

**CITY OF ALBANY**  
**Parks and Recreation Commission**  
**STAFF REPORT**

Agenda Date: January 8, 2009

**SUBJECT:** The Commission will discuss possible options and alternatives for addressing recent concerns regarding aggressive dogs in Albany's parks as well as how best to share Albany's limited park space with the considerable need for having areas within the parks for dogs.

**REPORT BY:** Penelope Leach, Recreation and Community Services Director

**STAFF RECOMMENDATION**

Discussion item only

**BACKGROUND**

The Parks and Recreation Commission recently received a complaint regarding aggressive dogs at Memorial Park. The most recent letter is in attachment A. The Commission addressed the complaint in very general terms at the December 2008 Commission meeting. The intent at the December meeting was to get a feel from Commissioners as to the next steps the Commission would recommend taking, if any, given that the issue of dogs in Albany's parks continues to be a topic that is brought before the Commission. The Commission chose to solicit more information before deciding how to move forward. The information presented in this staff report represents the information the Commission requested for discussion purposes only. The Commission has made no recommendations at this time, but would like to analyze the requested information as well as gain as much community input as possible.

As a 20-year veteran on Albany's police force, Police Chief Mike McQuiston attended the December meeting in an effort to provide a brief history of how Albany has addressed dog issues and animal control in general over the years. Chief McQuiston reported that until the early/mid 1990's an animal control enforcement officer was employed by the City and was under the direction of the Albany Police Department. At that time Albany had a leash law that the animal control officer was primarily responsible for enforcing. The animal control enforcement officer was eliminated and replaced with a contract for animal control services with the City of Berkeley Animal Control (BAC). The contract with BAC is administered through the Assistant City Administrator's office. Currently, the cost of the annual contract is approximately \$27,000 per year.

Albany's current Animal Control ordinance is contained in Chapter X of the Albany Municipal Code. Regarding dogs at-large the code reads:

*10-4.2 Animals At-Large.*

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. (Ord. #98-02, §1; Ord. #04-03, §1)

The current language for Chapter X of the Albany municipal code was adopted when animal control services began contracting with BAC. The language eliminating the "leash law" was contained in the proposed new ordinance as it was modeled after Berkeley's ordinance, which allowed BAC to easily enforce Albany's ordinance. However, it should be noted that since that time Berkeley's Animal Control ordinance has changed and a leash law has been instituted. Berkeley's municipal code now reads:

Except in an area specifically set aside and designated by the City Council as a "dog park", or "off-leash" area no owner/guardian or keeper of a dog shall allow or permit such dog, whether licensed or unlicensed, to be or run at large in or upon any public place or premises, or in or upon any private place or premises other than those of said owner/guardian or keeper except with the consent of the person in charge of said private place or premises, unless such dog is securely restrained by a substantial leash not to exceed six feet in length and is in charge and control. An obedience-trained dog under effective charge and control within six feet of his master shall be deemed to be on a leash. For the purposes of this section, any dog in or upon any motor vehicle shall be deemed to be on the premises of the operator thereof. (Ord. 6627 § 1, 2001; Ord. 5789-NS § 1, 1986; Ord. 4412-NS (part), 1969; Ord. 4372-NS § 9, 1968)

Chief McQuiston also reported that based on a quick review of Albany's records between January 1, 2008 and December 10, 2008, officers documented 242 "animal" incidents in Albany. By definition an incident classified as an "animal incident" may include a barking dog complaint, a dead animal (squirrel, raccoon, sea lion, cat, etc.), unattended animal in a vehicle, etc. Twenty-two actual case reports have been documented in that same time and these include:

- 10 dog bites
- 6 dog vs. dog (or cat)
- 2 aggressive dogs
- 1 citation issued for an "at large" dog that had managed to get out of his yard.

The Commission also asked how other cities address dogs in parks. Staff sent an email to other cities in California and has included a table of information for those cities that responded. Please see attachment B.

The Commission also requested that Albany's Dog Ad Hoc Committee meet and make recommendations to the Commission. The Committee met on December 18, 2008. The notes from that meeting are in attachment C.

Attachments

- Attachment A: Letter from resident  
Attachment B: Table of Cities Leash Laws  
Attachment C: Notes from December 2008 Dog Ad Hoc Committee