



PARKS AND RECREATION COMMISSION MEETING AGENDA
Thursday, May 11, 2017, 7:00 pm
City Hall Council Chambers, 1000 San Pablo Avenue

1. CALL TO ORDER

2. APPROVAL OF ACTION MINUTES: April 13, 2017

3. PUBLIC COMMENT

For persons desiring to address the Commission/Committee/Board on an item that is not on the agenda please note that each speaker is limited to three (3) minutes. The Brown Act limits the Committee's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

4. ANNOUNCEMENTS/DIRECTOR'S REPORT: Updates on Park Projects (Memorial Tot Lot/Patio, Pierce Street Park, Ohlone Greenway, Albany Hill) Arts & Green Festival

5. PUBLIC HEARING/PRESENTATIONS:

6. DISCUSSION AND POSSIBLE ACTION ITEMS ON MATTERS RELATED TO THE FOLLOWING ITEMS:

6-1: Relocation of the Jaquelyn Beale Jordan Memorial Tree: The memorial tree planted in Memorial Park in 2014 has died, been removed, and needs to be replaced in the park in a new location.

Recommended Action: That the Commission approve the replanting of the memorial tree in the proposed new location.

Attachments: Staff report, Council Staff Report (2014)

6-2: Street Tree Removal Policy Sub-Committee Update: Sub-Committee will give a status update.

Informational only

6-3: Park Signs: Commission will review existing park signs, proposed signs to be removed and discuss new park rule signage.

Discussion only

Attachments: Park Sign Inventory, Proposed Park Rule signs

6-4: Dogs in Albany Parks: Commission will discuss which Dogs in Albany Parks topics to be reviewed by a Sub-Committee and Ad Hoc Dog Committee and select 2 Commissioners to work with the Dog Ad Hoc Committee.

6-5: Friends of Albany Parks Update: Report to the Commission on the Friends of Albany Parks events and request Commissioners to volunteer to attend upcoming events.

Past: Ocean View Park Clean-up (Saturday, May 6, 9 am)

Upcoming: Memorial Park Gala (Wednesday, May 24, 6:30 pm), Clean-Up (Saturday, June 3, 9:00 am)

7. FUTURE AGENDA ITEMS

(Commissioners announce of requests for future agenda items. No public comment will be taken on announcement of future agenda items).

Next Meeting: Thursday, June 8, 2017 7:00 pm, City Hall Council Chambers, 1000 San Pablo Ave. Please note: There are no public meetings in August.

8. ADJOURNMENT

NOTE: *The Commission/Committee/Board packet is available for public inspection at the Albany Community Center, Senior Center, and City Hall. The agenda and supporting staff reports, if available, can be found on our web page at www.albanysca.org. If you provide your name and address when speaking before the Commission/Committee/Board it will become part of the official public record, which will be posted on the Internet.*



PARKS AND RECREATION COMMISSION MEETING MINUTES
Thursday, April 13, 2017, 7:00 pm
City Hall Council Chambers, 1000 San Pablo Avenue

1. **CALL TO ORDER: 7:00 pm: Present: Chair Tanner, Vice Chair Chang Frank, Commissioners Romero, Esbin, Abbott, Mellers; Absent: Commissioner Pearson**
2. **APPROVAL OF ACTION MINUTES:** March 9, 2017: *Motion made by Commissioner Abbott to approve the minutes; Seconded by Commissioner Romero; All in favor; Motion carried*
3. **PUBLIC COMMENT**
For persons desiring to address the Commission/Committee/Board on an item that is not on the agenda please note that each speaker is limited to three (3) minutes. The Brown Act limits the Committee's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.
4. **ANNOUNCEMENTS/DIRECTOR'S REPORT**
5. **PUBLIC HEARING/PRESENTATIONS:**
 - 5-1: **Street Tree Removal Application for 804 Madison Street:** The Commission reviewed the street tree removal application for one (1) *Tristanopsis laurina*.

Motion made by Chair Tanner to deny the street tree removal application for 804 Madison Street; Seconded by Commissioner Mellers; 4 in favor; 1 opposed; Motion carried.
 - 5-2: **Street Tree Removal Application for 926 Polk Street:** The Commission reviewed the street tree removal application for one (1) *Camphor*.

Motion made by Commissioner Abbott to approve the street tree removal application for 926 Polk Street; Seconded by Commissioner Mellers; 4 in favor; 1 abstained; Motion carried.
 - 5-3: **Street Tree Removal Application for 1319 Solano Avenue:** The Commission reviewed the street tree removal application for one (1) *Eucalyptus nicholii*.

Motion made by Commissioner Abbott to approve the street tree removal application for 1319 Solano Avenue; Seconded by Chair Tanner; 4 in favor; 1 abstained; Motion carried.
6. **DISCUSSION AND POSSIBLE ACTION ITEMS ON MATTERS RELATED TO THE FOLLOWING ITEMS:**
 - 6-1: **Dartmouth Tot Lot Improvements:** Commission reviewed proposed Measure WW improvements to the Dartmouth Tot Lot and discussed idea of adding a restroom to the park.

Motion made by Cahir Tanner to approve proposed improvements at Dartmouth Tot Lot; Seconded by Vice Chair Chang Frank; All in favor; Motion carried.

Commission discussed the possibility of adding a restroom to the park. *No action taken.*
 - 6-2: **Biennial Review of Street Tree Removal Policy:** Commission reviewed and discussed the City of Albany's Street Tree Removal Policy.

Vice Chair Chang Frank and Commissioner Romero volunteered to form a sub-committee and will report back to the Commission.

6-4: Friends of Albany Parks Update: Staff and Commissioners summarized the recent Friends of Albany Parks events. *No action taken.*

Past: Upcoming: Albany Hill Gala; Albany Hill Clean Up
Upcoming: Ocean View Park Clean-up (Saturday, May 6, 9 am)

7. FUTURE AGENDA ITEMS

(Commissioners announce of requests for future agenda items. No public comment will be taken on announcement of future agenda items).

Next Meeting: Thursday, May 11, 2017 7:00 pm, City Hall Council Chambers, 1000 San Pablo Ave. Please note: There are no public meetings in August.

8. ADJOURNMENT: 9:10 pm

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City of Albany Street Tree Inspection / Staff Report

Tree Location: Memorial Pk, Carmel x Portland

Species: Red Maple - 4" dbh 12' ht

Staff Recommendation:

The Jaquelyn Beale Jordan Memorial Tree (see City Council agenda staff report of March 17, 2014) died and should be replaced in a slightly different location.

Assignment: Review trees and provide recommendations for:

Removal - Pruning - Sidewalk Repair - Root Pruning - Planting

Tree Description:

Health: dead

Structure: decayed root ball

Site Description:

The tree was planted near the corner of Carmel and Portland in a low spot where there seems to be poor drainage. The proposed new tree location is south of the redwoods, west of the path in the triangle of lawn area between the path and the playground area (see attached picture for approximate location). The tree species will be the same as the original tree, Red Maple - *Acer rubrum* 'Redpointe'.

Discussion:

The tree most likely died from a combination of being hit by mowers/weed whackers, and being located in an area with excess ground moisture. When I inspected the tree on March 22, 2017, it basically broke out in my hands, with almost no root ball, since most of the roots had decayed. The tree was planted as a memorial, approved by PRC in 2014. I met with Becca Sanchez on April 24, 2017 to discuss a new location for the tree. We agreed on a location south of the redwoods, west side of the pathway (see attached photos) which would be easily visible and accessible from Carmel Ave. Apparently a plaque was approved for the original tree that died, but as far as I can tell no plaque was ever placed. The original tree was paid for by Becca (the plaque was also to be paid for by Becca). Since the tree died from a combination of damage to the bark by mowers, and being planted in a poor location, I propose the tree be replanted at the City of Albany's expense at a cost of no more than \$300. Becca has offered to assist in caring for the tree by watering on a semi-regular basis.

Summary:

The dead tree is gone and a new tree can be planted in nearby, more appropriate location.

Fiscal impact: Cost estimated at \$300

Inspected by: John Hawkridge, Urban Forester, ISA Certified Arborist WE-3063AU

Date: 2017-04-27

Photos taken



**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: March 17, 2014
Reviewed by: _____

SUBJECT: Jacqueline Beale Jordan Memorial Tree Application

REPORT BY: Chelle Putzer, Recreation & Community Services Director
Parks & Recreation Commission

SUMMARY

An application for a memorial tree and plaque are being considered for Memorial Park.

COMMISSION RECOMMENDATION

That Council approve the placement of the Jacqueline Beale Jordan memorial tree and plaque and acceptance of a “Gift to the City” per AMC 2-27.8.

BACKGROUND

The application for a memorial tree to be planted and plaque to be placed in honor of Jacqueline Beal Jordan was submitted by, Albany resident, Becca Sanchez on January 28, 2014. The request is to plant a 15 gallon tree and place a memorial plaque no larger than the maximum size allowed (8.5” x 11”) at the site of the tree in April of 2014.

The application has been reviewed by the City of Albany Urban Forester who has recommended the tree species *Acer rubrum* ‘Var’ (Red Maple) be planted in Memorial Park in a location, to be determined by the City’s Urban Forester, that will be appropriate for the size and type of tree.

Per the administrative procedure for “Acceptance of Gifts to the City: Memorial or Recognition Requests and Proposed Capital Projects”, the City Manager has reviewed the memorial tree/plaque application including the recommendation from staff and the application was reviewed by the Parks and Recreation Commission on February 13, 2014. The applicant has requested a plaque be placed at the site of the tree therefore the Parks and Recreation Commission is recommending that Council approve the placement and acceptance as a “Gift to the City” per AMC 2-27.8.

DISCUSSION

In considering this application, the Parks and Recreation Commission discussed the importance of selecting a location for the tree that will not interfere with the various park usages and allow for enough room for the tree to grow over the years. The City's Urban Forester will decide on the exact location for the tree and plaque to be placed.

The City's Urban Forester has recommended the Red Maple which has a mature height of 35-40' and examples of it can be found along Solano Avenue. This tree is a tall and narrow with upright growth that will fit nicely in the park setting.

Currently, Memorial Park is the site of two memorial trees located near the corner of Portland and Carmel Avenues.

FINANCIAL IMPACT

All costs of the tree, planting, plaque and City installation costs will be paid by the applicant.

