

City Council Adjourned Regular Meeting

Tuesday, September 1, 2020

4:30 PM

City Council Chambers



ELECTED OFFICIALS

Mayor Richard Montgomery

Mayor Pro Tem Suzanne Hadley

Councilmember Hildy Stern

Councilmember Steve Napolitano

Councilmember Nancy Hersman

City Treasurer Tim Lilligren

EXECUTIVE TEAM

City Manager Bruce Moe

City Attorney Quinn Barrow

City Clerk Liza Tamura

Community Development Director Carrie Tai

Finance Director Steve Charelian

Interim Fire Chief Wolfgang Knabe

Human Resources Director Lisa Jenkins

Information Technology Director Terry Hackelman

Parks and Recreation Director Mark Leyman

Police Chief Derrick Abell

Public Works Director Stephanie Katsouleas

MISSION STATEMENT:

Our mission is to provide excellent municipal services,
preserve our small beach town character, and enhance the quality of life for our
residents, businesses and visitors.

MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.citymb.info, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056.

Meetings are broadcast live through Manhattan Beach Local Community Cable, Channel 8 (Chapter Spectrum), Channel 35 (Frontier Communications), and live streaming via the City's website.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). The City also provides closed captioning of all its Regular City Council Meetings for the hearing impaired.

CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Wednesday, August 26, 2020, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED.**A. CALL MEETING TO ORDER****B. ROLL CALL****C. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

This is the time for the City Council to: (a) notify the public of any changes to the agenda and (b) rearrange the order of the agenda.

MOTION TO APPROVE AGENDA AND WAIVE FULL READING

E. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Speakers may provide public comments on any matter that is within the subject matter jurisdiction of the City Council, including items on the agenda. The Mayor may determine whether an item is within the subject matter jurisdiction of the City Council. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda.

Pursuant to Governor Newsom's Executive Orders No. N-25-20 and No. N-29-20, City Council Chambers is not open to the public. In the interest of maintaining appropriate social distancing, the City Council encourages the public to participate by submitting comments in advance of the meeting, no later than 4:00 PM, September 1, 2020 (the day of the meeting), via:

- 1) eComment at <http://www.citymb.info/ecomment>;
- 2) email to cityclerk@citymb.info; or
- 3) telephone message recorded at **(310) 802-5030**.

All of your comments provided by the deadlines above will be available to the City Council and the public prior to the meeting.

In addition, you may participate by joining Zoom during the meeting:

If you wish to speak on any item on the agenda, please register in advance by clicking the following link:
<https://citymb.seamlessdocs.com/f/publiccomment>.

- 1) Join Zoom Meeting via the internet:
Direct URL: <https://comb.zoom.us/j/98365682559>, Meeting ID: **983-6568-2559**

During the meeting you will need to use the "raise hand" button through Zoom at the time the Mayor invites the public to provide comments.

- 2) Join Zoom Meeting via Phone Conference (Voice Only):
Phone Number: **(669) 900-6833**, Meeting ID: **983-6568-2559**

During the meeting you will need to enter *9 on the phone's dial pad at the time the Mayor invites the public to provide comments.

E. PUBLIC HEARINGS

At the discretion of the Mayor, each speaker may speak for up to 3 minutes on each public hearing item.

1. Public Hearing to Consider Peter Gordon's Appeal of the Police Chief's Vicious Animal Determination (Police Chief Abell). [20-0275](#)
 - a) **CONDUCT PUBLIC HEARING**
 - b) **DETERMINE THAT DOG IS VICIOUS WITHIN THE MEANING OF MANHATTAN BEACH MUNICIPAL CODE CHAPTER 5.01**

Attachments: [Exhibit A: Manhattan Beach Police Department Animal Control Division Incident Report No. DR20-0001651 \(852020\)](#)
[Exhibit B: Written Complaint of City Residents Loralie Ogden and Dexter Taylor](#)
[Exhibit C: Written Complaint of City Resident Sylvia Rayner](#)
[Exhibit D: Written Complaint of City Resident Jennifer Williams](#)
[Exhibit E: Notice of Determination of Vicious Animal and Public Nuisance](#)
[Exhibit F: Notice of Public Hearing on Appeal of Determination of Vicious Animal](#)
[Exhibit G: Manhattan Beach Municipal Code Chapter 5.01](#)
[Exhibit H: Manhattan Beach Police Department Dog On Dog Incident Report for Case No. 18-1900 \(6282018\)](#)

F. CLOSED SESSION

I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

- a) **CONFERENCE WITH LABOR NEGOTIATORS**
(Government Code Section 54957.6)

Agency Negotiators:

Bruce Moe, City Manager

Lisa Jenkins, Human Resources Director

Employee Groups:

Manhattan Beach Firefighters' Association

Manhattan Beach Fire Management Association

Manhattan Beach Police Officers Association

Manhattan Beach Police Management Association

Manhattan Beach Mid-Management Employee Association

Manhattan Beach Part-Time Employees' Association

Unrepresented (Executive, Management and Confidential)

Teamsters Local 911

**b) CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)
(Government Code Section 54956.9(d)(1))**

**Name of Case: Darby T. Keen (Trustee) v City of Manhattan Beach
Los Angeles County Superior Court
Case No: 19STCP02984**

This is the case where a property owner sued the City to be allowed to rent his residentially zoned property in the Coastal Zone on a short-term basis.

II. RECESS INTO CLOSED SESSION

III. RECONVENE INTO OPEN SESSION

IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

G. ADJOURNMENT



Agenda Date: 9/1/2020

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Derrick Abel, Police Chief
Tim Hageman, Police Captain

SUBJECT:

Public Hearing to Consider Peter Gordon's Appeal of the Police Chief's Vicious Animal Determination (Police Chief Abell).

- a) **CONDUCT PUBLIC HEARING**
 - b) **DETERMINE THAT DOG IS VICIOUS WITHIN THE MEANING OF MANHATTAN BEACH MUNICIPAL CODE CHAPTER 5.01**
-

RECOMMENDATION:

Staff recommends that after conducting a public hearing and providing the dog owner and other members of the public an opportunity to speak, the City Council determine that a male mixed-breed dog named "Oliver" constitutes a vicious animal.

EXECUTIVE SUMMARY:

The Chief of Police (the "Chief"), in his capacity as Director of Animal Control, has determined that a male mixed-breed dog named "Oliver" (the "Dog") constitutes a "vicious animal" as defined by the City's Municipal Code. City resident Peter Gordon is the owner, possessor, or one who has custody and control of the Dog. The Chief's determination was made following several written complaints from City residents that the Dog poses a danger to people and other animals, and after a very recent incident where the Dog killed another dog. Mr. Gordon has requested an appeal of the Chief's determination before the City Council, pursuant to MBMC Section 5.01.250C.

DISCUSSION:

Many of the facts incorporated by reference in this Staff Report are from the Manhattan Beach Police Department Animal Control Division Incident Report for Case No. DR20-0001651 (the "2020 Incident Report"). A true and correct copy of the 2020 Incident Report is attached hereto as **Exhibit A** and incorporated by reference herein.

A. Attack on July 29, 2020.

On July 29, 2020, at approximately 8:15 a.m., two City residents (the "Residents") were walking their

five-year-old mixed-breed dog (the "Victim") in the alley just south of 33rd Street. The Dog, which was being walked off-leash by an individual later identified as Aiden Blood, attacked the Victim. Before Mr. Blood could gain control over the Dog, the Victim sustained numerous bite wounds throughout the torso. The Residents transported the Victim to the VCA Advanced Veterinary Care Center, located at 5926 Hawthorne Boulevard in the City of Hawthorne. As a direct result of the Dog's attack, the Victim later died from his injuries.

On July 31, 2020, at approximately 2:08 p.m., City Community Services Officer Michael Sweeney responded to the Residents' residence after they reported the above-referenced attack. The Residents informed Officer Sweeney of the details of the attack and identified Mr. Gordon as the Dog's owner.

On August 2, 2020, at approximately 10:54 a.m., Officer Sweeney returned to the Residents' residence. In addition, Officer Sweeney spoke with two other City residents who expressed their concerns and past experiences with the Dog. All three residents cited various instances of the Dog being walked off-leash in the neighborhood and acting "very aggressively" toward humans and other dogs. According to the three residents, the Dog had been previously removed from the City for approximately one year, during which time he was living with Mr. Gordon's son in Colorado. The Residents requested that the Dog be removed from the City.

