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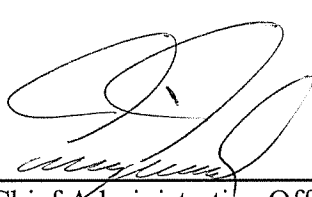
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Halifax Regional Council  
December 16, 2003

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
George McLellan, Chief Administrative Officer

  
  
\_\_\_\_\_  
Dan English, Deputy Chief Administrative Officer

**DATE:** December 08, 2003

**SUBJECT:** By-Law D-101, An Amendment to By-Law D-100, Off-Leash Dog-walking on Sport Fields (Temporary)

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**ORIGIN**

The proposal to temporarily amend By-Law D-100 originated with the concern by dog owners that fewer opportunities exist to run their dogs off-leash now that Point Pleasant Park is closed due to the exceptional circumstances resulting from the devastation of Hurricane Juan.

**RECOMMENDATIONS**

It is, hereby, recommended that Halifax Regional Council:

- 1) approve, in principle, the amendments to By-Law D-100, the Dog By-Law, appended as Attachment -A- to this report and direct staff to arrange for their formal introduction for First Reading;

## **BACKGROUND**

Hurricane Juan damaged and made impassable many parks, walkways, and trails in the Halifax Regional Municipality (HRM). As a result of the dangers posed by fallen trees and those partially up-rooted, HRM had closed all parks, open spaces, and trails immediately following the hurricane. To date, efforts by staff and contractors (on behalf of HRM) continue with clearing fallen or precariously poised trees within most municipal parks, open spaces, and trail corridors. Point Pleasant Park, which was particularly hard-hit, will not re-open for six to seven months. Point Pleasant Park is the primary location in HRM for walking dogs off-leash. It has been reported to staff by members of Halifax Regional Council that dog owners in urban and suburban areas of HRM, deem their off-leash dog-walking opportunities as significantly reduced and thus seek other venues for their dogs.

## **DISCUSSION**

The following discussion offers a review of what is currently permissible in terms of off-leash dog-walking, and that which is proposed for amendment of the Dog By-law. Other non-legislative issues discussed below are program support, education, and enforcement.

### **Existing Opportunities & Duties - Dog Owners/Walkers**

The existing HRM Dog By-Law, D-100, stipulates that owners may run their dogs off-leash within municipal parks designated therefore and where posted signs permit such activity. This privilege is *constrained* by the requirement that, at all times, the dog must be under "*continuous and effective control of its owner or other person*", (see Attachment -A- for Section 11(3).) Within HRM there are two designated off-leash municipal parks, Point Pleasant Park and Seaview Park. Dog walkers are, furthermore, permitted to walk their dogs off-leash on all sport or athletic fields (e.g., baseball, football, tennis), but only between *November 1 and May 1* of any given year, and only between the hours of *6:00 a.m. and 10:00 a.m.* (as per Section 11(3)(e), see Attachment -B-) provided the area is not otherwise posted or in use (e.g., by school children during recess or lunch where the sport field adjoins a school.)

Off-leash dog-walking is, however, *not* permitted in municipal public parks which are *not* sport or athletic fields (e.g., school grounds, public swimming areas, playgrounds, or parks not designated/signed for off-leash dog-walking.) If, however, *any* park has posted signs that prohibit off-leash dog-walking, then all of the above privileges and conditions shall be subordinate to the prohibitions posted on such signs.

In every circumstance, regardless of *where* one walks a dog - on or off leash - the owner or walker of any dog must, according to law, remove their dog's defecation immediately from any public or private property, other than on the property of the owner (as per Section 11(4).)

## **Proposed Temporary Amendment**

As stated above, off-leash dog walkers are currently permitted on sport fields between November 1 and May 1 of any year and from 6:00 a.m. to 10:00 a.m. each day, as stipulated in Section 11(3)(e) (see Attachment -B-.) In order to provide *protracted* off-leash opportunities on sport and athletic fields, staff hereby recommends a new subsection (see Attachment -A-), which effectively *extends* the time-of-day limit to 9:00 **p.m.** (versus 10:00 a.m.) Such expansion would permit all-day dog-walking access to sport fields *other than* when the fields and adjacent lands (e.g., school yards at recess, lunch, etc.) are in use. In anticipation of increased usage of these sport fields, and in concern over damage that could result to fields during the spring thaw cycle, park operations staff recommend shortening the dog-walking opportunity to end on April 15, 2004. This shortened season proposal would only apply for this coming year (i.e., winter/spring 2004.) The by-law amendment process will take to the end of January, 2004 by the time the by-law may come into effect (see Attachment -C-.)

