

DRAFT

DRAFT

DRAFT

**INTERIM
ALBANY DOG POLICY
CITY OF ALBANY
WATERFRONT COMMITTEE**

1. BACKGROUND

The Albany Waterfront Committee (“WFC”), on a multitude of times over the past year(s), has included dog management on the waterfront as an agenda item. The City of Albany encourages dog guardians to enjoy their pet ownership in a responsible manner that co-exists with flora and fauna, and non-dog users.

2. INLAND PARK POLICY

In 2009, the Albany Parks & Recreation Commission recommended a policy change for the inland parks to provide flexibility in designating areas and times when dogs can be in parks, but excluded the Albany Bay Trail and other waterfront areas from this action.

This was adopted by the Albany City Council and made part of an ordinance (Section 10-4.2 of the Albany Municipal Code). The new policy for inland parks is dogs under voice control, but also excludes dogs from certain designated areas of those parks (i.e., swing and slide areas) and timeframes.

3. COMMUNITY OUTREACH

The recently completed Voices-to-Vision activity sponsored by the City of Albany includes a poll of the citizens on dogs at the waterfront (*Section 16, Survey Results – overview page 461*). Following that, the WFC conducted preliminary polling separately on two occasions.

4. GENERAL POLICY

As a general proposition, the rule in Albany in public areas outside the parks is that dogs be under voice control at all times, but different once inside the parks.

5. MULTIPLE JURISDICTIONS

The Albany Waterfront is comprised of lands owned and/or operated by several different jurisdictions; for example, the Albany Bay Trail is owned and operated by the City of Albany; Golden Gate Fields is under private ownership by Magna Development International with 102 acres in Albany and about 30 acres in Berkeley; Albany Beach, the Plateau, and along the shore sides of the Neck are already included in the Eastshore State Park, which is owned by the State of California and operated by the East Bay Regional Park District (EBRPD).

The City of Albany currently retains a right of way along the middle of the Neck leading to the Bulb, both of which are designated for inclusion in the Eastshore State Park by year 2053 or earlier transfer, whichever occurs first.

Nothing herein is intended to contravene the applicable rules of the State of California, the EBRPD, or the private land-owner on their respective property.

6. VARYING LAWS

As a result of the multiple land ownership, issues may arise as to jurisdictional differences between the Albany Beach (State Parks) and the Albany Bay Trail. This presents a possible dilemma for enforcement where one area may require “Voice Control”, another requires dogs to be “On-Leash”, or a third designated “Restricted Area”.

7. TOWARD AN UNIFIED POLICY

In order to reduce any confusion for dog owners and their pets, the WFC proposes a new policy for the areas under the City of Albany’s jurisdictional control at the waterfront:

8. WATERFRONT DOG MANAGEMENT DEFINITIONS

“Commercial and Non-Profit Dog Walkers” means any person who walks or exercises a dog or pet for a fee or who wants to walk more than three (3) personal pets must obtain and have on display a revocable annual permit from the East Bay Regional Park District (EBRPD) to use District or Albany waterfront lands for this use (EBRPD Ord. 38, Sect. 801.11). A Commercial Dog Walker must also have a valid Albany business license on display, with more than three but not to exceed six (6) dogs.

“Restricted Area” means designated areas where neither dogs nor their guardians are allowed to enter, whether the dogs are On-Leash or Off-Leash.

“On-Leash” means being securely attached to the Dog Guardian with a short six foot leash or retractable leash not to exceed 20 feet.

“Off –Leash/Voice Control” as used herein means the Dog Guardian shall have no more than three dogs under supervision within a distance not to exceed six feet from their person. If more than three dogs or pets accompany a Dog Walker, ~~than~~ then all but one dog or pet must be On-Leash when in Voice Control areas.

“Number of Dogs or Pets Allowed” - Shall not exceed three (3) per person, except as permitted in EBRPD Ord. 38, Sect. 801.11.

“Coded Map” means the map issued by the City of Albany that indicates the areas in which dog or pet use is designated “On-Leash” or “Off-Leash”, or is a “Restricted Area”.

9. DOGS ON-LEASH

For all areas on the Albany Bay Trail, Buchanan Street right-of-way, the Golden Gate Fields-provided parking areas, Albany Plateau, Albany Neck, and in other designated areas (see coded map), dogs shall be On-Leash (exclusive of restricted areas where persons and dogs are prohibited).

~~Patrons park their vehicles and~~ People with dogs shall promptly attach leash(es) before unloading dogs. Interaction between park users and dogs is especially intense in this area. As dogs exit vehicles they are in transition and must adjust to the new surroundings. Other On-Leash areas are designated to protect the habitat and wildlife.

People without dogs may reasonably expect that any dogs in an “On-Leash” area are under control so that ~~any no~~ dogs ~~will not be~~ are approaching them or their children uninvited.

Going from and returning into vehicles, dogs should be under closer supervision since the likelihood of interaction with other park patrons is increased.

On-Leash regulations excerpted from EBRPD Ordinance 38 and incorporated herein:

- 801.2 On-Leash Areas. No person shall bring into, or permit any dog, cat, or animal, to enter any On-Leash Area, unless such animal is securely leashed and under control of that person.
- a) On-Leash Areas are identified above. b) Other On-Leash areas may be designated from time to time by the EBRPD Board or the General Manager or his/her designee, or by the City of Albany, depending upon jurisdictional responsibilities.
 - c) Inapplicable.
 - d) The number of dogs shall not exceed three per person, except as permitted in 801.11.
 - e) An animal is leashed within the meaning of this section when such animal is securely tied, or otherwise attached, to one end of a chain, rope, or other type of leash or restraining device, or such animal is otherwise physically restrained (excluding electronic collars).
 - f) Such leashes or devices shall be no longer than six feet, the other end of which is either securely attached to a stationary object or retained in the possession of a person capable of exercising control.
 - g) Extendable leashes are permissible providing they are not extended beyond 6 feet in leash-required areas.
 - h) No dog, cat, or other animal may be left unattended (if not contained) at any parkland.
 - i) At campgrounds, dogs, cats, or other animals must be attended and either leashed, or contained within a vehicle, tent or other type of physical confinement.