On August 4, 2020, at approximately 1:36 p.m., Officer Sweeney made contact with Mr. Gordon, who identified Mr. Blood as the individual who was walking the Dog at the time of the above-referenced attack. Mr. Gordon stated that Mr. Blood, who is a friend of his son's, told him of the attack when Mr. Gordon returned from surfing later that day.

Based on his investigation, Officer Sweeney concluded that the above-referenced attack occurred because Mr. Blood was walking the Dog off-leash. Officer Sweeney further concluded that, based on the Dog's history of aggressive behavior, the Dog should be declared a public nuisance pursuant to the Municipal Code.

B. Additional Incidents and Complaints by City Residents.

On June, 26, 2018, the Dog was off-leash and attacked three dogs belonging to another City resident. A true and correct copy of the Manhattan Beach Police Department Dog On Dog Incident Report for Case No. 18-1900 (the "2018 Incident Report") is attached hereto as **Exhibit H** and incorporated by reference herein.

On August 4, 2020, City residents Loralie Ogden and Dexter Taylor submitted a written complaint to the City regarding the Dog. In their complaint, Ms. Ogden and Mr. Taylor acknowledge the above-referenced attack on the Victim and state that the Dog has attacked "multiple dogs in the area over the past four years." Ms. Ogden and Mr. Taylor express their concerns regarding the Dog being off-leash and advise that "[w]hen we walk our own small dog we feel compelled to carry pepper spray to protect ourselves." A true and correct copy of Ms. Ogden and Mr. Taylor's complaint is attached hereto **Exhibit B** and incorporated by reference herein.

On August 5, 2020, City resident Sylvia Rayner submitted a written complaint to the City regarding the Dog. In her complaint, Ms. Rayner alleges that Mr. Gordon regularly fails to control the Dog, either willfully or through his failure to exercise due care. Ms. Rayner alleges that the Dog has acted aggressively toward her in the past. Ms. Rayner also alleges that in June 2018, the Dog attacked and seriously injured small dogs belonging to two other City residents. Ms. Rayner further alleges that at some point last year, the Dog attacked two dogs belonging to one of her neighbors. Ms. Rayner also acknowledges the above-referenced attack on the Victim. A true and correct copy of Ms. Rayner's

complaint is attached hereto **Exhibit C** and incorporated by reference herein.

On August 11, 2020, City resident Jennifer Williams submitted a written complaint to the City regarding the Dog. In her complaint, Ms. Williams alleges that approximately two years ago, she was walking her dog near the Strand when the Dog, which was off-leash, attacked her dog. Mr. Gordon, who was present during the attack, accused Ms. Williams of “overreacting.” Following this attack, Ms. Williams commonly looks to see if the Dog is out and off-leash, which he regularly is. As a result, Ms. Williams has to walk around the block in order to avoid the Dog. She also warns neighbors not to walk their dogs in the vicinity of 32nd Street and Vista Drive if the Dog is out. Ms. Williams acknowledges the above-referenced attack on the Victim and asks the City to relocate the Dog “to an owner who is willing and capable of keeping [the Dog] away from other dogs, cats and children.” A true and correct copy of Ms. Williams’s complaint is attached hereto **Exhibit D** and incorporated by reference herein.

C. Determination of Vicious Animal and Request for Appeal.

On August 11, 2020, the Chief determined that the Dog constitutes a vicious animal under the Municipal Code. On that same day, a Notice of Determination of Vicious Animal and Public Nuisance (the “Determination Notice”) was hand-delivered to Mr. Gordon. The Determination Notice orders that Mr. Gordon remove the Dog from the City limits within seven days from the date of the Determination Notice. The Determination Notice advises Mr. Gordon that it is now unlawful for him or any other person to own, possess, or have the custody or control of the Dog within the City limits, and that his failure to remove the Dog will constitute a misdemeanor, punishable by law. The Determination Notice further advises Mr. Gordon of his right to appeal the determination at a public hearing before the City Council. A true and correct copy of the Determination Notice is attached hereto as **Exhibit E** and incorporated by reference herein.

On August 13, 2020, Mr. Gordon notified the City Attorney’s Office that he would appeal the Chief’s determination.

On August 19, 2020, the City Attorney’s Office sent a Notice of Public Hearing on Appeal of Determination of Vicious Animal (the “Hearing Notice”) to Mr. Gordon. The Hearing Notice advises Mr. Gordon that the public hearing on his appeal will take place on September 1, 2020, at 4:30 p.m. over the Zoom videoconferencing platform. A true and correct copy of the Hearing Notice is attached hereto as **Exhibit F** and incorporated by reference herein. The Notice was also hand-delivered to the Gordons on August 25, 2020.

ANALYSIS:

Chapter 5.01 of the Municipal Code provides the relevant provisions with regards to dogs and other animals in the City. A true and correct copy of Chapter 5.01 is attached hereto as **Exhibit G** and incorporated by reference herein.

A. Definition and Determination of “Vicious Animal” Under the Municipal Code.

The City Council has found and determined that “the reservation of the right and power made in [Section 5.01.250] is necessary in order to protect the public peace, health, and safety of the City and its inhabitants, not only on account of physical danger from vicious and dangerous animals, but also because of the suppression and combating of the menace of rabies.” MBMC § 5.01.250(E). Municipal Code § 5.01.240 defines a “vicious animal” as “any animal or animals that constitute a physical threat to human beings or other animals” and that it is “unlawful for any person to own, possess or have the custody or control of any dangerous or vicious animal within the City limits.”

The City's Director of Animal Control retains "the right and power to determine, upon written complaint from a citizen or a Community Services Officer, whether an animal is vicious." MBMC § 5.01.250(A). As the City's Parking and Animal Control Section is under the control of the City's Police Department, the Chief retains the right and power to make this determination.

If the Chief determines that an animal is vicious, "the vicious animal must be removed from the City limits by the owner, possessor, or one who has custody and control of the animal, within seven (7) days." MBMC § 5.01.250(A). If the vicious animal is not removed from the City limits within the time provided, the City's Animal Control Department has the right and power to impound the animal, and the owner is required to pay for any and all costs associated with impoundment. MBMC § 5.01.250(B).

Here, the Chief determined that the Dog constitutes a vicious animal as it constitutes "a physical threat to human beings or other animals." MBMC § 5.01.240. Specifically, the Determination Notice states that the Chief "is informed and believes that the Dog poses a physical threat to human beings and other animals within the City limits" and "that the Dog has molested passersby, attacked other animals, and is repeatedly at-large." **Ex. E.** The Determination Notice cites to the above-referenced attack on the Victim, as well as the various complaints submitted by City residents, as support for the Chief's determination.

B. Removal of Vicious Animal and Request for Appeal.

After a determination of a vicious animal has been made, "[t]he owner, possessor, or one having custody and control of such animal as has been determined vicious shall have the right to a public hearing of the City Council on the matter." MBMC § 5.01.250(C). In order to request an appeal, the owner must send written notice of his or her appeal to the City Clerk's Office, setting forth fully the grounds upon which the appeal is based. MBMC § 1.06.050(B). The owner must also submit an appeal fee of \$25 to the City Clerk's Office. MBMC § 5.01.250(C).

Here, Mr. Gordon was provided with a copy of the Determination Notice on August 11, 2020. **Ex. E.** Two days later, Mr. Gordon notified the City Attorney's Office that he would appeal the Chief's determination. On August 19, 2020, the City Attorney's Office sent the Hearing Notice to Mr. Gordon. **Ex. F.** As of the date of this Staff Report, Mr. Gordon has neither sent written notice of his appeal to the City Clerk's Office, setting forth fully the grounds upon which the appeal is based, nor submitted the required appeal fee of \$25 to the City Clerk's Office. MBMC §§ 1.06.050(B), 5.01.250(C).

C. Public Hearing and Determination of the City Council.

After the appeal hearing is held, the City Council must determine whether the subject animal constitutes a vicious animal. MBMC § 5.01.250(C). "The decision of the City Council shall be final and binding, and if the determination is that of a vicious animal, the owner, possessor, or one having custody or control of said animal shall have three (3) days to remove said animal from the City limits." MBMC § 5.01.250(C).

