

CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 2ND FLOOR • OAKLAND, CALIFORNIA 94612

June 13, 2006

Life Enrichment Committee
Oakland City Council
Oakland, California

602006 JUN 13 2:27

RE: TITLE AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 6, CHAPTER 6.04 ARTICLE 6.04.080 *DOGS AT LARGE IN PARKS*, TO ALLOW DOGS TO BE OFF-LEASH, UNDER SPECIFIC CONDITIONS, IN THE JOAQUIN MILLER PARK DOG PLAY AREA AS AUTHORIZED BY THE PARKS & RECREATION ADVISORY COMMISSION.

Fellow Members of the Committee:

SUMMARY

Attached is a proposal to amend Oakland Municipal Code Title 6, Chapter 04, Article 6.04.080 *Dogs at large in parks* to allow dogs to be off-leash in designated off-leash areas within specific parks in the City. Currently, the City has one designated off-leash dog park area at Hardy Park. This proposed ordinance amendment will add the Joaquin Miller dog play area. The Parks and Recreation Advisory Committee has approved a twelve-month pilot program for a Dog Play Area at Joaquin Miller Park. Additional dog play areas are being considered elsewhere in the City—notably at Mosswood Park, Mandela Parkway between 8th and 32nd Street, the west end of South Prescott Park, and the MacArthur corner of Eastshore (Astro) Park. These will come to the City Council at a later date.

The creation of a dog park was one of the priority issues raised in a survey of more than 200 Joaquin Miller Park users in the fall of 2004, and at two large community park planning workshops in January 2005. The proposal for the Dog Play Area at Joaquin Miller Park was developed in response to community feedback. Under existing Municipal Codes, dogs are allowed in a limited number of Oakland parks and are allowed off-leash

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only in the Hardy Park dog run facility. An amendment to the existing code is required if the City is to allow dogs to be off-leash in other areas, including the proposed Dog Play Area at Joaquin Miller Park.

FISCAL IMPACT

Approval of the ordinances will have no direct fiscal impact at this time. Funding for the installation of fencing and dog cleanup bag dispensers for the Joaquin Miller Park Dog Play Area will be provided by Councilperson Henry Chang through his Pay-Go account. As part of an agreement with the Joaquin Miller Park Dog Owners Group (JMPDOG), ongoing maintenance will be provided by its members at no cost to the City.

BACKGROUND

One of the challenges in our City parks and open spaces is creating a good recreation experience for various users: hikers, bicyclists, equestrians and hikers with dogs. Even though Ordinance 6.04.080 allows dogs in certain parks, including Joaquin Miller Park, it states that dogs can only be on-leash in those parks. Unfortunately, some people do not comply with the rules and enforcement is extremely difficult. There are occasional run-ins between dogs or dog owners and other users. We expect that the provision of off-leash park areas will minimize the number of people illegally walking their dogs off-leash by providing them a positive experience in designated off-leash play areas.

Currently at Hardy Park, and at the proposed Joaquin Miller Park Dog Play Area, dog owners are responsible for maintaining a clean dog play area at all times. A group of volunteers from JMPDOG has committed to make the dog play area at Joaquin Miller Park work. The dog play area will be maintained according to the standards outlined in the Letter of Agreement. We anticipate this Letter of Agreement to serve as a model for future dog play areas elsewhere in the City (See attachment 1)

Current Policies

The City's current Municipal Code, 6.04.080—*Dogs at large in parks* only allows dogs on-leash in designated park areas. Municipal Code 6.04.080 needs to be amended to permit dogs to be off-leash in the designated off-leash dog play area of Joaquin Miller Park. We propose adding a section C.

- 6.04.080 OMC – *Dogs at large in parks*. This section of the Municipal Code governs where dogs are and are not allowed on public property.

A. It is unlawful for any person owning or having in charge, care, control or custody any dog, except a "Seeing Eye dog" actually being used by a blind person, a "signal dog" actually being used by hearing impaired person, or a "service dog" actually being used by a handicapped person, or a police dog being used by any federal, state, county, city, city

and county, city, or city and county enforcement agency for any law enforcement purpose, to permit or allow any such dog, whether leashed or unleashed, to be in a public park, school yard or public playground, or other place controlled by the Board of Education or the city Director of Parks and Recreation for special events or special occasions. Except in posted landscaped areas, this section shall not apply to Joaquin Miller and Leona Parks east of Mountain Boulevard, Dimond Park east of El Centro Avenue, Knowland Park east of Golf Links Road, Hardy Park dog run facility and Glen Daniel/King Estate Park, north of Fontaine Street.