## **Program Support**

It is imperative that dog owners/walkers clean-up after their dogs promptly. In order to help dog owners *dispose* of their dog's feces, under this proposal (i.e., for this year only), HRM park operations staff proposes to place garbage cans at select fields (see Attachment -D- for preliminary list - to be refined.) The fields proposed, were chosen using the following criteria: location, size, and ease-of-maintenance. Furthermore, many of these sport fields are wholly or partially fenced, thus providing a more controlled environment for dogs. The fields are, furthermore, located in urban and suburban areas, since less opportunities to walk dogs off-leash exist in these locales. In some cases, parking lots associated with these sport fields will require some snow ploughing to support dog-walking activities and further permit *scheduled* disposal of garbage can content.

## **Enforcement, Penalties, and Education**

Without additional budgeted expenditures for enforcement, HRM Enforcement staff will continue to provide existing levels of enforcement. HRM Enforcement staff will, however, strive to remain responsive to resident complaints and will be especially vigilant where conflicts on sport fields near school grounds are reported. It is incumbent upon dog walkers to yield their use of sport fields to school children during out-of-school times (i.e., just-before and just-after school hours, morning and afternoon recess, and lunch) where sport fields are located adjacent to school grounds. Yielding use to other sport field users is mandatory as per the existing by-law and will remain in force.

The Dog By-law assigns penalties to those who are found guilty of an offence under Section 11 (as summarized above in the section entitled "Duties of Dog Owners" and this section) and may

thus be fined \$100 at minimum and up to \$5'000 (as per Section 22(2).)

This proposed program will be more effective, it is deemed, with provision of proper educational support. Pending Council approval, HRM staff intends on placing a series of advertisements in local newspapers, providing information on the HRM website ([www.region.halifax.ns.ca](http://www.region.halifax.ns.ca)), and releasing public service announcements (PSAs) immediately following the Second Reading/Public Hearing at Regional Council. Signs will also be posted at select sport fields as specified in Attachment -D-. This series of communiques is intended to inform the dog-walking public of expanded opportunities and their responsibilities under the Dog By-law. Sport field users will be encourage, via advertising, to use the designated/supported sport fields (i.e., with garbage cans) in order to concentrate off-leash dog-walking so that less fields will be adversely affected, especially in spring.

### **BUDGET IMPLICATIONS**

The proposed provision of additional garbage cans at certain sport and athletic fields around HRM, their scheduled pick-up, and some snow ploughing, is estimated to cost approximately \$30,000 in direct expenses (i.e., labour, fuel, garbage bags, and disposal costs) over the proposed 15-week period (i.e., January 10 - May 1, 2004.) The promotional program (i.e., signs and advertisements) is estimated to cost an additional \$7,000, HST inclusive. Direct expenses will be financed within Facility Operations, Real Property and Asset Management. Other costs (e.g., promotional program) will be identified in concert with savings from other operations within Real Property and Asset Management.

### **ALTERNATIVES**

- A. Council may choose to take **no action** and thus not approve the proposed temporary by-law amendment. This may leave dog owners to seek other opportunities to walk their dogs off-leash in areas not necessarily endorsed nor permitted by the municipality;
- B. Council may choose to **accept the recommendation in general, but limit the time to 6:00am - 10:00am and 6:00pm - 9:00pm**, or some other end-of-day time as Council may deem appropriate, in order to limit potential school-use conflicts. This, however, may also pose constraints on dog-walking opportunities;
- C. Council may choose to **limit the locations of the proposed amendment** to only those *preliminarily proposed parks* (i.e., attached list - further refinement expected in consultation with Councillors) that are supported by the proposed garbage can program discussed above. Such constrained option may unwittingly exclude opportunities for dog walkers in other areas of HRM where the need may exist. Such constraints, however,

may offer a more effective park patrol opportunity for enforcement and ability for parks maintenance staff to manage potential lack of diligence in attending to defecation;

- D.** Council may choose to **maintain the existing By-Law's seasonal deadline of May 01** whereby off-leash dog-walking is permitted on sport fields. This, in staff's opinion, however, may cause additional conflicts in terms of impending field maintenance in preparation for sporting and athletic uses as a result of this year's more intensive dog-related uses during the spring thaw cycle.

### **FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve Budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating Reserves, as well as any relevant legislation.