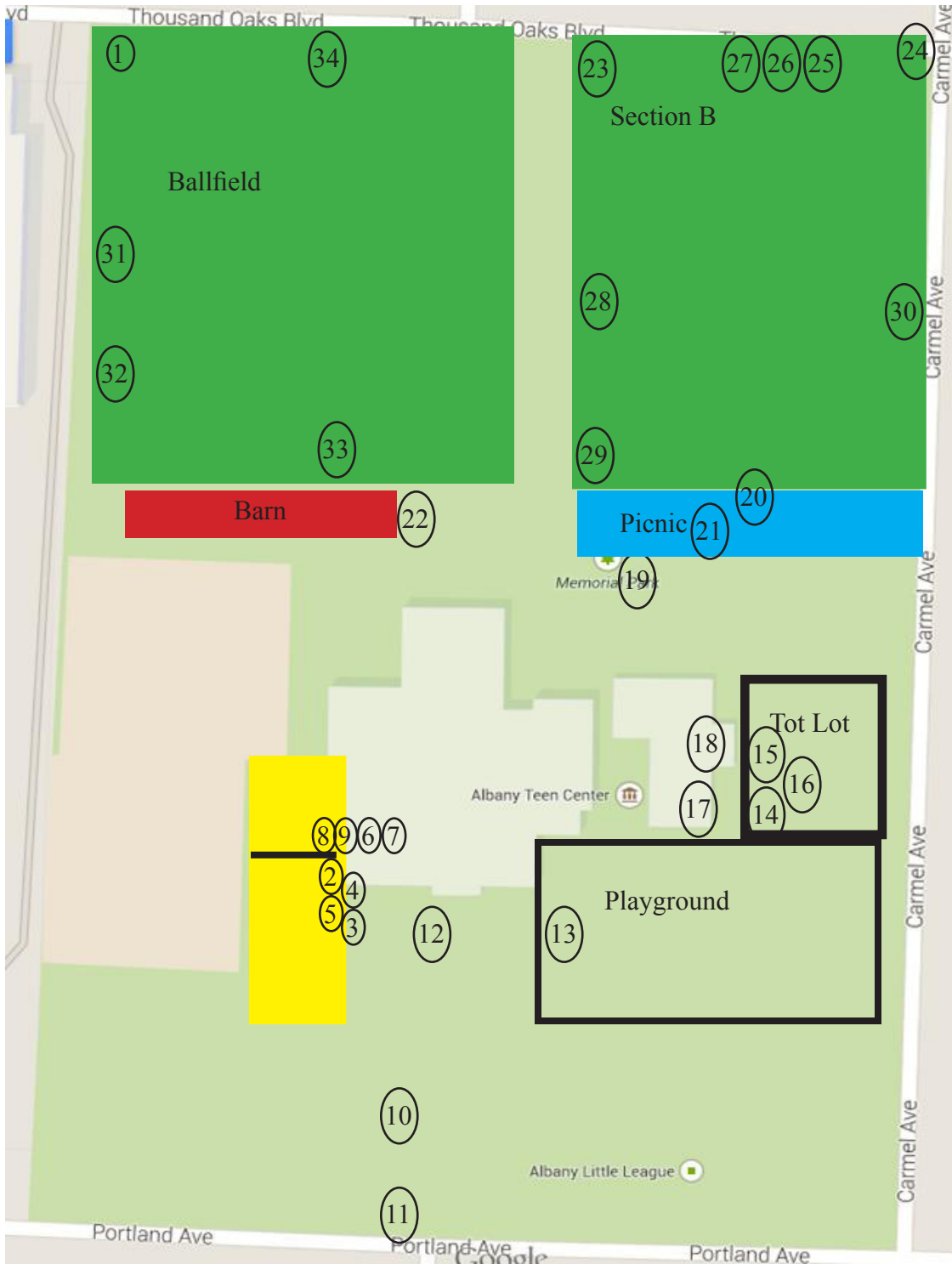
Attachments

1. Memorial Tree Application

Signs to remove in RED

Map ID	Location	Signage
1	Baseball Field (T.Oaks)	Code 10-4.2
2	Tennis Cour 1 (Outside)	AHS Reservation Times
3	Tennis Cour 1 (Outside)	No Dogs Allowed
4	Tennis Cour 1 (Inside)	Tennis Court Rules
5	Tennis Cour 1 (Inside)	AHS Reservation Times
6	Tennis Court 3 (Outside)	Court Closure
7	Tennis Court 3 (Outside)	AHS Reservation Times
8	Tennis Court 3 (Outside)	Court Closure
9	Tennis Court 3 (Outside)	Court Closure
10	Light Pole (near stage)	No Skateboarding
11	Light Pole (near Portland)	American Legion
12	Light Pole (near Memorial Bldg)	Park Closure
13	Playground	General rules
14	Tot Lot (Outside)	Keep Sand in Sandbox
15	Tot Lot (Outside)	No Sand in Drinking Fountain
16	Tot Lot (Inside)	Welcome to Memorial Park
17	Womans Bathroom Privacy Wall	FOAP Tool Sharing
18	Above Fountaion Near Bathroom	No Sand in Drinking Fountain
19	Picnic Area	Reservations
20	North Side of Large BBQ	Smoke Free
21	South Side of Large BBQ	dedicated to..
22	East side of Barn	Memorial Park
23	NW Corner of Section B (Inside)	Field Closure Notice
24	NE Corner of Section B (Outside)	Section B Rules
25	North side of Section B (Inside)	Section B Rules
26	North side of Section B (Inside)	Section B Signage
27	North side of Section B (Inside)	Bulliten Board
28	West side of Section B (Inside)	Section B Signage
29	SW Corner of Section B (inside)	Code 10-4.2
30	East Side of Section B (inside)	Clean-up After Dog
31	West Side of Section A (Inside)	Section A Signage
32	West Side of Section A (Inside)	Clean-up After Dog
33	South Side of Section A (inside)	Clean-up After Dog
34	North Side of Section A (inside)	Section A Signage

Memorial Park





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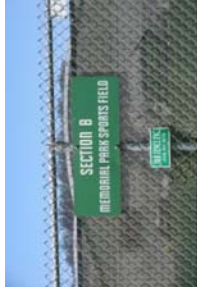
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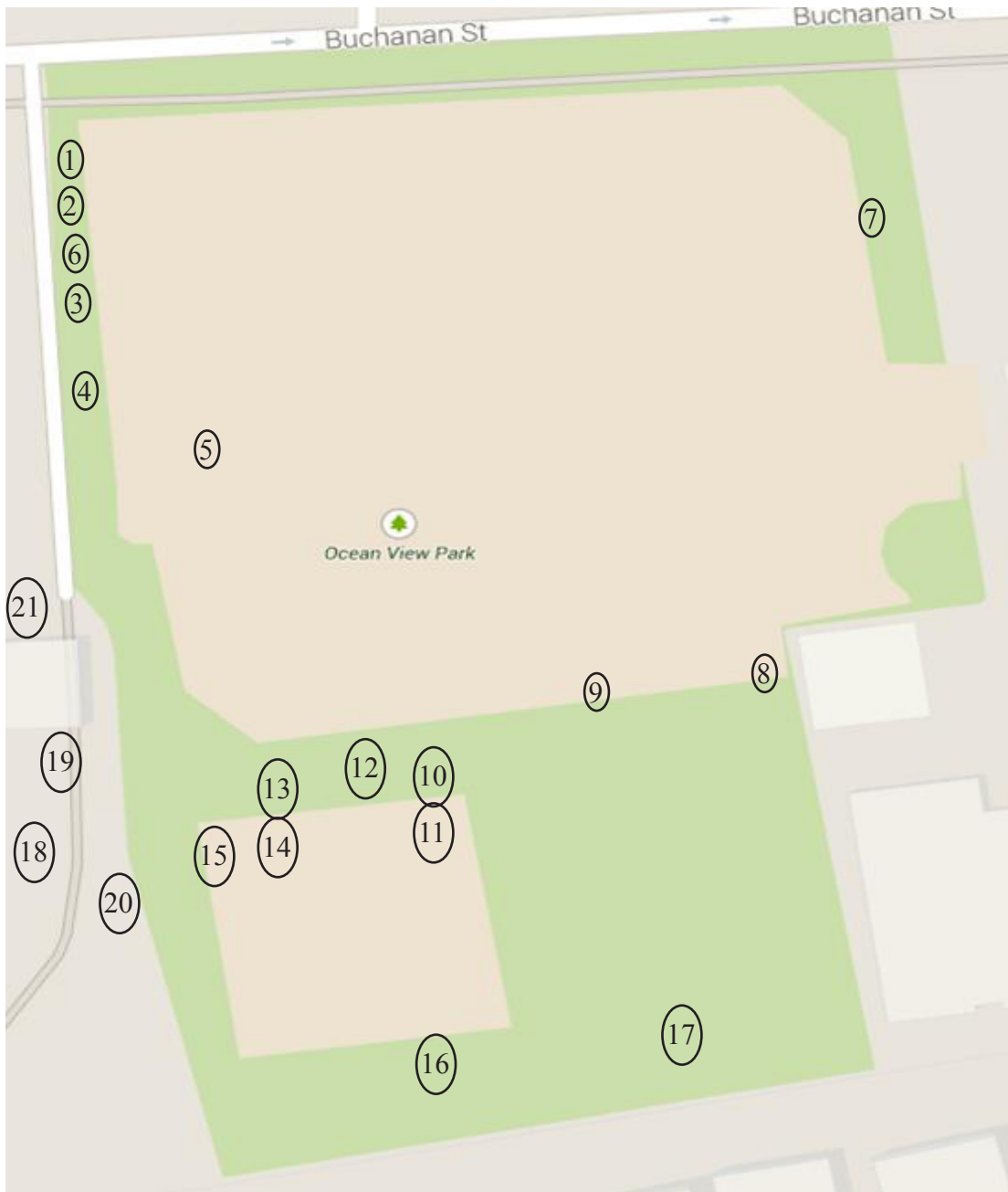


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Signed to be removed in RED

Map ID	Location	Signage
1	Field (Outside)	Closure Info
2	Field (Inside)	Pet Waste
3	Field (Outside)	Oceanview Renovations
4	Field (Inside)	Pet Waste
5	On lightpole (Field)	Smoke Free Park
6	Field (Inside)	Keep our Parks Clean
7	Field (Inside)	Pet Waste
8	Field (Inside)	Pet Waste
9	Field (Inside)	Pet Waste
10	Tennis Court (Outside)	No Dogs in Tennis Area
11	Tennis Court (Outside)	No Skateboarding in Tennis Area
12	On lightpole	Smoke Free Park
13	Tennis Court (Outside)	No Dogs in Tennis Area
14	Tennis Court (Outside)	No Skateboarding in Tennis Area
15	Tennis Court (Inside)	Tennis Court Rules
16	Organic Garden (Outside)	Keep our Parks Clean
17	Bulletin Board (Organic Garden)	Garden Updates
18	Playground (Inside)	Welcome to Playground
19	Playground (Outside)	Funding from...
20	Picnic Area	Picnic Rentals
21	Childcare (Outside)	City Updates

Oceanview Park





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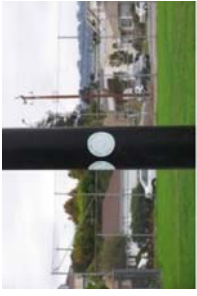
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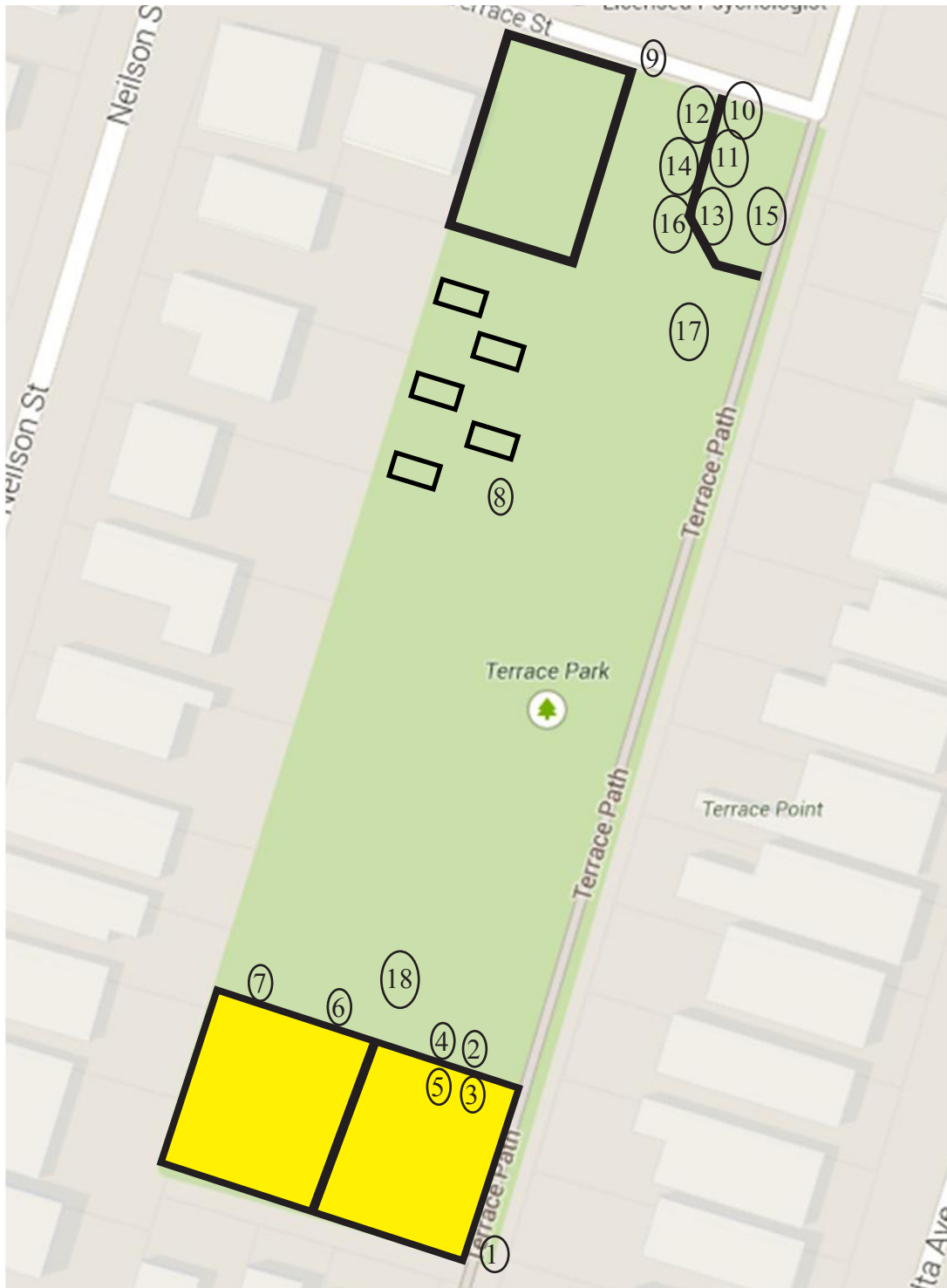


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Signed to be removed in RED

Map ID	Location	Signage
<u>1</u>	N. Entrance near Francis st	Terrace Park
<u>2</u>	Upper Tennis Court (Outside)	Tennis Court Rules
<u>3</u>	Upper Tennis Court (Outside)	No Dogs
<u>4</u>	Upper Tennis Court (Outside)	No Skateboarding
<u>5</u>	Upper Tennis Court (Outside)	worn off letters
<u>6</u>	Lower Tennis Court (Outside)	No Skateboarding
<u>7</u>	Lower Tennis Court (Outside)	No Dogs
<u>8</u>	Picnic Area	Reservations
<u>9</u>	S. Entrance On Terrace st	Terrace Park
<u>10</u>	Tot Lot (Outside)	No Dogs
<u>11</u>	Tot Lot (Outside)	Welcome, Age Restrictions
<u>12</u>	Tot Lot (Outside)	No Skateboarding
<u>13</u>	Tot Lot (Outside)	Recycling info
<u>14</u>	Tot Lot (Outside)	Waste Management
<u>15</u>	Tot Lot (Inside)	Keep Sand in Sandbox
<u>16</u>	Tot Lot (Outside)	Clean-up after dogs
<u>17</u>	Garbage near Tot lot	Clean up after dogs
<u>18</u>	Garbage near Tennis	Clean up after dogs

Terrace Park





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[III](#)

CHAPTER X ANIMAL CONTROL

10-1 GENERAL PROVISIONS.

