

**ORDINANCE NO. 478**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUSTINE  
AMENDING SECTION 8-2-84 OF THE CITY OF GUSTINE MUNICIPAL CODE  
REGARDING DOGS IN PARKS**

**WHEREAS**, the City of Gustine ("City") is empowered by California Constitution Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

**WHEREAS**, the City currently prohibits dogs in all City parks with very limited exceptions; and

**WHEREAS**, the City has experienced an influx of cattle egrets and similar birds that regularly nest in City parks; and

**WHEREAS**, the influx of nesting birds in City parks results in clear health and safety impacts, including, but not limited to, bird droppings affecting the use of park equipment and dead and diseased baby chicks; and

**WHEREAS**, the City has coordinated with federal and state wildlife management experts to determine legal and appropriate ways to discourage birds from nesting in City parks; and

**WHEREAS**, these experts have noted that birds are less likely to nest in areas frequented by dogs; and

**WHEREAS**, birds decide where to nest for the season in February-March; and

**WHEREAS**, the City Council wishes to allow dogs in specified City parks immediately to determine if this reduces the number of birds and associated impacts.

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

**SECTION 1. Recitals.** The recitals set forth above are true and correct and are incorporated as though fully set forth herein. These recitals constitute findings justifying the adoption of this Urgency Ordinance under Government Code section 36937.

**SECTION 2. Amendment.** Section 8-2-84 of the Gustine Municipal Code is hereby amended to read in full as follows:

"Sec. 8-2-84. - Animals prohibited; exception.

(a) Except as permitted by subsection (b), no person shall ride, drive, bring, possess, or permit any animal under his or her control within any park, except service

animals permitted by applicable federal or state law or animals used for demonstration or educational purposes when approved by the city manager.

(b) Dogs and cats are permitted in Schmidt Park provided that the animal is kept, at all times, on a leash of sufficient strength and durability that it cannot be broken by the animal so leashed, and no longer than six feet in length, and be under the full and complete physical control of its owner or custodian at all times."

**SECTION 3. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

**SECTION 4. CEQA.** Adoption of this Ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines (14 CCR 15061(b)(3)).

**SECTION 5. Publication.** The City Clerk shall certify to the adoption of this Ordinance and shall publish or post the Ordinance as required by law.

**SECTION 6. Effective Date.** This Ordinance shall take effect immediately as set forth in Government Code section 36937.

**PASSED AND ADOPTED** by the City Council of the City of Gustine this 6th day of February, 2018, by the following four-fifths vote:

**AYES:** Hasness, Turner, Oliveira, Nagy, Oliveira


**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

  
Mayor, Melvin "Mel" Oliveira

ATTEST:

  
Deputy City Clerk