

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 4 OF THE OCEANSIDE CITY CODE BY THE ADDITION OF SECTION 4.16 PROHIBITING DOGS ON THE STRAND BETWEEN BREAKWATER WAY AND WISCONSIN STREET DURING THE TIME THE COASTAL SAFETY ENHANCEMENT ZONE IS IN EFFECT

WHEREAS, the Oceanside City Council has found that the Fourth of July is a time when well over 150,000 people crowd onto The Strand, the beach, the municipal pier, the surrounding streets, alleyways and adjacent public areas, as more fully set forth in Ordinance 08-OR0332-1;

WHEREAS, this influx of this amount of people contributes to significant pedestrian congestion and crowding on the various public areas near the beach, much of which is concentrated on The Strand;

WHEREAS, pursuant to various Oceanside City Code sections dogs are currently prohibited from certain areas within the Coastal Safety Enhancement Zone, specifically the public beach and the municipal pier, during both the Fourth of July and at all other times;

WHEREAS, the presence of dogs within the limited space of The Strand and in close proximity to large crowds of people presents a significant risk of injury from dog bites due to the diminished space between people and dogs;

WHEREAS, the risks of dog aggression, dogs attacking other dogs and dogs fighting one another is significantly increased due to these crowded conditions, which further endangers the safety of pedestrians on The Strand;

WHEREAS, the presence of dogs in these crowded conditions therefore creates a public health hazard for persons utilizing The Strand during the Fourth of July; and

WHEREAS, prohibiting dogs on The Strand from 12:01 a.m. on July 4th to 3:00 a.m. on July 5th, which is when the Coastal Safety Enhancement Zone is in effect, is necessary to protect the health, safety, and welfare of the citizens of Oceanside during the Fourth of July.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

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1 SECTION 1. Chapter 4, section 4.16 of the Oceanside City Code is added to read as
2 follows:

3 Sec. 4.16. Dogs on The Strand during the Fourth of July.

4 It shall be unlawful for the owner or custodian of any dog, whether licensed or
5 unlicensed, to suffer, permit or allow such dog to be on any portion of The Strand between
6 Breakwater Way and Wisconsin Street during the time the Coastal Safety Enhancement Zone is
7 in effect pursuant to section 1.15.B, whether or not the dog is led or restrained by any leash,
8 chain, strap, or cord. Signs giving notice of this prohibition may be erected in accordance with
9 section 1.15.B. The prohibitions of this section shall not apply to guide, signal or service dogs
10 for persons with disabilities pursuant to Civil Code sections 54.1 and 54.2, or dogs under the
11 control of a peace officer acting within the course and scope of his or her prescribed duties.

12 SECTION 2. Severability.

13 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
14 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
15 shall not affect the validity of the remaining portions of this Ordinance. The City Council
16 hereby declares that it would have passed this ordinance and adopted this Ordinance and each
17 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections,
18 subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

19 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this
20 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
21 days after its passage in the North County Times, a newspaper of general circulation published
22 in the City of Oceanside.

23 SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30th) day
24 from and after its final passage.

25 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
26 California, held on the ___ day of _____, 2009, and, thereafter,

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1 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
2 Oceanside California, held on the ____ day of _____, 2009, by the following vote:

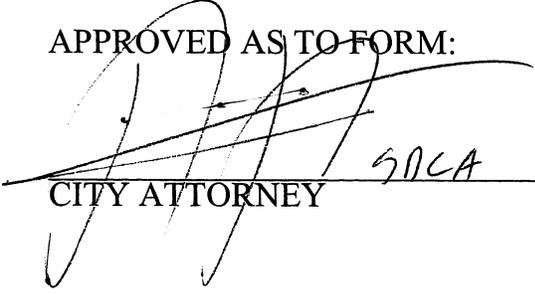
- 3
- 4 AYES:
- 5 NAYS:
- 6 ABSENT:
- 7 ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

10 ATTEST:

APPROVED AS TO FORM:

12 _____
CITY CLERK


CITY ATTORNEY *SNCA*

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