

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Animal Services	(2) MEETING DATE 2/7/2012	(3) CONTACT/PHONE Eric Anderson, DVM (805) 781-4400	
(4) SUBJECT Introduction of a proposed ordinance amending Chapter 9.16 of the County Code to establish a provision addressing menacing and aggressive animals.			
(5) RECOMMENDED ACTION It is recommended that the Board introduce the attached ordinance amending Chapter 9.16 of the County Code to establish a provision addressing menacing and aggressive animals, and set March 6, 2012 as the date for a public hearing to review and approve the ordinance.			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation (Time Est. _____) <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A		(12) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(13) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(14) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
(15) LOCATION MAP N/A	(16) BUSINESS IMPACT STATEMENT? No	(17) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(18) ADMINISTRATIVE OFFICE REVIEW			
(19) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Jeff Hamm, Health Agency Director
(805) 781-4719
Eric Anderson, DVM / Animal Services
(805) 781-4400

DATE: 2/7/2012

SUBJECT: Introduction of a proposed ordinance amending Chapter 9.16 of the County Code to establish a provision addressing menacing and aggressive animals.

RECOMMENDATION

It is recommended that the Board introduce the attached ordinance amending Chapter 9.16 of the County Code to establish a provision addressing menacing and aggressive animals, and set March 6, 2012 as the date for a public hearing to review and approve the ordinance.

DISCUSSION

Each year, hundreds of encounters with aggressive animals from around the county are reported to Animal Services. These calls range broadly in terms of severity, from fenced dogs barking aggressively at passersby to serious or even life threatening attacks on other animals and people. The Division's authority to respond to these cases is established by both state and local codes related to the keeping of domestic animals.

These codes currently allow for the misdemeanor or felony prosecution of a person who either negligently or intentionally allows their animal to injure a person. Under specific circumstances civil action may also be taken to have individual dogs declared as Potentially Dangerous or Vicious following documentation of events involving significant aggression by the animal. Such a designation places specific restrictions and requirements on the keeping of that specific animal or may actually result in the issuance of a judicial order for the dog's euthanasia.

Collectively, these codes provide for a consequential response to those cases in which a person is injured by an aggressive animal or in which a dog has engaged in sequential attacks on domestic animals. However, they do not preclude the keeping of aggressive animals nor do they provide for a means to address those situations in which an animal clearly represents a potential public safety risk but has not yet injured a person.

For example, Animal Services regularly receives calls from individuals who, while walking on public sidewalks, are aggressively charged and threatened by dogs from behind fencing which is clearly inadequate for keeping them confined. In such circumstances, concerned callers are dismayed to be told that until the animal actually succeeds in escaping the property and attacking a person or animal, there is little that Animal Services can do to address the situation.

Similarly, while the codes allow for a consequential response to even a single animal attack on a person, no such provision exists for situations in which the negligence of an animal owner directly contributes to their animal attacking or even killing another animal unless a track record of multiple similar events has been documented.

The ordinance proposed herein helps close these gaps by requiring the owner or keeper of any animal whose aggressive behavior indicates a potential risk to public safety to ensure that it is securely confined. Furthermore, it establishes a

penalty for individuals whose negligence gives rise to a serious attack on another privately owned animal.

As presented, violation of the ordinance would constitute an infraction, the fine for which is set by County Code section 1.04.010 General Penalty. Currently, this section establishes the fine for such violations at \$50 for the first offence, \$100 for a second offence, and \$250 for each subsequent offence within a one year period.

OTHER AGENCY INVOLVEMENT/IMPACT

Each of the incorporated communities contract with Animal Services for the provision of animal care and control services. Under the terms of this agreement, they are required to enact municipal codes which are similar and consistent with the County's codes regarding the care, keeping, and management of animals. In the process of developing this ordinance, each of the police chiefs responsible for administering the Animal Services contract with their cities was consulted. There was a general consensus of support for the ordinance and no objections were voiced.

FINANCIAL CONSIDERATIONS

While the enactment of this ordinance may result in a minor increase in the total number of field services calls to which Animal Services' officers respond, it is expected that this increase in case load can be handled with existing staffing levels and with minimal impact to current service levels. No appreciable costs are anticipated to be incurred as a result of the enactment of this ordinance.

RESULTS

The enactment of this ordinance will provide animal control officers the ability to address the owners of aggressive animals which pose a threat to the public safety and direct that they take measures to adequately confine the animal before a person or domestic animal is injured. Additionally, owners will be further motivated to ensure their animals are kept confined and under control by the potential exposure to citation should it attack and severely injure another domestic or captive animal. The combined result supports the County wide objective of creating and sustaining a ***Livable Community***.

ATTACHMENTS

1. Ordinance Amending Chapter 9.16 of the County Code, General Provisions