

September 11, 2009

To: Waterfront Committee  
From: Ann Chaney  
Subject: **Dog Management questions from July 27, 2009 WFC Meeting**

1. **Question:** *How much revenue the City might expect if we required a permit for professional dog walkers?*

**Answer:**

Albany only has a Dog License: regular - \$15.90/yr; spayed or neutered - \$7.95/yr (reduced cost for senior citizens; Blind/Assisted are exempt).

EBRPD requires "commercial dog walkers" to register and obtain a permit for between 1 to 6 dogs in EB District parks (i.e., 6 dog maximum).

EBRPD Fee structure:       \$250/year for commercial dog walkers  
                                      \$125/semi-annually  
                                      No cost - Private families up to 3 dogs at a time

2. **Question:** *How much would it cost to hire someone to enforce the rules, including rules that already exist and other rules that the Committee might ask Council to adopt?*

**Answer:** Estimate \$22 per hour with benefits (similar to parking enforcement officer position).

3. **Question:** *In addition to the dog walking permit, are there other ways to raise revenue to pay for the position?*

**Answer:** WFC and staff should discuss further.

4. **Question:** *Is there a way to work with EBRPD to see that "dogs on leash" rules get enforced?* Rules that already exist include the City's ordinance that dogs must be under control of the owner, and owners must pick up after their dogs. EBRPD has a number of rules that are not being enforced.

**Answer:** Awaiting return call from EBRPD police. Will report to WFC on 9/14/09.

5. **Question:** *What do other cities do to enforce their "dog rules", how much does it cost, and how do they pay for it?*

**Answer:** Will report to WFC on 9/14/09.

**6. Question:** *Since Albany PD patrols the water front, can they enforce the rules? Is more signage needed that states the rules?*

**Answer:** Will discuss with Police Department.

**7. Question:** *Is it possible to add hours to City's existing contract with Berkeley for animal control services? How much would it cost?*

**Answer:** Will report to WFC on 9/14/09

**8. Question:** *What is the best way to solicit community input before they make any kind of recommendation to Council?*

**Answer:** Staff will present ideas at 9/14/09

**Dogs and People at the Albany Waterfront**

**Report prepared by Francesco Papalia  
for  
Waterfront Committee Members**

June 5, 2009

# **Dogs and people at the Albany Waterfront Report**

**Prepared by Francesco Papalia, Albany Waterfront Committee Member, June 5, 2009**

Currently, the Albany Waterfront is a de facto off-leash dog park without any enforcement of any rules. Because the area is owned and supervised by the City of Albany, EBRPD, and Golden Gate Fields, most visitors do not know the boundaries from one ownership interest to another. The rules, if any, are unknown. Enforcement is non-existent. This multi-jurisdictional responsibility leads to a passive non-enforcement of any rules resulting in a clash between multiple user groups. A majority of the current users of the park are dog owners and at any given time there could be as many dogs at the park as humans. The Albany beach is used as an off-leash dog beach.

## **Issues that need to be addressed:**

- Off-leash dogs intimidate people with small dogs on-leash.
- Off-leash dogs intimidate people who are not comfortable with dogs.
- Off-leash dogs naturally will take any unguarded food. Picnicking is a stressful experience with dogs around.
- When dogs run free in groups they develop a natural pack mentality. They are just being dogs.
- Parents with small children can feel that the area is unsafe for their children with large numbers of dogs running free.
- The failure of dog owners and professional dog walkers to clean up after their dogs.
- Unlicensed and unregulated professional dog walkers who can bring four to ten dogs at a time, multiple times a day.
- Other jurisdictions like Oakland, Berkeley and EBRPD require dog walkers to have a business license and limit the number of dogs. Since Albany does not, professional dog walkers come from other cities and bring large numbers of dogs because it is more efficient use of their time, no license required and they do not have to clean up after them.
- Dogs and humans can damage sensitive natural and wildlife habitat.
- EBRPD does not enforce their rules because it is so difficult to manage without the City of Albany's cooperation.
- Albany has no way to enforce their regulations since they stopped having a Dog Officer and now contract with the City of Berkeley for limited services: pick-up of dead animals, quarantining of dogs who have bitten people, pick-up loose dogs, attending to sick or injured animals.

