



TO: Parks Commission
FROM: Cindi Wight, Director
DATE: August 20, 2020
RE: Revision and Update of the Off Leash Dog Ordinance and Rules

Background:

A resolution for a pilot off leash program was passed by Council in April 2000 establishing off-leash area rules and locations for City Parks. The pilot was set for 12 months with a report due back to Council within that time period. The pilot would expire in 18 months from when the rules were changed unless directed by City Council. **In 2002 a resolution was passed by City Council to extend the pilot period to June 14, 2003 due to a late construction of the fenced dog park at Starr Farm. No further action has been taken by the City Council since 2002.**

In 2011 a work group, led by then Director Mari Steinbach, began meeting to establish a strategic approach to improve and expand the offerings of the City of Burlington Off Leash Areas based on council recommendation. The group met extensively for two years researching other city off leash areas and getting input from the community. In our files is a memo dated June 2013, from then director Jesse Bridges, to Council including the work group's final report. **There is no evidence that the memo made it to a Council meeting** and/or that the Ordinance Committee reviewed and approved any changes. The understanding I have in communicating with staff is that the decision was made to put the project on hold as the department was getting ready to go through a Master Plan.

Moving Forward

The recommendation from the Task Force included a minor update to Chapter 22 section 13 of the City ordinances. The more substantial changes were in Appendix D and a suggested additional policy. The recommendation was to have the Appendix D have more broad rules and the detail within them to be accomplished through a policy approved by the Parks Commission.

Based on the understanding that the process to update Appendix D is a resolution direct to City Council without the need to go through the ordinance committee our recommendation is to maintain the detail in Appendix D. By maintaining the detail in Appendix D it is easily accessible to the community and staff.

Recommended updates to Chapter 22 section 13 – Animals prohibited, exception.

Current ordinance (22-13)

No domestic animals, except dogs, shall be permitted in any park.

Suggested language (22-13)

No domestic animals, except dogs, shall be permitted in any park. Dogs shall be held in leash by their owners unless in designated off-leash areas.



Recommended updates to Appendix D – Section 7 – Off-leash dog areas

See attachment immediately following memo

Process

- 1) Approval by Parks Commission and PACC of updated Department recommendation to maintain detail in Appendix D**
- 2) Submit ordinance change request to City Council**
- 3) Submit resolution to City Council**

History of project in one combined PDF from 2000-2013:

- 1) 2000 and 2002 City Council resolutions (pages 1-10)**
- 2) 2011 Memo establishing Work Group (pages 11-12)**
- 3) 2013 Staff Memo to Councilor Shannon with results of work (page 13)**
- 4) 2013 Final Report to Council from the Work Group (pages 14 – 35)**

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) Fenced Dog Parks

a. 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.

i. Times – 8:00 a.m. to sunset or 8:00 p.m. whichever comes earlier

b. Urban Reserve. ~~That portion of the area designated as the Waterfront Urban Reserve Dog Park - bounded on the west by the Burlington Bikeway, bounded on the north 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 dog park, and 280 yards north of the southern boundary of the Urban Reserve.~~

i. Times – The designated area may be used for off-leash during park operating hours.

(2) Non-fenced off-leash areas

a. Leddy Park (year-round). Leddy Park in its entirety excluding programmed areas including parking lots, athletic fields, public beaches, buildings, roads, courts, playgrounds, etc.

i. Times - The designated area may be used during park operating hours.

b. Oakledge Park 1 (seasonal). ~~Oakledge Park in its entirety excluding programmed areas including athletic fields, playgrounds, courts, parking lots, roads and walks, buildings, public beaches, parking lots, etc.~~

i. Times – The designated area may be used November 16 to May 14

c. Oakledge Park 2 (year-round) That portion of Oakledge Park that is bounded on the west by the lake, bounded on the east by the bike path, on the south by the path to the cove, and bounded on the north by the field to the north of the tennis courts. Access to Lake Champlain shall be available for dogs and people in this area.

i. Times – The designated area may be used during park operating hours

d. Calahan Park (seasonal) ~~That portion of Calahan Park that is bounded on the east by Shelburne Road, north by Locust Street, west by Pine Street, and south by the park/neighborhood boundary excluding programmed areas such as courts, buildings, baseball fields, roads, playgrounds, etc.~~

i. Times – Summer: the designated area may be used only from dawn to 10:00 a.m.

ii. Times – Winter: the designated area may be used from October 1 to April 1 from dawn to 10:00 a.m. and 3:00 p.m. to dusk.

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

i. Times – Summer: the designated area may be used from dawn to 8:00 a.m. and 8:00 p.m. to dusk

ii. Times - Winter: the designated area may be used from October 15 to April 15 from dawn – 9:00 a.m. and 4:00 p.m. to dusk.

Moved (insertion) [1]

Deleted: Upon any required written approval by the Vermont Housing and Conservation Board, that

Deleted: that is

Deleted: east

Deleted: south

Deleted: Jetty

Deleted: bounded on the north

Deleted: by

Deleted: northern

Deleted: 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).

f. Roosevelt Park (seasonal) That portion of the park bounded on the north by Oak Street, bounded on the west by Walnut Street, bounded on the South by Willow Street and bounded on the east by the walking path bisecting the park. Dogs are not allowed on the baseball infield.

- i. Times – Summer: the designated area may be used only from 6:00 a.m. – 10:00 a.m.
- ii. Times – Winter: the designated area may be used from October 1 to April 1 from 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 8:00 p.m.

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

(1) A person taking a dog into an off-leash area or dog park 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. Dogs are permitted on leash in areas not identified as fenced dog parks during normal park hours unless specifically excluded (ex. Public

(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 or destroying park property 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.

(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 fenced dog parks.

Moved up [1]: *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.

Deleted: ¶
(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.

Deleted: Professional dog trainers shall not use off-leash dog areas for their commercial activities.¶

Deleted: off-leash area

(12) Per City Ordinance (22-5) Glass containers shall not be allowed in any City Park.

Deleted: off-leash area

(13) Any gate to a dog park shall be closed upon entry and exiting.

Deleted: an area

(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 dog park without the accompaniment of someone at least eighteen (18) years of age.

Deleted: area

(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) 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.

Deleted: (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) Signage – Signs may be placed at the perimeter of non-fenced off-leash dog areas to indicate the limits of off-leash dog activity. Signage shall be placed at entrances to off-leash dog areas indicating the essential rules.

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

(3) Operations – Parks and Recreation shall develop and keep current an operations plan that defines services and responsibilities to be delivered to areas identified in the policy.

Deleted: 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.

(4) Commercial Usage – The Department of Parks and Recreation may charge a fee to allow for commercial use of the off-leash dog areas by professional trainers and for-profit and non-profit animal organizations. Portions of the off-leash dog areas should allow for unencumbered usage by the public during these events. The fees charged for these events shall be used for the establishment, operations or improvements of designated off-leash areas. Commercial use of off-leash dog areas without a permit shall result in a fine.