Here, the City Council need only find that the Dog constitutes "a physical threat to human beings or other animals" to determine that the Dog is a vicious animal. MBMC § 5.01.240. The City Council should, in part, consider and examine the following evidence in reaching their decision:

- The July 29, 2020 attack on the Victim (**Ex. A**);
- The June 26, 2018 attack (**Ex. H**);
- The Residents' complaints of and the complaints of two other City residents interviewed by

- Officer Sweeney (**Ex. A**);
- Officer Sweeney's conclusions following his investigation (**Ex. A**);
 - The complaint of Ms. Ogden and Mr. Taylor, as submitted to the City on August 4, 2020 (**Ex. B**);
 - The complaint of Ms. Rayner, as submitted to the City on August 5, 2020 (**Ex. C**);
 - The complaint of Ms. Williams, as submitted to the City on August 11, 2020 (**Ex. D**);
 - The two Incident Reports (**Exs. A, H**); and
 - The Chief's determination, as issued on August 11, 2020 (**Ex. E**).

V. CONCLUSION

Based on the facts and evidence provided above, I recommend that this Honorable City Council determine that the Dog constitutes a vicious animal.

ATTACHMENTS:

1. Exhibit A: Manhattan Beach Police Department Animal Control Division Incident Report No. DR20-0001651 (8/5/2020)
2. Exhibit B: Written Complaint of City Residents Loralie Ogden and Dexter Taylor
3. Exhibit C: Written Complaint of City Resident Sylvia Rayner
4. Exhibit D: Written Complaint of City Resident Jennifer Williams
5. Exhibit E: Notice of Determination of Vicious Animal and Public Nuisance
6. Exhibit F: Notice of Public Hearing on Appeal of Determination of Vicious Animal
7. Exhibit G: Manhattan Beach Municipal Code Chapter 5.01
8. Exhibit H: Manhattan Beach Police Department Dog On Dog Incident Report for Case No. 18-1900 (6/28/2018)



Manhattan Beach Police Department
420 15TH ST | MANHATTAN BEACH, CA 90266 | P: 310.802.5100

DR # 20-0001651 - Crime/Incident Report Cover Sheet

REPORT DATE / TIME Aug 5, 2020 12:45	CITY M3	EVENT START DATE / TIME - EVENT END DATE / TIME Jul 29, 2020 08:15 - Aug 7, 2020 14:10
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INCIDENT INFO

OFFENSE CODE

DOG BITE REPORT

OFFENSE LOCATION

MANHATTAN BEACH, CA 90266

INVOLVED PERSONS

INVOLVEMENT	NAME	HOME ADDRESS	DOB / ESTIMATED AGE RANGE	RACE	SEX
O-1	Aiden Blood			White	Male
R-1					
SB-1	Peter Gordon			White	Male

NARRATIVE

MANHATTAN BEACH POLICE DEPARTMENT

ANIMAL CONTROL DIVISION

INCIDENT REPORT

SOURCE:

On 07/31/2020, at 1357 hours, I received a call from dispatch to respond to _____ regarding a dog attack.

OFFICER ACTION(S):

07/31/2020-

On Friday, 07/31/2020, at 1408 hours, I talked with the reporting party, _____ about a dog incident that occurred on 07/29/2020. _____ stated that her husband was walking their dog when an aggressive off leash dog attacked their

REPORTING OFFICER SIGNATURE / DATE Michael Sweeney #20C423 Aug 7, 2020 14:10 (e-signature)	SUPERVISOR SIGNATURE / DATE Michael Sistonì #20343 Aug 7, 2020 14:53 (e-signature)
PRINT NAME Michael Sweeney #20C423	PRINT NAME Michael Sistonì #20343

dog. Wong stated that the aggressive dog owner resides at _____ and his name is Peter Gordon. At the time, Wong asked that I hold off on taking a full report until she talks to her husband and other members of her neighborhood who have had incidents involving this aggressive dog.

08/02/2020-

On Sunday, 08/02/2020, at 1054 hours, I responded to _____ to have a meeting with _____ and two other concerned residents regarding the aggressor dog in this incident. I met with _____ and two other _____ residents who shared concerns and past experiences with the aggressor dog and its owner. In summation, all parties had cited various instances seeing the aggressor dog being walked off leash in the neighborhood and it acting very aggressively towards humans and other dogs. The other two residents refused to provide their information.

The three residents stated that the dog had been removed from the city for approximately a year, and was living with the owner's son in Colorado. _____'s concerns were that the dog is now back in the city and being allowed to be off leash in public. _____ wished to have an incident report written so that she along with other concerned residents could contact the city attorney in an attempt to have the aggressor dog banned from the city of Manhattan Beach. The three residents were unable to provide factual information of the dog being in Colorado for approximately one year.

08/04/2020-

On Tuesday 08/04/2020, at 1336 hours, I contacted the aggressor dog's owner, Peter Gordon, and took a statement from him about the incident. Gordon was issued a business card with my contact information and the report number. Gordon was able to give me the name of his son's friend who was walking his dog at the time of the incident. Gordon identified the subject that was walking "Oliver" as Aiden Blood and Gordon did not have his phone number or any other information, but could find out more from his son at a later time. I then ran the subject via my MDC and got a return to _____

At 1409 hours I contacted an unknown female subject at _____ who advised me Aiden Blood was not home at the moment. I gave her a business card with my contact information and asked her to give it to Aiden and have him contact me in order to give me a statement.

AGGRESSOR DOG:

The aggressor dog is a Male, neutered, unknown, mix-breed named "Oliver". "Oliver" is currently licensed in the city of Manhattan Beach.

AGGRESSOR DOG OWNER (PETER GORDON) STATEMENT:

Gordon stated that he was surfing at the time of the incident and did not know that Aiden Blood was walking his dog off leash. Gordon stated that Blood informed him of the incident after he had returned from surfing.

PERSON IN CONTROL OF AGGRESSOR DOG (AIDEN BLOOD):

REPORTING OFFICER SIGNATURE / DATE

Michael Sweeney #20C423 Aug 7, 2020 14:10 (e-signature)

PRINT NAME

Michael Sweeney #20C423

SUPERVISOR SIGNATURE / DATE

Michael Sisoni #20343 Aug 7, 2020 14:53 (e-signature)

PRINT NAME

Michael Sisoni #20343

After trying numerous times to get Aiden on the phone and in person at his residence, I was unable at the time of this report to obtain a statement from him. Blood left me two voicemails on Thursday 08/06/2020, but I was not working and therefore not available to contact him back. I attempted three separate times and left three voicemails throughout the day on Friday 08/07/2020, but got no answer or call back.

VICTIM DOG:

The victim dog was a 5 year old neutered Chihuahua mix-breed named . has since passed away due to the injuries it sustained during this incident. The injuries consisted of numerous bite wounds throughout the torso.

VICTIM DOG OWNER

STATEMENT:

stated that on Wednesday July 29th, 2020 at approximately 0815 hours, her husband was walking their dog in the alley just south of 33rd Street when an off leash dog that was being walked by a young man attacked their dog. was being walked on a leash and was attacked by the off leash aggressor dog. The young man who was walking the off leash dog then gained control of the aggressor dog, and proceeded to take to the VCA, 15926 Hawthorne Blvd. Lawndale, CA, 90260 to receive medical treatment.

CONCLUSION:

Per the statements I obtained, I concluded that the dog bite occurred because Aiden Blood was walking the aggressor dog off leash and it attacked the victim dog, eventually causing the victim dog to succumb to its injuries. Due to the history with this aggressive dog, in the past it is my opinion that the city attorney should declare the aggressor dog "Oliver" a "Public Nuisance" per section 5.01.280 of the Manhattan Beach Municipal Code.

