



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: March 16, 2010

TO: Park and Recreation Department Staff Representatives to Park Advisory Groups

FROM: Park and Recreation Department Deputy Directors via Stacey LoMedico, Park and Recreation Director

SUBJECT: DRAFT Proposed Amendments to SDMC 63.0102 Use of Public Parks and Beaches Regulated

The following is requested to be placed on your March or April 2010 agenda for review and action on the following proposed amendments as it pertains to dog off leash areas.

SUMMARY

Issue - Should the Park and Recreation Department Advisory Groups endorse the following amendments to San Diego Municipal Code (SDMC) 63.0102, Use of Public Parks and Beaches Regulated?

1. Change terminology of "designated dog exercise area" to be referenced as "dog off-leash area".
2. Dog Off-leash Area- Amend section (2) (C) to provide specific municipal codes to support current rules/regulations within dog off-leash areas.
3. City-owned parks and plazas - Add a section (3) to establish specific municipal codes for rules/regulations of dogs in City-owned parks and plazas including dog off-leash areas.

Department Recommendation – Endorse the proposed amendments to SDMC 63.0102, Use of Public Parks and Beaches Regulated, as listed above for the regulation of dogs in designated dog off-leash areas and in City-owned parks or plazas.

Fiscal Impact - Funding will be required for new signage which is available in the Park and Recreation Department operating budget.

Environmental – This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15304 (b), Minor Alteration to Land.

BACKGROUND

The Park and Recreation Department's current criteria for regulation of dog off-leash areas was established in May of 2001 by a City Council-approved, volunteer, advisory Ad Hoc Off-Leash Dog Committee. The Committee developed advisories, rules/regulations to post at dog off-leash areas. Users were advised that entrance into the area was at their own risk and that they accepted liability for the actions of their dogs. Furthermore, dog training classes were not allowed in the off-leash areas. It was possible that violations of the regulations may result in revocation of the off-leash area designation and/or prosecution under applicable law. San Diego Police Department, Park and Recreation Department, and County Animal Control phone numbers were provided. In addition, applicable rules/regulations posted included direction on proper leashing, restrictions and requirements for handling aggressive dogs, and the handler's responsibilities in regards to license/vaccination. Supervision of dogs and children within the area is also posted. As dog off-leash areas have increased in the numbers so have the best practices in managing the use and operations of the areas.

Currently, rules/regulations within dog off-leash areas rely on compliance gained by peer pressure and self-policing. Users often educate and inform others of rules/regulations established and posted. While self-policing will always be part of regulating a dog off-leash area, at times it is not enough. The Department realizes there is an increasing need for an enforcement mechanism to improve regulation of all dog off-leash areas and dogs in City-owned parks and plazas. As a result, the Department is recommending enforcement through establishing law by amending SDMC to support the rules/regulations created in 2001 for established dog off-leash areas. In establishing law, City authorities will have the ability to enforce through citation. The City is in discussion with the County Department of Animal Services to authorize their jurisdiction to enforce the proposed amended SDMC. The proposed amendments would also assist in regulating dogs in City-owned parks and plazas.

In addition, one of the most frequent and insufficiently regulated issues the Department receives complaints about is the inability of people to control multiple dogs at one time. The current rule/regulation is that dogs must be under voice control. Through benchmarking of dog off-leash areas both in San Diego County and outside the area, the data reflects limits to the number of dogs a handler can bring in at any one time is commonly regulated. When limits are identified, the greatest number of dogs listed within the regulations was three (3) dogs per person. The Department accepts this as a general industry standard and for consistency and safety the Department is recommending implementation of the three (3) dogs per person at any one time limit.

On September 30, 2009, the Department invited members representing the following Recreation Councils, Maintenance Assessment District Advisory Group (MAD), and established Dog Off-leash Groups to review the first draft of the revisions to the SDMC and provide input and comments to the draft.

- Balboa Park's Grape Street, Morley Field and Nate's Point
- Cadman Neighborhood Park

- Capehart Dog Park
- Doyle Park
- Dusty Rhodes Park
- Kearny Mesa Park
- Maddox Neighborhood Park
- Mission Bay Park's Fiesta Island
- Nobel Athletic Area
- Rancho Bernardo Community Park
- Rancho Penasquitos Linear Park
- Torrey Highlands Park (MAD)

It is the purpose and intent to amend the SDMC to regulate designated dog off-leash areas and dogs in City-owned parks or plazas, in the interests of protecting the enjoyment and safety of the public in the use of these facilities. The amendment of the SDMC requires City Council's review and approval. Part of amending the SDMC is public outreach. Hence, the Department is seeking input and endorsement from its dog off-leash area stakeholders, and Park and Recreation Department Advisory Groups. Through this public outreach, the Department will gain further insight that will enable us to provide a comprehensive final proposal to City Council which will request increased regulation of dogs in dog off-leash areas and in City-owned parks or plazas. Once these efforts to amend the SDMC are completed, we will look to review the policies and procedures by which future dog off-leash areas will be sited and designed.

