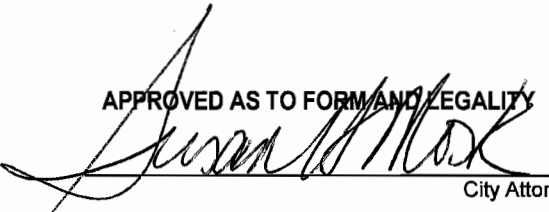


2008 NOV 20 PM 1:20


City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. 12910 C.M.S.

AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 6.04 – “ANIMAL CONTROL REGULATIONS GENERALLY”, SECTION 6.04.080(A) (1), TO PERMIT DOGS ON A SIX FOOT LEASH ON DESIGNATED PATHS THROUGH MOSSWOOD PARK.

WHEREAS, currently dogs are not allowed in any area of the park except the fenced dog play area; and

WHEREAS, community members would like to walk dogs through the park on the way to the dog play area without being in violation of the City ordinance; and

WHEREAS, on-leash dog walking in Mosswood Park will be restricted to designated hardscape paths and only those areas clearly marked; and

WHEREAS, Oakland Dog Owners Group, a private organization, will provide and pay for agreed on signage and pathway markings; and

WHEREAS, the Office of Parks and Recreation and community dog owners support amending the ordinance: OMC 6.04.080(A) (1); and

WHEREAS, Park and Recreation Advisory Commission, at their June 18, 2008, meeting expressed its support to permit dogs on-leash on designated hardscape paths in Mosswood Park with adequate signage and cleanup amenities provided; 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 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, 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 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, 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. Additional areas may be added as authorized in writing or resolution by the Parks and Recreation Advisory Commission and then as amended therein. 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. 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 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 therein. (Ord. 12834 § 1, 2007; Ord. 12811 § 1, 2007; Ord. 12748, 2006; Ord. 12296, 2000; Ord. 12032, 1998; prior code § 3-9.07(b))

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, JAN - 6 2009, 20

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, ^{Kaplan}~~Greene~~, KERNIGHAN, NADEL, QUAN, REID, 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

Introduction Date: **DEC - 9 2008**

NOTICE AND DIGEST

**AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE CHAPTER 6.04
– “ANIMAL CONTROL REGULATIONS GENERALLY”, SECTION 6.04.080(A)
(1) TO PERMIT DOGS ON A SIX FOOT LEASH ON DESIGNATED PATHS
THROUGH MOSSWOOD PARK**

Adoption of this ordinance will change the Oakland Municipal Code to permit dogs on leash on designated paths through Mosswood Park.