

Introduced by \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 6.18 OF THE PASADENA MUNICIPAL CODE TO ESTABLISH A HEARING OFFICER FORM OF ADJUDICATION FOR VICIOUS, POTENTIALLY DANGEROUS, AND PUBLIC NUISANCE DOG HEARINGS**

The People of the City of Pasadena ordain as follows:

**SECTION 1.** Pasadena Municipal Code, Title 6 (Animals), Chapter 6.18 (Regulation of Public Nuisance Dogs) is amended to read as follows:

**“Chapter 6.18 Regulation of Vicious, Potentially Dangerous, and Public Nuisance Dogs**

**Sections**

- 6.18.010 - Declaration of policy.**
- 6.18.015 - Obligations of Dog Owners and Prohibited activities.**
- 6.18.020 - Definitions-as used in this chapter.**
- 6.18.030 - Impoundment.**
- 6.18.040 - Hearings-Procedures.**
- 6.18.050 - Determination and orders.**
- 6.18.060 - Appeals.**
- 6.18.070 - Fines.**
- 6.18.080 - Administrative rules and regulations.**

**6.18.010 - Declaration of policy.**

It is declared that potentially dangerous and vicious dogs have become a serious and widespread threat to the safety and welfare of community members who are persons living in, working in, or visiting the residents of Pasadena, in that potentially dangerous and vicious dogs throughout the city have in recent years assaulted without provocation and seriously injured individuals, including children, and have killed numerous dogs. The number and severity of these attacks are attributable to the failure of owners to confine and properly control vicious dogs and potentially dangerous dogs. In addition, it is declared that the owning, keeping or harboring of a potentially dangerous or vicious dog is a public nuisance safety problem. Moreover, dogs that unreasonably annoy humans substantially interfere with the rights of community

members to the enjoyment of life or property, can also be declared a public nuisance pursuant to this Chapter.

**6.18.015 - Obligations of Dog Owners and Prohibited activities.**

A. Obligations of dog owner.

1. An owner or possessor of a dog shall at all times prevent the dog from (1) biting or harassing a person engaged in a lawful act, (2) interfering with the lawful use of public or private property, and (3) substantially interfering with the rights of Pasadena community members to the enjoyment of life or property.
2. An owner or possessor of a dog shall at all times prevent the dog from causing injury to another domestic animal while the domestic animal is lawfully upon public or private property.
3. A person with knowledge that an animal has bitten or attacked a human being must promptly report that fact to the poundmaster.

B. It is unlawful and a public nuisance for any person to own, harbor or keep a vicious dog, a potentially dangerous dog or a public nuisance dog as defined by this chapter, except in full compliance with an order issued by the poundmaster or Hearing Officer after a hearing conducted pursuant to Section 6.18.040.

**6.18.020 – Definitions – Public nuisance dog as used in this chapter.**

- A. “Hearing Officer” means an individual who has been designated by the City Manager to adjudicate public nuisance, potentially dangerous, and vicious dog determination hearings.
- B. “Impounded” means taken into custody of the poundmaster for placement in the City’s animal shelter.
- C. “Interested party” means the City of Pasadena, poundmaster, dog owner, anyone identified with estate or other interest in the animal (to the extent it is practical to do so), and all victims.
- D. “Potentially dangerous dog” means a dog that exhibits behavior that, although not rising to the level of vicious dog as defined in this Chapter, potentially endangers the life or health of other animals or persons including, but not limited to, any of the following types of behaviors:

