

**ORDINANCE NO. 2022-\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING LOS ALTOS MUNICIPAL CODE SECTION 5.08 AUTHORIZING OFF-LEASH FENCED-IN DOG PARKS IN CERTAIN DESIGNATED LOCATIONS WITHIN LOS ALTOS AND MAKING FINDINGS PURSUANT TO CEQA**

**WHEREAS**, the California Constitution, Article XI, Section 7, confers on the City the power to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, in accordance with Los Altos Municipal Code Section 5.08.010, dogs are prohibited off-leash in Los Altos parks; and

**WHEREAS**, residents have expressed an interest in having a public place within the Los Altos community where dogs may be allowed off-leash; and

**WHEREAS**, the City Council suspended Los Altos Municipal Code Section 5.08.010 as recommended by staff to facilitate a pilot off-leash program at Hillview Park; and

**WHEREAS**, the City Council determined that the temporary pilot program provided valuable evidence regarding off-leash fenced-in dog parks; and

**WHEREAS**, because of success of the pilot program the City Council considered amending Los Altos Municipal Code Section 5.08.010 to establish off-leash fenced-in dog parks in certain designated locations within the City; and

**WHEREAS**, the City Council also considered increasing the fiscal year budget by \$100,000 to be allocated from the Park in Lieu funds for use toward implementation of the off-leash fenced-in dog parks in certain designated locations within the City; and

**WHEREAS**, the City Council finds that the Park in Lieu fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities such as the development of off-leash fenced-in dog parks in certain designated locations within the City because: (1) the neighborhood in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the City; (2) it reasonably foreseeable that City residents will use the proposed park and recreational facilities where the fees are being used; (3) the use of the fees is consistent with the City's adopted general plan and park master plan; and (4) the fees are used in compliance Los Altos Municipal Code Section 13.24.010.

**WHEREAS**, the proposed ordinance amending Los Altos Municipal Code Section 5.08.010 establishing off-leash fenced-in dog parks in certain designated locations within the City is not anticipated to have any significant adverse effect upon the health, safety, welfare, or physical environment of the Los Altos community; and

**NOW THEREFORE**, the City Council of the City of Los Altos does ordain as follows:

**SECTION 1.** The City Council finds that the recitals set forth above are true and correct.

**SECTION 2.** Los Altos Municipal Code Section 5.08.010 A, is hereby amended to read as follows:

“A.1. Except as provided below in A.2., no person owning or having the control of any animal shall permit such animal to stray or run at large upon any public street or other public place or upon any private place or property or common area of any planned unit development, cluster, townhouse, or condominium project without the consent of the owner or person in control thereof.

2. Off-leash fenced-in dog parks in certain designated locations within the City may be established after all of the following findings have been made:

- (a) after a duly noticed public meeting the City Council has established the designated park location; and
- (b) the designated off-leash fenced-in parks shall be posted with sufficient signage to provide notice to the public of the areas where the dogs may be off-leash; and
- (c) the designated off-leash fenced-in dog parks shall be subject to the rules and regulations set forth in Section 3 of this ordinance.”

**SECTION 3. OFF-LEASH FENCED IN DOG PARK RULES AND REGULATIONS:** The off-leash fenced-in dog parks in certain designated locations within the City as authorized in the Los Altos Municipal Code Section 5.08.010 A.2, shall be subject to compliance with the following rules and regulations:

- A. Dogs shall be allowed without physical restraint only in off-leash fenced-in dog parks only in certain designated locations within the City. Said off-leash fenced-in areas and hours will be defined by signage approved by the City Manager or his or her designee.
- B. No pet or domesticated animal shall be allowed in certain off-leash fenced-in established by this ordinance except for dogs that are: (1) subject to the reasonable control of their owners or handlers; (2) properly licensed pursuant to applicable law; and (3) not “vicious” as defined by Los Altos Municipal Code Section 5.04.005.
- C. Owners and handlers shall clean up after their own dogs and shall keep their dogs under reasonable control as necessary to ensure the safety of people and pets and to prevent destruction of property.
- D. Owners and handlers shall comply with every regulation for use of the park established by the City Manager as set forth in Section 4.
- E. In the use of the park as authorized by this ordinance, owners and handlers shall obey every lawful instruction of any peace officer or of the City Manager or designee.

Any violation of the foregoing rules shall constitute an unlawful violation of Los Altos Municipal Code Section 5.08.010.

**SECTION 4. CITY MANAGER AUTHORITY:** The City Manager may establish additional rules and regulations for use of the off-leash fenced-in dog parks in certain designated locations within the City. Such rules shall become effective immediately upon being posted at the park and made available for review by members of the public at the official website of the City’s Recreation and Community Services Department.

**SECTION 5. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 6. CEQA.** The City Council finds the adoption of this ordinance (Project) to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15305 (Minor Alterations to Land Use Restrictions), because the off-leash fenced-in dog parks in certain designated location within the City authorized by this ordinance are not anticipated to have any significant adverse impact upon the existing environment, will involve the use of an existing recreational facility, and will not significantly alter existing facilities or existing land use restrictions. The City Council also finds that none of the exceptions set forth in CEQA Guidelines Section 15300.2 to the availability of the foregoing categorical exemptions applies to the Project authorized by this ordinance. The City Manager or designee is hereby directed to prepare and file a notice of exemption in connection with this ordinance, pursuant to CEQA Guidelines Section 15062.

**SECTION 7. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on \_\_\_\_\_, 2022 and was thereafter, at a regular meeting held on \_\_\_\_\_, 2022 passed and adopted by the following vote:

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

\_\_\_\_\_  
Anita Enander, MAYOR

Attest:

\_\_\_\_\_  
Andrea Chelemengos, CMC, CITY CLERK