

INTRODUCED BY COUNCILMEMBER JEAN QUAN

Approved as to Form and Legality

Seamus Mosk
CITY ATTORNEY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

07 SEP 26 AM 10:50

REVISED

AMENDED ORDINANCE CHANGING OAKLAND MUNICIPAL CODE TITLE 6, CHAPTER 6.04 6.04.080 *DOGS AT LARGE AND IN PARKS*, TO ALLOW DOGS ON THE MONTCLAIR RAILROAD TRAIL

This ordinance implements changes to the Oakland Municipal Code concerning Dogs at Large in Parks to permit dogs on the new Montclair Railroad Trail.

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, the City has the responsibility for ensuring the health, safety and well being of animals within the City of Oakland; and

WHEREAS, a parcel of property currently owned by East Bay Regional Parks above Shepherd Canyon Road which currently allows dogs on leash will become the property of the City of Oakland as a result of a proposed trade agreement between the City and East Bay Regional Parks; and

WHEREAS, this new property needs to be added to OMC Title 6, Chapter 6.04.080(a) Dogs At Large in Parks so that dog guardians may continue to walk dogs on this pathway without violating the City municipal code prohibiting dogs in parks; and

WHEREAS, on July 1, 2007, the Oakland Parks and Recreation Advisory Committee approved renaming this pathway the Montclair Railroad Trail and adding it to OMC Title 6, Chapter 6.04.080(a) Dogs at Large in Parks pending approval of the trade with East Bay Regional Parks, now therefore

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

SECTION 1: The Oakland 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 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 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.~~

1. PERMITTED ON-LEASH AREAS. Dogs are only allowed on-leash in the following designated parks: Joaquin Miller and Leona Parks east of Mountain Boulevard, Dimond Park east of El Centro Avenue, Knowland Park east of Golf Links Road, Glen Daniel/King Estate Park, north of Fontaine Street, and the Montclair Railroad Trail. Additional areas may be added as authorized in writing or resolution by the Parks and Recreation Advisory Commission and then as amended herein. Otherwise, dogs are not allowed in other Oakland parks at any time.

2. SERVICE AND LICENSED WORK DOGS. Service dogs and licensed work dogs authorized by city or other government personnel for special purposes are permitted in any City park when on official duty.

B. Nothing herein shall prevent or limit the duly authorized use of trained dogs for special purposes, by the city or other government personnel.

C. Dogs are permitted to be off-leash ~~in the Joaquin Miller dog play area, as~~ when authorized in a writing or resolution by the Parks and Recreation Advisory Commission and then as amended herein. Dogs are permitted to be off-leash in the areas set forth below.

1. PERMITTED OFF-LEASH AREAS. Dogs are permitted off-leash only in the following designated off-leash areas: Hardy Park, Mosswood Park and the Joaquin Miller Park dog play area. Additional areas may be added as authorized in writing or resolution by the Parks and Recreation Advisory Commission and then as amended herein.

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 that 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 the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California