

FOR DISCUSSION ONLY; ANY ACTION REQUIRES PUBLIC PROCESS (BROADER NOTIFICATION of PUBLIC MEETINGS)

## Dog Management at the Albany Waterfront (Working Paper)

### I. Existing Animal Control Laws (that apply to Albany Waterfront)

RULES	AGENCY	City of Albany	East Bay Regional Park District	State Department of Parks	City of Berkeley
<b><u>Leash Regulations</u></b>					
Off-Leash					
Off-Leash under control		X			
On-Leash			X		
On-Leash w/ exceptions					
Dogs Prohibited				X	
<b><u>Commercial Dog Walkers</u></b>					
Permit required			X	?	
Permit not required		X		?	
<b><u>Enforcement</u></b>					
Animal Control		X (upon observation)			
Park Police			X		
Park Rangers				X (?)	
<b><u>Police</u></b>					

The following information has been compiled to the best of Staff’s knowledge. There may be exceptions to certain District and State regulations that are not included.

## City of Albany

### 1. Leash Regulations

Section 10-4.2 of AMC – Animals At-Large

*“a. Except as otherwise provided, no domestic animal, except cats, shall be permitted to be on public property...**unless under proper control and supervision by a capable person.** Any domestic animal found at-large within City limits shall be impounded.”*

June 2009 this Ordinance was amended by adding the following:

*b. It shall be **unlawful for dogs to be in designated areas** during designated times and day in Albany’s parks as set forth by the Albany City Council. The specific days, areas, and hours shall be adopted by resolution...At no time shall dogs be permitted inside the play structure areas of any of Albany’s parks.*

Note: The Albany Waterfront has not identified as a “designated area”. On October 19, the Council will consider possible designation for the ball field at Memorial Park.

### 2. Commercial Dog Walkers - No business license or permit required. Dog license (tag) required.

### 3. Enforcement

- Albany contracts with City of Berkeley Animal Control (two-year contract ending June 30, 2010 for \$26,127).
- Contract Services include:
  - Shelter services, dealing with animals which are biting, strays, injured, deceased, vicious, causing traffic hazard.

“Incidental Services” included in the contract:

- *“Berkeley shall not be required to patrol the City of Albany for purposes of animal control. However, if in the course of providing the services listed above, Berkeley Animal Control Officer observes a violation of...AMC Sections 10-2.1 through 10-2.5, Berkeley shall cite those persons for such violations and take other such enforcement actions as Berkeley deems appropriate. “*

## East Bay Regional Park District

### 1. Leash Regulations

Eastshore State Park General Plan, bottom page 68-69 – “Dogs in Park”

*“Given its mission to protect natural resources and enhance the public’s access to and enjoyment of these resources, State Parks policy has generally been to prohibit off-leash dog use in state park projects and severely restrict the areas for on-leash use.”*

Text notes designation of Point Isabel for off-leash dog use due to demand.

Specific management issues relating to dog activity within the park project that will be addressed in the General Plan include:

- Protecting habitat values...
- Maintaining the public’s sense of safety and well-being...
- Ensuring appropriate clean-up of waste products...to avoid impacts to water quality and public health.
- Paying the high cost to police and maintain parks for dogs.
- Establishing and enforcing new patterns of public dog use within the park.
- Considering “carrying capacity for dogs within the designated “off-leash” areas (i.e., when are there too many dogs?)

OPER-5: (page III-50 of ESP)

*“Dog use and activity in the park project will be managed according to State Parks’ guidelines in order to protect habitat values and enhance public safety. As such, dogs will not under any circumstances be permitted in management sub-zones designated as preservation areas or on any beach. The point Isabel/North Point Isabel area is the only area of the park project in which off-leash dog use will be permitted.”*

Any models of joint jurisdictional regulations?

- District typically tries to enforce one standard or another.
- Crown Beach:
  - Crown Beach is a State Beach, operated by EBRPD where no dogs are allowed on the beach.
  - City of Alameda operates an adjoining “off-leash” dog area inland (?) of the beach.
  - Where dogs (on City land) are adjacent to District/State lands, they must be “on-leash”  
(Therefore, as dogs on City land get closer to State Beach, City regulations become stricter in order to protect beach.)

There are 17 shoreline parks within the District. A Shoreline Unit Manager supervises these shoreline areas.

