



City of Santa Rosa Vicious Dog Ordinance

Public Safety Subcommittee Meeting
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John Cregan, Santa Rosa Police Chief
Adam Abel, Assistant City Attorney
Joey Hejnowicz, Public Works
Brian Whipple and Kevin Davis,
Sonoma County Animal Services

Vicious Dog Ordinance

- Food & Agricultural Code, Chapter 9, Potentially Dangerous and Vicious Dogs (§§ 31601-31683)
- Adopted by California State Legislature in 1989 – aggressive dogs had become a serious and widespread threat to safety and welfare to the citizens of the state.
- Codified into law to address the failure of owners to confine and properly control their potentially dangerous and vicious dogs.

Vicious Dog Ordinance

These state statutes:

- Define what constitutes a potentially dangerous and/or vicious dog;
- Address the disposition of these dogs;
- Provide a model provision for municipalities to follow;
- Permit a city to adopt its own program for the control of potentially dangerous and vicious dogs that may incorporate all, part, or none of this chapter.

Vicious Dog Ordinance

“Vicious” Dog Defined (SRCC §7-04.010(S)):

- Inflicts severe injury on or kills a human being;
- “Severe injury” means a physical injury that results in muscle tears, disfigured lacerations, multiple sutures, and/or corrective or cosmetic surgery (SRCC §7-04.010(R).)
- A dog previously designated as “potentially dangerous” that continues the same (aggressive) behavior or subsequently gets loose from its owner’s property (SRCC §7-04.010(S).)

Vicious Dog Ordinance

“Potentially Dangerous” Dog Defined (SRCC §7-04.010(O)):

- A bite to a human that is less than “severe”;
- An attack that occurs off the property of its owner that kills or inflicts injury upon another domestic animal;
- A dog which, when off the property of its owner, on two separate occasions within a 36-month period, engages in behavior that requires defensive actions by a person to prevent bodily injury.

Vicious Dog Ordinance

Proposed Amendment to Strengthen City Ordinance:

- Give the City Attorney discretion to seek a “vicious” designation on a dog that, when unprovoked, and when off the property of its owner, kills one or more domestic animals.

Vicious Dog Ordinance

Pros and Cons of Proposed Amendment

Pros:

- Would better support an Animal Control Officer's discretionary decision (with City Attorney input) to seize and impound the dog, post attack, in the interests of public safety, pending the outcome of the hearing.
- Provide the City Attorney with an enforcement tool more commensurate with the magnitude of the victim's loss.
- May have the effect of minimizing some future dog attacks.

Vicious Dog Ordinance

Cons:

- Will not likely deter negligent dog ownership.
- The disposition of a “vicious” dog remains within the Court’s discretion – the preference has not been to humanely euthanize “vicious” dog except in the most egregious cases where the threat to public safety is irrefutable.

Animal Services

Responsibilities:

- Lost and Found Animals
- Rabies Control
- Animal Cruelty Investigations
- Potentially Dangerous and Vicious Animal Investigations
- Patrol of City Parks
- Nuisance Animals
- Disaster/Emergency Response
- Attending events in the community

Animal Services Staffing

- Total of 28 staff members plus 2 contractors. 3.5 Clerical, 4.5 Animal Health Technicians, 6 Animal Care Assistants, 10 Animal Control Officers, 2 Admin Aides, 1 Analyst, 1 Operations Manager, 1 Contract Veterinarian, 1 Contract Social Media Consultant
- Normal hours of operation. Shelter 9am-5:30pm Tue-Sat, Field normal hours 8:00am-4:00pm Sunday-Saturday
- Two Animal Control Officers Assigned to City limits
- On Call consists of two officers - one for the City and one for the unincorporated area of Sonoma County. 4:00pm-8:00am
- During normal hours officers are dispatched from our main office. After hours dispatched through Santa Rosa PD dispatch.
- After hours response time to scene

Potentially Dangerous & Vicious Requirements

- Properly licensed and vaccinated
- Potentially Dangerous fee \$148 or Vicious fee \$371
- Must be kept indoors or in a secure enclosure, or
- Walked with an approved collar/leash and muzzle
- A sign must be posted facing the public street
- Must be microchipped and sterilized
- Vicious - same requirements as Potentially Dangerous plus \$500,000 liability insurance and may not be kept on premises where minor children reside or are present
- Potentially Dangerous - animal is designated for a three-year period
- Vicious designation - animal is designated for life

Potentially Dangerous & Vicious Animals

- Dog bites a person/domestic animal, or
- Two incidents within thirty-six months requiring a person to take defensive action to prevent bodily injury
- Animal Services investigates and interviews all party's involved including all witnesses
- The offending animal will be impounded under city code if a vicious designation is being sought with the possibility of euthanasia
- Potentially Dangerous - animal owner is given the opportunity to voluntarily designate, or a petition is filed in Superior Court
- Vicious - if euthanasia is not being sought and the owner can comply with all the requirements, a voluntary agreement may be obtained

Potentially Dangerous & Vicious Animals

- In the majority of cases the animals are seized and boarded at SCAS until the case has been adjudicated. Can take up to a year and sometimes longer.
- All vicious cases and some potentially dangerous cases are discussed with The Santa Rosa City Attorney Adam Abel
- Anthony Baca Vicious Case (2021) involved several court appearances and hundreds of hours in county and city time
- Countless hours are spent on investigations, contacting witnesses, victims and owners.

Santa Rosa contract with Animal Services

- In August 2000, Santa Rosa approved Resolution #24525 approving an Agreement with County of Sonoma for animal control construction and service programs
- County of Sonoma Agreement to provide animal sheltering and regulation services in Santa Rosa for a term of 30 years
- Provide like treatment of animals / utilization of animal capacity
- Enforcement of City Animal Ordinance and Fee Schedule

Cost of the Contract

- Approximately \$2 million dollars annually
 - Past five (5) year average: \$1,851,623.00
- City cost = allocated operating expense, less City fees and penalties
- City pays share of allocated operating expenses based off percentage (%) of City Calls

Staffing Requirements per Contract

- As of July 1, 2011, the County staff will consist of 28.5 staff
- Any staffing changes that are expected to affect services will be brought to the attention of the City
- County to provide field services within the boundaries of Santa Rosa at levels consistent with County field services
- Routine Service hours
 - M-F 8am to 5pm
 - Saturday/Sunday 8am to 4:30pm
- Emergency/Holiday/After Hours
 - Provided to City during all hours not considered routine
 - Emergencies will receive response normally no longer than 45 minutes

Animal Services Models

- County Direct Service Provision (status quo)
- Public-Private Non-Profit Partnership
- Joint Powers Authority
- City Delivered Program

Questions?