

ORDINANCE NO. 13

AN ORDINANCE GOVERNING ANIMALS ON DISTRICT PROPERTY

WHEREAS, the facilities of the Alameda-Contra Costa Transit District (District) exist for the purpose of conducting District business; and

WHEREAS, bringing non-service animals to District facilities or allowing them to roam unrestrained at said facilities, unless specifically authorized by federal or state law, is not conducive to the conduct of District business; and

WHEREAS, individuals with allergies can be affected by animal fur and, like the District's restrictions on the use of colognes and perfumes, it is appropriate to limit the potential contact by these individuals with animals; and

NOW, THEREFORE, be it enacted by the Board of Directors of the Alameda-Contra Costa Transit District as follows:

Section 1. Definitions

The terms used in this ordinance shall have the following meaning:

- A. Animal - any cat(s), dog(s) or reptile(s).
- B. District - the Alameda-Contra Costa Transit District, organized in accordance with the provisions of Division 10, Part 1 of the California Public Utilities Code (§24501, et seq).
- C. District Facilities - any property owned or leased by the District, including but not limited to, District vehicles (revenue and non-revenue), buildings, parking lots, storage areas, meeting rooms, garages, bus and maintenance yards and similar areas owned and operated by the District.
- D. Service Animal - any animal that is individually trained to provide assistance to an individual with a disability, in accordance with the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted pursuant thereto and California Civil Code section 54.1, including but not limited to, guide dogs for the visually impaired; signal dogs for the hearing impaired; alert/response animals for individuals with seizure disorders; and assistance animals for persons with physical disabilities. Animals which are merely pets or household companions, and do not perform specific assistive functions are not considered service animals.

Section 2. Prohibition

It shall be unlawful for an individual or individuals to bring an animal onto District Facilities, except as provided in Section 3.

Section 3. Exceptions

- A. **Service Animals.** For revenue vehicles, the prohibition in Section 2 shall not be applicable to any service animal used by an individual with a disability in accordance with the Americans with Disabilities Act of 1990 and its implementing rules and regulations, provided the requirements of any applicable AC Transit Operations Center Bulletin regarding service animals are met.
- B. **Pets.** A passenger on a revenue vehicle may transport a non-service animal provided it is carried in a container under AC Transit's rules concerning pets on revenue vehicles.
- C. For all other District Facilities, the prohibition in Section 2 shall not be applicable to any service animal used by an individual with a disability in accordance with the Americans with Disabilities Act of 1990 provided the service animal is leashed or on a lead at all times and physically under the control of the individual who is relying upon the animal. However, the individual and service animal must leave the meeting if the service animal misbehaves, including but not limited to, soiling or otherwise damaging District property; jumping on other individuals; growling at or harassing other individuals or other service animals.
- D. An animal may be kept in a private vehicle parked at a District Facility provided it remains in the vehicle at all times while on the District's property and it does not present a danger to others.

Section 4. The individual with the animal is responsible for any damage or injuries caused by the animal while on or at District facilities.

Section 5. The use of the singular tense in this ordinance also includes the plural tense.

Section 6. Any violation of this ordinance shall be deemed a public nuisance and may be enforced by injunctive relief and any other civil remedy available to the District.

Section 7. In the event any provision of this ordinance is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions of the ordinance.

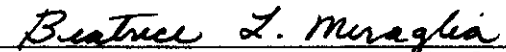

H. E. Christian Peeples, President

ATTEST:


Beatrice L. Miraglia, Interim District Secretary

I, Beatrice L. Miraglia, Interim District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Board of Directors held on October 19, 2000 and adopted at a Regular Meeting of the Board of Directors held on the 2nd day of November 2000, by the following roll call vote:

AYES:	DIRECTORS:	Piras, Hawley, Williams, Vice-President Killian and President Peeples
NOES:	DIRECTORS:	Cross
ABSENT:	DIRECTORS:	Creason
ABSTAIN:	DIRECTORS:	None


Beatrice L. Miraglia, Interim District Secretary

Approved as to Form:


Kenneth C. Scheidig, General Counsel

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