


AGENDA REPORT

TO: DEANNA J SANTANA
CITY ADMINISTRATOR

FROM: Audree V Jones-Taylor

SUBJECT: Ordinance Expanding Park Areas
Permitting Dogs On-Leash and Off-Leash

DATE: January 9, 2014

City Administrator
Approval 

Date 1/27/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council approve an ordinance amending Section 6 04 080 of the Oakland Municipal Code, *Dogs At Large In Parks*, to designate additional areas as permitted on-leash and off-leash areas as authorized by the Parks and Recreation Advisory Commission

OUTCOME

The proposed ordinance amendment will expand the number of parks which allow dogs both on-leash and off-leash providing the community with increased recreational opportunities and areas to safely exercise and socialize their pets

BACKGROUND/LEGISLATIVE HISTORY

Since the first official Oakland dog play area in city parks, Council has approved the addition of four designated off-leash dog play areas and several trails and park spaces allowing dogs on-leash. The community continues to express interest in increasing the number of park areas where dogs are permitted, while several recently suggested sites became controversial and resulted in destructive neighborhood divisions. Responding to the requests, the Office of Parks and Recreation (OPR) with the Parks and Recreation Advisory Commission (PRAC) and a working group allocated a substantial amount of resources to evaluate the topic of dogs in parks. Extensive outreach was conducted and input received from the public, as detailed in the Public Outreach/Interest section of this report. A significant outcome is the PRAC's "Policy Recommendations on Dogs in Oakland Parks" report which is in draft form and expected to go before City Council mid-2014.

As an initial step and in the interest of getting "Paws On The Ground", the working group consisting of OPR, Planning and Building Department and Public Works Agency (PWA) staff, PRAC members, and members from invested community groups, identified park areas that are

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conducive to allowing dogs off leash as well as sections of the Oakland Municipal Code to be simplified that currently allow restrictive on-leash access. In addition, although Council previously approved the construction of a dog play area at Jefferson Square Park and the improvement was completed, the Municipal Code has not been changed as required to reflect the new use. A report reflecting the proposed changes was heard before the PRAC on January 8, 2014, where the commission voted to recommend that staff's revisions to the Oakland Municipal Code be adopted by City Council.

ANALYSIS

Staff has done its due diligence on the subject, researching best practices in other cities nationwide and conducting numerous focus group meetings and public hearings leading up to designating areas permitting dogs in parks. Overwhelmingly the request has been to allow dogs on-leash in city parks. The City of Oakland is one of few cities that does not allow dogs in parks other than the Office of Parks and Recreation designated dog play areas. This ordinance will allow dogs to be on-leash at sites selected based on public input, and where dogs currently congregate or owners habitually walk their dogs. The purpose is to legitimize the use and to expand the recreational opportunity for residents to enjoy the parks in a variety of ways. In addition, this ordinance will allow dogs off-leash in designated areas that are currently being used as such, legitimizing the use.

Currently there is a fine for dogs being in a park on or off leash, but limited City resources result in the policy going unenforced, and the City being unable to collect on such fines. Allowing dogs in city parks as described in the ordinance could increase revenue for the city by requiring that all dogs in city parks be licensed. The license fee ranges from \$50 to \$175. Enforcement could be performed randomly by Animal Control, or by an OPR Recreation Attendant if the revenue were to remain within OPR.

There will be no increased impact to the maintenance of the parks, in fact staff believes that the community will self-police at a greater level to ensure the privilege is not retracted. As mentioned above, the use is already occurring at each of the parks identified, so no negative impact is expected. Changing the ordinance to this effect will not eliminate or restrict existing green space, will have no negative impact on the environment, and is consistent with the Office of Parks and Recreation Advisory Commission's forthcoming recommendations on dogs in City Parks.

PUBLIC OUTREACH/INTEREST

The Office of Parks and Recreation provided extensive opportunities for the public to express opinion and provide input relating to the subject of dogs in parks. Over the past two years input was received at several PRAC public hearings, through focus groups held in each City Council

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district, from meetings with invested parties and organizations, and through an on-line survey hosted by EngageOakland.com

Public meetings and hearings were promoted through noticing on OPR's website, email to the OPR user list as well as contact lists developed from public meetings, utilization of neighborhood and special interest group lists, Recreation Advisory Committees, City Councilmembers' eblast, and postings at site locations and Recreation Centers

COORDINATION

The Public Works Agency, Planning and Building Department, City Attorney's Office and the Budget Office have been consulted regarding the preparation and review of this report and correlating ordinance

COST SUMMARY/IMPLICATIONS

There is no negative fiscal impact to the proposed change to the municipal code. Jefferson Square Park dog play area is the only affected area that required improvements, such as fencing and in-ground waste containment systems. Those improvements and related funding were approved by Council, and the project was completed in 2010.

While dog owners are expected to pick up after their pets and properly dispose of the debris, there may be a onetime expenditure for in-ground waste containment systems to address the increase in usage, and for signage. Funding for such amenities, if approved, will have to be identified from PWA, OPR or through fundraising efforts prior to installation.

