



Agenda

PUBLIC PROTECTION COMMITTEE

AUGUST 16, 2010

10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Federal D. Glover, Chair

Supervisor John Gioia, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day
and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes)
3. Consider proposal to amend Chapter 44-4, Weapons, of the County Ordinance Code to prohibit archery and bow hunting in certain areas of Contra Costa County
4. Consider proposal to enact an ordinance to require the spaying/neutering of Pit Bull-type dog breeds in Contra Costa County

The Public Protection Committee will provide reasonable accommodations for persons with disabilities planning to attend Public Protection Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Public Protection Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

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Eileen Devlin, Sheriff Management Services

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HCD	(State Dept of) Housing & Community Development
ABAG	Association of Bay Area Governments	HHS	Department of Health and Human Services
ACA	Assembly Constitutional Amendment	HIPAA	Health Insurance Portability and Accountability Act
ADA	Americans with Disabilities Act of 1990	HIV	Human Immunodeficiency Syndrome
AFSCME	American Federation of State County and Municipal Employees	HOV	High Occupancy Vehicle
AICP	American Institute of Certified Planners	HR	Human Resources
AIDS	Acquired Immunodeficiency Syndrome	HUD	United States Department of Housing and Urban Development
ALUC	Airport Land Use Commission	Inc.	Incorporated
AOD	Alcohol and Other Drugs	IOC	Internal Operations Committee
BAAQMD	Bay Area Air Quality Management District	ISO	Industrial Safety Ordinance
BART	Bay Area Rapid Transit District	JPA	Joint (exercise of) Powers Authority or Agreement
BCDC	Bay Conservation & Development Commission	Lamorinda	Lafayette-Moraga-Orinda Area
BGO	Better Government Ordinance	LAFCo	Local Agency Formation Commission
BOS	Board of Supervisors	LLC	Limited Liability Company
CALTRANS	California Department of Transportation	LLP	Limited Liability Partnership
CalWIN	California Works Information Network	Local 1	Public Employees Union Local 1
CalWORKS	California Work Opportunity and Responsibility to Kids	LVN	Licensed Vocational Nurse
CAER	Community Awareness Emergency Response	MAC	Municipal Advisory Council
CAO	County Administrative Officer or Office	MBE	Minority Business Enterprise
CCHP	Contra Costa Health Plan	M.D.	Medical Doctor
CCTA	Contra Costa Transportation Authority	M.F.T.	Marriage and Family Therapist
CDBG	Community Development Block Grant	MIS	Management Information System
CEQA	California Environmental Quality Act	MOE	Maintenance of Effort
CIO	Chief Information Officer	MOU	Memorandum of Understanding
COLA	Cost of living adjustment	MTC	Metropolitan Transportation Commission
ConFire	Contra Costa Consolidated Fire District	NACo	National Association of Counties
CPA	Certified Public Accountant	OB-GYN	Obstetrics and Gynecology
CPI	Consumer Price Index	O.D.	Doctor of Optometry
CSA	County Service Area	OES-EOC	Office of Emergency Services-Emergency Operations Center
CSAC	California State Association of Counties	OSHA	Occupational Safety and Health Administration
CTC	California Transportation Commission	Psy.D.	Doctor of Psychology
dba	doing business as	RDA	Redevelopment Agency
EBMUD	East Bay Municipal Utility District	RFI	Request For Information
EIR	Environmental Impact Report	RFP	Request For Proposal
EIS	Environmental Impact Statement	RFQ	Request For Qualifications
EMCC	Emergency Medical Care Committee	RN	Registered Nurse
EMS	Emergency Medical Services	SB	Senate Bill
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	SBE	Small Business Enterprise
et al.	et ali (and others)	SWAT	Southwest Area Transportation Committee
FAA	Federal Aviation Administration	TRANSPAC	Transportation Partnership & Cooperation (Central)
FEMA	Federal Emergency Management Agency	TRANSPLAN	Transportation Planning Committee (East County)
F&HS	Family and Human Services Committee	TRE or TTE	Trustee
First 5	First Five Children and Families Commission (Proposition 10)	TWIC	Transportation, Water and Infrastructure Committee
FTE	Full Time Equivalent	VA	Department of Veterans Affairs
FY	Fiscal Year	vs.	versus (against)
GHAD	Geologic Hazard Abatement District	WAN	Wide Area Network
GIS	Geographic Information System	WBE	Women Business Enterprise
		WCCTAC	West Contra Costa Transportation Advisory Committee

2010 PUBLIC PROTECTION COMMITTEE

**PROPOSAL TO AMEND CHAPTER 44-4, WEAPONS, OF THE COUNTY
ORDINANCE CODE TO PROHIBIT ARCHERY AND BOW HUNTING IN
CERTAIN AREAS OF CONTRA COSTA COUNTY**

On July 13, 2010, the Board of Supervisors considered a proposal introduced by the Sheriff to add a section to the County Ordinance Code that would prohibit archery and bow hunting in certain areas of the county.

The following individuals gave testimony at the meeting: Jack Goon, resident of Alamo; Robert Yerman, resident of Martinez; Jason Rhine, California Outdoor Heritage Alliance; John Erickson, Briones Archers; Vlade Dobrohotoff, resident of Martinez; Robert Speck, resident of Martinez; Pete Budding, Diablo Bowmen, Northern California Field Archery Association, California Bowmen Hunters & State Archery Association; Joe Brown, resident of Concord; Rick Enriquez, resident of Walnut Creek; Katherine Budding, Northern California Field Archery Association; Jill Langston, resident of Orinda; Jim Waters, California Outdoor Heritage Alliance; Ralph Hoffman, resident of Walnut Creek.

After considering public testimony and discussing the proposal, the Board referred to the Public Protection Committee an examination of local and state code governing archery and bow-hunting safety.

Attached is the original Board Order and ordinance along with written comments that were received by the County Administrator's Office, and a memo from the County Counsel's Office identifying relevant current local and state code.

To: Board of Supervisors
From: Warren Rupf, Sheriff-Coroner
Date: June 25, 2010



Contra
Costa
County

Subject: INTRODUCTION OF ORDINANCE NO. 2010-12, "PROHIBITION OF ARCHERY AND BOW HUNTING"

RECOMMENDATION(S):

INTRODUCE Ordinance No. 2010-12, which would amend Chapter 44-4, Weapons, of the County Ordinance Code by adding Section 44-4.012, prohibiting archery and bow hunting in certain areas of Contra Costa County, and changing the title of Section 44-4.006 from "Firearms-Enforcement Officer" to "Enforcement Officer"; WAIVE reading, and FIX July 27, 2010 as the date to adopt the ordinance.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Currently, Chapter 44-4 of the County Ordinance Code does not include limitations on bow hunting and archery within the county. Ordinance No. 2010-12 amends Chapter 44-4 to include the prohibition of archery and bow hunting in certain areas of the County.

CONSEQUENCE OF NEGATIVE ACTION:

- APPROVE OTHER
- RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/13/2010** APPROVED AS RECOMMENDED OTHER

Clerks Notes: See Addendum

VOTE OF SUPERVISORS

AYES NOES

ABSENT ABSTAIN

RECUSE

Contact: Eileen Devlin, 925-335-1557

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 13, 2010

David J. Twa, County Administrator and Clerk of the Board of Supervisors

ORDINANCE NO. 2010-12

PROHIBITION OF ARCHERY AND BOW HUNTING

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Chapter 44-4 of the County Ordinance Code, Weapons, by adding a new section, Section 44-4.012, prohibiting archery and bow hunting in certain areas of Contra Costa County. This ordinance also changes the title to Section 44-4.006.

SECTION II. Section 44-4.012 is added to the County Ordinance Code, to read:

44-4.012 - Archery and Bow Hunting.

- (a) No person shall discharge any arrow or arrowhead from any bow in any public place or adjacent to or in the direction of any public place.
- (b) No person shall discharge any arrow or arrowhead from any bow in any private place located in a residential or commercial zoning district.
- (c) As used in this section, “bow” includes, but is not limited to, compound bows, recurve bows, longbows, crossbows, and cable-backed bows, as well as any other bowed device designed to shoot arrows, or similar projectiles, whether for archery or hunting.
- (d) Subsections (a) and (b) do not apply to any of the following:
 - (1) Any person who shoots or discharges any arrow or arrowhead from any bow at a public or private target range that is permitted by law;
 - (2) Any person who uses, shoots, or discharges an arrow from a bow when necessary to destroy, kill, distract, scare, or immobilize any predatory or dangerous animal that poses an immediate threat of great bodily injury or death to any person or persons, including the shooter; and
 - (3) The discharge of any arrow or arrowhead from any bow where the discharge is otherwise authorized by law. (Ord. 2010-12 §2.)

