

City of Piedmont
COUNCIL AGENDA REPORT

DATE: September 4, 2018

TO: Mayor and Council

FROM: Paul Benoit, City Administrator

SUBJECT: 2nd Reading of Ordinance 741 N.S. Updating Leash Law Provisions, Clarifying Off Leash Areas, Allowing for the Issuance of Administrative Citations, and Updating Outdated Provisions

RECOMMENDATION

Take the following actions related to updating City Code provisions related to dogs:

- 1) Decide whether off leash hours at Dracena Park should match those of the Linda Dog Park, as recommended by the Park Commission (7:00 a.m. to 8:00 p.m. on Weekdays and 8:00 a.m. to 8:00 p.m. on weekends) or should match the overall hours of the park (5:00 a.m. to 10:00 p.m. daily)
- 2) Approve the 2nd reading of Ordinance 741 N.S., Updating Leash Law Provisions, Clarifying Off Leash Areas, Allowing for the Issuance of Administrative Citations, and Updating Outdated Provisions
- 3) By motion, set fines for the revised provisions at \$100 per violation

EXECUTIVE SUMMARY

The proposed revisions to the City's leash law provisions were developed in a cooperative process between the Police Department, the Public Works Department, the City Clerk, and the City Attorney. The majority are technical changes, designed to conform the code to modern standards and to make the code more understandable and more easily enforced. In the attached ordinance, new language is indicated in *italics*. Language being removed from the code is indicated in ~~strikeout~~. Only sections with proposed amendments are shown in the ordinance. If there are no changes proposed, sections are not shown.

The following revisions are proposed to Section 3.4 – Dogs in Parks:

- Section 3.4.2 – Clarifies that Off Leash Permits are required, clarifies the boundaries of the Dracena Park off leash area by inserting a map.
- Section 3.4.4 – Clarifies the hours which off leash areas are open; Removes minimum age for taking a dog into an off leash area.
- Section 3.4.5 – Clarifies the off leash permit requirements and administration.

The following revisions are proposed to Chapter 4 – Animals:

- Section 4.1 – Outdated definitions are removed and others are clarified.
- Section 4.3 – Redundant exemptions from dog licensing are removed and other provisions clarified.
- Section 4.4 – The maximum term of a dog license is clarified and the ability to offer licenses of short duration is clarified.
- Section 4.13 – The requirement for having a dog on leash is updated to use modern terminology, clarify requirements, and remove outdated references.
- Section 4.14 – Outdated terminology is corrected and redundant clauses are removed.
- Section 4.21 – References to the director are replaced with references to the shelter.
- Section 4.29 – Allows the City Council to set the fee for duplicate license tags by resolution.
- Section 4.33 – Currently violations of Chapter 4, with the exception of leash violations, are misdemeanors. The revisions to this section make violations of Chapter 4 infractions and allows the Council to set fines for violations by resolution. In addition, provisions related to enforcement of the chapter are moved to Section 4.1, under the definition of Animal Control Officer.
- The City Clerk is directed to change all references to “Director” or “Licensing Authority” or “Chief of Police or his representative” in Chapter 4 to "Chief of Police".

Sections 1.8 and 1.9 in the Code Enforcement section of the code are also amended to allow for administrative citations to be issued for violations of Section 3.4 and Chapter 4 of the City Code.

OFF LEASH HOURS AT DRACENA PARK

At its meeting of March 21, 2016, the City Council accepted the recommendations of the Park Commission regarding the off leash areas at Dracena Park. Among these was a recommendation reading:

“The hours during which dogs are permitted off-leash in Dracena Park should be limited to and consistent with those for the Linda Park dog run (7:00 a.m. to 8:00 p.m. on weekdays and 8:00 a.m. to 8:00 p.m. on weekends).”

In the time between Council’s acceptance of this recommendation and the first reading of Ordinance 741 N.S. on April 16, 2018, staff had significant discussions about how to ensure that the City’s off leash regulations would be most easily and understandably enforced. Based upon these discussions, in the first reading of Ordinance 741 N.S., staff recommended that the off leash hours in Dracena Park match those of the park itself, which are 5:00 a.m. to 10:00 p.m. This recommendation was made in an effort to provide consistency in the hours for each of the unenclosed off leash areas.

On July 16th, when Council was considering the second reading of Ordinance 741 N.S., several residents brought up the issue of the off leash hours for Dracena Park in the ordinance being different than those recommended by the Park Commission. At that meeting, Council did not approve the second reading, and directed staff to bring back two options for off leash hours at

Dracena Park. These two options are presented below. If Council wishes the off leash hours at Dracena Park to follow the hours of the park as a whole, Section 3.4.4 (a) would read as follows:

Off leash areas shall be open during regular park hours, as specified in Section 3.3.6 of this code, with the exception of the off leash area in Linda Park, which shall be open from 7:00 a.m. to 8:00 p.m. weekdays and from 8:00 a.m. to 8:00 p.m. on weekends.

Should the Council wish to follow the recommendation of the Park Commission, Section 3.4.4 (a) would read as follows:

Off leash areas shall be open during regular park hours, as specified in Section 3.3.6 of this code, with the exception of the off leash areas in Dracena Park and Linda Park, which shall be open from 7:00 a.m. to 8:00 p.m. weekdays and from 8:00 a.m. to 8:00 p.m. on weekends.

The Police Department is prepared to enforce whichever hours the Council determines are most appropriate for Dracena Park.

BACKGROUND

At the regular City Council meeting of April 16, 2018, the City Council approved the first reading of Ordinance 741 N.S., updating leash law provisions, clarifying off leash areas, and updating other outdated provisions in Section 3.4 and Chapter 4 of the City Code. Among the amendments introduced at the first reading of this ordinance was a reduction of the severity of violations of all provisions of Chapter 4 from a misdemeanor to an infraction. This change would allow Animal Control Officers to write tickets for violations of these provisions and remove the possibility of jail time for violators. As presented at the first reading, tickets written by Animal Control Officers would have been processed by the Alameda County court system, which can result in the addition of other fees and charges over which the City has no control. This can result in fees and charges which are vastly larger than the amount of the fine set by the City Council.

After the first reading of this ordinance, staff researched ways to bring more certainty to the amount (fine, fees, & charges) which violators would pay, rather than the uncertainty which would be presented by having the tickets go through the court system. After consultation between the Police Department, the City Clerk, and the City Attorney's Office, it was determined that, with minor modifications, the process used to issue administrative citations for violations of the City Code could be used for dog related violations.

Allowing the issuance of administrative citations for these violations allows the City to use the same third party vendor who currently processes parking citations issued in Piedmont for these animal violations. A person issued a citation for a violation would submit payment in the amount of the fine set by the City Council. The third party vendor would deduct the processing costs for

the citation from the amount it remits to the City. As with parking tickets, persons issued violations would have the ability to appeal the citation to a neutral hearing officer.

The version of the ordinance you are considering tonight includes the amendments which were contained in the first reading; as directed by the City Council at the April 16th meeting, the minimum age that a child is allowed to take a dog into an off leash area is removed; and two new sections are added which amend the administrative citations section of the City Code to specifically allow for administrative citations for violations of Section 3.4 and Chapter 4. Changes to an ordinance between its first and second readings are specifically allowed under the Charter, providing that the general scope and original purpose of the ordinance are retained.