10-1.1 General Purpose.

The purpose of this Code is to balance the welfare of the community, individuals and animals. As such, the overriding aims of this Code are to guard the public safety, health and welfare while guaranteeing the humane treatment of animals within the City. In order to accomplish this goal, the City seeks to abate nuisances through licensing, permitting and regulating of certain animals and businesses.

The City may enter into a contract with a County, another city, a humane society, or other persons to perform the duties required by this Chapter, including the impounding and care of animals.

Any animal not included as permissible—including but not limited to cattle, horses, bees, livestock, roosters, and any wild or dangerous animals—may not take up residence in the City of Albany without express written approval of the City. The City may take any necessary steps to abate the presence of these unpermitted animals. (Ord. #98-02, §1; Ord. #04-03, §1)

10-1.2 Definitions.

For the purpose of this Chapter, the present tense includes the past and future tense; each gender includes the other unless specifically distinguished. The singular number includes the plural, and the plural the singular. For the purpose of this Code, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

Animal shall mean any mammal, poultry, bird, reptile, fish or any other creatures, including, but not limited to, horse, cow, goat, sheep, pig, pigeon, goose, chicken, rabbit, dog, cat. Animals are classified by weight: large animal, over fifty (50) pounds; medium animal, between twenty-five (25) and fifty (50) pounds; small animal, under twenty-five (25) pounds.

Animal quarters shall mean the premises and all buildings, hutches, pens, coops, yards, and their appurtenances used for the keeping of the animals.

At large shall mean a dog off the premises of its owner and not under restraint by leash, or chain, and not otherwise controlled by a competent person.

Aviary shall mean a large enclosure for six (6) or more birds.

Bird shall mean any bird of any age of either sex, including any exotic or domestic bird.

Capable person shall mean someone who can effectively control the animal under their care.

Cat shall mean any cat of any age of either sex.

Dangerous or vicious animal shall mean any animal that by its very nature poses a potential mortal or serious threat to humans (i.e. any animal that has exhibited or is exhibiting behavior such as growling, biting, threatening or bites a person without provocation).

Dog shall mean and include female as well as male dogs over four (4) months of age.

Guardian shall mean an owner within the meaning of this chapter and shall have the same rights and responsibilities of an owner, and both terms as used herein shall be used interchangeably.

Kennel shall mean any person, firm or corporation engaged in the commercial business of breeding, buying or selling or boarding dogs and/or cats.

Livestock shall mean animals kept for use and includes, but is not limited to, horses, cows, goats, sheep, chickens, duck, quail, pheasant, turkeys, llamas, mules or pigs.

Nuisance shall mean any nuisance known as common law or in equity jurisprudence, whatever is dangerous or detrimental to human life or health, uncleanliness or improper sanitation or whatever is offensive to the senses or may act as an asylum feeding or breeding place for rodents, vermin, insects. Noise that disturbs the public peace is included.

Owner shall mean any person or guardian, firm or corporation owning, having control or custody or possession of, any animal for more than fifteen (15) days.

Pet hospital shall mean any person, firm, or corporation that treats the health of animals.

Pet shop shall mean any person, firm, or corporation that traffics in live animals.

Poultry shall mean chickens, ducks, geese, doves, turkeys or other fowl.

The City shall mean the City of Albany or any agent authorized to act on its behalf.

Unlicensed shall mean any animal who legally is required to have a current license but does not have one.

Wild animal shall mean any animal not ordinarily domesticated, including, but not limited to, skunk, raccoon, ferret, opossum, squirrel, fox.
(Ord. #98-02, §1; Ord. #04-03, §1)

10-2 HUMANE TREATMENT OF ANIMALS.

10-2.1 Overarching Principle.

All animals and all premises, enclosures or structures wherein animals are kept shall be maintained in a clean and sanitary and secure condition, free from all obnoxious odors and substances. All animals and all premises, enclosures or structures wherein animals are kept shall be thoroughly cleaned, and all debris, refuse, manure, urine, waste food, or other removable material shall be removed therefrom every day or more often as necessary. (Ord. #98-02, §1; Ord. #04-03, §1)

10-2.2 Animal Slaughter.

It is unlawful for any person, by any means, to slaughter any animal without permission of the City. (Ord. #98-02, §1; Ord. #04-03, §1)

10-2.3 Animal Poisoning.

No person shall place, leave or expose, in any place accessible to birds, dogs, cats or any domesticated animals any substance known to them to be toxic with the intention to harm or kill any animal. (Ord. #98-02, §1; Ord. #04-03, §1)

10-2.4 Animal Trapping.

No person shall conspire in any manner to trap or corral any wild animal within the City limits unless the animal is a nuisance and the City has given its approval. (Ord. #98-02, §1; Ord. #04-03, §1)

10-2.5 Interference with and Mistreatment of Police Dogs.

No person shall willfully or maliciously torture, torment, beat, kick, strike or injure any dog used by the County Sheriff or Police Department in the performance of the functions or duties of such department, or interfere with or meddle with any such dog while on duty. (Ord. #98-02, §1; Ord. #04-03, §1)

10-3 PUBLIC HEALTH.

10-3.1 Framework.

It is unlawful and shall constitute a public nuisance for any person to keep within the limits of the City any animal which jeopardizes public health. (Ord. #98-02, §1; Ord. #04-03, §1)

10-3.2 Removal of Dog Defecation.

It shall be unlawful for the guardian/owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner, by placing in a closed or sealed container and depositing in a trash receptacle, any feces deposited by such dog upon any public or private property not owned or controlled by the guardian/owner or person having custody of such dog.

Any person who has the charge or control of any dog in a location other than on property owned or controlled by such person, or on the property of the guardian/owner of the dog, shall have in his possession a suitable wrapper, bag, or container for the purpose of complying with the requirements of this section. The failure of any person to carry such a wrapper, bag, or container when in charge or control of any dog in a location other than on property owned or controlled by such person, or on the property of the guardian/owner of the dog, shall constitute a violation of this section.

The violation of any provision in this section shall be an infraction punishable according to the Master Fee Schedule. (Ord. #98-02, §1; Ord. #04-03, §1)

10-3.3 Keeping Diseased Animals.

No animal infected with a contagious or infectious disease shall be allowed to enter into or remain in the City; nor shall such animals be shipped or removed from the premises of the guardian/owner except under the supervision of a licensed veterinarian, agent of the City or other appropriate authority. (Ord. #98-02, §1; Ord. #04-03, §1)

10-3.4 Rabies Quarantine.

a. *Confinement.* Whenever rabies is known to have become epidemic within the City, the Alameda County Health Department may establish a quarantine and may specify the animals subject to quarantine, and all such animals shall be kept in strict confinement upon the premises of the person having the custody or control of the animal. The quarantined animal shall not come into contact of other animals or persons other than those providing care.

b. *Duration.* When the Alameda County Health Department or the City has established a rabies quarantine, such quarantine may be for a period of three hundred sixty-five (365) days after the last known case of rabies in the quarantine area.

c. *Animals Not to be Removed from City.* No animal subject to a quarantine imposed as authorized in this section shall be removed from the City without the written permission of the Alameda County Health Department or its authorized agent.

d. *Impoundment in Certain Cases.* During any rabies quarantine, any animal specified under paragraph a., above, which is found upon any public street or highway, or public ground, public playground, or in a public building within the City without a leash or in the custody of a person less than fourteen (14) years of age or otherwise incompetent, shall be picked up and impounded for a period of ten (10) days under observation for rabies.

(Ord. #98-02, §1; Ord. #04-03, §1)

10-3.5 Disposition of Dead Animals.

Any Albany citizen desiring to use the services of the City for the disposal of their animal may notify the City as soon after the death of the animal as possible. The City shall have the authority to dispose of any dead animal without notifying the animal's guardian/owner. Unless told otherwise by the animal's guardian/owner, the City may exercise its judgment in disposing of animals under its jurisdiction. No autopsy will be performed without the permission of the guardian/owner, unless the City deems it necessary for the public health and welfare. The City may charge citizens for this service; the charge shall be set forth by resolution in order to cover the costs to the City fully. (Ord. #98-02, §1; Ord. #04-03, §1)

10-4 PUBLIC SAFETY.

10-4.1 General Purpose.

It is unlawful and shall constitute a public nuisance for any person to keep within the limits of the City any animal which disturbs the peace and comfort of the inhabitants of the neighborhood in which such animal is kept, or interferes with any person in the enjoyment of life or property, or creates a risk of injury to life or property.

If any nuisance described in this section is of a continuing nature, and if no person owning or having custody of the animal is present, the City may enforce the provisions of this title who himself or herself perceives the nuisance may enter any premises where such animal is kept, other than a place of residence or closed garage or out-building, and summarily abate the nuisance in a reasonable and humane manner. If the nuisance cannot be abated in any other manner, the animal may be destroyed in the absence of other means of restraint.

For barking dogs or other such noise nuisances, this section shall be viewed in conjunction with the City's existing noise ordinance. (Ord. #98-02, §1; Ord. #04-03, §1)

10-4.2 Animals At-Large.

a. Except as otherwise provided, no domestic animal, except cats, shall be permitted to be on public property or the private property of anyone other than the guardian/owner unless under proper control and supervision by a capable person. Any domestic animal found at-large within City limits shall be impounded.

b. It shall be unlawful for dogs to be designated areas during designated times and days in Albany's **parks** as set forth by the Albany City Council. The specific days, areas, and hours shall be adopted by resolution after considering recommendations from the **Parks** and Recreation Commission. At no time shall dogs be permitted inside the play structure areas of any of Albany's **Parks**. (Ord. #98-02, §1; Ord. #04-03, §1; Ord. #09-08, §1)

10-4.3 Vicious Animals.

It shall be unlawful for any person owning or having custody or control of any vicious or dangerous animal to allow or permit such animal to be at-large or to bite a person. It shall be unlawful for any person owning or having custody or control of any dangerous or vicious animal to allow or permit such animal to be in or upon any street, public park, school ground, public playground within the City, unless such animal is securely and humanely muzzled.

No dangerous or vicious dog shall go unconfined on the premises of the guardians/owners. A vicious dog shall be considered unconfined if it is not securely confined indoors or confined in a securely enclosed and locked pen. The enclosure in question shall be adequate as determined by the City.

The guardian/owner of any dog found to have bitten a person without justification shall be assessed a penalty in accordance with the Master Fee Schedule and the animal will be reclassified as a dangerous animal. The City retains the prerogative to decide what constitutes justification. (Ord. #98-02, §1; Ord. #04-03, §1)

10-4.4 Duty to Report Knowledge of Bite.

a. Whenever any person having charge, care, control, custody or possession of any animal has knowledge that such animal has bitten any person or animal, or has been bitten by another animal, the person having such responsibility may report such fact forthwith to the Chief of Police or his representative. The report shall state the name and address of the person bitten, and any other information so requested by the Chief of Police or her representative to the County Health Officer within forty-eight (48) hours.

b. Any animal in the City which bites or otherwise exposes rabies to a person or animal shall be delivered, upon request of any peace officer, to such officer to be isolated in strict confinement in a place and manner approved by the Alameda County Health Department and/or City for ten (10) days observation for the purpose of determining whether or not such animal is infected with rabies.

c. If an animal is confined outside of the guardian's/owner's premises and is examined and found healthy on or after the tenth (10) day by a licensed veterinarian, it may be released on

recommendation of the Alameda County Health Department to be confined for the remaining period at the guardian's/owner's premises. The guardian/owner of such animal shall pay all expenses and fees of the observation of the animal.

