Appendix D  EBRPD Ordinance 38 Violations
Resulting from Presence of Cattle

This appendix highlights sections of Ordinance 38 that are being violated by the presence of cattle in the parks. Violations that should apply equally to cattle are noted in blue. Author’s inserts are in [] brackets.

Section 408. Assembly

408.3 Denial or Cancellation of Permit

a). Cause injury or damage to park resources; or

b). Be contrary to the purposes for which involved park areas were established, as defined above in Section 408.1, or unreasonably impair the atmosphere of peace and tranquility maintained in the park; or

c). Unreasonably interfere with interpretive programs, visitor services or other District program activities, or with Public Safety or administrative activities of the District; or

d). Substantially impair the operation of public use facilities or services of concessionaires or contractors; or

e). Present a clear and present danger to the public health and safety; or

f). Result in significant conflict with other existing uses; or

Section 409. Miscellaneous Dangerous Activities.

409.6 Engage in any activity or operate any device recklessly or negligently so as to endanger the life, limb or property of any person.

Section 800. Animal Protection, Hunting And Fishing.

800.1 General. No person [rancher/cow] shall hunt, molest, disturb, injure, trap, take, net, poison, harm, or kill any kind of wild animal whether living or dead, nor remove, destroy or in any manner disturb the natural habitat of any animal. No person shall molest, disturb, harass, harm, remove or kill any farm animal or in any manner damage or destroy the corrals or pens that contain them, or release farm animals from their pens or corrals.

801.3 Leash Optional Areas (Undeveloped Areas). A dog [cow] may run at large under the control of its owner or handler within undeveloped areas of the District, provided, however, that the owner or handler shall have a leash in his/her possession and keep the dog under control at all times.

c. Dogs [cattle] are presumed to not be under control when:

i. They threaten, harass, chase or harm other animals (except for play chase) or wildlife.

ii. They display threatening behavior.

iii. They physically harm people directly or indirectly by their actions.
v. They touch or jump on other park users who have not invited or engaged in interaction with the dog [cattle].

801.4 Responsibility to Report Dog Bites [Cow Attacks] or other Injuries. It is the responsibility of the owner or handler of any dog [cow] that has bitten or otherwise caused physical injury to a person or animal to, if requested, provide the requestor with the biting dog's license number (if available), and the handler's name and address.

a. Injury is defined as any bite, however slight the injury, that breaks the flesh of a person or another dog or animal.

b. If more serious injuries are involved and either party desires medical treatment or police assistance, the owner or handler must report the incident to park staff or emergency responders as soon as possible and provide the staff/responders with their identification and the dog's license and rabies shot status.

c. If such injury requires immediate medical treatment, the owner or handler may leave the scene to seek medical treatment, but must notify the Public Safety Department of the incident and their identity within 24 hours.

801.6 Dogs [Cows]: (In Packs). Any dog found roaming unattended or in packs may be seized and impounded when found:

a. Chasing cattle[dogs or people] .
b. Interfering with, bothering, or harassing park users.
c. Chasing animals, or wildlife.

801.7 Dangerous Animals. No person shall bring into or permit any dangerous animal to enter or remain on District parklands or any part thereof. For purposes of this subsection, a dangerous animal is defined as any animal which is declared a dangerous animal by a County or City, an exotic animal, or an animal which demonstrates any of the following behavior:

a. An attack which requires a defensive action by any person to prevent bodily injury and/or property damage.
b. An attack on another animal, domestic or wild, or livestock.
c. An attack that results in a injury to a person.
d. Any behavior that constitutes a physical threat of bodily harm to a person.

801.10 Removal or Clean Up of Dog [Cattle] Feces. Any person bringing a dog [cow] onto park property shall immediately remove the excrement deposited by such animal on any trail, developed area, or any area so posted. Animal wastes may be placed in garbage cans or removed from the park.

Section 804. Plants. No person [cow] shall damage, injure, collect or remove any plant or tree or portion thereof, whether living or dead, including but not limited to flowers, mushrooms, bushes, vines, grass, turf, cones and dead wood located on District parklands. In addition, any person [cow] who willfully or negligently cuts, destroys or
mutilates vegetation shall be arrested or issued a citation pursuant to Penal Code Section 384a.

Section 805. Geological Features. No person [cow] shall damage, injure, collect or remove earth, rocks, sand, gravel, fossils, minerals, features of caves, or any article or artifact of geological interest or value located on District parklands.

Section 908. Declaration of Noise Policy. It is hereby declared to be the policy of the District to prohibit unnecessary, excessive, annoying noises [such as cattle wailing] from all sources subject to its police power.

908.2 Radio, Television Sets, and Similar Devices.

a. Peace and Quiet. It shall be unlawful for any person [cow] within the District to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for producing or reproducing the sound in such a manner as to disturb the peace, quiet and comfort of East Bay Regional Park District users or any reasonable person of normal sensitivity in the area.

b. Prima facie violation. The use of any of the devices or machines [cows] enumerated in Subsection 908.1(a) hereof, such that the sound produced there from is audible at a distance in excess of 50 feet, shall be deemed a prima facie violation of this chapter.

c. Absolute prohibition. In addition to Subsection 908.1(a) and 908.1(b) of this section, and to insure adequate rest for District users, no person [cow] shall [wail] use or operate any of the devices mentioned in Subsection 908.1(a) and 908.1(b) within the sleeping quarters of campgrounds of the District between the hours of 10:00 p.m. and 7:00 a.m. daily.

908.8 General Noise Regulations.

a. General. Notwithstanding any other provision of this Chapter, and in addition thereto, it shall be unlawful for any person [cow] to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet within any area within the District or which causes discomfort or annoyance to any reasonable person of normal sensitiveness utilizing any facility of the District.