

ORDINANCE # 2014- 05

AN ORDINANCE OF THE CITY OF AMERICAN CANYON AMENDING CHAPTER 6 TITLED "ANIMALS" ADDING SECTIONS 6.14.020 WHEN DOGS TO BE LEASHED AND SECTION 6.14.021 WHEN DOGS TO BE LEASHED- ENFORCEMENT

WHEREAS, the City's public areas are a public resource that persons should be able to enjoy without the risk of being approached or attacked by a dog; and

WHEREAS, the City Council hereby finds that unleashed dogs in public areas is a positive danger to health and safety, and that requiring dogs to be leashed in public areas is thus necessary to preserve public safety, health and welfare; and

WHEREAS, this ordinance is exempt from the environmental review pursuant to Sections 15301, 15304, and 15307 of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended ("CEQA"), because the adoption of When dogs to be leashed will not have a significant effect on the environment and therefore such action is exempt from CEQA review; and

WHEREAS, a public hearing was held by the City Council of the City of American Canyon on August 19, 2014 after due notice was given as required by law, at which time oral and documentary evidence was introduced along with a recommendation by the Police Department of the City of American Canyon and the Animal Services Division of the Napa County Sheriff's Office; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE PEOPLE OF THE CITY OF AMERICAN CANYON DO ORDAIN AS FOLLOWS:

SECTION 1: Chapter 6 of the American Canyon Municipal Code titled "Animals" is hereby amended by adding new Section 6.14.020 to read as follows:

Chapter 6 ANIMALS

6.04.020 When dogs to be leashed.

- A. Any person owning or possessing a dog must keep the dog on a leash not exceeding six feet in length. The leash must be of sufficient strength to hold the dog, and the leash must be held by a person physically able to control the dog.
- B. Exceptions. A dog may be unleashed under any of the following circumstances:
 - 1. When the dog is on enclosed property with the consent of the owner, lessee, or other person with legal control of the property; or
 - 2. When the dog is assisting a peace officer who is engaged in law enforcement duties; or
 - 3. When the dog is a service animal, guide dog or Seeing-Eye dog used by a visually or mobility-impaired individual; or
 - 4. When the dog is assisting a duly authorized person in an official search and rescue operation; or

- 5. When the dog is participating in law enforcement training or demonstration as authorized by the Chief of Police; or
- 6. When the dog is in a designated off-leash area as designated by the City Council pursuant to resolution; or when the dog and the dog owner are in compliance with a park use permit issued by the Community Resources Director for training, exhibition, or competition, and the permit is displayed, on request of any city employee, establishing the dog's compliance with the permit.

SECTION 2: Chapter 6 of the American canyon Municipal Code titled "Animals" is hereby amended by adding new Section 6.14.021 to read as follows:

6.04.021 When dogs to be leashed - Enforcement

Pursuant to American Canyon Municipal Code Section 1.24.010 violation of when dogs to be leashed constitutes an infraction unless such violation is specifically designated. (Ord. 2013-08 § 2, 2013)

SECTION 3: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4: CEQA Review. This Ordinance is exempt from CEQA under Sections 15301, 15304 and 15307 of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended, because adoption of this Ordinance will not have a significant effect on the environment and therefore such action is exempt from CEQA review.

SECTION 5: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen days of its adoption cause a summary of it to be published in a newspaper and circulated in the City and thereupon and thereafter this Ordinance shall take effect and be in force according to law.

PASSED, APPROVED AND ADPOTED at a regular meeting of the City Council on the 21st of October 2014 by the following vote:

MAYOR GARCIA:	<u>Yes</u>
VICE MAYOR RAMOS:	<u>Yes</u>
COUNCIL MEMBET BENNETT:	<u>Yes</u>
COUNCIL MEMBET JOSEPH:	<u>Yes</u>
COUNCIL MEMBER LEARY:	<u>Yes</u>

Leon Garcia
Leon Garcia, Mayor
City of American Canyon

ATTEST:
Rebekah Barr
Rebekah Barr, MMC, City Clerk

APPROVED AS TO FORM:
William D. Ross
William D. Ross, City Attorney