

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 7.40.040 OF CHAPTER 7.40 OF TITLE 7 OF THE SAN JOSE MUNICIPAL CODE TO REQUIRE THAT DOGS ON CITY TRAILS BE MAINTAINED ON A LEASH NOT TO EXCEED SIX FEET; AND THAT ANY DOGS ON TRAILS WITH A MARKED CENTERLINE BE MAINTAINED TO THE RIGHT OF THE CENTERLINE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 7.40.040 of Chapter 7.40 of Title 7 of the San José Municipal Code is amended to read as follows:

7.40.040 Restraint of Dogs

- A. The dog owner/guardian or person with a right to control a dog must keep the dog confined to his or her premises or keep the dog confined behind a fence of sufficient height and construction to safely contain the dog.

- B. The dog owner/guardian or person with a right to control a dog must keep the dog under direct physical restraint by means of a leash not to exceed six (6) feet in length when the dog is on any public street, public sidewalk, other public place, event on public property, or at any private place or property or common area of any planned development cluster, townhouse, or on any condominium project without the consent of the owner or person in control thereof. An exception for Aa leash of ~~more than six (6) feet in length but no longer than~~ up to twenty (20) feet in length may be used when in a public park or public open space ~~only~~ if the owner/guardian or person with a right to control the dog can exercise direct physical restraint of the dog ~~and~~ such that the dog ~~makes~~ would be unable to

make no physical contact with another person or with an animal without the consent of that person or the consent of the owner/guardian or person with the right to control the other animal. This exception does not apply to a dog on a public trail. A dog on a public trail must be maintained on a leash not to exceed six (6) feet; and both the owner/guardian and his or her dog must keep to the right of the trail centerline to the extent the centerline is marked.

C. The restraint requirements specified in Subsections A. and B. do not apply to:

1. Service dogs while such dogs are performing their duties;
2. Dogs assisting either their owner/guardian /handler in legal hunting or in the herding of livestock;
3. Dogs assisting a peace officer engaged in law enforcement activities;
4. Dogs being trained for any of the above purposes on private land with permission of the landowner, as long as such dogs are under direct control of either the dog owner/guardian or person with a right to control the dogs to assure that the dogs do not violate any other provisions of law;
5. Dogs subject to regulation as potentially dangerous, dangerous, or vicious dogs under Chapter 7.30 of this Title;
6. Dogs participating in field or obedience trials or exhibitions located on a public place and approved by the City; or
7. Dogs within a posted off-leash area located in any City owned land, as established by resolution of the City Council, provided however, that nothing herein relieves either the dog owner/guardian or person with a

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right to control such dog from the responsibility to maintain proper control over the dog.

PASSED FOR PUBLICATION of title this ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk