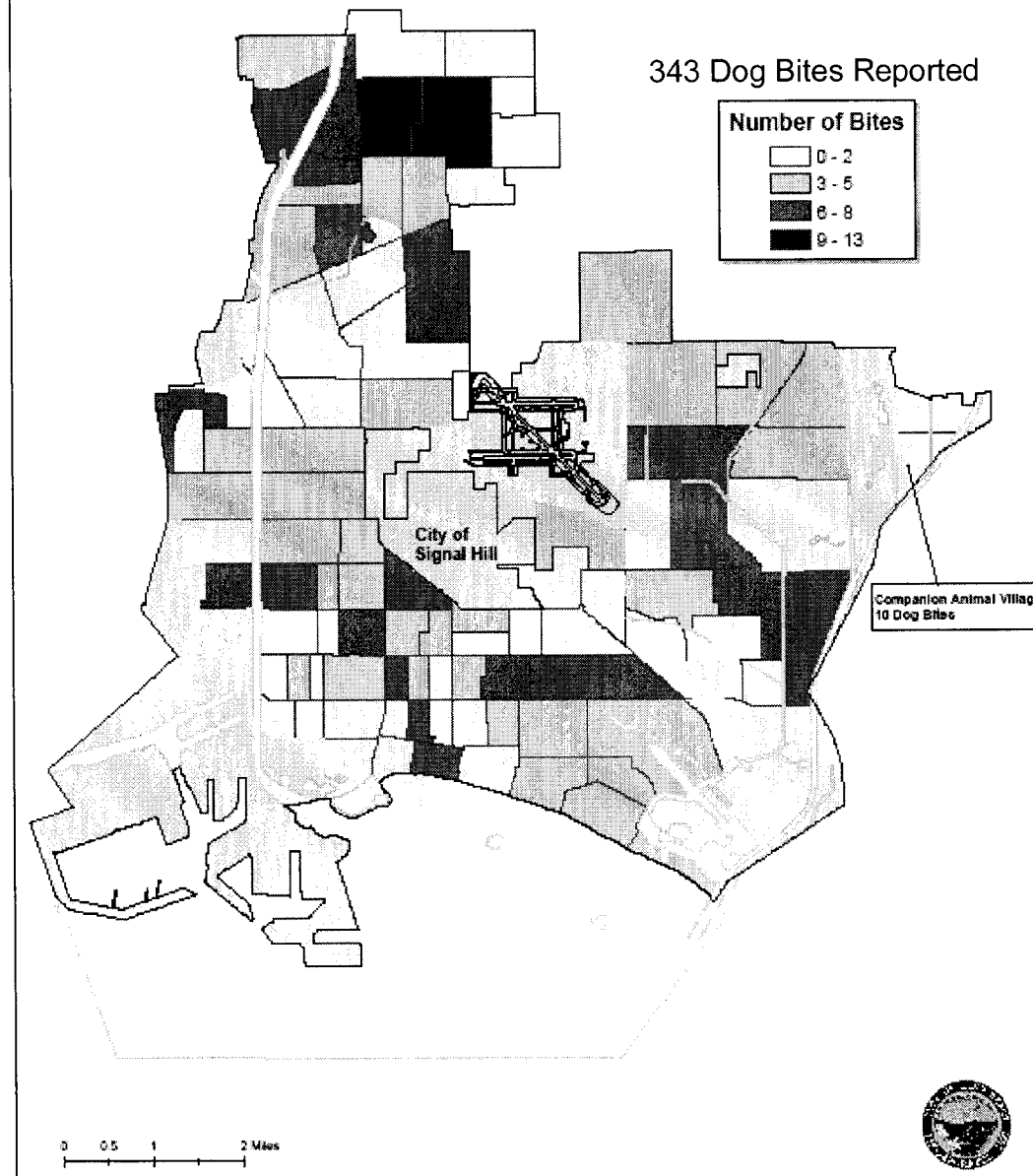
343 Dog Bites Reported



0 0.5 1 2 Miles

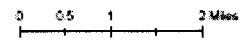
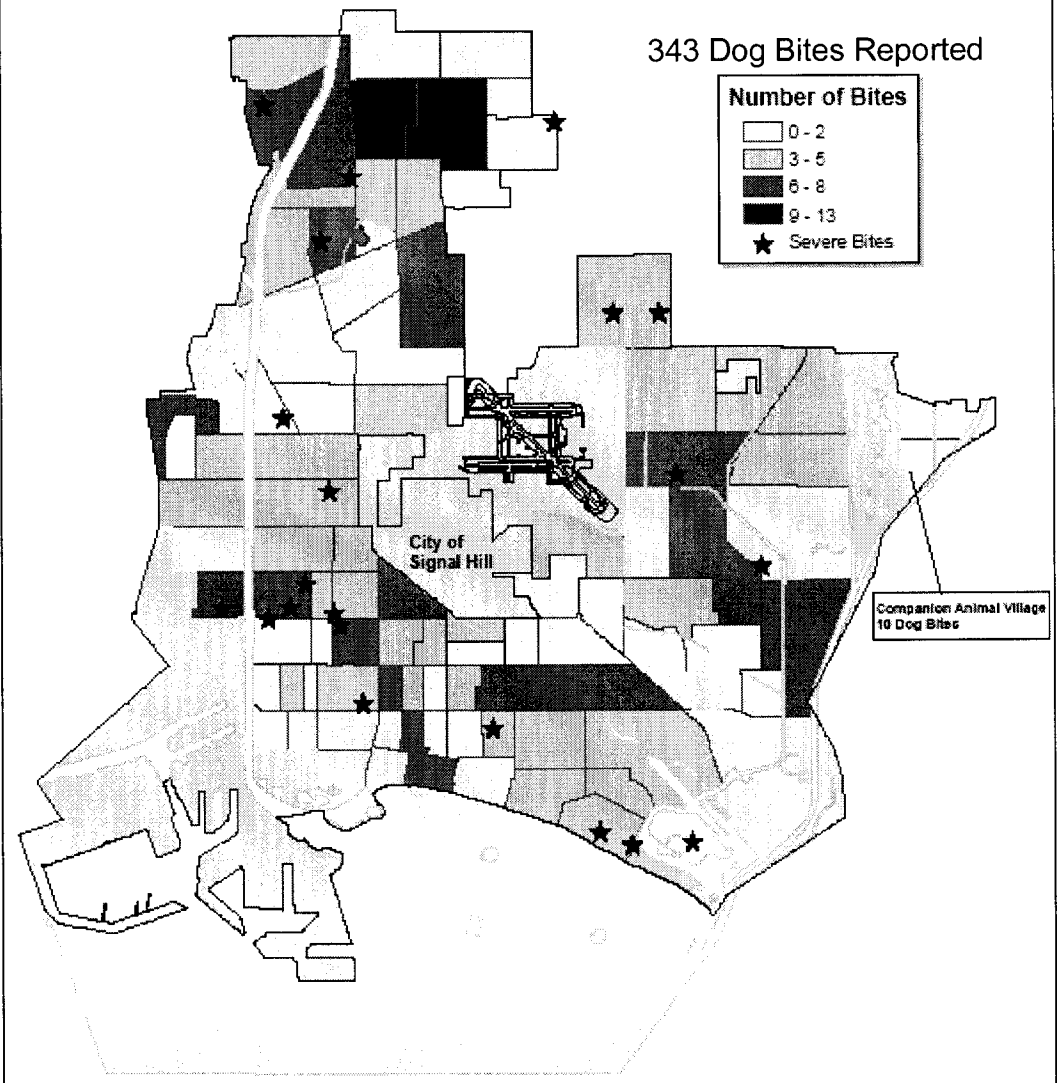
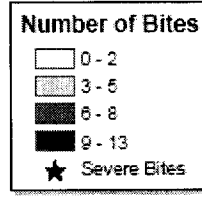


Dog Bites Reported to Animal Control City of Long Beach, 2007



Dog Bites Reported to Animal Control City of Long Beach, 2007

343 Dog Bites Reported



Proposed Model Elements

- Clear, Fair And Easy to Follow Procedures
- Owners Are Held Accountable
- No Injury to People or Animals Required For Action
- Increased Penalties
- Sterilization Required
- Owners Can Choose Education Over Fines
- Increased Licensing Fees For Intact And Dangerous Animals
- No Tethering Permitted
- Mandatory Microchipping
- Strong Anti-Cruelty Provisions

Clear, Fair and Easy to Follow Procedures

6.16.250 A. Vicious Animal - Defined

A “Vicious Animal” is any animal which bites or attempts to bite any human or animal without provocation, or which has a disposition or propensity to attack, bite or menace any human or animal without provocation and endangers the health and safety of any person.

