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August 13, 2010

Honorable Members of the City Council
City of Los Angeles
200 North Main Street City Hall, Room 395
Los Angeles, CA 90012

Attn: Arts, Parks, Health and Aging Committee; Public Safety Committee

Dear Councilmember:

Subject: Request for Information Relative Council Motion 07-1738 - To Permit More than Three Dogs Per Person in Off-Leash Dog Parks

On October 2, 2009, the City Council passed a written motion which:

1. Request the City Attorney to prepare and present an ordinance to permit more than three dogs per person during off peak hours (between 9 am and 6 pm); and,
2. In the interim, pending adoption of the above ordinance, to request the Department of Recreation and Parks to immediately suspend enforcement of the three dogs per person provision during off peak hours (between 9 am to 6 pm).

Additionally, on October 2, 2009, the City Council passed a verbal motion which:

1. Request the Board of Recreation and Park Commissioners to immediately suspend enforcement of the three dogs per person provision during off peak hours under the Department's Off-Leash Dog Park Rules and Regulations at all dog parks, while modifications to the ordinance and/or Rules are being considered.
2. Instruct the Department of Recreation and Parks with the assistance of the Department of Animal Services and the City Attorney, as appropriate, to report back to the Arts, Parks, Health and Aging and Public Safety Committees on issues raised under the Motion (Rosendahl – Koretz – et al) Council file No. 07-1738 including, but not limited to, the following:
 - a. Standards for dog parks
 - b. Different models for dog parks



- c. Existing design criteria for dog parks
- d. Possible expansion of the timid/small dog area in the parks
- e. Ensuring compliance with various licensing requirements
- f. Statistics on dog fights/attacks and any lawsuits brought against the City

Background

It is the understanding of this Department that this motion was made in response to complaints from professional dog walkers who wish to utilize the City's off-leash dog exercise areas while in the performance of their dog-walking services.

The Department of Recreation and Parks operates nine off-leash dog parks (dog parks) throughout the City (see Exhibit A). On January 17, 2007, the Board of Recreation and Parks Commissioners adopted standardized rules and regulations for all dog parks in the City (Board Report No. 07-23), using input from off-leash dog parks' advisory boards, Department of Animal Services staff, and the Office of Public Safety, as well as reviewed rules and regulations of similar parks in other jurisdictions for comparison. These rules and regulations (see Exhibit B) are intended to provide a safe space in which people can exercise their pets and watch them play.

The adopted rules and regulations limit the number of leashed or unleashed dogs under the custody of an individual park patron to three. In consultation with dog-park users, and in keeping with policy established by the Los Angeles Department of Animal Services which limits to three the number of dogs that can be kept in a residential household without a kennel license, staff recommended the limitation of three dogs per individual in parks.

Research

A report entitled "Guidelines for Establishment and Maintenance of Successful Off-Leash Dog Exercise Areas" by the Program in Veterinary Behavioral Medicine, School of Veterinary Medicine, UC Davis, states in-part that, based upon field research, "dogwalkers, and others with more than three dogs, are less conscientious about picking up fecal droppings or monitoring interactions with other dogs or people. In light of these observations it seems that limiting the number of off-leash dogs to three per adult user is not unreasonable."

In several articles the Association of Pet Dog Trainers asserts that a positive dog park experience for both dogs and owners is contingent upon owners monitoring dog interaction very carefully. Failure to do such monitoring may lead to dog behavioral issues such as defensive aggression, problematic play styles, resource guarding, frustration aggression, etc. A limit to the number of dogs per individual dog park patron helps insure that each patron is able to carefully monitor and control the behavior of their dogs.

Staff has conducted a survey of parks departments regarding animal restrictions, and found that many municipalities have passed regulation that limits the number of leashed and/or unleashed dogs under the control of one individual, i.e. City of Beverly Hills (4 on any public property), City of San Jose (2 at an off leash dog park), City of Francisco and Marin County Open Space Areas (6 for commercial walkers on or off leash), and Santa Clara County (2 per campsite).