Fines

The amendments to the City Code in Ordinance 741 N.S. provide the Council the ability to set fines for violations of dog related offenses in the City Code. After reviewing fines in neighboring jurisdictions, as well as extended discussion between the Police Department, Public Works, Department, and the City Clerk's office, staff is recommending that a fine of \$100 per offense be set, with no increase for further offenses within a year. Staff believes that this is a sufficient deterrent which will induce people to keep their dogs on leash where required, while not being overly punitive. As stated above, since these fines will be administered through the Administrative Citation process, there will be certainty in the amount paid by violators.

Attachment:

- A. Ordinance 741 N.S. Updating Leash Law Provisions, Clarifying Off Leash Areas, Allowing for the Issuance of Administrative Citations, and Updating Outdated Provisions

By: John O. Tulloch, City Clerk

ORDINANCE NO. 741 N.S.

AN ORDINANCE AMENDING THE CITY CODE UPDATING LEASH LAW PROVISIONS
AND CLARIFYING OFF LEASH AREAS BY AMENDING SECTIONS 1.8, 1.9, 3.4 AND
VARIOUS SECTIONS OF CHAPTER 4

The City of Piedmont hereby ordains as follows:

SECTION 1 INTENT

It is the intent of the City Council, in adopting this ordinance, to clarify the portions of the City Code pertaining to dogs. Specifically, the City Council intends to clarify the definitions of the off leash areas in Dracena Park and Piedmont Park and to clarify rules for use of off leash areas in Section 3.4. The Council also intends to make technical corrections and clarifications to Chapter 4 of the City Code and to reduce violations of Chapter 4 from misdemeanors to infractions.

The Council intends, by this ordinance, to allow Animal Control Officers the ability to issue administrative citations for violations of Section 3.4 and Chapter 4 of the City Code. Allowing violators to be issued administrative citations, rather than criminal citations, will ensure that the fines established by the City Council for violations of these provisions are the fines paid by violators. It is also the intent of Council to amend Section 1.8 to update certain definitions and to amend Section 1.9 to exempt certain violations of Section 3.4 and Chapter 4, which require immediate correction, from the requirement that the City Compliance Officer provide prior written notice before issuing an administrative citation.

SECTION 2

Section 3.4 of the Piedmont City Code is hereby amended to read as follows:

“3.4.1 Running at Large Prohibited in Parks. Dogs running at large, as defined in section 3.2 of the municipal code, shall be prohibited in all parks, playfields, and recreational facilities except as set forth in section 3.4.2.

3.4.2 Off Leash Area Established. The following areas are designated as “off leash areas” for dogs, and dogs, *with an Off Leash permit*, under the control of a competent person shall be exempt from the provisions of Section 4.13 of the City Code when in these areas.

- a. Blair Park in its entirety.
- b. Piedmont Park creek area (designated by signs) in the rear of the Community Hall to the Piedmont Unified School District property line.
- c. ~~The areas of Dracena Park designated as Off Leash in figure 3.4.2(c). Dracena Park pathway (designated by signs) from Dracena Avenue to Artuna Avenue.~~
- d. Linda Park (within fenced off leash area).

3.4.3 **Off Leash Area Signs Required.** The Department of Public Works shall be responsible for installation and maintenance of signs in all off leash areas which clearly designate the area to be used by dogs off leash and the rules for off leash areas as established in Section 3.4.4 of this Code.

3.4.4 **Off Leash Area Rules Established.** The following rules shall apply to all off leash areas in the City, except as otherwise noted:

- a. Off leash areas *shall be open during regular park hours, as specified in Section 3.3.6 of this code, with the exception of the off leash area in Linda Park, which shall be open from 7:00 a.m. to 8:00 p.m. weekdays and from 8:00 a.m. to 8:00 p.m. on weekends.*
- b. No smoking is allowed in established off leash areas.
- c. Dogs must have current vaccinations, a license issued by the city of residence and have a valid Off Leash ~~Permit License~~ from the City of Piedmont for a fee established from time to *time* by the City Council *by resolution*. Note: Is this just to establish the rules or are we citing for this?
- d. Dogs under 4 months of age and female dogs in season are prohibited.
- e. Dogs must be on leash when arriving and leaving the off leash area and owners must carry a leash for each dog while in the off leash area and must have their animals under voice control.
- f. No more than three (3) dogs may accompany the owner in the off leash area, and owners must remain with and have their dogs in sight at all times.
- g. Dogs which become aggressive, unruly or play roughly must be leashed and removed from the off leash area immediately.
- h. Dogs which have been declared dangerous and/or vicious pursuant to Section 4.14(2) of this Code or a similar code in another jurisdiction shall be prohibited from off leash areas.
- i. Owners are legally responsible for all injuries and/or property damage caused by their dogs.
- j. Owners must remove dog defecation pursuant to Section 4.34 of this Code.
- k. Pursuant to Sec. 3.3.3 of this Code, commercial use of off leash areas by professional dog trainers or walkers is prohibited.
- ~~l. Children under 8 years of age are prohibited from using an off leash area unless accompanied by an adult.~~

3.4.5 ~~Off Leash License-Permit Required. Each dog using an Off Leash area in the City of Piedmont must have a current Off Leash Permit attached to its collar. The Police Department shall administer the issuance of Off Leash Permits. The City Council shall set the fee for Off Leash Permits from time to time by resolution. Every person who uses the designated off leash areas must have a current Off Leash License attached to the collar of each dog.~~

3.4.6 Violations an Infraction. Violations of Sections 3.4.1, 3.4.4 and 3.4.5 of this Code are an infraction. Violators are subject to removal from the off leash areas, suspension or revocation of off leash license, and/or issuance of *an Administrative Citation pursuant to Section 1.9 of the Piedmont City Code*, in addition to any other applicable legal remedies. The fine for such ~~infractions~~ *violations* shall be as established from time to time by resolution of the City Council.”

SECTION 3

Section 4.1 of the Piedmont City Code is hereby amended to read as follows:

“For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

- (a) DOG. Any member of the canine family and shall include female as well as male dogs.
- (b) OWNER. Any person owning, having an interest in or having control or custody or possession of any animal.
- (c) AT LARGE. A dog on or upon any public street, alley or other public place, or in or upon any unenclosed lot or premises within the City, and not under restraint by leash, rope or chain nor over six feet in length securely and continuously held by a competent person.
- (d) ANIMAL. Any mammal, including but not limited to, horse, cow, goat, sheep, dog and cat.
- (e) HORSE. Includes mule, burro, pony, jack, hinny or jenny.
- (f) WILD ANIMAL. Any animal not ordinarily and customarily domesticated but under human control, including, but not limited to, skunk, raccoon, opossum, squirrel and fox.
- (g) PERSON. Any person, partnership, corporation, trust and association of persons.
- (h) CHIEF OF POLICE. *The Chief of Police of the City of Piedmont or his or her designee.* ~~DIRECTOR. The Alameda County Director of Field Services or his authorized deputy or representative.~~
- (i) SHELTER. A facility designated by the *Chief of Police* for the impoundment of animals.