- **Many Albany residents including families with small children avoid or do not go the waterfront because of a combination of the above issues including people who have and love dogs.**

### **Possible Solutions/Actions:**

- Provide areas for all kinds of park visitors to use.
- Requiring of licenses and current vaccinations for dogs.
- Providing multiple doggie bag stations and disposal.
- Clear signage of rules and designated areas.
- Enforcement of regulations.
- Coordinated enforcement with EBRPD.
- Requiring dog walkers to have licenses: Limit number of dogs to no more than six at a time, in line with EBRPD rules. All dogs must have licenses and current vaccinations. They must clean up after the dogs. Fines for failure to comply with regulations and revocation of business license after three violations.
- Limiting the use of the off leash areas to individuals or family groups with more than three or dogs at a time.
- Ask EBRPD to designate the beach as a dog area or a people area and enforce it.
- Year round exclusion of dogs from protected bird habitat areas.
- Seasonal Exclusion of dogs from protected bird habitat areas for protection of seasonally sensitive areas.
- Specific areas area for off-leash dogs. **Dogs required to be on a leash at all times outside of those areas.**
- Provide more areas and facilities for use by families with children within dog free zones.

### **Enforcement of regulations**

- **Coordination with EBRPD is essential for the new regulations to be effective.**
- Regulations need to clear and easily understood with proper signage.
- Albany Police and EBRPD must cite violators.
- Initial period of enforcement with ample publicity and the issuing of warnings.
- Progressive fine schedule for multiple violations: example, \$75-\$150-\$500
- Revocation of dog walkers business license after three violations.

**Attachments:** El Cerrito Dog Laws Excerpts, Quick Guide to Owning a Dog in Berkeley, Berkeley Animal License Instructions, EBRPD Frequently Asked Questions (regarding dogs)

## EL Cerrito Dog Laws

### 7.08.050 Staking animals.

No person shall keep an animal weighing more than fifty pounds on any premises not surrounded by a fence sufficient to contain such animal, unless the same shall be so securely staked, tied or fastened as to prevent it breaking away and running at large. (Ord. 87-10 Div II (part), 1987.)

### 7.12.030 Disturbance of public peace and welfare.

A. It is unlawful and shall constitute a nuisance per se for any person having possession of any dog to permit the same to disturb the public peace and welfare by barking, teasing other pets or animals, jumping fences, spilling garbage cans, excreting on property other than that of its owner, giving birth on the street, lying on the sidewalk so as to block it, burying objects of any sort on property other than that of its owner, or running loose on school property.

**B. It is unlawful and shall constitute a nuisance per se for any person having possession of any dog to allow it outside without having a fence capable of containing same, except when the dog is on a leash.**

C. It is unlawful and shall constitute a nuisance per se for any person having possession of any dog to allow it to take a newspaper or any other item or belonging from property other than that of its owner.

(Ord. 87-10 Div. III (part), 1987; Ord. 343 N.S. (part), 1974; prior code § 4126.)

### 7.12.050 Violations.

Any dog found to have committed dangerous acts, as described in Section 7.12.020, on two or more occasions shall be deemed a menace and regulated as described under Section 7.12.010. In addition to enforcement by the county animal services director, violations of this chapter shall be a misdemeanor except that violation of Section 7.12.030 shall be an **infraction punishable by a fine of fifty dollars and a nuisance per se.** (Ord. 87-10 Div. III (part), 1987.)

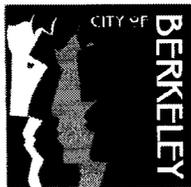
2. For statutory provisions regarding the authority of cities to impose an annual dog license fee, see Gov. Code § 38792; for provisions regarding the authority of cities to seize and impound dogs found running at large, see Agric. Code § 31101.

## Quick Guide to Owning a Dog in Berkeley



Every dog owner in the City of Berkeley is responsible for knowing the City's rules and regulations governing both owner and animal behavior. Given below is our "Quick Guide to Owning a Dog in Berkeley."

