

OFFICE OF THE CITY CLERK

2007 MAY 31 PM 8:46

# OAKLAND CITY COUNCIL

ORDINANCE No. 12811 C.M.S.

**AN ORDINANCE AMENDING OAKLAND MUNICIPAL CODE TITLE 6, CHAPTER 6.04, SECTION 6.04.080 *DOGS AT LARGE IN PARKS*, TO ALLOW DOGS TO BE OFF-LEASH, UNDER SPECIFIC CONDITIONS, IN THE MOSSWOOD PARK DOG PLAY AREAS AS 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 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**, there is an increasing demand for designated areas in the City of Oakland for dog owners to exercise their dogs off-leash; 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**, the Parks and Recreation Advisory Commission, in their meeting of May 9, 2007, authorized the Mosswood Park Dog-Play Area to be included as an off-leash area, 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, 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. 12748, 2006; 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, and the Mosswood Park Dog Play Area, as authorized in a 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 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, JUL 3 2007, 20    

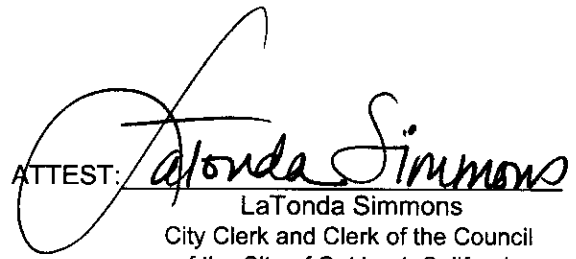
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, 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: JUN 19 2007

# **NOTICE AND DIGEST**

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

Adoption of this ordinance will change the Oakland Municipal Code to allow dogs in the Mosswood Park dog play areas to be off-leash under certain specific conditions. These specific conditions include completion of the construction of a fenced-in dog play area at Mosswood Park.