ATTACHMENTS:

1. Photo of victim dog's injuries
2. Photo of victim dog's injuries
3. Copy of victim dog's veterinary bill
4. Copy of victim dog's veterinary bill

REPORTING OFFICER SIGNATURE / DATE

Michael Sweeney #20C423 Aug 7, 2020 14:10 (e-signature)

PRINT NAME

Michael Sweeney #20C423

SUPERVISOR SIGNATURE / DATE

Michael Sisoni #20343 Aug 7, 2020 14:53 (e-signature)

PRINT NAME

Michael Sisoni #20343







VCA Advanced Veterinary Care Center
 15926 Hawthorne Blvd | Lawndale, CA 90260 | (310) 542 - 8018

Jennifer Dasse, DVM | Date: **7/29/2020 at 19:00** | Invoice: **883030822** | Cashier: **Michel O**

Client	Patient
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Species: Canine (Chihuahua Mix)
 Sex: Male Neutered | Color: Brown And White
 Birth: 07/01/2015 | Age: 5y | Weight: 7.6 kg

Detailed Visit Information

Date	Description	Qty	Price	Tax	Total Price
7/29/2020	Emergency Exam	1.00	\$98.10	\$0.00	\$98.10
	Abdominal Xray Study	1.00	\$267.45	\$0.00	\$267.45
	- AIS Radiology Interpretation	1.00	\$102.75	\$0.00	\$102.75
	VetScan Comprehensive Diagnostic Profile + CBC	1.00	\$182.05	\$0.00	\$182.05
	Laceration Surgery	1.00	\$416.60	\$0.00	\$416.60
	- Anesthesia 15-60min Risk 1	1.00	\$443.05	\$0.00	\$443.05
	Includes: The veterinarian's assessment of the patient to determine the anesthetic protocol for the procedure about to be performed Pre-anesthetic Medications Anesthesia Induction Anesthesia Maintenance Anesthesia Monitoring Recovery Monitoring and Care				
	- Fluids Surgery	1.00	\$181.25	\$0.00	\$181.25
	Hospitalization Setup	1.00	\$40.70	\$0.00	\$40.70
	Hospitalization Holding	4.00	\$0.00	\$0.00	\$0.00
	HOSP/hour Level 2 K9 Sm	3.00	\$31.38	\$0.00	\$31.38
	AmoxiClav (Clavamox) Chew 125mg Tab	14.00	\$50.00	\$0.00	\$50.00
	- Client Received Written Material on Medication	1.00	\$0.00	\$0.00	\$0.00
	Meloxicam (Metacam) 1.5mg/mL/10mL	1.00	\$39.65	\$0.00	\$39.65
	- Client Received Written Material on Medication	1.00	\$0.00	\$0.00	\$0.00
	Tramadol (gen) 50mg Tab	12.00	\$27.64	\$0.00	\$27.64
	- Client Received Written Material on Medication	1.00	\$0.00	\$0.00	\$0.00
	Buster Clic Elizabethan Collar Size 15cm	1.00	\$10.20	\$1.05	\$11.25

Subtotal: **\$1,891.87**

Invoice Summary

Patient Name	Total Price	Total Tax	Total Due
	\$1,890.82	\$1.05	\$1,891.87

For information on how we collect and use information about you and your pet, and how you may opt-out of some uses, please see our Privacy Policy at vcahospitals.com/privacy-policy.



VCA Advanced Veterinary Care Center
15926 Hawthorne Blvd | Lawndale, CA 90260 | (310) 542 - 8018

Jennifer Dasse, DVM | Date: **7/29/2020 at 19:00** | Invoice: **883030822** | Cashier: **Michel O**

Visa	\$491.87	Prev Balance:	-\$1,400.00
		Total Due:	\$1,891.87
		Amount Paid:	\$491.87
		Amount Due:	\$0.00

For information on how we collect and use information about you and your pet, and how you may opt-out of some uses, please see our Privacy Policy at vcahospitals.com/privacy-policy.



VCA Hermosa Animal Hospital
 560 Pacific Coast Hwy | Hermosa Beach, CA 90254 | (310) 376 - 8819

Charlotte Broussard, DVM | Date: **7/30/2020 at 08:44** | Invoice: **919420930** | Cashier: **Kara G**

Client	Patient
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Species: Canine (Chihuahua Mix)
 Sex: Male Neutered | Color: Brown And White
 Birth: 07/12/2012 | Age: 8y | Weight: 14.8 Pounds

Detailed Visit Information

Date	Description	Qty	Price	Tax	Total Price
7/30/2020	Private Cremation		\$131.55	\$0.00	\$131.55

Subtotal: **\$131.55**

Invoice Summary

Patient Name	Total Price	Total Tax	Total Due
	\$131.55	\$0.00	\$131.55

Visa	\$131.55	Prev Balance:	\$0.00
		Total Due:	\$131.55
		Amount Paid:	\$131.55
		Amount Due:	\$0.00

For information on how we collect and use information about you and your pet, and how you may opt-out of some uses, please see our Privacy Policy at vcahospitals.com/privacy-policy.

----- Forwarded message -----

From: **Ogden, Loralie**

Date: Tue, Aug 4, 2020 at 9:42 PM

Subject: Consistent and persistent off leash dog

To: Loralie Ogden

Chief Abell,

I'm writing about a vicious dog on 32nd street that has now killed one of our neighbors dogs after having attacked multiple dogs in the area over the past 4 years. Enough is enough.

This dog has been repeatedly off leash for the past few years. It was temporarily removed from the house by the owners. It recently returned from Colorado only to be off lease again and attack our neighbor, The dog last week. This is a pattern not an isolated incident. What is more disturbing is they now have a pit bull puppy that is ALSO off leash on a regular basis. In fact the pit bull was off leash and lead the most recent attack.

This dog, Oliver, also cornered my neighbor while off leash (a letter attesting to that fact is forthcoming)

This dog must be deemed vicious and removed from our neighborhood. When we walk our own small dog we feel compelled to carry pepper spray to protect ourselves.

If it has been voluntarily removed again, we want the necessary enforcement to state they cannot bring this dog back under any circumstances. I'm also reporting/documenting that Leo, the pit puppy, has been off leash as well. It should not be up to the residents to enforce these laws.

There are leash laws for a reason in these very close living situations.

Thank you for your prompt attention and I look forward to your response.

Loralie Ogden and Dexter Taylor

From: Sylvia Rayner
Date: August 5, 2020 at 11:22:30 AM PDT
To: Derrick Abell <dabell@citymb.info>
Cc: Bruce Moe <bmo@citymb.info>, Quinn Barrow <qbarrow@citymb.info>, Richard Montgomery <rmontgomery@citymb.info>
Subject: [EXTERNAL] Dangerous dogs owned by Peter Gordon and family at 408 32nd Street, Manhattan Beach

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Chief Abell:

I am 72 years old and I live at _____ in Manhattan Beach. My back gate and garage both open onto

On two occasions last year, I'm afraid I don't recall the dates but it was late summer or early fall, when I opened my back gate Mr Gordon's dog Oliver was loose in the alley and his owner was some distance behind him. As soon as the dog saw me he charged towards me which made me shout "Get your dog away from me" and "Your dog should be on a leash". Mr Gordon's only response was "Sorry", at which point the dog ran past me and into my back yard. Mr Gordon managed to persuade the dog to leave my yard and I shut my gate on them.

A couple of weeks later the same thing occurred except that I did not speak to Mr Gordon in the alley. He just uttered the same "Sorry" once or twice and pushed the dog away and up towards the East end of the alley. A few minutes later, both he and the dog had completed the loop on Grandview and entered 32nd Street walking West with the dog still loose, I was in my front yard watering. He again said "Sorry" attempting to engage me, but this time my response was "Save your breath. It means nothing. You don't mean it and you won't do anything to change what you are doing". The implication being changing the way they allow the dog to roam without a leash unsupervised wherever it wants to.

I can say that I have never seen any of the Gordon family with the dog on a leash. It is always loose around their property or when they are further afield.

Although I am 72, I am fairly stable on my legs to deal with this kind of dog behavior. But I should not have that choice forced upon me. I had dogs as a child and a teenager so they do not frighten me, but that can not be said for everyone that lives in this community. Having a loose large dog charge at you with its mouth open and teeth showing is not an encounter I'm interested in repeating again.

The Gordon family now have two dogs. In June 2018 Oliver launched an unprovoked attack and seriously injured the small dogs of [redacted]. The dogs required extensive veterinary care and managed to survive the encounter. Last Wednesday, July 29th, both of the Gordon's dogs attacked and killed a Jack Russell terrier belonging to [redacted]. Another of my neighbors was also attacked by Oliver last year. She however has two very large dogs, a German Shepherd and a mixed breed, I believe they were able to defend her from being seriously hurt. All of these incidents occurred when the Gordon's dog or dogs were off the leash and allowed to do whatever they wanted to do. There are leash laws in this city and in Los Angeles County. They need to be enforced.

The Gordon's are irresponsible dog owners. Both dogs they currently own should be removed permanently and the entire family banned from dog ownership for as long as they live in this city at the least. The dogs could be surrendered to a rescue organization that specifically deals with such "red line" animals and the expenses incurred paid entirely by the Gordon family. They should also be responsible for the veterinary expenses incurred by both owners of the dogs that were attacked.

I await your timely response to this dangerous situation. Please bear in mind there are a number of young children that live in this area and they often play in the street.

