



MEMORANDUM

TO: CITY COUNCIL

FROM: JOHN ROGERS, DIRECTOR OF RECREATION SERVICES

SUBJECT: CONSIDERATION OF ADOPTION OF AN ORDINANCE ADDING NEW RULES FOR THE ELM STREET OFF LEASH DOG PARK

DATE: MARCH 14, 2017

RECOMMENDATION:

It is recommended the City Council adopt an Ordinance amending section 12.20.080(B) of the Arroyo Grande Municipal Code relating to dog park rules and prohibited activities for the Elm Street Off Leash Dog Park (Dog Park) as proposed by the Elm Street Dog Park Association (ESDPA).

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Minimal staff time will be needed to coordinate installation of new signs at the Dog Park. The ESDPA has committed to pay for the new signs.

BACKGROUND:

Section 12.20.080 of the Municipal Code provides for enforceable rules at the Dog Park in those instances that users repeatedly violate rules, or when aggressive dogs are at the Dog Park. As stated in the Adopt-A-Park Agreement approved by the City Council, the Elm Street Dog Park Association (ESDPA) has responsibility and authority to enforce Dog Park rules.

On February 28, 2017, the City Council introduced, without modification, an Ordinance adding two new rules for the Elm Street Off Leash Dog Park. The Ordinance adds two regulations for use of the Dog Park: 1) male dogs over 12 months of age must be neutered; and 2) only water may be used to defend or break up dog fights. No chemicals, including but not limited to: canister sprays, citronella sprays, mace, or pepper sprays, are allowed to be used in the Dog Park.

ANALYSIS OF ISSUES:

The Dog Park was built with the understanding by all parties that the City was not in a position to assume regular maintenance and operational duties. The ESDPA is the City's designated group with maintenance and operation responsibilities.

**CITY COUNCIL
CONSIDERATION OF ADOPTION OF AN ORDINANCE ADDING NEW RULES FOR
THE ELM STREET PARK OFF LEASH DOG PARK
MARCH 14, 2017
PAGE 2**

While the vast majority of Dog Park users voluntarily comply with the Dog Park rules, there are on occasion instances that require enforcement of the rules. Section 12.20.080 of the Municipal Code provides a legally enforceable mechanism for the enforcement of the Dog Park rules.

The Board of the ESDPA recommended the two new rules be added to the existing rules governing use of the Dog Park. Their recommendation is based on issues that have occurred over the past 14 months at the Dog Park, and to protect dogs and their handlers from possible exposure to toxic or irritating substances.

ALTERNATIVES:

The following alternatives are provided for City Council consideration:

1. Adopt the Ordinance as proposed;
2. Modify and re-introduce the Ordinance; or
3. Provide direction to staff.

ADVANTAGES:

Adding the proposed rules to Section 12.20.080(B) of the Municipal Code will provide for enforceable rules at the Dog Park that address issues faced by the ESDPA.

DISADVANTAGES:

Adoption of the proposed rules may disqualify some dog owners of the opportunity to use the Dog Park.

ENVIROMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted in front of City Hall and on the City's website in accordance with Government Code Section 54954.2.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE AMENDING SECTION 12.20.080(B) OF THE ARROYO GRANDE MUNICIPAL CODE RELATING TO DOG PARK RULES AND PROHIBITED ACTIVITIES

WHEREAS, the City of Arroyo Grande provides for the maintenance and operation of a Dog Park at the Elm Street Park; and

WHEREAS, Section 12.20.080 of the Arroyo Grande Municipal Code provides for enforceable rules and regulations for the Dog Park and a procedure for excluding aggressive dogs and persons who violate the rules and regulations; and

WHEREAS, the City Council has determined that it is appropriate to amend the Rules and Prohibited Activities at the Dog Park contained in Section 12.20.080(B) in order to provide that male dogs over 12 months of age that use the Dog Park must be neutered, and also to provide that only water may be used to defend or break up dog fights and that no chemicals, including but not limited to: canister sprays, citronella sprays, mace, or pepper sprays, are allowed to be used.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Arroyo Grande as follows:

SECTION 1. Subsections 12 and 13 are hereby added to the Rules and Prohibited Activities at Dog Park contained in Section 12.20.80(B) of the Arroyo Grande Municipal Code to read as follows:

12. Male dogs over 12 months of age must be neutered.
13. Only water may be used to defend or break up dog fights. No chemicals, including but not limited to: canister sprays, citronella sprays, mace, or pepper sprays, are allowed to be used in the Dog Park.”

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

SECTION 3. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified

ORDINANCE NO.

PAGE 2

copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council Members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 4. This Ordinance shall take effect thirty (30) days after its adoption.

On motion by Council Member _____, seconded by Council Member _____, and by the following roll call vote to wit:

AYES:

NOES:

ABSENT:

the foregoing Ordinance was adopted this ____ day of _____, 2017.

**ORDINANCE NO.
PAGE 3**

JIM HILL, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

ROBERT K. MCFALL, INTERIM CITY MANAGER

APPROVED AS TO FORM:

HEATHER WHITHAM, CITY ATTORNEY

THIS PAGE INTENTIONALLY LEFT BLANK