- No owner/guardian or keeper of a dog shall allow or permit a dog to be or run at large in or upon any public place or premises unless such dog is securely restrained by a substantial leash not to exceed six feet in length. An obedience-trained dog under effective charge and control within six feet of his master shall be deemed to be on leash. (BMC 10.04.090) The provisions of this section shall not apply to dogs being used by disabled individuals as service animals.
- It is unlawful for any person to permit any dog to be in or upon any public playground or park maintained by the City unless such dog is securely restrained by a substantial leash not to exceed six feet in length. (BMC 10.04.120) [Please note the above provision regarding an obedience-trained dog does not apply in playgrounds or parks.] The provisions of this section shall not apply to dogs being used by disabled individuals as service animals.
- Any person having custody of a dog while on public property shall at all times carry an instrument suitable for removing and disposing of feces which may be deposited by said dog and shall remove any such feces deposited by such dog while on such property (BMC 10.04.091). The provisions of this section shall not apply to dogs being used by disabled individuals as service animals.
- Every dog over the age of six months must be licensed and must wear the license (BMC 10.04.030). [Special tags for service animals may be obtained from Alameda County Animal Control at (925) 803-7046.]
- It is unlawful for any person to keep on any one premises, owned or occupied by him, more than four dogs over the age of six months (BMC 10.04.130).
- The entire Berkeley Municipal Code may be viewed at <http://www.ci.berkeley.ca.us/bmc/>, including care requirements for dogs housed or left outdoors on private premises (BMC 10.04.140) and prohibitions regarding animal noise (BMC 13.40.070)



Department of Finance  
Revenue Collection Division

## ANIMAL LICENSE INSTRUCTIONS

### Licensing is mandated by State and City laws

State of California and City laws requires that all dogs over the age of 4 months have a current rabies vaccination and license. Rabies is a serious and deadly disease. All dogs must be vaccinated against rabies before a license may be issued. You may obtain a license only for the period the vaccination is current. Your vet will give you a copy of the rabies certificate when your dog is vaccinated. You must provide a copy of the rabies certificate to apply for a new dog license or to renew a dog license if the previous rabies certificate has expired.

### Your pet must have a current rabies vaccination to be licensed

The rabies certificate must include the animal's name, owner/guardian name, owner/guardian address, the vaccination date, and the period for which the vaccination is valid (BMC 10.04.030E).

### TO LICENSE YOUR ANIMAL

Obtain a new animal license application or renew your animal's current license in person or by mail. New animal license applications are available online (see Useful Links, below), at the Finance Customer Service Center, at Berkeley's Animal Care Services, or ask your veterinarian.

### In Person

Come to the Finance Customer Service Center, 1947 Center Street (between Milvia and MLK, Jr. Way). The Customer Service Counter is open Monday – Friday, 9:00am to 4:30pm. You may pay by cash, check, money order, or credit card.

### By Mail (Payment by check only, payable to: City of Berkeley – DO NOT MAIL CASH)

Complete an Animal License Application form; include all required documentation (see Documentation Requirements, below), appropriate license fees (see License fees, below), and mail all materials to:

City of Berkeley  
Finance Customer Service  
1947 Center Street, 1<sup>st</sup> Floor, Berkeley, CA 94704  
Attn: Animal Licensing

### Documentation Requirements

Please bring or mail copies the following to Finance-Customer Service to license your animal:

- A current rabies certificate (required for all licenses)
- A spay/neuter certificate to qualify for reduced license fee
- To qualify for senior citizen fee waiver if you are over 65: proof of your age (animal must be altered)

### License Fees

#### Spayed/neutered or permanently non-fertile dogs:

- \$7.50 for 1 year (with proof of a current 1-year rabies vaccination)
- \$18.00 for 3 years (with proof of a current 3-year rabies vaccination)

#### Non-altered dogs or cats:

- \$30.00 for 1 year and no violations (with proof of a current 1-year rabies vaccination)

- \$60.00 for 1 year and with violations (with proof of a current 1-year rabies vaccination)

**Late fee: \$9.00**

The renewal late fee will be waived if, within 60 days after the expiration date, the owner/guardian provides written proof that the dog has been inoculated against rabies during that 60-day period

**Replacement tags**

- \$3.00/tag for altered/non-fertile animals
- \$6.00/tag for un-altered animals

**NOTES**

- Licenses will **not** be issued for any period beyond the rabies expiration date
- You can be cited and fined for failure to have a current license for your dog or unaltered cat
- Berkeley Municipal Code (10.04.206) requires that all unlicensed dogs that are impounded into the shelter must be spayed/neutered before they are released

**Fee Waivers or Reductions**

- Senior: Fee waiver requires proof of age 65 years or older **and** animal must be altered
- Service Dog: Fee waiver applies regardless of reproductive status
- Low Income: Fee waiver requires proof of household income of \$34,450 or less annually **and** animal must be altered. **The Low Income fee waiver is only available when purchasing 1-year licenses, as income must be verified annually (see requirements below).**
- Adoption from City of Berkeley Animal Shelter: Fee is *waived for initial 1-year license or reduced 33% on initial 3-year license*

**Transfer of License/Refunds**

License tags are not transferable from one animal to another and no refunds shall be made on any animal license fee because of death of the animal or the owner/guardian leaves the City or the removal of the animal from the City before expiration of the license term.