B. Nothing herein shall prevent or limit the duly authorized use of trained dogs for special purposes, by the city or other government personnel. (Ord. 12296, 2000; Ord. 12032, 1998: prior code § 3-9.07(b))

C. *Dogs are permitted to be off-leash in the Joaquin Miller dog play area, as authorized in a written Resolution by the Parks and Recreation Advisory Commission. (language added)*

KEY ISSUES

There is increasing demand for places for Oakland residents to exercise and play with their dogs, especially places where dogs are free to run. Unfortunately, there is only one off-leash dog play area in the City at this time, and dogs are not allowed in most Oakland parks, except for Joaquin Miller and Leona Parks east of Mountain Boulevard, Dimond Park east of El Centro Avenue, Knowland Park east of Golf Links Road, Hardy Park dog run facility and Glen Daniel/King Estate Park, north of Fontaine Street.

The creation of a dog play area was one of the priority issues raised in a survey of more than 200 Joaquin Miller Park users in the fall of 2004, and at two large community park planning workshops in January 2005. More than 100 people participated in each of these workshops, which resulted in a comprehensive list of priorities for the future of Joaquin Miller Park. The idea of an off-leash dog play area was presented to the Joaquin Miller Working Group on January 2, 2005, as a way to provide an off-leash experience for dogs away from the interaction with other park users. Dogs would still be allowed on the trails as long as they were constrained by no more than a 6-foot leash, as is required under the current ordinance.

The Oakland Dog Owners Group (ODOG) has made several presentations to the Parks and Recreation Advisory Commission (PRAC) regarding proposed sites for a dog play area, including a presentation in February 2005 for the Leona Lodge Overflow parking lot site, and on June 8, 2005 for a proposed site on Caldecott Lane near the North Oakland Sports Complex. On March 8, 2006, ODOG gave another report to PRAC for a pilot dog play area in Joaquin Miller Park. After looking at the aforementioned sites over the past year, Joaquin Miller Park was chosen as the best location to operate a pilot dog play area.

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Since May, 2005, the Joaquin Miller Working Group, comprised of park user group representatives, neighbors, and city staff under my office's coordination, has been meeting monthly to plan and implement projects for Joaquin Miller Park that were identified in the previous workshops. An off-leash dog play area in the park was considered a high priority.

PROJECT DESCRIPTION

Amending the current ordinances as proposed allows the City to create an off-leash dog play area in Joaquin Miller Park as approved by the Parks and Recreation Advisory Commission.


RECOMMENDATION


We recommend that Council approve an ordinance amending Oakland Municipal Code Title 6, Chapter 6.04, Article 6.04.080 *Dogs at large in parks*, to allow dogs to be off-leash, under specific conditions, in the Joaquin Miller dog play area, as authorized in a written resolution by the Parks and Recreation Advisory Commission.

ACTION REQUESTED OF THE CITY COUNCIL

We request that Council approve the ordinance amending Oakland Municipal Code Title 6, Chapter 6.04 Article 6.04.080 *Dogs at large in parks*, to allow dogs to be off-leash, under specific conditions, in the Joaquin Miller dog play area, as authorized in a written resolution by the Parks and Recreation Advisory Commission (PRAC).

Respectfully submitted,


Vice Mayor Jean Quan
City Council District IV


Henry Chang, Jr.
Councilmember at large

Prepared by:
Sue Piper, Policy Analyst
Office of Vice Mayor Jean Quan

DOG PLAY AREA RULES

Welcome to Joaquin Miller Park Dog Play Area

Persons Entering Dog Area Do So At Own Risk

Always bring a plastic bag

Pick up after your dog immediately

Observe dog park closing dates

Dogs must arrive and leave on leash (O.M.C. 3-9.09)

Dogs must be licensed and have shots (O.M.C. 3-9.02)

Adult handler must be in fenced area with dog at all times and must keep dog in sight and maintain voice control

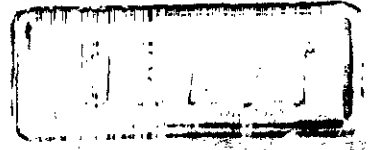
Children under 12 must be supervised by an adult

No more than three dogs per adult per visit

Dogs showing repeated aggressive behavior must be removed immediately

No dogs under four months old. No dogs in heat.