Clear, Fair and Easy to Follow Procedures

- Reported Incident
- Investigation
 - Not vicious – No further action.
 - Not vicious close to definition – Warning letter that owner has knowledge of possible vicious act by the animal.
 - Possibly Vicious – Requires a public administrative hearing.

Clear, Fair and Easy to Follow Procedures

- Public Administrative Hearing – Pursuant to L.B.M.C. 6.16.270
 - Animal Control Services Officer – Conducts Hearing
 - Not Vicious.
 - Vicious – Rules and Regulations
 - Rules and Regulations are determined by the Division and can be as restrictive as necessary to protect the community pursuant to L.B.M.C.6.16.290A.
 - Vicious – Ordered Destroyed pursuant to L.B.M.C. 6.16.280.

Clear, Fair And Easy to Follow Procedures

- Common – Rules and Regulations for Vicious Animals
 - Vicious Animal Permit Required
 - Vicious Animal Sign
 - Secure six foot enclosure or fence
 - Gates locked at all times
 - On four foot leash and muzzled when not in the enclosure
 - Microchip
 - Spayed or Neutered
 - Liability insurance covering future damage

Owners Are Held Accountable

- Violations are tracked by owner and animal.
- There are escalating impound fees for an owner to redeem their pet
- Misdemeanor and administrative violations are tracked by the owner for escalating fines or penalties

No Injury to People or Animals Required For Action

- **L.B.M.C. 6.16.250 Vicious animals—
Defined includes:**
 - Attempts to Bite
 - Propensity to Attack, Bite or Menace

Increased Penalties

- The City does have escalating impound fees
 - \$25 First impound
 - \$35 Second impound
 - \$65 Third impound
 - \$65 + (\$50 times number of impounds over three) Fourth and subsequent impounds

Increased Penalties

- Owners of unaltered animals found running at large pay an additional escalating impound fee of:
 - \$35 First impound
 - \$50 Second impound
 - \$100 Third impound
- Additionally, owners of unaltered impounded animals are given free spay/neuter vouchers and are educated on the need for spay and neutering of pets

Sterilization Required

- Declared Vicious Animals are required to be spayed or neutered in the Rules and Regulations set forth by Animal Control, if the animal is not destroyed
- Escalating impound fees and the additional impound fee for unaltered animals address the problem of owners that continue to allow their dogs or cats to run at large.

Owners Can Choose Education Over Fines

- Current practices include education, penalties and/or fines
- Animal Control Officers educate owners during the course of an investigation
- This practice could allow a first time offense, with severe injury to a person or animal to choose education and they would **not** be held accountable for their actions

Increased Licensing Fees For Intact And Dangerous Animals

- The City of Long Beach has a \$67 differential between altered and unaltered or intact dog licenses
 - \$18 altered dog license
 - \$85 unaltered/intact dog license
- Vicious Animal Permits are \$175 per year
 - The first permit for a vicious animal is \$350 to cover costs associated with inspections ensuring compliance with any Rules and Regulations set forth by the Animal Control Division

No Tethering Permitted

- California Health and Safety Code 122335
 - Prohibits the tethering of dogs.
- The Animal Control Division enforces H&S 122335
 - Education
 - Citations

Mandatory Microchipping

- Microchipping is required in the Rules and Regulations of declared vicious animals, that are not ordered destroyed
- Requiring microchipping for dogs found running at large would require a change to the city's municipal code. Staff supports changes that would require microchipping of any animal impounded by the Animal Control Division.

Strong Anti-Cruelty Provisions

- Anti-Cruelty is covered in California Penal Code, Food & Agricultural Code, Health & Safety Codes and other state laws
- These laws are enforced by the Animal Control Division
 - Education
 - Warning notices
 - Citations
 - Misdemeanor cases through the Prosecutor's Office
 - Felony cases through the District Attorney's Office.

Areas For Improvement

- Changes to Long Beach Municipal Code
 - Require microchipping of animals impounded by the Animal Control Division prior to owner redemption
 - Strengthen the leash law (L.B.M.C. 6.16.100)
 - Create a new ordinance where in addition to possible criminal violations the owner may be subject to administrative penalty if their dog is discovered loose and at large that has or has attempted to bite, attack or menace another human or animal, due to the owner's failure to contain the animal by means of ordinary care.