



**Contra
Costa
County**

To: Board of Supervisors
From: Beth Ward, Animal Services Director
Date: March 10, 2020

Subject: Ordinance No. 2020-04 amending Ordinance Code governing Potentially Dangerous and Dangerous Animals

RECOMMENDATION(S):

ADOPT Ordinance No. 2020-04, revising procedures for designating an animal as potentially dangerous or dangerous.

FISCAL IMPACT:

The Animal Services Department does not project any fiscal impact due to the proposed ordinance.

BACKGROUND:

Ordinance No. 2020-04 will amend the Ordinance Code governing dangerous animals to revise the procedures for designating an animal as potentially dangerous or dangerous (PDA/DA). It authorizes the Animal Services Director to designate an animal as PDA/DA and specifies the criteria the Director must apply to designate an animal as PDA/DA. An animal may be designated potentially dangerous if it, on two separate occasions within a 36-month period while off the owner's property, engages in any unprovoked behavior that requires a defensive action by a person to prevent bodily injury, bites a person without causing a severe injury, or seriously injures a domestic animal. An animal may be designated dangerous if it inflicts severe injury on a person or attacks livestock while off the

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/10/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 10, 2020

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Arturo Castillo
925-608-8470

cc:

owner's property.

BACKGROUND: (CONT'D)

Under the ordinance, the Director will issue a written notice explaining the basis for the PDA/DA designation and informing the owner of permit requirements. The animal's owner may request a hearing to challenge the designation. An impartial hearing officer will take evidence, hear testimony, and issue a proposed written decision. The Animal Services Director will issue a final order based on that decision. The animal's owner may appeal that order by filing a petition for writ of mandate in Superior Court.

The ordinance requires owner of an animal that has been designated PDA/DA to apply for a permit to keep the animal. A permit may be issued upon the owner's agreement to comply with permit conditions. Permit conditions include, among other requirements, maintaining the animal in an enclosure that will prevent the animal from endangering others, posting a sign warning of the designation, and payment of a permit fee. An animal designated potentially dangerous must be muzzled and leashed at all times when off the owner's property. The owner of an animal designated dangerous must maintain liability insurance. The ordinance also provides for revocation of a permit and imposes restrictions on future animal ownership against an owner whose animal violates permit conditions. Permit fees are intended to offset the cost of investigating and permitting animals designated PDA/DA.

Under the ordinance, the Animal Services Director will issue a written notice explaining the basis for denying or revoking a permit to keep an animal that has been designated PDA/DA. The animal's owner may request a hearing to challenge a permit denial or revocation, in which event an impartial hearing officer will take evidence, hear testimony, and issue a proposed written decision. The Animal Services Director will issue a final order based on that decision. The animal's owner may appeal that order by filing a petition for writ of mandate in Superior Court.

CONSEQUENCE OF NEGATIVE ACTION:

Unless the County Ordinance Code is revised, the Animal Services Department will be required to continue to hold time-consuming and expensive hearings each time it wishes to designate an animal as PDA/DA, and animal owners will continue to be able to obtain a new trial in Superior Court to appeal the designation, increasing the Department's costs of enforcement.

CHILDREN'S IMPACT STATEMENT:

Per the Center for Disease Control (CDC) children ages 5 – 9 are often victims of dog bites.

ATTACHMENTS

Ordinance 2020-04 - Dangerous Animals