(Ord. #98-02, §1; Ord. #04-03, §1)

10-4.5 Impoundment.

a. Every animal found within the City in violation of any provision of this section may be picked up and impounded by the City in accordance with local and State law.

b. When any animal is impounded as provided in this section, the City shall immediately notify the guardian/owner, if ascertainable from the dog's license. A description of the dog, date, time and place of pick-up shall be kept at the place of impoundment together with a statement that unless the animal is reclaimed within five (5) working days, it will be put up for adoption.

c. A description of the animal, the date, time and place of pick-up shall be prepared immediately by the impounding officer and timely delivered to the Police Department where it shall remain available to public inquiry for a period of not less than five (5) days.

d. All animals under the City's custody shall be provided with sufficient food and water and handled in a humane manner according to State, County or City health requirements.

e. Unless the animal is disposed of for health reasons, the guardian/owner of any dog impounded under this section shall have the right to reclaim the same at any time prior to the adoption thereof, upon payment to the City of any assessed penalties or fees.

f. If impounded animals are healthy and have not been reclaimed before the expiration of the fifth day for unlicensed animals and seventh day for licensed animals, they may be turned over to the impounding facility for adoption purposes.

g. Following a five (5) day holding period, if the animal is not adopted, or if the City deems the animal to be sick or contagious, the City shall dispose of the animals by euthanasia. Euthanasia shall be by the injection of a lethal dose of a generally recognized euthanasia substance which shall be administered by a licensed veterinarian or a licensed animal health technician.

h. The City may set the fine that guardians/owners pay upon retrieving their animals. The guardian/owner or keeper of any animal found without a current animal license shall face fines no less than three (3) times the rate of a comparably retrieved dog with a current license.

(Ord. #98-02, §1; Ord. #04-03, §1)

10-4.6 Impounded Unaltered Dogs or Cats Returned to Owner/Guardian—When Spaying or Neutering Required—Hearing—Fees.

a. A dog or cat that is not spayed or neutered that is impounded at the animal shelter shall be spayed or neutered at the owner/guardian's expense before being returned to the owner/guardian, subject to the conditions and exceptions in this subsection.

b. The owner/guardian shall be given a choice of an approved veterinarian to perform the procedure. If the owner/guardian does not select an approved veterinarian, the City, or its agent, may choose one.

c. The City, or its agent, may not have an impounded animal spayed or neutered without the consent of the owner/guardian until the end of the legal holding period after impoundment, unless it falls on a day that the animal shelter is closed, in which case the procedure shall be stayed until the next working day.

d. If the owner/guardian objects to the spay/neuter within the legal holding period after the animal is impounded, and requests a hearing, the hearing shall be granted. A hearing officer to be designated by the City Administrator may determine whether the animal may be returned to its owner/guardian without first being spayed or neutered. In making this decision, the hearing officer shall determine whether the risk that the animal will produce unwanted offspring outweighs the reasons given by the owner/guardian against conducting the procedure. If the hearing officer requires that the spay/neuter procedure be done, that decision shall be final. The owner/guardian is responsible for all boarding fees during the entire impound period.

e. This section shall not apply if a licensed veterinarian certifies that the animal (1) should not be spayed or neutered for health reasons, or (2) is permanently non-fertile.
(Ord. #09-017, § 1)

10-5 ANIMAL LICENSING.

10-5.1 Animals Exempt from Licensing Process.

The following animals may be kept within the City limits without a license:

a. Police dogs or other animals in official government service.

b. Dogs in City for fewer than forty (40) days who are not permitted to run at-large.

c. Fish, lizards and other small animals that can be housed appropriately in a terrarium, aquarium or cage within the house of the owner.

d. Up to six (6) birds that can be housed appropriately in cages enclosed within the guardian's/owner's property.

e. Cats.

(Ord. #98-02, §1; Ord. #04-03, §1)

10-5.2 Animals to be Licensed.

Persons desiring to own more than six (6) birds at one (1) street address must pay a licensing fee to the City for each animal and comply with Section 10-8. The fee shall be set by the City as outlined in the Master Fee Schedule. (Ord. #98-20, §1; Ord. #04-03, §1)

10-5.3 Number of Dogs.

Licensed dogs are permitted as long as the provisions of Chapter X are met. (Ord. #98-02, §1; Ord. #04-03, §1)

10-5.4 Dog License.

Every person within the area owning, possessing, controlling, harboring or keeping any dog over four (4) months of age shall procure a dog license tag for each dog, as long as ownership of the dog continues, or within ten (10) days after acquiring or bringing into the area any dog over the age of four (4) months, and thereafter on expiration of the rabies vaccination. (Ord. #98-02, §1; Ord. #04-03, §1)

10-5.5 Exemptions.

a. Seeing-eye dogs or other types of signal dogs for handicapped members of the community shall be exempt from the licensing fee.

b. When the dog has a valid license from Alameda County or any city within Alameda County, it shall not be subject to the license requirement hereunder until the animal's rabies vaccination expires.

c. Citizens meeting either of these exemptions must register with the City in order to receive their dog licenses but do not have to pay a fee.
(Ord. #98-02, §1; Ord. #04-03, §1)

10-5.6 Procedures.

a. The effective period of each dog license shall be from the date of issue until a like date during the month in which the rabies vaccination expires as shown in the vaccination certificate.

b. As a condition for the issuance of a license all applicants shall procure and deliver to the licensing authority a certificate issued by a duly licensed veterinarian certifying that the dog to be licensed has been administered a rabies vaccination which will be effective at least one (1) month after the issuance of such license. Notwithstanding any other provisions of this section, every person owning, possessing, controlling or keeping any dog within the City shall be required to keep such dog vaccinated against rabies at all times after the dog attains the age of four (4) months.

c. The City shall issue a tag and license certificate upon payment of the City's fee for a license.

d. If the custody of the dog changes, the new guardian/owner must inform the City of the change but the term of the license is until the rabies vaccination expires.

e. Such identification tag shall be worn by the dog at all times.

f. No person shall fail or refuse to show to the City the license certificate for any duly registered dog kept or remaining within any home or upon any enclosed premises under such person's immediate control.

g. No unauthorized person shall remove from any dog any collar, harness or other device to which is attached a registration tag for the current period, or remove such tag therefrom.

h. If the dog license tag is lost or destroyed, the guardian/owner shall immediately procure a new duplicate tag from the licensing authority.

i. No person shall imitate or counterfeit the tags prescribed by this Chapter, or have in his possession any imitation or counterfeit tags.

j. If the guardians/owners of the dog can prove that their animal has been spayed or neutered, they may apply for a three-year license that remains valid provided the City receives copies of the rabies vaccination each year for the three-year term.

k. When a duly licensed veterinarian practicing within the City inoculates a dog with a rabies vaccine, and the guardian/owner or possessor of the dog does not present a current license for the dog to him, the veterinarian shall notify the City of the name and address of the guardian/owner or possessor of the dog. The City will provide the necessary materials to each veterinarian for the purpose of reporting such information.

(Ord. #98-02, §1; Ord. #04-03, §1)

10-6 LICENSE AND PERMIT.

10-6.1 Pet Shop, Kennel, Grooming Shop or Animal Hospital.

It shall be unlawful to establish any commercial enterprise within the City whose purpose is the trafficking, lodging, grooming or veterinary care of animals unless the business has received the appropriate permits from the City. The fee for such permit shall be set by the City. Conditions to secure the purposes of this Chapter may be imposed upon a permit at the time of issuance or such later date that the City deems necessary. Unannounced routine inspections of the pet shop or boarding kennel shall be conducted by the City to insure compliance with this Chapter. Although not necessarily exhaustive, the conditions below shall be met in order to receive a permit. This section deals with only the permit and does not supersede any zoning decisions of the City. (Ord. #98-02, §1; Ord. #04-03, §1)

10-6.2 Housing.

a. Every person who owns, conducts or operates a pet shop shall keep each animal in a housing facility which is structurally sound and in good repair to protect the animal from injury and to restrict the entrance of other animals. This provision shall not be construed to prohibit the keeping of more than one animal in a single housing facility, so long as such multiple housing does not create a threat to the safety of any of the animals so housed.

b. Said facilities shall be constructed so as to prevent escape of the animals therein.

c. Said facilities shall be of sufficient size to provide adequate and proper housing for the animals therein.

d. Said facilities shall provide temperature and ventilation control of a nature compatible with the needs of the animals kept therein.

(Ord. #98-02, §1; Ord. #04-03, §1)

10-6.3 Sanitation.

a. All animals and all premises, enclosures or structures wherein animals are kept shall be maintained in a clean and sanitary condition, free from all obnoxious odors, substances and flies.

b. All animals and all premises, enclosures or structures wherein animals are kept shall be thoroughly cleaned, and all debris, refuse, manure, urine, waste food, or other removable material shall be removed therefrom every day or more often as necessary to effect compliance with the provisions of these subsections. Daily cleaning of animals, premises, enclosures or structures shall be completed prior to the time that the pet shop is open to the public for business. Nothing in this section shall prevent continuing cleaning of the animals, premises, structures or enclosures when the pet shop is open to the public, and after compliance with all of the above.
(Ord. #98-02, §1; Ord. #04-03, §1)

10-6.4 Food.

Every person who owns, conducts or operates a pet shop shall supply each animal therein with sufficient good and wholesome food and fresh water as often as the feeding habits of the animal require. Food so supplied each animal shall be of a nature compatible with the dietary habits and needs of the animal. (Ord. #98-02, §1; Ord. #04-03, §1)

10-6.5 Name and Telephone Number Notification.

Every person who owns, conducts, or operates a pet shop shall provide the Police Department and the provider of the City's animal care services with the names, current address and phone numbers of persons to be notified during any hour of the day or night who will proceed at once to the location so as to permit entry to the premises by the City in the event of an emergency situation. (Ord. #98-02, §1; Ord. #04-03, §1)

10-6.6 Sale of Dangerous or Wild Animals.

No person who owns, conducts or operates a pet shop shall sell a dangerous or wild animal, as defined in this Chapter, without first ascertaining the place of residence of the prospective purchaser of such animals. If the prospective purchaser resides in the City, the prospective purchaser shall be advised that she must obtain a permit pursuant to this Chapter before she takes ownership of a dangerous or wild animal. (Ord. #98-02, §1; Ord. #04-03, §1)

10-6.7 Diseased and Injured Animals.

Every person who owns, conducts or operates a pet shop shall take reasonable care to display or release for sale, trade or adoption only those animals which are free of disease or injuries. (Ord. #98-02, §1; Ord. #04-03, §1)

10-6.8 Dead Animals.

Every person who owns, conducts or operates a pet shop shall remove any dead animals from display on a daily basis, or more often as necessary. (Ord. #98-02, §1; Ord. #04-03, §1)

10-6.9 Sale of Kittens and Puppies.

No person who owns, operates, conducts, or is employed by a pet shop shall display, sell, offer for sale, barter, or give away any kitten or puppy under eight (8) weeks of age. (Ord. #98-02, §1; Ord. #04-03, §1)

10-6.10 Chickens (Hens), Rabbits.

It shall be unlawful to keep chickens or rabbits within the City limits unless a proper permit has been issued by the Community Development and Environmental Resources Department. A permit allows an individual to own up to six (6) female chickens or rabbits. Roosters are expressly forbidden. The following conditions must be met in order to secure a permit:

a. The proposed housing and animals' premises must be separate from the guardian's/owner's house and at least fifty (50') feet from any residence or business not owned by the guardian/owner or, alternatively, every party whose properties border on the area affected by the animal premises must give their unanimous written consent to the City for this permit to be granted.

b. The design of the proposed housing will provide a safe and humane facility for the chickens or rabbits as described in subsection 10-2.1.

(Ord. #98-2, §1; Ord. #04-03, §1)

10-6.11 Goats.

The City may issue a permit for the keeping of goats within the City limits for the express purpose of weed abatement. When the job is completed, the goats shall be removed without delay. Fencing shall be adequate to contain the goats, and escaped goats may be subject to impoundment or the subject of citation by the City. If the goats are impounded for any reason, it shall be done at the goat guardian's/owner's expense. Additionally, the following paragraphs shall apply for weed abatement use:

a. One (1) goat shall be permitted on a lot for every one hundred fifty (150) square feet for a maximum of sixty (60) days.

b. The occupant of the property or properties on which the goats shall be used shall file with the Community Development and Environmental Resources Department written consent authorizing the use of the goats on that particular land and shall pay such fee as outlined by the Master Fee Schedule to cover any administration and inspection costs.

c. The application shall describe the goal of weed abatement.

d. The guardian/owner of the goats or person in charge shall agree to hold the City harmless from all liability and costs in the event of any damage, injury or accident caused by such goats, whether unintentional, intentional, and/or negligent.

e. Adequate fencing shall be required to retain the goats and shelter shall be provided which has a roof and at least two (2) sides, both of which are impermeable to rain. The shelter shall also have adequate weather protection.