SECTION III. The title of Section 44-4.006 is amended, to read:

44-4.006 - Enforcement officer.

SECTION IV. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: DAVID J. TWA,
Clerk of the Board of Supervisors
and County Administrator

Board Chair

By: _____
Deputy

[SEAL]

CJR:

H:\Sheriff\Bow Hunting Ordinance\Ordinance Change re Archery.wpd

Office of the County Counsel
651 Pine Street, 9th Floor
Martinez, CA 94553

Contra Costa County
Phone: (925) 335-1800
Fax: (925) 646-1078

Date: August 11, 2010

To: Public Protection Committee

From: Sharon L. Anderson, County Counsel
By: Christina Ro-Connolly, Deputy County Counsel
Jachyn K. Davis, Deputy County Counsel



Re: **REGULATION OF BOW-HUNTING**

SUMMARY

The California Fish and Game Code extensively regulates bow-hunting in California. State laws and regulations, summarized below, address hunting seasons, permissible times and locations for hunting on public and private property, and hunting safety. The Board of Supervisors has limited authority to regulate bow-hunting. A bow-hunting ordinance may regulate only those areas that neither duplicate nor conflict with state law.

BACKGROUND

At its July 13, 2010 meeting, the Board of Supervisors considered a draft ordinance prohibiting archery and bow-hunting in Contra Costa County. Following public comments and discussion, the Board referred the issue to the Public Protection Committee for further consideration. Our office was asked to identify the current state laws regulating bow-hunting in the County.

DISCUSSION

A. The California Fish and Game Code Extensively Regulates Bow-Hunting in the State.

As authorized by the state Fish and Game Code, the California Fish and Game Commission ("Commission") adopts statewide regulations for the taking and possession of fish and game, and enforces the Fish and Game Code and its regulations.¹ A brief summary of the pertinent state laws and regulations follows:

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¹Fish and Game Code section 200 et seq.

Licensing and Shooting Hours

In California, an individual may be granted a license to take a bird or mammal.² A licensed individual may hunt one-half hour before sunrise to one-half hour after sunset.³

Taking with a Bow and Arrow

All fur-bearing mammals, bears, all varieties of skates, rays and sharks, and big and small game may be taken with a bow and arrow.⁴ The archery equipment that may be used for bow-hunting is specifically defined in the regulations.⁵

Archery Deer Season

The Commission determines the archery season for taking a deer by a bow and arrow.⁶ The archery deer season in Contra Costa County begins on the second Saturday of July and extends for twenty-three consecutive days.⁷ One buck and one forked horn deer may be taken by those with a hunting license and deer tags.⁸ Upon the killing of a deer, the hunter must complete the deer tag and send the information to the Department of Fish and Game. Hunters are prohibited from possessing an untagged deer.⁹

Shooting a Bow and Arrow on Private Property

A landowner or a person with permission from a landowner may discharge an arrow from a bow on the landowner's property if the archer remains 150 yards from other dwellings, residences or buildings. If the 150-yard safety zone includes another

²Fish and Game Code sections 3007 and 3031.

³Fish and Game Code section 3000.

⁴Fish and Game Code sections 4002, 4750 and 9051; Cal. Code Regs., tit. 14 § 311 and 353.

⁵Cal. Code Regs. tit. 14 § 354.

⁶Fish and Game Code section 4370.

⁷The Commission has allowed hunting in certain State or Federal lands in unincorporated areas of Contra Costa County, such as Point Edith Wildlife Area and Rhode Island Wildlife Area.

⁸Cal. Code Regs. tit. 14 § 360 and 361.

⁹Fish and Game Code section 4336.

property, the archer must also obtain permission from those landowners.¹⁰ If an archer does not have permission from all the property owners within the safety zone, he may not discharge arrows.¹¹ An archer who fails to comply violates the Fish and Game Code.¹²

In limited circumstances, a landowner may apply for a permit from the Commission to shoot a bow and arrow to take birds and mammals who are threatening the landowner's property. The Commission issues these permits on a case-by-case basis.¹³

Safety

It is unlawful to carry a firearm while bow-hunting, or to bow-hunt while intoxicated.¹⁴ It is also unlawful to discharge a bow and arrow across a public road.¹⁵

Penalties

A hunting license may be revoked for any violation of the Fish and Game Code.¹⁶ In addition, it is a misdemeanor to violate the Fish and Game Code, or a regulation adopted pursuant to the Code¹⁷ A misdemeanor is punishable by imprisonment in the county jail for a maximum of six months, or a fine not exceeding \$1,000, or both.¹⁸

B. Contra Costa County Archery and Bow-Hunting Ordinance

To enhance public safety, the Board of Supervisors may adopt an ordinance regarding bow-hunting in the unincorporated area. However, the ordinance cannot

¹⁰Fish and Game Code section 3004.

¹¹Fish and Game Code section 3004 does not specifically discuss target practice on private property with a deadly weapon. However, we are informed by the Department of Fish and Game that Section 3004 does apply to target practice.

¹²Fish and Game Code section 3004.

¹³Cal. Code Regs. tit. 14 § 251.2.

¹⁴Fish and Game Code sections 3001 and 4370.

¹⁵Fish and Game Code section 3004.

¹⁶Fish and Game Code section 3218.

¹⁷Fish and Game Code section 12000.

¹⁸Penal Code section 19.

duplicate or contradict the Fish and Game Code or related regulations.¹⁹ Given the extensive state regulation of bow-hunting, the Board's authority to regulate this area is limited. However, some cities and counties have adopted ordinances that regulate the discharge bows and arrows in their jurisdictions. Some common types of ordinances are described below:

Firearms

Some municipalities have not created ordinances that regulate only bows and arrows, but instead regulate bows and arrows by including them in the definition of a "firearm" or "weapon". In these jurisdictions, all of the prohibitions against firearms in the ordinances automatically apply to bows and arrows.

General Prohibition

Other cities have enacted ordinances with a general prohibition against shooting arrows within the city limits.²⁰ However, these ordinances generally include several broad exceptions. The common exceptions to the general prohibition against shooting an arrow are: (1) a peace officer in discharge of his official duties; (2) a person in self-defense of his life or his property (including livestock and crops); (3) the killing of a dangerous animal; and (4) established archery ranges. In addition, general prohibition ordinances often do not prohibit shooting with a bow and arrow, "if the shooting is otherwise authorized by law."

Shooting an Arrow on Public and Private Property

As discussed above, it is unlawful for a person to shoot an arrow within 150 yards of a residence, dwelling or other building unless the person is the landowner, has permission from the owner or is in possession of the property.²¹ Several ordinances expand the safety zone from 150 yards, as required by state statute, to 400 or 500 yards.²² Additionally, ordinances require the archers to obtain written permission from the owner of the premises or the person in possession before discharging an arrow on their property.²³

¹⁹Cal. Const., art. VI, § 7.

²⁰The cities of Orinda and Lafayette have general prohibition ordinances. City of Orinda Municipal Code, ch. 9.12, sections 9.12.010-9.12.030; City of Lafayette Municipal Code, ch. 8-6, art. 1, sections 8-601-8-603. (Copies attached.)

²¹Fish and Game Code section 3004.

²²Redwood City Ord. No. 731, § 2, section 37.8.; Agoura Hill Ord. No. 77, art. IV, ch. 4, section 4405.

²³Calaveras County Ord No. 887 § 3, tit. 9, ch. 9, section 9.12.020.

State statute prohibits shooting an arrow across a public road.²⁴ Many municipalities have broadened upon this prohibition by prohibiting shooting in or across public highways, parks, public premises, or navigation channels. These ordinances also often apply the safety zone to public areas by prohibiting shooting within a certain number of feet of a public area.²⁵

Because state law specifically establishes a safety zone and prohibits shooting across a road, an ordinance that expands the safety zone area or the locations in which an arrow can be discharged may be subject to a legal challenge on the grounds that it duplicates or contradicts an area regulated by the State.²⁶

Prohibitions Against Minors

Some municipalities regulate minors' use of bows and arrows. Minors are allowed to possess a bow and arrow in a carrying case, but are not permitted to shoot with a bow and arrow unless they are under the charge of a parent or guardian.²⁷

Permits

Many ordinances require a permit from the Park Manager or Chief of Police to possess, or discharge a bow an arrow. These ordinances generally do not require peace officers to obtain a permit.²⁸

JKD/jd

Attachments

cc. Members, Board of Supervisors
Warren Rupf, Sheriff-Corner

I:\Temp Share\JKD Docs\JKD Archery and Bow Hunting Aug 10.wpd

²⁴Fish and Game Code section 3004.

