

1
2 **Resolution Relating to**
3

RESOLUTION
Sponsor(s): Councilor Paul

Introduced: 01/24/11
Referred to: _____

Action: _____
Date: _____
Signed by Mayor: _____

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7 REVISIONS TO ORDINANCES AND RULES AND
8 REGULATIONS PERTAINING TO DOGS, DOG PARKS,
9 OFF-LEASH DOG AREAS
10

11
12 **CITY OF BURLINGTON**

13
14 In the year Two Thousand Eleven.....

15 Resolved by the City Council of the City of Burlington, as follows:

16
17 That WHEREAS, one of the great assets of the City of Burlington, in addition to its diverse
18 and vibrant population, is its livability and its desire to provide amenities both for residents and
19 for the thousands of visitors our city attracts each year, including amenities to those residents and
20 visitors who own dogs; and

21 WHEREAS, the City of Burlington is very cognizant of the need to have up-to-date
22 ordinances and Department of Parks and Recreation Rules and Regulations that reflect the
23 City's needs with regard to the regulation of dogs generally and with regard to the regulations for
24 off-leash dog areas and/or dog parks specifically; and

25 WHEREAS, there is language in Section 22-13 (attached) pertaining to the treatment of
26 dogs that are off-leash but supervised that should be addressed more properly in Section 5,
27 Article II (attached) of the City Ordinance provisions; and

28 WHEREAS, there is also Rules and Regulation language in Appendix D to the City
29 Charter (attached) pertaining to off-leash dog areas which is in need of modification; and

30 WHEREAS, these proposed changes to Ordinances and Rules and Regulations have been
31 discussed with and reviewed by the Chief of Police; and

32 WHEREAS, the processes for modification to Ordinances and for modifications to Rules
33 and Regulations differ but, given the overlap subject matter existing in these changes, it would
34 be advantageous to track these changes together; and

36 **Resolution Relating to** REVISIONS TO ORDINANCES AND RULES AND
37 REGULATIONS PERTAINING TO DOGS, DOG
38 PARKS, OFF-LEASH DOG AREAS

39
40 WHEREAS, this City Council commends the Parks and Recreation Commission for its
41 recognition of the need to address the issue of dog parks in the City and their expression of the
42 importance to this initiative; and

43 NOW, THEREFORE BE IT RESOLVED, that the City Council hereby refers, after first
44 reading, to the Parks and Recreation Commission the attached proposed changes to said
45 Ordinances as well as the proposed modifications to the Appendix D Rules and Regulations and
46 requests that the Commission provide its recommendations with endorsements and/or changes to
47 the Ordinance Committee no later than February 18, 2011; and

48 BE IT FURTHER RESOLVED, that the Ordinance Committee will endeavor to work on
49 this Ordinance and report back to the full Council no later than March 28, 2011; and

50 BE IT FURTHER RESOLVED, that the Ordinance Committee be requested to work with
51 the Chief of Police once the proposed Ordinance has come from the Parks and Recreation
52 Commission to ensure discussion and agreement on this proposed ordinance.

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APPENDIX D RULES AND REGULATIONS OF THE BURLINGTON PARKS AND RECREATION DEPARTMENT

Sec. 1. Park reservation and special use policy.

Sec. 2. Perkins Pier Marina, Waterfront Park and Community Boathouse.

Sec. 3. Harbor and waterways; designated areas.

Sec. 4. Beaches and waterfront areas.

Sec. 5. Park closings.

Sec. 6. Tennis and basketball courts.

Sec. 7. Off-leash dog areas.

Sec. 8. Repeal of prior rules.

Sec. 7. Off-leash dog areas.

(A) *Designation of Areas.* The following areas are designated as areas managed and regulated by the board of parks and recreation commissioners for the purpose of allowing dogs to be under control of the owner or another individual by means other than physical restraint:

(1) *Starr Farm Park.* That portion of Starr Farm Park that is bounded on the east by the Burlington Bikeway and bounded on the west by that part of Starr Farm Park which is set aside for community gardens.

(2) *Schmanska Park.* That multipurpose field portion of Schmanska Park that extends from the basketball court to the tennis court.

(3) *Oakledge Park.* That portion of Oakledge Park that is bounded on the west by the Burlington Bikeway, is bounded on the north by the parking lot servicing the southernmost picnic shelter, and is bounded on the south by the baseball field on the southernmost part of the park (adjacent to Austin Drive).

(4) *Urban Reserve.* Upon any required written approval by the Vermont Housing and Conservation Board, that portion of the area designated as the Waterfront Urban Reserve that is bounded on the east by the Burlington Bikeway, bounded on the south by the land known as the Texaco Jetty--including so much land to the south of the Jetty as to allow for access to the beach directly adjacent to the Jetty, and bounded on the north by the northern boundary of the Urban Reserve.