(Ord. #98-02, §1; Ord. #04-03, §1)

10-6.12 Breeding of Animals.

It shall be unlawful for any person to engage in any breeding of animals that are subject to license or permitting by the City, without a permit granted by the Community Development and Environmental Resources Department. (Ord. #98-02, §1; Ord. #04-03, §1)

10-7 WATCHDOG OR VICIOUS ANIMAL.

10-7.1 General Provision.

It shall be unlawful for any person to own or keep any animal found to be vicious or dangerous—according to the procedures of this Chapter—within the City limits without a permit. The City may determine the fee for the permit to recompense the added administrative burden of the dangerous animal. The Community Development and Environmental Resources Department may issue a permit for keeping a dangerous animal. (Ord. #98-02, §1; Ord. #04-03, §1)

10-7.2 Notice of Disposal or Escape of Potentially Dangerous or Vicious Dogs.

a. The guardian/owner or keeper of any dog found to be dangerous or vicious, pursuant to this Chapter, shall notify the City immediately if the dog has escaped, is unconfined, has attacked another animal, has bitten a human being or has died.

b. The guardian/owner or keeper of a dog found to be dangerous pursuant to this Chapter shall notify the City within forty-eight (48) hours if the dog is sold, transferred, or permanently removed from the place where the guardian/owner or keeper resided or kept the dog at the time the dog was determined to be potentially dangerous. The guardian/owner or keeper shall also inform the City of any new address where the dog is to be kept and of the name, address and telephone number of any new guardian/owner.

c. The guardian/owner or keeper of a dog found to be vicious shall notify the City at least forty-eight (48) hours prior to selling, transferring, or permanently removing the dog to a new location and shall also provide the City with the name, address and telephone number of the new guardian/owner of the dog and with the address of any new permanent location of the dog. (Ord. #98-02, §1; Ord. #04-03, §1)

10-7.3 Unlawful to Own, Harbor or Keep Dog Found by Another Jurisdiction to be Potentially Dangerous or Vicious.

No dog, which has previously been determined to be dangerous or vicious by another jurisdiction, will be allowed to be kept, owned or harbored in the City. (Ord. #98-02, §1; Ord. #04-03, §1)

10-7.4 Posting of Premises Where Potentially Dangerous or Vicious Dogs are Maintained.

The guardian/owner or keeper of a dog which has been determined to be dangerous or vicious pursuant to this title shall display on the property where the dog is kept a sign containing a visual and explicit warning that there is a potentially dangerous or vicious dog on the premises. (Ord. #98-02, §1; Ord. #04-03, §1)

10-7.5 Must Permit Compliance Inspections.

The guardian/owner or keeper of any dog determined to be potentially dangerous or vicious pursuant to this Chapter shall consent to inspection of the property where the dog is kept and of the dog upon twenty-four (24) hours' written notice by the City. Said inspection shall be set at a reasonable time and in a reasonable manner to verify full compliance with the requirements of this Chapter. (Ord. #98-02, §1; Ord. #04-03, §1)

10-7.6 Insurance Requirements for Vicious Dogs.

The guardian/owner or keeper of any dog found to be vicious shall present to the City proof that the guardian/owner or keeper has procured liability insurance in the amount of at least one hundred thousand (\$100,000.00) dollars covering any damage or injury which may be caused by the vicious dog. Such liability insurance shall not be canceled, unless the guardian/owner or keeper shall cease to own or keep the dog prior to expiration of that license. Coverage shall be evidenced by a certificate issued by the insurer. The guardian/owner shall also provide documentation from the insurer warranting that the insurer will provide the City with at least thirty (30) days' advance notice of cancellation. (Ord. #98-02, §1; Ord. #04-03, §1)

10-7.7 Keeping of Vicious Dogs by Minors Prohibited.

No dog found to be potentially dangerous or vicious pursuant to this Chapter shall be kept by a guardian/owner or keeper who is a minor. (Ord. #98-02, §1; Ord. #04-03, §1)

10-7.8 Penalties for Willful Violation of Provisions Regulating Vicious Dogs.

It shall be a misdemeanor for any guardian/owner or keeper of a previously determined vicious dog to intentionally fail to comply with this ordinance. Conviction of said offense shall be punished by a fine of no less than one thousand (\$1,000.00) dollars and imprisonment in the County jail not to exceed one (1) year. Upon conviction of said misdemeanor, the court shall order the vicious dog seized, declared a nuisance and destroyed unless the City sets forth cause why the dog should not be destroyed. Any person convicted in violation of this section shall be prohibited from owning, harboring or keeping any dog within the City for a minimum of three (3) years. (Ord. #98-02, §1; Ord. #04-03, §1)

10-8 PERMIT TO CONSTRUCT OR MAINTAIN AVIARY.

10-8.1 General Provisions.

a. *Required.* It shall be unlawful for any person within the City to construct or maintain an aviary without a permit issued by the Alameda County Health Department.

b. *Inspection and Approval of Premises Prerequisite to Issuance.* The permit required by paragraph a. shall be issued only after the inspection of the premises and approval of the sanitary condition thereof by the Alameda County Health Department.

c. *Approval of Alameda County Health Department Prerequisite to Issuance of City Building Permit.* Whenever any aviary, structure or enclosure required under this subsection is of such size as to require a building permit from the City Building Department, such permit shall not be issued without the previous approval of the Alameda County Health Department. (Ord. #98-02, §1; Ord. #04-03, §1)

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RESOLUTION NO. 2012-69

**A RESOLUTION OF THE ALBANY CITY COUNCIL ESTABLISHING
DAYS, TIMES, AREAS, AND EVENTS WHEN DOGS ARE ALLOWED ON
THE SPORTS FIELD AT MEMORIAL PARK**

WHEREAS, the Parks and Recreation Commission discussed at several Commission meetings and Community meetings alternatives and solutions for the issues raised concerning dogs on the sport field at Memorial Park; and

WHEREAS, the City Council approved additional language to the Albany Municipal Code section 10-4.2 to provide for flexibility in designating areas and times when dogs can be in parks; and

WHEREAS, the additional language to the Albany Municipal Code states that specific times, days, and areas be adopted via resolution after considering recommendations from the Parks and Recreation Commission;

NOW THEREFORE, BE IT RESOLVED, that

(1) dogs will be allowed in Section B at Memorial Park Sports Field seven days a week from 11:00am to 8:00pm, only and

(2) No dogs will be allowed in Section A at Memorial Park Sports Field at any time.

Times, days, and events when dogs are allowed will be posted at the sports field.


MAYOR



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2012-69

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 3rd day of December, 2012, by the following votes:

AYES: Council Members Lieber Wile, Thomsen, Vice Mayor Atkinson and Mayor Javandel

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 4th

Day of December, 2012.

Eileen Harrington
DEPUTY CITY CLERK

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RESOLUTION #2011-8


**A RESOLUTION OF THE ALBANY CITY COUNCIL TO APPROVE PARK HOURS
FOR JEWEL'S TERRACE PARK, OCEAN VIEW PARK, AND THE DARTMOUTH
TOT LOT.**

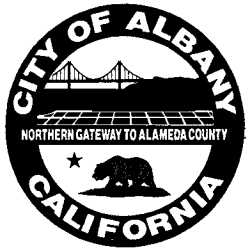
WHEREAS, the Parks and Recreation Commission discussed hours of operation for Jewel's Terrace Park, Ocean View Park, and the Dartmouth Tot Lot which were not listed in the Albany Municipal Code, and

WHEREAS, the Parks and Recreation Commission took into consideration the current park hours of operation which are listed in the Albany Municipal Code for the water front, Memorial Park, and Albany Hill, and

WHEREAS, the City Council approved additional language to the Albany Municipal Code section 8-4.3 to provide hours of operation for Ocean View Park, Jewel's Terrace Park, and the Dartmouth Tot Lot,

NOW, THEREFORE, BE IT RESOLVED, that no person shall use, remain in or enter into Ocean View Park between 11:00 p.m. and 5:00 a.m; and no person shall use, remain in or enter into Jewel's Terrace Park or Dartmouth Tot Lot between 9:00 p.m. and 7:00 a.m. April 1 through October 31, and 8:00pm to 7:00am November 1 through March 31."


Farid Javandel
Mayor



City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

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FAX (510) 528-5797

CITY ATTORNEY
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FAX (510) 526-9190

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CITY COUNCIL
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FAX (510) 524-9359

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FAX (510) 528-2743

**FIRE & EMERGENCY MEDICAL
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FAX (510) 528-5774

PERSONNEL
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POLICE
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FAX (510) 525-1360

**RECREATION & COMMUNITY
SERVICES**
1249 Marin Avenue
PH. (510) 524-9283
FAX (510) 528-8914
• Friendship Club/
Childcare Program
PH. (510) 524-0135
• Senior Center
PH. (510) 524-9122
FAX (510) 524-8940
• Teen Center
PH. (510) 525-0576

RESOLUTION NO. 2011-8

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

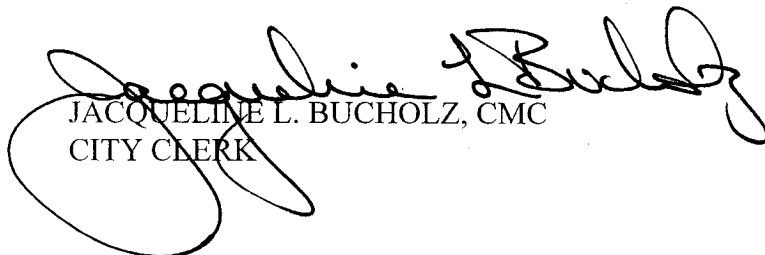
this 7th day of February, 2011, by the following votes:

AYES: Council Members Atkinson, Lieber, Thomsen, Wile & Mayor Javandel

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 9th
day of February, 20 11.


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community,
and providing a safe, healthy environment now and in the future.*



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CHAPTER XVII PUBLIC HEALTH

17-1 SMOKING POLLUTION CONTROL.¹

17-1.0 Title.

Section 17-1 shall be known as Smoking Pollution Control. (Ord. #08-03, §2)

17-1.1 Findings and Purpose.

The City Council of the City finds that:

- a. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and
- b. Reliable studies have shown that breathing secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and
- c. Health hazards induced by breathing secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and
- d. Nonsmokers who suffer allergies, respiratory diseases and other ill effects of breathing secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of such adverse reactions; and
- e. Numerous studies have shown that a majority of both nonsmokers and smokers desire to have restrictions on smoking in public places and places of employment; and
- f. Smoking is a documented cause of fires, and cigarette and cigar burns and ash stains on merchandise and fixtures cause economic losses to businesses; and
- g. Accordingly, the City Council finds and declares that the purposes of this section are (1) to protect the public health and welfare by prohibiting smoking in public places, places of employment, and specifically designated public play areas where small children are at risk of choking on or ingesting cigarette butts and other toxic tobacco litter, and (2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.
(Ord. #08-03, §1)

17-1.2 Definitions.

