

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 11-15

Department Source: Parks and Recreation

To: City Council

From: City Manager & Staff

Council Meeting Date: 1/5/2015

Re: Revise Code of Ordinances, Chapter 5, Article III, Section 5-58 - Confinement of dogs, Subsection (e).

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: Letter from MDC

Executive Summary

P&R staff is requesting changes to the ordinance that allows dogs off leash in certain areas. As designated in the Missouri Department of Conservation's (MDC) Wildlife Code, the Hinkson Woods Conservation Area (also known as Hinkson Woods Natural History Area) allows dogs to be off leash, but only for hunting or for training for the specific purposes outlined in the code. The current City Ordinance Section 5-58 (e) allows all dogs to be off leash, violating the MDC code. This proposed ordinance will remove Hinkson Woods from City Ordinance Section 5-58 (e). Dogs will still be able to be off leash as long as it is for the purposes as stated in the MDC Wildlife Code. Other changes to the ordinance include a revision of the Bear Creek Trail-Garth Nature Area and the Twin Lakes Recreation Area to define the off leash areas to the constructed fenced dog parks. In 2011, park staff completed a fenced dog park at Indian Hills, and is requesting that the Indian Hills Dog Park be added to Section 5-58 (e).

Discussion

In 1997, Chapter 5-Animals and Fowl of Columbia's Code of Ordinances, Article III-Dogs, Cats and Other Animals, Section 5-58 (e) Confinement of Dogs was revised to state:

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.

A citizen questioned the practice of allowing dogs off leash in the Hinkson Woods Conservation Area (MDC official name), as this area is under the jurisdiction of the Missouri Department of Conservation.

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P&R staff believed that dogs were allowed off leash and contacted local MDC representatives. While MDC staff believed that a verbal agreement may have been in place at one time, they could not find any official exception to the Wildlife Code of Missouri that would allow all dogs to be off leash as stated in Columbia's ordinance. Furthermore, local MDC staff felt that a request to change the Missouri Wildlife Code for one area would not receive any MDC administrative or MDC Commission support; and as indicated in the attached letter, is officially requesting that this property be officially removed from Columbia's ordinance. With the recent improvement of the fenced dog parks at Twin Lakes, P&R staff supports MDC's position and is requesting a change to the ordinance officially removing Hinkson Woods. Dogs will still be able to be off leash, as long as it is for the purposes as stated in the MDC Wildlife Code.

In 1997 when the dog run areas were established, Bear Creek Trailhead at Garth Avenue and Twin Lakes Recreation Area did not have a fenced dog park. Therefore, the ordinance simply defined a specific area of the parks. Now that a fenced dog park has been constructed at Garth Nature Area and Twin Lakes Recreation Area, staff is requesting that Ordinance 5-58 (e) be revised to restrict off leash dogs to the designated fenced dog parks.

In 2010, park planning staff presented a plan for improvements to Indian Hills Park. These improvements included the construction of a fenced dog park. Since its completion, residents have been using the dog park at Indian Hills; however, it was never officially added to the ordinance. Therefore, staff is requesting that the Indian Hills Dog Park be added to Section 5-58 (e).

After the proposed changes, Chapter 5-Animals and Fowl of Columbia's Code of Ordinances, Article III-Dogs, Cats and Other Animals, Section 5-58 Confinement of Dogs and Subsection (e) shall state:

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. Garth Nature Area Dog Park.
4. Twin Lakes Recreation Area Dog Park.
5. Indian Hills Dog Park.

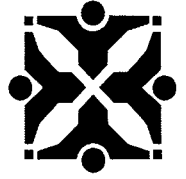
Staff anticipates that a future off leash dog park will be constructed at the Gans Creek Recreation Area (GCRA). The fenced dog park is included in the park's master plan, however it is not currently funded. When staff returns to Council for review and approval of the second phase of GCRA development including the dog park project, staff will request a revision to this ordinance.

Fiscal Impact

Short-Term Impact: None
Long-Term Impact: None

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Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Parks, Recreation and Greenways

Strategic Plan Impact: Health, Safety and Wellbeing

Comprehensive Plan Impact: Livable & Sustainable Communities

Suggested Council Action

Approve the changes to the Code of Ordinances, Chapter 5, Article III, Section 5-58 - Confinement of dogs, Subsection (e).

Legislative History

Amending Chapter 5, Confinement of Dogs, adding dog running areas: May 19, 1997

<https://www.gocolumbiamo.com/CMS/codemaster/attachment.php?ordid=980>

Indian Hills Park Improvement Project: March 15, 2010

http://gocolumbiamo.granicus.com/MetaViewer.php?view_id=2&clip_id=195&meta_id=13350



Department Approved



City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 11-15

AN ORDINANCE

amending Chapter 5 of the City Code relating to off leash areas for dogs; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 5 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 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.

...

(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~~ Garth Nature Area Dog Park.

(4) ~~Bear creek Area west of Garth, except parking area and trail.~~

(5) ~~Twin Lakes Recreation Area Dog Park Fishing Lake Area, including the lake, from dawn until dusk.~~

(5) Indian Hills Dog Park.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

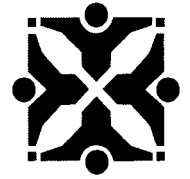
Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

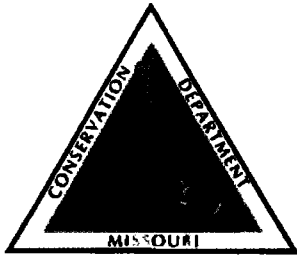
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**SUPPORTING DOCUMENTS INCLUDED WITH
THIS AGENDA ITEM ARE AS FOLLOWS:**

Letter from MDC



MISSOURI DEPARTMENT OF CONSERVATION

Headquarters

2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102 0180

Telephone: 573 751 4115 ▲ www.MissouriConservation.org

ROBERT L. ZIEHMER, Director

Mike Griggs

Director

Columbia Parks and Recreation Department

PO Box 6015

Columbia MO 65205

Mike

12/4/14

The Wildlife Code of Missouri, Chapter 11-Wildlife Code: Special Regulations for Department Areas, Section 3 CSR 10-11.120 Pets and Hunting Dogs states that for Hinkson Woods Conservation Area; Pets and hunting dogs are permitted but must be kept on a leash or confined at all times. Hunting dogs may be used off the leash and unconfined for hunting and for training for the purpose of chasing, locating, tracking or retrieving game. Any person training hunting dogs must have the proper prescribed permit.

Because of this regulation Hinkson Woods Conservation Area should not be included as an off-leash area on Columbia's web-site and information publications.

Tim James

Wildlife Management Biologist

3500 E. Gans Rd

Columbia MO 65201

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