ORDINANCE NO. 22-007

AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING CHAPTER 14.08.030 OF THE PACIFIC GROVE MUNICIPAL CODE REGARDING DOGS PROHIBITED IN PUBLIC PARKS - EXCEPTIONS

WHEREAS, this Ordinance amends PGMC Section 14.08.030, entitled “Dogs prohibited in public parks – Exceptions” and;

WHEREAS, subsection (a) states it is unlawful for any person to lead or conduct any dog, whether or not on a leash, within any public park or cemetery in the city and;

WHEREAS, an annual pet parade has been held in Pacific Grove possibly since 1952 and;

WHEREAS, the staging area for the pet parade has been Caledonia Park and includes many dogs;

WHEREAS, the municipal code prohibits dogs in Caledonia Park and thus the parade has been in violation of the municipal code and;

WHEREAS, this event has been authorized the City Council as a Special Event and enjoyed by many in the community who freely participate and;

WHEREAS, there have been no reported instances of significant inconvenience, injury or death as a result of the pet parade and;

WHEREAS, exceptions to the general prohibition of dogs are permitted on leash at any time in areas, subject to all other applicable provisions of the code;

WHEREAS, at the February 16th 2022 Council meeting, Council voted to direct staff to return to Council with an ordinance to allow municipal code exceptions for designated events to allow pets in the parks;

WHEREAS, in the enactment of this Ordinance, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.;

WHEREAS, amendment of PGMC Section 14.08.030 pertaining to Dogs prohibited in public parks - Exceptions will not result in a significant impact to the environment and is, therefore, categorically exempt from review under the California Environmental Quality Act (CEQA) per Section 15378 of the CEQA Guidelines.

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

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Pacific Grove Municipal Code Chapter 14.08.030 shall be amended by deletion of all text shown in strikeout text (strikeout text) and the addition of all text shown

1
in bold, italic, underscored text (bold, italic, underscored text), as follows:

14.08.030 Dogs prohibited in public parks - Exceptions

(a) Subject to the exceptions set out in subsections (b) and (c) of this section, it is unlawful for any person to lead or conduct any dog, whether or not on a leash, within any public park or cemetery in the city.

(b) On-Leash Exceptions. As exceptions to the general prohibition of subsection (a) of this section, dogs are permitted on leash at any time in the following areas, subject to all other applicable provisions of this code:

1. In that portion of George Washington Park lying northerly of the Little League baseball field;

2. On any improved or natural trail or path in our coastal zone, including the recreational walking and biking trails running along the city’s waterfront and shoreline;

3. In Lynn “Rip” Van Winkle open space;

4. In Lovers Point Park, excluding the beach and grass areas;

5. In Berwick Park; and

6. Along the Southern-Pacific Railroad right-of-way from Lighthouse Avenue to Sunset Drive.

7. In Caledonia Park during specific times and dates allowed pursuant to a Special Event authorization by the City Council.

SECTION 3. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 4. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS 1st day of June, 2022, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, Poduri, Smith, and Tomlinson.
NOES: None.
ABSENT: None.

APPROVED:

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BILL PEAKE, Mayor

ATTEST DATED: 6/3/2022

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SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

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DAVID C. LAREDO, City Attorney