²⁵Agoura Hill Ord. No. 77, art. IV, ch. 4, section 4405.

²⁶Sherwin-Williams Co. v. City of Los Angeles (1993) 4 Cal.4th 893, 897

²⁷Redwood City Ord. No. 731, § 4, section 37.10.

²⁸Calaveras County Ord. No. 391 § 408 and 409, tit. 12, art. V, ch. 12.20, sections 12.210-12.220 ; Arroyo Grande Ord. No. 8.40.020, tit. 8, ch. 8.40, section 8.40.020.

Chapter 8-6

FIREARMS

Sections:

Article 1. Use of Firearms

- 8-601 **Definition of firearm.**
- 8-602 **Unlawful to discharge firearm within the city.**
- 8-603 **Exceptions to prohibition of Section 8-602.**
- 8-604 **Reserved.**

Article 2. Sale of Firearms and Munitions

- 8-605 **Police permit required.**
- 8-606 **Application.**
- 8-607 **Investigation by chief of police.**
- 8-608 **Conditions of approval.**
- 8-609 **Repealed.**
- 8-610 **Liability insurance.**
- 8-611 **Issuance of police permit—Duration.**
- 8-612 **Grounds for permit denial.**
- 8-613 **Grounds for permit revocation.**
- 8-614 **Hearing for permit denial or revocation.**
- 8-615 **Nonassignability.**
- 8-616 **Compliance by existing dealers.**

Article 1. Use of Firearms

8-601 **Definition of firearm.**

In this Article 1, "firearm" means a gun, pistol, rifle, revolver, air rifle or air gun, b-b gun and bow and arrow or crossbow, or any other instrument of any kind, character or description which throws or projects a bullet or missile or substance by means of elastic force, air or explosive substance likely to cause bodily harm. (Ord. 439 § 2 (part), 1995; Ord. 433 § 9 (part), 1994; Ord. 23 § 1 (part), 1968)

8-602 **Unlawful to discharge firearm within the city.**

No person may fire or discharge a firearm, as defined by Section 8-601, within the city, nor may a parent, guardian or person having the care, custody or control of a minor permit the minor to fire or discharge a firearm within the city. (Ord. 439 § 2 (part), 1995; Ord. 433 § 9 (part), 1994; Ord. 23 § 1 (part), 1968)

8-603 **Exceptions to prohibition of Section 8-602.**

Section 8-602 does not apply to the use of a firearm by:

8-603

- (a) A peace officer or person in the military service in the discharge of his duties;
- (b) A person using a firearm in the defense of their person or the life of another person or in defense of his livestock or domestic animal or his property, to the extent authorized by law.

(Ord. 433 § 9 (part), 1994; Ord. 23 § 1 (part), 1968)

8-604 **Reserved.**

Article 2. Sale of Firearms and Munitions

8-605 **Police permit required.**

- (a) Except as provided in Penal Code § 12070(b), as it may be amended from time to time, it is unlawful for a person to engage in the activity of "firearm sales" as that term is defined under Section 6-421 without a police permit as required by this chapter.
- (b) The requirement for a police permit is in addition to the requirement under Section 6-533 for a land use permit for firearm sales activity. No person may engage in firearm sales activity without both a land use permit from the planning commission or city council on appeal and a police permit.

(Ord. 433 § 9 (part), 1994)

8-606 **Application.**

- (a) An applicant for a permit or renewal of a permit under this chapter shall file with the chief of police an application in writing, signed under penalty of perjury, on a form prescribed by the city. The applicant shall provide all relevant information requested to demonstrate compliance with this chapter including:
 - (1) The name, age and address of the applicant;
 - (2) The address of the proposed location for which the permit is required, together with the business name, if any;
 - (3) Proof of a possessory interest in the property at which the proposed business will be conducted, in the form of ownership, lease, license or other entitlement to operate at such location and the written consent of the owner of record of the real property;
 - (4) A floor plan of the proposed business which illustrates the applicant's compliance with security provisions of Section 8-609;
 - (5) Proof of the issuance of a land use permit at the proposed location required under Section 6-533;
 - (6) Proof of compliance with all federal and state licensing laws;
 - (7) Information relating to licenses or permits relating to other weapons sought by the applicant from other jurisdictions, including, but not limited to, date of application and whether each application resulted in issuance of a license;
 - (8) Information relating to every revocation of a license or permit relating to firearms, including, but not limited to, date and circumstances of the revocation;

Orinda, California, Code of Ordinances >> Title 9 - PUBLIC PEACE, MORALS AND WELFARE >>
Chapter 9.12 - WEAPONS >>

Chapter 9.12 - WEAPONS

Sections:

9.12.010 - Definitions.

9.12.020 - Unlawful to discharge firearm or weapon within the city.

9.12.030 - Exceptions.

| 9.12.010 - Definitions.

In this chapter, "firearm" or "weapon" means any instrument or device which propels a shell, shot, pellet, cartridge, bullet, arrow or other projectile by any force including, but not limited to, air, gas, explosion, spring, elasticity or leverage, including, but not limited to, a gun, pistol, revolver, shotgun, air gun, bow and arrow with a pull of fifteen (15) pounds or more, cross bow and similar archery device.

(Prior code § 6-401)

| 9.12.020 - Unlawful to discharge firearm or weapon within the city.

No person may fire or discharge a firearm or weapon within the city, nor may a parent, guardian or person having the care, custody or control of a minor permit the minor to fire or discharge a firearm or weapon within the city.

(Prior code § 6-402)

| 9.12.030 - Exceptions.

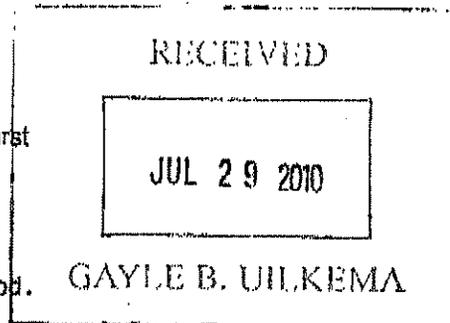
Section 9.12.020 does not apply to the use of a firearm or weapon by:

- A. A peace officer, animal control officer, or person in the military service in the discharge of his or her duties;
- B. A person using a firearm or weapon in the defense of his or her person or the life of another person; in the defense of his or her livestock or domestic animal; or his or her property to the extent authorized by law or as authorized by permit or license (other than a hunting license) issued under state or federal law.

(Prior code § 6-403)

Gayle B Uilkema

From: Bob Speck [bspeckrph@aol.com]
Sent: Thursday, July 29, 2010 11:10 AM
To: Gayle B Uilkema
Cc: Viade
Subject: Deer hunting in CCC neighborhood-Stonehurst



Dear CCC Supervisors,

There are two laws that allow hunting in our neighborhood.

The first is County law 44-4. It takes into account the shooting of firearms (definition-contains gun powder) but not bows/arrows, crossbows or compound bows in residential areas. The phrase "no hunting with bows/arrows in residential areas" should be added.

The second is State law, CaDFG 3004a. It allows the landowner to hunt within his unsuspecting neighbor's 150 yard protective safety zone without the permission of the neighbor. An exemption was added to the original law which makes this law dangerous and confusing.

CaDFG 3004a-

It is unlawful for any person, other than the landowner...to hunt or to discharge while hunting, any firearm or deadly weapon within 150 yards of ANY occupied dwelling house... The phrase, "permission must be granted by all of the neighbors within the 150 yard safety zone", should be added.

In the Contra Costa Times, July 23, 2010 edition, DFG Warden Garrett states, "He (the hunter) had permission to hunt on the property he was hunting from." Garrett goes on to say that the hunter was cited for illegally taking a deer, but not for violating the safety zone. I am curious, what was the hunter cited for? The deer wasn't illegally killed except for the 150 yard safety zone violation, which he was not cited for. The deer season was opened. He shot the deer with permission from the landowner on the property. It ran across Vaca Creek Rd. and died on the road. He shot in the direction of the road but not over the road. It was still legal shooting time. So what was he cited for?

In my opinion, the warden did not cite the hunter for the 150 yard zone because he did not violate the first part of 3004a. He had permission to hunt the property and that gave him the right to hunt "within 150 yards of ANY occupied dwelling.". And what confuses the issue more is that the last part of 3004a states, "The 150 yard area is a safety zone.". This law now has 2 interpretations.