1. Any dog which, when unprovoked, bites or otherwise attacks a person, causing a less severe injury than as defined in Section 6.18.020(F);
  2. Any dog which, when unprovoked, kills or has caused severe injury to a domestic animal as defined in Section 6.18.020(F);
  3. Any dog that has a propensity or disposition to attack unprovoked or to cause injury to human beings or domestic animals and the owner of the dog is aware of said propensity or disposition; or
  4. Any dog that has been determined, or otherwise declared, to be a potentially dangerous dog by another government agency which, after its owner or keeper has been notified of that determination, continues the behavior described in Section 6.18.020(D).
- E. ~~As used in this chapter, "p~~Public nuisance dog" ~~or "vicious dog"~~ means any dog that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of ~~citizens~~ community members, other than their owners or family members, to the enjoyment of life or property, but does not rise to the level of potentially dangerous dog or vicious dog as defined in this chapter. The term "public nuisance dog" means and includes, but is not limited to, a dog who exhibits any of the following types of behavior:
1. When unprovoked, ~~in a vicious or terrorizing manner,~~ approaches any person and attempts to attack upon private or public property, except inside an owner's home or fenced rear yard to which all gates or other places of general ingress or egress to the fenced area are each posted with a warning sign stating that a dog is on the premises. The letters on said sign shall be at least 1 inch in height and said sign shall be visible within 10 feet of the entrances to the fenced area;
  2. Causes a less severe injury to a domestic animal than as defined in Section 6.18.020(F) except inside an owner's home or fenced rear yard to which all gates or other places of general ingress or egress to the fenced area are each posted with a warning sign stating that a dog is on the

premises. The letters on said sign shall be at least 1 inch in height and said sign shall be visible within 10 feet of the entrances to the fenced area;

- ~~2. Has a propensity or disposition to attack unprovoked or to cause injury to human beings or domestic animals and the owner of the dog is unaware of said propensity or disposition;~~
- ~~3. Bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property, except inside a home or fenced rear yard to which all gates or other places of general ingress or egress to the fenced area are each posted with a warning sign stating that a dog is on the premises. The letters on said sign shall be at least 1 inch in height and said sign shall be visible within 10 feet of the entrance to the fenced area;~~
- ~~4. Is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;~~
3. Is repeatedly found at large more than two times within the preceding 12 months;
4. Damages the property of any person other than its owner;
5. ~~Molests~~ Threatens or intimidates pedestrians, bicyclists, joggers, or others on transportation devices;
- ~~8. Chases vehicles, pedestrians, joggers and others on transportation devices;~~
6. Makes excessive and unprovoked disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
7. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the dog is kept or harbored;
8. Causes unsanitary conditions in enclosures or surroundings where the dog is kept or harbored;

9. Is dangerous to the ~~public~~ health, safety, or welfare of the community by virtue of it being maintained with a number and/or types of other dogs and/or other animals; or
  10. Has previously been found ~~by the code enforcement commission, after notice to its owner and a hearing,~~ to be a public nuisance dog by the poundmaster, Hearing Officer, or another government agency which, after its owner or keeper has been notified of that determination, continues the behavior described in Section 6.18.020(E) .
- F. “Severe injury” means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery, or an injury to a domestic animal that causes the animal to be admitted at the recommendation of a veterinarian for inpatient treatment, surgical care, or hospitalization.
- G. “Unprovoked” means the absence of antagonizing behavior such as teasing, taunting, tormenting, abusing or assaulting of a dog, or if the person or animal bitten or attacked by the dog was committing a willful trespass or other tortious or criminal activity upon the premises occupied by the owner or keeper of the dog.
- H. “Vicious dog” means a dog that endangers the life or health of other animals or persons including, but not limited to, any of the following behaviors:
1. Any dog that, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being when the person and the dog are either off the property of the owner or keeper of the dog, or the person is an invitee on the property of the owner or keeper of the dog;
  2. Inflicts severe injury on a human being without provocation on public or private property;
  3. Any dog that is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
  4. Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in Section 6.18.020(D); or

5. Any dog that has been declared a vicious dog by another government agency which, after its owner or keeper has been notified of this determination, continues the behavior described in Section 6.18.020(D) or (H);
  - I. Notwithstanding the definitions ~~of a public nuisance dog~~ above, no dog may be declared a public nuisance dog, potentially dangerous dog, or vicious dog if:
    1. An injury or damage is sustained by a person or animal who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, taunting, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime;
    2. The dog was protecting or defending a human being or an injured dog within the immediate vicinity of the dog from an attack or assault; or
    3. The dog was used by any public law enforcement agency.

