ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, ADDING CHAPTER 12.24 "DOG PARK REGULATIONS" TO TITLE 12 "STREETS, SIDEWALKS AND PUBLIC PLACES" OF THE DESERT HOT SPRINGS MUNICIPAL CODE AND AMENDING SECTION 9.04.040 ("ANIMALS IN PUBLIC PARKS") OF CHAPTER 9.04 ("GENERAL OFFENSES") OF TITLE 9 ("PUBLIC PEACE AND WELFARE") OF THE DESERT HOT SPRINGS MUNICIPAL CODE

WHEREAS, on July 8, 2017, the City opened its first public dog park, known as Rotary Park; and

WHEREAS, the City anticipates opening more public dog parks in the future; and

WHEREAS, there is a need to enact regulations to govern the use and operation of public dog parks in the City to ensure the safe and orderly use and operation of City dog parks and to thereby protect the health, safety and welfare of both human and canine users of City dog parks.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Desert Hot Springs as follows:

Section 1.   **RECITALS**

That the foregoing recitals are true and correct and are herein adopted by this reference.

Section 2.   **ADDITION OF DESERT HOT SPRINGS MUNICIPAL CODE CHAPTER 12.24**

That Chapter 12.24 ("Dog Park Regulations") is hereby added to Title 12 ("Streets, Sidewalks and Public Places") of the Desert Hot Springs Municipal Code, to read as follows:

Chapter 12.24 CITY DOG PARK REGULATIONS

12.24.010 Purpose and Intent.

The purpose and intent of this chapter is to ensure the safe and orderly use and operation of all city dog parks in order to protect public health and safety.

12.24.020 Applicability.

This chapter shall apply to all existing city dog parks, and shall be deemed applicable to all new city dog parks automatically and immediately upon opening thereof to the public.

12.24.030 Definitions.

The following terms shall have the following meanings ascribed to them for purposes of this chapter:

"Authorized city enforcement personnel" shall mean any refer to any of the officials and/or employees specified in section 12.24.070 of this chapter.

"City dog park" shall mean and refer to any and all public parks or portions thereof located in the city that are reserved for and dedicated to dog usage.

"Dog license" or "license" shall mean and refer to a dog license obtained in accordance with Riverside County code section 6.08.020, as adopted by the city pursuant to section 6.04.010 of this code.

"Dog vaccination" or "vaccination" shall mean and refer to dog vaccinations administered in accordance with Riverside County code section 6.08.020, as adopted by the city pursuant to section 6.04.010 of this code.

12.24.040 Required dog licenses and vaccinations.

A. All dogs that use the dog park must have a valid county-issued license and all required vaccinations.

B. Dogs which do not have required dog licenses or vaccinations are prohibited in city dog parks.

C. All dogs that use the dog park must possess valid identification attached to a conspicuous place on their bodies.

D. Dogs which do not have required dog licenses or vaccinations, as determined or identified by authorized city enforcement personnel in their sole discretion, are subject to immediate ejection and temporary expulsion from city dog parks, in accordance with Section 12.24.070 of this chapter.

12.24.050 Unattended dogs prohibited.

A. No person shall leave any dog for which he or she is responsible unattended in any city dog park at any time. Unattended dogs and owners who leave their dogs unattended, as determined or identified by authorized city enforcement personnel in their sole discretion, are subject to immediate ejection and temporary expulsion from the city dog park, in accordance with Section 12.24.070 of this chapter.

B. Dogs may roam free without a leash or other restraint only in dedicated off-leash areas in city dog parks, as determined by authorized city enforcement personnel. For purposes of this section, allowing a dog to roam free without restraint in dedicated off-leash areas of city dog parks shall not constitute leaving a dog "unattended," provided the person responsible for the dog is monitoring and supervising the dog's behavior.

12.24.060 Overly aggressive or unruly dogs prohibited.

Dogs which display overly aggressive or unruly behavior in any city dog park so as to create a significant risk of bodily injury to any person or other dog, as determined or identified by authorized city enforcement personnel in their sole discretion, are prohibited and are subject to immediate ejection and temporary expulsion from the city dog park, in accordance with Section 12.24.070 of this chapter.

12.24.070 Enforcement of city dog park regulations.

A. All city community preservation officers, animal control officers, and police officers shall have authority to enforce this chapter and any rule or regulation

promulgated pursuant hereto. Said officers may enforce this chapter, in their discretion, by: (1) utilizing their ordinary powers of arrest or citation as to any person deemed to be in violation of any provision of this chapter; (2) ejecting and temporarily expelling any person and/or dog deemed to be in violation this chapter from any city dog park, in accordance with subsection (C) hereof, in lieu of arresting or citing such violator; or (3) a combination of both of the foregoing.

B. No person being ejected or expelled from a city dog park pursuant to this section shall refuse to leave nor refuse to cause his or her dog to leave as ordered. Violation of this subsection (B) shall constitute a misdemeanor offense.

C. No person who has been ejected or expelled from a city dog park shall return to the same city dog park, nor cause or permit his or her dog to return thereto, within the following timeframes, unless specifically permitted to do so by the officer who ejected him or her or by the city manager:

- First violation within any 30-day period: remainder of the calendar day on which the ejection occurred;

- Second violation within any 30-day period: remainder of the calendar day on which the ejection occurred plus the following seven calendar days;

- Third violation within any 30-day period: remainder of the calendar day on which the ejection occurred plus the following 30 calendar days;

- Fourth violation within any 30 day period: remainder of the calendar day on which the ejection occurred plus the following 90 calendar days.

Violation of any provision of this subsection (C) shall constitute a misdemeanor offense.

D. In addition to any other remedies expressed provided for herein, any violation of this chapter shall also constitute, and shall be enforceable as, a public nuisance.

12.24.080 Authority of city manager to promulgate rules and regulations.

A. The city manager shall have power and authority to promulgate additional rules and regulations governing the use of any city dog park, any portion thereof, or any structure, equipment, apparatus or improvement thereon, to the extent such rules or regulations are not prohibited by nor in conflict with applicable law.

B. A copy of any such rules and regulations, or a synopsis thereof, shall be posted in a conspicuous place at or near an entrance to a city dog park which is to be subject to such rules and regulations.

C. Violation of any rule or regulation promulgated pursuant to subsection (A) and posted pursuant to subsection (B) shall subject the violator to the enforcement measures prescribed in the rule or regulation, or if no such measures are specified, to the enforcement measures set forth in section 12.24.070.

D. If a rule or regulation promulgated pursuant to subsection (A) has not been posted in accordance with subsection (B), such rule or regulation shall be

enforceable, notwithstanding the lack of posting in accordance with subsection (B), but only as against persons having actual knowledge or notice of the operative rule or regulation.

Section 3. **AMENDMENT TO SECTION 9.04.040 ("ANIMALS IN PUBLIC PARKS") OF CHAPTER 9.04 ("GENERAL OFFENSES") OF TITLE 9 ("PUBLIC PEACE AND WELFARE") OF THE DESERT HOT SPRINGS MUNICIPAL CODE**

Section 9.04.040 ("Animals in Public Parks") of Chapter 9.04 ("General Offenses") of Title 9 ("Public Peace and Welfare") of the Desert Hot Springs Municipal Code is hereby amended as follows:

No person shall hitch, fasten, lead, drive or let lose any animal or fowl of any kind, with the exception of certified service animals such as seeing eye dogs for the blind or disabled, within the limits of any public park or recreation area of the City; provided, however, that this restriction shall not apply to a dog when allowed to roam free without restraint in dedicated off-leash areas of city dog parks in accordance with Chapter 12.24 of this code.

Section 4. **SEVERABILITY**

That, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 5. **REPEAL OF CONFLICTING PROVISIONS**

That all the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 6. **AMENDING OF BAIL SCHEDULE**

That the City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 7. **EFFECTIVE DATE**

That this ordinance shall take effect thirty (30) days after its adoption.

Section 8. **CERTIFICATION**

That the City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the ___ day of _____, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: **APPROVED:**

_____   _____
Jerryl Soriano, City Clerk   Scott Matas, Mayor

APPROVED AS TO FORM:

_____
Jennifer A. Mizrahi, City Attorney