

ORDINANCE No. 1005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AUTHORIZING AN OFF-LEASH DOG AREA AT THE DEL MAR SHORES PARK

WHEREAS, on August 6, 2007, the City Council of the City of Del Mar ("City Council") adopted Resolution 2007-35 authorizing the purchase of the Del Mar Shores Property ("Shores Property"); committing to continue the current uses on the Shores Property including The Winston School; and setting forth the master planning process as the means for determining future uses for the Shores Property; and

WHEREAS, on May 15, 2008, the City completed the purchase of the Shores Property from the Del Mar Union School District; and

WHEREAS, the City entered into a 55-year lease with The Winston School commencing on July 1, 2008, and amended on September 27, 2023, for a portion of the Shores Property. The Lease provides for Winston's exclusive use of the athletic field and sport court area during school hours; and

WHEREAS, on December 5, 2011, the City Council directed staff to return to the City Council with a proposal for a six-month trial of a Shared Use Program to accommodate the range of users of the park including The Winston School, off-leash dogs, Little League or other organized sports, and the use of the park by residents and children for other recreational activities and establish terms and conditions for use; and

WHEREAS, on January 23, 2012, the City Council of the City of Del Mar enacted Ordinance 865 allowing off-leash dog hours for a six-month trial period; and

WHEREAS, the trial period was deemed successful and the City Council enacted Ordinance 875 for a thirty-six month period expiring on January 3, 2016; and

WHEREAS, on November 16, 2015, the City Council enacted Ordinance 910 for an additional thirty-six month period expiring on December 16, 2018; and

WHEREAS, on December 7, 2020, the City Council enacted Ordinance 974 for an additional thirty-six month period expiring on January 6, 2024; and

WHEREAS, staff has observed that the off-leash area has been adequately maintained by the off-leash dog owners; that few complaints from the public have been received regarding off-leash dog use; and that the athletic field does not appear to have significant other uses by the public when not being used by The Winston School, dog owners or by organized sports; and

WHEREAS, Ordinance 974 expired on January 6, 2024, and a new ordinance must be enacted to be able to continue to regulate the use of the Del Mar Shores Park athletic field and allow for appropriate enforcement.

NOW, THEREFORE, the City Council of the City of Del Mar, California hereby ordains as follows:

SECTION ONE:

An off-leash dog area is hereby established within the fenced athletic field of the Del Mar Shores Park beginning on the effective date of this Ordinance. The conditions and terms of the off-leash dog area may be modified or terminated as may be needed by the City Council, such as following redevelopment of Shores Park.

SECTION TWO:

The City Council hereby establishes the following hours for the use of the fenced athletic field for the various activities as follows:

- Monday, Wednesday and Friday: Organized sports use including Little League or other organized sports licensed by the City from 3:30 p.m. to dusk.
- Monday through Sunday: Off-leash dog hours from 6:00 a.m. – 8:30 a.m.
- Tuesday, Thursday and Saturday: Off-leash dog hours from 3:30 p.m. to dusk.
- Sundays and all other daylight hours not included above when The Winston School is not in session: general park use including on-leash dogs without organized sports leagues.

SECTION THREE:

Regulations regarding dog use:

1. The dog is licensed and under direct and effective voice control sufficient to ensure that the dog is not involved in a violation of any other provision of this Ordinance; and
2. The dog is not biting or harassing a person or other animal; and
3. The dog is not interfering with another person's lawful use of public property; and
4. The dog is not urinating or defecating on public property unless the dog is curbed and any feces is immediately removed to a proper receptacle; and
5. An owner may not bring more than two dogs at one time to the off-leash area ; and
6. No dogs are permitted on the athletic field during the times reserved for The Winston School, Little League or other organized sports activities, whether on-leash or off-leash.

SECTION FOUR:

Conspicuous signage setting forth these regulations shall be posted at the off-leash dog area, including a phone number where violations can be reported.

SECTION FIVE:

Any person(s) violating any of the provisions of this Ordinance shall be subject to enforcement and penalties as prescribed in Chapter 1.08 of the Del Mar Municipal Code and the loss of off-leash dog privileges up to six months for the first infraction and a permanent loss of off-leash dog privileges for biting or a second infraction.

SECTION SIX:

This Ordinance was introduced by the City Council on January 8, 2024.

SECTION SEVEN:

Upon adoption, the Ordinance will take effect and be in force 30 days from the date of City Council adoption ("Effective Date").

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 22nd day of January, 2024.

David Druker, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No.1005, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 22nd day of January, 2024, by the following vote:

AYES:	Mayor Druker, Deputy Mayor Gaasterland, Councilmembers Martinez, Quirk, and Worden
NOES:	None
RECUSE:	None
ABSENT:	None
ABSTAIN:	None

Sarah Krietor, Administrative Services
Manager/City Clerk
City of Del Mar