

# The law about off-leash dogs in California State Parks

An analysis by Friends of Lighthouse Field – updated 12/16/07

State legislation controls whether dogs are permitted in State Parks and under what conditions. The applicable legislation is in the California Public Resources Code. The details of how the law is to be implemented are contained in regulations created by the State Department of Parks and Recreation. The regulations are not legislation, and they may not conflict with the legislation. There is a defined rule-making process allowing for public input on regulations. Approved regulations become part of the California Code of Regulations, and have the force of law.

**Public Resources Code Section 5008.1** allows the State Parks director to permit visitors to bring animals to State Park units. This section says animals "... shall be under the immediate control of the visitor ...." This section says nothing about how control is to be accomplished. There is no mention of the word "leash".

There is no dispute that uncontrolled animals are prohibited. For example, it would clearly violate the legislation for somebody to drop their dog at Lighthouse Field and go away for a few hours. State Parks has no power to permit such a thing without action by the legislature.

The full text of all State legislation can be searched at [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html).

**California Code of Regulations Title 14 Section 4312** provides the regulations relevant to off-leash recreation. Section 4312(b) simply repeats the legislative requirement that all animals must be under control, but does not say how that control is to be accomplished. State Parks has land units that it does not directly operate or manage on a daily basis. For units that State Parks *does* directly manage, Section 4312(e) goes beyond the requirements of the legislation to implement a more hard-line policy, requiring that dogs must be on a six foot leash in any unit under State Parks control. However, Section 4312(a) gives State Parks discretion to implement a more permissive policy, saying "No person shall permit a dog to run loose, or turn loose any animal in any portion of a unit, *except upon written authorization by the District Superintendent.*" (Emphasis added.)

Clearly the regulations contemplate that there is more than one way for park visitors to have animals under control, otherwise the regulations would simply define a one-size-fits-all policy with no variations. The regulations provide a very restrictive policy (six foot leash) which is the default policy for units managed by State Parks in the absence of any other action. However, the regulations also give State Parks discretionary power to selectively implement a different policy.

State Parks officials constantly claim that their hands are tied by Section 4312(e) while conveniently ignoring Section 4312(a) which is literally only a few lines above in the text. If Section 4312(a) was only intended to apply to units not managed by State Parks, it would say so. Since 4312(e) is more restrictive than the legislation requires, it is clearly appropriate for the regulations to give State Parks an option to implement more flexible policies in the public interest, and that is exactly what the regulations allow.

The full text of the California Code of Regulations can be searched at [www.calregs.com](http://www.calregs.com).

**Summary:** The legislation and the regulations give State Parks discretion about where to implement different leash policies. Lighthouse Field State Beach is the premier example of where a more flexible policy is in the public interest.

For reference, here are the relevant sections of applicable legislation and regulations, as obtained from official State of California web sites on 12/12/07.

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**California Public Resources Code  
Section 5008.1**

- (a) When it is determined by the director to be in the public interest, and subject to the fees, rules, and regulations of the department, visitors to units of the state park system may bring animals into those units.
  - (b) Any animal brought into a state park system unit pursuant to subdivision (a) shall be under the immediate control of the visitor or shall be confined, and under no circumstance shall the animal be permitted to do any of the following:
    - (1) Pose a threat to public safety and welfare.
    - (2) Create a public nuisance.
    - (3) Pose a threat to the natural or cultural resources of the unit or to the improvements at the unit.
  - (c) The department may require a person bringing an animal into a state park system unit pursuant to subdivision (a) to provide proof of appropriate immunizations and valid licenses.
  - (d) This section does not apply to dogs used to lawfully pursue game in season at units of the state park system where hunting is allowed.
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**California Code of Regulations**

Title 14. Natural Resources  
Division 3. Department of Parks and Recreation  
Chapter 1. General  
**Section 4312. Control of Animals.**

- (a) No person shall permit a dog to run loose, or turn loose any animal in any portion of a unit, except upon written authorization by the District Superintendent.
  - (b) No person shall keep an animal in any unit except under his/her immediate control.
  - (c) No person shall keep a noisy, vicious, or dangerous dog or animal or one which is disturbing to other persons, in any unit and remain therein after he/she has been asked by a peace officer to leave.
  - (d) No person shall permit a dog or a cat to remain outside a tent, camper, or enclosed vehicle during the night.
  - (e) No person shall bring a dog into, permit a dog to enter or remain, or possess a dog in units under control of Department of Parks and Recreation unless the dog is on leash of no more than six feet in length and under the immediate control of a person or confined in a vehicle.
  - (f) No person shall bring a dog into, permit a dog to enter or remain, or possess a dog:
    - 1) beyond the limits of campgrounds, picnic areas, parking areas, roads, structures or in posted portions of units except as provided elsewhere in this section.
    - 2) on any beach adjacent to any body of water in any unit except in portions of units designated for dogs.
  - (g) In state recreation areas open to hunting pursuant to Public Resources Code, Section 5003.1, dogs may be used to assist in hunting. Such dogs shall not be permitted to pursue or take any wildlife other than that being hunted.
  - (h) Subsections e) and f) shall not apply to trained "seeing eye," "signal," or "service" dogs used to guide a physically impaired person there present, or dogs that are being trained to become "seeing eye," "signal," or "service" dogs.
  - (g) Grazing. No person shall graze, herd or permit livestock to enter or remain inside a unit without specific written authorization of the Department, except for grazing by animals used for riding or packing under direct control of visitors or concessionaires.
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