In regards to reformulating the county law,

The definition of hunt or "take": to hunt, pursue, catch, capture or kill. (DFG Code 86).

The distinction between archery hunters, as opposed to archery target shooters: the hunters use broad heads that have razor blades attached 99.9% of the time. Target shooters do not use broad heads, unless they are fine tuning the flight of an arrow for hunting but backstops are always used. Broad heads tear up the targets and the razors become immediately dulled. Target shooters use a backstop, either hay bales or a styrofoam targets.

Archery season is going on right now in our area and the rifle season begins in a few weeks. We are feeling very vulnerable.

Hopefully this letter will help in reformulating the laws.

Gayle B Uilkema

From: Bob Speck [bspeckrph@aol.com]
Sent: Saturday, July 31, 2010 11:30 AM
To: Gayle B Uilkema; senator.desaulnier@senate.ca.gov
Subject: Which part of the DFG 3004a will be enforced this deer rifle season? Stonehurst

Dear Supervisor Uilkema and Mr. Satinder Malhi,

August 14, 2010 is the opening of deer season with high-powered rifles in our area. Stonehurst is zoned residential but the surrounding areas are zoned agriculture. DFG Code 3004a contains 2 contradictory parts, do you know which part will be enforced?

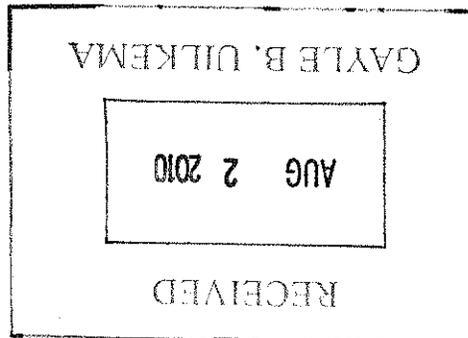
The complete 3004a states; (the first part) It is unlawful for any person, OTHER THAN the owner, person in possession of the premises, or a person having the express permission of the owner or person in possession of the premises, to hunt or to discharge while hunting, any firearm or other deadly weapon within 150 yards of ANY occupied dwelling house, residence, or other building or any barn or other outbuilding used in connection therewith. (the second part) The 150 yard area is a "safety zone."

During the archery season and written in the CCC Times, about the hunter, the first part of 3004a was enforced, allowing the hunter to kill the deer within 150 yards of multiple neighbors's homes without being cited for the 150 yard infraction. He had permission and unbelievably that allowed him to hunt within the neighbor's safety zone (the article said that he was cited, but what for? He was not cited for violating the 150 yard safety zone and he did not shoot over the road. So do you know what he was cited for?). Therefore, the second part of 3004a, the 150 yard protective safety zone, was ignored. This was good for the hunter but allows the unsuspecting neighbors to be in harms way. So my question to you is, do you know which part of 3004a will be enforced this rifle season? We all may need to get out of town :-)

Also, here is our dilemma. The surrounding areas of Stonehurst are zoned agriculture and hunters hunt this heavily. We have homes that are within 20 yards of the agricultural zone boundaries. According to the first part of 3004a the hunters can and have shot and killed deer on their property well within 20 yards of our homes, legally violating the 150 yard safety zone. They tell us that they have not broken the law and this is true according to the first part of 3004a. But what about the second part, the 150 yard safety zone? Can you see the confusion, danger and feel our vulnerability? We are getting no support from the DFG. Yes, they say that there is the 150 yard safety zone but then on the other hand they are not enforcing it.

Sorry that I'm sounding like a broken record. It's driving me crazy too.

Sincerely,
Robert Speck



2010 PUBLIC PROTECTION COMMITTEE

**PROPOSAL TO ENACT AN ORDINANCE TO REQUIRE THE
SPAYING/NEUTERING OF PIT BULL-TYPE DOG BREEDS IN THE COUNTY**

On August 10, 2010, the Board of Supervisors referred to the Public Protection Committee a proposal to enact an ordinance to require the spaying or neutering of pit bull-type dog breeds in the unincorporated area of Contra Costa County.

Attached as background is the referring Board Order and several news articles covering the Contra Costa proposal and similar ordinances passed or being considered in other jurisdictions.

To: Board of Supervisors
From: Supervisors Gioia & Piepho
Date: August 2, 2010



Contra
Costa
County

Subject: REFER to the Public Protection Committee the issue of whether to enact an ordinance to require spay/neutering of Pit Bulls

RECOMMENDATION(S):

REFER to the Public Protection Committee the issue of whether to enact an ordinance to require spay/neutering of Pit Bull-type dog breeds, as recommended by Supervisor Gioia.

FISCAL IMPACT:

None

BACKGROUND:

Pit Bulls attacking, and in some cases, killing adults and children continues to be a public safety issue in Contra Costa County. Most recently, a two year old Concord resident was tragically killed when he was attacked by three of his step-grandfather's pit bulls.

For the protection of Contra Costa County residents, Supervisor Gioia would like the Public Protection Committee to consider a mandatory spay/neuter ordinance for pit bulls.

CONSEQUENCE OF NEGATIVE ACTION:

- APPROVE OTHER
- RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/10/2010** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES NOES

ABSENT ABSTAIN

RECUSE

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 10, 2010

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Terrance Chueng, 510-374-3231

Contra Costa supervisors writing pit bull spay, neuter ordinance

By Rick Radin

Contra Costa Times

Posted: 08/05/2010 01:12:06 PM PDT

Updated: 08/05/2010 01:12:06 PM PDT

Two Contra Costa County supervisors are working on an ordinance that would require owners of pit bulls to spay or neuter their pets.

The move comes in the wake of the July death of 2-year-old Jacob Bisbee, who was killed by three of his stepfather's pit bulls in the garage of his Concord home.

John Gioia of Richmond and Mary Piepho of Discovery Bay want to model the ordinance after a 2006 San Francisco law that followed the mauling death of a 12-year-old.

The law will be aimed at controlling pit bull overpopulation, which will reduce the number of unwanted, unclaimed or neglected animals, Gioia said. Pit bulls that are spayed and neutered also tend to be less aggressive, he said.

"If you walk into a local shelter, the most prevalent breed is a pit bull or pit bull mix," Gioia said. "(Controlling overbreeding) is a humane thing to do since unclaimed animals are eventually euthanized."

Supervisor Susan Bonilla of Concord said she favored the idea of an ordinance while Federal Glover of Pittsburg said he wants to evaluate a written proposal before deciding.

Supervisor Gayle Uilkema of Lafayette said she wants to find out if pure pit bulls are as potentially dangerous as pit bull mixes before considering a law that covers the entire breed.

The board beefed up a dog ordinance after another mauling death in 2005, requiring convicted felons to have permits for dogs larger than 20 pounds, Gioia said.

They did not consider an ordinance to spay or neuter pit bulls at the time because state law prohibited treating some breeds differently from others, he said.

San Francisco enacted its ordinance after the state law was changed at the end of 2005, said Kat Brown, deputy director of animal care and control for the city.

Since then, Sonoma County, Gilroy, Lancaster, Manteca, San Bernardino and Ripon in California have enacted pit bull spay/neuter ordinances.

San Francisco is pleased with its ordinance, Brown said.

From February 2006 through August 2007, San Francisco's shelter took in 25 percent fewer pit bulls and had a 33 percent drop in pit bull euthanizations, she said.

"People are not acquiring (pit bulls) or breeding them as much, so they are not going to our shelters as much and not losing their lives here," Brown said.

Pit bulls and pit bull mixes were responsible for about 25 percent of the dog bite cases filed in San Francisco between Jan. 1, 2006, and July 1, according to a city survey.

A spokeswoman for the pit bull advocacy group Bad Rap criticized the San Francisco law, saying it is forcing many owners to hide their pit bulls, resulting in more isolation and poorly socialized pets.

"If Contra Costa goes ahead with mandatory spay-neuter, it will create an atmosphere where people are hiding their dogs," said Donna Reynolds of Bad Rap. "It's not a proactive response to irresponsible owners or too many dogs."

Reynolds said Bad Rap is offering vouchers for free spaying, neutering and vaccinations along with advice about proper training at community events.

Bad Rap is holding an event in Oakland from 10:30 a.m. to 12:30 p.m. Saturday at Verdes Carter Park, 98th Avenue and Bancroft Avenue.

"We want all our dogs to be trained or socialized," Reynolds said. "We want owners to be out in public and supported, not hiding their animals in a garage."