(j) *HEARING OFFICER. The Chief of Police of the City of Piedmont or his or her designee who shall be selected in a manner that avoids the potential for pecuniary or other bias. ~~AREA. The unincorporated area of the county or any city that has adopted the provisions of this chapter.~~*

(k) *ANIMAL CONTROL OFFICER. The animal control officer and any duly appointed assistant animal control officer appointed by the Chief of Police who is primarily responsible for the enforcement of the provisions of this chapter. Animal control officers shall have the power to enforce the provisions of the chapter in the manner set forth in California Penal Code Section 836.5; provided, that any police officer of the City shall also have the power to enforce the provisions of the chapter in the manner set forth in California Penal Code Section 936.5.”*

SECTION 4

Section 4.3 of the Piedmont City Code is hereby amended to read as follows:

“This article does not apply to dogs found within the area of the *city* under any of the following conditions:

(a) When the dog is owned by, or in the care of any person who is a nonresident or who is traveling through the area, or who is temporarily sojourning therein for a period not exceeding thirty days, if the dog is not permitted to run at large;

~~(b) When the dog is brought into the area, and kept therein for a period not exceeding thirty days, for the exclusive purpose of entering the dog in any bench show, dog exhibition, field trials or competition, if the dog is not permitted to run at large;~~

(be) When the dog is brought or sent into the area for the exclusive purpose of receiving veterinary care in any dog hospital, if the dog is not permitted to run at large;

(cd) 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 *of this chapter hereunder.*”

SECTION 5

Section 4.4 of the Piedmont City Code is hereby amended to read as follows:

“The *maximum* effective period of each dog license issued shall be from the date of issue until a like date during the month in which the antirabies vaccination expires as shown in the vaccination certificate. *Licenses may be issued in one year increments up to, but not exceeding the expiration of the antirabies vaccination certificate.*”

SECTION 6

Section 4.5 of the Piedmont City Code is hereby amended to read as follows:

“The owner shall state, at the time application is made, and upon standard printed forms of application provided for such purpose, ~~his~~ *owner’s* name and address and the name, breed, color, age and sex of each dog and name and address of the veterinarian or clinic who issued the vaccination certificate when application is made.”

SECTION 7

Section 4.7 of the Piedmont City Code is hereby amended to read as follows:

“A metallic tag and license certificate with corresponding number shall be furnished by the *Chief of Police* ~~licensing authority~~ upon payment of the appropriate fee *as required in Section 4.25 of this code.* ~~prescribed in Article V of this chapter.~~”

SECTION 8

Section 4.13 of the Piedmont City Code is hereby amended to read as follows:

“(a) No owner or keeper of any dog shall cause or permit such dog to be or run at large upon any public place or any private property other than that of such owner except with the prior consent of the person in charge of such private property, unless such dog is securely restrained by a substantial leash not to exceed six feet in length and is under the charge and control of a person competent to keep such dog under effective charge and control. A dog may be secured by a retractable leash; however, the leash may not exceed six feet in length when in the presence of other people. A substantial leash must be capable of restraining the dog without breaking when the animal is pulling with all of its strength.

“(b) Section 4.13 (a) shall not apply to dogs in off leash areas, as defined in Section 3.4.2 of this code, subject to the off leash area rules established in Section 3.4.4.”

~~It shall be unlawful for any person owning or having in charge, care, control or custody any dog, except a Seeing Eye dog actually being used by a blind person, to cause, allow or permit such dog, whether licensed or unlicensed, on or upon any public street, alley or other public place, or in or upon any unenclosed lot or premises with the City unless such dog is kept securely confined by a rope, chain or other leash not over six feet in length, securely and continuously held by a competent person, or to permit either willfully or through failure to exercise due care or control any such dog to commit any nuisance on any property other than the street gutters outside of pedestrian ways or on any improved private property other than that of the owner or persons having charge, care, control or custody of such dog. For purposes of this section, any dog confined within any vehicle shall be deemed to be on the enclosed premises of the operator thereof, and any dog securely tied or chained so as to be confined within any unenclosed lot or premises shall be deemed to be on an enclosed lot or premises. It shall be~~

~~unlawful for any person owning or having in charge, care, control or custody any dog to suffer or permit any such dog to trespass on private property. As an exception to this section, the City Council shall by resolution designate specific areas within the City in which any dog under the control of a competent person may be permitted to run without being secured by a rope, chain or other leash; provided that at no time shall a dog in such specified areas be further than fifty yards distance from the competent person controlling such dog or be allowed to threaten, intimidate, bite or endanger any person in such specified areas; provided further, that the City Council may by resolution from time to time set forth specific times or days in such designated areas during which no dog may be permitted to run without being secured by a rope, chain or other leash not over six feet in length.~~

SECTION 9

Section 4.14 of the Piedmont City Code is hereby amended to read as follows:

“1. Purpose and Intent: There have been, are and will be in the future in the City of Piedmont dogs and animals which are vicious and which, as such, constitute a public nuisance which should be abated. The provisions of this Section are intended to provide a process pursuant to which such dogs and animals found, following a hearing at which oral and documentary evidence is considered, to be a public nuisance may be removed from the City or otherwise abated. This Section is intended to supplement rather than supplant any other remedy available either under State law or City ordinance.

2. Vicious Animal Defined: The term "vicious animal" as used in this Section shall mean any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following behavior patterns ~~which are reputedly presumed to be vicious~~:

(a) An attack, without provocation, which requires a defensive action by any person to prevent bodily injury or property damage in a place where such person is conducting himself peaceably and lawfully.

(b) An attack, without provocation, on another animal which occurs off the property of the owner of attacking animal.

(c) An attack, without provocation, that results in an injury to a person in a place where such person is conducting himself peaceably and lawfully.

(d) Any aggressive behavior, without provocation, that constitutes a physical threat of bodily harm to a person where such person is conducting himself peaceably and lawfully.

For the purposes of this subsection 4.14.2, a person is peaceably and lawfully upon the private property of the owner of an animal when he/she is on such property in the performance of any duty imposed upon him/her by the laws of this state or any City or County or

the laws or postal regulations of the United States or when he/she is on such property upon invitation, expressed or implied.

3. Investigation: In the event of a report or incident involving an animal biting a human, any animal is quarantined pursuant to Subsection 4.14.4 for biting a human being or other animal, the case shall be investigated by the Piedmont Animal Control Officer with the assistance of the City Police. ~~In cases in which the owner of the animal refuses to cooperate in the investigation, the Animal Control Officer may request the assistance of the City Police.~~ If, based on said investigation, the Animal Control Officer concludes there is probable cause to believe that the animal is vicious, then he/she shall so certify in writing to the Piedmont Police Department.

4. Confinement of Animal: If, pursuant to Subsection 4.14.3, an animal is certified to the Police Department as being probably vicious, the Animal Control Officer shall ensure that the animal is confined either on the premises of the owner or, if considered necessary to protect the public health, safety and welfare, at any approved animal shelter with the cost of confinement therein deemed a part of the cost of abatement if such is eventually the order. Said confinement shall continue pending disposition of the hearing provided for in Subsection 4.14.5.

