



REPORT

THE CITY OF SAN DIEGO TO THE PARK AND RECREATION BOARD

REPORT NO: 101

DATE ISSUED: July 8, 2010
ATTENTION: Park and Recreation Board Agenda of July 15, 2010
SUBJECT: Proposed Amendments to San Diego Municipal Code 63.0102, Use of Public Parks and Beaches Regulated

SUMMARY

Issue - Should the Park and Recreation Board 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.

Director’s 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.

Other Recommendations – Of the sixty-two (62) Advisory Groups which reported results, sixty-one (61) of the groups endorsed the proposed amendments. Results and recommended modifications made by these groups are listed under Discussion.

Fiscal Impact – Minimal cost for new signage.

Environmental – This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section.

BACKGROUND

The Park and Recreation Department's current criteria for regulation of dog off-leash areas was established in May 2001 by a City Council-approved, volunteer, advisory Ad Hoc Off- Leash Dog Committee. The Committee developed advisories and rules/regulations to post at dog off-leash areas including that entrance into the off-leash area was at their own risk and that they accepted liability for the actions of their dogs. The information also provided that dog training classes were not allowed in the off-leash areas and that violation of the regulations may result in revocation of the dog off-leash area designation and/or prosecution under applicable law.

Additionally, the 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. Signage notified users of the dog off-leash areas of the requirements for the supervision of dogs and children while in the dog off-leash area and posted the phone numbers of the San Diego Police Department, Park and Recreation Department, and County Animal Control.

Currently, adherence to the rules/regulations established for dog off-leash areas, rely on compliance gained by peer pressure and self-policing. Users often educate and inform others of the established rules/regulations posted. While self-policing will always be part of regulating a dog off-leash area, at times it is not sufficient. The Department realized that there was 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 amending SDMC 63.0102, Use of Public Parks and Beaches Regulated. This will 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. City staff is also in discussion with the County Department of Animal Services to authorize their jurisdiction to enforce the proposed amendments to SDMC 63.0102. The proposed amendments would also assist in regulating dogs in City-owned parks and plazas.

The most frequent complaint to the Department is related to the inability of people to control multiple dogs at one time. The current rule/regulation requires that dogs must be under voice control. In researching current best practices in and outside of San Diego County the department has determined that agencies are establishing limits to the number of dogs a handler can bring in to an off-leash area at anytime. When a limit was identified, we found that the number of dogs per handler identified most frequently was three (3) dogs per person.

The Department has accepted this as a general industry standard. For consistency and safety, the Department is recommending implementation of the three (3) dogs per person limit at anytime.

It is the purpose and intent to amend SDMC 63.0102, Use of Public Parks and Beaches Regulated 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 amendments to SDMC 63.0102 require City Council review and approval.

Change Terminology- Current terminology in SDMC 63.0102, Use of Public Parks and Beaches Regulated, identifies a dog off-leash area as a “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 San Diego Municipal Code. In addition it is recommended that a three (3) dog limit per person at anytime 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 anytime.
- **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.
- **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 (4) 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).

The Department sought input and endorsement from dog off-leash area stakeholders, and Park and Recreation Department Advisory Groups. Through this public outreach, the Department gained further insight that has enabled us to provide a comprehensive final proposal to the City Council. As a second phase of dog off-leash areas, the Department plans to review policies and procedures for the siting and design of future dog off-leash areas.

DISCUSSION

Beginning in April 2010 the Draft Proposed Amendments to SDMC 63.0102, Use of Public Parks and Beaches Regulated was presented to the Park and Recreation Department Advisory Groups for endorsement. Of the sixty-two (62) groups which reported results, one group (1) did not support the proposed amendments, one group (1) endorsed all the proposed amendments with the exception of dog limits, and eleven groups (11) recommended modifications to include:

- In the event of a dog bite **OR ACT** that results in injury...addition of **OR ACT** - (2)
- Require male dogs to be neutered - (3)
- Limit of dogs decreased from three (3) to two (2)
- Limit of dogs increased from three (3) to four (2)
- Mandate dogs should wear dog tags while in City-owned Parks and Plazas - (1)
- All rules and regulations at the dog off-leash areas should be regulated by SDMC - (1)

The Balboa Park Committee, Community Parks I Area Committee, Community Parks II Area Committee, Mission Bay Park Committee, and the Open Space Advisory Committee all endorsed the Draft Proposed Amendments to SDMC 63.0102, Use of Public Parks and Beaches Regulated.

Input and support from the Park and Recreation Board is requested for the proposed amendments to SDMC 63.0102, Use of Public Parks and Beaches Regulated, as it relates to the operation of dog off-leash areas and dogs in City-owned parks and plazas.

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ALTERNATIVES

1. Endorse proposed amendments to San Diego Municipal Code 63.0102, Use of Public Parks and Beaches with modifications.
2. Do not endorse proposed amendments to San Diego Municipal Code 63.0102, Use of Public Parks and Beaches.

Respectfully Submitted,

Kathleen S. Hasenauer
Deputy Director, Developed Regional Parks Division

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