**Low Income Fee Waiver Documentation Requirements**

- If the only source of income was from Supplemental Security Income, Social Security Assistance, Retirement, or Pension Fund, etc., include a statement from that agency, verifying total gross income for the tax year. Income derived from any other source (rental income, interest bearing accounts, dividends, business income, etc.) must also be included when calculating total household income.
- If the income was from any of the sources identified above, along with any other source of income (rental, interest bearing accounts, dividends, business income, etc.), the taxpayer must attach a complete income tax return or a copy of the statement with the amount earned for the year. However, if the taxpayer did not file an income tax return, s/he must **submit Letter 4506-T** from the Internal Revenue Service (IRS) stating that they did not file this year. Note: The current version of this form is not available until April 15<sup>th</sup> of each year. The phone number for the IRS to obtain this letter is (800) 829-1040.

# Animal Licenses



## Information regarding animal license fee requirements:

- **State and City law mandates licensing:** State and City laws mandate that all dogs over 4 months old must be vaccinated for rabies and licensed.
- **Your pet must have a current rabies vaccination to be licensed:** The rabies certificate must include the animal's name, owner/guardian name, owner/guardian address, vaccination date, and period for which the vaccination is valid (BMC 10.04.030E). Licenses will not be issued for any period beyond the rabies expiration date.
- **License tags identify owners of lost pets:** A unique number is assigned when your pet is licensed, and you will be given a tag with that number. Persons finding a pet with a license tag can call the Animal Shelter or Finance Customer Service, and we will be able to identify the owner and reunite them with their pet.
- **To license your animal:** Obtain a new animal license application or renew your animal's current license in person or by mail. New animal license applications are available online (see Useful Links, below), at the Finance Customer Service Center, at Berkeley's Animal Care Services, or ask your veterinarian. Animal licenses can be paid for at the Finance Customer Service Center.
- **Spay/neutering leads to happier and healthier pets:** Some of the benefits of spaying or neutering dogs and cats are: reduced number of unwanted animals that end up in the shelter each year; healthier, longer-living pets; less aggressive pets; reduced or free licensing fees for their owners; and reduced expense to taxpayers for animal control costs. For more information about the benefits of spay/neuter surgery, please contact your veterinarian.

## Other useful links:

- [Animal License Application](#)
- [Animal License Application Instructions](#)
- [Frequently Asked Questions \(Animal Licenses\)](#)

## License Fee Waivers or Reductions are available for the following animal licenses

|  |         |
|--|---------|
| Low Income Household (for animal spayed, neutered, or permanently non-fertile) | Free    |
| Senior Citizen (for animal spayed, neutered, or permanently non-fertile)       | Free    |
| Service Dog  | Free    |
| Adopted Dog from Animal Shelter (1-year license)                               | Free    |
| Adopted Dog from Animal Shelter (3-year license)                               | \$12.00 |

## Licenses & Fees

| Type of License or Other Service  | Dog 1-Year License | Dog 3-Year License | Cat            |
|---|--------------------|--------------------|----------------|
| <b>Altered Dog:</b><br>Has been spayed or neutered. Written certification from licensed vet need only be presented once.<br>Purchase a 1- year or 3- year license, dependent on rabies.   | \$7.50             | \$18.00            | Not Applicable |
| <b>Permanently Non-Fertile Dog:</b><br>Has not been spayed or neutered but can not reproduce during its lifetime because of age or other permanent condition. Written certification from a licensed vet must be presented, stating the dog can not reproduce. | \$7.50             | \$18.00            | Not Applicable |