5. Scheduled Hearing: The Police Department shall upon receipt of certificate under Subsection 4.14.3 schedule a hearing before the *Hearing Officer* ~~Chief of Police or his designate (hereafter called "Hearing Officer")~~. The hearing date shall be no longer than 10 days from receipt by the Police Department of the certification. The Police Department shall mail by both regular and certified mail to the owner of the animal at the address where the animal is kept and maintained at least 7 days prior to the date set for hearing a notice in form substantially as follows:

'NOTICE OF HEARING REGARDING VICIOUS ANIMAL'

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Section 4.14 of the City Code of the City of Piedmont, the Animal Control Officer has certified *that there are reasonable grounds to believe your animal may be vicious.* ~~your animal being probably vicious.~~ The animal is described as:

_____.

FURTHER NOTICE IS HEREBY GIVEN that on _____ the ____ day of _____, 20__ ~~198~~__, at the hour of _____ o'clock ____ .M., in the Police Department, 403 Highland Avenue, Piedmont, Alameda County, California, the report of the Animal Control Officer will be considered by the Hearing Officer together with such oral and documentary evidence bearing upon the question of whether the animal herein is vicious.

In the event the animal herein is found to be vicious he will be abated as a public nuisance and the cost, if any, of said abatement assessed against you.

Dated: _____
Chief of Police

In addition to sending such notice by mail, the Police Department shall either deliver a copy of such notice by personal service to an adult at the address where the animal is kept and maintained or shall post such notice prominently at such address, either by means of providing notice to be accomplished at least 5 days prior to the date set for hearing.

In the event that the record owner of the property on which the animal is kept and maintained is listed in the real property records of the City as residing elsewhere, a copy of such notice shall also be mailed to such record owner of the property at the other address in the same manner as if he were owner of the animal.

6. Hearing. At the hearing before the Hearing Officer, which may be continued from time to time at the discretion of the Hearing Officer, both oral and documentary evidence shall be taken and considered bearing upon the question of whether or not the animal in question is vicious, consistent with the provision so Subsection 4.14.3 hereof. No hearing shall be continued without proof to the Hearing Officer that the public is being adequately protected from any further attacks by the animal in question.

7. Findings: Public Nuisance. If, based upon the hearing, the Hearing Officer finds that the animal in question is vicious, he shall so specify in writing together with particular findings of fact. Any animal found to be a vicious animal is hereby deemed a public nuisance and shall be, pursuant to the order of the Hearing Officer, humanely destroyed by the Animal Control Officer, removed from the City or otherwise abated.

8. Appeal to Superior Court.

(a) The decision of the Hearing Officer may be appealed by any interested party to the Superior Court.

(b) The Hearing Officer will automatically stay the effect of his or her decision upon request for up to thirty (30) days provided that the animal's owner must demonstrate to the satisfaction of the Hearing Officer that the public is being adequately protected from the possibility of any further attacks by the animal in question.

(c) After an action has been commenced, the Superior Court may stay the Hearing Officer's decision provided that the animal's owner must demonstrate to the satisfaction of the Court that the public is being adequately protected from the possibility of any further attacks by the animal in question.

(d) Superior Court review shall be in accordance with Code of Civil Procedure Section 1094.5 and the Court shall exercise its independent *judgment* ~~judgement~~ based upon the record of proceedings before the Hearing Officer.

9. Cost of Abatement. The cost of abatement shall be paid for by the owner of the animal and shall become a lien against the property of the owner, if any, upon which the animal is kept and maintained until said assessment is paid.

10. Payment of Assessment. It shall be lawful for any person to pay the amount of such assessment on or before the 15th day of July following its imposition. If said assessment is not paid on or before said date the total amount thereof shall be entered on the next fiscal year tax roll as a lien against the property of the owner upon which property the animal was maintained and shall be subject to the same penalties as are provided for other delinquent taxes or assessments of the City.

11. Collection of Assessment. In the event that legal action is necessary to collect said assessment the owner of the animal shall pay all the expenses thereof, including but not limited to reasonable attorneys' fees incurred by the City, all as determined by the Court.”

SECTION 10

Section 4.16 of the Piedmont City Code is hereby amended to read as follows:

“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 charge, care, control custody or possession of such animal shall report such fact *within forty eight hours* ~~forthwith~~ to the Chief of Police. The report shall state the name and address of the person bitten, a description of the animal bitten, if any, the time and place where such person or animal was bitten, and any other information so requested by the chief of police or his representative. ~~A copy of the report shall be forwarded by the chief of police or his representative to the county health officer within forty eight hours.~~”

SECTION 11

Section 4.21 of the Piedmont City Code is hereby amended to read as follows:

“All animals impounded at the shelter shall be provided with proper and sufficient food and water. ~~by the director.~~ Unless such unlicensed animals shall have been redeemed within five days after being impounded, or licensed animals seven days after notification provided for in Section 4.20, they may be sold ~~by the director~~ to the person offering to pay a cash amount set ~~by the director~~, but not less than ten dollars therefor; provided, that the purchaser shall not be given possession of any dog or dogs until he shall have paid to the licensing authority the license fee or fees prescribed for such dog or dogs. If any dog or other animal impounded ~~by the director~~ shall not have been redeemed within such period and cannot be sold within a reasonable time thereafter, it may be destroyed ~~by the director~~ in a humane manner. In lieu of destruction the ~~director~~ shelter may release without charge animals to any humane organization that provides an animal adoption service. The shelter shall maintain a file ~~at the shelter~~ describing each animal impounded therein, for at least the period prescribed herein, beginning on the day any such animal is taken or delivered into the possession of the shelter. The owner must within five days show proof of a current, valid antirabies vaccination.”

SECTION 12

Section 4.29 of the Piedmont City Code is hereby amended to read as follows:

“The fee for replacement of a current tag which has been lost or stolen *shall be set from time to time by resolution of the Council.* ~~is one dollar.~~”

SECTION 13

Section 4.33 of the Piedmont City Code is hereby amended to read as follows:

“*Any person violating any of the provisions of this chapter is guilty of an infraction. Violators are subject to issuance of an Administrative Citation pursuant to Section 1.9 of the Piedmont City Code, in addition to any other applicable remedies. The fine for such violations shall be as established from time to time by resolution of the City Council.*”

~~Any person violating any of the provisions of this chapter, except for Section 4.13, is guilty of a misdemeanor and, upon conviction thereof, is punishable by a fine of not more than fifty dollars, or by imprisonment in the county jail for a period of not more than ten days, or by both. Each person shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by him, and such person shall be punishable therefor as provided in this chapter.~~

~~Any person violating the provisions of Section 4.13 of this chapter is guilty of an infraction and upon conviction thereof is punishable for the first offense by a fine not to exceed ten dollars, for the second offense by a fine not to exceed twenty five dollars, for a third and each additional offense for a fine not to exceed fifty dollars. In the case of a violation of Section 4.13, a citation or written notice to appear in court may be served upon the owner of the dog or person violating the provisions of Section 4.13.~~

~~The animal control officer of the City and any duly appointed assistant animal control officer shall be primarily responsible for the enforcement of the provisions of this chapter and said animal control officers shall have the power to enforce the provisions of the chapter in the manner set forth in California Penal Code Section 836.5; provided, that any police officer of the City shall also have the power to enforce the provisions of the chapter in the manner set forth in California Penal Code Section 936.5.~~

SECTION 14

The City Clerk is directed to change all references to “Director” or “Licensing Authority” or “Chief of Police or his representative” in Chapter 4 of the Piedmont City Code to "Chief of Police".

