

ORDINANCE NO. 3231

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING MUNICIPAL CODE SECTION 6.24.130 TO ALLOW DOGS IN OUTDOOR DINING AREAS AT THE DISCRETION OF THE FACILITY OPERATOR AND AMENDING MUNICIPAL CODE SECTION 6.24.180 TO REDUCE INFRACTION PENALTY FINES

WHEREAS, the Chula Vista City Council in March 2012 amended portions of Title 6, Animals, of the Municipal Code to update existing sections and to add new ones to enhance the save rate of dogs and cats at the City Animal Care Facility; and

WHEREAS, the City Council directed staff to explore revising an existing code section to allow pet dogs in outdoor dining areas, at the discretion of the facility operator; and

WHEREAS, staff researched California health and sanitation laws applicable to retail food facilities, such as restaurants, and guidelines for allowing pet dogs into outdoor dining areas published by the San Diego County Department of Environmental Health, which enforces applicable state laws at retail food facilities; and

WHEREAS, current County of San Diego Department of Environmental Health guidelines allow pet dogs in outdoor dining areas, at the discretion of the facility operator, when the outdoor dining area is accessible from the outdoors such that dogs do not enter any other part of the food facility; and

WHEREAS, numerous restaurants in the San Diego area allow pet dogs in outdoor dining areas accessible from outdoors. Allowing pet dogs onto outdoor dining areas in Chula Vista, at the discretion of the facility owner, would encourage those who want to dine outdoors with their dogs to do so locally; and

WHEREAS, service animals are permitted in any dining area, indoors or outdoors, in compliance with disability laws and are not subject to County guidelines for pet dogs in outdoor dining areas; and

WHEREAS, Section 6.24.130 of the Chula Vista Municipal Code must be amended to allow dogs on outdoor dining areas of restaurants, at the discretion of the facility operator; and

WHEREAS, Section 6.24.180 of the Chula Vista Municipal Code needs to be amended to reduce the infraction fine amounts to make the fine amounts consistent with the standard fine amounts contained in the Chula Vista Municipal Code.

NOW, THEREFORE, with the above recitations incorporated herein, the City Council of the City of Chula Vista does ordain as follows:

Section I. That Chula Vista Municipal Code Section 6.24.130 is amended to read as follows:

6.24.130 Entering food establishments prohibited – outdoor dining areas accessible from outdoors excepted.

It is unlawful for any person owning, having an interest in, harboring or having the care, charge, control, custody or possession of any dog to permit such dog to enter any restaurant, grocery store, milk depot, fruit or vegetable market, meat market, or any other place of business in the City where food or foodstuffs of any character used for human consumption is manufactured, sold, served or handled; provided however, that this shall not apply to service animals.

At the discretion of the food facility operator, pet dogs are permitted in outdoor seating and dining areas of restaurants, provided that the outdoor area is accessible from the outdoors and dogs do not enter any other part of the facility to access the outdoor area. Food facility operators are encouraged to follow guidelines published by the County of San Diego's Department of Environmental Health and to work cooperatively with County inspectors to ensure compliance with applicable California laws on food safety, health, and sanitation. Dog owners must comply with other sections of this code, including leashing their dog, picking up waste, and preventing their dog from biting or harassing another person. Service animals are allowed in any dining area, indoor or outdoor.

And that Chula Vista Municipal Code Section 6.24.180 is amended to read as follows:

6.24.180 Designated violations- Misdemeanors and infractions.

A. Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise made in this Code, is punishable by fine only as follows:

1. A fine not exceeding one hundred dollars for a first violation;
2. A fine not exceeding two hundred dollars for a second violation of the same ordinance within one year;
3. A fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

B. Each such person shall be charged with a separate offense for each and every day during any portion of which a violation of any provision of this Code is committed, continued or permitted by such person, and shall, upon conviction, be punished accordingly.

C. In addition to the penalties provided in this Section, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance, and may be summarily abated as such by this City; and each day that such condition continues shall be regarded as a new and separate offense.

D. A violation of this code may be subject to an administrative citation.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date


This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

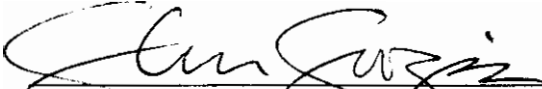
The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by



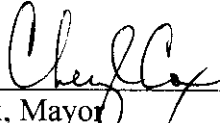
Mariya Anton
Animal Care Facility Manager



Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 17th day of July 2012, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, Castaneda, Ramirez and Cox
NAYS: Councilmembers: None
ABSENT: Councilmembers: None



Cheryl Cox, Mayor

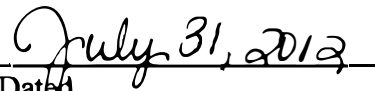
ATTEST:



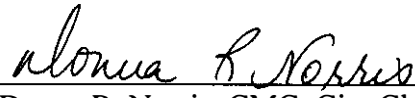
Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3231 had its first reading at a regular meeting held on the 19th day of June 2012 and its second reading and adoption at a regular meeting of said City Council held on the 17th day of July 2012; and was duly published in summary form in accordance with the requirements of state law and the City Charter.



Dated



Donna R. Norris, CMC, City Clerk