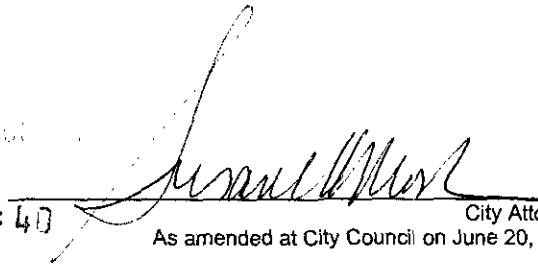


APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER JEAN QUAN

06 JUL 21 PM 11:40


City Attorney
As amended at City Council on June 20, 2006

ORDINANCE No. 12748 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~~ writing or 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, JUN 27 2006, 20

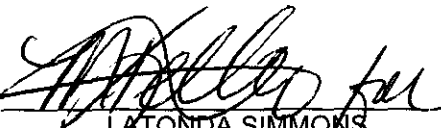
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGHAN and PRESIDENT DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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