For the purposes of this section the following definitions shall govern unless the context clearly requires otherwise:

- a. *Bar* shall mean any area utilized primarily for the sale of alcoholic beverages for

consumption by patrons on the premises and in which the serving of food is merely incidental to the sale and consumption of alcoholic beverages and in which persons younger than twenty-one (21) years of age are at all times excluded. Although a restaurant may contain a bar, the term "bar" shall not include a restaurant dining area.

b. *Business* shall mean any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for profit-making purposes or that has an employee, as defined in this section.

c. *Dining area* shall mean any area available to or customarily used by the general public, that is designed, established, or regularly used for consuming food or drink.

d. *Employee* shall mean any person who is employed; retained as an independent contractor by any employer, as defined in this section; or any person who volunteers his or her services for an employer, association, nonprofit, or volunteer entity.

e. *Employer* shall mean any person, partnership, corporation, municipal corporation, association, nonprofit or other entity who employs or retains the service of one or more persons, or supervises volunteers.

f. *Enclosed* shall mean:

1. Any covered or partially covered space having walls, privacy fences, tents, windbreaks, or other structures or fixtures causing it to be closed to the outside that are five (5) feet or taller surrounding more than fifty (50%) percent of its perimeter area such as, for example, a covered porch with more than two (2) walls; or

2. Any space open to the sky (hereinafter "uncovered") having more than seventy-five (75%) percent of its perimeter area walled in or otherwise closed to the outside such as, for example, a courtyard, with the exception of a bar as defined in this ordinance.

g. *Multi-unit residences* shall mean a premises that contains two (2) or more units. A single-family house shared by roommates is not a multi-unit residence for purposes of this section.

h. *Multi-unit residence common area* shall mean any indoor or outdoor common area of a multi-unit residence accessible to and usable by residents of different units, including but not limited to halls and paths, lobbies, laundry rooms, common cooking areas, outdoor eating areas, play areas, swimming pools, and parking areas.

i. *Nonprofit entity* shall mean any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this section.

j. *Place of employment* shall mean any area under the legal or de facto control of an employer, business or nonprofit entity that an employee or the general public may have cause to enter in the normal course of operations, but regardless of the hours of operation, including, for example, indoor and outdoor work areas, construction sites, vehicles used in employment or for business purposes, taxis, buses, employee lounges, conference and banquet rooms, bars, restaurants, bingo and gaming facilities, long-term health facilities, warehouses, and private residences that are used as childcare or healthcare

facilities subject to licensing requirements.

k. *Playground* shall mean any park or recreational area designed in part to be used by children that has play or sports equipment installed or has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds, or on City grounds.

l. *Reasonable distance* shall mean a distance that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. This distance shall be a minimum of twenty-five (25') feet.

m. *Recreational area* shall mean any area, public or private, open to the general public for recreational purposes regardless of any fee or age requirement, including, for example, **parks**, picnic areas, beaches, gardens, walking paths, bike paths, hiking trails, sporting facilities and sports fields, stadiums, and playgrounds.

n. *Service area* shall mean any area designed to be or regularly used by one (1) or more persons to receive or wait to receive a service, enter a public place, or make a transaction whether or not such service includes the exchange of money including, for example, ATMs, bank teller windows, telephones, ticket lines, bus stops, and cab stands.

o. *Significant tobacco retailer* shall mean any tobacco retailer that derives seventy-five (75%) percent or more of gross sales receipts from the sale or exchange of tobacco products and tobacco paraphernalia.

p. *Smoking* shall mean possessing a lighted tobacco product, lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a tobacco product, pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

q. *Tobacco product* shall mean any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco.

r. *Unit* shall mean: (1) a dwelling space consisting of essentially complete independent living facilities for one (1) or more persons, including, for example, permanent provisions for living and sleeping, and any private outdoor spaces like balconies and patios; and (2) senior citizen housing and single room occupancy hotels, as defined in California Health and Safety Code section 50519(b)(1), even where lacking private cooking facilities or private plumbing facilities. "Unit" does not include lodging in a hotel or motel that meets the requirements set forth in California Civil Code section 1940(b)(2). (Ord. #08-03, §1)

17-1.3 Prohibition of Smoking in Places of Employment and Certain Other Areas.

a. *Enclosed Places.* Smoking shall be prohibited in the following enclosed places within the City except in places listed in paragraph d. below, and except in such places in which smoking is already prohibited by State or Federal law in which case the State or Federal law applies:

1. Places of Employment;
2. Multi-Unit Residence Common Areas;

3. Enclosed areas adjacent to an enclosed area in which smoking is prohibited by any other section of this Code, State law, or Federal law and that have a common or shared air space such as, without limitation, openings, cracks, air ventilation systems, doorways, hallways, and stairways. Notwithstanding any other provision, the fact that smoke enters one enclosed area from another enclosed area is conclusive proof that the areas share a common or shared air space;

4. Enclosed areas that have a common or shared ventilation, air conditioning or heating system with an enclosed area in which smoking is prohibited. Notwithstanding any other provision, the fact that smoke enters one enclosed area from another enclosed area is conclusive proof that the areas share a common or shared air space.

b. *Unenclosed Places.* Smoking shall be prohibited in the following unenclosed places within the City except in such places in which smoking is already prohibited by State or Federal law in which case the State or Federal law applies:

1. Places of Employment;
2. Service Areas;
3. Recreational Areas and Playgrounds;

4. Dining areas, except unenclosed areas of a bar that does not serve food, with the exception of the unenclosed areas of any bars where food has been served for at least ninety (90) days prior to the passage of this ordinance. If smoking is permitted in such an unenclosed area, the entire smoking section must be limited to one (1) clearly designated area prominently marked with signs, and must be located at least five (5') feet from any doorway or opening into an enclosed area. Smoking in an unenclosed area of a bar is only permitted provided the smoke does not enter adjacent enclosed or unenclosed areas, excluding public sidewalks, in which smoking is prohibited by any law or by the owner, lessee or licensee of the adjacent property;

5. Multi-Unit Residence Common Areas:

(a) Smoking is prohibited in all multi-unit residence common areas except that a landlord may designate a portion of the outdoor area of premises as a smoking area as provided in paragraph (b) below.

(b) A designated smoking area:

(1) Must be located a reasonable distance from any indoor area where smoking is prohibited;

(2) Must not include, and must be a reasonable distance from, outdoor areas primarily used by children including, but not limited to, areas improved or designated for play or swimming;

(3) Must constitute no more than twenty-five (25%) percent of the total outdoor area of the premises for which it is designated;

(4) Must have a clearly marked perimeter;

(5) Must be identified by conspicuous signs; and

(6) Must not overlap with any area in which smoking is otherwise prohibited by this section or other provisions of this Code, State law, or Federal law.

6. Sidewalks adjacent to any public or private school property;

7. The sites of public events during the events including, for example, sports events, theatrical performances, speeches, ceremonies, pageants, farmers' markets, parades, and fairs; and

8. Sidewalks on Solano Avenue, between San Pablo Avenue and the City of Berkeley jurisdictional border.

c. No person shall dispose of smoking waste within the boundaries of an area in which smoking is prohibited, including inside the perimeter of any reasonable distance required by this section.

d. Unless otherwise prohibited by law, smoking is permitted in the following enclosed places:

1. Significant tobacco retailers, if at all times minors are prohibited from entering the store;

2. Byperformers during theatrical productions, if smoking is an integral part of the story in the theatrical production;

3. Private residential units, except those used as a child care or health care facility subject to licensing requirements; and

4. Up to twenty (20%) percent of hotel and motel guest rooms, if the hotel or motel permanently designates particular guest rooms as nonsmoking rooms such that eighty (80%) percent or more of its guest rooms are nonsmoking and ashtrays and matches are permanently removed from such nonsmoking rooms. Permanent "no smoking" signage shall be posted in nonsmoking rooms.

5. In a unit of a multi-unit residential building, if the unit is occupied by a person who has an ownership interest in the property.

(Ord. #08-03, §2)

17-1.4 Reasonable Smoking Distance Required-25 Feet.

a. Smoking in unenclosed areas shall be prohibited within a reasonable distance from any entrance, opening, crack, or vent into an enclosed area in which smoking is prohibited, except while actively passing on the way to another destination, and so long as smoke does not enter any enclosed area in which smoking is prohibited by any law or by the owner, lessee or licensee of the adjacent property.

b. Smoking in unenclosed areas shall be prohibited within a reasonable distance from any unenclosed area in which smoking is prohibited under subsection 17-1.3b, 1-8 of this section except while actively passing on the way to another destination.

(Ord. #08-03, §2)

17-1.5 Duty of Person, Employer, Business, Landlord or Nonprofit Entity.

a. No person, employer, business, landlord, or nonprofit entity shall knowingly permit the smoking of tobacco products in an area which is under the legal or de facto control of the person, employer, business, landlord, or nonprofit entity and in which smoking is prohibited by this section, this Code, or any other State or Federal law provided, however, that this prohibition does not apply to a person, employer, business, landlord, or nonprofit entity already compelled to act under State or Federal law.

b. No person, employer, business, landlord, or nonprofit entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area which is under the legal or de facto control of the person, employer, business, landlord, or nonprofit entity and in which smoking is prohibited, including, without limitation, inside the perimeter of any reasonable distance required by this section.

c. Notwithstanding any other provision of this section, any owner, landlord, employer, business, nonprofit entity, or other person who controls any property, establishment, or place of employment regulated by this section may declare any part of such area in which smoking would otherwise be permitted to be a nonsmoking area.

d. "No Smoking" or "Smoke Free" signs, with letters of no less than one (1") inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every enclosed and unenclosed place in which smoking is prohibited by this section, by the person, employer, business, landlord, or nonprofit entity that has legal or de facto control of such place. At least one (1) sign with the City phone number where complaints can be directed must be conspicuously posted in every place in which smoking is prohibited. For purposes of this section, the City Administrator or designee shall be responsible for the posting of signs in regulated facilities owned or leased in part by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to the violation of any other provision of this section.

e. *Disclosure of Smoking Policy in New and Existing Multi-Unit Housing.*

1. Every landlord of a multi-unit residence shall maintain a list of designated nonsmoking units, a list of designated smoking units, and a floor plan identifying the relative position of smoking and nonsmoking units. The floor plan also shall identify the location of any designated smoking areas. At the time the lease is signed, the tenant shall also initial or sign that they received these documents. The list and plan shall be incorporated as exhibits into the lease signed by the tenant and landlord.

2. All sellers of condominium units are required to disclose to prospective buyers in writing whether smoking has been permitted in the unit and the smoking policies for the complex.

(Ord. #08-03, §2)

17-1.6 Penalties and Enforcement.

a. Any person who violates any provisions of this section shall be guilty of an infraction,

punishable by:

1. A fine, not less than fifty (\$50.00) dollars or more than one hundred (\$100.00) dollars for the first violation.

2. A fine, not less than one hundred (\$100.00) dollars nor more than two hundred fifty (\$250.00) dollars for the second violation within a year.

3. A fine, not less than two-hundred fifty (\$250.00) dollars nor more than five hundred (\$500.00) dollars for each additional violation of this section within a year.

b. Notwithstanding any other penalty provision in this section, on the proper application, a court is hereby authorized to issue an injunction to prohibit any continued violations or nuisances that fall within the acts prohibited under this section.

c. Upon a proper showing and hearing before the City Council that determines that a business establishment has violated the prohibitions contained in this section more than three (3) times in any calendar year, the City Council has the discretion to revoke the business license of the establishment.

d. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance shall also constitute a violation.

e. The remedies provided by this section are cumulative and in addition to any other remedy available at law or in equity.

f. Enforcement of this section shall be the responsibility of the Police Department. Any peace officer or Code Enforcement Official also may enforce this section.
(Ord. #08-03, §2)

17-2 RODENT HARBORAGE.

17-2.1 Definitions.

As used in this section:

Rodent harborage shall mean any condition which provides shelter or protection for rodents or which favors their multiplication and continued existence.

Rodent proofing shall mean permanent construction, alterations, repairs, devices, methods, or means to prevent the ingress of rodents into buildings or structures from the exterior or from one building to another. "Rodent proofing" shall consist essentially of the closing, with materials or equipment impervious to rodent gnawing, of all openings in the exterior walls, ground first floors, basements, roofs, sewers, and foundations which may be reached by rodents from the ground by climbing or by burrowing. As applied to buildings or structures, "rodent proofing" shall be interpreted to mean a continuous masonry foundation of the size and depth required by the Uniform Building Code and other requirements for a building of the same occupancy for clearances beneath wood joists, wall coverings adjacent to the top foundation, and the protection of roof and foundation openings and such other methods and means as will provide an equivalent effect and are approved by Community Development and Environmental Resources. (New; Ord. #97-08)

17-2.2 Rodent Proofing Required.

All buildings and structures shall be rodent proofed and maintained in a rodent proof and rodent free condition. (New; Ord. #97-08)

17-2.3 Rodent Proofing: Notices.

When determined by Community Development and Environmental Resources that any building or structure constitutes a rodent harborage, the Department may serve a notice in writing upon the person possessing such building or structure to rodent proof such building or structure, or any portion thereof, within a reasonable time. (New; Ord. #97-08)

17-2.4 Breeding Places.

No person shall possess, occupy, or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle, or other place in such a condition as will permit the breeding or harboring therein or thereon of rodents or other vermin. (New; Ord. #97-08)

17-2.5 Food Storage.

All food or food products intended for human or animal consumption shall be kept or stored in rodent free and rat proofed containers, compartments, rooms, buildings or structures. (New; Ord. #97-08)

17-2.6 Food Processing.

No person shall use any building or structure which is infested with rodents or which, in the opinion of the Community Development and Environmental Resources Department, is likely to become infested with rodents for the manufacture, preparation, storage, display, or service of any food or food product, unless such building is made free of rodents and is rodent proofed. (New; Ord. #97-08)

17-2.7 Storage Requirements.

No person shall accumulate or permit the accumulation on any place, premises, or open lot of any lumber, building materials, boxes, paper, rags, or other materials which may be permitted to remain thereon and which may serve as a rodent harborage, unless such materials shall be placed on open racks which are elevated not less than eighteen (18") inches above the ground and evenly piled or stacked or otherwise made reasonably unsuitable as a rodent harborage in such manner as may be approved by the Community Development and Environmental Resources Department. (New; Ord. #97-08)

17-2.8 Garbage and Refuse Accumulations.

