



**REPORT TO GENERAL COMMITTEE-COMMUNITY
SERVICES AND ENVIRONMENT**

TO: Mayor and Members of Council

FROM: Paul Ingham, General Manager, Operations

PREPARED BY: Mark Ingwersen, Manager, Parks Maintenance

DATE OF MEETING: January 9, 2006

SUBJECT: Dog Off-Leash Report

RECOMMENDATION:

THAT the staff report dated January 9, 2006, entitled 'Dog Off-Leash Report', be received;

AND THAT Council approve the "Town of Markham Parks Department Guidelines for Permanent Dog Off-Leash Areas" attached as Appendix "A" which were endorsed by the Community Issues Committee on August 15, 2005;

AND THAT Council approve a Volunteer Dog Off-Leash Program permitting volunteer associations to install, operate and maintain Dog Off-Leash Areas on Town owned lands subject to the conditions and criteria outlined in the "Town of Markham Parks Department Guidelines for Permanent Dog Off-Leash Areas" (Appendix "A");

AND THAT the Clerks Department be authorized to advertise for volunteers to form an umbrella group referred to as the Leash Free Markham Committee, who shall organize and represent all local Dog Off-Leash Groups.

AND THAT upon formation of the Leash Free Markham Committee, the Leash Free Markham Committee will review all requests for new Dog Off-Leash Areas on Town owned land;

AND THAT proposed Dog Off-Leash Areas shall be brought forward by the Leash Free Markham Committee for review and consideration by Town Staff once all of the criteria set out in Appendix "A" has been met;

AND THAT for each Dog Off-Leash Area that is approved that the Leash Free Markham Committee and the applicable Dog Off Leash Group be required to enter into the appropriate agreement(s) with the Town to the satisfaction of the Town Solicitor and that the Mayor and Clerk be authorized to execute such agreements on behalf of the Town;

AND THAT Dog Off-Leash Areas in new parks be considered as they are brought forward through the Development Services Commission's public consultation process for new parks

subject to the same guidelines and approval process as other Town lands through the Leash Free Markham Committee process;

AND THAT the ORC/HYDRO Corridor Lands located at Highway 48 and 14th Avenue not be considered as a possible location for a Dog Off-Leash Area at this time;

AND THAT no further consideration be given to leasing land for a major Dog Off-Leash Area outside the urban area at this time;

AND THAT Town of Markham By-law 167-92, being a By-law for the General Maintenance and Regulation of Parks within the Town, be amended to allow dogs to be off-leash in approved off-leash areas in Town parks;

AND THAT the Leash Free Markham Committee be responsible for all costs related to the implementation of all Off-Leash Areas including fencing, parking, water, washrooms, furniture and any other amenities proposed and funded by the Committee or groups and approved by the Town.

AND FURTHER THAT a capital account be established in the amount of \$39,000 with funding provided from the surplus in the 2002 Parks Department Capital Project – Sportsfield Maintenance & Reconstruction (account #059-5350-4800-005) for the upfront funding required for Dog Off-Leash Areas to be repaid by the Leash Free Markham Committee over a maximum of a 5 year period and the need for additional funding be reviewed annually as part of the budget process.

PURPOSE:

To update Council on the status of the Dog Off-Leash initiatives brought forward through the Community Issues Committee and to recommend the approval of a Dog Off-Leash volunteer run program.

BACKGROUND:

The issue of Dog Off-Leash Areas was considered by Council in 1999, and again in 2000. On July 10, 2001, Council approved a 14 month pilot project for a Dog Off-Leash Area in a 5 acre section of Milne Dam Park. Due to a number of complaints regarding safety of park users, disturbances of wildlife and objections from residents adjacent to the park, the Milne Dam's pilot project site was closed in July, 2003. A permanent Dog Off-Leash Area on Miller Avenue was opened at that time.

In November 2003, the responsibility for Dog Off-Leash issues was transferred from the Dog Off-Leash Committee to the newly created Community Issues Committee. The Miller Avenue Dog Off-Leash Area appeared to be meeting the needs for the area at that time and the Community Issues Committee did not meet to discuss Dog Off-Leash issues until a request was received to further review the issue in October 2004.