SECTION 15

Section 1.8 of the Piedmont City Code is amended to read as follows:

“For the purposes of this article, the following definitions shall apply:

“Administrative citation” means a citation for a money fine issued to a responsible person in accordance with this article.

“City Compliance Officer” means the City officer, *animal control officer*, employee, or contractor designated by the City Administrator for enforcing the Piedmont City Code.

“Hearing Officer” means a person designated by the City Administrator to serve as the presiding officer for hearings on matters related to an administrative citation, subject to the requirements of Section 1.15.

“Notice of violation” means written notice of a code violation issued to a responsible person in accordance with this article.

“Owner” means the record owner of real property according to Alameda County’s latest equalized property tax assessment roll or the person who owns or is in control of personal property.

“Person” means and includes a natural person or legal entity, and the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.

“Property” means any real or personal property located within the City and any improvement, structure, building or portion thereof located on real property.

“Responsible person” means the owner or any person or persons in charge of the property on which a violation of the Piedmont City Code exists, or the person or persons responsible for an event or incident that constitutes a violation of the Piedmont City Code, and shall include, but is not limited to, any of the following: (1) a person who, by action or inaction (whether acting alone or with one or more other persons), causes, maintains, permits, or allows a code violation; (2) a person whose agent, employee, or independent contractor, by action or inaction, causes, maintains, permits, or allows a code violation; (3) an owner of real property on which a code violation occurs; (4) a lessee or sub-lessee with the current right of possession of real property on which a code violation occurs; (5) the person or persons in charge of the property where the violation occurs; ~~and~~ (6) the owners, majority stockholders, corporate officers, trustees, general partners and any other person with the legal authority to act for a legal entity that is a responsible person under subsections (1) through (5) above; *and (7) any person owning, having an interest in, or having control or custody or possession of any animal, which is the subject of a code violation.* If the responsible person is a minor or incompetent, the parents or guardians of such minor persons shall be deemed responsible persons.”

SECTION 16

Section 1.9 of the Piedmont City Code is amended to read as follows:

“Whenever a City Compliance Officer determines that a code violation has occurred, the City Compliance Officer shall have the authority to issue an administrative citation to any responsible person. An administrative citation shall not be issued unless a prior written notice of violation has been provided to the responsible person or persons by the City Compliance Officer.

Notwithstanding the requirements of this section, a City Compliance Officer shall have the authority to issue an administrative citation to any responsible person without providing prior written notice when:

1. The violation requires immediate correction, due to an immediate danger to public health or safety; or
2. The responsible person has been given prior written notice of violation or an administrative citation for a violation of the same section of the Piedmont City Code within one year of the date of the new violation; *or*
3. *The responsible person has violated Section 3.4 or Chapter 4 of the Piedmont City Code, which requires immediate correction due to the potential threat to public health and safety caused by the violation.*”

SECTION 17 CODIFICATION

The City Clerk is directed to codify this ordinance in a manner which best reflects the legislative intent of the City Council in enacting it and renumber sections accordingly.

SECTION 18 SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

SECTION 19 POSTING AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least thirty (30) days and shall become effective thirty (30) days after such second reading.

[END OF ORDINANCE]

Item #4 – 2nd Reading of Ord. 741 N.S. – Updating Leash Law Provisions
Correspondence received before 5:00 p.m. on Wednesday, August 29th

Dear Council Members,

My wife Tami and I have resided across the street from Dracena Park for 22 years. We want to thank you for your hard work navigating through a very difficult process to ensure that the park maintains its diversity and can be enjoyed by a variety of users including children, dog enthusiasts, and casual park goers. It is surrounded on all 4 sides by residences which makes for an intimate gathering place enjoyed by many neighbors.

Unfortunately we will not be able to attend the Sept 4 hearing but we wanted make sure you knew our position. We understand that you will be considering adopting the new hours proposed by the park commission back in 2016. This is one aspect of the "dog park compromise" that we wholeheartedly support where the hours are adjusted to be in sync with Linda Beach Dog Park. As Jonathan Levine, the former park commissioner stated, "the hours at the dog park- 5am to 10pm- are too long for a residential neighborhood." We agree as do most, if not all of our neighbors on Dracena. For many years now, we have been awoken as early as 5 and 6 am by persons on cell phones or otherwise while their dogs are elsewhere in the park. Many times, those dogs are barking at squirrels or other dogs.

We urge you to abide by the findings of the Park Commission to modify the park hours for both on and off leash use to be 7am-8pm during the week and 8am-8pm on the weekends.

Sincerely,

Mark and Tami Becker

Dear City Council,

We are residents of Dracena Avenue and have been since 1979. During that time, we have witnessed the extraordinary increase in the use of the Park by dog owners at all hours with the corresponding increase in noise and deterioration in the Park.

The new lawn is a lovely addition to our city. To protect this new asset for use by all, there will have to be consistent enforcement of leash laws. That will be the only way to limit the abusive and flagrant abuse of those rules that went on constantly before the installation of the new lawn.

With regard to hours, no one believes their individual dog should be held responsible for any problems that overuse of Dracena Park causes. Understood, but the cumulative effect of the increasing greater numbers of dogs in the park throughout the day is substantial. While many of their owners are fixated on electronic devices and pay little or no attention, their dogs are barking loudly and determinedly at squirrels in the trees. This should not be allowed to start too early in the morning or continue too far into the evening.

We urge you to adopt the same hours of use at Dracena that exist at Linda Beach:

Weekdays 7:00 A.M. to 8:00 P.M.

Weekend 8:00 A.M. to 8:00 P.M.

Thank you for your attention to this important matter.

Martha and Dore Griffinger

My family lives at 104 Dracena Ave in Piedmont. Our bedroom window is on Dracena Ave. We frequently get woken up by dogs barking, sometimes as early as 5am but often at 6am.

We would like the park hours to be the same as Linda Beach, 7am-8pm weekdays and 8am-8pm on weekends.

Thank you.

John Lambert & Helen Potter

Item #5 – 2nd Reading of Ord. 741 N.S. – Updating Leash Law Provisions
Correspondence received before on Tuesday, September 4th at 12:00 Noon

Dear City Council,

Dog off leash hours to be reduced at Dracaena Park to 8pm?

I think this is not a good idea for Piedmont and the many Piedmont citizens who have dogs.

1. Many Piedmont families who have dogs, come home late from work and still have to walk their dogs.

Cutting the hours for these citizens with dogs to walk their dogs off leash makes it harder to schedule.

2. Isn't Piedmont working with Piedmont Police and doing a dog neighborhood watch with the dog walkers to keep an eye on suspicious activities?

Dog walkers who can walk their dogs off leash during evening hours can help.

3. If Dracena hours are til 10pm- who is hanging out at Dracena at 10pm? Usually, persons who are at Dracena in evenings are most likely dog walkers who want to exercise their dogs without having to run into children during the day hours and give their dog the ability to run leash free.

Please re-consider, if the park is open until 10pm, then allow dogs, the same hours to be able to be off leash in the dog park area.

Who is walking in the dog park from 9pm-10pm?

Adding to my email, Piedmont dog owners may have to leave for work early, so cutting the early time for off leash dog hours hurts those dog owners too.

Your neighbor-

Karen Markopoulos and Sierra.

City Council:

The staff report and neighbor comments note the recommendation of the Park Commission (March 2016) to reduce off-leash hours at Dracena. However, tonight's staff report confirms that the Police and Public Works Departments, City Clerk and City Attorney had significant discussions about that recommendation and concluded that having the off-leash hours match park hours (5:00 am to 10:00 pm) would be the most effective way to enforce the City's off-leash regulations. Support staff's assessment of what is best for the community and pass the ordinance as proposed in the staff report.

In doing so, inquire of staff how it reached its conclusion. Presumably they considered practical and legal aspects of the Park Commission recommendation and determined more effective enforcement could be achieved with consistent park and off-leash hours. The issue raised by neighbors is one of noise, not off-leash dog behavior, which can be enforced straight-forwardly

through calls to Police Department and confrontation of dog owners in the park. Under the Park Commission recommendations, police will have to respond to calls that dogs are off-leash before a certain hour, even if the dog is within proper use zone and making no noise. That will not address the concerns of the neighbors and is a waste of police resources. The assumption may be that limiting hours will make offending dog owners go elsewhere but the hours being taken away are likely of greatest use to Piedmonters attending to dogs before and after work – it is not practical for them to go to other dogs parks in town. Do not limit the vast majority of law-abiding users of the park to address undocumented reports of offenses.

Proceed with the ordinance as drafted and see what impact the new park design will have on noise offenses. None have been documented with the Police Department but the new off-leash design provides substantial buffer zone in the park directly adjacent to the Dracena Avenue residences complaining of noise. It is very possible with the new buffer zones and reduced off-leash area, use of the park by dog owners will decline and offenses decrease.

I recommend one edit and technical change to 4.14.3. First, the section in 4.14.3 in bold seems inconsistent – quarantining an animal before the hearing?. Perhaps that text should be removed.

4.14.3 Investigations: In the event of a report or incident involving an animal biting a human, any animal is quarantined pursuant to Subsection 4.14.4 for biting a human being or other animal, the case shall be investigated by the Piedmont Animal Control Officer with the assistance of the City Police.

Secondly, 4.14.3 establishes a process for a hearing to determine if a dog is vicious, which seems to be only triggered by an animal biting a human. But the definition of vicious animal in 4.14.2 lists attacks and aggressive behavior as criteria to classify an animal as vicious and presumably subject to 4.14.4. To be consistent, it seems hearings should be held for reports of attacks or aggressive behavior just as in the case of animal biting before an animal is declared vicious by the city. Revise 4.14.3 to say: In the event of a report or incident involving an animal biting, attacking or threatening a human,

Garrett Keating

Hello,

I'd like to voice my support for keeping off leash hours as long as possible. I find it ludicrous that we'd reduce them. What's more, the area is tiny. What is wrong with this town? Seriously, there are real problems that deserve attention on the global, national, state, and local levels...not something as ludicrous as this. Tell the people who have issues to get their priorities straight or move.

Ben Mahad

City council,

I understand it that various regulations concerning dogs will be debated at the September 4th meeting. I will not be able to attend and so am writing with my thoughts.

I am quite strongly in favor of a \$100 fine for those who fail to abide by leash regulations. I am equally in favor of increased enforcement of existing/new leash laws as right now they are consistently (and from my young childrens' perspective, dangerously) flaunted.

Thank you for considering my opinion.

Regards,

Gregory J. Cost

Stop harassing dogs and their owners!! First an overpriced wall that won't keep any remotely determined dog off the lawn, now mean-spirited restrictions on when dogs are allowed off leash. I'm a proud dog owner, I pay my license fees, I pick up my dogs' poop, and I only let the dogs go off leash where they are allowed. I also vote — and I definitely won't vote for you if you pass this petty harassment of dog owners. If you want to do something useful, how about installing a drinking fountain for the dogs in the off leash area. Wasn't that supposed to be part of the lawn/wall project?

Jonah Levy

Dear City Council Members,

I am writing to request that the hours for off-leash dogs remain unchanged.

Having the flexibility to enjoy the park with our dogs during the current extended time is critical for many who walk their dogs for exercise before and after commuting to work. There is also a safety benefit with dog owners playing an important role in neighborhood watch during these important hours.

Thank you for your consideration.

Stacey Isaacs

Dear Clerk:

I do not understand the rationale for reducing off-leash hours in Dracena park at all and would prefer no restrictions.

If for some reason it is believed that there must be a restriction, then I think the restricted hours should be expanded from those proposed. I don't understand the morning hour restriction at all -- the park is lightly used then, I believe. If there must be a restriction then it seems to me that dogs off leash should be allowed at least at 6:30 am on weekdays, especially to accommodate people who are walking dogs prior to going to work and 7 am on weekend mornings. Again, I believe

those hours see light use so a few dogs off leash with their owners nearby should not be an issue. If the issue is noise, then perhaps some signs communicating "quiet time" during the early morning hours in consideration of the neighbors could be posted. These could apply to anyone using the park during these early hours.

Also, if there must be a nighttime restriction, then I would suggest expanding the hours to at least 9 pm (or even 9:30 pm) on all days during daylight savings time or even just during the months May through August when there is light more or less til then. Long summer evenings are the perfect time to stroll in the park and for those of us who might get home from work late it gives us time for dinner and then an off-leash stroll with the dog after dinner. I've always seen this as a real treat and don't understand the rationale for curtailing that.

Thanks for your consideration of these comments.

Best,

Randi Silverman

City Council: In your discussion of the off-leash use hours for Dracena Park, you should ascertain from staff the basis for the adoption of different off-leash hours for the Linda Dog Park. I have lived in Piedmont since the inception of that dog park and in its first iteration, it was highly used by Oakland residents who accessed the fenced park from two gates, the current one on Linda Avenue and a second gate at the corner of Oakland and Sunnyside. That Sunnyside gate was used extensively by Oakland residents from the densely populated neighborhoods just beyond the Piedmont border. The park is the most concentrated of our city's dog park and large groups of users gathered there daily. It's very likely that the sheer number of dogs and people who gathered at that dog park generated the reduction in hours of use. The city did permanently close that Sunnyside, perhaps to limit use of the park, in conjunction with the hours change. Staff should be able to verify this.

These conditions do not apply to Dracena Park. The park is overwhelmingly used by Piedmont residents, is not contiguous with the Dracena Avenue residences and does not attract large crowds. Neighbors report barking dogs, mostly during normal hours, so reducing hours of use may not be effective at solving the problem and probably impacts more law-abiding owners than not. A better approach, as one Dracena Avenue resident suggests in his comments, is targeted enforcement of the nuisance rules.

Garrett Keating

Dear Mr. Tulloch:

Unfortunately I will not be able to attend the City Council meeting on September 4, 2018, so am sending you this letter to share with the Council members instead. My husband Steve Fraser and I live directly across the street from the newly expanded off-leash area of Dracena Park, at 132 Dracena. We have lived here for over 29 years, and are very familiar with dog owners' use of the park.

We strongly support the Park Commission's proposal to restrict the off-leash hours by moving the earliest permissible use from 5 a.m. to 7 a.m. on weekdays and to 8 a.m. on weekends. This will match the hours at Linda Dog Park. While many dog owners are conscientious about their pets, unfortunately many are not. Dogs off leash are more likely to get into loud tussles with other dogs and more likely to bark in pursuit of squirrels. It completely destroys the peace of the neighborhood to be awakened by frenzied barking before the sun is even up. This happens all too frequently. The off-leash area of the park has now been greatly expanded, and is much closer to residences. The city should strive to balance the interests of dog owners with those who live in close proximity to the park. Allowing off-leash use 13 hours a day on the weekdays starting at 7, and 12 hours a day on the weekends starting at 8 should be sufficient. If someone wants to walk a dog earlier than the current hours, the dog should be on leash which will help (but of course not guarantee) that the dog will be quiet.

We therefore urge the City Council to adopt the Park Commission's proposed language for City Code section 3.4.4(a) as follows: "Off leash areas shall be open during regular park hours, as specified in Section 3.3.6 of this code, with the exception of the off leash areas in Dracena Park and Linda Park, which shall be open from 7:00 a.m. to 8:00 p.m. weekdays and from 8:00 a.m. to 8:00 p.m. on weekends."

Thank you.

Deborah Miller

Since my email to you on July 13th I again I am writing to you re: the Dracena Park rules. Since my last note to you folks, I was awoken on 6::40 on July 15, 6:45 on July 18, 6:30 on July 29, 7:00, Aug 15, 6:55, Aug 29, 7:10. Not to mention the numerous times of the consistent barking during the day. I have called the Police only two or three times, as the problem w/ that is by the time they or the animal control people arrive the barking has stopped.

On Thurs. July 26th around 10:30 there was a dog barking incessantly for about ten minutes, and rather than call the police, I walked down to the park and spoke w/ a lady whose dog was barking. She said that her dog was a a barker and she could not stop it. I told her that I thought it was incredibly selfish that she could not control her dog. Another lady who was walking w/ her dog, suggested that I move.

Maybe I am all wet, but it seems that is a privilege not a right to use the parks as a dog run. In the article in the Post, Aug. 29th, It indicated that the park is to be open 5AM to 10PM. It was my understanding from the last Council meeting that the Council meeting on Sept. 4th this issue would be discussed again.

Again I reiterate some suggestions.

- change the hours to coincide w/ the beach dog run.
- have some rule that makes the owners responsible for the behavior of their pets
- have some sort of random enforcement
- signage that emphasises that the dog should be under control of owner

Matthew Lifschiz

Dear City Council,

Is it possible to have a poll taken of the city council of who has a dog or not before the vote?

And please place that item in the notes when a decision is made.

Thank you in advance-
Karen Markopoulos

Dear Council members,

We currently reside near Dracena Park and are dog owners who frequent the park on an almost daily basis. It is our understanding that the City Council is proposing to reduce the off leash hours at Dracena Park to 7:00 am - 8:00 pm weekdays and 8:00 am - 8:00 pm on weekends. In the summer it is light by 6:00 am and is still light at 8:00 pm, we should be allowed to have our dogs off leash during the park hours. Our parks are for the use of all residents and complaints from a small minority should not dictate restriction of use for all in our public parks.

We will be very disappointed to see the off leash hours reduced to that which is proposed.

Sincerely,
Kristin & Tim Ogles

Hello Council Members,

I am baffled as to why the dog walking hours need to be revised. Unrestricted off-leash dog-use hours allows for staggered use by pet owners, which minimizes the impact on the surrounding neighbors.

By reducing the early morning off-leash hours, you effectively make it impossible for owners to walk their pets before leaving for work. How insensitive and cruel is that to the pets and the owners?! I leave for work at 6:40am, but for those with 9-5 jobs, I can only imagine the problems that would arise if all the dog owners had to walk their dogs at the same time (beginning at 8am): increased noise, increased "dog personality" conflicts, increased traffic, and increased stress with time constraints to both walk the dog and get kids off to school by 8:30 before getting to work by 9:00!

Limiting the dog-use hours of the Park seems punitive to our Residents. Many of us only get to enjoy the park when we walk our pets. Having just spent (an unnecessary!) >\$150,000 on Dracena Park upgrades, I feel we should be able to enjoy the park at times of our choosing. Reducing the dog-use hours negatively impacts pet owners, and is NOT the correct solution to complaints of noise issues from the residents surrounding the park. It seems adherence to conduct rules and common courtesy is more in line with the current needs.

I sincerely hope you will reconsider this I'll-conceived plan of reduction of off-leash hours for our dogs at Dracena Park. Thank you for your consideration.

Sincerely,
Marie Retherford

Dear City Council:

I am baffled by and heartily oppose the proposal to limit the off-leash hours of the already restricted areas of Dracena Park. Who is going to benefit from using the park at these areas with dogs only on leashes? Of these how many care that they may encounter off-leash dogs? Compare this to those who access the park at these hours to give our dogs exercise, either because we go to work early or to enjoy the final light 1-2 hours on a warm summer evening?

If the intent is to limit off-leash hours to daylight hours I'm not opposed since I have no desire to let my dog off-leash when it's dark. I understand it's harder to enforce this shifting time restriction but it's far more reasonable than an 8AM or 8PM cutoff.

Overall I'm perplexed on what appears to be an assault on the very limited areas in Piedmont where dogs are allowed off-leash. Dog owners pay the same property tax rates as other Piedmont residents. I voted for the bond proposal to build the new high school even though my kids have already graduated from the school system. I was willing to pay higher property tax because I wanted my neighbors kids to access modern school facilities. I think this generosity of spirit should extend to Piedmont residents who are not dog owners/lovers so that the latter can enjoy the few areas in Piedmont where our pets can run free. Overall I think we're a pretty responsible group about respecting the city's leash laws and cleaning our pets' droppings.

Jim Glauber

To the City Council of the City of Piedmont, As 47-year residents of a house on Park Way immediately across the street from Dracena Park, we strongly urge you to limit the off-leash hours, as proposed, to 7:00AM(daily)/8:00AM(weekend) to 8:00PM.

Over the years, it has consistently been our experience that off-leash dogs wander off the designated paths closer to the neighboring houses, into yards, barking at squirrels, other dogs, and anything that moves. Many times we have had to run dogs out of our yard. We have not formally complained, as we had no idea who the owners were.

Clearly off-leash dogs are not always under the control of their owners and can tend to bark more than on-leash dogs. We often hear dogs barking and owners yelling at 5:30AM or 6:30AM, before we have decided it's convenient for us to get up.

Please consider the impact that early-morning and evening off-leash hours have on the entire neighborhood. Certainly the proposed hours will be a reasonable compromise for all interested parties.

Sincerely,
Gerry & Gail Eiselman

Please don't reduce off leash dog park hours. dracena is one of the amazing dog parks in the area that is uniquely able to provide dogs with much needed exercise.

The off leash hours do not offend anyone. The dogs and Owners are friendly, social, and responsible.

-Jess Galin

Hello, I am a citizen of piedmont writing in response to the pending decision to reduce the off leash hours at the dracena dog park. As someone who returns late from work, I am reliant on the park being off leash late so I can exercise my dog and myself! Especially in the spring and summer. I would prefer the hours stay as they are.

Thank you
Jeff holt

Dear City Council,

If hours are reduced at Dracena Park, to the same hours that Linda Beach are, then it gives Piedmont residents who work and have dogs, not much option of times to let their dog to be leash free since both parks will have the same hours.

At least if Dracena Park hours are staggered from Linda Beach, it gives Piedmont tax paying citizens who are also dog owners more options to walk their dog before work and after work.

Having the parks with different hours- early and late start times-staggered at both parks, makes it more accessible for Piedmont residents ,who are dog owners to walk their dogs in their neighborhood leash free in Piedmont's Public Parks.

Thank you
Karen Markopoulos

Dear esteemed City Councilmembers,

Per recommendations by various members of the Piedmont community, I read with interest the proposed changes to Ordinance 741NS that will come before the council on Tuesday September 4th, regarding changes to the way off-leash violations are enforced and the proposed hours of the off-leash area at Dracena Park.

Although I applaud your efforts to clarify the language of the Ordinance, I do want to point out that the definition of Dracena Park hours is unclear. Your listed hours of 5 am til 10 pm daily is completely at odds with posted signage at the entrance to the park (which clearly states "8 am til dusk"). Before imposing hours restrictions on the off-leash area, the hours of the park as a whole will need to be clearly defined.

I should hope that further revisions to the ordinance continue to reflect the interests of the Piedmont citizenry as a whole, and not just a few self-interested neighbors living near Dracena Park who continue to intimidate and harass the generally peaceful and friendly dog owners that frequent the park, and who would apparently rather see Dracena Park as a sterile extension of their own front yards instead of as a neighborhood treasure for all to enjoy.

Sincerely yours,

Leila Hebshi, MD

I'm writing in opposition to the reduction of dog hours at Cravens.

In particular, cutting back on morning hours is a problem. A chance to walk in the morning before heading to work is very important.

Cutting off at 9:00 pm (or maybe 8:00) could be OK. At least for us.

Thanks,

Ed Horst

Dear Mayor and Council Members

I respectfully request that you do not change the off-leash dog hours at Dracena Park. As a neighbor and regular user of the dog park, it would be a change in our family schedule to limit the hours. Some people need to be at their jobs early in the morning and the same or others may not be home till later in evening and need the hours that have been in place for a long time. There are many changes that are happening at the park that impact community dog owners, and I would suggest letting those take affect before even considering further changes. However, I can understand the impact to immediate neighbors that have bought homes next to a dog park, so if you were to change anything I would suggest only modifying morning hours (for all days of the week) to start at 7am for off leash and not changing the evening hours and seeing if that addresses whatever concerns have been raised.

Thank you for your time and consideration.

Steven Schiller

Hello,

I live on Ronada Ave and walk my dog off-leash in Dracena park every morning at 6am. I commute to work so I need to walk him from 6-7am to work by 8am. The new proposed off-leash hours will greatly effect me and others who walk their dogs before work in the morning. I am in Dracena every morning with several other regulars. We are extremely respectful of the neighbors during the morning and the dogs dogs rarely if ever bark. I'm very confused by the complaints of noise since I can't remember a dog barking while I was there in months.

Dracena dog park is a neighborhood amenity and I feel that it is very unfair to the larger Piedmont community to restrict the off-leash hours of the park. The neighbors who are complaining of noise willingly bought their home next to an existing dog park and knew that there could be potential noise. It's like complaining about car noise if you live on Oakland Ave!

I particularly enjoy living in my area of Piedmont since I am a short 5 minute walk from the dog park and it's an amenity that attracted me to that area. I feel that the complaints of a few

individuals is going to deprive the larger community of their public amenity which is highly unfair.

Sincerely,
Natalie McHugh

Item #5 – 2nd Reading of Ord. 741 N.S. – Updating Leash Law Provisions
Correspondence received before on Tuesday, September 4th at 4:30 p.m.

Dear Mr. Mayor, Ms. Vice Mayor and Members of the City Council for the City of Piedmont:
We are writing to city council as one of Dracena Park’s most ardent users when it comes to walking dogs,
and to oppose the revised hours of use for off-leash walking that the council is considering this evening.

As we understand the report, the Park Commission is recommending that “off-leash” hours be revised to 7:00am – 8:00pm on weekdays and 8:00am to 8:00pm on weekends. Further, we understand that this proposal, in significant part, is due to complaints about noise from barking dogs, and that these new hour restrictions are meant to keep the barking to a later time of the day, and presumably a time more acceptable to Dracena Park neighbors.

We have walked our dogs, off-lease, in Dracena Park for nearly 15 years. Our oldest Labrador, Molly, has enjoyed the park since she had all of her dog-required vaccinations. We added a second Labrador, Ruby, to our family about 6 years ago and the two of them thoroughly enjoy their off-leash time in Dracena Park every day.

Our typical morning weekday walk starts somewhere between 6am and 6:30am, and on rare occasions as early as 5:30am (However, we will not let the dogs go off leash again before 6am, as Molly had a meeting with a skunk about 2 months ago. While no barking followed, she spent plenty of time rolling in the dirt in an attempt to clean herself of the awful spray). We also walk the park at similar times on the weekends. During that time period, it is quiet. We may come across 1 to 3 dog walkers – “regulars” – and all of us signal a good morning nod to one another and then move on. We are in the park for about 20 minutes. During these weekday visits, we do not recall hearing nuisance-level barking, or for that matter, any barking. Like our fellow early morning dog-walkers, we respect the quiet time in the park, and certainly wouldn’t want our pets to be a nuisance to others. Consequently, Dracena Park is quiet during the times we are there. We have been there later in the day on occasion, when the dog activity is far more robust (10 or more dogs there at one time), there’s clearly barking, as the dogs seem to be playing with each other, which excites them and ignites their need to communicate. But in the early morning, that activity does not exist.

The early morning slot works with our daily routine of taking care of our pets and then getting to our morning business of either working out and getting to the office. Walking our dogs in the main park, while an option, is too far away to work with our schedules and walking the dogs on leash either in Dracena or through the neighborhood seems less than ideal for Molly and Ruby.

Accordingly, we are asking the city council to consider keeping the off-leash hours as they are.

Thank you for your consideration.

Karen and Clarence Mamuyac

Dear Council Members,

Reducing weekday off leash hours would be an unfair handicap to working citizens who try to exercise their dogs before leaving for work or after coming home late from work. If the issue is barking, it is common knowledge that leashed dogs are often more aggressive and liable to bark than unleashed dogs. This park is a gift to ALL citizens of Piedmont, not just those living across the street from it. The rules should not be dictated by the few.

Respectfully,
Kathy Moody