No person shall place, leave, dump, or permit to accumulate any garbage or refuse in any building, structure, or place so that such building, structure, or place shall afford food and harborage for rodents. (New; Ord. #97-08)

17-2.9 Removal of Rodent Proofing Prohibited.

It shall be unlawful for any person possessing any building or structure, or any contractor, utility

company, plumber, or any other person, to remove any rodent proofing from any building or structure for any purpose and to fail to restore such rodent proofing in a satisfactory condition or to make any new openings in such building or structure which openings are not subsequently closed or sealed against the entrance of rodents. (New; Ord. #97-08)

17-3 HAZARDOUS MATERIALS RESPONSE.

17-3.1 Response to Threatened or Actual Releases.

If a threatened, or actual release of a hazardous material occurs in the absence of a business or property owner, the Fire Chief or his designee shall make a reasonable attempt to contact the business and/or property owner where the threatened or actual release has occurred and shall require the immediate mitigation of the hazard.

If there is no response or no contact is made with a business or property owner within a reasonable time frame, the Fire Chief or his designee shall take mitigating action which may include, but is not limited to, hazard removal or relocation, clean-up, site evaluation, soil testing, and/or chemical analysis.

The expense of securing any threatened, or actual release of any hazardous material is a charge against the person or firm who has controlling interest in the business or property on or in which the threatened or actual release occurred. Damage and expenses incurred by any public agency assisting the agency having jurisdiction shall constitute a debt to such person and shall be collectable by the Fire Chief for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency. (Ord. #90-08, §2)

17-3.2 Fees.

The Fire Department shall charge fees, as set forth by the Council, by resolution, for the actual time spent controlling and mitigating the emergency. The fees will be for one (1) hour minimum and to the nearest one quarter (1/4) hour including salary, fringe benefits, and overhead costs, and for use of any equipment. The Fire Department shall charge for actual expenses incurred for outside services plus overhead. (Ord. #90-08, §3)

17-4 INTEGRATED PEST MANAGEMENT POLICY AND REGULATIONS.

17-4.1 Purpose.

The Integrated Pest Management (IPM) Ordinance, which shall apply to all City owned, operated or maintained property, is adopted in order to protect human health and the environment and to authorize the establishment of a set of policies and standard practices for design, maintenance, and operation of building and landscaping to minimize pest problems, address any pest problems, address any pest problems by non-chemical methods, and to employ only the least-toxic methods as a last resort and in the context of carefully integrated pest management planning to prevent the need for repeated use of chemical controls. (Ord. No. 08-01)

17-4.2 Definitions.

In accordance with the definitions contained in the Integrated Pest Management Policy and Regulations. (Ord. No. 08-01)

17-4.3 Contents of an Integrated Pest Management Policy.

The City Council shall establish by resolution, and review and update as necessary, Integrated Pest Management Policy and Regulations, and associated policies, and authorize the Park and Recreation Commission to periodically review those documents and forward recommended revisions if any. No Council action is necessary, if no revisions are proposed. The IPMPolicy, and associated policies shall include, in the Council's discretion but not be limited to, the following elements:

- a. Implementation process for developing an IPM Program.
- b. Designation of a City IPM Coordinator, City IPM Team, and professional IPM Advisor.
- c. Establishment of an IPM Oversight Committee, composed of citizens and City Commissioners.
- d. Procedures for education/training of staff.
- e. Policy regarding Ban on Use of Toxicity Category I, II, and Certain Other Pesticides per State and Federal regulations and other standards.
- f. Standards for banning certain types of fertilizers in keeping with the goal of using natural and organic fertilizers.
- g. Establishment of special protection zones where pesticide use is prohibited except through the exemption process.
- h. Procedures for IPM record keeping and reporting.
- i. Identification of qualified pesticide applicators.
- j. Posting procedures/content of notices of pesticide use.
- k. Methods of product selection and placement on a Reduced Risk Pesticide List (RRPL).
- l. Methods of product selection and placement on an Environmentally Preferable Fertilizer List (EPFL).
- m. Exemption and Appeal process.
- n. Storage of pesticides and fertilizers.
- o. Reviewing plans for public landscape and new construction projects.
- p. Community education and outreach.

The Integrated Pest Management Policy shall be based on the recommendation of the Park and

Recreation Commission.
(Ord. No. 08-01)

14-1.2 Damage to Public Property.

It shall be unlawful for any person to deface, mar, or destroy in any manner any street, sidewalk, curb or gutter or any other public property. It shall further be unlawful for any person to deposit any material in a street gutter except as allowed by an encroachment permit issued pursuant to this section. (Ord. #98-03, §1)

8-12 BICYCLES.

8-12.1 Safe Mechanical Condition Required.

It shall be unlawful for any person to ride or operate a bicycle in the City unless it is in safe mechanical condition. (Ord. #759, §15; 1958 Code §6.2)

8-12.2 Siren or Whistle Prohibited.

It shall be unlawful to equip a bicycle with a siren or whistle. (Ord. #759, §14; 1958 Code §6.5)

8-12.3 Handlebar Grips.

Every bicycle that is equipped with handlebar grips must have the grips securely glued or cemented to the handlebars. (Ord. #759, §14; 1958 Code §6.6)

8-12.4 Operation Regulations.

a. *Speed and Operation Generally.* No person shall ride or operate a bicycle faster than is reasonable and proper, and every bicycle shall be operated with reasonable regard to the safety of the operator and other persons upon the streets, sidewalks and public highways of the City.

b. *Riding on Sidewalks.* No person shall ride or operate a bicycle on any sidewalk in the City except that juveniles under the age of sixteen (16) years, exercising due care and giving the pedestrian the right-of-way, may ride and operate their bicycles upon the sidewalk, except such sidewalks as are in front of schools, stores or buildings used for business purposes.

c. *Group Riding.* Persons riding or operating bicycles in the City shall not ride more than two (2) abreast, except on paths or parts of a roadway set aside for the exclusive use of bicycles; provided, however, that persons riding bicycles on the sidewalk shall do so in single file.

d. *Towing Other Vehicles.* No person riding or operating a bicycle in the City shall tow any other vehicle or person, except that bicycle trailers used for the delivery of newspapers, magazines or merchandise may be towed when being used in such delivery service.

e. *Passengers.* No person riding or operating a bicycle in the City shall carry another person on such bicycle, unless such person or passenger is seated upon an individual seat or carrier separate from that intended to be used by the operator.

No person shall ride upon a bicycle as a passenger, unless he is seated upon an individual seat or carrier separate from that intended to be used by the operator.

f. *Races and Endurance Contests.* No person riding or operating a bicycle upon a public highway or street shall participate in any race, speed or endurance contest unless such race or endurance contest has the written permission of the City Council and is conducted under the supervision of the Chief of Police.

g. *Trick Riding.* No person riding or operating a bicycle shall perform or attempt to perform any acrobatic, fancy or stunt riding upon any public highway or street in the City.

h. *Riding in Playgrounds, Parks or School Ground.* No person shall ride or operate a bicycle upon any playground, park or school ground where children are playing, without permission of the person having supervision thereof.

i. *Turning.* Every person riding or operating a bicycle upon the streets and highways of the City shall turn only at intersections, except as otherwise provided in the following subsections.

j. *Right Turns.* Every person riding or operating a bicycle intending to turn to the right at an intersection or into an alley or driveway, shall approach the turning point in the line of traffic nearest the righthand curb of the street.

k. *Right Turns Against Red.* The operator of a bicycle which is stopped as close as practicable to the entrance of an intersection in obedience to a red light or "Stop" signal may make a right turn but shall yield the right of way to pedestrians and other traffic proceeding as directed by the signal at the intersection unless a sign has been posted prohibiting such turn.

l. *Left Turns.* Every person riding or operating a bicycle intending to turn left at an intersection or to enter an alley or driveway shall approach the point of turning in the line of traffic nearest to the center of the roadway. The operator of a bicycle in turning left at an intersection shall pass to the right of the center of the intersection before turning unless otherwise directed by markers, buttons or signs.

m. *"U" Turns.* No bicycle shall be turned in any business district so as to proceed in the opposite direction, except at intersections.

No bicycle operated in a residence district shall be turned so as to proceed in the opposite direction when any other vehicle is approaching from either direction within two hundred (200') feet, except at an intersection.

n. *Turning and Stopping Signals.* No person shall turn a bicycle or stop a bicycle which he is riding or operating unless such movement can be made with safety, and then only after giving an appropriate signal during the last fifty (50') feet traveled by the bicycles before turning or stopping. Such signals shall be as follows:

1. *Left Turn.* Every person signaling a left turn shall do so by extending his left hand and arm horizontally beyond the side of the bicycle.

2. *Right Turn.* Every person signaling a right turn shall do so by extending his left hand and arm upward beyond the side of the bicycle.

3. *Stop or Sudden Decrease of Speed.* Every person signaling a stop shall do so by extending his left hand and arm downward beyond the side of the bicycle.

o. *Entering Sidewalk or Street from Alley or Driveway.* The operator of a bicycle, on leaving an alley or driveway, when his view of either the sidewalk or street area is obstructed shall stop such bicycle immediately prior to riding upon such sidewalk or street area.

p. *Passing and Meeting Vehicles.* Every person operating a bicycle shall pass to the left when passing vehicles going in the same direction, and shall pass to the right when meeting vehicles going in the opposite direction.

(Ord. 759, §16; 1958 Code §§6.10 to 6.30)

8-12.5 Procedure in Case of Accident.

The operator of any bicycle involved in an accident shall take reasonable steps to ascertain whether or not anyone was injured, and he shall give his name, address and license number of his bicycle to the person with whom he was in collision, and he shall obtain the same information from the other person.

It shall be the duty of the bicycle operator to make a written report of any accident resulting in death or injury, to the Police Department within twenty-four (24) hours of such accident. (Ord. #759, §17; 1958 Code §6.31)

8-12.6 Police Department Serial Number.

If the serial number of any bicycle is obliterated or defaced, and the possessor has satisfactory proof of ownership, the Chief of Police is hereby authorized to place a Police Department serial number thereon. (Ord. #759, §39; 1958 Code §6.32)

8-12.7 Abandoned and Unidentified Bicycles.

All abandoned bicycles and unidentified bicycles remaining in the hands of the Chief of Police shall, at the end of three (3) months, be sold at auction. (Ord. #759, §40; Ord. #61-012, §1; Ord. #71-02, §1; Ord. #71-020, §1; 1958 Code §6.35)

8-12.8 Registration and Licensing.

a. *Required; Exceptions.* It shall be unlawful for any person to operate or use a bicycle in the City which has not been registered, and for which a license has not been obtained.

Any nonresident of the City may operate in the City any bicycle which is duly licensed and registered in another municipality, and which is equipped with license plates, without obtaining an Albany license; provided, that such other municipality wherein the bicycle is licensed extends the same privilege to residents of this City.

b. *Application.* Every person desiring a bicycle license in the City shall make application to the Chief of Police upon blanks furnished by him. Such application must be filed in duplicate and shall contain such information as may be required by the Chief of Police as to the applicant and the description of the bicycle sought to be licensed.

c. *Examination of Applicant.* Upon making an application for his first bicycle license, registration card and license plates, the applicant may be required to be examined by an examining officer designated by the Chief of Police. The Chief of Police may further designate the manner of examination. Upon completion of the examination, the Chief of Police may refuse to issue a license to the applicant if the examination discloses to the Chief of Police that the applicant does not have a reasonable knowledge of the provisions of this section, the provisions of Section 452 of the Vehicle Code of the State or that the applicant is unable to exercise reasonable control in operating a bicycle.

d. *Fee.* Every person desiring a bicycle license shall pay to the Chief of Police a license fee of one (\$1.00) dollar, payable in advance at the time the application is made.

e. *Safe Condition of Bicycle Prior to Issuance of License.* No license required by this section shall be issued unless the bicycle complies with the requirements of this section as to its safe mechanical condition.

f. *Issuance of Sticker and Registration Card; Term.* Upon approval of the application for a bicycle license and payment of the license fee, the Chief of Police shall issue a bicycle license sticker and registration card, which shall be effective until voided.

g. *Sticker to be Displayed.* It shall be unlawful for any person required by this section to obtain a bicycle license to operate a bicycle without displaying thereon a current license sticker issued under this section.

(Ord. #759, §§2-7; 1958 Code §§6.37-6.43; New)

8-12.9 Removing or Destroying Plates or Registration Card.

No person shall remove, destroy, mutilate or alter any license plate or registration card during the period in which such license plate or registration card is operative. (Ord. #759, §37; 1958 Code §6.47)

8-12.10 Procedure When Bicycle Sold or Junked.

