

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: January 9, 2006

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW SECTION 1.26.066 AND AMENDING CHAPTERS 3.24 AND 6.12 OF THE PASADENA MUNICIPAL CODE TO ALLOW DOGS OFF LEASH IN DESIGNATED PUBLIC PARK AREAS AND ESTABLISHING REGULATIONS FOR OFF LEASH DOG PARK USE

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW SECTION 1.26.066 AND AMENDING CHAPTERS 3.24 AND 6.12 OF THE PASADENA MUNICIPAL CODE TO ALLOW DOGS OFF LEASH IN DESIGNATED PUBLIC PARK AREAS AND ESTABLISHING REGULATIONS FOR OFF LEASH DOG PARK USE

BACKGROUND:

During the development of the Master Plan for Viña Vieja Park, an off leash dog area was included in the park's design, funded by a donation in honor of Alice Frost Kennedy. However, the Pasadena Municipal Code currently does not permit dogs to run loose in public parks. Therefore, this proposed ordinance is needed to amend the Code to allow an off leash area for dogs in an area designated for that purpose, and, in addition, to establish regulations for its use.

At its regular meeting of December 5, 2005, the City Council approved the recommendation to allow dogs off leash in designated public park areas and directed the City Attorney to prepare an ordinance to amend the Pasadena Municipal Code to provide that persons may allow dogs off leash in the designated public park areas, and to establish certain regulations for the use of those areas.

MEETING OF 01/09/2006

AGENDA ITEM NO. 9.A.2.

PURPOSE OF ORDINANCE:

The purpose of this proposed ordinance is to add a new Section 1.26.066 and to amend Pasadena Municipal Code Chapters 3.24 and 6.12. The amendments are intended to amend the Vina Vieja Park's hours of operation per the adopted park master plan; to establish Vina Vieja Park as an off leash dog park, and to establish regulations governing use of the off leash areas by the public. Regulations include provisions that: require the removal and disposal of dog feces; prohibit the harassment of dogs by humans; provide for the immediate removal of dogs showing aggressive behavior; provide regulation of dogs that have shown aggressive behavior or injured others; prohibit leaving dogs without supervision. The ordinance also provides for administrative enforcement mechanisms, including revocation of the privilege to use an off leash area. In addition to these codified rules, staff will develop administrative rules to provide direction to users of the off leash area.

REASON WHY LEGISLATION IS NEEDED:

The Pasadena Municipal Code may only be amended by ordinance.

ENVIRONMENTAL IMPACT:

The proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under the General Rule that CEQA applies only to activities which may have a significant effect on the environment (Section 15061(b)(3)).

FISCAL and SERVICE IMPLICATIONS:

The proposed ordinance would not result in the need for additional appropriations.

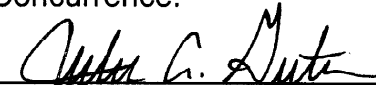
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:  1/4/06

Nicholas George Rodriguez
Assistant City Attorney

Concurrence:


Cynthia J. Kurtz
City Manager

Introduced by Councilmember

ORDINANCE NO. _____

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The People of the City of Pasadena ordain as follows:

SECTION 1. Chapter 1.26 of the Pasadena Municipal Code is amended by adding a new Section 1.26.066 to read:

“1.26.066 Loss of privilege -- Off leash dog areas.

For violation of any provision of Section 6.12.011(C) of this code, regulations applied to off leash dog areas, in addition to other penalties specified herein or otherwise provided by law, the privilege of a person to use an off leash dog area and the use of the area by any specific animal may be conditioned or revoked for a period not to exceed 1 year per violation.”

SECTION 2. Section 3.24.110(A)(1) of said code is amended to read:

“3.24.110 Prohibited acts.

A. No person shall do any of the acts hereinafter specified within the limits of any of the public parks of the city, the Civic Center, or the grounds of the branch libraries or other municipal buildings:

1. To lead or let loose any cattle, horse, mule, goat, sheep, swine, dog or fowl of any kind; provided, that the prohibitions of this section shall not apply to dogs when securely confined by a strong cord, chain or leash not exceeding 6 feet, securely and

continuously held by a competent person owning, having an interest in, harboring or having charge, care, control, custody or possession of such dog, to saddle horses held by hand, to animals which may be brought into any park or upon the grounds above specified for use in the taking of motion pictures when a special permit therefor has first been secured from the director of public works, or to any dog during obedience training at times and in areas designated by the recreation department, or while performing or being exhibited in a city-permitted bench show or other exhibition or in an off leash dog area established by ordinance and posted in accord with Section 6.12.011 of this code;"

SECTION 3. Section 3.24.100(A)(23) of said code is amended to read:

"3.24.110 Prohibited acts.