|   |                |                |                |
|---|----------------|----------------|----------------|
| <b>Unaltered Fertile Dog (No violations):</b><br>Not spayed or neutered and not certified by a licensed vet that the dog is permanently or temporarily non-fertile. Dog has no violations within the last year. | \$30.00        | Not Available  | Not Applicable |
| <b>Unaltered Fertile Dog (With violations):</b><br>Not spayed or neutered and not certified by a licensed vet that the dog is permanently or temporarily non-fertile. Dog has violations within the last year.  | \$60.00        | Not Available  | Not Applicable |
| <b>Unaltered Cat Certificate:</b><br>Cat has not been spayed or neutered. Can only purchase 1 year certificate  | Not Applicable | Not Applicable | \$30.00        |
| <b>Replacement Tag:</b><br>Altered or permanently non-fertile.  | \$3.00         | \$3.00         | Not Applicable |
| <b>Replacement Tag:</b><br>Unaltered Dog  | \$6.00         | \$6.00         | Not Applicable |
| <b>Replacement Unaltered Cat Certificate</b>  | Not Applicable | Not Applicable | \$6.00         |
| <b>Late License Renewal Penalty</b>   | \$9.00         | \$9.00         | \$9.00         |
| <b>Animal Microchip Identification</b>  | \$25.00        | Not Applicable | \$25.00        |
| <b>Spay/Neuter Deposit:</b><br>For dog or cat adopted from animal shelter   | \$75.00        | Not Applicable | \$50.00        |

## Frequently Asked Questions

1. ["Where may I take my dog?"](#)
  2. ["Where are dogs not allowed?"](#)
  3. ["Where must my dog be on-leash?"](#)
  4. ["Why we have these rules?"](#)
  5. ["Do these rules apply to service animals?"](#)
  6. ["Am I required to purchase a permit to walk my dog?"](#)
  7. ["When is a dog considered under control?"](#)
  8. ["What should I do if a dog gets out of control?"](#)
  9. ["Is my dog required to have a license and rabies vaccination?"](#)
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## Answers

### 1. **"Where may I take my dog?"**

Dogs are permitted in nearly all East Bay Regional Parks. There are a few exceptions. See ["Where are dogs not allowed?"](#).

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### 2. **"Where are dogs not allowed?"**

Dogs are not permitted at:

- o Ardenwood Historic Farm
- o Huckleberry Botanic Regional Preserve
- o Round Valley Regional Preserve
- o Redwood Stream Protection Area as fenced or posted
- o Ohlone Wilderness
- o Ohlone Wilderness Trail
- o Overnight at Sunol Backpack Camps
- o Brooks Island Regional Preserve
- o Las Trampas Stables
- o Redwood Arena
- o Regional Parks Botanic Garden (in Tilden Regional Park)
- o Tilden Nature Area (in Tilden Regional Park)
- o swimming pools
- o swim beaches
- o tot lots and childrens' play structures
- o wetlands or marsh areas
- o resource or wildlife protection areas
- o designated nature study areas
- o golf courses (Tilden Regional Park and Anthony Chabot Regional Park)
- o any area so posted

- o any other area specifically designated by the Board

These exclusions are due to the sensitive nature of these habitat areas, and to the presence of endangered or threatened species. See also [Ordinance 38 Attachment A](#), Board adopted parks or areas of parks where dogs are prohibited.

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### 3. "Where must my dog be on-leash?"

Dogs must be leashed (six-foot maximum) and under control at:

- o all parking lots and staging areas
- o all public roads open to vehicular traffic
- o all picnic areas and picnic sites
- o all lawns, turf areas or play fields
- o all developed areas
- o all decks and patios
- o all concession areas and facilities (snack stands, equipment rental areas, etc.)
- o all equestrian centers unless posted "No Dogs"
- o all archery ranges
- o all gun and marksmanship ranges
- o all campgrounds
- o any area posted "Dog on Leash"
- o all ([Board designated](#)) paved multi-use regional trails

[Point Isabel Regional Shoreline](#) is an exception to the leash laws and has its own posted rules regarding dogs being off leash. To learn about Point Isabel exception, visit [Ordinance 38, Section 801.8](#) page.

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### 4. "Why we have these rules?"

The East Bay Regional Park District provides permanent sanctuaries for native wildlife and vegetation. Once abundant, these irreplaceable resources are rapidly disappearing. As pressures from the expanding human population increase, the parklands become even more important as refuges for wildlife. Most parks have reports of dog attacks on animals, particularly deer, ground-nesting birds, and recently, fish spawning areas in Redwood, Wildcat and Alameda Creeks. When dog owners cooperate with the rules, the impact of domestic animals on wildlife is reduced. We need to work together to protect the healthy and diverse wildlife population.

