

ORDINANCE NO. C-7951

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 6.16.090, 6.16.210 AND 6.16.310 PROVIDING FOR THE EXERCISE OF DOGS UPON A DESIGNATED PORTION OF THE BEACH OF THE CITY OF LONG BEACH AND PROVIDING FOR THE ENFORCEMENT THEREOF

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 6.16.090 of the Long Beach Municipal Code is amended to read as follows:

6.16.090 Dogs prohibited on beaches or schoolgrounds.

A. Except as provided in section 6.16.310 of this code, no person owning, having a proprietary interest in, harboring or having the care, charge, control, custody or possession of a dog shall permit such dog to be upon any of the beaches or public schoolgrounds.

B. Notwithstanding the provisions of subsection 6.16.090.A of this section or of section 16.16.010 of this code, dogs, and no other animals, may be permitted on the beach bikepath and on the beach immediately adjacent to said bikepath and in no other locations of the beach and only during special events where such dogs are present pursuant to authorization contained in a special event permit issued by the city pursuant to chapter 5.60 of this code which permit contains terms and conditions governing indemnification, supervision, cleanup and control relating to the presence of dogs at such special events.

Sec. 2. Section 6.16.210 of the Long Beach Municipal Code is amended to read as follows:

1 6.16.210 Enforcement.

2 A. The director of animal control, the senior animal control officer and all
3 animal control officers employed by the department of health and human
4 services, animal control bureau, shall have the duty to enforce the sections
5 included in this chapter and are authorized, pursuant to the California Penal
6 Code, section 836.5, to arrest persons and to prepare, issue and deliver to any
7 such arrested person written notice to appear in court for any violation or
8 violations of any section or sections in this chapter. And, license inspectors shall
9 have the duty to enforce section 6.08.010 and are authorized, pursuant to
10 California Penal Code, section 836.5, to issue citations for any violation of
11 section 6.08.010. Additionally, those employees of the city holding the classified
12 positions of park district supervisor and park crew supervisor employed by the
13 department of parks and recreation and those employees holding the classified
14 position of security officer employed in the department of parks and recreation
15 shall have the duty to enforce sections 6.16.100 and 6.16.200 and are
16 authorized, pursuant to California Penal Code, section 836.5, to arrest persons
17 and to prepare, issue and deliver to any such arrested person written notice to
18 appear in court and to release such person from custody upon receiving from
19 such person their written promise to appear in court for any violation or violations
20 of section 6.16.100 or section 6.16.200.

21 B. Notwithstanding the provisions of subsection 6.16.210.A of this
22 section, those employees holding the position of Fire Captain, Marina Agent,
23 Marine Safety Officer, Marine Safety Sergeant, Marine Safety Captain and
24 Security Officer, shall have the duty to enforce sections 6.16.090, 6.16.100,
25 6.16.110, 6.16.200 and 6.16.310, and are authorized, pursuant to California
26 Penal Code, section 836.5, to arrest persons and to prepare, issue and deliver to
27 any such person arrested written notice to appear in court and to release such
28 person from custody upon receiving from such person their written promise to

1 appear in court for any violation or violations of sections 6.16.090, 6.16.100,
2 6.16.110, 6.16.200 and 6.16.310.

3 C. Nothing in this section is intended to operate either in addition to or in
4 contravention of title 3, chapter 4.5, of the Penal Code which expressly
5 designates those persons who are classified as peace officers.

6 D. Further, nothing in this section is intended to or shall operate to
7 change or shall have the effect of changing the status of the officers and
8 employees authorized to act pursuant to this section from public or
9 miscellaneous officers and employees to individual peace officers or safety
10 members or classes of peace officers or safety members for purposes of
11 retirement, worker's compensation or similar injury or death benefits or any other
12 employee benefit or benefits to which said officer or employee would not have
13 been entitled as a public or miscellaneous officer or employee prior to the
14 adoption of this section.

15 Sec. 3. Section 6.16.310 of the Long Beach Municipal Code is amended
16 to read as follows:

17 6.16.310 Dog Exercise Area on the Beach.