**6.18.030 – Impoundment – ~~Biting or attacking dog.~~**

- A. The poundmaster shall have the power to summarily and immediately impound a dog where there is reasonable cause to believe it is a public nuisance dog, potentially dangerous dog, or vicious dog.
- B. Any person who fails to surrender to the poundmaster upon demand a dog which is subject to being impounded pursuant to this section, in addition to the administrative penalties in this Chapter, may be prosecuted and punished as provided in Chapter 1.24 of this code ~~is guilty of a misdemeanor.~~
- C. A dog impounded pursuant to the authority of this section shall be returned to the owner or custodian ~~as provided by Section 6.18.040~~ or when it is no longer required as evidence in another proceeding, or if a notice of a hearing pursuant to Section 6.18.040 ~~to declare the dog a public nuisance dog~~ has not been served on the owner or custodian within 10 calendar days after the impoundment.
- D. A dog impounded pursuant to the authority of this section shall remain impounded until a hearing held pursuant to 6.18.040 is completed. The owner or keeper of the impounded dog shall be liable to the City for the costs and

expenses of keeping the dog, if the dog is later determined to be a public nuisance, potentially dangerous, or vicious.

- ~~E. When a dog has been impounded and it is not contrary to public safety, the poundmaster may permit the dog to be confined at the owner's residence or at the owner's expense in a poundmaster approved kennel or veterinary facility within the city limits provided that the owner:~~ ~~In lieu of impound, the poundmaster may permit the dog to be confined a the owner's expense in a poundmaster approved dog kennel or veterinary facility within the city or at the owners residence provided, that the owner:~~
1. Shall not remove the dog from the kennel, veterinary facility or residence without the prior written approval of the poundmaster; and
  2. Shall make the dog available for observation and inspection by the poundmaster or members of the public health or police departments.
- F. Any dog subject to this section must be permanently identified by the poundmaster by the use of photographs, permanent marking, or both, prior to its release from impound or confinement.
- G. All impound, kenneling and licensing fees shall be paid prior to release of the dog from confinement.

**6.18.040 – ~~Public nuisance dog~~ Hearings-Procedures.**

- A. ~~The code enforcement commission~~ A Hearing Officer shall conduct a hearing to determine whether or not a dog ~~confined or impounded pursuant to Section 6.18.030~~ is a public nuisance, potentially dangerous, or vicious dog as defined by Section 6.18.020. The hearing shall ~~be conducted in accordance with Chapter 2.55 and shall~~ afford the owner and the owner's witnesses a full opportunity to be heard.
- B. Notice of the hearing shall be given, which shall set forth a description of the dog, and the name and the street address of the dog's owner, which is the subject of the hearing. It shall contain a brief statement of the violations rendering the owner or the dog in violation of this code or state law. It shall state the date, hour and place of the hearing and shall order all interested parties who desire to be heard in the matter to appear before the ~~commission~~ Hearing Officer.

C. A copy of the notice shall be served at least 10 calendar days prior to the date set for hearing exclusive of the day of service either by personal service or by first class mail at the owner's last known address by the poundmaster.

D. To the extent it is practical to do so, the poundmaster shall give notice to any person having any other estate or interest in the animal involved.

E. For any dog-related complaint presented for a hearing, the poundmaster shall provide the Hearing Officer a report that includes, at a minimum, the following information:

1. Conclusions from an investigation; and
2. Presentation of any evidence that the dog satisfies the definition of public nuisance, potentially dangerous, or vicious dog.

~~E. The code enforcement commission, after a hearing, may declare any dog to be a public nuisance dog whenever the criteria set forth in Section 6.18.020 are met.~~

F. In making a determination that a dog is or is not a ~~public nuisance~~potentially dangerous or vicious dog, and ~~which disposition shall be ordered under subsection G,~~ evidence of the following shall be considered:

1. Any previous history of the dog attacking, biting or causing injury to a human being or other animal;
2. The nature and extent of injuries inflicted and the number of victims involved;
3. The place where the bite, attack or injury occurred;
4. The presence or absence of any provocation for the bite, attack or injury;
5. The extent to which property has been damaged or destroyed;
6. Whether the dog exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;
7. The manner in which the dog has been maintained by its owner;
8. Any other relevant evidence concerning the maintenance of the dog;
9. Prior registration as a potentially dangerous dog in Pasadena or other jurisdictions;
10. Prior determination as a vicious dog by other jurisdictions; and



11. Any other relevant evidence regarding the ability of the owner, or the poundmaster, to protect the public safety in the future if the dog is permitted to remain in the city.

