

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 OCT 30 PM 3:44

**To:** Office of the City Administrator  
**Attn:** Dan Lindheim  
**From:** Office of Parks and Recreation  
**Date:** November 12, 2008

**Re:** An Ordinance Amending Chapter 6.04 – “Animal Control Regulations Generally” of the Oakland Municipal Code at Section 6.04.080 (A)(1) to Permit Dogs on a Six Foot Leash on Designated Paths Through Mosswood Park

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### SUMMARY

This report and the attached ordinance is the request of staff to amend Chapter 6.04 – “Animal Control Regulations Generally” of the Oakland Municipal Code, specifically Section 6.04.080 (A)(1) to permit dogs on a six foot leash on designated hardscape paths in Mosswood Park. Currently dogs are allowed only in the fenced dog play area. An amendment to the OMC is required if the City is to allow dogs to be on-leash in other areas.

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

The Parks and Recreation Advisory Commission (PRAC), the Office of Parks and Recreation and community dog owners support amending ordinance: OMC 6.04.080 (A)(1).

### FISCAL IMPACT

There is no fiscal impact associated with this report. Oakland Dog Owners Group, a private organization will provide and pay for agreed upon signage and pathway markings.

### BACKGROUND

Funding for the Mosswood Park Dog Play Area was first approved by the City Council on June 20, 2006 as part of the approval of projects for the Neighborhood Project Initiative (NPI) Grant Program in the Broadway/MacArthur/San Pablo Park Redevelopment Project Area (Resolution 2006-0043 C.M.S.). Staff received approval for additional funds in the amount of \$15,000 from the Redevelopment Agency.

The Mosswood Park Dog Play Area is strongly supported by the community. In March 2008, the Dog Park was opened. Almost immediately after the dog play area opened, the community and City came to realize the rules governing foot access to the area prohibited users from walking through the park. Users are required to walk the perimeter of the park until they reach the dog play area at the far southwest corner. The staff and the community request the City’s Ordinance

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governing dogs in parks be amended to permit dog owners to walk dogs on a 6 foot leash on designated hardscape areas of Mosswood Park.

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.

This project is located in Council District III.

### **KEY ISSUES AND IMPACTS**

Dogs have not been allowed in City parks. On-leash dog walking in Mosswood Park will be restricted to hardscape paths and only those clearly marked with painted paw prints. Signs explaining rules and identifying designated paths will be posted at and around the dog play area. Designated entrances to the park governing access to the dog play area are described below and indicated on Exhibit A;

1. Broadway midway between West MacArthur Boulevard and I-580
2. West MacArthur Boulevard, east of the children's play area
3. Webster Street at the recreation center main parking lot

### **SUSTAINABLE OPPORTUNITIES**

Economic: The proposed amendment has no economic impact.

Environmental: To avoid the long walk around the perimeter of the park, some dog owners are transporting their dogs by car to Mosswood Dog Play Area. Allowing dogs on-leash in the park will provide a more direct and enjoyable walking route to the dog play area encouraging the community to leave the car at home.

Social Equity: The more dog owners walking, instead of driving to the dog play area will reduce the amount of vehicle parking and traffic congestion on neighborhood streets surrounding the park.

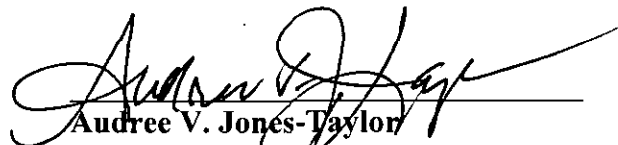
### **DISABILITY AND SENIOR CITIZEN ACCESS**

Amending the ordinance has no impact for disabled and senior citizens.

**RECOMMENDATION AND ACTION REQUESTED**

Staff requests Council adoption of an Amendment to OMC Section 6.04.080 (A)(1) to permit dogs on a six foot leash on designated paths in Mosswood Park.

Respectfully submitted,

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

APPROVED AND FORWARDED TO THE  
LIFE ENRICHMENT COMMITTEE:

  
Office of the City Administrator

Attachments:

Exhibit A. Map indicating designated hardscape permitting dogs on-leash.

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City of Oakland

Exhibit A - Mosswood Park  
Designated Hardscape Permitting Dogs On-Leash



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APPROVED AS TO FORM AND LEGALITY

  
City Attorney

## OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

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**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 Mosswood Park. 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, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

# **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.