Support our dog area by joining Oakland Dog Owners Group and Friends of Joaquin Miller Park. For information call _____



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 3330 • OAKLAND, CALIFORNIA 94612-2032

Office of Parks and Recreation

(510) 238-3092
FAX (510) 238-2224
TDD (510) 615-5883

June 1, 2006

Mr. Dale Ridsen
Joaquin Miller Park Dog Owners Group
3424 Crane Way
Oakland, CA 94602

Dear Mr. Ridsen,

The purpose of this letter is to confirm our commitment to work with Joaquin Miller Park Dog Owners Group (JMPDOG) on the 12 month pilot dog play area at Joaquin Miller Park in parking lot 4 and 5.

This letter sets forth the results of our many months of discussion concerning the details of creating an off-leash dog play area in Joaquin Miller Park. We agreed that the Joaquin Miller Park Dog Owners Group (JMPDOG) will take full responsibility for clean up after dogs and will ensure that patrons parking their cars or otherwise using the dog park area for permitted uses will not encounter a negative experience because of shared use of space.

At the end of the twelve (12) month trial period, the Park and Recreation Advisory Commission and the Office of Parks and Recreation will conduct a public review process to determine whether the dog play area should continue to operate at this designated location within the Joaquin Miller Park.

It is expected that any issues arising from shared use of the space will be resolved quickly.

Very truly yours,

Audree V. Jones-Taylor
Director
Office of Parks & Recreation

Cc: Vice Mayor Jean Quan
Councilmember Henry Chang
Sue Piper, District 4 Policy Analyst

DRAFT

JOAQUIN MILLER PARK DOG PLAY AREA

A. DESCRIPTION OF PILOT PROGRAM

1. This dog play area is under the jurisdiction of the Office of Parks and Recreation of the City of Oakland. Dog owners will be responsible for removing dog waste, litter and debris from the ground and placing them in trash receptacles located in the dog play area. JMPDOG will be responsible for daily monitoring to ensure that the dog play area meets *cleanliness standards at all times, as outlined in this agreement.*
2. The creation of the off-leash dog play area is conditional upon approval by City Council to amend the ordinance 6.04.080 to include Joaquin Miller Park off-leash dog play area in the exempted list.
3. The area comprising parking lots 4 and 5 will be fenced and made into legal space for off-leash dogs by the City. This will be referred to in this agreement as the “Dog Play Area at Joaquin Miller Park”.
4. Parking lot 5 and part of parking lot 4 will be enclosed by a 6-foot coated fence and gates. The gates will remain closed whenever the dog play area is in use. The remaining part of parking lot 4 will be available for parking by dog park users.
5. Please note that while the Office of Parks and Recreation (OPR) and Public Works Agency (PWA) support the dog play area in concept, OPR and PWA will not be responsible for daily maintenance and removal of waste or debris from the dog play area. PWA will assume the responsibility of removing the trash receptacles daily.

B. SIGNAGE

The City will post (seasonal) monthly signs with closing date at the entrance to both Lot 4 and Lot 5. Posting of closing dates for permitted events requiring the lots for other than dog park use will be posted at the site monthly. For additional events that require closing, a sign will be posted at the site within 72 hours of the date the contract is signed with the Office of Parks and Recreation. Early and consistent posting of closing dates will help ensure that dog owners do not expect use of the dog play area at these times.

Signage posted in the dog play area will include the following:

1. Dog owners are advised that their presence in the dog park is not without risk to their dog or person.
2. Dog owners are advised that their dog or person may be subject to injury from other dogs, natural and man-made hazards, or due to the strenuous nature of the activities.
3. Dogs must be under voice control at all times.
4. Dog must be on a leash until dog and owner have entered the dog play area.
5. Dog owners must carry leash in hand.

6. Dogs must be licensed and wear dog tags.
7. Female dogs in season are not allowed in the dog play area.
8. Dogs may **NOT** be off leash in the rest of Joaquin Miller Park.

C. HOURS OF OPERATION

The dog play area is open from dawn to dusk, whenever Joaquin Miller Park is open to the public, except when the lots are needed for permitted events in the park.

The dog play area will be closed at dusk the day before each permitted closing date during the pilot period to allow for complete clean up and will not be re-opened until after the permitted event.

The lots will be restored to dog park use by 10:00 am the day after the event, except on weekends, when the dog play area will reopen the following Monday to allow for adequate time for clean up of the space.

When the lots revert to use as parking lots, the gates will be fully opened at 12 noon before the day of the permitted event to signal that the dog play area is closed, to allow for pre-event clean up and to allow vehicles full access to the parking lot.

D. ADDITIONAL USE OF THE DOG PLAY AREA

JMPDOG will have no other use of the Property except for the restricted use as a dog play area and limited to the following:

1. Two (2) fundraising special events to raise money for dog play area improvements, at no charge to the City.
2. JMPDOG may request other days and times for special events as outlined in the OPR Park Use Fees & Guidelines for Special Events and Rules & Procedures for Granting Park Use Permits for Special Events.