18 Notwithstanding any other Ordinance or Rules of the City of Long Beach,
19 dogs may be permitted, during the below mentioned times of day, on that part of
20 the beach of the City of Long Beach bounded between the halfway point
21 between Argonne and St. Joseph Avenues (the eastern boundary) and the
22 halfway point between Roycroft and Quincy Avenues (the eastern boundary)
23 from the waterline to the designated boundary markers located approximately 60
24 yards from the water line (the northern boundary) to be designated by
25 appropriate posting by the Department of Parks, Recreation and Marine. Dogs
26 are permitted on this designated part of the beach for the purpose of exercise.
27 The hours that dogs may be so on the beach shall be set at the discretion of the
28 Director of the Department of Parks, Recreation and Marine. Permission for

1 dogs to be on this designated area of the beaches of the City of Long Beach
2 may be revoked at any time by the Director of the Department of Parks,
3 Recreation and Marine by appropriate posting at the designated area mentioned
4 above.

5 With regard to said use of this designated part of the beach of the City of
6 Long Beach:

7 A. The dog exercise area must be accessed from adjacent parking lot in
8 90-degree angle to the marked boundaries of the dog exercise area.

9 B. Each dog must be under the control of an adult, and only one dog per
10 adult is permitted. The dog must be under visual and voice control by
11 owner/guardian at all times. Dogs that do not respond to voice commands are
12 not permitted.

13 C. All dogs must wear a collar with current tags.

14 D. All dogs must have current vaccinations and licenses.

15 E. As a condition of admission to such dog exercise area, the
16 owner/guardian of such dog shall use a suitable container or instrument to
17 remove dog feces and shall dispose of it in waste containers provided for that
18 purposes.

19 F. Aggressive dogs are not permitted. Owners are legally responsible for
20 any injury caused by their dogs.

21 G. Dogs shall not be left unattended.

22 H. Dogs under four (4) months olds are not permitted.

23 I. Female dogs in heat are not permitted.

24 J. Professional dog trainers may not use the dog exercise area to
25 conduct classes or individual instruction.

26 K. Children shall be accompanied by an adult and shall not run, shout,
27 scream, waive their arms, or otherwise excite or antagonize dogs.

28 L. Bicycles, roller blades, roller skates, skateboards, strollers, and the

1 like, are not permitted. Wheelchairs and other aids for the disabled are
2 permitted.

3 M. Spiked collars on dogs are not permitted.

4 N. The owner/guardian of a dog must have in his/her possession a leash
5 for the dog which shall be worn by the dog at all times that the dog is
6 ingressing/egressing the dog exercise area.

7 O. Dog owners/guardians shall provide drinking water for their dogs.

8 P. No food of any kind is permitted in the dog exercise area during the
9 designated hours.

10 Q. Dog owners/guardians shall otherwise comply with all rules governing
11 the beaches and relevant parking regulations.

12 R. No one shall play any team sport including but not limited to football,
13 baseball, soccer, rugby and volleyball during the designated dog exercise hours.
14 The use of a frisbee or a small, retrievable ball is permitted.

15 S. Use of the dog exercise area by the dog shall constitute implied
16 consent of the dog's owner to all regulations and shall constitute a waiver of
17 liability to the City of Long Beach and an agreement to protect, defend,
18 indemnify, and hold harmless the City of Long Beach, its officials and employees
19 for any injury or damage caused by a dog when the dog is not on a leash.

20 T. The Director of Parks, Recreation and Marine shall have the discretion
21 to terminate the pilot program prior to its scheduled conclusion.

22 Sec. 4. The City Clerk shall certify to the passage of this ordinance by the
23 City Council and cause it to be posted in three conspicuous places in the City of Long
24 Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

25 I hereby certify that the foregoing ordinance was adopted by the City

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1 Council of the City of Long Beach at its meeting of October 5, 2004, by
2 the following vote:

3 Ayes: Councilmembers: Baker, O'Donnell, Kell,
4 Reyes Uranga, Gabelich, Lerch.

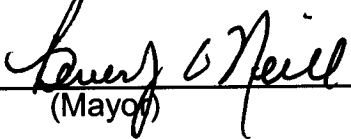
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6 _____

7 Noes: Councilmembers: None.

8 _____
9 Absent: Councilmembers: Lowenthal, Colonna, Richardson.

10 _____
11 _____
12  _____
13 City Clerk

14 Approved: 10-13-04
15 (Dated)

16  _____
17 (Mayor)

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09/14/04
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