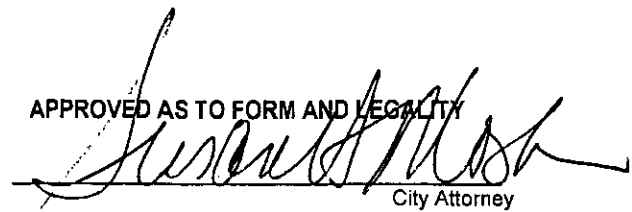


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JAN 28 PM 6:03

APPROVED AS TO FORM AND LEGALITY


City Attorney

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ 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 GROVE SHAFTER PARK DOG PLAY AREAS AND TO PERMIT DOGS ON A SIX FOOT LEASH ON HARDCAPE PATHS IN GROVE SHAFTER PARK 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, currently dogs are not allowed in any area of the park; 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 Grove Shafter Park will be restricted to hardscape paths; 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; and

WHEREAS, Park and Recreation Advisory Commission, at their November 18, 2009 meeting authorized the Grove Shafter Park Dog-Play Area to be included as an off-leash area and expressed its support to permit dogs on-leash on hardscape paths in Grove Shafter Park; 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, 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, and 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. 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, Grove Shafter Park, and the Joaquin Miller, 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 therein.

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, CHANG, DE LA FUENTE, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER
NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

