



**STAFF REPORT
CITY COUNCIL OR STUDY SESSION AGENDA**

DATE: April 21, 2010

AGENDA ITEM: E4, #13

STUDY SESSION DATE: NA

MEETING DATE: May 3, 2010

- **TITLE OF ITEM:** Proposal for Hollister Ordinance re Dog Breed Specific Ordinance Mandating Spay and Neutering Programs

SUMMARY: Recently the City has experienced a surge in dog bites and dog attacks arising from dogs running at large. Statistics show that unaltered dogs are more likely to bite than altered dogs. The dog at greatest risk for biting is an unaltered male between the ages of 18 and 36 months that is running loose or is tied up, followed by unaltered females. Statistics also show that more than 90% of human fatalities from dog bites were caused by unaltered dogs. Over 70% of the victims of dog bites are children and 25% of all homeowner insurance claims involve dog bites.

Since 2008, the City has filed 9 petitions to declare a dog dangerous pursuant to Hollister Municipal Code Chapter 6.13. Of those, 5 owners appealed the City's decision to the Superior Court. Those appeals require trials that average one-half day, and which require the testimony of Animal Control staff and victim witnesses. Two other dogs were surrendered before the City filed the paperwork to initiate the dangerous dog process. Of the 11 dogs deemed dangerous, 10 (91%) were pit bulls. Except in one situation, each of these cases involved injuries to adults or injuries to, or death of, domestic animals.

In addition, Animal Control has seen an increase in the volume of stray and abandoned Chihuahuas. Recently, for the first time in about 20 years, Animal Control has had to euthanize unadapted Chihuahuas.

In 2009 Hollister Animal Control provided intake services to 768 dogs within the city limits. Intake service includes confiscation, disposal of dead animals, euthanization requested, owner surrender, and strays. Pitbulls accounted for 18% (141 dogs) of all intake services; Chihuahuas accounted for 23% of all intake services.

STATE LAW REGULATIONS

State law prohibits a city or county from adopting potentially dangerous or vicious dog regulations that are breed-specific. That is, Hollister can regulate dangerous dogs as it does in Chapter 6.13, but it cannot label any one breed as inherently dangerous or vicious.

In addition, the Legislature in 2005 adopted the following findings (Health & Safety Code 122330):

"a. Uncontrolled and irresponsible breeding of animals contributes to pet overpopulation, inhumane treatment of animals, mass euthanasia at local shelters, and escalating costs for animal care and control. This irresponsible breeding also contributes to the production of defective animals that present a public safety risk.

b. Though no specific breed of dog is inherently dangerous or vicious, the growing pet overpopulation and lack of regulation of animal breeding practices necessitates a repeal of the ban of breed-specific solutions and a more immediate alternative to existing laws."

As a result of those findings, the Legislature permits cities and counties to take appropriate action aimed at eliminating uncontrolled and irresponsible breeding of animals. A city may adopt dog breed-specific ordinances relating to mandatory spay or neuter programs and breeding requirements. If a city adopts such a program, it must measure the effect of those programs through statistical information on dog bites including severity of the bite, breed of dog involved, whether the dog was altered, and whether the breed of dog was subject to the city regulation.

EXPERIENCE IN OTHER CITIES

The City and County of San Francisco and the City of Lancaster have adopted breed specific mandatory spay and neuter programs. Both cities regulate pit bulls, and Lancaster also regulates Rottweilers. The ordinances refer to those breeds as "restricted."

In general, both ordinances require owners to spay or neuter restricted dogs with the following exceptions: (1) dogs under certain age; (2) dogs with a high likelihood of serious bodily harm or death with written confirmation by a licensed veterinarian; (3) when owner has obtained a license for unaltered dog; (4) when the dog's breed determination is under appeal; (5) when the restricted dog has been in the city for less than 30 days; or (6) when the restricted dog is a service or show dog.

An owner of an unaltered restricted dog must obtain a breeding license, must maintain the dog in accordance with the law, and must allow the City to inspect the premises where the dog will be kept. The dog must be evaluated to determine if it is suitable for unaltered status. Factors considered in the evaluation process including the dog's lineage, age, temperament, and health. The ordinances limit the number of litters per year, the minimum age of a female dog for its first litter, and regulate the sale or transfer of the unaltered dog or its puppies.

Violations of the ordinance can be punished by criminal citation, administrative citation, or civil action as well as the current remedies for abatement of dangerous dogs. In addition, if an unaltered restricted dog is impounded, it may be released only


after it has been spayed or neutered.

The City/ County of San Francisco reports that its ordinance is working well. The number of pit bulls euthanized since the program was implemented in 2006 has been reduced 33%; pit bull impounds are down 25%, and the number of dangerous dog hearings have been significantly reduced.

CONCLUSION


Staff in the Police Department and City Attorney's Office seek to reduce uncontrolled or irresponsible breeding practices in Hollister through the adoption of a breed specific mandatory neutering ordinance. The Council is asked to direct staff whether or not to draft an ordinance that would mandate spay and neuter programs for the breeds (Chihuahuas and Pit bulls) that have had a significant impact on the city's public health and safety and the available City staff resources.

DEPARTMENT: City Attorney, Stephanie Ajigh 636-4336

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Police Department, Chief Jeff Miller 636-4330

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This report was reviewed by the City Manager who concurs with the staff's recommendation: _____ 

Clint C. Quiter, City Manager