

*Animal Control*

# Should Dogs Run Free?

*As Santa Cruz County becomes increasingly urbanized, pet fanciers find themselves hemmed in by a net of animal control laws designed to abate animal nuisances — and protect pets from the carelessness of their own owners*

by Chela Zabin

**D**OG OWNERS Richard Loebick and Thompson Chambers have a bone to pick with the local leash laws. They've had their fur ruffled one too many times in recent encounters with those responsible for enforcing the laws.

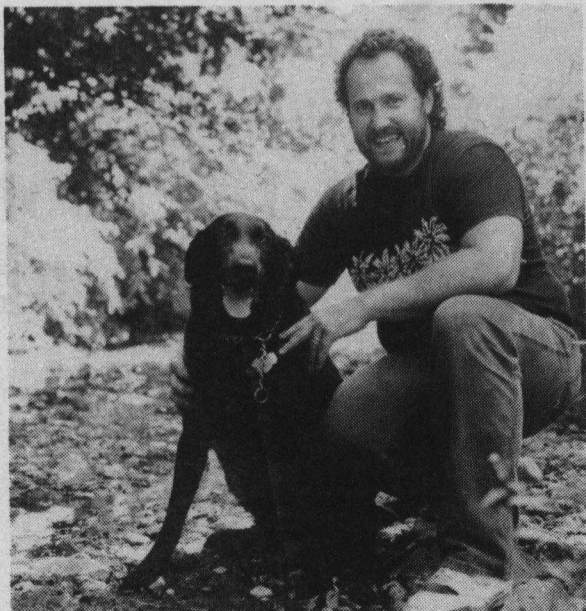
For years, according to Loebick, his quiet black labrador Jett has spent his days sleeping on the deck of Loebick's home on Zayante Road without incident.

But in March, a passing SPCA officer stopped to warn Loebick about Jett's not being confined to the premises and issued him a citation. Loebick paid the fine, but let Jett continue to spend his days on the porch. One day several weeks later, when he came home from work his dog was gone.

Jett wasn't the only dog missing in the area that day. K.P., Loebick's neighbor's dog was missing too, and the neighbor knew where they were; Loebick said she'd been there when the SPCA officer called K.P. off her lawn and put her in the van. And, according to the neighbor, after she'd argued with the officer about taking K.P., she heard the officer say, "Now let's go get Jett."

"There's not a lot of traffic out by where we live, and everybody knows the dogs and nobody's ever complained, ever," said Loebick. "To accuse a dog of being at large when he's sleeping on his lawn — (The SPCA is) just into a power-struggle type thing."

**Richard Loebick and Jett: "To accuse a dog of being at large when he's sleeping on his lawn — The SPCA is just into a power-struggle type thing."**



Chambers, who asked his real name not be used for fear of reprisal, agrees.

Early one morning he let his dog Gyro out to do his business on the lawn in front of his Crystal Heights home in Soquel, and to his groggy-eyed surprise found himself staring at an SPCA officer who told him his dog must be on a leash. A few weeks later, as he and his girlfriend walked Gyro on an empty beach late one night, Chambers was startled by a police officer who, he claims, sped up to him in a four-wheel-drive cruiser, flashed a light in his eyes and warned him about the leash law.

"It's like you have to be wealthy to have a dog," said Chambers. "I rent. I don't have a yard I can fence."

Chambers' troubles didn't stop there. A few weeks ago, he clashed with the SPCA again, when the brown vizsla was picked up by an animal control officer because Chambers had left him tied to a parking meter on the mall.

Like Loebick's neighbor, Chambers was unable to dissuade the officer from taking his dog in, and, like Loebick, Chambers said he hassled with paperwork for several hours and was unable to pick up his dog the day he came in.

Loebick and Chambers think the animal control officers are out of control and that shelter hours and rules are more than inconvenient. "I'd like to see if there's something that could be put on the ballot that would eliminate or severely restrict the SPCA. They're a rude bunch," said Chambers.

GREG PIC



**If zealous, it's with good cause: Animal Control Officer Lisa Juday coaxes a canine off the street.**

According to Loebick, the more he talks to his neighbors about the SPCA, the more outrageous stories he hears. One of them has posted an anti-SPCA sign on his front lawn, he said. And, a walk on almost any beach on a sunny day is evidence enough that many dog owners agree with Chambers and Loebick that their pets should be able to run free as long as they aren't bothering anybody.

But not everyone — even other dog owners — agrees with that philosophy.

