



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Sara L. Hensley

SUBJECT: SEE BELOW

DATE: 05-10-04

Approved

Date

COUNCIL DISTRICT: Citywide

SNI AREA: N/A

SUBJECT: PROPOSED REVISIONS TO CHAPTER 7.08 OF TITLE 7 OF THE SAN JOSE MUNICIPAL CODE TO DEFINE NEW TERMS, PERMIT PERSONS WITH DOGS TO UTILIZE POSTED OFF-LEASH AREAS, AND TO REGULATE THE USE OF POSTED OFF-LEASH AREAS

RECOMMENDATION

Approval of an ordinance amending Chapter 7.08 of Title 7 of the San Jose Municipal Code in order to create an exception to the leash law for posted off-leash areas, regulate the use of posted off-leash areas, and define new terms.

BACKGROUND

Off-leash areas for dogs are an increasingly popular request from residents within the City of San José. These fenced off-leash areas provide a safe, enclosed, designated purpose park amenity because the owners and their dogs have an opportunity to exercise in the public parks while physically separated from other visitors.

The City of San José has designated two off-leash areas, one in Miyuki Park and the other in recently built Watson Park. These off-leash areas are heavily used and the plans to designate several more off-leash areas in different areas of the City are in various stages of development.

ANALYSIS

The current leash law under the San Jose Municipal Code Section 7.08.590 requires the owner or person with the right to control a dog to confine the dog to their premises or restrain the dog by means of a leash except under certain circumstances. The exceptions to the restraint requirements are limited and do not include when the owner or person with the right to control the dog is using an off-leash area. The proposed amendment would permit owners to use the off-leash areas without the risk of receiving a citation for violating the leash law.

The San Jose Municipal Code does not currently address the proper use of designated off-leash areas. In an effort to facilitate the productive and lawful use of these areas, certain conditions of use should be set forth. The proposed ordinance requires 1) use during posted hours of operation; 2) use by no more than two dogs with each person; 3) use while in the charge, care, custody, or control of a person at least thirteen (13) years old; 4) use by dogs at least four (4) months of age and in good health; and 5) use by a person willing to remove the dog if it disturbs the reasonable and comfortable use of the area. The adoption of Section 7.08.591 would make it possible to regulate the proper and continued use of these off-leash areas.

COST IMPLICATIONS

None.

PUBLIC OUTREACH

This ordinance was circulated and endorsed by the Animal Advisory Committee at its January 7, 2004 meeting. A public hearing was held at the Parks and Recreation Commission meeting of May 5, 2004.

COORDINATION

This memorandum was coordinated with the City Attorney's Office.

CEQA

Not a project.

SARA L. HENSLEY
Director of Parks, Recreation
and Neighborhood Services