

**ORDINANCE No. 1000**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA AMENDING TITLE 8.04 OF THE CORTE MADERA MUNICIPAL CODE BY (1) AMENDING SECTION 8.04.020 TO DEFINE LEASH LENGTH AS NOT EXCEEDING SIX FEET IN LENGTH, (2) ADDING SECTION 8.04.022 TO PROHIBIT ANIMALS IN THE WATERWAY ON THE EAST SIDE OF TOWN PARK, AND (3) AMENDING SECTION 8.04.030 TO DESIGNATE VIOLATIONS OF SECTIONS 8.04.020 AND 8.04.022 AS INFRACTIONS**

**WHEREAS**, the Town's municipal code sections referring to animals in Town parks were updated in 1981; and

**WHEREAS**, in 2018 the Parks and Recreation Commission began discussions regarding animals in the park, voting at its January 2019 meeting to recommend to Town Council that the Town Code be amended to allow dogs to be on leash in Town parks; and

**WHEREAS**, the Town Council adopted Ordinance No. 984 on April 2, 2019, amending Chapter 8.04 of the Town Municipal Code to (A) Allow Dogs On Leash In Public Park Areas Designated By Town Council By Resolution, (B) Clarify That Leashed Dogs In Public Places Must Be Under A Person's Constant Control, And (C) Make Other Nonsubstantive Changes); and

**WHEREAS**, on August 18, 2020, the Town Council discussed and recommended amendments to Ordinance No. 984 to better reflect the intention that the Town's leash requirements for dogs in public places, and in parks where dogs are permitted, are consistent with the requirements of the Marin County Municipal Code regarding leash length; and

**WHEREAS**, on September 15, 2020, the Town Council discussed the desire to keep dogs out of the waterway on the east side of Town Park.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA DOES ORDAIN AS FOLLOWS:**

**SECTION 1.**

Corte Madera Municipal Code Title 8, Chapter 8.04 is hereby amended to read as follows:

**8.04.010 Adoption of county code.**

Pursuant to Section 50022.9 of the California Government Code or its successor statute, the Marin County Animal Services Ordinance, as set forth in Title 8, Chapter 8.04 of the Marin County Municipal Code and as amended from time to time, is adopted by reference except as otherwise provided in this Chapter, and the same shall be in full force and effect within the town.

**8.04.020 Control of dogs—Leash requirement.**

It is unlawful for a person having ownership, custody or control of any dog to suffer or permit the same upon any street, sidewalk or other public place, unless such dog is both (1) fastened to and restrained by a chain or leash not exceeding six feet in length, except in areas designated as off leash dog parks and (2) under the constant control of such person.

**8.04.022 Prohibiting Animals in Drainage Canal Easement 'A'.**

It is unlawful for a person having ownership, custody or control of any animal to permit the animal to be in the waterway on the eastside of Town Park, also known as the Low Canal.

**8.04.025 Prohibiting Animals in Public Parks Except Dogs on Leash.**

It is unlawful for a person having ownership, custody or control of any animal to permit the animal to be in any public park; provided, however, that subject to section 8.04.020 dogs are permitted in those public park areas that may be designated by Town Council by resolution.

**8.04.026 - Service Animals.**

This Chapter shall not be applied to interfere with the ability of any service animal to perform its intended service functions for a person with disabilities within the meaning of the American with Disabilities Act.

**8.04.028 - Dog feces.**

No person having ownership, custody or control of any dog shall permit, either willfully or through failure to exercise due care to control, such dog to do any of the following:

- (1) Defecate or urinate on private properties in the neighborhood or community, other than of the owner or the person having custody or control of the animal;
- (2) Defecate on public property without immediately cleaning or removing the excrement to a proper receptacle.

**8.04.030 - Penalty for violation.**

Any person violating within the town any of the provisions of Sections 8.04.180, 8.04.181, 8.04.240, 8.04.245 and 8.04.246 of Title 8, Chapter 8.04 of the Marin County Municipal Code is guilty of a misdemeanor and upon conviction thereof shall be subject to punishment by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Any person violating within the town any other provisions of Title 8 of the Marin County Municipal Code that do not conflict with this Chapter, and/or Section 8.04.020, Section 8.04.022, Section 8.04.025 and/or Section 8.04.028 of the town's code is guilty of an infraction and upon conviction thereof shall be punished in accordance with California Government Code Section 36900(b), as it may be amended from time to time.

**8.04.040 - Goose management exception.**

Notwithstanding any other provisions set forth or incorporated by reference into this chapter, it shall not be a violation of this chapter for any person to allow or permit any dog to run at large or be unleashed in any public park during the course of providing goose management services for the benefit of the public in accordance with the terms of an agreement entered into with the town.

**SECTION 2: Severability.**

The Town Council hereby declares every section, paragraph, sentence, clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

**SECTION 3: Inclusion in the Corte Madera Municipal Code.**

It is the intention of the Corte Madera Town Council that the text in Section 1 be made a part of the Corte Madera Municipal Code and that the text may be renumbered or re-lettered and the word "Ordinance" may be changed to "Section", "Chapter", or such other appropriate word or phrase to accomplish this intention.

**SECTION 4: Effective date.**

This Ordinance shall go into effect thirty (30) days from its adoption.

**SECTION 5: Posting.**

The Town Clerk shall cause a summary of this ordinance to be published in the Marin Independent Journal within 5 days prior to passage and within 15 days after passage.

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This ordinance was introduced as amended on the 15<sup>th</sup> day of September, 2020, and adopted on the 6th day of October, 2020, by the following vote:

AYES:	Town Council Members:	Beckman, Casissa, Kunhardt, Lee, Ravasio
NOES:	Town Council Members:	- None -
ABSENT:	Town Council Members:	- None -
ABSTAIN:	Town Council Members:	- None -

APPROVE:

  
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ELI BECKMAN, MAYOR

ATTEST:

  
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REBECCA VAUGHN, TOWN CLERK

