

Gautho, Julia

From: Dave Montgomery <dmontgomery@baymoon.com>
Sent: Friday, July 19, 2024 4:11 PM
To: City Council
Cc: Dave Montgomery
Subject: [PDF] City Council meeting 7/25: Agenda item 9C - Dogs at City Parks and Capitola Beach
Attachments: Cupertino Dog Off Leash Area Administrative Policy.pdf
Follow Up Flag: Follow up
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Dear City Council,

I would like the City Council to consider a 60 day pilot program to allow dogs to be off leash in Monterey park for “One Hour Before Sunset”. In short,

- One hour before sunset, dogs will be allowed off leash in Monterey Park
- Dog owners are required to take full responsibility for their dogs (i.e. cleaning up after them, ensuring they’re well behaved, etc.)

There is ample precedent for “Dogs Off Leash Area” both locally (Ocean Street Park in Santa Cruz) and in Santa Clara County (Jollyman Park in Cupertino). Attached at the end of this email are examples of the signage used (Santa Cruz) and the regulations (Cupertino).

Over the last 3-4 years, a strong neighborhood/community group has developed - literally brought together due to our love of dogs. We have become a large group of friends - bringing meals to those recovering from surgery/illness and assisting as needed with some of life’s more taxing activities.

Some of you may recall that, starting around in July 2022, I pursued this idea with the City Council, culminating in a proposal to the Council in March 2023. The idea was well received but (as sometimes happens) evolved into a much larger undertaking - resulting in a proposal for a large, fenced off area in the park created by Jessica Kahn’s Public Works team. This proposal would have been in conflict with the plans for the expansion of the playing fields for New Brighton Middle School (as presented in detail to the City Council earlier this year).

Please give this your serious consideration. Thank you.

Best Regards,

Dave Montgomery
1128 Sills Court #1
Capitola, CA 95010

Attachments:

Cupertino Policy

Ocean View Park Signage



Dog Off Leash Area (DOLA) Administrative Policy

Purpose

The purpose of this policy is to outline DOLA rules and regulate the use of the ongoing DOLA program at Jollyman Park.

Hours

- Seven days a week
- One hour before sunset to one hour after sunset

Incidents and Injuries

- If there is an emergency, please immediately call 9-1-1
- Violation of posted rules and regulations can be reported to
 - City's 311 app
 - Code Enforcement (408) 777-3128 or
 - Non-emergency Sheriff (408) 299-2311
- Report dog bites/incidents immediately to
 - San Jose Animal Care and Services (408) 794-7297

DOLA Rules

Dog owners are required to follow the City's rules for off-leash use during designated hours, including:

- Dogs must have current licenses and vaccinations [C.M.C. 8.03.050]
 - Licenses must be on the dog's collar
 - Collar must be on the dog
- All dogs must be on leash at all times except when in the designated DOLA during permitted times [C.M.C. 13.04.130]
- Respect other park users
 - Stop bothersome behavior immediately
 - Owners are responsible for proper disposal of trash [C.M.C. 13.04.140]
- Owners must be in control of their dogs at all times
 - Dogs with known history of dangerous behavior are not allowed
 - Leaving dogs unsupervised is prohibited
- Cleaning up after your dog is mandatory
- Consumption of food and the use of glass containers not allowed during DOLA hours
- Dogs in heat are not allowed
- No puppies less than four months of age allowed
- Owners must provide their own drinking bowls
- Owners must stop their dogs from digging and fill any holes caused by their dogs

Owners are legally responsible and liable for the action of their dogs and injuries, or damage caused by their dogs. The City of Cupertino assumes no liability for the users of the DOLA.

Field Closures

- Fields may be closed to avoid turf damage due to inclement weather or field saturation. Fields may be closed for field maintenance. Call the field hotline at 408-777-3566 or check @cupertinofields on Twitter to determine whether the fields are open or closed.

Violations - Cupertino Municipal Code [C.M.C. 1.12.010]

- A. It is unlawful for any person to perform any act that is prohibited, made, or declared to be unlawful or an offense by the code, or to violate any provision or fail to comply with any of the requirements of this code. A violation of any provision or failing to comply with any of the mandatory requirements of the code shall constitute a misdemeanor, except where the violation is specifically declared to be an infraction.
- B. Notwithstanding the above, any violation constituting a misdemeanor may, in the discretion of the City Attorney, be charged and prosecuted as an infraction.
- C. When a violation of a provision of this code which otherwise constitutes an infraction continues to occur and the violator has been charged with a violation of the same provision as an infraction on at least four separate occasions and within one year has forfeited bail on each such occasion, in that event, the City Attorney, in his or her discretion, may charge a violation of any such provision as a misdemeanor.
- D. Unless otherwise specified by this code, an infraction is punishable by:
 - a. A fine not to exceed \$100 for the first violation of a code provision.
 - b. A fine not to exceed \$200 for a second violation of the same code provision within one year; and
 - c. A fine not to exceed \$500 for each subsequent violation of the same code provision within one year.
- E. Unless otherwise specified by this code, a misdemeanor is punishable by a fine not to exceed \$1,000, imprisonment for a term not exceeding six months, or by both such fine and imprisonment.
- F. Notwithstanding the foregoing and unless otherwise specified by this code, a code violation of § [8.01.030](#), Animals Running at Large, § [8.01.030](#), Public Nuisance, § [8.03.010](#), Restraint of Dogs, § [13.04.130D](#), Behavior of Persons in Parks, and § [13.04.130P](#), Feeding Waterfowl Prohibited, shall be subject to a maximum fine as follows:
 - a. Fifty dollars for the first violation of a code provision.
 - b. One hundred dollars for the second violation of the same code provision within one year; and
 - c. Two hundred dollars for each subsequent violation of the same code provision within one year.

(Ord. 20-2203, § 5, 2020; Ord. 12-2101, § 1 (part), 2013; Ord. 09-2043, 2009; Ord. 1886, (part), 2001; Ord. 1697, (part), 1995; Ord. 1497, § 1, 1989; Ord. 1179, § 1, passed 1982; Ord. 854, (part), 1978; Ord. 829, (part), 1977; Ord. 692, § 1, 1975; Ord. 500, § 1, 1971)

Violations that necessitate calls to the Santa Clara County Sheriff or San Jose Animal Care and Services will be held to their laws and appropriate rules or policies.

Noticing of Changes to Policy

Changes made to the DOLA Administrative Policy will be noticed via the city website at least two weeks prior to implementation.