



Office of the City Manager

ACTION CALENDAR

January 30, 2018

To: Honorable Mayor and Members of the City Council

From: Animal Care Commission

Submitted by: Michael O'Day, Chair, Animal Care Commission

Subject: Cesar Chavez Off-Leash Dog Park, Limit Number of Dogs Per Person

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 10.04, Section 120 (B), Dogs In Public Playgrounds And Parks Prohibited--Impoundment Required—Exception, to change the maximum number of dogs permitted in any “dog park” or “off leash” area set aside and designated as such by the City Council from four (4) dogs to eight (8) dogs per owner/guardian, or per responsible party at any one time.

FISCAL IMPACTS OF RECOMMENDATION

The proposed change would require changes in the signage posted at Cesar Chavez Off-Leash Dog Area. It would have no other financial impact on City services.

CURRENT SITUATION AND ITS EFFECTS

At present, Berkeley Municipal Code Chapter 10.04, Section 120 (B) states: In any "dog park" or "off-leash" area set aside and designated as such by the City Council, no more than four (4) dogs per owner/guardian, or per responsible party shall be allowed at any one time, and the owner/guardian, or responsible party, must be physically present at all times. Any dog whose owner/guardian, or responsible party, is not physically present shall be impounded pursuant to Section [10.04.200](#) of the Berkeley Municipal Code.

In recent years, there has been an increase in the number of professional dog walkers utilizing Cesar Chavez Off-Leash Dog Area to exercise their client's dogs. It is common for professional dog walkers to have more than four (4) dogs in their care at any one time. Animal Services has received complaints regarding professional dog walkers with dogs in Cesar Chavez Off-Leash Dog Area with as many as 15 dogs per dog walker. Establishing a safe and practical limit of eight (8) dogs per owner/guardian will allow for more consistent and reasonable enforcement of Berkeley Municipal Code Chapter 10.04, Section 120 (B).

BACKGROUND

As the number of professional dog walkers utilizing Cesar Chavez Off-Leash Dog Area has increased in recent years, City Animal Services has found it more difficult and

impractical to issue citations to every dog walker with more than four (4) dogs in their care. Enforcement of Municipal Code Chapter 10.04, Section 120 (B) has been inconsistent and infrequent. Establishing a safe and practical limit of eight (8) dogs per owner/guardian will allow for more consistent and reasonable enforcement of Berkeley Municipal Code Chapter 10.04, Section 120 (B).

ENVIRONMENTAL SUSTAINABILITY

The proposed Animal Ordinance amendment would have neither positive nor negative impacts to the sustainability goals of the City.

RATIONALE FOR RECOMMENDATION

The recommendation to change Berkeley Municipal Code Chapter 10.04, Section 120(B) will establish a safe and practical limit on the number of dogs in the care of one owner/guardian in Cesar Chavez Off-Leash Dog Area and will allow for more consistent and reasonable enforcement of the Municipal Code

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions considered.

CITY MANAGER

See Companion Report.

CONTACT PERSON

Amelia Funghi, Manager, Animal Services, 981-6603

ATTACHMENTS

1. Ordinance

ORDINANCE NO. #,###-N.S.

DOGS IN PUBLIC PLAYGROUND AND PARKS PROHIBITED – IMPOUNDMENT
REQUIRED - EXCEPTION

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 10.04, Section 120 is amended to read as follows:

10.04.120 Dogs in public playgrounds and parks prohibited--Impoundment required--Exception.

A. Except in an area specifically set aside and designated by the City Council as a "dog park," or "off-leash" area, it is unlawful for any person to permit any dog, whether or not such dog is licensed, 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. Dogs are not permitted in sand or wood chip covered play equipment areas or in totland or other fenced tot play areas or in the Berkeley Rose Garden under any circumstances. Any dog found in or upon any playground or park as hereinafter designated, except those meeting the above criteria shall be impounded.

B. In any "dog park" or "off-leash" area set aside and designated as such by the City Council, no more than eight (8) dogs per owner/guardian, or per responsible party shall be allowed at any one time, and the owner/guardian, or responsible party, must be physically present at all times. Any dog whose owner/guardian, or responsible party, is not physically present shall be impounded pursuant to Section [10.04.200](#) of the Berkeley Municipal Code.

C. The provisions of this section shall not apply to dogs being used by disabled individuals as service animals. (Ord. 6627-NS § 1, 2001: Ord. 6568-NS § 1, 2000: Ord. 6460-NS § 1, 1998: Ord. 5983-NS § 1, 1990: Ord. 5950-NS § 1, 1989: Ord. 5679-NS § 1, 1985: Ord. 5599-NS § 1, 1984: Ord. 5239-NS § 1, 1980: Ord. 4372-NS § 10, 1968)

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