It's difficult for pit bull owners to be seen with their dogs these days, she said.

"The world treats you differently," Reynolds said. "Some people direct hate at you and you have to have a thick skin."

A Sonoma County official said the county enacted its law because about 50 percent of the dogs in its shelter at a given time are pit bulls.

"A lot of pit bulls we get have aggression toward people and other animals," said Bob Garcia, the county's director of animal services. "It's difficult to place an animal that has these behavior issues."

Animal control officers give owners of pit bulls that are not spayed or neutered a fix-it ticket. If they don't respond to the ticket, they're charged a \$210 fine, Garcia said.

There is an exception for purebred dogs registered with the American Kennel Club, he said.

"The law is relatively new, but we're starting to see a little decline in our shelter populations," Garcia said. "We rarely get registered dogs, and we think (the law) is going to reduce the number of backyard-bred animals."

Pit bull spay, neuter ordinance pitched in Contra Costa

By Rick Radin
Contra Costa Times

Posted: 08/05/2010 01:12:06 PM PDT

Updated: 08/07/2010 04:56:50 AM PDT

Two Contra Costa County supervisors are working on an ordinance that would require owners of pit bulls to spay or neuter their pets.

The effort follows the July death of 2-year-old Jacob Bisbee, who was killed by three of his stepfather's pit bulls in the garage of the family's Concord home.

Supervisors John Gioia, of Richmond, and Mary Piepho, of Discovery Bay, want to model the ordinance after a 2006 San Francisco law that followed the death of a 12-year-old child.

The measure will be aimed at reducing the number of unwanted, unclaimed or neglected pit bulls, Gioia said. Dogs that are spayed or neutered also tend to be less aggressive, he said.

"If you walk into a local shelter, the most prevalent breed is a pit bull or pit bull mix," Gioia said. "(Controlling overbreeding) is a humane thing to do since unclaimed animals are eventually euthanized."

Supervisor Susan Bonilla, of Concord, said she favored the idea of an ordinance while Federal Glover, of Pittsburg, said he wanted to evaluate a

written proposal before deciding.

Supervisor Gayle Uilkema, of Lafayette, also wanted more information. She said she wants to find out if pure pit bulls are as dangerous as pit bull mixes before considering a law that covers the entire breed.

The board strengthened a dog ordinance after a mauling death in 2005, requiring convicted felons to have permits for dogs larger than 20 pounds, Gioia said. They did not consider an ordinance

to spay or neuter pit bulls at the time because state law prohibited treating some breeds differently than others, he said.

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"If Contra Costa goes ahead with mandatory spay-neuter, it will create an atmosphere where people are hiding their dogs," said Donna Reynolds of Bad Rap. "It's not a proactive response to irresponsible owners or too many dogs."

Bad Rap will offer vouchers for free spaying, neutering and vaccinations along with advice for proper pit bull training at an event called Celebrate Your Pit Bull in Oakland Saturday.

The event will be from 10:30 a.m. to 12:30 p.m. at Verdes Carter Park, 98th and Bancroft avenues.

"We want all our dogs to be trained or socialized," Reynolds said. "We want owners to be out in public and supported, not hiding their animals in a garage."

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The county exempts purebred dogs registered with the American Kennel Club, he said.

"The law is relatively new, but we're starting to see a little decline in our shelter populations," Garcia said. "We rarely get registered dogs, and we think (the law) is going to reduce the number of backyard-bred animals."

Contact Rick Radin at 925-779-7166.

If YOU go

- **WHAT:** Celebrate Your Pit Bull. Advocacy group Bad Rap will offer vouchers for free spaying, neutering and vaccinations plus advice for proper pit bull training.
- **WHEN:** 10:30 a.m.-12:30 p.m. Saturday
- **WHERE:** Verdes Carter Park, 98th and Bancroft avenues, Oakland

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PIT BULL AD BLITZ: SPAY NOW OR PAY LATER

Citing high rates of euthanasia for the breed, anti-cruelty activists are making it easier for lower-income pit bull owners to get their friends fixed.

By Jessica Firger

Harlem - > When the American Society for the Prevention of Cruelty to Animals launched an advertising campaign this fall to promote its mobile clinic for pet sterilization, the group tailored its message to the dog owners most in need of access to cheap or free pet services.

In addition to both Spanish and English newspaper and radio ads, the ASPCA sponsored wall-sized ads with graffiti-inspired artwork featuring a man and his canine sidekick on the sides of buildings in Harlem and the Bronx. The "wallscapes" target low-income black and Latino men, the largest demographic of owners of pit bulls – the breed that, more than any other, fills shelters and is euthanized. Although many dog lovers maintain the breed can make friendly companions, they also can be dangerous when neglected or raised for aggression – leading overwhelmed owners to give them up. The ASPCA estimates that eight out of 10 dogs put down in New York City each year are pit bulls. So the group is trying to reduce the number of unintended canine pregnancies.

"We're trying to encourage owners of large-breed dogs, particularly pit bulls, to come and spay and neuter at no cost," ASPCA spokeswoman Aimee Hartmann said of the campaign, which was rolled out in mid-October. The encouragement worked: Within 10 days, the ASPCA saw a spike in the number of owners who brought in their large-breed dogs, especially pit bulls.

Through the program, pets would be eligible for free spay (for females) or neuter (for males) surgery. The only requirement: the owner be on some form of public assistance. Otherwise, the surgeries range from \$50 to \$200 at a discounted rate – while a private veterinarian may charge as much as \$800.

"Show your boy you've got his back," reads the sign. "Fix your dog, it's all good!"

The program has worked closely with the New York City Housing Authority, which is home to an estimated 100,000 pets, according to Stacey Cumberbatch, NYCHA's chief of staff.

Pet sterilization is not only an effective way to control the pet population, it also reduces aggression in dogs, and decreases the risk of reproductive cancers. Though it takes several years to see the effect of programs such as the ASPCA's mobile clinics, Animal Care & Control of NYC has noticed a decrease of nearly 10 percent in the use of euthanasia: from 4,171 animals killed in 2006, to 3,763 in 2007. The drop is attributed to the ASPCA's outreach and four mobile clinics, and similar programs run by Animal Care & Control and the Mayor's Alliance for NYC Animals.

Pit bulls make up 40 percent of the 12,000 dogs that end up in New York City's shelter system, according to Richard Gentles, director for administrative services for Animal Care and Control of New York City. They are often the last dogs left in shelters, and therefore the largest group of canines euthanized.

~
Emelinda Narvaez, founder of Earth Angels Canine Rescue, confirms this with her own four-decade-long dog rescue experience, in which she's taken in some 6,000 pit bull and pit bull mix dogs. "The shelters are doing the best they can," said Narvaez. "But people need to be more educated."

The nearly 5,000 pit bulls in the city's shelter system remain the poster pups for the city's difficulty in finding a balance between compassion and accountability when it comes to the animal population.

One major challenge is the attitude of pet owners themselves. Several people passing by the ASPCA wall ad at 124th Street and Frederick Douglass Boulevard in Harlem last week said they had experience with pit bulls and aggression – but were late converts, if at all, to the idea of sterilization.

William Underwood, 29, who lives in the neighborhood and works as a party promoter, said he's had a pit bull for 17 years. Underwood said pit bulls are about "hip hop culture, independence, honor, loyalty." He has not neutered his dog, Select, and doesn't want to. "They're like humans. They've got to create generations."

Bronx resident Karim Singleton, 34, displayed a scar on his arm from the pit bull he's had for seven years. His pet, Farrel,

attacked his girlfriend and then himself. "He's at a boarding kennel now. I couldn't bear to put him to sleep," said Singleton. At the kennel's recommendation, the dog also was neutered recently to quell his aggression, and is calmer now, Singleton said.

New York City requires sterilization of animals in shelters, but nowhere else. Many animal advocates believe the city is way behind in its sophistication with pet laws. Under the existing dangerous dog law, breeding, owning, purchasing or selling a dog for the purpose of fighting is prohibited. The leash law requires that all dogs in public space be on a leash of no longer than six feet. Both of these laws are not strictly enforced. However, where the city really falls short, said Jane Hoffman, president of the Mayor's Alliance for NYC Animals, is in distributing pet care information about the importance of sterilization and proper dog licensing, for example. A few years ago the health department ran a three-month subway campaign on dog licensing, and the licensing numbers went up. Dog licensing helps the city and owner keep track of a pet, should the animal run away or get stolen, but a license also helps the city locate a dog that may have attacked another dog or a pedestrian. Currently, a pet owner must pay only \$3 additional for licensing a dog that is not sterilized, raising the annual cost from \$8.50 to \$11.50.

