

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Hugh R. Riley, Assistant City Manager

PREPARED BY: Stephanie Shaw, Recreation Superintendent

DATE: March 21, 2012 (CC Meeting of April 4, 2012)

SUBJECT: Consider Ordinance Amending Section 12.16.040, Animal Control, of Chapter 12.16, Parks and Open Space, of the Moorpark Municipal Code, to Provide Authority to Ban Animals from City-Sponsored Events when there is a Health and Safety Risk.

DISCUSSION

The City of Moorpark sponsors several community events in City parks each year. The largest of these events is the 3rd of July Fireworks Extravaganza. Due to the size of the crowd (10,000+ for the past several years) and nature of the activities of the event, the presence of dogs or other pets presents a potential health and safety risk. Accordingly, signs have been posted at the event entrances in prior years prohibiting dogs at the event.

Over the last few years, pet owners have become more persistent in attempting to bring their animals to the Fireworks Extravaganza. Law enforcement officials have expressed concerns that they are unable to adequately enforce the prohibition on animals at the event because there is no specific language in the Moorpark Municipal Code (MMC) regarding this issue.

To enable enforcement of a ban on animals at events at City parks when there is a potential health and safety risk, staff recommends adding language to 12.16.040, Animal Control, of Chapter 12.16, Parks and Open Space (see attached draft ordinance). This language would authorize the city manager or his/her designee to ban animals at City events in parks or open space, when it is determined that the presence of animals would create an undue health or safety risk. This ban would not apply to service animals for the disabled, animals contracted by the City (such as pony rides), or animals used by public officials in

the performance of their duties. The language also requires that signs be posted at any event for which animals have been banned. The City Attorney has reviewed and approved the attached draft ordinance.

FISCAL IMPACT

No fiscal impact.

STAFF RECOMMENDATION

Introduce Ordinance No. ____ for first reading, waive full reading, and schedule second reading and adoption for April 18, 2012.

Attachment: Draft Ordinance

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MOORPARK,
CALIFORNIA, AMENDING SECTION 12.16.040, ANIMAL
CONTROL, OF CHAPTER 12.16, PARKS AND OPEN SPACE,
OF TITLE 12, STREETS, SIDEWALKS AND PUBLIC PLACES
OF THE MOORPARK MUNICIPAL CODE

WHEREAS, Section 12.16.040, Animal Control, of Chapter 12.16, Parks and Open Space, of the Moorpark Municipal Code includes requirements for restraining animals on a chain or leash in parks and open space, and also includes requirements for cleaning up debris, litter or contaminants caused by such animals; and

WHEREAS, language is proposed to be added to Section 12.16.040 to authorize the city manager or designated representative to ban animals from being brought into the location of a city-sponsored event held in any city park or open space, when it has been determined the presence of animals would create a risk to the health or safety of the persons attending such events; and

WHEREAS, at the regular meeting of April 4, 2012, the City Council considered a proposed ordinance to amend Section 12.16.040 of the Moorpark Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. That Moorpark Municipal Code Section 12.16.040, Animal Control, of Chapter 12.16, Parks and Open Space, is hereby replaced in its entirety to read:

“12.16.040 Animal control.

A. No person owning or having charge, care, custody or control of any dog, livestock, or other animal shall cause, permit or allow the same to be loose or run at large upon any park or open space unless such animal is restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a competent person, and except as authorized by Section 12.16.200 of this chapter. Additionally, any person owning or having charge, care, custody, or control of any dog, livestock or other animal shall be responsible for debris, litter or contaminants caused by such animal and any neglect of such responsibility shall be construed as littering, as defined in Section 12.16.050 of this chapter.

B. For city-sponsored events held upon any city park or open space, the city manager or designated representative shall have the authority to ban any dog, livestock, or other animal from being brought into the event area when it is determined that the presence of animals would create an undue risk to the health or safety of persons attending the event. Whenever animals have been banned from a city event, no person owning

or having charge, care, custody or control of any animal may cause, permit, or allow the animal to be brought into the designated event area. This section does not apply to guide or service animals for the disabled, animals approved by the city as a contracted service for the event, or animals being used by a public officer in the performance of official duties. The prohibition set forth in this section to ban any dog, livestock, or other animal from city-sponsored event areas, as approved by the city manager or designated representative, shall not apply until signs have been placed in and about the event area, including at public entrances, where the activity is to be prohibited. The city manager or designated representative is authorized to place and maintain such signs consistent with the authority provided by Section 12.16.030 of this chapter."

SECTION 2. If any section, subsection, sentence, clause, phrase, part of portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

SECTION 3. This ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance, shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this ____ day of ____, 2012.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk