

ITEM "SUPPL." 8
MANAGER'S REPORT NO. 29
COUNCIL MEETING 85/04/22

RE: LETTERS PERTAINING TO A TRIAL PERIOD DURING WHICH DOGS ARE ALLOWED
WITHOUT LEASHES IN A DESIGNATED SECTION OF ROBERT BURNABY PARK

MUNICIPAL MANAGER'S RECOMMENDATION:

1. *THAT the recommendation of the Chief Licence Inspector be adopted.*

* * * * *

TO: MUNICIPAL MANAGER
FROM: CHIEF LICENCE INSPECTOR
RE: ANIMAL CONTROL: OFF LEASH AREA - ROBERT BURNABY PARK

1985 April 19

RECOMMENDATION

1. THAT a copy of this report be sent to all of those persons whose letters on this matter appear on the 1985 April 09 and 22 Council agendas.

REPORT

Introduction

Appearing on this agenda, also on the 1985 April 09 agenda, are letters that are both in support of, and in opposition to, an area of Robert Burnaby Park in which dogs are permitted to run off leash. Some of the correspondents are concerned with the problems of cleaning up dog droppings as a result of increasing use of the park area and access ways to the park, and with the increasing traffic which they believe relates to dog owners coming to the park.

Background

Effective 1984 October, an area of Robert Burnaby Park was designated to permit dogs to be off-leash for a 12 month trial period. The parks by-law and the animal control by-law were amended to permit this activity provided that the dog's owner is present and that the dog is under the control of its owner. On completion of the trial period, staff are to bring forward to the Burnaby Parks and Recreation Commission an evaluation of the impact of this program for the purpose of determining if such a program should continue, and if it should be expanded to other parks. At the same time, staff were directed to report on the feasibility of establishing regulations requiring dog owners to clean up their dog's droppings in park areas, and to consider the prohibition of dogs entirely from designated play areas in parks.

While the off leash program commenced in 1984 October, it is expected that the Spring and Summer months will provide the best information on which to evaluate the impact on parks users and surrounding residents, and the effect that such a program may have on animal control regulations as they relate to dogs. Information and opinions pertinent to this program are being documented for review and evaluation following completion of the trial period.

In specific reference to statements by correspondents that it is not uncommon to see two or three dogs running free and unattended in the designated off-leash park area, there is no offence under the amended by-laws unless the dog's owner is not present in the park to control it or it is not under control. It appears that the only absolute proof of lack of control is an out of control situation. In situations such as these the mischief that regulations are attempting to prevent must occur before we can prove a lack of control.

Terms such as "under the control of the owner", "direct control", or "reasonable control" are not quantitatively measurable and therefore probably not enforceable to the degree that we might expect. What one person perceives to be adequate control may be perceived as inadequate by another, and excessive by yet another. If unattended dogs are in the off leash area of the park, they can be impounded. Complaints of dogs attacking persons or other animals would be the basis for conducting pound patrols in the off leash area.

The correspondence refers to increasing number of dogs off leash on streets in the area of the park. Pound records indicate that within about the past six weeks there was one complaint of two dogs running off leash from the park area. The complaint was received at the pound after the dogs had left the area. The only other complaint involved a dog on leash dog being permitted to trespass on private property.

Between 1985 April 13 to 17, nine patrols of streets in the area of the park and the designated leash area within the park resulted in one impoundment and the issuance of three tickets. Extra patrols of the area will continue.

The by-law to expand the off leash area within the park, By-law No. 8330, was adopted on 1985 March 25. It is anticipated that the new signs and amended diagrammatic additions to existing signs will be in place in two weeks.

The correspondence indicates that the off leash area is attracting dog owners from other areas, and that this increases the volume of traffic on streets leading to the park. It is also indicated that the off leash area is being used by persons other than residents of Burnaby.

In discussion with the Municipal Solicitor it was determined that while parks are public areas, the Municipality has the authority to establish regulations governing use of such facilities. In regulating use of parks we shall not discriminate between members of the general public. Therefore, every member of the general public is entitled to use public park facilities in accordance with the applicable regulations.

Conclusion

It is appreciated that the correspondents have taken the time to bring their concerns to our attention. The information will be included in the final evaluation of the off leash program following its conclusion on 1985 November 01, and the examination to determine if dog owners should be required to clean up their dog's droppings from park lands, and to exclude dogs from designated playground areas within parks.

The Director Recreation and Cultural Services concurs with this report.



P. KENZLE,
CHIEF LICENCE INSPECTOR

cc. Director Finance
Director Recreation and Cultural Services
Municipal Solicitor