Sincerely

Sylvia A Rayner

From:

Date: August 11, 2020 at 12:55:07 PM PDT

To: "dabell@citymb.info" <dabell@citymb.info>

Cc: "bmoe@citymb.info" <bmoe@citymb.info>, "qbarrow@citymb.info" <qbarrow@citymb.info>, "rmontgomery@citymb.info" <rmontgomery@citymb.info>

Subject: [EXTERNAL] Dangerous Dog Owner

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Chief Abell,

Sadly, it is my understanding that there was a recent incident where Oliver, a dog living at 408 32nd St. attacked and killed another dog. If this is true, then I feel it is important that I let you know that I am aware of several other incidents involving this dog over the past 3 years, including one involving my own dog. Unfortunately, this is not a "one time, out of the ordinary, accident."

Until last November 24, 2019, I lived at _____ where I had lived with my dog, a sweet, 40 lb. female golden doodle. I lived there with her for 8 years. She recently passed away at age 13. I regularly walked my dog in the neighborhood and down to the strand. One Saturday or Sunday morning, I was returning up the hill, on 32nd street, to my house and Oliver, who was not on a leash, charged at my dog (who was 11 at the time), and jumped on her barking and menacing. I pulled my dog away and yelled at the owner, Peter Gordon, who was standing nearby chatting to another neighbor, to get his dog under control, at which time, he pulled Oliver off my dog, who was also barking. Peter said that Oliver, was "just a puppy and energetic." Mind you, Oliver was at that time, at least 50 lbs. and was not looking to be friendly. I told him that even if Oliver was "friendly", he could not assume that my dog was and that there are leash laws for this purpose. Peter then indicated that the issue was mine, and that I was overreacting. At the time, I made note that Peter was not a responsible dog owner, and that I would never again put my dog at risk around him or Oliver. I also noted that Peter's lack of attention to his dog nor his intention of leashing him meant that unfortunately, there would be more incidents, that may not end as well.

Since that incident, I regularly looked to see if Oliver was out and off-leash, which he regularly was. I would consciously, walk around the block to avoid the area, and informed anyone who also walked my dog to avoid 32nd and Vista if Oliver was out. It annoyed me that I was unable to walk my dog safely in my own neighborhood.

Unfortunately, I hear that a family lost their pet as a result of Peter and his family's irresponsibility. I am an animal lover. I have always had a dog. I believe that there is no such thing as a bad dog, only bad dog owners. The Gordon's should not be allowed to keep Oliver. He needs to be relocated to an owner who is willing and capable of keeping Oliver away from other dogs, cats and children.

I've also heard that the Gordon's are planning on moving. If, this is the case, no other community should have to deal with this same issue.

Thank you for considering this when making a decision on consequences for the Gordon's actions.

Jennifer Williams

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**CITY OF MANHATTAN BEACH
POLICE DEPARTMENT**

**420 15th Street
Manhattan Beach, California 90266**

August 11, 2020

VIA HAND DELIVERY

Peter Gordon
408 32nd Street
Manhattan Beach, California 90266

Re: Notice of Determination of Vicious Animal and Public Nuisance

Dear Mr. Gordon:

This letter serves to notify you that I have determined that the male mixed-breed dog named "Oliver" (the "Dog"), which you own, possess, or have the custody or control of, constitutes a "vicious animal" and a public nuisance under the Manhattan Beach Municipal Code (the "Municipal Code"). By law, you must remove the Dog from the City limits within seven days from the date of this letter.

The City is informed and believes that the Dog poses a physical threat to human beings and other animals within the City limits. The City is also informed and believes that the Dog has molested passersby, attacked other animals, and is repeatedly at-large. The City's position is supported by, in part, numerous written complaints and allegations regarding various instances involving the Dog that have taken place over the course of several years. Most recently, on or about July 29, 2020, the Dog physically attacked another animal while being walked in public without a leash.¹ The other animal sustained numerous bite wounds from the Dog and, as a direct result of this attack, has since died.

¹ Under the Municipal Code, it is "unlawful for any person owning or having possession, charge, custody, or control of any animal to cause, permit, or allow the same to stray, run, or in any other manner to be at large in or upon any public place or property of another in the City." (Manhattan Beach Mun. Code, § 5.01.030.) It is also "unlawful for any person to suffer or permit any dog, when harbored or controlled by him, to run at large on any public place or property of another in the City unless such dog is restrained by a substantial chain or leash not exceeding six (6') feet in length and is in charge, care, custody, or control of a competent person." (*Id.*, § 5.01.040.)



**CITY OF MANHATTAN BEACH
POLICE DEPARTMENT**

**420 15th Street
Manhattan Beach, California 90266**

The right and power of the City to regulate vicious animals is necessary to "protect the public peace, health, and safety of the City and its inhabitants, not only on account of physical danger from vicious and dangerous animals, but also because of the suppression and combating of the menace of rabies." (Manhattan Beach Mun. Code, § 5.01.250(E).) A "vicious animal" is one that poses "a physical threat to human beings or other animals." (*Id.*, § 5.01.240.) The City's Director of Animal Control retains the "right and power to determine, upon written complaint from a citizen or a Community Services Officer, whether an animal is vicious."² (*Id.*, § 5.01.250(A).) Further, any animal that molests passersby, attacks other animals, and/or is repeatedly at-large constitutes a public nuisance. (*Id.*, § 5.01.280.)

Based on the above-referenced complaints and allegations, I have determined that the Dog constitutes a "vicious animal" and a public nuisance. Accordingly, you must remove the Dog from the City limits within seven days from the date of this letter. (Manhattan Beach Mun. Code, § 5.01.250(A).) If the Dog is not removed within seven days, the City's Animal Control Department shall have the right and power to impound the Dog and you will be responsible for all impound-related costs. (*Id.*, § 5.01.250(B).)

Please take notice that it is now unlawful for you or any other person to own, possess, or have the custody or control of the Dog within the City limits, and your failure to remove the Dog as provided above is a misdemeanor and punishable by law. (Manhattan Beach Mun. Code, §§ 5.01.240, 5.01.250(D).)

Please take further notice that you have the right to a public hearing before the City Council on this matter.³ (*Id.*, § 5.01.250(C).)

² As the Chief of Police of the Manhattan Beach Police Department, I have the authority to act as the City's Director of Animal Control.

³ "The decision of the City Council shall be final and binding, and if the determination is that of a vicious animal, the owner, possessor, or one having custody or control of said animal shall have three (3) days to remove said animal from the City limits. This hearing shall be held as soon after an appeal is filed as is reasonably possible. An appeal fee of twenty-five dollars (\$25.00) shall be paid at time appeal is filed." (Manhattan Beach Mun. Code, § 5.01.250(C).)




**CITY OF MANHATTAN BEACH
POLICE DEPARTMENT**

**420 15th Street
Manhattan Beach, California 90266**

If you have any questions or concerns regarding this letter, please contact Charles G. Bakaly IV with the Manhattan Beach City Attorney's Office at (213) 626-8484.

Sincerely,

 *Tim Hagedorn - Captain*

FOR Derrick G. Abell, Chief of Police

cc: Quinn M. Barrow, City Attorney (via e-mail)



Charles G. Bakaly IV

T 213.626.8484
F 213.626.0078
E cbakaly@rwglaw.com

350 South Grand Avenue
37th Floor
Los Angeles, CA 90071
rwglaw.com

August 19, 2020

VIA ELECTRONIC MAIL & U. S. MAIL

Peter Gordon
308 32nd Street
Manhattan Beach, California 90266
E-mail: peter.s.gordon@gmail.com

Re: Notice of Public Hearing on Appeal of Determination of Vicious Animal

Dear Mr. Gordon:

This office serves as the City Attorney's Office for the City of Manhattan Beach (the "City"). On August 11, 2020, the City's Chief of Police issued a determination (the "Determination") that the male mixed-breed dog named "Oliver" (the "Dog"), which you own, possess, or have the custody or control of, constitutes a "vicious animal" under the Manhattan Beach Municipal Code (the "Municipal Code").¹ (Manhattan Beach Mun. Code, §§ 5.01.240, 5.01.250.) On that same day, a Notice of Determination of Vicious Animal and Public Nuisance (the "Notice") was hand-delivered to you.²

On August 13, 2020, you notified our office of your desire to appeal the Determination. (Manhattan Beach Mun. Code, § 5.01.250(C).) There are two outstanding requirements for your appeal. First, you must send written notice of your appeal to the City Clerk's Office, setting forth fully the grounds upon which your appeal is based. (*Id.*, § 1.06.050(B).) Second, along with the above-referenced written notice, you must submit an appeal fee of twenty-five dollars (\$25) to the City Clerk's Office. (*Id.*, § 5.01.250(C).)