Change Terminology- The current SDMC terminology that identifies a dog off-leash area is "designated dog exercise area". For greater clarification and consistency it is recommended that "designated dog exercise area" be changed and referenced as "dog off-leash area".

Dog Off-Leash Area- To increase the ability to regulate dog off-leash areas, it is recommended that the rules/regulations established in May of 2001 be supported by SDMC. In addition it is recommended that a three dog limit per person be implemented to assist in the control of dogs and of the dog off-leash area environment. The following amendments would be added to section (2) (C):

- **Three Dog Limit.** It is unlawful for an owner or person with custody, care, charge, control, or possession of a dog to have more than three (3) dogs within a designated dog off-leash area or dog training area at any time.
- **Dog Supervision.** It is unlawful for an owner or person with custody, care, charge, control, or possession of a dog to abandon or otherwise leave the dog unattended or unsupervised within any designated dog off-leash area or dog training area.
- **Female Dogs in Estrus.** It is unlawful for a dog owner or person with custody, care, charge, control, or possession of a dog to have a female dog in estrus (heat cycle) within a dog off-leash area or dog training area.

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- **Current Dog License Required.** It is unlawful for a dog owner or person with custody, care, charge, control, or possession of a dog to have a dog within a designated off-leash area or dog training area without a current and valid *dog license* as defined in San Diego County Code section 62.601 and adopted by San Diego Municipal Code section 44.0300.

City-owned Parks and Plazas- It is recommended to add a section (3) to establish rules/regulations for dogs in all City-owned parks and plazas including dog off-leash areas. Section (3) would include the following:

- It is unlawful for a dog owner or person with custody, care, charge, control, or possession of a dog to have a dog over the age of four months within a City-owned park or plaza without a current dog license as required by law. This provision shall not apply to nonresidents visiting for less than thirty (30) days.
- In the event of a dog bite that results in injury requiring medical care to a person or another dog, the owner(s) or person(s) with custody, care, charge, control or possession of the dog shall, at the time of the injury, exchange dog license information, telephone number(s), mailing address(es) and drivers license(s).

DISCUSSION

Park and Recreation Department Advisory Groups have been established to advise the Park and Recreation Department and City on the recreational needs of their communities and areas. Input and support of the Advisory Groups is requested for the amendments to SDMC 63.0102 as it relates to the operation of dog off-leash areas and dogs in City-owned parks and plazas.

ALTERNATIVES

1. Endorse proposed amendments to the San Diego Municipal Code with modification.
2. Do not endorse proposed amendments to the San Diego Municipal Code.

Please report the results of your Advisory Group's action to your District Manager. District Managers will compile the information and provide it to their Area Committee Representative. Advisory Group results should be reported with each succeeding presentation of the staff report to the next level Advisory Group. Should you have any questions please contact your Division's Dog Off-leash Committee Representative.


Stacey LoMedico
Park and Recreation Director

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Attachments: San Diego Municipal Code 61.0102, Use of Public Parks and Beaches Regulated

cc: Park and Recreation Department Assistant Director
Park and Recreation Deputy Directors
Park and Recreation Assistant Deputy Director
Park and Recreation District Managers
Park and Recreation Area Managers
Park and Recreation Grounds Maintenance Managers
Park and Recreation Board Members

§63.0102 Use of Public Parks and Beaches Regulated

(a) It is the purpose and intent in enacting this Division to regulate and prohibit certain activities in public parks and beaches within the City of San Diego in the interests of protecting the enjoyment and safety of the public in the use of the facilities.

(7-2006)

(b) It is unlawful for any person within any public park or plaza or public beach or beach areas within the City of San Diego to do any of the acts enumerated in Section 63.0102(b).

(1) Posting of Handbills. It is unlawful to litter, to throw, or deposit on the ground, to post or affix to any tree, fence, or structure situated within or on any City-owned park or plaza any handbills, circulars, pamphlets, tracts, dodgers, papers, or advertisements.

(2) Loose Animals. It is unlawful to bring, leave, turn loose or allow to go free any animal, fowl, or bird of any kind in or upon any City-owned park or plaza; provided, however, that Section 63.0102(b)(2) does not apply to:

(A) Horses being led, ridden, or driven upon any roads or paths therein;

(B) Dogs when fastened to and led by a chain or line not more than eight (8) feet in length of suitable strength;

(C) Dogs which are in special areas of parks designated and posted by the Park and Recreation Director as dog exercise and training areas and so long as the regulations of the Park and Recreation Director with respect to the use of such areas are followed.

(i) Implied Consent. The presence of a dog in a designated dog exercise and training area shall constitute implied consent of the person either owning or controlling the dog to the regulations imposed by the Park and Recreation Director.

(ii) Liability and Indemnification. The presence of a dog in a designated dog exercise and training area shall constitute a waiver of liability, on behalf of the person either owning or controlling the dog, to the City of San Diego, as well as an agreement and undertaking to protect, indemnify, defend, and hold harmless the City of San Diego for any injury or damage caused by the dog.