



CITY COUNCIL AGENDA REPORT

MEETING DATE: August 19, 2008

ITEM NUMBER:

SUBJECT: REVISIONS TO ANIMAL REGULATIONS ORDINANCE REGARDING BARKING DOGS

DATE: JULY 23, 2008

FROM: CITY ATTORNEY'S OFFICE

PRESENTATION BY: KIMBERLY HALL BARLOW, CITY ATTORNEY

FOR FURTHER INFORMATION CONTACT: KIMBERLY HALL BARLOW, 714-754-5399

RECOMMENDATION:

- 1) Give second reading to and adopt the attached Ordinance Amending Title 3 relating to Animal Regulations, specifically to address barking dogs. (Attachment 1)
- 2) Adopt attached Resolution setting fines relating to Barking Dogs and select fine schedule. (Attachment 2)

BACKGROUND:

At its meeting of August 5, 2008, the City Council gave first reading to the attached ordinance relating to regulation of barking dogs. During a discussion of proposed fines relating to the barking dog ordinance, Council requested that staff bring forward options for a fine structure.

ANALYSIS:

The ordinance adds a definition for "barking dog" that establishes measurable and objective criteria specific to a dog barking, howling, crying, etc., including time periods of continuous barking and total barking time over a 24 hour period. The ordinance then requires a complainant to contact the police and a citation may be issued based upon either the City's animal control officer's own observation (if he or she has observed barking for the requisite time period), or based upon a complaint signed under penalty of perjury by the complainant. Before a citation is issued, the Police Department will post, serve and/or send a notice to the responsible person(s) (occupant(s) and/or owner(s) of the property) giving ten days to correct the nuisance. If the problem persists after that ten day period has expired, a citation will be issued.

Staff recommends that the Council give second reading to and adopt the proposed ordinance.

Attached is a proposed resolution establishing the fines for these citations. Staff recommended using the same graduated fines that the County of Orange and City of Santa Ana have adopted, because they seem to be having a positive effect in reducing

this nuisance. This proposed fine schedule is attached as Alternative 1 to the Resolution. An alternative schedule which uses the fine structure employed by Newport Beach is attached as Alternative 2 to the Resolution. The City Council is of course free to select an alternative fine schedule.

ALTERNATIVES CONSIDERED:

Council could decide not to adopt the proposed revisions or request changes to the ordinance prior to final Council action. The Council could elect not to establish fines for violation at this time, or adopt an alternative fine structure.

FISCAL REVIEW:

None required.

LEGAL REVIEW:

The City Attorney's office has prepared the draft ordinance with input from the Police Department for your consideration. The City Attorney's office has prepared the draft resolution with input from the Police Department for your consideration.

CONCLUSION:

The Council is requested to give second reading to and adopt the attached Ordinance, to be read by title only and waive further reading. The Council is also requested to adopt the Resolution adopting a fine schedule.

ALLAN L. ROEDER
City Manager

KIMBERLY HALL BARLOW
City Attorney

CHRISTOPHER SHAWKEY
Chief of Police

DISTRIBUTION: City Manager

- ATTACHMENTS:
- 1 [Ordinance](#)
 - 2 [Resolution for Fines with alternative schedules](#)
 3. [Civil Citation Fine Schedule](#)