Other jurisdictions require that dog-walkers obtain a business license, and purchase a permit in order to use public facilities. For example, the City of Toronto charges \$200 and also requires that the dog walker provide proof of Commercial General Liability insurance coverage in the amount of \$1,000,000 and includes the City as an additional insured. They also require that, when using City parks, commercial dog walkers display their permit in a visible manner.

The City of Vancouver also requires that professional dog walkers have a valid business license, liability insurance, and a permit from the City Parks Board, be a member of the Vancouver Professional Dog Walkers Alliance, and successfully complete a Dog Handler Competency Test.

The City of New Rochelle requires that all patrons utilizing the off-leash dog area pay a user fee of up to \$50 per household for residents and \$250 for non-residents.

The East Bay Regional Parks District requires any person who walks or exercises a dog or dogs for a fee to purchase an annual permit which ranges from \$50 for Non-Profit Dog Walker to \$250 for Professional Dog Walker.

Issues

There are several issues that the suspension and/or repeal of the current regulations (three dogs per person) present.

The First issue is based on research and experience, having more than three dogs per adult may diminish the control over the dogs necessary for a successful dog-park experience for all patrons, as well as possibly the likelihood of cleaning up fecal matter.

The Second issue is that a public resource is being used, without appropriate compensation to the City. (It should be noted that the City of Los Angeles, Department of Animal Services, requires any premises with more than three dogs to purchase a Dog Kennel Permit, further demonstrating that supervision of more than three dogs is indicative of a business.)

The Third issue is any change to the existing ordinance must be established in a manner which is completely self-sustainable, without requiring the use of monies from either the City's General Fund or the Department's General Fund. This includes any program requirements such as permitting, monitoring, and enforcement.

The Fourth issue is not all existing dog parks are sizeable enough to accommodate excessive amounts of off-leash dogs, regardless of peak or non-peak use hours.

Recommendations

To safely accommodate dog walking service providers, with the understanding that professional dog walkers may possess dog control skills exceeding those of non-professional dog walkers, it is recommended that special stipulation could be made for businesses or persons who walk/exercise multiple dogs.

1. Amend Existing Rules and Regulations per Attached Exhibit B.
2. Add Rules and Regulations for Dog Walking Services per Attached Exhibit C.
3. Conduct a feasibility analysis for permitting to determine:
 - a. Adequate dollar amount for commercial walking license that will fully sustain the program.
 - b. Potential maximum number of permits allotted.
 - c. Need to designate specific dog parks to each permit.
 - d. Appropriate fines for disobeying posted rules and LAMC regulations.

By adopting policy that supports and encourages responsible pet care and guardianship, public health and interest will be best served and protected.

In response to the oral motion, the following analysis was conducted:

A. Standards for Dog Parks

The existing standards state that designated off-leash dog exercise areas should:

1. Be far enough away from a residential or commercial land use that the single-event sound of a dog bark would generally be perceived as a background sound or would be screened by traffic noise. To achieve this objective, the off-leash area should be:
 - a. At least 150 feet from residences and separated by a street or non-residential structure, and,
 - b. At least 80 feet from commercial uses; if the wall of the commercial building that faces the off-leash area is windowless, a distance setback may not be required.

2. Be large enough to accommodate an area for big dogs (three acres or larger) and include an area for small or timid dogs (.75 acres or larger)
3. Be accessible to disabled users.
4. Be situated in areas of parks that are not heavily used for other recreational activities so as to reduce the potential for conflict.
5. Not displace another organized recreational use or priority unstructured use in a park given the Department's limited resources and need for active and passive open space areas.
6. Have sufficient adjacent parking, preferably off-street, that does not require users to cross a street; curbside parking is less desirable. A park in a multi-family residential neighborhood requires fewer spaces, whereas a park in a single-family residential area requires more spaces.
7. Be situated within a six-foot high minimum perimeter chain link fence with a concrete mow strip. Natural barriers such as steep hillsides, if feasible, may be utilized in lieu of fencing.

B. Different Models for Dog Parks

Free and Open. The City of Los Angeles does not charge for use of the dog parks, nor restricts access to residents. Other models for dog park operation are below.