Please take notice that the public hearing on your appeal will be held before the Manhattan Beach City Council (the "City Council") **at 4:30 p.m. on September 1, 2020**. The hearing will be conducted over the Zoom videoconferencing platform. Further information on how to access the hearing via Zoom (e.g., meeting ID, password, etc.) will be provided as soon as possible.

¹ The Municipal Code can be accessed online at <https://www.cityymb.info/departments/city-clerk/municipal-code>.

² A true and correct copy of the Notice is enclosed with this letter.

Pursuant to the Municipal Code, the decision of the City Council on this matter shall be final and binding. (Manhattan Beach Mun. Code, § 5.01.250(C).)

You may contact our office if you have any questions or concerns regarding this matter.

Sincerely,

/s/ Charles G. Bakaly IV

Charles G. Bakaly IV

Encl.: Notice of Determination of Vicious Animal and Public Nuisance, issued August 11, 2020

cc: Quinn M. Barrow, City Attorney (via e-mail)

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**CITY OF MANHATTAN BEACH
POLICE DEPARTMENT**

**420 15th Street
Manhattan Beach, California 90266**

August 11, 2020

VIA HAND DELIVERY

Peter Gordon
408 32nd Street
Manhattan Beach, California 90266

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Based on the above-referenced complaints and allegations, I have determined that the Dog constitutes a "vicious animal" and a public nuisance. Accordingly, you must remove the Dog from the City limits within seven days from the date of this letter. (Manhattan Beach Mun. Code, § 5.01.250(A).) If the Dog is not removed within seven days, the City's Animal Control Department shall have the right and power to impound the Dog and you will be responsible for all impound-related costs. (*Id.*, § 5.01.250(B).)

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Please take further notice that you have the right to a public hearing before the City Council on this matter.³ (*Id.*, § 5.01.250(C).)

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**CITY OF MANHATTAN BEACH
POLICE DEPARTMENT**

**420 15th Street
Manhattan Beach, California 90266**

If you have any questions or concerns regarding this letter, please contact Charles G. Bakaly IV with the Manhattan Beach City Attorney's Office at (213) 626-8484.

Sincerely,

 *Tim Hagemo - Captain*

FOR Derrick G. Abell, Chief of Police

cc: Quinn M. Barrow, City Attorney (via e-mail)

Sections:

5.01.010 - Established.

A public pound for the City for the impounding of animals is hereby authorized, created and established. The public pound shall be maintained at such place as the Council may determine from time to time by resolution.

5.01.020 - Poundmaster duties.

The Poundmaster, whether he is an employee of the City or a contractor with the City, together with his agents and employees, has the duty to enforce the provisions of Chapters 5.01 and 5.04 of this Code.

Pursuant to the provisions of Section 836.5, California Penal Code, the Poundmaster, together with his agents and employees, is authorized to arrest persons for violations of Chapters 5.01 and 5.04 of this Code, provided that the Poundmaster, or the agent or employee of the Poundmaster, making the arrest shall have satisfactorily completed an introductory course of training prescribed by the Commission on Peace Officer Standards and Training pursuant to California Penal Code Section 832.

(Ord. No. 1863, Amended, 01/14/93)

5.01.030 - Animals at large.

It shall be unlawful for any person owning or having possession, charge, custody, or control of any animal to cause, permit, or allow the same to stray, run, or in any other manner to be at large in or upon any public place or property of another in the City.

5.01.040 - Dogs to be chained while in public.

It shall be unlawful for any person to suffer or permit any dog, when harbored or controlled by him, to run at large on any public place or property of another in the City unless such dog is restrained by a substantial chain or leash not exceeding six (6') feet in length and is in charge, care, custody, or control of a competent person.

No animal shall be allowed or permitted to be at large or on leash or chain in or upon any beach, public pier, or in any store, market, restaurant, cafe, lunchroom, soda fountain, bakery, or kindred establishment wherein vegetables, meats, and other foods for human consumption are serviced, sold, or kept for sale, public park or playground in the City, which parks or playgrounds are not limited to but shall include: Culiacan Park, Live Oak Park, Manhattan Heights Park, Manhattan Village Park, Marine Avenue Park, Polliwog Park, and Sand Dune Park, except where the permission of the Council shall be first had and obtained for the conduct of animal exhibits, training, clinics, or any other purpose that shall be approved by Council; provided, however, dogs shall be permitted in Manhattan Beach Parkway when restrained by a chain or leash and in control of a competent person.

(§ 1, Ord. 1761, eff. September 17, 1987)

Nothing contained in this chapter shall be construed to prevent the owner or custodian of any dog from permitting the same to be at large upon any property owned or controlled by the owner or custodian, provided that the property is enclosed in such a manner as to prevent the dog from escaping therefrom.

5.01.060 - Poundmaster to take dogs found at large.

Any dog permitted to run at large in violation of the provisions of this chapter shall be taken in charge by the Poundmaster. Such dog shall be kept by the Poundmaster for a period of five (5) working days, at which time the dog shall be humanely disposed of by the Poundmaster unless redeemed as provided in this chapter.

5.01.070 - Poundmaster to take animals found at large.

Any animal found trespassing upon any private ground or premises within the City may be taken up by the party owning, controlling, or having possession of such ground or premises or by the agent or representative of such person and committed to the Poundmaster to be dealt with as provided in this chapter. Any person taking up any such stray animal found running at large or trespassing upon any property, ground, or premises owned, controlled, or in possession of such person shall promptly notify the Poundmaster of such taking up. It shall be unlawful for any such person to fail or refuse to surrender such animal to the Poundmaster or his duly authorized representative upon demand therefor.

5.01.080 - Poundmaster to keep records.

The Poundmaster shall keep a full, true, and correct record of all animals taken, received, and impounded, the date of such impounding, and the date and manner of their release, discharge or disposal, and shall conspicuously post, at the entrance to the Pound, a list of all animals contained therein, together with a brief description of each of such animals at all times during which such animals remain in the Pound. The Poundmaster shall also provide necessary subsistence and properly care for all animals while in his custody. The costs of such subsistence and care shall be a charge against and paid by the City unless otherwise provided for by contract which may be awarded for such Pound service, in which case the costs thereof shall be paid and discharged as provided in such contract.

5.01.090 - Redemption of impounded animals.

The owner or any person entitled to the control of any animal impounded shall have the right to reclaim the same at any time prior to the sale or other actual disposal thereof upon the payment of the costs and charges provided for in this chapter.

5.01.100 - Redemption fees.

The Poundmaster shall collect from the owner of all animals impounded fees for impounding and keeping the animals as established by Council under separate resolution.

5.01.110 - Proceeds of sale.

Whenever any animal is sold as provided by the provisions of this chapter, the proceeds of such sale, unless otherwise provided for by contract, shall be paid to the Pound.

5.01.120 - Poundmaster to turn over fees to city treasury.

All money received by the Poundmaster as fees and charges of any kind in connection with the licensing, impounding, sale, or keeping of any animal, unless otherwise provided for by contract, shall be paid by him into the City treasury.

5.01.130 - Right to contract for Poundmaster and Pound.

- A. **Pound Expenses.** The salary, compensation, or fees of the Poundmaster shall be fixed by resolution of the Council from time to time as occasion may require. All expense of keeping, maintaining and establishing the Pound, unless otherwise provided for by contract, shall be paid by the City. All claims therefor, unless otherwise provided for by contract, shall be presented, allowed, and paid as other claims against the City are presented, allowed, and paid.
- B. **Designation of Poundmaster and Pound.** The Council, in its discretion, at any time and for such period as to the Council may seem proper may appoint a person as Poundmaster on a fixed monthly salary, or may advertise for bids for furnishing the City with a public Pound and for the performance of all the duties of Poundmaster in connection therewith, including, if the Council shall so desire, the collection and issuance by the Poundmaster of any license hereunder.
- C. **Term of Poundmaster.** In the event the Council accepts the bid of any bidder bidding thereon and awards a contract to such bidder, the person so named in the bid and the contract made pursuant thereto shall be named and known for the period designated in the contract, subject to the provisions thereof, as the Poundmaster of the City and shall receive compensation for furnishing the Pound and the performance of the duties of Poundmaster.
- D. **Location of Pound.** The public Pound of the City shall in such case be maintained at the place indicated in the contract and in the resolution awarding the same, or at such places as the parties to the contract may mutually agree upon. Should the Council advertise for such bids, the notice calling therefor may permit the bidders to state in their respective bids either a definite sum per month for the furnishing of the Pound and the performance of the duties, services, and functions of the Poundmaster or the percentage of the fees collected for dog licenses which such bidders will charge the City in lieu of a fixed sum per month for the diligent and faithful performance of all such duties, services and functions, and the furnishing of a Pound.
- E. **Dog license fees to be turned over to City.** In case a contract is awarded, regardless of the basis of award, all moneys collected on dog licenses must be turned in to the City treasury, and proper demands for such proportion thereof as may be specified in the contract must be presented, audited and allowed as in all other cases of demands against the City (regardless of whether the award is based upon a fixed compensation per month or upon a percentage basis).

