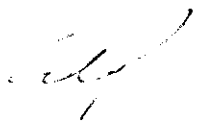



Source

TO: City Council
FROM: City Manager and Staff
DATE: December 26, 2007
RE: Dog Off-Leash Enforcement



Mike Hood


Fiscal Impact

YES

NO X

Summary: Per Council request, park staff was asked to consider options for increasing awareness of and compliance with the City ordinance that requires dogs in the parks or trails to be kept on leash, unless in designated off-leash areas. After discussing options with the Park Ranger and Office of Volunteer Services, staff believes that enhanced current enforcement procedures combined with an increased media educational campaign and volunteer Park Patrol attention can result in better management of the off-leash problem. Such action is recommended as the first phase of a management plan to address the problem. Should these efforts fail to remedy the problem, increased enforcement by the Park Ranger may need to be implemented as well as consideration of increased enforcement by Animal Control and/or the Columbia Police Department.

Other Info.

Discussion: The City of Columbia has an ordinance that requires all dogs off premises of the person responsible for the dog to be on a leash and held by a competent person (see Attachment A). The Columbia Parks and Recreation Department's policy on the enforcement of the leash law has been to issue verbal warnings for the first and second offenses. The third offense requires that a citation be issued. Further violations may result in a temporary "no trespass" warning being issued which would ban the violator from the parks for a period of time ranging from thirty days to one year. This policy is very similar to those utilized by the Missouri Division of State Parks as they enforce the educational component of State law with respect to leash violations.

In Columbia, the Park Ranger has found that the majority of the time, the "first warning" seems to work as when she sees the park user and their dog again, the dog is usually on a leash. In the last four years, there have only been a handful of visitors that the Ranger has had to tell twice to put their dog on a leash. Each time, those visitors were told if they were caught again, they would receive a citation. The Department has never issued a trespass warning to any individual based on off-leash problems.

Typically, upon seeing the Park Ranger and/or vehicle, most park visitors quickly leash their dog and explain that they only let the dog off of the leash when no one is around. Unfortunately, with only one Park Ranger, she can not remain in any park for a long period of time to make sure such individuals keep their dogs on the leash.

In situations, where there is a complainant and the Ranger is able to witness the dog off leash, a citation has been issued. However, in typical complaint situations, most complaints occur after the fact as the witness has returned to a site where phone access is available or they relay the information during their next encounter with the park ranger. This may occur several minutes to hours to days after the incident. Citizens are also often uncomfortable calling 911 on dog issues and may have to look up an appropriate phone number.

In other cases, the Ranger's location may be on the opposite side of town when a complaint is received or she may be busy with another incident. Response time may range from thirty minutes to an hour and by the time the Ranger arrives at the scene, the offenders are usually gone. In some cases, the Ranger has been able to find the owner, but by then, the dog is on the leash or they have returned to their private residence. In situations such as this, the Ranger explains that a complaint has been called in, explains the ordinance, and informs the dog owner of the location of the designated off-leash areas. To issue a citation in these cases, a complainant is required and citizens are typically hesitant to file a formal complaint.

In discussing problem areas, many of the off-leash incidents seem to occur around the designated leash free areas near Twin Lakes and the Bear Creek Trail, Garth Avenue Access. Dogs either find a way to escape from their owner or the owner allows the dog to be off-leash as they either enter or return from the fenced leash free areas. Park staff has added additional signs in both areas and recently added additional fencing at Twin Lakes to completely enclose the area. This appears to have helped in both locations.

Similar to the state park policy, the Department policy does not require that the Ranger issue written warnings for either the first or second offenses. The decision to not issue written warnings for first or second time offenses is based on the following:

1. Users may not know that there is a leash law for parks. This is especially true in Columbia where there is a high transition of University related students, faculty, and staff. Many may come from areas where dogs are allowed to be off leash in parks.
2. Written warnings require the park user to present some sort of identification card in order to correctly identify the user and accurately record required pieces of information.
3. Most people do not carry identification with them when they are away from their vehicle or if they have walked to the park, usually have left it at home. If they were made to retrieve their identification as required for a written warning, this would generate additional complaints, possibly more than those generated by the off-leash violations.
4. Staff has found that many park visitors view written warnings as harassment and an infringement on their recreational or leisure pursuits. Often after written warnings have been issued for parking violations, administrative park staff receive complaint phone calls.

