

## **ORDINANCE NO. 2025-01**

### **AN ORDINANCE AMENDING TITLE 12 TO ADD A NEW CHAPTER, CHAPTER 1.13- DOG PARK RULES AND REGULATIONS, TO THE MARINA MUNICIPAL CODE TO REGULATE CONDUCT AND USE OF CITY DOG PARKS.**

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1. Until recently, City of Marina did not have any parks designated for the exclusive purpose of exercise and recreation by dogs. However, the City opened its first dog park at “Hilltop Park” on December 6, 2024 and plans to open additional dog parks in the future.

2. Establishing regulations in Title 12 (Streets, Sidewalks and Public Places) of the Marina Municipal Code (MMC) would allow dog owners to enjoy use of dog parks and ensure City Staff have adequate tools to manage conduct and use of dog parks in the City of Marina.

3. The proposed ordinance, if approved and implemented, would establish the definitions, rules and regulations, and enforcement of dog parks.

4. On January 8, 2025, the Recreation & Cultural Services Commission, reviewed the proposed rules and regulations and recommended City Council adopt the proposed ordinance.

5. Environmental. In accordance with the California Environmental Quality Act (CEQA), this ordinance is not subject to CEQA pursuant to the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3), because the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA and no further environmental review is necessary.

NOW, THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY ORDAIN  
AS FOLLOWS:

SECTION 1. The foregoing recitals are adopted by the City Council as though set forth fully herein.

SECTION 2. The City Council of the City of Marina determines the proposed ordinance amendment is not a project pursuant to CEQA Guideline Section 15061(b)(3).

SECTION 3. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.

SECTION 4. The City Manager is directed to execute all documents and to perform all other necessary acts to implement this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption.

The foregoing Ordinance was introduced on January 22, 2025, and passed and adopted by the City Council of the City of Marina at a regular meeting duly held on February 4, 2025, by the following vote:

AYES: COUNCIL MEMBERS: McAdams, McCarthy, Biala, Visscher, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

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Bruce C. Delgado, Mayor

ATTEST:

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Anita Sharp, Deputy City Clerk

**Chapter 12.13**  
**Dog Park Rules & Regulations**

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|------------------|---------------------------------------------------|
| <u>12.13.010</u> | <u>Purpose</u>                                    |
| <u>12.13.020</u> | <u>Definitions</u>                                |
| <u>12.13.030</u> | <u>Applicability of chapter – Use of dog park</u> |
| <u>12.13.040</u> | <u>Dog park rules &amp; regulations</u>           |
| <u>12.13.050</u> | <u>Violations – Enforcement</u>                   |

**10.13.010 Purpose**

The purpose of this chapter is to establish rules & regulations for conduct, use, and enforcement for dog parks.

**10.13.020 Definitions**

For purposes of this chapter:

- (a) “Director” means the Recreation and Cultural Services Director or their designee as the person responsible for administering the provisions of this chapter.
- (b) “Dog” shall mean and include any canine (*Canis familiaris*).
- (c) “Dog Park” shall mean and include a fenced area of any city park, or any portion of a city park or any other city-owned land approved and designated by the city council for the exercise and recreation of dogs, including areas designated off-leash by city signage.
- (d) “Owner” means a person either owning or having the charge, care, control, possession or custody of a dog.
- (e) “Vicious dog” means (i) any dog that bites or attempts to bite any human or dog without provocation, or which has a disposition or propensity to attack, bite or menace any human or dog without provocation and endangers the health and safety of any person, or (ii) any dog previously declared vicious by an animal control officer or pursuant to any other state or local law.

**12.13.030 Applicability of chapter—Use of dog park.**

- (a) The prohibition set forth in section 12.12.030 of this Code against having a dog in any city park shall not apply to dogs which are in a dog park designated by the city council for the exclusive purpose of exercise and recreation by dogs and so long as the rules and regulations with respect to the use of the dog park set forth in this chapter are followed.
- (b) The hours that members of the general public and dogs may be in Dog Parks shall be set at the discretion of the Director and posted on signage at the entrance(s) to a Dog Park.

**12.13.040 Dog park rules and regulations.**

The following rules and regulations apply to the use of any dog park:

- (a) The sole or primary purpose of a Dog Park is for the exercise and recreation by dogs that are under the control of an adult and for no other use or purpose.

- (b) Use of any area designated as a “Small Dog Park area” is limited to dogs weighing 30 pounds or less.
- (c) Use of any area designated as a “Large Dog Park area” is limited to dogs weighing over 30 pounds.
- (d) All minors must be accompanied by an adult.
- (e) All dogs must be licensed and vaccinated as required by section 6.04.020 of this Code or other applicable local ordinance wherein such dog resides, and wearing a collar with appropriate tags evidencing same.
- (f) Dogs under 4 months of age are not permitted in the park.
- (g) Female dogs in heat are not permitted in the park.
- (h) Dogs must be on leash when entering and exiting the off-leash dog area.
- (i) Owners must have possession of the dog leash at all times.
- (j) Food (for dogs and owners) is prohibited.
- (k) Dogs must be under control and in view of their owner at all times.
- (l) Vicious dogs are not permitted in the park.
- (m) Aggressive dog behavior is not allowed. The owner of any dog exhibiting aggressive or unruly behavior, such as growling, snarling, snapping, lunging, biting, humping, or hysterical barking, is required to immediately remove the offending animal.
- (n) Owners must clean up after their dogs by immediately picking up and disposing of their dog’s feces in the provided waste receptacles.
- (o) No more than two dogs per owner are permitted.
- (p) Owners must be in the park, within view of, and be able to maintain voice and/or physical control of their dog(s) at all times.
- (q) Dogs must never be left unattended.
- (r) Owners are personally liable for their dog(s) and any damage and/or injury caused by their dog(s).
- (s) Users of the facility do so at their own risk. The City of Marina shall not be liable for any injury or damage caused by any dog.
- (t) The City of Marina reserves the right to close the facility for maintenance and repair.

### **12.13.050      Violation—Enforcement.**

Any city employee may request anyone who violates a posted rule to leave the dog park. It is unlawful for any person to fail to leave the dog park for violating any posted rule after being requested to do so by a city representative.

It shall be unlawful for any person to violate or fail to comply with the provisions of this chapter. Violation of or noncompliance with this chapter shall constitute a crime punishable as a misdemeanor or infraction in the discretion of the city attorney, or may be punished as an administrative matter in accordance with the civil fines and the administrative procedures for the imposition, enforcement, collection, and administrative review of civil fines set forth in Chapter 1.12 of this Code.

The remedies and penalties provided herein are cumulative, alternative, and nonexclusive. The use of one does not prevent the use of any other criminal, civil, or administrative remedy or penalty authorized by, or set forth in, this Code or under state statute which may be available to enforce this chapter or to abate a public nuisance.