Increased foot traffic will allow for more visibility and less negative and illicit behaviors in city parks and a positive fiscal impact may be realized through a reduction in vandalism.

SUSTAINABLE OPPORTUNITIES

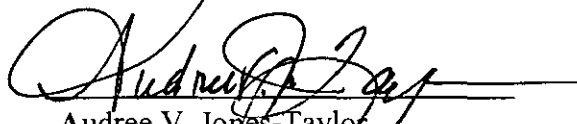
Economic The proposed amendment may provide increased foot traffic and therefore increased patronage and revenue to surrounding businesses

Environmental Currently many dog owners are forced to drive to designated areas to exercise their pets. By providing more areas that allow dogs, there may be a decrease in vehicle traffic as some residents may now walk instead of drive their pets to designated areas

Social Equity The proposed amendment provides increased recreational opportunities for dog owners to socialize their pets as well as build community through increased interaction with neighbors

For questions regarding this report, please contact Dana Riley, Assistant to the Director, at (510) 238-6495

Respectfully submitted,

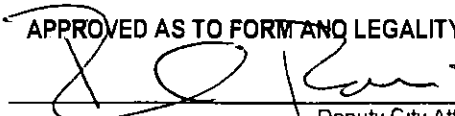


Audree V. Jones-Taylor
Director, Office of Parks and Recreation

Prepared by
Dana Riley, Assistant to the Director

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


Deputy City Attorney

2014 JAN 30 AM 10:02

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN ORDINANCE AMENDING SECTION 6.04.080 OF THE OAKLAND MUNICIPAL CODE, *DOGS AT LARGE IN PARKS*, TO DESIGNATE ADDITIONAL AREAS AS PERMITTED ON-LEASH AND OFF-LEASH AREAS AS AUTHORIZED BY THE PARKS AND 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 dogs are less likely to have behavioral problems, including chronic barking, which results in a decrease in the number of dogs given up to the City Animal Shelter, and a decrease in the number of calls to police for noise abatement, and

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

WHEREAS, there is an increasing demand for areas in the City of Oakland for dog owners to exercise their dogs; and

WHEREAS, designating areas for dogs on or off leash provide residents and their canine companions safe areas in which to exercise and socialize in an urban environment, and

WHEREAS, the Parks and Recreation Advisory Commission, in their meeting of January 8, 2014, approved the below amendments to the Oakland Municipal Code, 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 by strike-through-type

6.04.080 Dogs at large in parks

A Except as provided below, 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, 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, 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

1 Permitted On-Leash Areas Dogs are only-allowed on-leash only in the following designated parks Joaquin Miller and Leona Parks east of Mountain Boulevard, Dimond Park, cast-of-El-Centro-Avonuc, Knowland Park east of Golf Links Road, Glen-Domel/King-Estate-Park-north-of-Fontaine-Street, the Montclair Railroad Trail, and ~~in~~ Mosswood Park, on-designated-hardscape-paths-at-the-Broadway entrance-nearest-to-I-580-overpass, the West-MacArthur-Boulevard-entrance-at Shafter-Avenue-and-the-Webster-Street-entrance-at-36th-Street, Jefferson Square Park, Snow Park, Athol Park, Pine Knoll Park, Mandana Plaza, hardscape-paths-in Grove Shafter Park, specifically-in-the-northwest-quadrant-of-the-park,-which-is bordered-by-Martin-Luther-King-Jr-Way, 37th-Street, Grove-Shafter-Freeway-and the-MacArthur-Freeway Hardy Park, Rockridge-Temescal Greenbelt, Union Point Park, and Lakeside Park Additional areas may be added as authorized in writing or resolution by the Parks and Recreation Advisory Commission and then as amended therein 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 when authorized in a writing or resolution by the Parks and Recreation Advisory Commission and then as amended therein 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 Estuary Park, South Prescott Park, Park Boulevard Plaza, Glen Daniel/King Estates Park, Oak Glen Park and the Hardy Park, Mosswood Park, Grove Shafter Park, Jefferson Square Park, and Joaquin Miller Park fenced; dog play areas 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 which shall remain in full force and effect

Section 3. Effective date This Ordinance shall become effective immediately upon 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, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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NOTICE AND DIGEST

This Ordinance amends Section 6 04 080 of the Oakland Municipal Code, pertaining to dogs at large in parks, to designate additional areas as permitted on-leash and off-leash areas as authorized by the Parks and Recreation Advisory Commission. Additional on-leash areas include portions of Dimond Park, portions of Mosswood Park, Jefferson Square Park, Snow Park, Athol Park, Pine Knoll Park, Mandana Plaza, portions of Grove Shafter Park, Hardy Park, Rockridge-Temescal Greenbelt, Union Point Park and Lakeside Park. Additional off-leash areas include Estuary Park, South Prescott Park, Park Boulevard Plaza, Glen Damel/King Estates Park, Oak Glen Park and the Jefferson Square Park fenced dog play area.