5. Verbal warnings are much easier to issue and results in a better chance for a positive experience in the parks. Visitors usually appreciate the warnings and in many cases thank the Ranger when told about the free leash areas. If they are not familiar with the area, park brochures are distributed.

Instead of verbal or written warnings, the Ranger could issue citations on the first offense. However, since the primary City of Columbia point of contact for most park users is usually the Park Ranger, staff believes that education is the best form of deterring violations. Therefore, the department goal is to make this initial encounter as amicable as the situation allows with hopes of developing a constituency that is supportive of parks and the local government as well. A citation without any warnings may be perceived as too harsh by the general public.

However, leniency should not be granted for those that continue to violate the law as it appears is the case as reported by the constituent in this Council item. Catching such repeat culprits often requires the following:

1. Notification of law enforcement staff of the violation as it occurs and the willingness to provide detailed descriptions.
2. Notification of law enforcement of the place, day and time when the violation usually occurs. Most people walk their dogs on a regular schedule and if park staff is aware of the day, time and place, the Ranger can make it a point to patrol the area. Park staff will contact the constituent as indicated by Councilperson Wade to find out more details on this particular incident.
3. Assistance from other law enforcement staff such as the police or Animal Control. With only one Park Ranger, it is impossible to patrol all of the parks every day of the week.

A final option would be to implement a City-wide “no tolerance” policy on the leash law. Every person caught by a Park Ranger, Police Officer, or Animal Control Officer would receive a citation. No warnings would be given. This would apply to all public areas as well as parks and trails. For those that are reported by a citizen to have a dog off leash, the citizen would have to agree to file a complaint if the officer finds that the dog is back on the leash or has left the area. Prior to implementing a policy of this magnitude, an aggressive marketing campaign would be required. This option is not recommended at this time.

Recommended Action: Park staff believes that by combining current enforcement procedures with increased patrol by the Ranger and the volunteer Park Patrol citizens and a media educational emphasis, the off-leash problem may be better managed. This can be done by the following:

1. Continue with verbal warnings as appropriate.
2. Increased Ranger patrols in problem areas, such as the Forum Nature Area.
3. Request assistance from the volunteer Park Patrol for additional presence in problem areas.

4. Increase educational program on the leash law through the media and City managed news brochures and services such as the City Source, Leisure Times, weekly paid advertisements and the City's website.
5. As the weather warms, erect temporary signs in problem areas reminding users of the leash law and indicate that citations will be issued.

Recommended Council Action: If Council concurs with the above recommended action, direct staff to proceed. If Council wishes to take further action in addition to that recommended, provide staff with appropriate direction.

Attachment A
City of Columbia Code of Ordinance
Chapter 5 Animals and Fowls

Section 5-58 Confinement of dogs.

(a) It shall be unlawful for any person keeping, harboring, owning or responsible for a dog to permit the dog to be off of the premises of the person keeping, harboring, owning or responsible for the dog unless the dog is held on a leash by a competent person. The provisions of this section shall not apply to a dog in a vehicle being driven or parked upon a street if the dog is secured in a manner that prevents escape. For purposes of this section, the common areas, both indoors and outdoors, of an apartment building or other multiple unit residential structure shall not be considered part of the premises of the person keeping, harboring, owning or responsible for a dog.

(b) It is a defense to a charge of violating this section that the dog involved is a working dog trained to assist disabled individuals and that the dog is under the control of a competent person and obedient to the command of such person.

(c) It is a defense to a charge of violating this section that the dog involved was participating in an organized competition or that the dog involved was engaged in an organized training exercise under the supervision of a person competent to provide such training.

(d) It is a defense to a charge of violating this section that the dog involved is a trained police dog and that the dog is under the control of a competent person and obedient to the command of such person.

(e) The provisions of this section shall not apply to any dog in a dog running area established by this section; provided, that the dog is under the control of a competent person and obedient to the command of such person. The following areas are designated as dog running areas, except that the parks department may designate leash areas within the areas:

- (1) Grindstone Nature Area, except parking area and trails.
- (2) Bear Creek Nature Area.
- (3) Hinkson Woods Natural History Area.
- (4) Bear creek Area west of Garth, except parking area and trail.
- (5) Twin Lakes Fishing Lake Area, including the lake, from dawn until dusk.

(Ord. No. 15070, § 1, 12-2-96; Ord. No. 15228, § 1, 5-19-97; Ord. No. 18576, § 1, 7-5-05)