5.01.140 - Annual dog license required.

Except as in this chapter provided, it shall be unlawful for any person to have, keep, maintain, or harbor within the City any dog over 4 months old for a period of thirty (30) days without having obtained from the City an annual dog license.

5.01.150 - License fees.

In order to accommodate the public of the City and to expedite the issuance of licenses required by this chapter, the Animal Licensing Authority is hereby authorized, subject to the general authority of the Poundmaster, to issue any license required by this chapter at the office of the Animal Licensing Authority.

Every person owning, harboring, or controlling any dog within the City shall, prior to the first day of September of each year, procure a license for the keeping and maintaining of such dog and shall pay to the Animal Licensing Authority or contractor employed by the City to enforce and carry into effect the provisions of this chapter, a license fee as established by Council under separate resolution; provided, however, that except as provided by this Section it shall not be necessary to procure a license or pay a license fee for any dog under the age of (4) months.

Each such license shall be payable annually in advance on the first day of September of each year, and shall expire at midnight on the 31st day of August of each succeeding year, provided, however, such fee can be prorated for the remainder of the current license year but on not less than a quarterly basis.

5.01.160 - Penalty fee.

For failure to pay license fees within the period prescribed by Section 5.01.150 of this chapter, the Animal Licensing Authority or authorized contractor shall add a penalty as provided by separate resolution with the City of Manhattan Beach to the amount of the license fee, and the amount of any license fee and penalty imposed by this chapter shall be deemed a debt to the City. Any person failing to obtain a license shall be liable in any action in the name of the City in any court of competent jurisdiction for the amount of the license fee or penalty due in addition to the penal provisions provided by this Code.

5.01.170 - Animal Licensing Authority.

The City Manager or his designee shall act as the Animal Licensing Authority for the purposes of this chapter.

5.01.180 - Receipt blanks: Duplicate tags.

The Animal Licensing Authority shall cause to be printed a sufficient number of receipt blanks to meet the requirements of this chapter which shall provide for the description of the dog for which a license is paid, the number of the tag which has been issued for such dog, and the name and address of the owner of the dog. The receipt shall also designate the sex of the dog for which such license has been paid. A charge as established by the Council under separate resolution shall be made for the issuance of a duplicate license tag, and this sum shall be included in the basis for computing the percentage of any contractor in the event a contract is awarded upon such basis unless otherwise specified in the contract.

5.01.190 - Delivery of tags and receipts to dog owner.

The City Dog License Collector, upon the payment of the license tax required by Section 5.01.150 of this chapter, shall deliver to the owner or person having control or charge of any dog within the City an appropriate tag for which such license has been paid and shall also deliver to such person a signed receipt for such sum of money as shall have been paid as license tax.

5.01.200 - Tags to be attached to dog.

The owner or person having the care, control, or custody of any dog upon which a license tax shall have been paid shall securely fasten the tag upon a suitable collar and securely fasten the collar with the tag attached thereto, upon the dog. A dog "harness" or other device may be substituted in lieu of the collar if so desired.

5.01.210 - Control under quarantine.

It shall be unlawful for any person owning or having the care, custody, or control of any dog to permit said dog to go at large at any time in any area within the City in which a quarantine on account of rabies exists during the period of such quarantine, such quarantine to be determined by Los Angeles County Health Department.

5.01.220 - License fee in addition to redemption costs.

When any redemption is made as provided by Sections 5.01.090 and 5.01.100 of this chapter, in addition to paying any impounding fee or costs incurred by reason of impounding any animal impounded hereunder, there shall also be paid the amount of any license fee which may then be due or payable on such animal in case a current license for such animal is not in existence at the time.

5.01.230 - Removal of dead animals.

In addition to any other duties imposed upon the Poundmaster by this chapter it shall be the duty of the Poundmaster to remove and dispose of any and all dead animals found in or upon any of the public highways, streets, avenues, ways, lanes, alleys, parks, squares, sidewalks, or other public places within the City and of any abandoned dead animal found or being upon private premises. It shall also be the service of the Poundmaster to remove and humanely dispose of any live animal which, either by reason of age or infirmity or request of the owner or person having the care, custody, or control thereof, is to be destroyed and disposed of within the City.

5.01.240 - Vicious animals.

It shall be unlawful for any person to own, possess or have the custody or control of any dangerous or vicious animal within the City limits. A vicious animal is any animal or animals that constitute a physical threat to human beings or other animals.

5.01.250 - Disposition of vicious animals.

- A. **Removal from City.** The Director of Animal Control shall have the right and power to determine, upon written complaint from a citizen or a Community Services Officer, whether an animal is vicious. If such a determination is made, then the vicious animal must be removed from the City limits by the owner, possessor, or one who has custody and control of the animal, within seven (7) days.
- B. **Impoundment.** After a determination has been made that an animal is vicious and is to be removed from the City, the Animal Control Department shall have the right and power to impound said animal if it is not removed from the City within the seven (7) day period. Cost of said impoundment to be paid by owner of impounded animal.
- C. **Appeal.** The owner, possessor, or one having custody and control of such animal as has been determined

vicious shall have the right to a public hearing of the City Council on the matter. The decision of the City Council shall be final and binding, and if the determination is that of a vicious animal, the owner, possessor, or one having custody or control of said animal shall have three (3) days to remove said animal from the City limits. This hearing shall be held as soon after an appeal is filed as is reasonably possible. An appeal fee of twenty-five dollars (\$25.00) shall be paid at time appeal is filed.

- D. Failure to remove said animal from City as provided by this section is a misdemeanor and punishable by law.
- E. **Right and power to protect public.** The Council hereby finds and determines the reservation of the right and power made in this section is necessary in order to protect the public peace, health, and safety of the City and its inhabitants, not only on account of physical danger from vicious and dangerous animals, but also because of the suppression and combating of the menace of rabies.

5.01.260 - Obstruction or interference with animal control officers.

Every person who willfully resists, delays, obstructs or interferes any City animal control officer in the discharge or attempt to discharge any duty of his or her office or employment shall be guilty of a misdemeanor.

(§ 2, Ord. 2084, eff. April 18, 2006)

5.01.270 - Report of stray dogs.

Any person finding a stray licensed or unlicensed dog shall report same to the Police Department, the Animal Licensing Authority or the Pound within twenty-four (24) hours.

5.01.280 - Public nuisance.

Any animal or animals which molest passersby or passing vehicles, attack other animals, trespass on school grounds, is repeatedly at large, damages, and/or trespasses on private or public property, bark, whines, or howls in an excessive, continuous, or untimely fashion, shall be considered a public nuisance.

Every person who maintains, permits, or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another who maintains, permits, or allows a public nuisance to exist thereon, after reasonable notice in writing from the Animal Aid Department of the City of Manhattan Beach has been served upon such person, is guilty of a misdemeanor and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense, and shall be prosecuted accordingly.

5.01.290 - City intervention.

If there are two (2) complaints filed with the City by two (2) individuals from separate residences or businesses regarding a violation of the Public Nuisance Section of this ordinance, the City may file a complaint against the alleged violator and direct the District Attorney to proceed with criminal action.

5.01.300 - Prohibition of noisy animals.

No person shall keep, maintain, or permit on any lot, parcel of land, or premises under his control, any animal which by sound or cry shall repeatedly and unreasonably disturb the peace and comfort of at least two different families or of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property.

5.01.310 - Nuisances committed.

It shall be unlawful for the owner or person having custody of any dog or other animal to permit, either willfully or through failure to exercise due care or control; any such dog or animal to commit any nuisance, and to allow such nuisance to thereafter remain, upon any public or private property not owned or possessed by the owner or person in control of said animal, provided that the person who owns, harbors, keeps or has charge or control of a dog (other than a sightless person who has charge or control of a guide dog) shall immediately and securely enclose all feces deposited by such dog in a bag, wrapper, or other container and dispose of the same, all in a sanitary manner. Any person (other than a sightless person with a guide dog) who has charge or control of a dog in a location other than on the property of such person or the property of the owner of the dog, shall have in his or her possession a suitable wrapper, bag, or container (other than articles of personal clothing) for the purpose of complying with the requirements of this section. Failure of such person to carry such wrapper, bag, or container when in charge or control of a dog in a location other than on the property of such person or the property of the owner of the dog or animal shall constitute a violation of this section.