OPTIONS/DISCUSSION:

The Community Issues Committee has now met on several occasions to discuss the Dog Off-Leash issue. City of Mississauga Ward Nine (9) Councillor, Pat Saito, was in attendance for the second meeting to present information about the successful Off-Leash Parks Program in Mississauga. This program is volunteer run and the groups are responsible for all costs related to Dog Off-Leash Areas. The Committee reviewed staff's draft Dog Off-Leash guidelines and recommended that the program include more volunteer participation and responsibility for the process and associated costs required to establish, operate and maintain Dog Off-Leash Areas, similar to the highly successful City of Mississauga model.

Based on the Mississauga Model, the Community Issues Committee has recommended a permanent volunteer run Dog Off-Leash program be established based on the following principles:

It is important to ensure extensive volunteer participation.

The Dog Off-Leash guidelines attached as Appendix "A" require that the Town's Dog Off-Leash program and areas be organized and operated by a volunteer umbrella organization and Dog Off-Leash groups. The guidelines recommend that the umbrella organization called the Leash Free Markham Committee be established comprising of a minimum of 3 volunteer members chosen from the community at large, plus one co-ordinator from each approved Dog Off-Leash Group. A Town staff representative will be appointed to attend meetings and act as a liaison between the Town and the Leash Free Markham Committee. The Leash Free Markham Committee will oversee all Dog Off-Leash initiatives in the Town and will review all proposed areas to ensure compliance with the approved guidelines attached as Appendix "A" before presenting a proposal to the Town for approval. The Clerks Department would advertise in the approved manner for prospective members. Appointed members will be required to sign the appropriate Volunteer Agreements provided by the Town.

Failure to recruit appropriate volunteers for the Leash Free Markham Committee will mean the program can not move forward and no additional Dog Off-Leash Areas will be considered until such time as sufficient volunteers come forward to form the committee.

If at any time after initiated, the Leash Free Markham Committee membership falls below the required number of members, no further Dog Off-Leash Areas will be considered by the Town until the committee is successfully reformed.

Individual groups apply for Dog Off-Leash Areas.

In addition to the Leash Free Markham Committee, each local Dog Off-Leash Area shall have an organized Dog Off-Leash Group who will be responsible for covering all costs required for the creation of their local Dog Off-Leash Areas and who will operate and maintain the areas on a daily basis. Each Dog Off-Leash Group shall appoint a co-ordinator who shall sit on the Leash Free Markham Committee. Each co-ordinator and the members of the Dog Off-Leash Groups who will be involved in the operation and maintenance of the Dog Off-Leash Areas will be required to sign the appropriate Volunteer Agreements provided by the Town.

Application Process

A completed application form (Appendix "B") must be submitted by the Dog Off-Leash Group to the Leash Free Markham Committee. The Committee will review the application and determine if the guidelines set out in Appendix "A" are met. If not, the application will be returned to the Dog Off-Leash Group for re-evaluation.

If the guidelines are met, then the Ward Councillor and Town staff will be notified and a petition (Attachment 1) must be circulated by members of the Dog Off-Leash Group to all residents within a 120m (400') perimeter of the Town lands where the proposed Dog Off-Leash Area is located. A 70% majority of residents petitioned must agree to the Dog Off-Leash Area in order for the application to be submitted to Town staff for review.

Once submitted, if the Town does not approve the application, it would be sent back to the Leash Free Markham Committee for further review. If the application is approved by Town staff and there are no financial implications, Council is informed by memo and the Dog Off-Leash Area is approved. Any proposals with financial implications will be the subject of a report to Council for approval.

Since the operation and maintenance of the Dog Off-Leash Area will be conducted by a group of volunteers on behalf of the Town, the group will be covered under the Town's insurance policy.

New parks may be considered for Dog Off-Leash Areas.

The Manager of Parks and Open Space Development made a presentation to the Community Issues Committee and advised that new parks may be considered for Dog Off-Leash Areas as requests are received through the Development Services Commission Public Consultation Process for new parks subject to the guidelines and approval by the Leash Free Markham Committee review and process as outlined and approved in this report.

No new locations be considered at this time prior to the appointment and successful implementation of the umbrella volunteer committee (Leash Free Markham Committee).

This includes no further consideration be given at this time to the lands located at Highway 48 and 14th Avenue or the leasing of land in a rural location until such time as they may be brought forward by interested groups through the approved process.

Park's By-laws to be amended.

Currently, the Town's Animal Control Bylaw 2005-254 permits dogs to be off-leash in Town parks so long as the dog is located in an area designated by signage as an off-leash area, the person in control of the dog keeps it in sight at all times, under voice control, and promptly leashes the dog when confrontations with humans or other dogs develop. The Town's Parks By-law No. 167-92 currently requires dogs to be on leashes at all times while on Town parkland. The Town's Parks By-law 167-92 needs to be amended in order to allow Dog Off-Leash Areas to be established in Town parks and to permit dogs to be off-leash within these designated areas.

FINANCIAL CONSIDERATIONS:

Although all costs for Dog Off-Leash Areas (i.e. fencing, parking, potable water and other amenities as required) are the responsibility of the Leash Free Markham and the Dog Off-Leash Groups, staff recommend that the Town provide up-front funding for these amenities, with the Leash Free Markham and the Dog Off-Leash group's agreement to repay these costs through fundraising and sponsorship over a maximum of 5 years.

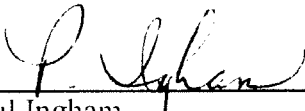
Staff recommends that a new capital account be established in the amount of \$39,000, to be funded from the surplus in the 2002 Parks Department capital account entitled Sportsfield Maintenance & Reconstructions (059-5350-4800-005). The \$39,000 will be used on a first come, first serve basis when groups require upfront funding. A funding request to top up this project to a maximum of \$40,000 will be brought forward each year, as part of the annual budget process.

BUSINESS UNITS CONSULTED AND AFFECTED:


- Manager of Parks and Open Space Development
- Legal Services Department
- Manager, Real Property
- Licensing & Enforcement
- Finance

ATTACHMENTS:

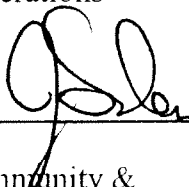
- Appendix A "Town of Markham Parks Department Guidelines for Permanent Dog Off-Leash Areas"
Appendix B "Volunteer Dog Off-Leash Program Application Form"



Paul Ingham,
General Manager, Operations



Peter Loukes, P. Eng.
Director, Operations



Jim Sales,
Commissioner of Community &
Fire Services

Appendix 'A'

**Town of Markham Parks Department
Guidelines for Permanent Dog Off-Leash Areas****Leash Free Markham Committee**

An umbrella volunteer group ("Leash Free Markham") shall be formed to represent the groups in establishing, organizing and maintaining Dog Off-Leash Areas on Town land in accordance with this policy and the criteria established herein. Leash Free Markham shall consist of a minimum of 3 members chosen from the community at large and one co-ordinator chosen from each approved Dog Off-Leash Group. A Town Staff representative would attend meetings as a liaison between Leash Free Markham and the Town.

Leash Free Markham shall have the overall responsibility for the Dog Off-Leash Areas within the Town. Leash Free Markham shall oversee the operation of all Dog Off-Leash Areas in the Town and will review all proposals for new Dog Off-Leash Areas based on these approved guidelines. The Leash Free Markham Committee will be responsible for issues relating to the cost, establishment, operation and maintenance of Town approved Dog Off-Leash Areas, which include but are not limited to the following issues: develop a feasible proposal to pay down debt for fencing and other amenities installed at the expense of the Town; provide education for dog and non-dog owners regarding etiquette and responsibilities while in Dog Off-Leash Areas; and to act as the representative for the local Dog Off-Leash Groups when liaising with Town Staff and Council regarding Dog Off-Leash issues. Leash Free Markham shall also be responsible for organizing and attending annual events which promote the Dog Off-Leash initiatives to the community, guiding new volunteer groups through the application process for the creation of new sites, and fostering volunteer participation.

Leash Free Markham must have a constitution and operating guidelines which establish a democratic framework within which the groups will operate and which shall include the following issues: the manner in which the group will dispose of any assets in its possession at the time of its dissolution; establishing an elected Board of Directors or executive of not less than three; membership must be determined through a set process which may include the payment of membership fees; membership must be open to all Markham residents and shall be comprised of a minimum of 80% Markham residents; all members shall be eligible to vote; and the group must hold an annual general meeting at which time the Board of Directors is to be elected from the general membership.

Dog Off-Leash Groups

Dog Off-Leash Groups must be established for each proposed Dog Off-Leash Area. The Dog Off-Leash Groups shall be responsible for the installation, maintenance and operation of their individual Dog Off-Leash Areas and shall assume responsibility for fundraising all of the costs which includes the repayment of any up-front funding provided by the Town through the Leash Free Markham Committee. The Dog Off-Leash Groups shall be comprised of a minimum of 15 members and shall appoint one member to act as a co-ordinator who shall sit on the Leash Free Markham Committee for the group. The co-ordinator shall act as the liaison between Leash Free Markham and the group. The co-ordinator and each member of the Dog Off-Leash Group who participates in the installation, maintenance and operation of the areas shall be required to execute a Volunteer Agreement prepared by the Town.

Guidelines for Dog Off-Leash Locations

The following guidelines for establishing Dog Off-Leash Areas shall be applied to all applications for new Dog Off-Leash Areas on Town land:

1. Dog Off-Leash Area boundaries must be located a minimum of 120m (400ft) from all residential and commercial property lines.
2. Dog Off-Leash Areas shall be a minimum of 0.5 hectares (1.2 acres) in size.
3. A local Dog Off-Leash Group must be established and shall be required to adopt the designated off-leash area for the operation, maintenance and friendly policing of the site. A representative from the local Dog Off-Leash Group shall be designated as a contact person for the Town and for the Leash Free Markham Committee.
4. Standard components for Dog Off-Leash Areas shall include:
 - (a) adequate parking for a minimum of 12 cars;
 - (b) accessibility for regular maintenance;
 - (c) signs must be posted outlining the Dog Off-Leash Area Rules of Conduct;
 - (d) all areas are to be fenced (1.2m foot high wire farm fence minimum) to delineate the Dog Off-Leash Area;
 - (e) areas must include a double gated chain link fence enclosure (minimum of 2mx3m) where dog owners may safely unleash their dogs upon entering the park and re-leash their dogs before leaving the park. This area will also prevent off-leash dogs from escaping the area.
5. Dog Off-Leash Areas may be considered on Town Lands that meet all the above requirements and which do not have playgrounds, sports fields or facilities, or any other conflicting amenities or uses.

Dog Off-Leash Area Rules of Conduct

The following rules shall apply to all Dog Off-Leash Groups, volunteers and users of each Dog Off-Leash Area:

1. Every dog must be under the supervision and full control of an adult. Dogs may not be left unattended in the Off-Leash Area.

2. As required by Town of Markham Bylaw 2005-254, dog owners are responsible to clean up after their pets on all municipal properties, including Dog Off-Leash Areas and failure to do so may result in a fine.
3. All dogs must have a current dog licence and shall be up to date on all vaccinations and shots, including those for Bordatella.
4. No dogs "in heat" allowed in the Dog Off-Leash Area.
5. All dogs must be kept on a leash and the owner must have physical control of the leashed dog until inside the Off-Leash Area.
6. All dogs which are off-leash in the area must be within sight of their owner and under voice control at all times.
7. The owner shall promptly leash their dog if confrontation with humans or other dogs arise in the off-leash area.
8. All users are advised to closely supervise children within the Off-Leash Area.
9. All users are encouraged to spay or neuter their dogs if using the Off-Leash Area.
10. All users must respect these rules within the off-leash area or they will not be permitted to use the site.
11. All users of the site shall comply with all Town by-laws, including the Town of Markham Animal Control By-law 2005-254, and all applicable legislation.
12. A pitbull or any dog that has bitten or attacked a person or animal or is a menace to the safety of persons or animals in accordance with the *Dog Owners Liability Act* are not permitted to be off-leash in the area.

Process for Establishing Dog Off-Leash Areas

The following five-step process shall be followed for establishing new Dog Off-Leash Areas.

Step 1: Initial Proposal

Residents who are interested in establishing a Dog Off-Leash Area should contact the Leash Free Markham Committee. A written proposal and application form must be submitted to the Leash Free Markham Committee outlining the area chosen, and confirming that this area meets all criteria as set out in the guidelines contained in this policy. The group should also note what amenities are required to install the Dog Off-Leash Area, the cost of construction of these amenities, whether they are requesting up-front funding approval from the Town, and if so a proposal outlining a reasonable plan to fundraise to reimburse the Town if up-front funding is approved and a plan to support the cost for future maintenance of the site. A Dog Off-Leash Group must be established for each location with a minimum of 15 members who agree to:

- a) choose a co-ordinator from their membership as a liaison person to sit on the Leash Free Markham Committee.
- b) provide friendly policing, operate the site and educate any users on the rules of conduct and appropriate use of the area.
- c) organize and conduct area clean-ups within the Dog Off-Leash Area a minimum of four times per year or as required by the Town.

- d) consult with Town By-law Enforcement Officers, Animal Control, or Police as required for issues related to animal control or to deal with confrontation while using the site.
- e) maintain the Dog Off-Leash Areas to the satisfaction of the Town which includes but is not limited to grass cutting, garbage collection, snow removal, clean up and removal of animal feces, inspection of fences and gates and any other equipment or amenities installed in the area to ensure that they are in safe and in good working order;
- f) be responsible for fundraising for all costs required to install, repair and maintain all parking lots, fencing, signage and other amenities necessary to establish the Off-Leash Areas; and
- g) sign a Volunteer Agreement with the Town to the satisfaction of the Town Solicitor.

Step 2: Review of the Proposal

Leash Free Markham Committee will review each application and proposal against the Council approved guidelines. If the proposal does not meet these guidelines, the local Dog Off-Leash Group will be notified of the deficiencies and the proposal will not be considered until these deficiencies are resolved to the satisfaction of the Leash Free Markham Committee. Once the guidelines are met, the Leash Free Markham Committee will forward a copy of the proposal to the local Ward Councillor and Town staff for their information.

Step 3: Community Consultation

Once endorsed by the Leash Free Markham Committee, a petition (Attachment "1") must be circulated by members of the Dog Off-Leash Group to all residents who reside within 120 m (400 ft) of the perimeter of the Town lands where the proposed Dog Off-Leash Area is to be located. Seventy percent (70%) of residents petitioned must agree to the installation of the Dog Off-Leash Area in order for the application to be considered to Town staff for review.

Step 4: Town Review of the Proposal

If the request meets the guidelines and public consultation requirements then the application is submitted to Town staff. Town staff may approve and process the request once they confirm that all requirements have been met. Town staff will also review and determine whether to approve the amenities to be installed by the Dog Off-Leash Group. If further review is required the application will be sent back to the Leash Free Markham Committee.

Once Town staff approve the request, financial implications are then considered. If there are no financial implications with the application (i.e. group does not require up-front funding from the Town), then staff provides final approval and a memo is sent to Council to confirm that the proposal has been approved and returned to the Leash Free Markham Committee to implement.

If there are financial implications, the Parks Department will prepare a report for Council outlining the up-front funding costs involved in constructing/opening the proposed Dog Off-Leash Area. If funding is not approved, the application is sent back to the Leash Free Markham Committee. If the funding is approved then the request is returned to the Leash Free Markham Committee to implement. Limits on Town resources may restrict the level of funding, if any, that may be provided by the Town. Leash Free Markham will be required to enter into the appropriate agreement with the Town.

Step 5: Implementation, Monitoring & Enforcement

Should the request be successful, Town staff will proceed as follows:

a) Implementation

Parks Department will work with the Dog Off-Leash Group in determining the construction of amenities as requested by the Group and as approved by the Town. The group will be responsible for installation of all works as approved by the Town. Signage will be posted by the Dog Off-Leash Group to the satisfaction of the Town to clearly to indicate the area is an Off-Leash Area that is operated by a volunteer group, setting out the Rules of Conduct for the area, advising users to use the site at their own risk, and outlining stoop and scoop by-law requirements and fines and providing contact information for the Leash Free Markham Committee and the individual Dog Off-Leash Group.

b) Monitoring

Should problems arise, a review will be done with the Leash Free Markham Committee, the Ward Councillor and appropriate Town Staff to determine what action is to be taken to resolve the problem. If the problem is not resolved, a report will be submitted to Council upon completion of the review by Town staff including recommendation to either continue, amend, or close the off-leash area.

c) Enforcement

Town of Markham By-Law Enforcement and Licensing Department, Animal Control and the York Region Police Department will assist as required when contacted by the Leash Free Markham Committee, the community Dog Off-Leash Group or Town staff.

ATTACHMENTS:

Attachment 1 "Dog Off-Leash Petition"