For decades, the city dealt with animal overpopulation by euthanizing the majority of strays, especially large-breed dogs. That began to change in 2005 when the Mayor's Alliance for NYC Animals received a \$23.5 million grant that set the wheels in motion for the city to attain no-kill status, which had been promised to local advocacy groups for more than a decade. The grant from Maddie's Fund, which helps municipalities finance programs to deal with animal overpopulation without euthanasia, will be dispersed to more than 140 animal rescue groups in New York City, including the ASPCA, over the next seven years. A large percentage of the funding will go to spay/neuter programs.

~
Some would address pit bull overpopulation by banning the breed, as in other municipalities. "We are just looking for the chance to debate this issue in City Hall," said City Councilman Peter Vallone, who has long advocated banning pit bulls here, or at least strengthening the existing laws on animals, and large dogs in particular. While other cities, such as Denver, have enforced the ban, New York City is at the mercy of Albany and a current law prohibiting breed bans. Vallone has also tried to pass, and many local animal advocates endorse, an anti-tethering law, which would limit the amount of time a dog could be tied up in public space.

Vallone said he hears of numerous incidents involving bites and attacks by pit bulls every month. "Many of the dogs are this way because they are so mistreated," he said.

Sometimes called "the poor man's hummer," these American pit bull terriers and mixed breeds carry a longstanding association with aggression, fighting and street violence. Even for the ardent dog lovers looking to adopt, the breed can be overwhelming in size and demeanor. All of this makes the dogs a hard sell for adoptions, and the occasional subjects of front-page news – as with the elderly man [attacked](#) by two neglected pit bulls on Staten Island in July, or Atlanta Falcons quarterback Michael Vick's use of pit bulls for dog [fighting](#).

But according to the Department of Health and Mental Hygiene, the total number of dog bites, regardless of breed, declined to 3,634 in 2007, down from the 5,300 reported in 2001. Attacks and bites can come from any breed of dog, notes Hoffman from the Mayor's Alliance – and many people forget this.

"A pit bull could nip the pinky off of someone and it's all over the news," she says. "But a cocker spaniel eats the face off a baby and it's maybe in two papers."

At Animal Care & Control, which has a branch in each of the boroughs, about three to five cruelty cases involving pit bulls come in each week, Gentles said. These are the cases that require a partnership with law enforcement or the district attorney's office, and often involve several dogs that have been severely abused – dogs likely not to be put out for adoption, but put to sleep.

- [Jessica Firger](#)

Law requires dogs be spayed, neutered

Ordinance includes all pit bulls & "bully breeds"

Updated: Wednesday, 28 Apr 2010, 8:30 PM EDT
Published : Wednesday, 28 Apr 2010, 8:30 PM EDT

- Melissa Sardelli
- Reported by: Nneka Nwosu

WARWICK, R.I. (WPRI) - Rhode Island's second largest city just passed an ordinance requiring all Pit Bulls and other "bully breeds" be spayed or neutered.

The director of Warwick's animal shelter says they pick up dozens of abandoned or abused Pit Bulls each year, and when they're not adopted, the shelter has to put them down.

Despite their vicious stereotype, Pit Bull lovers say the dogs are more "buddy" than "bully."

Ann Corvin, Director at the Warwick Animal Shelter says, "They're wonderful dogs, those of us that work with them love them."

Still, after rescuing pups off the streets or from abusive homes, the shelter says Pit Bulls are hard to place in loving homes. They end up staying in shelters for months, or worse.

"Unfortunately many of them are euthanized for no other reason than the fact that they are a Pit Bull and nobody wants them," said Corvin.

Warwick's city council has passed an ordinance requiring spaying and neutering for all Pit Bulls and other bully breeds.

Corvin said, "The purpose of this ordinance is so that we don't have irresponsible people out there breeding their Pit Bulls and adding to the population, which in turn end up in the shelters and a large majority of them end up euthanized."

Professional breeders will be the only one's exempt from the spay-neuter ordinance. According to the city council, the ordinance won't take effect until it's passed by the council a second time.

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Supervisors propose pit bull spay/neuter law

10:12 PM PDT on Sunday, June 20, 2010

By IMRAN GHORI
The Press-Enterprise

Concerned about the increased number of pit bull attacks in recent years, San Bernardino County officials are proposing an ordinance that would require owners to spay and neuter their pets.

In the past five years, four people have died due to injuries from pit bull attacks in the county, according to the county's Animal Care and Control Division. Just this year, six attacks involving pit bulls were reported, including two that involved young children who died as a result.

No other attacks or deaths were reported involving other breeds of dog, according to the agency.

"It's clear we have a problem," said Supervisor Neil Derry, who is introducing the proposal along with Supervisor Brad Mitzelfelt. "It's clear we have an overabundance of these animals."

The ordinance, which the Board of Supervisors will consider Tuesday, would require pit bulls and related breeds over the age of 4 months to be spayed or neutered within 30 days after the ordinance is approved.

Those who don't could be cited and face a fine of \$100 for the first offense. A second citation would result in a \$200 fine while a third citation a \$500 fine.

The regulation would apply only to unincorporated areas of the county. Officials say it's in many of the remote, unincorporated areas, particularly in the High Desert, where they've had problems.

Brian Cronin, chief of the Animal Care and Control Division, said his agency will be concentrating on informing owners of the new law, if it is approved, through the canvassing of neighborhoods and the regular licensing procedure. Pet owners will only get warnings at first, he said.

Cronin said pit bulls are one of the top three breeds impounded at county shelters and the top breed euthanized. A spay/neuter program would cut down on the need to do so by helping reduce the population, he said.

"We do believe if we're able to reduce the number of pit bulls owned in our county, we should be able to reduce the number of incidents where pit bulls attack or bite," Cronin said.

Derry said neutering male pit bulls has been shown to decrease their aggression, which should also help reduce the number of attacks.

Sonoma County has a similar ordinance in place requiring spay/neutering of pit bulls, while other jurisdictions such as Riverside and Los Angeles counties and San Bernardino city require all breeds to be sterilized.

Derry said he hopes the county ordinance can similarly be expanded in the future, saying there is a general overpopulation problem with dogs.

Reach Imran Ghori at 951-368-9558 or ighori@PE.com

Burchett urges County Commission to pass pit bull law

News Sentinel staff

Originally published 03:14 p.m., November 14, 2007

Updated 03:23 p.m., November 14, 2007

NASHVILLE - State Sen. Tim Burchett of Knoxville is urging Knox County Commission to pass a law requiring pit bull dogs to be spayed or neutered.

In a letter to commission Chairman Scott Moore released this afternoon, Burchett urges commission to address pit bull ownership in the wake of the fatal mauling of a woman by two pit bulls Monday in West Knox County.

"Across Tennessee and now locally we have a story that has ended tragically," states the letter. "Due to the fact that pit bulls do attack humans, I think it is time for us to act before we have another instance like this."

The letter follows the death of Jennifer Lowe, 21, who was attacked by the pit bulls in a trailer on Sam Lee Road near Hardin Valley. Lowe died of injuries to her face and an arm.

Knox County sheriff's deputies shot the dogs, one of which died at the scene. The other was wounded and fled but was captured Tuesday when it returned to the trailer. Three puppies were seized by Knox County Animal Control, which had deemed the adult dogs as dangerous.

The dogs' owner, Charles Smallwood, said he doesn't know what happened but believes Lowe may have been trying to break up a fight between the dogs.

The Sheriff's Office will present its investigation to the Knox County District Attorney General's office for review of possible charges.

Burchett's letter states that other communities have established laws that have been successful, and that Knox County can follow their lead.

"I am calling on you to enact a county wide ordinance that says if they have a pit bull it will be spayed or neutered," concludes Burchett in the letter.

More details as they develop online and in Thursday's News Sentinel.



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Lindsay Pollard-Post: Spay or neuter pit bulls

Athens Banner-Herald | Story updated at 8:13 pm on 6/17/2009

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In light of the tragic pit bull attack that left 13-year-old Johnchavious Echols needing plastic surgery, I urge Athens- Clarke County officials to consider a law requiring pit bulls to be spayed or neutered ("Mauled teen faces long recovery," Tuesday).

As an animal shelter volunteer, I've interacted with hundreds of pit bulls. Many are sweet, but pit bulls can be unpredictable. More pits than I can count have gone from wagging their tails and licking my hand to snarling and lunging, after glimpsing another dog.