Bennett Beach, who keeps her four dogs in a run in her yard, said she would never consider letting her pets off the leash on the beach.

"It's becoming an enormous problem on Seacliff and New Brighton Beach with the pit bulls, Doberman pinschers, and various other breeds of dogs that I don't consider quite that safe off the leash. I think some people somehow think it's cruel (to put a leash on a dog), and I don't feel it's cruel; I think it's to protect your animal as well."

Besides fearing for her safety, Beach is angry about other problems caused by dogs in her neighborhood.

"I can't tell you the number of times I've walked by people who just allow their dogs to take a dump right there on the beach and didn't pick it up. Last weekend I was walking on

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the beach with my husband and we saw a man walking his dog and he allowed him to take a dump there and he just covered it over with dirt ... And naturally there were little children playing in the sand. It was pretty disgusting.

"I think the sheriff's department and the rangers do as good a job as they possibly can, but I think it's up to citizens to respect each other's rights," she said.

Beaches aren't the only places where unleashed dogs cause problems for people. Supervisor Joe Cucchiara's aide, Bonny Hawley, said dogs running at large is a serious problem in the Fifth District, where Loebick lives, and that Cucchiara's office gets plenty of calls from people on both sides of the issue: Those who don't think the SPCA is doing a good enough job, and those, like Loebick, who think they are too thorough.

"You always have people who are unhappy on both sides, people who feel the SPCA is overzealous in their efforts in picking up stray dogs and people who feel like the SPCA isn't responding to their concerns," she said. "So it's hard to know what's really going on."

Michele Oka, an animal control officer at UCSC who sat on the citizen's task force responsible for rewriting the county's ordinances governing animals, said the leash law, which was adopted in 1986, is strict for good reason: the numbers of people who appeared at public hearings to ask that it be tightened.

"A lot of people were frightened. They didn't feel safe just walking down the street. They were afraid of dogs coming running out off of people's property. A lot of people who would go to the beach for the day complained about dogs that would just come running along and bother them."

There were additional concerns about loose dogs who were "packing up" and destroying livestock in areas like Lompico, Zayante and the outlying areas in Scotts Valley, she said.

Oka agrees with pet owners that it

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SPCA education director Judy Cassada and staffer Rick Haze with an armful of kittens. Pets are a 20-year commitment, Cassada warns prospective owners.

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would be nice to have a place where dogs can run off a leash, but she said that idea, which was put forth by the task force, had little support.

"There's just not that many areas that have the open space to allow us to set aside areas for people to play with their dogs off leash ... If you have an area like that is it just going to be for dogs or would joggers want to jog alongside of dogs that are off-lead? Would other people want to do other uses with that area?"

"And you have to have dogs that are well-behaved enough so that if you have several people using that area that the dogs aren't going to get into fights. I think until dog owners demonstrate that they are willing to put the time and energy into managing their pets and having them respond to basic commands and that they carry pooper-scoopers and they do all those things, there's not going to be a lot of give on the part of the county or the state or the city or whoever has access to those larger tracks of land to open them up to dog owners."

But the leash law that Loebick and Chambers tangled with is just one of the few changes that went into effect when the county and cities revised their animal control ordinances at the recommendation of the task force.

Pet owners may be surprised to learn — sometimes by having their noses rubbed in it — that a pack of rules are in place regulating their pets:

Dogs must be licensed yearly, cannot be tied in public, and must be tethered if they're riding in the back of an open truck.

Tickets can be issued to dog owners whose pets defecate on public or private property; that chase, injure or annoy people, other pets, livestock or wildlife; or that cause a nuisance by continual barking.

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The list of places dogs are not allowed, even on a leash, is fairly extensive: public beaches, the UCSC campus, the Wharf, along the San Lorenzo River and the Pacific Garden Mall. There is no leash law for cats, but like dogs, cats are considered personal property and the owner is responsible for any harm caused by the pets.

Oka said the strict rules are in place for two reasons — a growing concern about animal rights and the increasing friction between irresponsible pet owners and their neighbors as the county becomes more heavily populated. She has little sympathy for people who complain about the SPCA because they've been cited or had pets impounded.

"The people who write letters about how their rights are being impinged on are not taking responsibility for their own pet's behavior and it's far easier to blame the SPCA, to put the responsibility off on someone else."

At the SPCA, education director Judy Cassada isn't too concerned about the angry letters in various local papers, which, she said, never tell the whole story, and which are actually down in number since the current director was hired and programs upgraded three years ago. SPCA director of operations Lynda Potzus said that while she deals with many growling owners over the phone, she only gets a formal written complaint once a month, at the most.