Partnership. Some municipalities have found success working with private groups or non-profit organizations to raise funds to create and improve dog parks. Local citizen groups can donate time and/or funds for enhancing their dog parks.

Partnership/License. Some municipalities partner with a non-profit group to both raise funds and to maintain and operate the dog parks. This type of arrangement typically requires a permit as the municipality does not fund the maintenance or operation of the dog park.

Permit Required. Some municipalities require that all dog park users purchase a permit in order to use the facilities. The fees are then used for the maintenance of the dog parks. Some municipalities charge non-residents a higher fee than residents. Dog park users are then required to have their permit with them when using the dog park. Permits are issued upon proof of license and vaccination. Daily, yearly, and lifetime permits are options.

Permit Required – Key System. Some municipalities charge a fee for using the dog park and issue an electronic key for park entrance. The key system has the additional benefit of tracking dog park use.

C. Existing Design Criteria for Dog Parks

The following are the existing design criteria for dog parks:

1. Install multiple entrances with self-closing (double) gates located as far from residences as possible and as close to parking as possible.
2. The area should be irrigated and planted with turf grass.
3. Install separate water sources for people and animals.
4. Provide restrooms and telephones.
5. Locate tables away from the perimeter of the off-leash area; this will discourage users from congregating at the perimeter where they are close to adjacent structures and will reduce turf wear by distributing use of the area.
6. Landscape buffer zones can be utilized to mitigate noise and provide a pleasant aesthetic environment separating off-leash areas from other park users. Security concerns must be taken into consideration when determining whether or not to use a visual landscape buffer.
7. It is recommended that off-leash areas remain well separated from other recreational activities and not be considered at small parks and recreation centers. Sites that accommodate mixed uses and include children's play areas are undesirable.

D. Possible Expansion of the Timid/Small Dog Area in the Parks

The Department's policy to meet the needs of dogs and owners is to:

1. Provide off-leash areas, as feasible, given limited open space resources and potential spill-over effects on surrounding land uses; to provide opportunities for off-leash exercise, training and socialization of dogs, and for social interaction among owners; and to balance this with other park uses to optimize park use by the greatest number of people.
2. Require responsible behavior of dog owners in their use of park facilities including adherence to posted rules and regulations and other Los Angeles Municipal Codes including the leash law.

3. Be sensitive to adjacent land users and the immediate community in selecting and operating all off-leash dog areas.

Therefore, the number and size of off-leash dog exercise areas within the Department is a function of demand and available resources, and competition and compatibility in reference to those available resources.

Expansion of the timid/small dog area in the parks would require either the reduction of the large dog portion of the off-leash area, or a reduction of the adjacent parkland. This is something that could be considered on a case-by-case basis, considering the needs of the park users. Any proposed change in the size or configuration an existing off-leash dog area should be discussed with any established Park Advisory Board or Citizens Advisory Committee as well as regular off-leash dog park users. Open space is a limited resource in the City of Los Angeles. The Department recognizes that recreational activities in Los Angeles's limited open space should be balanced to provide optimal use to the greatest number of users.

E. Ensuring Compliance with Various Licensing Requirements

The Department's recommendation for licensing compliance includes:

1. Dog owners are required to comply with all posted rules and LAMC regulations, particularly those pertaining to dogs.
2. Provide staff and/or volunteers to monitor the park during peak use periods.
3. Provide staff and/or volunteers to monitor the park at irregular intervals during other time periods.
4. Do not allow dogs that are aggressive to other dogs or people into the park.
5. Encourage an active dog park club participate in monitoring the park.
6. Dog owners or Commercial Dog Walkers with unlicensed dogs or an invalid license or tag will be guilty of an offence and will be subject to a fine.
7. Require identification for licensed Commercial Dog Walkers.