Pit bulls are the breed of choice for cowardly individuals who breed them for aggression toward other animals or humans. Many pits are terribly

abused: starved, beaten, kept on heavy chains their entire lives, and worse, turned into cheap alarm systems or living weapons. When pit bulls bite, many adults are no match for their strength, let alone a child.

Preventing more pits from being born would save many of these dogs from ending up in the hands of abusive people, and it would help prevent future attacks, as unsterilized dogs are three times more likely to bite. To learn more, visit www.HelpingAnimals.com.

Lindsay Pollard-Post

Norfolk, Va.

• *Lindsay Pollard-Post is a research specialist for People for the Ethical Treatment of Animals.*

Originally published in the Athens Banner-Herald on Thursday, June 18, 2009

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Reader Comments

Posted by: [Thomas_Jefferson_Snodgrass](#) at Jun. 18, 2009 at 2:31:02 am

+ 2 Rating

And, in light of the fact that the vast majority of people are murdered by other people, I urge Athens- Clarke County

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TOP JOBS

officials to consider a law requiring people to be spayed or neutered.

Posted by: [Learner](#) at Jun. 18, 2009 at 7:49:47 am

+ 2 Rating

It would be even more effective to severely punish owners of biting dogs. They should be free to own them, care for them, appreciate them...just understand that one bite could be excruciatingly expensive!

Posted by: [cetude](#) at Jun. 18, 2009 at 8:02:39 am

-2 Rating

Mandatory spay/neutering makes good sense!

Pit bulls are also loyal to violent criminals, gangs-and are the dog of choice for dog fighting due to their genetic disposition to be aggressive which is why they are called PIT BULLS. Like the cocaine and illegal narcotics trade, strict federal laws prohibit the distribution of illegal substances-yet it goes on everywhere; it is doubtful stricter anti-dog fighting laws will have any effect on these gang activities due to the huge purses made by dog fighting. The only solution left is breed specific legislation--unlike cocaine, and illegal weapons, pit bulls are large animals and bark so they are difficult to conceal. Gangs use pit bulls a great deal as instruments of violence.

Pit bulls are used as weapons against the police, guarding crack (illicit narcotic) houses. The mentality of gangs and violent criminals are a complete disregard for law - therefore "PUNISH THE DEED, NOT THE BREED" WILL NOT WORK.

Dangerous dog legislation is, in fact, an anti-gang bill due to their use of pit bulls routinely as instruments of crime and violence.

Not only do dog fighting rings distribute illegal narcotics and weapons (which will be used against citizens), these dogs are tortured beyond imagination-including FED CRUSHED GLASS prior to a fight making them more violent due to the agony. Pit bulls are bred like chickens adding to pet overpopulation epidemics; 70% of dogs impounded are pit bulls or pit bull mixes: most are euthanized at great cost to tax payers.

Posted by: [melmarino](#) at Jun. 18, 2009 at 8:08:37 am

+ 1 Rating

Germany requires that I carry special insurance against the misbehaviour of my large rottie/dobie mix. Why not make this law? At least then the injured parties have some type of recourse.

The insurance covers personal injury to humans and animals (murky on the perception of "personal" there, but ok) as well as property damage. It wasn't expensive - 130 euro (\$170) for the year. I also pay a 110 euro registration tax per year and have to appear annually at the Animal Control office (which is manned by actual vets and law enforcement professionals-fully certified, gun carrying police) with my proof of vaccination and health from my vet.

I don't know if it works, but it's a lot less invasive than breed specific laws. This rule goes for all dogs and the fees and charges are weighted depending on size, breed, age and history.

Posted by: [artemis4951](#) at Jun. 18, 2009 at 8:57:23 am

Ah, the perspective from PETA, a group that feels that all companion animals should be euthanized rather than kept as pets. Really.

And let me clear one thing up: pit bulls are usually animal-aggressive and prey-driven. They're also usually oriented to be positive toward humans. Therefore the behavior described by Pollard isn't in any way unpredictable.

We do agree that pit bulls should be spayed or neutered, but that's about it. And I would go several steps further to suggest that all dogs should be spayed or neutered -- it's already the law for any animals coming from rescue or animal control, and it is what responsible owners of all breeds of dogs do.

Posted by: [artemis4951](#) at Jun. 18, 2009 at 8:59:13 am

p.s. melmarino, my dogs are listed on my insurance. I don't know that the premium was any higher, but I was asked to disclose whether I had any (can't recall the nomenclature -- pit bulls, rottweilers, or mixes of these types of dogs, I think) on my property.

Posted by: [mom23boys](#) at Jun. 18, 2009 at 9:00:41 am

Maybe if pit bull owners would spay or neuter their dogs, there would be fewer put to sleep at animal control each week. They are most likely to be euthanized out there because they are less likely to be adopted due to stereotypes. It seems like a never ending cycle that a little supply control would help - lots of people love and want these dogs, just too many and supply outpaces demand.

Posted by: [rmadbro](#) at Jun. 18, 2009 at 11:46:41 am

melmarino, thanks for an excellent post.

artemis4951, although I occasionally disagree with your point of view, your posts always seem thoughtful and balanced. Frankly, I was a little surprised to learn that you have these dogs. This breed was created to be violent. I am interested to know why you chose this breed.

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This is not a gotcha question, and I mean no disrespect. I'm sure you have a good reason. I'm just curious as to what it might be.

Posted by: [rjszabo](#) at Jun. 18, 2009 at 12:51:32 pm

A lot of the hysteria about so-called "vicious dog breeds" has been fanned up by the insurance companies. They see this as an easy and way to increase the amount of insurance premiums they charge those of their customers that own dogs. They want you to think they are doing you a favor by insuring you if you have a dog and then you will gratefully pay the higher premiums. My insurance carrier is owned by the policyholders themselves and all profits get returned to the policyholders. This explains why they don't buy into this hysteria. For 32 years, I have adopted abused Rotties and Dobies and each time I get another dog, I call the legal department of my insurance company to see if I need to do anything special to remain insured. They informed me that they have examined the data and that this hysteria is bogus. Their position is that it is the owners that are the problem and not the breed of dog. In fact, my insurance carrier does not ask what breed of dog I own nor does it even ask if I have any dog at all. The amount of money they pay in dog attack claims is such a microscopic fraction of their total premium revenues, that they feel it would be immoral to charge surcharges for having a dog. Therefore, they penalize individual irresponsible dog owners instead of practicing collective punishment. In fact, they have told me they pay out more in dog bite claims for the obnoxious little breeds than they do for the so-called "dangerous breeds".

ACC and Oconee County Animal Control both actively adopt out these so-called "dangerous breeds" of dogs. Yet, you don't hear of any of these dogs causing any problems. Gee, I wonder why not?

It is amazing to me to see some of the logic of the people who post here. 50 years ago, pit bulls were considered wonderful dogs for kids. 30 years ago, Rotts were known for their wonderful patience with children. Then the criminal element and people who shouldn't own dogs in the first place used these dogs to adverse purpose. Are we going to ban every breed that gets misused by the scum of our society?

Using the logic of banning dog breeds that hurt people, we should also ban handguns since handguns kill far more people than vicious dogs. How about cars? Tens of thousands of Americans die on our highways each year. Shouldn't we then ban cars? But wait, cars don't cause the accidents, the car owners cause the accidents. Why is that logic not applied to dogs?

Posted by: [artemis4951](#) at Jun. 18, 2009 at 12:51:34 pm

melmarino, that's a long story. Here's the short version.

I was involved in animal issues, and one of the saddest things to contemplate is how many animals in general and powerful breed dogs more specifically that you can't help. There are too many, too many of them have had the odds stacked against them with poor care and treatment, and in a lot of places they don't even have a shot at a home because ordinances or staff declare them to be either vicious or not worth the effort. (Incidentally, I feel that way about plenty of other breeds -- it's just an especially egregious situation for the more powerful breeds, and for hunting and breeding dogs too old to do whatever they were used for -- they're almost always older, in poor health and badly socialized.) But that's not been my experience -- I find pit bulls in general to be sincere, intelligent, and dependable. Plus, they fit my active lifestyle and don't shed much -- I used to have labs, but got sick of clearing buckets of fur out of my house constantly and waiting 6 hours for them to dry after a swim at the lake. (Exaggerating here, but my house has gotten far cleaner since I went to short-coated dogs.) And I have a lot of experience working with large, assertive dogs.

