

ORDINANCE NUMBER O- 20052 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 26 2011

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 63.0102(b)(2)(C) AND ADDING SECTIONS 63.0102(c) AND 63.0102(d), ALL RELATING TO DOG OFF-LEASH AND DOG TRAINING AREAS AND TO DOGS IN PUBLIC PARKS, PLAZAS, BEACHES, AND BEACH AREAS.

WHEREAS, in May 2001, the Park and Recreation Department (Department) established criteria for the informal regulation of dog off-leash areas through a volunteer, advisory committee approved by the City Council known as the Ad Hoc Off-Leash Dog Committee (Committee); and

WHEREAS, the Committee developed policies and rules which have been posted on signs at dog off-leash areas throughout the City of San Diego; and

WHEREAS, these policies and rules do not have the force and effect of law and therefore cannot currently be enforced except by voluntary cooperation; and

WHEREAS, the Department has received frequent complaints related to dog off-leash areas including, but not limited to, the inability of people to control multiple dogs at one time; and

WHEREAS, the Department has conducted extensive public outreach by seeking input and endorsement from numerous dog off-leash stakeholders and Department advisory groups on a proposed amendment to San Diego Municipal Code section 63.0102 which codifies the policies and rules developed by the Committee; and

WHEREAS, on July 15, 2010, the Department presented the proposed amendment to San Diego Municipal Code section 63.0102 to Park and Recreation Board which recommended it for approval by the City Council; and

WHEREAS, on September 22, 2010, the Department presented the proposed amendment to San Diego Municipal Code section 63.0102 to the Public Safety and Neighborhood Services Committee, which requested that the Department meet with community stakeholders in attendance who voiced concerns about the proposed limit on the number of dogs within dog off-leash and dog training areas; and

WHEREAS, on November 18, 2010, the Department met with the concerned community stakeholders in an effort to address their concerns; and

WHEREAS, on January 26, 2011, the Public Safety and Neighborhood Services Committee voted to recommend the proposed amendment to San Diego Municipal Code section 63.0102 and forwarded it to the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego as follows:

Section 1. That Chapter 6, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 63.0102 to read as follows:

§63.0102 Use of Public Parks and Beaches Regulated

- (a) [No change in text.]
- (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) [No change in text.]

(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) [No change in text.]

(B) [No change in text.]

(C) Dogs which are in special areas of parks designated and posted by the Park and Recreation Director as dog off-leash areas or dog 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 off-leash area or dog 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 off-leash area or dog 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.

(3) through (28) [No change in text.]

(c) Dog Off Leash and Dog Training Areas. It is unlawful for an owner or person with custody, care, charge, control, or possession of a dog, or both, to do any of the following:

- (1) Have more than three (3) dogs within a designated dog off-leash area or dog training area at any time; provided, however, that on Fiesta Island an owner or person with custody, care, charge, control, or possession of a dog, or both, shall have no more than six (6) off-leash dogs.
- (2) Abandon or otherwise leave any off-leash dog unattended or unsupervised within any designated dog off-leash area or dog training area at any time.
- (3) Have a female dog in estrus (heat cycle) within a dog off-leash area or dog training area at any time.
- (4) Have a dog within a designated off-leash area or dog training area without a current and valid dog license as required by San Diego County Code section 62.620 and adopted by San Diego Municipal Code section 44.0300.

(d) Dogs in Public Parks, Plazas, Beaches, and Beach Areas. It is unlawful for a dog owner or person with custody, care, charge, control, or possession of a dog, or both, within any public park or plaza or public


beach or beach area within the City of San Diego to do any of the following:

- (1) Have a dog without a current dog license as required by San Diego County Code section 62.620 and adopted by San Diego Municipal Code section 44.0300. This provision shall not apply to nonresidents visiting for less than thirty (30) days.
- (2) In the event of a dog bite that results in injury requiring medical care to a person or another dog, fail to provide to the injured person or owner or custodian of the injured dog, at the time of the injury, his or her full name, correct dog license information, telephone number, mailing address, and driver's license number.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

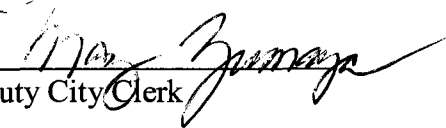
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Kenneth R. So
Deputy City Attorney

KRS:mm
03/15/2011
05/02/2011 Rev.Copy
Or.Dept: Park & Rec.
O-2011-11
PL#2010-00989

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 17 2011.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5-26-11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS