



Agenda Item # \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Wilson and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Gill, Director of Parks and Recreation

**DATE:** January 4, 2005

**SUBJECT:** Adoption of an Ordinance Permitting Leashed Dogs in Certain Parks and Establishment of Dog Permitted Areas in Parks

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**RECOMMENDATION:**

Staff recommends that the City Council Adopt Ordinance No. 2072, permitting leashed dogs in certain parks and establishment of dog permitted areas in parks.

**FISCAL IMPLICATION:**

There are no fiscal implications associated with this recommendation.

**BACKGROUND:**

During the December 21, 2004 City Council meeting, the City Council approved the introduction of Ordinance No. 2072 permitting leashed dogs in certain parks and establishing off-leash dog permitted areas. The City Council made no changes to the ordinance at that time.

**DISCUSSION:**

Attached is Ordinance No. 2072 amending the City's municipal code permitting dogs on leash to pass through Live Oak, Parque Culiacan and the grass portion at the south end of Sand Dune Park, as well as the south stairs to Sand Dune Park. The code also allows for the establishment of an off-leash area beyond the center field fence at Dorsey Field. The code also allows for changes in the future with City Council approval.

Attachments: A. Ordinance No. 2072

ORDINANCE NO. 2072

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 12.48.050 OF CHAPTER 12.48 OF TITLE 12 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING PERMITTING LEASHED DOGS IN SPECIFIED PARKS

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach hereby finds as follows:

- A. The City maintains a system of parks for public use.
- B. Presently, dogs are prohibited in all City parks except for leashed dogs in Veterans Parkway.
- C. As a result of these restrictions people with leashed dogs who are walking in the vicinity of parks are forced to detour around these parks often to their great inconvenience.
- D. Allowing limited canine access through selected parks within the City will not present a danger to public health, safety or welfare and will not significantly encroach on the use of the parks by people.
- E. This ordinance is exempt from the California Environmental Quality Act due to the fact that it has no potential to have a significant environmental impact.

SECTION 2. Section 12.48.050 of Chapter 12.48 of Title 12 of the Manhattan Beach Municipal Code is hereby amended in its entirety to read as follows:

**12.48.050 Conduct In Parks**

The following conduct shall be prohibited in all City parks:

- A. Consumption of alcoholic beverages;
- B. Driving or parking of vehicles except in clearly designated parking areas;
- C. Golfing, chipping or putting;
- D. Use of any unusual equipment such as dunk tanks, carnival rides, or moon bounces;
- E. Riding or parking of bicycles, tricycles, unicycles or similar apparatus outside of clearly designated areas;
- F. Roping off areas, bringing additional tables and/or rented chairs into any park without an appropriate permit issued by the Director of Parks and Recreation;
- G. Bringing dogs, ponies or any other animals into any park, with the exception of leashed dogs which are permitted on Veterans Parkway, leashed dogs passing through Parque Culiacan and Live Oak Park on paved walkways or otherwise designated areas and leashed dogs traversing north or south through Sand Dune Park along the west side of the grass field at the south end of the park as well as on the south stairs in said park and guide dogs used by vision impaired patrons of any park or licensed guide dog trainers engaged in training or dogs being socialized and trained for guide dog service by an organization approved by the Director of Parks and Recreation. Notwithstanding the foregoing, the City Council may, by minute action or resolution designate any portion of an existing park as a dogs permitted area to allow unleashed dogs and permit leashed dogs to traverse the surrounding park for the sole purpose of obtaining access to any such dogs permitted area;
- H. Use of skates, skateboards, rollerblades, scooters or like equipment;
- I. Generating any amplified sound;
- J. Hanging any items from or posting any item on trees, structures or other surfaces;
- K. Playing any athletic games in areas other than adjacent athletic fields (if any).
- L. Flying radio-controlled or other powered model airplanes, cars, boats or like equipment.

- M. Use of any barbecue other than those provided by the City.
- N. Deposit of ash or charcoal in any place in a park or adjacent public property other than those places designated by signs shall be prohibited.
- O. Causing damage to or placing graffiti on any building, fixture, landscaping, paving or other park property.
- P. Depositing trash in any place other than a designated park trash container.

SECTION 3. All other provisions of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 7. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 4th day of January, 2005.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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Mayor, City of Manhattan Beach, California

ATTEST:

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City Clerk