### **ATTACHMENTS**

- A- By-law D-101 Respecting the Dog By-law (Amendment)**
- B- Existing Provisions - Excerpts from Section 11 - By-Law D-100**
- C- By-Law Amendment Deadlines - By-Law Amendment #2 (Temporary) D-101**
- D- PRELIMINARY LIST - Supported Sport Fields For "Off-Leash" Dog-Walking**

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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Report Approved by: \_\_\_\_\_  
Mike Labrecque, Director, Real Property & Asset Management, 490-4851

**ATTACHMENT -A-**

**BY-LAW D-101**

**RESPECTING THE DOG BY-LAW**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that By-Law D-100, the Dog By-law, be amended as follows:

1. Subsection (3) of Section 11 of said By-Law D-100 is amended by adding immediately following clause (e) thereof the following clause:

**(f)** within a municipal public park which is a sport or athletic field between the effective date of this clause and April 15, 2004 and between the hours of 6:00 a.m. and 9:00 p.m. only, provided that the area is not otherwise posted, or in use.

**ATTACHMENT -B-**  
**Existing Provisions - Excerpts from Section 11 - By-Law D-100**

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The existing pertinent provisions of **Duties of Owners, Section 11** read:

**Subsection (3)**

Notwithstanding clause (1)(a) of this section and the definition of runs at large, it shall not be an offence where a dog is without a leash provided that at all times the dog is under the continuous and effective control of its owner or some other person if at the time the dog is:

**Subsection (d)**

within a municipal park where the area is designated by signage as an area where dogs are permitted to be without a leash subject to such limitations as are posted;

**Subsection (e)**

within a municipal public park which is a sport or athletic field between November 1 and May 1 and between the hours of 6:00 a.m. and 10:00 p.m. only, provided that the area is not otherwise posted, or in use.

**Subsection (4)**

Notwithstanding any other provisions, no dogs shall be permitted in a municipal public park area where the area is designated by signage as an area prohibiting dogs.

A pertinent provision of **Duties of Owners, Section 14** reads:

If a dog, other than a dog that is trained to assist and is assisting a person with a disability, defecates on any public or private property other than the property of its owner, the omission by the owner of the dog to cause such defecation to be removed immediately shall be an offence.



**ATTACHMENT -C-  
By-Law Amendment Deadlines  
By-Law Amendment #2 (Temporary) D-101**

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Dec.09, 2003	Notice of Motion
Dec.16, 2003	Staff Report
Jan.06, 2004	First Reading
Jan.10, 2004	“Notice of Public Hearing” Publication
Jan.27, 2004	Second Reading / Public Hearing
Jan.31, 2004	Effective Date and Its Publication

**ATTACHMENT -D-  
PRELIMINARY LIST - Supported Sport Fields For “Off-Leash” Dog-Walking  
To Be Finalized**

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**EAST REGION LOCATIONS** (all fields fenced)

<b>Range Park</b>	Bedford Highway behind Bedford Legion
<b>Eddie LeBlanc Diamond</b>	Lake Dr., Lower Sackville
<b>Dennis Naugle Diamond</b>	Oceanview Dr., Eastern Passage
<b>B. J. Higgins Diamond</b>	Circassion Dr. next to Robert Kept Turner Elementary School
<b>Maybank Diamond #1</b>	MicMac Blvd., Dartmouth; between MicMac Mall and Woodland Ave.
<b>Shultz Ball Diamond</b>	Howe St., Dartmouth
<b>Conrad Memorial Diamond</b>	Mount Edward Rd., Dartmouth

**WEST REGION LOCATIONS** (fields fenced unless noted)

<b>St. Francis Sport Field</b>	Behind St. Francis School at the corner of Robie & Inglis Streets in Halifax's South End. (Not fenced but very large area)
<b>Le Marchant Field</b>	Le Marchant School at corner of Le Marchant and Watt Sts, Halifax (partially fenced)
<b>Westmount Elementary</b>	George Dauphinee Dr. past Halifax Shopping Centre (not fenced, but large in area)
<b>South Common Sport Field</b>	Halifax Common, just off Bell Rd. and adjacent to Canada Games baseball diamond (not fenced)
<b>Sheffield in the Park Field</b>	Dunbrack St., Halifax. Turn right onto Lincoln Cross, left onto Meadow Lark, entrance on left (not fenced but bordered by dense vegetation / good buffer)
<b>Fleming Tower School Field</b>	Randolph St. between Herring Cove Rd. and Purcell's Cove Rd., Melville Cove, Halifax
<b>Chain Lake Sport Field</b>	Douglas St. Take Bay Rd. to the fork in the road, take the left onto gravel road. Turn left at Water Commission, Halifax
<b>Stanley Park Sport Field</b>	From Herring Cove Road, up Cowie Hill Rd., right onto Tamarack St. just before North West Arm Drive, Halifax
<b>Tremont Sport Field</b>	Clayton Park, off Knightsridge Drive and then onto Flamingo. Turn left at top of hill onto Trailwood Court, Halifax