The Park District allows recreational use consistent with resource protection and preservation. Hikers, bicyclists, equestrians, runners, small children, senior citizens, dog-walkers, photographers, people in wheelchairs, bird watchers, and other nature study groups are all out on the trails, seeking a chance to get away from the urban environment. To help make multiple-use trails work, each user must be aware of the needs of others. All District visitors are required to comply with rules that have proved effective in providing for resource protection and a safe and enjoyable experience for everyone.

Dog owners are a minority, so responsible owners should go slightly beyond the requirements to leave a positive impression. Every time dog owners bend or disregard the rules, they jeopardize their and other dog owners' continued welcome. It's perfectly appropriate to remind a fellow dog owner to pick up after his or her companion, or to leash their dog. It's a small step toward supporting the privilege of sharing and enjoying the parklands with your dog and other park users.

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5. **"Do these rules apply to service animals?"**

With the exception of the excluded parks, the restrictions listed do not apply to service dogs (animals) trained to assist disabled persons and whose presence is reasonably necessary.

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6. **"Am I required to purchase a permit to walk my dog?"**

The East Bay Regional Park District has set up a dog permit program for commercial dog walkers and for people who walk more than three dogs at a time in the Regional Parks.

Here are the major points of the dog permit program:

- Six dogs at a time is the maximum number allowable to walk in the Regional Parks.
- Commercial dog walkers are required to obtain a permit, regardless of how many dogs they walk at one time (limit of six).
- Private individuals or families do not need a permit in order to walk up to three dogs at a time. Those who wish to walk four to six dogs must obtain a permit to do so.
- Regardless of the number of dogs they are walking (maximum of six), commercial dog walkers will be directed to certain designated trails within each park.
- Private dog walkers who have a permit and are walking more than three dogs (maximum of six) will also be directed to these trails.
- Leash laws remain in effect. Dogs must be on leash in parking areas, picnic areas, and other places where so posted. Dogs can be off-leash in Regional Park open spaces, but they must be under their owner's or walker's control at all times. At Pt. Isabel Regional Shoreline in Richmond, dogs can be off-leash except where otherwise posted, as long as they are under their owner's control. Special plastic bags are available in dispensers, so that dog walkers can pick up their dog's waste.
- Permits are valid for a year from the date they are issued.

You can obtain an application and more information by phoning the Police Department at (510) 690-6508. Or you can request an application by writing the Records Clerk, East Bay Regional Park District Police Department, 17930 Lake Chabot Road, Castro Valley, 94546. Or you can obtain one in person at the Police Department. For fee information, [visit the Permit page](#).

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7. **"When is a dog considered under control?"**

Dogs are considered under control when they are within direct eyesight of the owner/handler and when they have the ability to quickly return to leash when called. Dogs that annoy, harass, or attack people, wildlife, livestock or other dogs, leashed or unleashed, or which enter leash-required or dog-prohibited areas, are presumed to be not under control.

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8. **"What should I do if a dog gets out of control?"**

It is the responsibility of the handler (or owner, if present) of any dog involved in a dog bite or dog attack to:

1. Stop and offer assistance
2. Provide the other involved party(ies) with the involved dog's(s') license number(s) and/or rabies vaccination number(s)
3. Provide the other party(ies) with their name and address, and if serious injuries are involved
4. Immediately report the incident to emergency responders (ranger, police, or fire staff)
5. Remain at the scene until responders arrive, and
6. Provide the responders with their identification information.

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9. **"Is my dog required to have a license and rabies vaccination?"**

Any dog found without a license or proof of rabies vaccination identification tag may be impounded by members of the District's police force, or other authorized employees in assisting the police.

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**Source URL:**

<http://www.ebparks.org/activities/dogs/faq>

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

Agenda date: June 1, 2009  
Reviewed by: BP

**SUBJECT:** Dogs in Albany Parks

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

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**STAFF AND PARK AND RECREATION COMMISSION RECOMMENDATIONS**

- (1) That Council approve the Albany Community Foundation's donation of four doggie bag stations to be installed at Albany Parks: Terrace Park, Memorial Park, and Ocean View Park.
- (2) That Council introduce and pass for first reading, waiving formal reading of ordinance 09-08.