E. DOG RULES

In compliance with Oakland Animal Control Regulation (6.04), dog owners are responsible for their dog's behavior at all times and will be solely liable in the event of aggressive behavior.

Dogs must be on leash at all times within Joaquin Miller Park, except in the off-leash dog park. Only properly licensed dogs are permitted in the off leash dog play area.

Owners may take up to 3 dogs into the dog play area at one time. Any dogs showing aggressiveness toward people or other dogs must leave immediately. An adult must accompany children under 16 years of age. Puppies under 16 weeks of age are not permitted. In order to enjoy the rest of the park, dogs must be on a leash no longer than six (6) feet.

F. CLEANUP:

Dog owners will be responsible for maintaining a clean dog play area at all times. Users will be directed to use the trash receptacle at the site, or take their waste with them when leave the park. The dog play area must be free of dog waste, litter and debris at all times.

The dog play area will be maintained according to the standards outlined above at all times. Each owner will be required to pick up after his/her dog(s) at all times. Clean up bags will be available at all times, as supplied by JMPDOG, and stored in a dispensing system installed as part of the dog play area building process.

H. JMPDOG RESPONSIBILITIES

1. Develop a community education fact sheet on the rules of the dog play area.
2. Dog play area is free of litter and debris.
3. Dog play area is free of feces.
4. Bags are available to dog owners.
5. Dog play area will be odor free.
6. Surface is smooth and free of holes greater than six (6) inches in diameter and/or depth.
7. *Dog play area is washed down routinely to ensure urine smell is rinsed out.*
8. Clean up of the parking lot before permitted events will be the responsibility of JMPDOG. A member of the Office of Parks and Recreation and a representative of the JMPDOG will conduct an inspection prior to the event. Any required clean up at that time will be the responsibility of JMPDOG.

Dog park regulations and closing dates are amended to this document.

I. CITY RESPONSIBILITIES

1. Park signs to designate off-leash areas are legible, free of graffiti and properly installed in noticeable locations.
2. Removal of trash receptacles by _____ daily.
3. Posting of sign.
4. Gravel brought in and spread quarterly.

J. PERFORMANCE DURING THE PILOT PROJECT PERIOD

The first time the dog play area does not meet the standards as outlined above, the Office of Parks and Recreation will require:

1. Immediate clean up to the standards by JMPDOG and an on-site evaluation.
2. A reminder to JMPDOG of the expectations of the Agreement and the potential consequences should problems continue.

The second time the dog play area does not meet the standards as outlined above, the Office of Parks and Recreation will require:

1. Immediate clean up to the standards by JMPDOG.
2. A written reminder to JMPDOG of the agreed upon expectations and the potential consequences should problems continue.
3. An on-site evaluation to identify solutions.
4. Review of our Agreement and possible amendment to address unforeseen circumstances.
5. A three-day closure period.

The third time the dog play area does not meet the standards as outlined above, the Office of Parks and Recreation will require:

1. Immediate clean up to the standards by JMPDOG.
2. Closure of the lot for the run of shows at Woodminster Amphitheatre.
3. A formal letter to JMPDOG that the pilot project is in jeopardy of being discontinued.
4. The Chair of JMPDOG will meet with the OPR Director or his/her designee before the dog play area is considered for re-opening to discuss and resolve maintenance issues.
5. If there is no resolution to these issues and the problems occur during the permitted use, the dog play area will be closed during the permitted use.

If there are consistent problems with the dog play area that do not relate to the scheduled closing and the theater season, the dog play area will be permanently closed with 30 days notice and another area of Joaquin Miller Park will be considered for a suitable dog play area.

K. COMPLAINTS

1. The City will post a sign with a phone number for people to call if they have concerns about the dog play area.
2. If the City receives complaints, each complaint will be dated and logged.
3. If the City receives more than six (6) calls on the same issue within a four-hour period, OPR will investigate the complaint within the hour of the last complaint.

L. REVOCATION OF AGREEMENT

Agreement may be revoked by the OPR Director or his /her designated representative during the twelve (12) month pilot project period if JMPDOG breaches a material term of the Agreement and fails to cure the breach within 10 days from the date the breach occurs. In addition, the OPR Director or his/her representative has the authority to revoke the Agreement at their sole discretion immediately and without notice if an incident involving the health, safety, or welfare of person(s) or property are harmed or at imminent risk of harm by a dog, dog owner, or other facility user, including, but not limited to a situation where a dog brought to the facility bites a park patron or other facility user. Continued operation of the dog play area after the twelve (12) month pilot project period is subject to review by the Park and Recreation Advisory Commission.

