



County of San Mateo

Inter-Departmental Correspondence

Department: HEALTH

File #: 24-010

Board Meeting Date: 1/9/2024

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Louise F. Rogers, Chief, San Mateo County Health
Tamarra Jones, Interim Director, Public Health Policy, and Planning

Subject: Ordinance Repealing and Replacing Chapter 6.04 Animal Control of Title 6 of the San Mateo County Ordinance Code to Clarify Existing Definitions, Enact Additional Requirements, and Revise Service Fees

RECOMMENDATION:

Adopt an ordinance repealing and replacing Chapter 6.04, Animal Control, of Title 6 of the San Mateo County Ordinance Code to clarify existing definitions, enact additional requirements for animal control, revise animal control service fees, previously introduced on December 12, 2023, and waive the reading of the ordinance in its entirety.

BACKGROUND:

Chapter 6.04 of the San Mateo County Ordinance Code contains regulations regarding animal control in unincorporated San Mateo County. The animal control regulations are in place to protect the health and safety of County residents.

The County's animal control ordinance was originally adopted on October 23, 1951, and last updated on October 17, 2006, with several additional updates throughout the years.

Twenty cities within the County have adopted animal control ordinances that are the same or substantially the same as the County's ordinances, as required by the animal control services agreement between the cities and the County. It is the latter agreement that provides for services through a contract with the Peninsula Humane Society.

DISCUSSION:

The Animal Control and Licensing Program Manager of San Mateo County Health informed each of the cities within the County that a process would begin to revise and update the Animal Control Ordinances and invited all parties to participate in the discussion and development process. From that open invitation, the Program Manager worked with a committee of five City Attorneys, representing South San Francisco, Millbrae, Pacifica, Half Moon Bay, and Redwood City, as well as

the County Attorney's Office, and with ongoing input from the Peninsula Humane Society and Society for the Prevention of Cruelty to Animals (including their counsel), to develop a draft Animal Control Ordinance. All key stakeholders (the County, Cities, and the contractor animal control agency) of San Mateo County animal control ultimately were involved in the drafting process.

The committee of stakeholders identified opportunities to clarify existing language, remove repetitive language, and add substantive changes to the existing ordinances, with an emphasis on increasing efficiency in enforcement, clarifying language deemed confusing, and addressing deficiencies that had emerged after years of experience and enforcement under the current Chapter 6.04. The intent of the revised Chapter 6.04 is enhanced enforceability, streamlined processes, clarity in definitions based on real-world experience, and above all else, public safety.

As part of the development process, the Program Manager undertook a comprehensive study of other jurisdictions within California and in some circumstances sought feedback from those jurisdictions on how certain elements worked or did not work. The Program Manager carefully considered input from all relevant parties in order to draft a proposed ordinance that reflects the interests of all stakeholders.

The following are the key provisions of the ordinance updating Chapter 6.04:

- Updates existing definitions to improve enforcement capabilities and remove potential areas of confusion, particularly as relates to "Dangerous" and "Vicious" animal designations within the County.
- Lowers the rabies vaccination age requirement, consistent with current state law.
- Updates language and enforcement regarding "Vicious" animals. An animal designated as "Vicious" is, in many circumstances, to be humanely euthanized. The code raises the threshold for when an animal may be declared "Vicious" (and thus is to be euthanized) as consistent with current standards and practical enforcement considerations. For offending animals deemed a significant danger to the public, a "Vicious" animal designation is still applicable.
- Updates language and enforcement regarding "Dangerous" animals. An animal designated as "Dangerous" is one which has exhibited behavior that indicates that heightened safety requirements for the keeping of such animal are required to ensure public protection. The revised Chapter 6.04 revises and clarifies the threshold for when an animal may be designated as "Dangerous." Currently, a Dangerous animal designation remains for the life of the animal. Under the revisions, an owner may apply for the designation to be lifted after a period of three years if it has been safely maintained under the permit, removing the need for County oversight and enforcement. The Program Manager has found that most animals deemed "Dangerous" (about 90%) do not re-offend, and that the lifting of designations for animals deemed no longer a danger to the public is consistent with the practice in other jurisdictions, as well as state recommendations under the California Food and Agriculture Code.
- Removes language indicating that an animal owner may not maintain a "Dangerous" animal in

a home with a juvenile person under the age of 18. The committee could not find any other jurisdiction with this restriction in an ordinance, and is not aware of any instance in which it had actually improved public safety.

- Revises and updates the fee schedule and further clarifies the offenses for which administrative citations may be issued for violations of the Chapter.

The County Attorney has reviewed and approved the ordinance as to form.

Under the existing five- year contract with PHS and the cities, last approved in 2021, PHS enforces the animal control ordinances adopted by the cities and the County.

FISCAL IMPACT:

None