

CAPISTRANO BAY DISTRICT
AGENDA REPORT
April 26, 2016

Quality of Life

ITEM 10a

District Policy on Loose Dogs

Unleashed dogs within the city limits, including Beach Road, is a Dana Point Municipal Code violation. Both Dana Point and San Clemente employ OC Sheriff's Deputies, trained in dealing with dogs, to provide animal control. On weekdays up to about 4:00 PM, a single deputy is on call for animal related complaints in Dana Point. After 4 o'clock your call goes to an answering machine that directs you to call Sheriff's Dispatch. So, if the dog problem is before 4 pm (on weekdays), you might get someone to respond but it won't be immediately since there's only one deputy and they're always busy elsewhere. On the weekends it's even more difficult.

To properly respond to dog issues, the intervention must happen within a few minutes of taking a complaint call as dogs are a fast moving target. Chasing after the public that is just walking along the surf line with a loose dog is actually an easy enforcement – security only has to find them out on the beach and have them hook up their dog. Our officers carry rope leads that they can give to the dog owner if they don't have a leash.

The larger dog problem lies more with homeowners, guests and renters who let their dogs out for exercise and to do their business. By the time security can get to the location after receiving a complaint, the dog is almost always back in the house.

Security does conduct beach inspections but they do not actually traverse up and down the beach, they only walk out at certain access points and look up and down the beach. During the day the purpose is mostly to locate loose dogs, at night it is to find wood fires. If security spots a dog they'll try to get down to where the dog is as long as the dog will stay put. If they're lucky, security can see the house the dog returned to.

Securitas officers are not trained to confront a dog owner and to write a code violation and if they tried, it's more likely that a fist fight would ensue. The District's Police Officers can handle issuing a citation but they have to be the eyewitness and this can be a problem if they are late to the event.

For renter violations the District can issue a cite and request for payment of the fine by mail, direct to the homeowner, as is currently done with bonfire violations. If the owner balks on payment the District can simply ban access by the particular renter or future renters, depending on how obstinate the owner chooses to be.

This course of action might not be as effective on a homeowner who is in violation – if the homeowner flat out refuses then there has to be an alternate plan and unless the violation is directly witnessed by one of our Police Officers, the District can't actually make the citation enforceable and it certainly cannot ban a homeowner from access at the gate. *(Attached is a copy of the District's Animal Nuisance Ordinance).*

ORDINANCE NO. 06-122

AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT REGULATING OWNER RESPONSIBILITY FOR ANIMAL NUISANCES.

EXCRETA AND LEASH CONTROL

THE BOARD OF DIRECTORS HEREBY ORDAINS AS FOLLOWS:

1. REPLACING OLD ORDINANCE

Ordinance No. 05-122 is hereby repealed.

2. PROHIBITIONS

It shall be unlawful for the owner or person having charge, custody or control of any animal to permit, either willfully or through failure to exercise due care and control, such animal to commit any of the following:

a) Leave its excreta and to allow such nuisance to remain on any District or private property other than that of the owner or person who has custody or control of such animal (Dana Point Municipal Code 10.06.050), or

b) To be unrestrained without the use of a wall, fence or substantial chain or to be unrestrained while on private areas of the beach and other non-beach public areas without the use of a leash not to exceed 6 feet in length, or to be allowed on the public portion of the beach at any time (Dana Point Municipal Code 10.04.010 & 10.04.020).

3. PENALTY

Any person found violating this ordinance is guilty of an infraction and shall be fined as follows:

a) For a first offense, punished as an infraction by a fine of fifty dollars (\$50).

b) For a second and subsequent offenses, punished as an infraction by a fine not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250).

4. NOTICE

The Capistrano Bay Community Services District shall post a written notice for 30 days on the community entrance bulletin board and a public notice in the legal section under the classified ads of the local Orange County Register newspaper.

Passed, approved and adopted this **27th day of June 2006**, by the following vote: