

Agenda Report

TO: CITY COUNCIL

DATE: DECEMBER 8, 1997

FROM: CITY MANAGER

SUBJECT: PUBLIC NUISANCE DOGS

RECOMMENDATION:

It is recommended that the City Council hold first reading on the amendment of the City's Public Nuisance Dog Ordinance and approve in concept the administrative rules and regulations related thereto.

BACKGROUND:

At the October 20, 1997 meeting of the City Council, the City Attorney's Office volunteered to work with staff and the Pasadena Humane Society to develop procedures to more expeditiously resolve barking dog and dangerous dog complaints. Subsequent to that meeting, staff from the City Attorney's Office, City Prosecutor's Office, and Public Health Department met and worked with personnel from the Pasadena Humane Society to develop new administrative rules and regulations that will provide complainants with speedier relief from public nuisance dogs using existing city resources.

Procedures for Handling Barking Dog Complaints

To ensure that barking dog complaints are resolved faster than presently occurs, staff and the Humane Society will begin using the services of the Code Enforcement Commission. A Humane Society Officer will work with staff to schedule a special meeting for the Commission to expedite the resolution of the problem after necessary documentation has been completed by the complainant and one or more neighbors. The documentation consists of a petition (requiring two or more names) and a log. A Barking Dog Log is a record over a seven-day period showing when the excessive barking occurred. If the complainant can only obtain one name on the petition, the process will still continue with the Humane Society. The Officer will attempt to verify the complaint after the petition is returned, but onsite verification may not be possible.

The Pasadena Municipal Code prohibits "continued and repeated barking", defined in proposed administrative regulations as:

Intermittent barking over a 30-minute period, or barking extending over more than five (5) minutes within a fifteen (15) minute interval.

If the log shows that a dog has been barking excessively, the Officer will inform the dog owner of the problem and educational materials will be given to the owner regarding ways to control the barking. If the problem continues, the Office will issue a Notice of Violation and schedule a hearing before the Commission. The hearing will be held within ten (10) days of the Notice of Violation. The City Prosecutor's Office will file criminal charges if the dog owner fails to comply with the Commission order.

In order to substantiate the existence of the violation, the complainant must assist in documenting the problem (i.e., obtaining names for the petition) in order for the Officer to deal effectively with the complaint. If the complainant does not return the required petition and the neighbors do not return the Barking Dog Logs, or there are no neighbors willing to participate in remedying the problem, the complainant will be referred to small claims court for resolution of the problem as a private nuisance.

Procedure for Handling Dangerous Dog Complaints

To improve the handling of dangerous dog complaints, staff and the Humane Society will also use the services of the Commission. However, with respect to dangerous dogs, there will be no requirement of community documentation as with barking dogs. This is because the Officer will most likely be able to substantiate a problem by a site visit.

After the Officer has verified that a dog is vicious within the standards set forth in Section 6.18.020, the Officer will issue a Notice of Violation and may impound the animal, order the owner to restrain the animal or take other appropriate actions necessary to protect the public health and safety.

If the dog owner does not correct the problem, the Officer will contact city staff to schedule a special meeting before the Commission within ten (10) days of the Notice of Violation. The Commission may order that the dog be impounded, humanely

destroyed, returned to the owner with reasonable conditions imposed, or may order that the dog be removed from the city's jurisdiction. The City Prosecutor's Office will still have the option of filing criminal misdemeanor charges if the dog owner does not comply with the Commission order.

Amendment of Public Nuisance Dog Ordinance

Staff is also proposing minor modifications of Chapter 6.18 to facilitate misdemeanor prosecutions under city ordinance. The term "vicious dog" is defined and proposed administrative rules and regulations are referenced in the chapter.

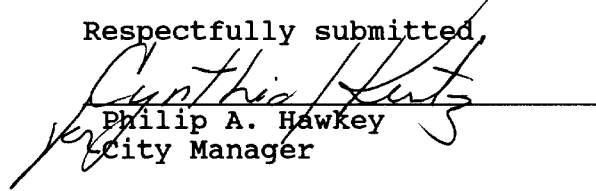
Administrative Rules and Regulations

Attached to this agenda report are the proposed administrative rules and regulations as well as a flow chart showing how barking dog complaints will be handled. Sample copies of the petition, log, Notice of Violation, and Code Enforcement Commission Report are included for the City Council's information.

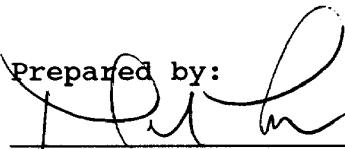
FISCAL IMPACT

The implementation of the administrative rules and regulations for handling barking dog and dangerous dog complaints are not expected to have a significant fiscal impact. However, additional staff time will be required to assist the Humane Society in processing and resolving these types of complaints.

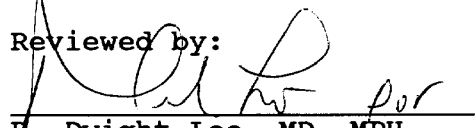
Respectfully submitted,

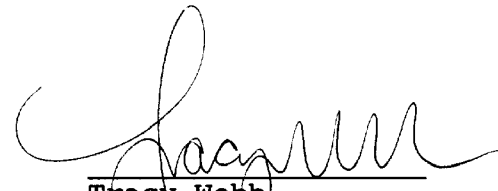

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