



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: April 19, 2022

TO: Ordinance Committee

FROM: City Attorney's Office

SUBJECT: An Ordinance Amending Title 6 Of The Municipal Code Pertaining To Animal Control

RECOMMENDATION:

That the Ordinance Committee consider proposed amendments to Title 6 of the Municipal Code pertaining to animal control and forward the ordinance to City Council for introduction and adoption.

DISCUSSION:

Title 6 of the Santa Barbara Municipal Code pertains to the regulation of animals within the City including, rabies control, dog noise, vaccination, and impoundment among, other requirements. The Santa Barbara Police Department (SBPD) provides enforcement of animal control within the City limits, while Santa Barbara County provides impoundment services.

It has been several decades since Title 6 has been amended, hence, the motivation behind the subsequent recommended changes. One of the major changes is codifying the procedures when a dog is deemed dangerous or vicious by the SBPD due to an attack on another animal or person. Many of the proposed amendments mirror state law under the California Food and Agricultural Code Division 14, Chapter 9.

Potentially Dangerous or Vicious Dogs

The proposed amendments provide definitions of what constitutes a potentially dangerous or vicious dog, Administrative Hearing procedures for dangerous or vicious dogs that are impounded by the SBPD, and potential remedies that the administrative hearing officer can impose if he or she finds the dog dangerous or vicious. There have

been six administrative hearings conducted by the SBPD over the last 5 years regarding dogs that have bit other animals or person(s).

A “potentially dangerous” dog is defined as when, on at least two separate occasions within a 36-month period, a dog engages in any unprovoked behavior that requires a defensive action by a person to prevent bodily injury to a person, domestic animal, or livestock. The primary purpose behind the definition of a potentially dangerous dog is that an attempted attack is often a precursor to subsequent attacks on pets, livestock, and people.

On the other hand, a dog can be determined to be vicious if it: (a) Inflicts serious injury or kills a person when unprovoked; or (b) If it has been previously designated to be dangerous or vicious in the City of Santa Barbara or another jurisdiction.

Administrative Process Update

As mentioned, the proposed changes to Title 6 also detail the Administrative Hearing and Appeal process for any dog deemed dangerous or vicious by the Animal Control Department. The Administrative Hearing process requires the Animal Control Supervisor to prepare a record that explains why the dog should be deemed dangerous or vicious and the supporting evidence. The Administrative Hearing is required to be held in front of a neutral hearing officer, no less than five working days and not more than ten working days after the service upon the guardian of the dog. The hearings are public.

If a dog is determined to be potentially dangerous or vicious, then the guardian can file an appeal to Santa Barbara Superior Court within 14 calendar days after receiving the written decision from the hearing officer. The appeal will be a bench trial (no jury) and is de novo, which means it starts anew as if it had not been previously heard nor decided. The decision of Superior Court is final pursuant to California Food & Agricultural Code Section 31624.

New Power to Impose Restrictions on Dogs

Another substantive amendment to the ordinance is that dogs that have acted in a dangerous or vicious manner can be managed through restrictions imposed by a Hearing Officer. Dogs that have been determined to be dangerous could result in corrective actions being taken by the guardian, such as putting up a fence around the yard, making the dog wear a muzzle in public, obedience-training classes, or obtaining liability insurance.

The amendments also propose additional action to be taken with a vicious dog that is not euthanized, including the following: posting notices on the property that there has been a determination of a vicious dog; an enclosure that is enclosed on all sides and is locked by a padlock with a top and a cement floor; and prohibiting ownership for a period of three years if it is determined at the hearing that ownership or possession of a dog by that person would create a significant threat to the public safety.

Penalties

Failure to comply with any of the conditions imposed by the Hearing Officer would be a misdemeanor punishable by a fine not exceeding \$1,000 or by imprisonment in the County jail for a period not to exceed six months. A provision has been added allowing an animal guardian to file a petition requesting removal of the “dangerous or vicious” designation after a 2-year period if no additional incidents have taken place.

Other Changes

Other important amendments to Title 6 include the following:

- Addition of a new section addressing adequate care of animals, such as the sanitation of quarters where animals are housed. Failure to abate unsafe or unhealthy conditions when directed by an Animal Control Officer could lead to impoundment.
- Defining an irresponsible guardian, which includes: a dog found at large multiple times in a 12-month period, a dog that has committed two or more less severe bites, and a dog deemed dangerous or vicious.
- Defining what constitutes a dog noise nuisance, which is when any dog emits excessive noise such as barks, cries or sounds that are loud, frequent, and continued over a period of time so as to deprive persons residing in two or more dwelling units in the neighborhood of the reasonable comfortable enjoyment of their property.
- Amending the City’s rabies vaccination requirement to include: mandatory vaccination for a dog or cat over four months of age by a licensed veterinarian 15 days after acquiring the animal or 15 days after bringing the animal to reside in the City limits; revaccination 12 months after the animal’s initial vaccination if the dog or cat was between three months and one year of age at the time of the initial

vaccination and 36 months after each subsequent vaccination; and amending the requirements of what is provided on a vaccination certificate.

The draft ordinance containing the proposed amendments was released to the public on April 7th seeking community input. There were several comments submitted and several changes were made based on those comments. The changes to the proposed amendments include the following: remove dogs trained for fighting from the definition of vicious dogs; combining the requirements for sanitation with adequate care under SBMC 6.04.050; and removing the requirements for service dogs to be licensed and tagged since the City does not issue them.

BUDGET/FINANCIAL INFORMATION:

This action does not have a budget/financial impact on the City.

ATTACHMENT(S): Draft Animal Control Ordinance

PREPARED BY: John Doimas, Assistant City Attorney

SUBMITTED BY: Ariel Calonne, City Attorney

APPROVED BY: City Administrator's Office