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# COVER STORY

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Animal control officers are just enforcing city and county ordinances, Potzus said, adding that officers are within their rights to impound or cite a dog for being at large even on the owner's premises.

"We don't do that routinely — we have more than enough to keep us busy — but in cases where we may have an investigation going because of a complaint from some other member of the neighborhood then we will definitely do that," said Potzus, adding that when there's been a history of problems with a dog or dog owner, an animal control officer is more likely to enforce the ordinance.

Chambers and Loebick both fall into that category. According to Potzus, Loebick had been cited earlier in the year for failure to license Jett, and Chambers admitted that he had been unable to get back to the SPCA to complete paperwork on a dog he owned that had been quarantined after biting a veterinary worker.

Potzus said in Loebick's case it was possible the animal control officer had been responding to neighborhood complaints — the SPCA doesn't keep records of complaints unless a caller gives a name and address — but that stretch of Zayante Road is heavily patrolled because of the number of complaints about at-large dogs. Potzus added that the officer who picked up Jett had

never dealt with the dog before and did so because Jett ran by as she was citing the neighbor for K.P.

Cassada said Santa Cruz' ordinances are extremely "progressive," in terms of protection of the animals (for example, giving the SPCA the right to break into hot cars to rescue locked in animals that are at risk from the heat) and have been used as a model for animal control ordinances elsewhere. The only addition Cassada would make would be to outlaw giving away pets at the flea market.

"We have a big concern about where the animals go. People don't think that it's a 20 year commitment, they see 'free,' " she said. Cassada would prefer people bring unwanted litters to the shelter, which carefully screens applicants. While some complain about the strictness of the shelter's screening of potential pet owners, Cassada sees it as justified for the animal's sake. "Some people think any life is better than no life. I don't agree."

Besides toughening the law that way, Cassada would like to see more personnel to adequately enforce the codes.

Animal control officer Lisa Juday is one who enforces the leash laws. She believes that if animal control officers appear a bit overzealous in their enforcement of the rules, it's not without cause.

"All those people who don't put their dogs on leashes, who say 'F\*\*\* you, my dog is free,' I wish they'd do a ride-along with me and see all the dogs I pick up in plastic bags," she said. "If they saw what we saw, they'd be *paranoid* about letting their dogs out without a leash."

On a recent morning, the three workers in the SPCA office are shaking their heads and talking about a call that just came in from a local veterinarian with a legal question. The vet had just released a dog he'd treated for a hurt foot, and while dog and owner walked toward the car, the unleashed dog ran into the street and was hit by a car. The vet didn't want to return the dog.

Juday, who's just come back from picking up an abandoned pit bull, is asked to assist another officer having trouble catching a wounded dog running along an Aptos road.

As she speeds down Highway 1, she says people don't understand the harm that can come to their animals and the harm their animals can do.

In a recent case, Juday came upon four pit bulls who were just finishing up the remains of an older dog they had killed. When Juday approached the owner of the pit bulls later, he refused to believe his dogs, who were gentle and well-behaved around people, could have done such a thing.

Juday sees the development of stricter laws in the county as having followed the county's transition from a more rural setting to a basically urban one, with more people, more pets and more dangers to animals. Part of the resistance to the laws lies with the idea that Santa Cruz is still rural enough to let dogs go basically unregulated. And many people don't want to be told what they can and cannot do with their animals, she said.

"I see it as very, very similar to the way people think about children," she said. "Really, in the last 10 years people have been made aware of the abuse of children, and we're beginning to see that sometimes parents are not the best people to be in charge of their children and that we need special laws to protect them. Of course, we're lagging behind in that type of thinking about pets."

Others, especially in Santa Cruz, simply resent authority, and for Juday, one of the hardest parts about the job was getting used to being in uniform.

Later on that morning, as she walked to pick up a wounded Rottweiler at an Ocean and Water gas station, one man raised his hands over his head and said "Don't shoot," while another quipped "If you've come for the boss, he's in the back."

Her last pickup that morning was a friendly golden retriever trotting down Branciforte Drive. After asking a neighbor if she knew whose dog it was, Juday loaded it in her almost-full van.

"The real problem is people not being responsible," she said, looking over the cage of wounded and scared animals, before turning the van in the direction of the animal hospital. "It's just like with kids. You have to consider before you get a dog what the costs are. It's a big commitment."