F. Statistics on Dog Fights/Attacks and any Lawsuits Brought Against the City

The following statistics regarding violations of the leash laws were provided by the Department of General Services, Office of Public Safety, and are not specific to dog-park or park locations:

Month	Total Leash Law Calls
October-08	26
November-08	28
December-08	39
January-09	39
February-09	33
March-09	47
April-09	38
May-09	1
June-09	29
July-09	12
August-09	31
September-09	23
Total Calls	346

The following dog park incidents were reported by Recreation and Parks:

Dog Park	Situation	Month/Year
Barrington	Aggressive dog attacked 2 dogs	August, 2004
Barrington	Aggressive dog attacked 1 dog	June, 2006
Barrington	Aggressive dog in small dog area	April, 2008
Runyon Canyon	Person bit	November, 2005
Sepulveda	Aggressive stray	August, 2005
Sepulveda	Aggressive stray	September, 2008
Westminster	Aggressive stray	October, 2002
Westminster	Aggressive stray	December, 2002
Westminster	RAP Employee bit	February, 2005
Westminster	Aggressive stray	September, 2005
Whitnall Highway	Aggressive stray	November, 2002
Whitnall Highway	Aggressive stray	October, 2003
Whitnall Highway	3 Aggressive dogs attacked a dog	May, 2007
Whitnall Highway	Aggressive stray	September, 2009
Whitnall Highway	Aggressive stray	January, 2010

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Thank you for your consideration of this report. If you have any questions, please contact Michael A. Shull, Superintendent, at (213) 202-2655 or Melinda Gejer, City Planning Associate at (213) 202-2656.

Sincerely,


JON KIRK MUKRI
General Manager

JKM/MAS/MG:ct

Exhibit A

Existing City of Los Angeles Dog Parks

Park Name	Park Location	Off-Leash Area
Barrington Dog Park	333 S. Barrington Avenue	1.5 Acres
Griffith Park Dog Park	North Zoo Drive, Griffith Park	1.6 Acres
Hermon Park in the Arroyo Seco Dog Park	5566 Via Marisol	1.3 Acres
Laurel Canyon Dog Park	8260 Mulholland Drive	3 Acres
Runyon Canyon Dog Park	2000 N. Fuller Avenue	90 Acres
Sepulveda Basin Off-Leash Dog Park	17550 Victory Boulevard	5 Acres
Silverlake Dog Park	1850 W. Silverlake Drive	1.25 Acres
Westminster Dog Park	1234 Pacific Avenue	0.8 Acres
Whitnall Off-Leash Dog Park	5801 ½ Whitnall Highway	3 Acres

Exhibit B

City of Los Angeles: Proposed Dog Park Rules and Regulations

1. Dog defecation is to be removed by the owner (LAMC 53.49).
2. Aggressive dogs are not allowed in the Park. Dogs exhibiting aggressive behavior are to be removed from the Park at once (LAMC 53.34).
3. All dogs using the facility shall be licensed and vaccinated (LAMC 53.15.3, 53.51).
4. No dogs under the age of four months are allowed to use the Park.
5. A license tag is to be on the dog collar, and proof of vaccination should be available during the visit (LAMC 53.21).
6. Dogs with communicable diseases are not allowed in the Park at any time (LAMC 53.30)
7. Female dogs in heat are not permitted in the Park (LAMC 53.29).
8. Dogs are not to be left unattended. Unattended dogs are considered abandoned (PC 597b) and will be taken to the nearest animal shelter. (For Animal Shelter locations, phone (888) 452-7381).
9. No more than three dogs are allowed per person, **unless granted by permit. See Rules and Regulations for Dog-Walking Services.**
10. Dogs are to be leashed at all times when not in the designated off-leash area (LAMC 53.06.2).
11. The small dog area is for small and timid dogs only.

Exhibit C

Proposed Rules and Regulations for Dog Walking Services

1. All existing dog park rules and regulations remain in effect.
2. Must have a valid City of Los Angeles Business License.
3. Must provide proof of commercial general liability insurance in the minimum amount of \$1,000,000 which names the City of Los Angeles as an additional insured.
4. Must obtain a yearly permit from the Department of Recreation and Parks. Permit funds shall be used to cover the costs of monitoring and issuance of permits as well as increased maintenance and operations.
5. Permit shall be valid for a maximum of six (6) dogs.
6. Permit is only valid between the hours of 9 am to 5 pm on weekdays, excluding holidays.
7. Permit must be in possession of the dog walker at all times during use of the designated park.