

DATE: Feb. 23, 2011

TO: Housing, Land Use, Environment, and Transportation Committee

FROM: Animal Advisory Commission

SUBJECT Mandatory Spay/Neuter of Pit Bull Dogs and Other Dog Safety Measures

RECOMMENDED ACTION:

1. Children and parents need education. School curriculum needs to incorporate dog bite prevention measures in the lower grades.
2. Encourage obedience training of all dogs.
3. Educate parents not to leave young children unattended with dogs.
4. Expand limited “free” dog Spay/Neuter Program to include all breeds in which the mature dog will weigh over 45 pounds.
5. Encourage spay and neuter of family pets not used for performance, show, or responsible breeding programs.
6. Change the free dog altering program to have a \$10 co-pay by the owner.
7. The Commission unanimously does not support a mandatory pit bull spay/neuter ordinance.
8. Revise the definition of potentially dangerous dogs to “when unprovoked, has killed, seriously bitten, inflicted injury or otherwise caused injury attacking a domestic animal off the property of the owner/guardian or keeper of the dog” from the current two incidents within 36 months.
9. Increase liability insurance policy amount from \$50,000 to \$100,000 for potentially dangerous dogs.
10. Establish a minimum age of 18 and the physical ability to control a potentially dangerous dog on a leash.

FISCAL IMPLICATIONS:

The proposed ordinance alienates the dog community. Dog shows and events, held at the fairgrounds and other county venues, may be boycotted by organized dog show participants, if a breed specific mandatory spay/neuter ordinance is passed. This negatively impacts local hotels, gas stations, and restaurants, as well as fairgrounds venue income. Boycotting has been done, to the detriment of local economies, in places such as Hollister, CA, Louisville, KY and Long Beach, CA due to mandatory spay/neuter legislation.

One and a half staff positions were already eliminated at the shelter this fiscal year, due to budget constraints. This proposed ordinance would require additional staff hiring for enforcement.

This ordinance may be challenged in court, costing the county to defend the ordinance, as has been done in Colorado.

The commission concurs with the department identified fiscal implications.

REASONS FOR RECOMMENDATIONS

All dogs are potentially able to bite and the breed of the dog is irrelevant. There are no fatal dog bites in the database for the unincorporated county.

Bites are categorized as “provoked” or “unprovoked” and then further categorized as “severe” or “not severe”. A bite is defined as an injury in which human skin is broken by a dog’s tooth.

A severe injury is defined in Santa Clara County Code B31-1 (t)(2) “Severe injury shall mean any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.”

There are approximately 125-130 bite reports of dog on humans in the unincorporated county each year. From 2004-2010 there were a total of 12 severe bites out of 653 bite reports. Eight of the 12 severe bites were unprovoked, and 5 of the victims were 2 years old. Witness testimony at the scene of a dog bite may not be accurate, and is subjective as to provoked or unprovoked, due to fears of the child, or dog, being removed from the home by authorities.

The year 2009 had 4 severe bites by 4 different breeds of dog, including a Beagle, a Doberman, a Pit Bull and a Welsh Corgi. The ages of the victims ranged from 2 through 70.

San Jose reported 22% of bites were to children under 15 years of age.

There are many triggers that can lead any dog to bite, some of which are illegal in California, such as stationary tethering. Additional factors include territory protection, litter protection, or the dog is injured.

The top 4 dog breeds shown in reported bites from 2004-2010 were pit bull type, Labrador Retriever, Chihuahua, and German Shepherd. These 4 breeds together encompassed 257 (39%) of the 653 reported dog bites. Pit Bull type dogs were responsible for only 11% of reported dog bites.

The evidence and data presented to the Commission does not support the need for a mandatory spay/neuter ordinance directed at Pit Bull's.

Dogs may be erroneously identified as a pit bull type, yet not have any pit bull DNA, causing undue expense to the dog owner to prove the dog is not a pit bull, plus the burden of administrative hearings to both owner and the county.

See the attached photos of dogs identified as alleged pit bulls, which are not actually pit bulls, yet may show a characteristic of a pit bull type.

BACKGROUND

In August, 2010, the Board of Supervisors referred a proposal to develop a mandatory spay/neuter ordinance and look at other dog related safety measures.

The Animal Advisory Commission solicited information from stake-holders and other interested parties, and held three special meetings, as well as two regular meetings, to go over the material, hear from the public, and go over statistical information from Animal Control and other parties.

CONSEQUENCES OF NEGATIVE ACTION:

There will be an inability for enforcement without additional funding to Animal Control.

It may engender a false sense of accomplishment. There will still be dog bites.

Potential for diversion of funding from other sources, such as dog safety education, funding of the voluntary spay/neuter programs, and overburdening Animal Control with its limited resources.

STEPS FOLLOWING APPROVAL:

The Clerk of the Board will notify the Animal Advisory Commission of HLUET's action.