**BACKGROUND**

At the January 2009 Commission meeting, the Commission recommended that staff hold community meetings for each of Albany's parks: Memorial Park, Ocean View Park, the Ohlone Greenway, and Terrace Park. The purpose of the meetings was to hear from the community concerns regarding dogs in Albany's parks. On a number of occasions over the years, the Commission has heard from concerned citizens regarding how best to share the limited park space with the large number of dogs in Albany's parks. There have been concerns raised regarding safety, the need for a leash law, limiting hours in the parks when owners can bring their dogs to the parks, etc.

Neighbors within 150 feet of each park were sent notices with the dates, times, and location for all four of the meetings. Additionally, volunteers handed out flyers along the Ohlone Greenway, the information was posted on signs at each of the parks, and the information regarding the meetings was highlighted on the City's website.

As would be expected the meeting pertaining to Terrace Park and Memorial Park were well attended as the Commission has historically heard from neighbors frequenting Terrace and Memorial parks the most. There were no attendees at the Ocean View Park meeting except for staff and the assigned Dog ad Hoc Committee member. There were only two in attendance at the Ohlone Greenway meeting.

The Albany Dog ad Hoc Committee held two special meetings regarding the issues being raised at the Commission meetings. They support the Commission's recommendations contained in this staff report.

## **DISCUSSION**

Residents from the Memorial Park meeting and the Terrace Park meeting highly recommended two things: (1) better signage listing the applicable City ordinances regarding dogs; and (2) doggie-bag dispensers strategically located in the parks where the dogs play and exercise.

There are currently two applicable ordinances:

- (1) It shall be unlawful for the guardian/owner to fail to immediately remove and dispose of in a sanitary manner any feces deposited by their dog. (Municipal Code 10-3.2)
- (2) Dogs must be under proper control and supervision of a capable person. (Municipal Code 10-4.2)

Staff is making arrangements to post signs with the above ordinances at each of the parks. Staff will also be adding to the signs the message, "Help keep our parks clean by placing trash in the proper receptacle."

Regarding the doggie bag stations, staff researched several and is recommending a station that has biodegradable bags with an attached garbage container so that the used bags can be easily disposed of. Please see the photo of the station at the end of the staff report.

The Albany Community Foundation would like to donate funds for four of the six stations needed. The Parks and Recreation Commission was very thankful for the proposed donation and is seeking formal approval from the Council, as is City policy for accepting donations.

At the Memorial Park meeting, citizens came to a consensus that they would be supportive of having two afternoon/evenings per week where no dogs were allowed in the park until after dark. Having a cut-off time of dark seemed to appeal to attendees as they reasoned that most families with their children would not play at the park after dark, but some dog owners might like to be in the park after dark. As a reminder, the City's current ordinance allows people to be in Memorial Park until 11:00 p.m. It should be mentioned that the discussion centered on the ball field area at Memorial Park.

Staff and the Commissioners recognized that without an ordinance, having times when dogs were not allowed in the park would be difficult to enforce. Staff suggested that the Commission consider recommending an ordinance that was general enough to empower the City to enforce, but left the specifics as to the days of the week and times to be adopted by resolution, which can be more easily modified. Also, staff suggested that it may be beneficial to keep the ordinance general enough that it could be applied to any of Albany's parks should the need arise in the future. Staff spoke with the Police Chief regarding such an ordinance and he is supportive of the suggested language below. He did, however, suggest that when times are set for no dogs in the parks, that staff use the official sunset times rather than "dark" so that there is more of an exactness to what time residents may

not have dogs at the park. This will help with enforcement should the need arise. The proposed ordinance reads as follows:

It shall be unlawful for dogs to be in 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 at any of Albany's parks.

The Parks and Recreation Commission met jointly with the Waterfront Committee as they have been discussing dogs at the waterfront including the Bulb. Staff asked if they would be interested in adding language to the ordinance that included the waterfront, but Waterfront Committee has not gone through an extensive community discussion process, as has the Commission, they supported the ordinance, but suggested leaving out the waterfront at this time. They further explained that their issues are more complicated given that the City does not own the beach area or plateau where many of the dog concerns exist, and that the East Bay Regional Park District has a set "no dogs off-leash" requirement.

### **SUSTAINABILITY IMPACT**

By providing residents with a convenient way to pick up and dispose of dog waste, there should be less dog waste at the parks. Additionally, the dispensers have bags that are biodegradable.

### **FISCAL IMPACT**

Six doggie bag stations, including tax, and shipping costs \$1458.95. With the donation from the Community Foundation, the City's cost is approximately \$487. The stations are \$225 each.