G. After a hearing, the Hearing Officer may declare any dog to be a public nuisance, potentially dangerous, or vicious dog whenever the criteria set forth in Section 6.18.020 are met.

H. Based upon a preponderance of evidence, the Hearing Officer may make determinations and issue orders pursuant to 6.18.050.

~~G. The code enforcement commission, after hearing, may order any dog declared to be a public nuisance dog to:~~

- ~~1. Be impounded. The dog shall be immediately surrendered to the poundmaster, and it is the duty of the poundmaster to take up and impound any such dog;~~
- ~~2. Be humanely destroyed. The code enforcement commission shall sign an order authorizing the destruction of the dog within 2 days after the time for appeal as provided in Section 6.18.050 has passed without an appeal being filed;~~
- ~~3. Be released with reasonable terms, conditions or restrictions imposed for the training handling or maintenance of the dog to protect the public health, safety and welfare. Any dog which is impounded or otherwise confined and which is not claimed within 5 calendar days of service of a notice of conditional release shall be deemed abandoned and shall be disposed of by the poundmaster in accordance with this title. Any owner who fails, refuses or neglects to follow the conditions as ordered by the commission is guilty of a misdemeanor;~~
- ~~4. Be ordered removed from the city provided that the dog is taken to its new location immediately and directly upon its release from impound or confinement. Failure to remove the dog permanently, immediately and directly from the city upon release from impound or confinement is a misdemeanor.~~

#### **6.18.050 – Determinations and orders.**

A. Within seven calendar days after a hearing, the Hearing Officer may order that the owner of any dog determined to be a public nuisance dog comply with one or more of the following actions:

1. The dog shall be immediately surrendered to the poundmaster, and it is the duty of the poundmaster to take up and impound any such dog;
2. The owner shall accept custody of the dog upon agreeing to reasonable terms, conditions or restrictions imposed for the training, handling or maintenance of the dog to protect the health, safety and welfare of the community. Any dog which is impounded or otherwise confined and which

is not claimed within 5 calendar days of service of a notice of conditional release shall be deemed abandoned. Any owner who fails, refuses or neglects to follow the conditions as ordered by the Hearing Officer shall surrender the dog to the poundmaster upon demand; or

3. The owner shall be ordered to remove the dog from the city provided that the dog is taken to its new location immediately and directly upon its release from impound or confinement. Any owner who fails, refuses or neglects to remove the dog permanently, immediately and directly from the city upon release from impound or confinement shall surrender the dog to the poundmaster upon demand.

B. Within seven calendar days after a hearing, the Hearing Officer shall order the owner of any dog determined to be a potentially dangerous dog to comply with one or more of the following actions:

1. A potentially dangerous dog, while on the owner's property, shall, at all times, be kept indoors, or in a securely fenced yard from which the dog cannot escape, and into which children cannot trespass; the potentially dangerous dog may be off the owner's premises only if such dog wears a muzzle and is securely confined by a strong cord, chain or leash, not exceeding 6 feet, securely and continuously held by a competent adult owning, having an interest in, harboring, or having charge, care control, custody or possession of such dog, unless such dog is lawfully confined within an automobile;
2. The owner shall maintain and provide proof of a current general liability or other applicable insurance policy from an insurer licensed to practice in the state of California, in a single incident amount established by the City of Pasadena for each such dog, for injury to or death of any person or persons, or loss or damage to any property, caused by or resulting from any act of such dog;
3. The owner shall defend, indemnify, and hold harmless the city, including the poundmaster, and its officers and agents from any damage or injury caused after their dog is declared a potentially dangerous dog if it inflicts

severe injury on or kills a human being or kills, seriously bites, inflicts severe injury, or otherwise causes injury attacking a domestic animal off the property of the owner or keeper of the dog;

4. If a potentially dangerous dog dies, or is sold, transferred, or permanently removed from the city where the owner or keeper resides, the owner of a potentially dangerous dog shall notify the poundmaster in writing within two business days, and shall provide the poundmaster with the name, address and telephone number to whom the dog was sold, transferred, or moved; and
5. Comply with one or more of the actions set forth in 6.18.050(A) or have the dog humanely destroyed, pursuant to Section 6.18.050(D).