Anyway, I decided I wanted to own a pit bull-type dog the next time that I had space for another dog because they need homes and I like them. A few years down the road, knowing lots of people with pit bulls or american bulldogs or other bully breeds, and I got one from Animal Control. Then another one was abandoned, and it fit into the pack so it stayed. I don't just have pit bulls, and I don't know that I'll always have them, but I do like them and think they're good pets if they're appropriate to your situation and you can responsibly own one.

And more to that: they need 2-3 miles of walking or running per day, and they're a relatively smart breed that gets into trouble if they're not tired and/or mentally engaged. They're definitely not for everyone.

Posted by: [artemis4951](#) at Jun. 18, 2009 at 12:52:05 pm

sorry, that was to rmadbro. ;)

Posted by: [melmarino](#) at Jun. 18, 2009 at 3:31:23 pm

That's cool, Art. I saw that. I had a pit/sharpei for sixteen years. He was a great little guy! Ok, so 65 lbs isn't so little but it is compared to the guy I have now.

Posted by: [ernesttbass](#) at Jun. 18, 2009 at 4:30:22 pm

-1 Rating

Or even the playing field and just pull their teeth. They get to keep their lives.

Posted by: [otisbdriftwood](#) at Jun. 18, 2009 at 4:44:55 pm

Pit bull owners are the same people who step on the gas when the light turns yellow. Risk takers, who endanger others!

Posted by: [melmarino](#) at Jun. 19, 2009 at 2:35:40 am

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ALL LISTINGS



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Santa Clara supervisor calls for mandatory spay, neutering of pit bulls

By Eric Messinger
emessinger@mercurynews.com
Posted: 08/06/2010 05:41:03 PM PDT
Updated: 08/07/2010 06:58:33 PM PDT

Citing the fatal mauling of a 2-year-old boy in Concord last month, Santa Clara County Supervisor Ken Yeager is proposing a law requiring all pit bull-type dogs in the unincorporated area be spayed or neutered.

The proposal comes after the death of Jacob Bisbee, who was attacked by three pit bulls owned by his step-grandfather. Contra Costa County supervisors are also in the process of proposing legislation in response.

"We shouldn't wait for tragedy to strike in this county before we react," Yeager said. "We need to be proactive in preventing serious injuries to our residents."

The proposal comes a little more than three months after Yeager's successful effort to ban toys in kids' meals at fast-food outlets. But his new proposal would be a trickier law to enforce since the vast majority of dogs are unlicensed in the county.

There are 328 pit bull-type licensed dogs in the unincorporated areas of the county, where the law would apply, of which 168 are spayed and neutered, according to Kevin O'Day, acting director of agricultural and environmental management. He estimates only 18 percent of all dogs are licensed, indicating the legislation could apply to as many as 1,500 dogs.

Pit bull, Labrador and German shepherd types were the leading breeds responsible for bites in unincorporated areas since 2006, making up 149 out of 481 total bites, according to O'Day, though different population sizes for breed types means the data

does not imply higher rates of attacks.

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A pit bull in a Denver animal shelter after that city... (David Zalubowski, Associated Press)

But the American Humane Association and other animal groups say laws targeting specific breeds of dogs are ineffective and unproductive, citing studies by the Centers for Disease Control and Prevention, the American Veterinary Medical Association and the National Canine Research Council, as well as independent researchers.

"There is no evidence from anywhere that breed legislation has succeeded in reducing dog-bite incidents or fatalities," said Donald Cleary, spokesman for the National Canine Research Council.

Cleary said that such legislation ignores the importance of owners in handling their dogs.

Yeager said that he was willing to consider alternative measures as the proposal develops.

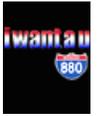
"The idea is to come up with something effective, not

knee-jerk," Yeager said.

Supervisors also invited the fast-food industry to offer alternatives to the ban on kids' meal toys. None were offered, and that ban goes into effect Monday.

Laura Fulda, spokeswoman for the Humane Society of Silicon Valley, said her organization favors spaying and

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neutering all pets, both for overpopulation and to reduce some aggressive behaviors. She said that specific breeds or breed types are less important to levels of aggressiveness and that "the issue comes down to how an animal is raised and how it is socialized."

Pit bull owners also say training and education for humans is more effective policy.

"Any of these dogs that have bitten humans are raised improperly, trained improperly and are managed and handled improperly," said Kimberly Allison, vice president of the National American Pit Bull Terrier Association. "It always falls back to a human error."

"Until you educate the humans, nothing is going to be solved," Allison added.

One man who doesn't believe the problem lies with owners is Jacob Bisbee's step-grandfather, Steven Hayashi, who has been charged with two felonies -- child abuse or neglect, and owning a mischievous animal causing death. He expressed regret at owning pit bulls in an interview with the Contra Costa Times on July 23.

"That's what got me into this mess," Hayashi said. "Thinking they're like regular dogs."

The move to target pit bulls would not be the first in the area. Ordinances requiring spaying or neutering for pit bulls are already on the books in San Francisco and Sonoma County, as well as Gilroy, Lancaster, Manteca, Ripon and San Bernardino.

Yeager plans to propose the legislation at Tuesday's board meeting, saying it is part of his effort to "put in place policies to protect residents of Santa Clara County."

The county currently provides a subsidized spay-neuter service and also restricts the number of dogs on a given parcel of land, two dogs for properties under five acres and three dogs for five acres or more.

According to the National Canine Research Council, there have been 66 fatal dog attacks in California since 1965. Approximately 50 of the deaths were children.

The most recent fatality was in San Diego on July 31, when a 2-year-old was killed by his family's shepherd-mix inside his home.

Contact Eric Messinger at 408-920-5719.

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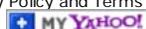
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Ordinance Amendments

County Ordinance 32.0220(f) is being amended to require the licensing of all Pit Bull and Pit Bull type dogs over four months of age, housed, harbored, or otherwise kept in a licensed dog kennel. This will help track all Pit Bull type dogs to ensure compliance with the Mandatory Spay/Neuter ordinance.

County Ordinance 32.0124(a)(1) is being amended to make the criminal and administrative citation penalties consistent, and to remove the potential for confusion when penalties are applied in regards to licensing dogs.

Spay/Neuter Assistance

- A \$50 dollar voucher will be available to those who qualify.
- The vouchers are available through POPCO, for people living in the unincorporated
- areas of San Bernardino County. Please call **1-888-767-2550** to check if you qualify.



State Law

(California Health and Safety Code Section 122330-122331), prohibits any breed from being deemed potentially dangerous or vicious, it does allow local agencies to enact breed-specific programs for spaying/neutering to control overpopulation.

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PROPOSED ORDINANCE REQUIRING SPAYING/NEUTERING OF PIT BULL AND PIT BULL TYPE DOGS & ACC COUNTY CODE AMENDMENTS



**SAN BERNARDINO COUNTY
DEPARTMENT OF PUBLIC HEALTH
ANIMAL CARE AND CONTROL**



Dear Community Partners,

In an effort to improve public safety and reduce the number of stray Pit Bull type dogs in the County, San Bernardino County Animal Care and Control is proposing a new ordinance. At this time two other ordinances are being amended.

- All owners of Pit Bull and Pit Bull type dogs over the age of four months will be required to have their dogs spayed / neutered (sterilized).
- Amend County Code 32.0220(f) to require the licensing of all Pit Bull and Pit Bull type dogs.
- Amend County Code 32.0124 (a)(1) to ensure criminal and administrative citation penalties are consistent.



What is a Pit Bull?

- “Pit Bull” is not an official breed.
- “Pit Bull” is a term used to describe several breeds of dogs:
 - Pure breeds: Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.
 - Mixed breeds: All dogs with significant mixes of Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.



Canine Spay / Neuter Requirements

Spay / Neuter means that a licensed veterinarian performs an operation on a dog to prevent a litter. Females are spayed and males are neutered. An unaltered dog means an animal which has not been spayed or neutered.

Benefits

- Reduce the number of unwanted pets in the community by enforcing spaying / neutering.
- Hold accountable irresponsible pet owners.
- Decrease undesirable behaviors such as roaming.

Exemptions

- A purebred dog, recognized by and registered with the American Kennel Club (AKC), United Kennel Club (UKC), or other national registry,
- Dogs used by law enforcement agencies for law enforcement purposes,
- A qualified service or assistance dog as defined in Food and Agriculture Section 30850,
- Dogs which are unable to be spayed or neutered without high likelihood of suffering serious bodily harm or death,
- A dog used for breeding at a licensed breeding kennel as defined in Section 32.0301.