Every person other than the operator of a bicycle establishment as defined in subsection 5-18.1 of this Code, who sells or transfers ownership of any bicycle shall report such sale or transfer of ownership to the Chief of Police, and shall return the registration card issued to such person to the Chief of Police, together with the name and address of the person to whom the bicycle was sold or transferred, within ten (10) days from the date of sale or transfer; provided, however, that if the sale or transfer is made to the operator of a bicycle establishment, then such registration card shall be given to the owner of the bicycle establishment, who shall then forward the registration card to the Chief of Police.

License sticker shall not be transferable from one bicycle to another or from one owner to another. A license shall be deemed to be canceled when the bicycle is sold, exchanged, junked or is disposed of in any other manner by the person to whom the license was originally issued.

It shall be the duty of the purchaser or transferee of such bicycle to deliver such license plate to the Chief of Police and make application for a new license and registration card within ten (10) days of such purchase or transfer.

Upon dismantling and disposing of bicycles as junk, the licensee shall turn in his registration card and license plate to the Chief of Police. (Ord. #759, §§33, 34, 36; 1958 Code §6.48; New)

8-12.11 Impoundment of Unlicensed Bicycles.

The Chief of Police shall have the power to pick up and hold all bicycles that have not been properly licensed in the City. This right does not extend to any bicycle from any area outside the City. (Ord. #759, §11; 1958 Code §6.49)

8-12.12 Loss of Sticker.

Upon loss of a bicycle license sticker, the licensee shall be required to report its loss or theft within ten (10) days. Upon receipt of such report, the Chief of Police shall cancel the old license and

issue a new license sticker to the licensee, upon receipt of a fee of one (\$1.00) dollar. (Ord. #759, §12; 1958 Code §6.50; New)

8-12.13 Duplicate Registration Card.

Upon loss of a registration card issued under this section, the licensee shall make application for a duplicate card, which shall be issued to him free of cost. (Ord. #759, §13; 1958 Code §6.51)

9-8 MISCELLANEOUS DRIVING RULES.

9-8.1 Driving Through Funeral Processions. ^[15]

No driver of a vehicle shall drive between vehicles comprising a funeral procession while they are in motion and when the vehicles in such procession are conspicuously so designated. (Ord. #58-016, Art. 9, §1; 1958 Code §20.42)

9-8.2 Roller Skates, Skateboards and Toy Vehicles.

a. No person shall ride upon a skateboard, roller skates, or coaster or propel any such device on the street portion of Marin Avenue, San Pablo Avenue or Solano Avenue or on the sidewalks on Solano Avenue east of Adams within the City limits, except when crossing at a crosswalk.

b. Riding or propelling a skateboard, coaster, or other similar device shall be undertaken in an upright position, and it shall be unlawful for any person to ride any such vehicle on any public street or sidewalk in a prone, kneeling, or other than upright position.

c. No person on a skateboard, roller skates, coaster, toy vehicle, or any such similar device shall grab onto, attach himself/herself onto, or in any way affix himself/herself onto a moving or operating motor vehicle. ^[16]

d. No person shall use a skateboard, coaster, or other similar device at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the street or sidewalk, or in any event at a speed which endangers the safety of any person or property.

e. Any person (rider) riding a skateboard, coaster or similar device shall at all times accord the right-of-way to any persons on foot. Without limitation of the foregoing, whenever any of the following conditions exist, a rider shall dismount at a safe distance and proceed on foot until such condition ceases to exist, which distance must be equal to or greater than fifteen (15') feet from such condition:

1. When the rider approaches any pedestrian and there is insufficient area for the rider to pass such person safely;

2. When the rider approaches any person who, due to apparent physical condition, disability or frailty, may be intimidated by the approach or passage of the rider; or

3. When approaching two (2) or more persons on foot who are within ten (10') feet of each other.

f. No rider shall ride within three (3') feet of the front of any commercial building. If, in doing so, the rider is unable to pass on the curb side of any approaching foot traffic, the rider shall dismount and proceed on foot until that condition ceases to exist.
(Ord. #58-016, Art. 9, §2; 1958 Code §20.43; Ord. #86-07, §1)



PARK RULES

PARK CLOSED 11 PM-5 AM

- No camping, motorized vehicles, weapons, fires, fireworks or other incendiary devices
- No generators, solar panels, or similar devices generating electricity
- Dogs must be under proper control and supervision by a capable person. No dogs in play structure areas. (AMC 10-4.2)
- Any sound amplifying equipment must be used in such a manner as to not disturb the peace, quiet and comfort of park users or any reasonable person of normal sensitivity using any of these areas
- Alcohol is not allowed except when attending a function operated under an alcohol permit issued in accordance with the rules and regulations of the Recreation & Community Services Department
- Throw trash in receptacles or take it with you
- No structures of any kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such areas. (Examples: jump houses, rock walls, etc.)
- No person shall attach anything, whether rope, cable or otherwise, to any shrub, tree, fence rail, bridge, bench, or other structure.
- Do not store personal property
- Do not dig or remove any soil, rock, stones, trees, shrubs, plants or other wood and/or materials or make any excavation
- Place or cause to be placed in any waters of any fountains, streams or any other body of any substance, matter, or thing, liquid or solid which may result in pollution of said water
- Park Rules are listed in the Albany Municipal Code 8-4



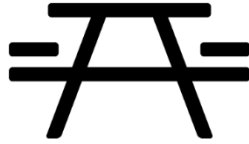


PARK CLOSED 9 PM-7 AM (APRIL 1-OCTOBER 31); 8 PM-7 AM (NOVEMBER 1-MARCH 31)

- No camping, motorized vehicles, weapons, fires, fireworks or other incendiary devices
- No generators, solar panels, or similar devices generating electricity
- Dogs must be under proper control and supervision by a capable person. No dogs in play structure areas. (AMC 10-4.2)
- Any sound amplifying equipment must be used in such a manner as to not disturb the peace, quiet and comfort of park users or any reasonable person of normal sensitivity using any of these areas
- Alcohol is not allowed except when attending a function operated under an alcohol permit issued in accordance with the rules and regulations of the Recreation & Community Services Department
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AMC 10-4.2



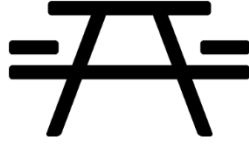
MEMORIAL PARK PICNIC AREA RULES

MAXIMUM OCCUPANCY 54 (6 PEOPLE PER TABLE)

MEMORIAL PARK IS CLOSED 11 PM-5 AM

- Priority use is granted to individuals or groups with a valid Picnic Rental Permit from the City of Albany.
- If you do not have a Picnic Rental Permit, please vacate the area to allow permitted users full access to the area.
- No fires, fireworks, or other incendiary devices
- No structures of any kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such areas. (Examples: jump houses, rock walls, etc.)
- No generators, solar panels, or similar devices generating electricity.
- No person shall attach anything, whether rope, cable or otherwise, to any shrub, tree, fence rail, bridge, bench, or other structure.
- No person shall fail to deposit refuse and/or rubbish in the receptacles provided. In the event receptacles are not available, all refuse and rubbish shall be carried away from such areas by the person responsible for its presence.
- Any sound amplifying equipment must be used in such a manner as to not disturb the peace, quiet and comfort of park users or any reasonable person of normal sensitivity using any of these areas.
- Picnic Areas can be reserved through the Albany Recreation Department (510) 524-9283
- For permit disputes on weekends, please call the Albany Police Department (510) 525-7300.
- Park Rules are listed in the Albany Municipal Code 8-4





OCEAN VIEW PARK PICNIC AREA RULES

MAXIMUM OCCUPANCY 72 (6 PEOPLE PER TABLE)

OCEAN VIEW PARK IS CLOSED 11 PM-5 AM

- Priority use is granted to individuals or groups with a valid Picnic Rental Permit from the City of Albany.
- If you do not have a Picnic Rental Permit, please vacate the area to allow permitted users full access to the area.
- No fires, fireworks, or other incendiary devices
- No structures of any kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such areas. (Examples: jump houses, rock walls, etc.)
- No generators, solar panels, or similar devices generating electricity.
- No person shall attach anything, whether rope, cable or otherwise, to any shrub, tree, fence rail, bridge, bench, or other structure.
- No person shall fail to deposit refuse and/or rubbish in the receptacles provided. In the event receptacles are not available, all refuse and rubbish shall be carried away from such areas by the person responsible for its presence.
- Any sound amplifying equipment must be used in such a manner as to not disturb the peace, quiet and comfort of park users or any reasonable person of normal sensitivity using any of these areas.
- Picnic Areas can be reserved through the Albany Recreation Department (510) 524-9283
- For permit disputes on weekends, please call the Albany Police Department (510) 525-7300.
- Park Rules are listed in the Albany Municipal Code 8-4



AMC 10-4.2





JEWEL'S TERRACE PARK PICNIC AREA RULES

MAXIMUM OCCUPANCY 30 (6 PEOPLE PER TABLE)

JEWEL'S TERRACE PARK IS CLOSED:

9 PM-7 AM (APRIL 1-OCTOBER 31); 8 PM-7 AM (NOVEMBER 1-MARCH 31)

- Priority use is granted to individuals or groups with a valid Picnic Rental Permit from the City of Albany.
- If you do not have a Picnic Rental Permit, please vacate the area to allow permitted users full access to the area.
- No fires, fireworks, or other incendiary devices
- No structures of any kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such areas. (Examples: jump houses, rock walls, etc.)
- No generators, solar panels, or similar devices generating electricity.
- No person shall attach anything, whether rope, cable or otherwise, to any shrub, tree, fence rail, bridge, bench, or other structure.
- No person shall fail to deposit refuse and/or rubbish in the receptacles provided. In the event receptacles are not available, all refuse and rubbish shall be carried away from such areas by the person responsible for its presence.
- Any sound amplifying equipment must be used in such a manner as to not disturb the peace, quiet and comfort of park users or any reasonable person of normal sensitivity using any of these areas.
- Picnic Areas can be reserved through the Albany Recreation Department (510) 524-9283
- For permit disputes on weekends, please call the Albany Police Department (510) 525-7300.
- Park Rules are listed in the Albany Municipal Code 8-4



AMC 10-4.2



PLAY STRUCTURE AREA SAFETY RULES

PLAY STRUCTURE DESIGNATED FOR KIDS AGES 3-5

- Adult supervision required
- Parents & Supervisors should check for hot surfaces
- Do not wear helmets, necklaces, or clothing with hoods cord or drawstrings
- Do not play on broken or damaged playground equipment
- Do not walk up or climb on slides. Slide feet first, face forward, in a seated position, one at a time
- Do not climb on or over rails, walls, barriers, roofs, or swing frames
- Do not run on, jump off or dive off playground equipment
- Do not walk or climb on top monkey bars. Use monkey bars one rung at a time
- Swing in a seated position and do not twist chains or jump out of swings
- Report damaged or broken equipment to the Recreation Department
(510) 524-9283



Ord. #08-03 §2



AMC 10-4.2





PLAY STRUCTURE AREA SAFETY RULES

PLAY STRUCTURE DESIGNATED FOR KIDS AGES 5-12

- Adult supervision required
- Parents & Supervisors should check for hot surfaces
- Do not wear helmets, necklaces, or clothing with hoods cord or drawstrings
- Do not play on broken or damaged playground equipment
- Do not walk up or climb on slides. Slide feet first, face forward, in a seated position, one at a time
- Do not climb on or over rails, walls, barriers, roofs, or swing frames
- Do not run on, jump off or dive off playground equipment
- Do not walk or climb on top monkey bars. Use monkey bars one rung at a time
- Swing in a seated position and do not twist chains or jump out of swings
- Report damaged or broken equipment to the Recreation Department (510) 524-9283



Ord. #08-03 §2



AMC 10-4.2

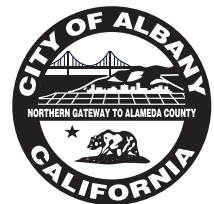


Tennis Court Rules

- Courts are subject to reservation by the Albany Recreation Department. City tennis lessons, classes and camps have priority.
- If you would like to reserve a court, call the Albany Recreation Dept. at (510) 524-9283. You must have your permit with you. Players with a permit have priority over walk-ups.
- Court use is on a first-come basis. Individuals waiting are entitled to the first open court. User is limited to 1/2 hour of play if people are waiting. Saving courts is not permitted.
- Courts are for tennis only. Tennis shoes are required.
- Privately paid instructors must have a permit.
- Tennis-court courtesy is expected of everyone.
- Help keep this facility clean.

City of Albany
Recreation & Community Services
(510) 524-9283

City of Albany





SPORT FIELD RULES

- Field use is by permit only.
- Please contact the Albany Recreation & Community Services Department for permits or field closure information (510) 524-9283
- No dogs allowed on sports fields (AMC 10-4.2; Resolution #2012-69)



Ord. #08-03 §2



AMC 10-4.2