10. DOGS OFF-LEASH AND UNDER VOICE CONTROL

Outside On-Leash designated areas, where permitted, the Dog Guardian may remove the leash from the dog, which then remains under Voice Control.

Until ~~the State/EBRPD assume management of such time as~~ City owned portions of the Bulb ~~are transferred into the Eastshore State Park~~, the Bulb area shall be designated as Off-Leash but under Voice Control.

Off-Leash regulations excerpted from EBRPD Ordinance 38 are incorporated herein:

- 801.3 Leash Optional Areas. A dog may ~~run at large~~ be off leash, and under the control of its owner or handler within the Bulb area, provided, ~~however,~~ that the owner or handler shall have a leash in his/her possession and keep the dog under control at all times.
- a) This Leash Option provision does not apply in areas regulated under Restricted (Prohibited) or On-Leash areas.
 - b) For the purpose of this subsection, a dog is considered under control when the owner or handler is aware of its conduct and when it returns to the owner or handler when called. The owner or handler may not be aware of the animal's conduct when it is out of sight.
 - c) Dogs are presumed to not be under control when:
 - i. They threaten, harass, chase or harm other animals or wildlife. This does not include play chase with other dogs.
 - ii. They display threatening behavior.
 - iii. They physically harm people directly or indirectly by their actions.
 - iv. They run at large in leash-required areas or enter dog-prohibited areas.
 - v. They touch or jump on other park users who have not invited or engaged in interaction with the dog.
 - d) The number of dogs shall not exceed three per person, except as permitted in 801.11.

11. RESTRICTED (PROHIBITED) AREA

The waterfront is a key area within the Pacific Flyway where migrating birds seasonally stop to rest and feed, generally from ~~October to March~~ August 1 to April 15. Moreover, the mud flats are home to other more permanent birds and wildlife.

As such, ~~neither dogs nor their guardians~~ are not allowed on or near the mudflats, inside the Burrowing Owl fenced area on the Plateau, the far west lagoon, or on the Albany Beach (see coded map). Likewise, certain areas may be seasonally adjusted to protect nesting birds; for example, where the pertinent authority may from time to time tape off and post signs. Signs may be used to inform about tidal fluctuations, their direct relationship to bird and wildlife activity, and when dogs should be restricted from certain areas.

12. ENFORCEMENT

The City of Albany contracts with the City of Berkeley for animal control. The Eastshore State Park (i.e., Albany Beach, Neck shorelines, and Plateau) is subject to patrol by Park Police. The City of Albany patrols the Albany Bay Trail and the Neck and Bulb. South of Golden Gate Fields, at the foot of Gilman Street, is supervised by the City of Berkeley and/or the EBRPD for the Eastshore State Park.

Failure to obey dog walking policy may result in penalties and/or fines issued by any of the enforcement agencies then in the area without regard for lines of ownership. This is true whether enforcing dog policies or other violations unrelated to dogs.

13. DOG CLEAN UP

No matter the location, owners should clean up after their dogs. Any person bringing a dog to the Albany waterfront area must carry bags for clean up purposes, and shall immediately remove the excrement deposited by such animal. Animal wastes must be placed in garbage cans or removed from the area. (Excerpted from EBRPD Ord. 38, Sect. 801.10 – Removal of Dog Feces)

14. DOG MISBEHAVIOR

The various policing entities have agreements that extend the limits of their authority across ownership lines; such that, the animal control officer may enforce policies equally on the Beach, the Plateau, or the Bulb, for example.

No person shall bring into or permit any dangerous animal to enter or remain at the Albany waterfront. For purposes of this policy, a dangerous animal is defined as any animal, which is declared a dangerous animal by a County or City, an exotic animal, or an animal which demonstrates any of the following behaviors:

- a) An attack which requires a defensive action by any person to prevent bodily injury and/or property damage.
 - b) An attack on another animal, domestic or wild, or livestock.
 - c) An attack that results in an injury to a person.
 - d) Any behavior that constitutes a physical threat of bodily harm to a person.
- (Excerpted from EBRPD Ord. 38, Sect. 801.7 – Dangerous Animals)

Dogs that fight or bite should be reported. Certain misbehavior may be elevated from animal control authorities to local or park police action.

15. EDUCATION, SIGNAGE AND OUTREACH

The City of Albany encourages interested groups to educate the public about responsible dog usage on the Albany Waterfront. Please refer to the coded map, which designates “Off-Leash”, “On-Leash”, and “Restricted” areas.

Signage should clearly state rules, be user-friendly, and identify “Off-Leash”, “On-Leash”, or “Restricted”. Signs should be used to educate, and provide reasons for “Restricted” areas (e.g., migratory bird habitat, erosion, fragile vegetation, tidal conditions). Signs may provide historical information, identify points of interest, types of plants and birds at the Waterfront, or suggest alternative areas for dogs (e.g., Point Isabel, designated dog swimming area at the Berkeley waterfront).

16. INTERIM POLICY - FIVE YEAR REVIEW

This interim policy should be reviewed every five years to ensure policies remain relevant and enforceable. Participation from the State and EBRPD shall be sought as part of any review.