23. To loiter or remain in the Lower Arroyo, as depicted on Drawing No. 3575 on file in the department of public works, or in the Hahamongna Watershed Park as depicted on Drawing No. 4787 on file in the department of public works, or in Viña Vieja Park as depicted on Drawing No. 5435 on file in the department of public works, at any time from dusk to dawn. To loiter or remain in any other public park at any time between 10:00 p.m. and 6:00 a.m. the following morning;"

SECTION 4. Section 6.12.010(B) of said code is amended to read:

"6.12.010 Running at large prohibited.

A. No person owning, having an interest in, harboring or having charge, care, control, custody or possession of any dog shall cause or permit such dog to be in or upon any public street, alley or other public place or in or upon any unenclosed lot or premises, unless such dog is securely confined by a strong cord, chain or leash, not exceeding 6 feet,

securely and continuously held by a competent person owning, having an interest in, harboring or having charge, care, control, custody or possession of such dog, or unless such dog is confined within an automobile or in an off leash dog area established by ordinance and posted in accord with Section 6.12.011 of this code.”

SECTION 5. Chapter 6.12 of said code is amended by adding a new Section 6.12.011 to read:

“Section 6.12.011 Off leash dog areas.

A. Designation of Off Leash Dog Area.

The following area is designated as an off leash dog area: Vina Vieja Park as depicted on Drawing No. 5435 on file in the department of public works.

B. Off leash dog areas shall be fenced and posted as off leash dog areas with prominent signage in a form approved by the city manager.

C. Regulations Applied to Off Leash Dog Areas.

The following regulations shall apply to off leash dog areas and shall be posted prominently in all off leash dog areas in a form and wording approved by the city manager:

1. The use of an off leash dog area is a privilege, not a right, and every person must follow all regulations established for the safety of humans and animals in order to be allowed this privilege. 2. Persons shall use a suitable container or instrument to remove their dog’s feces and shall dispose of it in a sanitary manner in designated waste containers. 3. No person shall harass, tease or incite any dog in any way in any off leash dog area, including but not limited to verbal or physical gestures or throwing of objects. 4. No person shall leave or abandon any dog or other animal unsupervised in any off leash dog area.

5. Dogs exhibiting aggressive behavior towards any person or another animal shall be immediately leashed and removed from the off leash dog area by the person responsible for the dog. 6. If a dog injures a person or another animal, the person responsible for the dog shall immediately provide the dog owner's name and address, as well as any insurance information requested by or on behalf of the injured person, or by any city employee and shall file a report with the city within five (5) days on a form approved by the director of public works.

D. Other Regulations.

The city manager may approve additional administrative regulations relating to the use of any off leash dog area not inconsistent this chapter, and shall cause those regulations to be posted prominently within the off leash dog area.

E. Administrative remedies

In addition to other penalties prescribed by this code, violation of any of the regulations established by paragraph C of this section may be subject to the administrative procedures set forth in Chapter 1.25 and 1.26 of this code, including, but without limitation, civil penalties, administrative fees and other related charges.”

SECTION 6. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 7. This ordinance shall take effect thirty days after its publication.

Signed and approved this day of _____, 2006.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by
3the City Council of the City of Pasadena at its meeting held the ____ day of
_____, 2006, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED AS TO FORM:



114/06

Nicholas George Rodriguez
Assistant City Attorney

Introduced by Councilmember

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charge, care, control, custody or possession of such dog, to saddle horses held by hand, to animals which may be brought into any park or upon the grounds above specified for use in the taking of motion pictures when a special permit therefor has first been secured from the director of public works, or to any dog during obedience training at times and in areas designated by the recreation department, or while performing or being exhibited in a city-permitted bench show or other exhibition or in an off leash dog area established by ordinance and posted in accord with Section 6.12.011 of this code;”

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ordinance and posted in accord with Section 6.12.011 of this code.”

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B. Posting of Off Leash Dog Areas.

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2. Persons shall use a suitable container or instrument to remove their dog’s feces and shall dispose of it in a sanitary manner in designated waste containers.
3. No person shall harass, tease or incite any dog in any way in any off leash dog area, including but not limited to verbal or physical gestures or throwing of objects.
4. No person shall leave or abandon any dog or other animal unsupervised in any off leash dog area.
5. Dogs exhibiting aggressive behavior towards any person or another animal shall be immediately leashed and removed from the off leash dog area by the person responsible for the dog.
6. If a dog injures a person or another animal, the person responsible for the

dog shall immediately provide the dog owner's name and address, as well as any insurance information requested by or on behalf of the injured person, or by any city employee and shall file a report with the city within five (5) days on a form approved by the director of public works.

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SECTION 6. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 7. This ordinance shall take effect thirty days after its publication.

Signed and approved this day of _____, 2006.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by
the City Council of the City of Pasadena at its meeting held the ____ day of
_____, 2006, by the following vote:

Ayes:

Noes:


Absent:

Abstain:

Published:

Jane L. Rodriguez, CMC
City Clerk

APPROVED/AS TO FORM:

 1/4/06

Nicholas George Rodriguez
Assistant City Attorney