

STAFF REPORT
City of Lancaster

NB 1
12/11/12
MVB

Date: December 11, 2012

To: Mayor Parris and City Council Members

From: Steven Derryberry, Lancaster Neighborhood Vitalization Commission Chairman
Kelvin G. Tainatongo, Assistant to the City Manager

Subject: **Proposed Ordinance Regarding the Liability of Property Owners for Dog Bites**

Recommendation:

Introduce **Ordinance No. 985**, an ordinance of the City of Lancaster, California, adding section 6.04.050 to Chapter 6.04 of the Lancaster Municipal Code relating to landlord liability for dog bites.

Fiscal Impact:

None.

Background:

Earlier this year, the Mayor directed the Lancaster Neighborhood Vitalization Commission (“LNVC”) to address concerns about the lack of accountability landlords have when it comes to vicious or potentially dangerous dogs residing on their property. Making irresponsible landlords accountable for their tenant’s vicious and potentially dangerous dogs, will further the effort to make our neighborhoods safer. Currently, pet owners are responsible for the behavior, care and security of their pets. Existing law also states that a landlord is only responsible for the safety of invitees on its property when it has actual knowledge of a potentially dangerous or vicious dog at the property.

In August the LNVC held a special meeting for the public to provide feedback on a draft ordinance that would make landlords liable for any dog bite caused by their tenant’s pet while on their property, regardless of knowledge. Approximately 20 persons spoke at the meeting and all voiced their opinion that landlords must at least have knowledge of the aggressive dog on their property before they should assume any liability and also be given an opportunity to remedy the tenant situation to avoid any future liability.

Subsequently, the LNVC formed a subcommittee to craft an ordinance that would insure landlord liability for potentially dangerous and vicious dogs on their property, taking into consideration the feedback received from the public meeting. The attached ordinance was drafted by the City Attorney as a result of the LNVC subcommittee meeting and provides steps that the City can take in holding landlords liable for any dog bite that takes place on their property.

The draft ordinance states when the City is informed by the Sheriff's Department or Animal Care and Control Department of a dog bite that occurred on private property, it will send a letter to the owner of the property putting them on notice and letting them know that they need to rectify the problem. Additionally, the landlord will be fined \$1,000 for any bites by the same dog after receiving notification of liability. A provision in the ordinance gives the City Manager the authority to waive any fine based on the property owner showing they made diligent attempts at correcting the problem with their tenant.

The LNVC considered the draft ordinance at its November meeting and moved to recommend the City Council now consider introducing and approving the draft ordinance regarding landlord liability for dog bites.

Attachment:

Ordinance No. 985