2. Commercial Dog Walkers

- Must register and obtain permit for between 1 to 6 dogs in EB District parks (i.e., 6 dog maximum)
- Dog Walkers are identifiable because they must wear the permit above the waist (typically around their neck).
- EBRPD Fee structure: \$250/ year  
\$125/semi -annually  
No cost to private families (3 dogs/person limit)

3. Enforcement

- Ordinance 38, Chapter VIII governs Animal and Pet Restrictions relates to dogs for police enforcements. Typically District does not allow dogs on a “bathing beaches” or “swimming pools”. (Ordinance 38 to be distributed at WFC meeting)
- EBRPD Police enforce park regulations.
- Park Rangers are not law enforcers; they take care of the park.
- EBRPD Police have stated that they do patrol ESP, including Albany’s waterfront.
- If a specific problem arises, they suggest that Park Police be called (510/881-1833).

**State Department of Parks and Recreation – Title 14, Division 3, Chapter 1, Section 4312 – Control of Animals**

1. Leash Regulations

- “(e) No person shall bring a dog into, permit a dog to enter or remain, or possess a dog in units under control of Department of Parks and Recreation unless the dog is **on leash** of no more than six feet in length and under the immediate control of a person or confined in a vehicle.*
- (f) No person shall bring a dog into, permit a dog to enter or remain, or possess a dog:*
- 1) beyond the limits of campgrounds, picnic areas, parking areas, roads, structures or in posted portion of units except as provided elsewhere in this section (e.g., seeing eye, signal, or service dogs);*
  - 2) on any beach adjacent to any body of water in any unit except in portion of units designated for dogs.*  
*EBRPD indicates there are only two or three State beaches in the entire state where dogs are even permitted.”*

State typically prohibits dogs on beaches to protect sensitive habitat, water quality; only about three State beaches allow dogs.

2. Commercial Dog Walkers – (not yet researched)

3. Enforcement – assume Park Rangers enforce (not yet researched)

## II. ISSUES/QUESTIONS

### Land Use

- Walking dogs has become one, if not the, primary user activity at the Waterfront
- Observations indicate that most dogs are off-leash; some owners/walkers put dogs on-leash
- People love walking their dogs at the Waterfront; while others avoid area because they are uncomfortable
- Cleaning up after dogs; some complaints about inconsistent cleaning up after dogs.
  
- Should policies include all kinds of Waterfront park visitors?
- Should policies recognize existing conditions and provide more amenities for dog owners/guardians?
- Should commercial dog walking be allowed at Waterfront?
- Should there be seasonal or year round exclusion of dogs from sensitive bird habitat areas?
- Should there be specific off-leash dog areas?
- Should there be “dog free zones”?

### Enforcement

- Enforcement difficult with two jurisdictions, both with different rules (on-leash vs. off-leash under control)
- Jurisdictional boundaries are not clear-cut in the field; either to users or enforcers.
- Difficult to “step up” enforcement when two regulations exist.
  
- Should Albany adopt commercial dog walker permit/fee requirement?
- Should Albany and EBRPD discuss possibility of a single regulation regarding dogs on- or off-leash?

### III. ALTERNATIVES to think about

#### Leash/Dog Regulations

- Retain existing City rules: Dogs Off-Leash under proper control (no change)
- Create uniform dog leash regulations; may need to amend City regulations/District regulations
  - Designate specific areas for Dogs On-Leash; Dogs Off-Leash; No dogs
    - Beach – prohibit dogs? Require on-leash? Off-leash?
    - Plateau – prohibit dogs? Require on-leash? Off-leash?
    - Neck – prohibit dogs? Require on-leash? Off-leash?
    - Parking lot –
    - Cove –
    - Seasonal exclusion from sensitive bird habitat (seasonal flyway October – March)
    - Year round exclusion from sensitive bird habitat
  - Limit days/hours for dogs
- Create fenced area on Bulb for dogs off-leash; other areas become on-leash or “no dogs”

#### Commercial Dog Walking

- City adopt commercial dog walking regulations similar to EBRPD (i.e., permit/business license, set maximum number)
- Prohibit commercial dog walking at Waterfront; ask EBRPD to approve similar prohibition

#### Enforcement

- Create uniform rules – amend City rules to match District/State rules
- If single regulation agreed upon, consult Berkeley Animal Control for enforcement services; may need to amend contract with Berkeley Animal Control

#### General

- Provide doggie bag station and disposal.