

City of Arts & Innovation

Public Safety Committee Memorandum

TO: PUBLIC SAFETY COMMITTEE MEMBERS DATE: SEPTEMBER 21, 2016
FROM: PUBLIC WORKS DEPARTMENT WARDS: ALL
SUBJECT: POTENTIALLY DANGEROUS AND VICIOUS DOGS - DIRECT SUBMITTAL

ISSUE:

Review the current policy, Riverside Municipal Code, Title 8, regarding potentially dangerous or vicious dogs to consider potential amendments as it relates to potentially dangerous and vicious dogs.

RECOMMENDATION:

That the Public Safety Committee review the current policy on potentially dangerous and vicious dogs and consider potential amendments to Title 8 of the RMC.

LEGISLATIVE HISTORY:

On March 15, 2011, the City adopted Ordinance No.7124 to revise Riverside Municipal Code, Title 8, Sections 8.02.010 and 8.040.070 regarding potentially dangerous and vicious dogs. The ordinance adopted the California Food and Agriculture Code, Chapter 9 of Division 14, F&A § 31601, as the law and procedure to be followed in regards to dealing with potentially dangerous and vicious dogs.

According to the RMC, a dog is deemed potentially dangerous when it meets any one of the following three conditions (RMC §8.02.010):

1. The dog has once aggressively pursued, attacked, bitten, or otherwise caused a less than substantial injury to a person engaged in lawful activity;
2. The dog has once aggressively pursued, attacked, bitten, or otherwise caused a less than substantial injury to another animal; or,
3. The dog is found actively pursuing livestock, poultry, dogs, cats, or animals.

A dog is deemed vicious when it meets any one of the following three conditions (RMC §8.02.010):

1. The dog was seized under Section 599a of the Penal Code and the owner or keeper was convicted of felony dog fighting charges;

2. The dog, when unprovoked, inflicts injury on or kills a human being or animal; or,
3. The dog is currently listed as a potentially dangerous dog, but continues the behavior.

BACKGROUND:

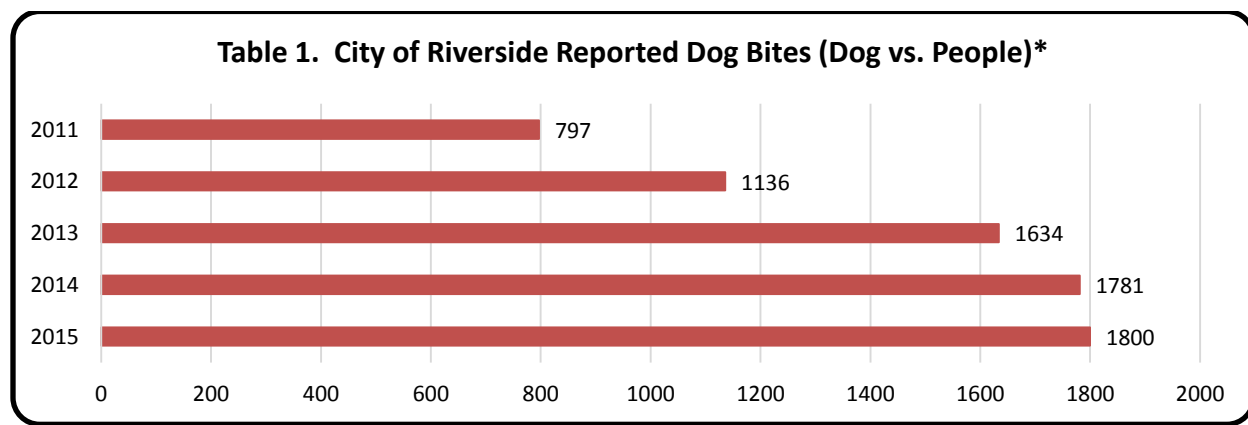
When a dog is believed to be potentially dangerous, the dog owner is first issued a potentially dangerous restraint order with instructions to keep the dog restrained at all times (additional restrictions may apply). They have 10 days to appeal the designation. If they choose not to appeal or lose the appeal, the dog is officially declared potentially dangerous and the owner is informed that all registration records will include this designation.

