

.
***.ord
00/00/00



ORDINANCE NO. _____

ORDINANCE CHAPTER 9.49. – DOG PARKS

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.49 entitled "Dog Parks" of Title 9 of the El Dorado County Ordinance Code is in its entirety to read as follows:

Chapter 9.49 – Dog Parks

Sec. 9.49.010. Title.

This chapter shall be known as the County Dog Park Ordinance.

Sec. 9.49.020. Purpose.

- A. The purpose of this chapter is to promote the public peace and the health, safety, and welfare of residents of the County by establishing regulations for the use of dog parks owned or operated by the County. This chapter does not preclude other civil or criminal actions in regard to conduct proscribed herein.
- B. Use of dog park by any person responsible for a dog shall constitute implied consent of that person to all regulations and shall constitute a waiver of liability to the County and an agreement to protect, defend, indemnify, and hold harmless the County, its officials, and employees for any injury or damage caused by a dog within such dog park when the dog is not on a leash pursuant to California Government Code section 831.7.5.

Sec. 9.49.030. Regulations.

For purposes of this section, the term "Dog Off-Leash Area" refers to any dog park owned or operated by the County. All persons entering, using, or remaining in the dog park shall comply with the following rules and regulations:

- A. Dogs are not permitted to be in the Dog Off-Leash Area except from dawn to dusk.

- B. Dogs are not permitted to be in the Dog Off-Leash Area when it is closed as posted for maintenance.
- C. Dogs must be accompanied by persons responsible for the dog who are eighteen years old or older. A person responsible for the dog is legally responsible and liable for any injury caused by the dog.
- D. Children under the age of six years old are not permitted in the Dog Off-Leash Areas. Children six to seventeen years of age must be accompanied and supervised by an adult (eighteen years of age or older) while in the Dog Off-Leash Areas.
- E. Dogs under the age of four months are not permitted in the Dog Off-Leash Areas.
- F. Dogs that are sick or injured are not permitted in Dog Off-Leash Areas.
- G. All dogs using Dog Off-Leash Areas must be neutered or spayed.
- H. No more than three dogs are allowed per person responsible in attendance in the Dog Off-Leash Area.
- I. Dogs exhibiting aggressive or other behavior that jeopardizes human or animal safety are not permitted and are to be immediately removed.
- J. Any dog(s) which has been declared vicious or potentially dangerous, pursuant to Chapter 6.12.050 of the County Code is not permitted to enter or remain in the Dog Off-Leash Area.
- K. If a dog injures a person or another dog, the person responsible for the dog shall immediately provide their name and address and the dog owner's name and address, if different, as well as any insurance information requested by or on behalf of the injured person, or by any County employee and shall file a report with the County within five days.
- L. Large dogs (over 35 pounds) are permitted only in designated large dog areas, and small dogs (under 35 pounds) are permitted only in designated small dog areas.
- M. A person responsible for a dog shall remove dog feces and shall dispose of it in waste containers for that purpose. It is the responsibility of each person responsible for a dog(s) to supervise and clean up after their dog(s) to ensure a clean and orderly Dog Off-Leash Area.
- N. A person responsible for a dog must remain with their dog(s) in Dog Off-Leash Areas, must keep their dog(s) in sight at all times, and must keep their dog(s) under voice control at all times.
- O. A person responsible for a dog must stop their dog(s) from digging. Any holes created by their dog(s) must be filled.
- P. When not secured within the enclosure of a Dog Off-Leash Area, every dog shall at all times be restrained by a leash no more than six feet in length, held in the hand of a person capable of controlling and actually controlling the dog.
- Q. No person shall harass, tease, or incite any dog in any way in any Dog Off-Leash Area, including, but not limited to, verbal or physical gestures or throwing of objects.
- R. Dog Off-Leash Areas are non-smoking facilities. Smoking, including the use of electronic cigarette products, is prohibited in Dog Off-Leash Areas.
- S. No food (for people or dogs) is allowed in Dog Off-Leash Areas.
- T. No glass containers are allowed in Dog Off-Leash Areas.
- U. No toys (except toss toys, such as balls and frisbees) are allowed in Dog Off-Leash Areas.
- V. Spiked collars on dogs are not permitted in any Dog Off-Leash Areas.

W. Bicycles, rollerblades, roller skates, skateboards, strollers, and similar items are not permitted in any Dog Off-Leash Areas. Wheelchairs and other aids for the disabled are permitted.

X. Dog trainers may not use any Dog Off-Leash Area to conduct business.

Sec. 9.49.040. Enforcement.

A. Any violation of these rules and regulations will result in immediate expulsion from the park. Three violations within a consecutive 12-month period shall result in a suspension of use of the park for up to one year.

B. Violation of the provisions of this chapter shall, in the discretion of the enforcing authority, be deemed an infraction or a misdemeanor and, pursuant to Chapter 1.24, may be subject to punishment according to the general penalties described in Chapter 1.24.

C. In addition to authorized law enforcement agencies, County parks and recreation staff shall have authority to enforce this chapter, issue administrative citations for violations of the provisions of this chapter and confiscate personal property which are being used or operated in violation of the provisions of this chapter.

D. Any person who is adversely affected by an enforcement action or issuance of an administrative citation from County parks and recreation staff may appeal said action or citation within ten (10) business days of the enforcement action or citation date by filing a written appeal with the Chief Administrative Office. An appeal hearing will be scheduled within ten (10) business days of the filing of the written appeal. A written decision on the appeal will be issued within ten (10) business days of the hearing. The decision of the Chief Administrative Office shall be final.

Sec. 9.49.050. Notice.

A sign or signs shall be posted at all park facilities providing notice that the violation of the park's rules and regulations shall subject the violator to the penalties described in Section 9.49.040.

Sec. 9.49.060. Negligence per se.

Any person who fails or refuses to comply with the provisions of this chapter and who is injured while using the park shall be deemed negligent per se.

Section 2. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2024, by the following vote of said Board:

ATTEST

Ayes:

Kim Dawson

Clerk of the Board of Supervisors

By _____

Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

**APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL**

By: _____

Title: _____