(5) *Intervale Leased Land.* That portion of land owned by the Burlington Electric Department in the Burlington Intervale under lease to the Intervale Foundation and sublease to the Burlington Department of Parks and Recreation for the purpose of establishing an off-leash dog area, being such land bounded on the south by the lands leased to the parks and recreation department by the Burlington Electric Department for community gardens, bounded on the east by the lane used for farm vehicles and the Burlington Bikeway, bounded on the north by the lane used to access communications towers and commercial farming operations, and bounded on the west by commercial farming operations.

(B) *Times of Operation.* The following are the allowed times of operation for areas designated as off-leash dog areas:

(1) *Starr Farm Park:* The designated area may be used at any time of the day and year for off-leash dog activities permitted by these rules.

(2) *Schmanska Park*: The designated area may be used from April 16 to October 14 from 8:00 p.m. to 8:00 a.m. and from October 15 to April 15 from 4:00 p.m. to 9:00 a.m. for off-leash activities permitted by these rules.

(3) *Oakledge Park*: The designated area may be used at any time of day from October 1 to April 1 for off-leash activities permitted by these rules.

(4) *Urban Reserve*: The designated area may be used at any time of the day and year for off-leash dog activities permitted by these rules.

(5) *Intervale Leased Area*: The designated area may be used at any time of the day and year for off-leash dog activities permitted by these rules.

(C) *General Rules for All Areas Designated as Off-Leash Dog Areas*:

(1) A person taking a dog into an off-leash area shall have control of the dog by means of physical restraint (leash, cord, chain, etc.) when entering and leaving the off-leash area.

(2) A person taking a dog into an off-leash area shall maintain voice, hand or other appropriate control over the dog at all times while the dog is in the off-leash area. Such person shall also have in their possession at all times a means of physical restraint.

(3) A person taking a dog into an off-leash area may only do so during the times set forth by these rules.

(4) All dogs present in an off-leash area shall be licensed and vaccinated and shall display valid license and vaccination tags attached to a dog collar.

(5) A dog present in an off-leash area shall be the responsibility of a person who is present in the area with that dog. A person responsible for a dog in an off-leash area shall not leave the dog unattended in the off-leash area. A person responsible for a dog in an off-leash area shall be legally responsible for its actions.

(6) A person shall not take a female dog in heat into an off-leash area.

(7) A person taking a dog into an off-leash area is responsible for removing that dog's feces from the off-leash area. A person taking a dog into an off-leash area shall carry equipment for removing such feces and shall place feces deposited by such animal in an appropriate receptacle.

(8) A person taking a dog into an off-leash area shall stop that dog from digging holes and shall fill in any hole created by the dog prior to exiting the area.

(9) A person may not take more than three (3) dogs at a time into an off-leash dog area without a special permit given by the parks and recreation department. Professional dog trainers shall not use off-leash dog areas for their commercial activities.

(10) Vicious dogs as defined by Burlington Code of Ordinances section 5-13 are not allowed in an off-leash area.

(11) There shall be no eating or smoking in the off-leash area.

(12) Glass containers shall not be allowed in an off-leash area.

(13) Any gate to an area shall be closed upon entry and exiting.

(14) Person in control of a dog in an off-leash area shall not permit the dog to engage in excessive barking, howling, or other noise.

(15) Persons under the age of twelve (12) years shall not be allowed in an off-leash area without the accompaniment of someone at least eighteen (18) years of age.

(D) *Reserved*.

(E) *Enforcement*:

(1) In addition to the penalties provided for by ordinance, a person or dog that violates the rules of this section is subject to ejection from the off-leash area.

(2) In addition to the penalties provided for by ordinance, a duly authorized enforcement official may impound a dog for a violation of the rules of this section or for activities determined to be a nuisance.

(3) In addition to the penalties provided for by ordinance, a person who violates the rules of this section on two (2) occasions within a twelve-month period shall be barred from using the off-leash areas during the six (6) months after the second violation.

(F) *Administration:*

~~(1) *Pilot program.* The rules of this section shall be in full force and effect for eighteen (18) months. The director of parks and recreation shall review the impacts of the designated off-leash areas and shall make a report to the city council after twelve (12) months of operation. Unless directed otherwise by the city council, these rules shall expire upon the end of the 18th month in which the rules were in effect.~~

(2) The director of parks and recreation may, upon a finding of need at a particular off-leash area, may close the area to off-leash use. The reopening of such area is at the discretion of the director. The director shall post a notice indicating that the area has been closed for off-leash use at the entrance to the area and at other locations in the area if needed to conspicuously advise the public of the closing.

(3) No area may be used as an off-leash area unless a site coordinator has been designated for that area.

(4) Subsection (C) (General Rules) of this section and any duly adopted special regulations for a specific designated off-leash area shall be conspicuously posted in each designated off-leash area.

(Res. of 4-17-00; Ord. of 9-23-02)