The dog and owner are then required to complete an approved obedience course and provide proof of completion within 60 days of the dog being declared potentially dangerous. Finally, the designation for potentially dangerous dogs is valid for a period of 36 months, after which the dog may be removed from the listing and the designation will be removed from registration records if no further incidents have occurred. When a dog is deemed vicious, it retains the designation for life.

DISCUSSION:

In February, a Boxer escaped its yard through an open gate and attacked a Chihuahua. The Boxer's owner voluntarily paid the veterinary bill and was issued a restraint order for the Boxer. After the attack, it was discovered that the Boxer had previously been deemed potentially dangerous, but after 3 years with no incidents was removed from that listing and all conditions of that designation were lifted. In response to this incident, a review was undertaken of how the City addresses potentially dangerous and vicious dogs to see if changes could be made to help prevent this type of situation from reoccurring.

In addition to reviewing current policies, staff also reviewed current statistics and found that reports of dog bites have risen more than 225% in the past 5 years (see Table 1). This is in stark contrast to the 6.1% population increase reported by the United States Census Bureau for a five-year period between 2010-2015.



**Data received June 9, 2016, from the Riverside County Department of Animal Services*

During the 2015 calendar year, there were a total of 3,640 reported incidents involving aggressive animal behaviors (this includes growling dogs, lunging dogs, dog bites, etc.). Not all

reported incidents result in dogs being deemed as potentially dangerous or vicious. As of May 5, 2016, there are a total of 441 dogs designated as vicious or potentially dangerous residing within the City of Riverside (see Table 2) – 169 of these were added to the list in 2015 alone.

Table 2. Dogs on the Potentially Dangerous & Vicious List in 2016

	City of Riverside	Riverside County (Other Contract Cities & Unincorporated Areas)
Vicious	35	302
Potentially Dangerous	406	1,269
TOTAL	441	1,571

**Data received June 9, 2016, from the Riverside County Department of Animal Services.*

COMPARATIVE ANALYSIS:

States, counties, and cities across the nation have been adopting tighter legislation pertaining to potentially dangerous or vicious dogs. Many impose fines when a dog is deemed potentially dangerous or vicious (Atlanta, GA; Augusta, GA; Pleasant Valley, MO; Raleigh, NC; Rochester, NY; and the State of Oklahoma), some impose higher license/annual fees (Atlanta, GA; Spokane, WA; and Tacoma, WA), while many more require liability insurance (Atlanta, GA; Chicago, IL; Houston, TX; Raleigh, NC; Rochester, NY; State of Oklahoma; and Tacoma, WA;).

This trend continues in Southern California as many jurisdictions are adopting more stringent measures (see Attachment 1) in accordance with numerous F&A sections that provide counties and municipalities with the flexibility to impose them. Some of these sections include F&A § 31641 which gives the authority to charge a higher license fee for potentially dangerous dogs in order to provide for the increased costs of maintaining the records of the dog. F&A § 31662 gives the authority to impose fines for violation of the F&A code not to exceed \$500 for potentially dangerous dogs and \$1,000 for vicious dogs. F&A § 31683 ends the State's chapter on potentially and dangerous dogs by stipulating that, *"Nothing in this chapter shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs. Except as provided in Section 122331 of the Health and Safety Code, no program regulating any dog shall be specific as to breed."* To this end, we can extend the length of time a dog is listed as potentially dangerous.

Coachella and Eastvale charge a \$250 annual license fee for dogs that have been deemed potentially dangerous or vicious, while Monterey County charges \$200. In each case, this is an increase of at least 1250% over their standard altered licenses. In fact, 22 of the 26 jurisdictions listed in *Attachment 1* have laws in place allowing them to charge additional annual fees and/or higher annual license fees on top of the annual licensing fee. Of those for which fees were confirmed as established, they range \$75 to \$250. Carlsbad, Eastvale, Escondido, Imperial County, Kern County, Los Angeles, Los Angeles County, Moreno Valley, Riverside County, San Clemente, and San Diego County all require owners of these dogs to carry liability insurance (ranging from \$100,000 to \$1,000,000). Pasadena and Riverside County have banned the entry of any animal that has been declared dangerous or vicious in any legal hearing outside of their jurisdictions. Eastvale, Rancho Cucamonga, Riverside County, and San Bernardino County have extended the designation period from a minimum 36 months (required by the State of California) to 48 months or, in some cases, permanently. Of the jurisdictions surveyed, 14 require compliance inspections to verify that dog owners are fully compliant with all conditions

imposed (e.g. licensing, liability insurance, restraint orders, etc.).