C. All dogs determined to be potentially dangerous shall have the designation permanently noted on their records with the poundmaster.

1. Designation as a potentially dangerous dog shall be included in licensing and registration records of the dog with the poundmaster, either after the owner or keeper of the dog has agreed to the designation or after a hearing pursuant to Section 6.18.040 has determined the designation applies to the dog.
2. The City of Pasadena or poundmaster may charge a potentially dangerous dog fee in addition to the regular licensing fee to provide for the increased costs of maintaining records for the dog.

D. Within seven calendar days after a hearing, the Hearing Officer shall order any dog determined to be a vicious dog to be humanely destroyed and shall sign an order authorizing the poundmaster to destroy the dog.

E. The Environmental Health Services Division Manager neighborhood services administrator shall serve, either by personal service or by first class mail, a copy of the Hearing Officer order to all interested parties within 10 calendar days of the hearing.

#### **6.18.06050 – Appeals from commission orders.**

- A. Any interested party may, within five business days of the receipt of the notice of determination, appeal the Hearing Officer's public nuisance dog determination to

the Superior Court pursuant to Code of Civil Procedure Section 1094.5. Regarding potentially dangerous or vicious dog decisions, the petitioner or the owner or keeper of the dog may contest the decision of the Hearing Officer to the Superior Court pursuant to the provisions set forth in the California Food and Agricultural Code. Upon a timely appeal of the Hearing Officer's vicious dog determination, any order to humanely destroy the dog shall be stayed until after the conclusion of appellate proceedings conducted pursuant to the California Food and Agricultural Code. The fee for filing an appeal, payable to the clerk of the court, is as provided in the Government Code. The appellant shall serve personally or by first-class mail postage prepaid, notice of the appeal upon the respondent and by notifying the Environmental Health Services Division Manager.

- B. The court hearing the appeal of the potentially dangerous or vicious dog decision shall be conducted pursuant to relevant sections of the California Food and Agricultural Code.
- C. The determination of the court hearing the appeal shall be final and conclusive upon all parties.

~~An appeal may be taken from the order of the code enforcement commission as set forth in Pasadena Municipal Code Section 2.55.070.~~

**~~6.18.060 – Order – Stay when emergency found.~~**

~~Compliance with the order of the code enforcement appeals commission shall not be required while an appeal is pending.~~

**6.18.070 – Administrative Fines.**

- A. In addition to any criminal violation authorized in this Chapter, any violation involving a public nuisance or potentially dangerous dog may be subject to an administrative fine not to exceed five hundred dollars (\$500) for each instance of violation.
- B. In addition to any criminal violation authorized in this Chapter, any violation involving a vicious dog may be subject to an administrative fine not to exceed one thousand dollars (\$1,000) for each instance of violation.

**6.18.080070 - Administrative rules and regulations.**

The public health department shall promulgate written rules and regulations pertaining to the enforcement and implementation of this chapter in consultation with the city poundmaster.

**SECTION 2.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

**SECTION 3.** This ordinance shall take effect 30 days from its publication.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Victor M. Gordo  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this \_\_\_\_\_ day of \_\_\_\_\_ 2024, by the following vote:

AYES:

NOES:

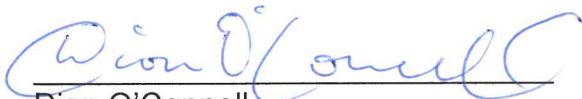
ABSENT:

ABSTAIN:

Date Published:

\_\_\_\_\_  
Mark Jomsky  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Dion O'Connell  
Assistant City Attorney