

Agenda Report

TO: CITY COUNCIL

DATE: JUNE 21, 1999

FROM: CYNTHIA J. KURTZ, CITY MANAGER

SUBJECT: ANIMAL CONTROL OFFICER CITATION POWERS

RECOMMENDATION:

This report is for information only. At the March 15, 1999 meeting of the City Council, the issue of citation power for animal control officers of the Pasadena Humane Society as a remedy for barking dogs was raised. Council directed staff to return with a report framing the issues.

BACKGROUND:

At the December 8, 1997 Council meeting, the City Council approved an amendment to the Pasadena Municipal Code 6.18 regarding public nuisance dogs. The amendment included the development of administrative rules and regulations applicable to barking dog and dangerous dog complaints. The revised administrative rules and regulations were established to improve enforcement of the P.M.C. and to provide complainants with speedier relief from barking dogs using existing resources of the Pasadena Humane Society, the Environmental Health Division of the Pasadena Public Health Department and the City Prosecutor's Office.

Upon receipt of a barking dog complaint, the Pasadena Humane Society takes two separate courses of action. First, complainants are provided with a petition to be signed by at least two neighbors to verify that the barking is a public nuisance. Second, a Pasadena Humane Society animal control officer will visit the owner of a dog alleged to be creating the nuisance and inform the owner that a complaint has been received. The officer will explain the potential outcome if the nuisance is not abated and will provide written material about how to control a barking dog. (If the dog owner is not at home, a letter with the materials is sent). In most instances, the animal control officer's first contact with the dog owner is enough to resolve the problem. If the problem is not abated, the individuals who signed the petition can continue with the validation process by completing barking dog logs. Attached to this agenda report are the adopted administrative rules and regulations as well as a flow chart showing how barking dog complaints are now handled. Sample copies of the Humane Society's letter and educational materials are included for the City Council's information.

Prior to adoption of the administrative rules and regulations, an animal control officer had to physically verify the barking dog nuisance by actually hearing the dog barking. This could be

very difficult, since the time of the barking might vary and might be caused by the dog's response to another animal, an intruder, or a visitor.

In 1998, the Pasadena Humane Society received a total of 159 barking dog complaints from residents. These complaints were either quickly abated or investigated, substantiated and settled using the administrative procedures implemented as a result of Council action. Only three cases were forwarded to the Code Enforcement Commission for a hearing.

On average, the time involved in investigating barking dog complaints by animal control officers has been reduced since the adoption of the new rules and regulations. This is largely due to: 1) the fact that the problem is often taken care of by the dog owner upon being visited by an animal control officer; and 2) the submittal of logs which serve as sufficient documentation for animal control officers to notify the owner of a violation. If the problem is abated upon a visit by an officer, the process may take anywhere from one to five days after initial receipt of the complaint. If the entire documentation process must be completed, the process takes from two to three weeks. The Code Enforcement Commission is used to resolve the more difficult cases, and in extreme instances where the petition is not returned and the animal control officer is unable to verify a violation, complainants have recourse to use small claims court for resolution of the problem as a private nuisance.

Staff has surveyed other cities in Los Angeles, Orange and Santa Clara Counties to identify methods used to manage barking dog complaints and responses outside of regular work hours. Many of these cities use a documentation process, similar to that used in Pasadena, to substantiate a barking dog problem, including those after-hours complaints. The City of Sunnyvale has an ordinance that allows a police officer to issue a citation to a dog owner only after the Police Department has validated the complaint from the necessary documentation submitted by the complainants. The Sunnyvale Police Department does not issue a citation to a dog owner during the initial call on the barking dog's owner in response to a complaint. None of the cities surveyed have an ordinance giving their animal control officers or police officers the authority to issue a citation for a barking dog without the complainant having completed required documentation, nor were there different procedures for handling these complaints after-hours.

The amount of time involved in resolution of a barking dog complaint may not be satisfactory to all concerned individuals. The suggestion has been made to cite a barking dog owner immediately upon receipt of a complaint.

ALTERNATIVES:

The City Council has the option of varying alternatives:

1. Continue addressing barking dog complaints using the administrative rules and regulations that have been in place since December 1997. Barking dog complaints are handled expeditiously by the Pasadena Humane Society. The Public Health Department, Humane Society, City Attorney's Office and City Prosecutor's Office can regularly review this

CITY COUNCIL
Animal Control Officer Citation Powers
June 21, 1999


process to continually improve the procedures for handling barking dog complaints by the Humane Society.

2. Adopt an ordinance giving the Pasadena Humane Society authority to cite an owner of a barking dog, including after-hours, if the owner is uncooperative in abatement of the problem. After-hours services for handling barking dog complaints will become a part of the negotiated terms of the animal control contract between the City and the Humane Society. Citations issued to owners for barking dog incidents may not be enforceable without the problem being first validated by the Humane Society. The problem may be a single barking event caused by the dog's response to another animal, an intruder or a visitor.
3. Refer this issue to the Public Safety Committee for further assessment and a recommendation to City Council.


FISCAL IMPACT:

The reaffirmation by the City Council of the use of the administrative rules and regulations to handle all barking dog complaints is not expected to have a fiscal impact. Adoption of citation powers will increase the animal control contract at a cost to the General Fund. The City will reimburse the Pasadena Humane Society for on-call animal control officers (stand-by pay), and any overtime related to the citation activity.


Respectfully submitted,


CYNTHIA J. KURTZ
City Manager

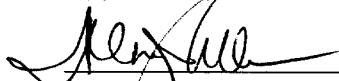
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