A 2014 study published by the *Animals and Society Institute* provided evidence that stricter jurisdictional enforcement against dogs with prior behaviors decrease both injurious bite incidents as well as general nuisance incidents – in some instances by as much as 39%. The report goes on to say that this approach is much more likely to be effective when paired with incentives for responsible animal ownership (e.g. avoiding increased fees and penalties) which is the keystone of enhanced safety.

POTENTIAL CHANGES:

Staff recommends consideration of the following potential changes to City fees and Section 8 of the RMC:

1. Adoption of a higher license fee for potentially dangerous or vicious dogs.

A higher annual license fee of \$125 per annum for every year the dog is designated as potentially dangerous or vicious regardless if the animal is altered or not would put the City fee in the middle range of other Riverside County cities with similar fees. This is a significant increase from the \$16 altered/\$100 unaltered license fees the City of Riverside currently charges.

2. Adoption of an extended designation period for potentially dangerous dogs increasing it from 36 months to 48 months (vicious dogs remain on the list for life).

Extending the designation to 48 months would bring the City into alignment with Riverside County's designation period. Although the average lifespan of a dog can vary widely depending on the breed, the Kennel Club conducted a study that revealed an average lifespan for a dog is 10-13 years. A designation period of 48 months allows the dog to be monitored for approximately 40% of its life, and could lead to identification of the root cause of the aggressive behavior (e.g. medical problems, pain-induced, fear, frustration, predatory, learned, etc., as outlined by the Animal Humane Society), thus allowing the owner to work with their dog on behavioral modifications and/or obtain necessary medical treatment. Identifying a specific term also provides incentive to the owner to better manage their dog during this time so they may be removed from the potentially dangerous dogs list at the end of this term.

3. Adoption of a ban prohibiting potentially dangerous or vicious dogs from moving to the City of Riverside.

Currently, the County of Riverside Department of Animal Services receives 2-3 inquiries annually on behalf of people with potentially dangerous or vicious dogs looking to move to the City of Riverside – these are just the ones we hear about in advance. While the adoption of a ban will not prevent all potentially dangerous or vicious dogs from entering the City of Riverside, it will create a clear and defensible argument for telling dog owners that their potentially dangerous or vicious dog is not welcome. An important consideration to be recognized is that this protects current residents and would not negatively impact those with dogs who are currently licensed and/or on Riverside County's list.

4. Adoption of an administrative fine for violating the ban prohibiting potentially dangerous

or vicious dogs from entering the City.

This fine would apply to those dog owners that bring a dog previously deemed potentially dangerous or vicious by another agency, into the City of Riverside. As per RMC §1.17.230, payment of the fine (without correcting the violation) will neither excuse the violation, nor prevent additional enforcement action. This same section of the RMC also outlines the amount of administrative fines as one hundred dollars (\$100.00) for the first occurrence of a violation, two hundred dollars (\$200.00) for the second occurrence of the same type of violation, and five hundred dollars (\$500.00) for the third and each subsequent occurrence of the same type of violation.

5. *Adoption of a requirement that the owner of a potentially dangerous or vicious dog: (1) obtain and maintain liability insurance for a minimum amount of \$100,000; and (2) furnish a certificate or proof of insurance by which the City shall be notified at least 30 calendar days prior to cancellation or nonrenewal.*

Liability insurance will offer a level of assurance that victims of an attack will have a means of obtaining reimbursement for, or access to, the care they may require following the attack.

6. *Adoption of administrative fines for each violation of the provisions/requirements imposed on potentially dangerous and/or vicious dogs.*

Implementation of non-correctable fines means that the dog owner will be liable for correcting any violations as well as for the fines assessed and would be \$100 for the first violation, \$200 for the second violation, and \$500 for the third and subsequent violations of the same type.

FISCAL IMPACT:

There is no fiscal impact with the receipt of this report.

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Availability of funds:	Scott G. Miller, PhD., Chief Financial Officer/City Treasurer
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Attachments:

1. Jurisdictions with Enhanced Measures for Potentially Dangerous and Vicious Dogs
2. Section 8.02 of the RMC
3. F&A Code §31601
4. Presentation