For the purpose of this section a "nuisance" committed by a dog or animal shall mean defecation by said animal.

DOG ON DOG INCIDENT

Manhattan Beach Police Dept

18-1900

Supplement No
ORIG



420 15TH STREET
MANHATTAN BEACH, CA 90266
Crime/Incident
NCINFO RPT
Business: (310) 802-5140
(310) 802-5140
(310) 802-5107

Reported Date
06/26/2018

Officer
SWEENEY, MICHAEL

Administrative Information									
Agency Manhattan Beach Police Dept			Report No 18-1900		Supplement No ORIG	Reported Date 06/26/2018		Reported Time 10:08	CAD Call No 181770349
Status REPORT	Crime/Incident INFORMATION REPORT/INCIDENT								
Location					City MANHATTAN BEACH		ZIP Code 90266		Rep Dist M3
Area 2	Beat M3	From Date 06/21/2018		From Time 09:30	To Date 06/21/2018		To Time 10:00		
Officer 20C423/SWEENEY, MICHAEL					Assignment COMMUNITY SERVICES OFFICER			Entered By 20C423	
Assignment COMMUNITY SERVICES OFFICER			RMS Transfer Successful		Prop Trans Stat Successful		Report Title DOG ON DOG INCIDENT		
Approving Officer 20263			Approval Date 07/18/2018		Approval Time 09:01:37				
Person Summary									
Invl INV	Invl No 1	Type I	Name			MNI	Race W	Sex M	DOB
Invl INV	Invl No 2	Type I	GORDON, PETER			MNI 2679711	Race W	Sex M	DOB 11/20/1963
Summary Narrative									
Dog was off leash and attacked three dogs that were leashed in the 400 block of 31st street.									

ENTERED BY C274

Report Officer 20C423/SWEENEY, MICHAEL	Printed At 07/19/2018 11:02	Page 1 of 3
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DOG ON DOG INCIDENT
Manhattan Beach Police Dept

18-1900

Supplement No
ORIG

INVOLVED PARTY 1:

Involvement INVOLVED PARTY	Invl No 1	Type Individual	Name	MNI					
Race	Sex MALE	DOB	Age	Juvenile? No	Height	Weight	Hair Color BLACK	Eye Color BROWN	PRN
Type HOME	Address					City MANHATTAN BEACH	State CALIFORNIA		
ZIP Code 90266	Date 06/26/2018								
Type OPERATOR LICENSE	ID No	OLS CALIFORNIA							
Phone Type CELL	Phone No	Date 06/26/2018							

INVOLVED PARTY 2: GORDON, PETER

Involvement INVOLVED PARTY	Invl No 2	Type Individual	Name GORDON, PETER	MNI					
Race WHITE	Sex MALE	DOB 11/20/1963	Age 54	Juvenile? No	Height 6'00"	Weight 205#	Hair Color Brown	Eye Color BROWN	PRN
Type HOME	Address 408 32ND ST					City MANHATTAN BEACH	State CALIFORNIA		
ZIP Code 90266	Date 06/26/2018								
Type OPERATOR LICENSE	ID No	OLS CALIFORNIA							
Phone Type CELL	Phone No	Date 06/26/2018							

Narrative

MANHATTAN BEACH POLICE DEPARTMENT
ANIMAL CONTROL DIVISION
DOG ON DOG REPORT

SOURCE:

On Tuesday, 6/26/2018, at 1001 hours, I received a call from Lieutenant Harrod to respond to regarding a dog bite. Lieutenant Harrod briefed me that there was an email sent to Chief Abell regarding a residents dog that had been attacked by another dog that was off leash.

OFFICER ACTION(S):

6/26/2018

At 1008 hours I arrived at _____ and contacted a male and female at the residence. The male identified himself as _____, and the female identified herself as _____. I took statements from _____ who was walking his three dogs on 6/21/2018 in the 400 block of 31st Street when his dogs where attacked by a dog that was off leash. I issued a business card to _____ with a report number and my contact information, and asked him to email me a copy of his dog's veterinary bills and a photo of his dog's injuries.

At 1050 hours I arrived at 408 32nd Street and contacted the aggressor dog owner who identified himself as Peter Gordon. I took Gordon's statement and issued him a business card with the report number and my contact information. With Gordon's permission I photographed the aggressor dog which is included in this report.

VICTIM DOG:

The victim dog is a female Jack Russel Terrier named _____ is white in color and is currently licensed with the city of Manhattan Beach _____ resides at _____ Manhattan Beach, CA, 90266.

AGGRESSOR DOG:

The aggressor dog is a Male neutered mix-breed named "Oliver". "Oliver" is not currently licensed with the city of Manhattan Beach, and resides at 408 32nd Street Manhattan Beach, CA, 90266.

VICTIM DOG INJURIES AND TREATMENT:

_____ suffered multiple punctures to her body, and was treated at Bay Animal Hospital, (1801 N. Sepulveda

Report Officer 20C423/SWEENEY, MICHAEL	Printed At 07/19/2018 11:02	Page 2 of 3
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DOG ON DOG INCIDENT

Manhattan Beach Police Dept

18-1900

Supplement No
ORIG

Narrative

Blvd. Manhattan Beach, CA, 90266), and her veterinary bills are attached to this report.

VICTIM DOG OWNER

STATEMENT:

stated that on 06/21/2018 between 0930-1000 hours he was walking his three dogs in the 400 block of 31st Street when a large brindle and white dog was off leash and started attacking all three of his dogs.

stated that the dog was seriously attacking his one dog, and then one of his other dogs slipped out of its collar and ran westbound on 31st Street which made the large dog let go of and chase the Jack Russell Terrier that was no off leash.

stated that he chased the aggressor dog and was swinging his fists in an attempt to hit the aggressor dog and get it away from his dog that had run underneath a vehicle. stated that as he was swinging his arm he made contact with the aggressor dog's owner and then the aggressor dog's owner fell down on top of his dog.

stated that this wasn't the first time that this dog had attacked their dogs while it was being walked off leash. stated that in the past the aggressor dog was being walked off leash and it had attacked all three of their dogs.

stated that the aggressor dog's owner paid the veterinary bills for the previous incident. stated that he wants the aggressor dog owner cited due to the fact that he is continuously walking his aggressive dog off leash with no regard for public safety.

AGRESSOR DOG OWNER (PETER GORDON) STATEMENT:

Gordon stated that on 06/21/2018 he was walking his dog in the 400 block of 31st Street and as he was trying to pick up his dog's feces he dropped his dog's leash and the dog started to run right at three small white dogs. Gordon stated that his dog, "Oliver" was biting one of the white dogs, then let it go and started chasing a white dog that had escaped its' collar. Gordon stated that he began to chase "Oliver" and as he was approaching him the other dog owner was swinging his fists and hit him in the back of his head. Gordon stated that he suffered minor injuries to the blow to his head including: scrape on his left knee, right ankle being swollen and sore, and headaches that lasted for approximately three days after the incident. Gordon stated that he did not seek medical treatment, however he is considering it if he doesn't feel better by 6/27/2018. Gordon also stated that his injuries kept him from working for a few days.

Gordon stated that the other dog owner had already dropped off a veterinary bill and that the previous incident did not involve his dog biting the other dogs. Gordon stated that the last time that his dog had a run in with the other dogs there was no physical contact amongst the dogs just barking. Gordon stated that at this time he did not want any kind of Police report for his personal injuries, and just wanted it to be documented in this dog bite report. Gordon stated that at this time he didn't want to make a big deal about this incident, and he is currently applying for a Manhattan Beach dog license and promised to walk his dog on a leash from now on, and even avoid the 400 block of 31st Street as to avoid the other dog owner to avoid future incidents.

CONCLUSION:

Per the statements I obtained, I concluded that the aggressor dog, "Oliver", attacked and bit due to the fact that "Oliver" was off leash at the time of this incident. sustained substantial injuries and was treated by Bay Animal Hospital in Manhattan Beach.

ATTACHMENTS:

- 1.Photo of the aggressor dog "Oliver"
- 2.Photo of victim dog injuries
- 3.Photo of victim dog injuries
- 4.Photo of victim dog injuries
- 5.Photo of victim dog veterinary bill page 1 of 2
- 6.Photo of victim dog veterinary bill page 2 of 2