

# City of Brisbane

## Agenda Report

TO: Honorable Mayor and City Council

FROM: Chief Lisa Macias

SUBJECT: Loose Dog and Leash Law Violations

DATE: January 13, 2014

### **City Council Goals:**

1. To provide for effective and efficient delivery of City services.
2. To provide public service that assures the safety of property and citizens residing, working or visiting in Brisbane.
3. To preserve the unique current character of Brisbane.

### **Purpose:**

To educate our citizen's regarding the city laws, reporting, and enforcement measures taken by the Brisbane Police Department and Peninsula Humane Society on leash law violations, loose dogs and animal attacks.

### **Background:**

Recently there was an incident in which a loose dog attacked another dog. The dog that was attacked was being walked on leash by its owner and the owner sustained injury while attempting to separate them. Councilmember Liu requested a brief update on the laws, enforcement and the reporting measures when dealing with animal control incidents in our community.

The Brisbane Police Department enforces leash law violations under our Brisbane Municipal Code section, 6.04.070 which states that no owner shall "allow an animal to be upon any public street, sidewalk, park, school ground, any public property, or upon any unenclosed premises in this jurisdiction unless the animal is...under the control of the owner by...a substantial chain, lead rope, or leash, which chain, lead rope, or leash shall be continuously held by some competent person capable of controlling such animal."

In a case where a dog becomes loose and the owner has been warned but continues to disregard the hazards of this situation and the dog continues to get loose, the police department can enforce the Brisbane Municipal Code, 06.04.060, Public Protection from dogs which states that every owner of a dog shall at all times prevent such dog from biting or physically harassing any person who is lawfully upon public or private property.

There are several options officers have when dealing with loose dogs or leash law violations. Officers take into consideration the totality of the circumstances when deciding what option to take. For instance, a dog with its owner that is off leash is a wanton disregard by the owner for the law and safety of the public and other animals, where a loose dog is often accidental and/or caused by unforeseen circumstance.

Minor violations are usually handled by a warning and education about the hazards of having their dog loose or off leash. The officer may also choose to issue an administrative citation which is \$100.00 for the first offense, with much steeper fines for repeat offenses. Administrative citations impose a fine only, and do not go on the owner's record as a criminal offense. The alternative to an administrative citation is a criminal citation which is an infraction, very similar to a traffic ticket. The court will impose the fine and the violation goes on their personal record.


All dog bite reports that are reported to the police department are forwarded to the Peninsula Humane Society for further investigation. An incident where a dog bites a person is handled differently than a dog bite to another animal. If a dog bites a person, the dog will be quarantined for 10 days regardless if the dog is currently vaccinated against rabies or not. If a dog bites another animal the dog is not quarantined. In either case, an investigation will be conducted by an Animal Control Officer, which includes an evaluation of the dog to determine what may have caused the dog to be aggressive. During this time the animal can be impounded until it is determined if the animal is dangerous or vicious. A dog deemed dangerous or vicious requires a special permit that may require fencing guidelines for containment of the dog, posting of signs that the dog is Dangerous/Vicious and unannounced visits from an Animal Control Officer to make sure the requirements are being met.

All loose dog incidents should be reported to the police department immediately so that we can attempt to contain the dog, contact the owner, and when necessary contact the peninsula humane society for their assistance. Many times, residents don't call us about a loose dog or report a dog bite because they know the owner and don't want to get the dog or the owner in trouble. However, it's important that we are aware of these incidents so we can take a proactive approach to avoid future incidents from occurring.

#### **Recommended Action**

The Police Department will write an article in regards to these issues and post it in our City News, City Star and the city and police website. We will also post a leash law reminder on our city bulletin boards both downtown and at the ridge.

  
Chief of Police

  
City Manager