

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: ADAM S. ABEL, ASSISTANT CITY ATTORNEY  
CITY ATTORNEY'S OFFICE  
SUBJECT: AMENDMENT TO CHAPTER 7-04 OF THE SANTA ROSA CITY  
CODE EXPANDING THE DEFINITION OF VICIOUS DOG

AGENDA ACTION: ORDINANCE INTRODUCTION

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RECOMMENDATION

It is recommended by the City Attorney's Office that the Council introduce an ordinance to amend Title 7, City Code Chapter 7-04, to give City Attorney discretion to seek a vicious designation on an animal that, when unprovoked, kills another domestic animal and to broaden the definition of a secure enclosure to protect the public health, safety and welfare.

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EXECUTIVE SUMMARY

The ordinance will amend the existing code to redefine potentially dangerous and vicious animals to give the City Attorney discretion to seek a vicious designation on an animal that, when unprovoked, kills another animal.

BACKGROUND

In 2006, the City Council adopted ordinance 3764 Section 4, to establish a program for the control of potentially dangerous and vicious animals that incorporated Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agricultural Code.

On June 15, 2022, Council's Public Safety Subcommittee convened to discuss the City of Santa Rosa's Potentially Dangerous and Vicious Animals Ordinance, which included a Power Point hosted by Police Chief John Cregan and presentations from City staff including Assistant City Attorney Adam S. Abel along with representatives from Sonoma County Animal Services.

At the conclusion of the Meeting, the 3-panel Subcommittee gave direction to the City Attorney's Office to bring forward to Council for consideration an amendment to strengthen the ordinance by redefining potentially dangerous and vicious animals

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specifically in the case where an animal, when unprovoked, attacks and kills a domestic animal.

### PRIOR CITY COUNCIL REVIEW

Not applicable.

### ANALYSIS

The ordinance makes two conforming changes to the City's municipal code in connection with Council's adoption of ordinance 3764 section 4, which established a program to control potentially dangerous and vicious animals that incorporated Chapter 9 (commencing with Section 31601) of Division 14 of the Food and Agricultural Code. Specifically, the proposed ordinance amends Title 7 Animals, Chapter 7-04, Section 7-04.010, to redefine potentially dangerous and vicious animals to enhance public safety while placing greater accountability on owners who fail to properly confine and control their aggressive dogs, making changes as follows:

- Redefines potentially dangerous and vicious animals, giving the City Attorney discretion to seek a vicious designation on a dog that, when unprovoked, attacks and kills a domestic animal; and
- Expands the definition of "Enclosure" to ensure an animal deemed potentially dangerous or vicious is properly confined at all times when on the owner's premises in order to prevent the animal from escaping to protect the public health, safety and welfare.

A redline of the proposed modifications to Section 7-04.010 of Chapter 7-04 is included with this staff report as Attachment 1.

### FISCAL IMPACT

Adoption of the Ordinance would not have a fiscal impact on the General Fund.

### ENVIRONMENTAL IMPACT

This project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183, Projects Consistent with a Community Plan, General Plan or Zoning.

### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On June 15, 2022, staff made a presentation to the Public Safety Subcommittee at the bi-monthly meeting.

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At the conclusion of the meeting, the Subcommittee requested that the City Attorney's Office bring forward to Council the proposed amendments in the interests of public safety and to hold animal owners accountable for their failure to confine and contain their aggressive dogs.

### NOTIFICATION

Not applicable.

### ATTACHMENTS

- Attachment 1 - Proposed Redlined Changes to City Code Chapter 7-04, Section 7-04.010
- Ordinance

### CONTACT

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