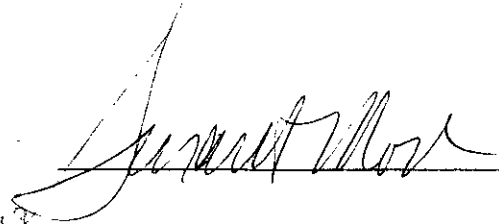
L. FUTURE AGREEMENT

At the conclusion of the pilot project and public review, the City will consider extending the Dog Play Area program for an additional two (2) years with a 2-year option to renew.

We realize this is a lengthy letter; however we wanted to be sure that we set forth all the facts and obligations we talked about. Thank you so much for your participation and cooperation in this exciting venture. The City shares your hope that this program will be outstandingly successful.

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER JEAN QUAN



City Attorney

06 JUL 2011 Fri 2:43

ORDINANCE NO. _____ C.M.S.

TITLE AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 6, CHAPTER 6.04 ARTICLE 6.04.080 *DOGS AT LARGE IN PARKS*, TO ALLOW DOGS TO BE OFF-LEASH, UNDER SPECIFIC CONDITIONS, IN THE JOAQUIN MILLER PARK DOG PLAY AREAS AUTHORIZED BY THE PARKS & RECREATION ADVISORY COMMISSION.

WHEREAS, 40 percent of the households in the United States are home to one or more dogs, according to the American Veterinary Medical Association; and

WHEREAS, well-exercised, happily socialized dogs are less likely to have behavior problems, including chronic barking - all of which result in a decrease in the number of dogs given up to city animal shelters, and a decrease in the number of calls to police for noise abatement; and

WHEREAS, off-leash dog play areas provide residents and their canine companions safe areas in which to exercise and socialize in an urban environment; and

WHEREAS, there is an increasing demand for designated areas in the City of Oakland where dog owners can exercise their dogs off-leash; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1: The Municipal Code is hereby amended to add, delete, or modify sections as set forth below; additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~.

- 6.04.080 OMC – *Dogs at large in parks*.
 - A. It is unlawful for any person owning or having in charge, care, control or custody any dog, except a “Seeing Eye dog” actually being used by a blind person, a “signal dog” actually being used by hearing impaired person, or a “service dog” actually being used by a handicapped person, or a police dog being used by any federal, state, county, city, city and county, city, or city and county enforcement agency for any law enforcement purpose, to be in a public park, school yard or public playground, or other place controlled by the Board of Education or the City Director of Parks and Recreation for special events or special occasions. Except in posted landscaped areas, this section shall not apply to Joaquin Miller and Leona Parks east of Mountain Boulevard, Dimond Park east of El Centro Avenue, Knowland Park east of Golf Links Road, Hardy Park dog run facility, and Glen Daniel/King Estate Park, north of Fontaine Street.
 - B. Nothing herein shall prevent or limit the duly authorized use of trained dogs for special purposes, by the city or other government personnel. (Ord. 12296, 2000; Ord. 12032, 1998; prior code §39.07(b).
 - C. Dogs are permitted to be off-leash in the Joaquin Miller dog play area, as authorized in a written Resolution by the Parks and Recreation Advisory Commission

SECTION 2: Severability: If any article, section, subsection sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

SECTION 3: Effective Date: This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGHAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

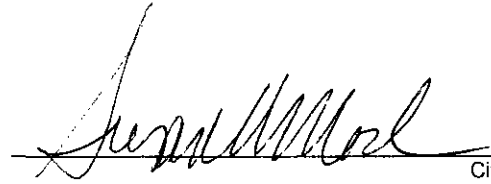
ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER JEAN QUAN

2006 JUN - 1 PM 2:46


City Attorney

ORDINANCE No. _____ C.M.S.

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WHEREAS, well-exercised, happily socialized dogs are less likely to have behavior problems, including chronic barking - all of which result in a decrease in the number of dogs given up to city animal shelters, and a decrease in the number of calls to police for noise abatement; and

WHEREAS, off-leash dog play areas provide residents and their canine companions safe areas in which to exercise and socialize in an urban environment; and

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 - C. ~~In the above exempted parks.~~ Specifically Dogs are permitted to be off-leash in designated off-leash areas ~~the Joaquin Miller dog play area~~, as authorized in a written Resolution by the Parks and Recreation Advisory Commission

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IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGHAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California