



Memorandum

To: Vail Town Council

From: Department of Public Works

Date: June 20, 2017

Subject: Stephens Park Off-leash Area

I. INTRODUCTION

At the June 6th Town Council discussion regarding the off-leash area of Stephens Park, the Council directed staff to set up a public meeting to further discuss the issue of excessive dog waste with the neighborhood and park users. Public input to help solve the problem is encouraged as part of this public hearing. Since that meeting, several changes have been implemented at the park. And, after discussions with Eagle County Animal Control Services (ECACS), Town of Vail Police and other Town of Vail staff, recommendations and options are included in this memorandum.

II. BACKGROUND

Stephens Park is a neighborhood park that provides a designated off-leash area. Since the off-leash designation in 2004, there have been two consistent issues: 1) the loss of the turf area for neighborhood use and 2) excessive dog waste being left in the park.

The neighborhood is generally supportive of the off-leash area, but in the process feel they have lost the turf area of their neighborhood park. That was not the intent of the off-leash area. In addition, the excessive dog waste is a health hazard, a maintenance issue and a water quality/environmental concern.

Every few years, staff brings this discussion forward with park users and with the Council. Each time, the reaction is to tell users to “clean it up, or else...” For a short time following each discussion, the park is clean and then, by the next winter, all is forgotten and old habits return. The long-term solution to this issue is likely a year-round, consistent program that includes signage, personal contacts/reminders through ECACS and Town of Vail officers and, where appropriate, enforcement measures.

Enforcement can be difficult since catching an owner in the act of not picking up after their dog would require almost constant surveillance. However, creating a program that provides education and creates enforceable measures may provide a long-term solution. Staff is recommending several solutions outlined below, in a coordinated effort with the neighborhood and other park users.

III. RECOMMENDED SOLUTIONS

A. What's been done since the June 6th meeting

- Addition of two new dog bag dispensers around the turf area
- Addition of one new trash can at the east end of the turf area
- Eagle County Animal Control has increased their presence in the park and has made efforts to talk about the dog waste issue with park users

B. What to work on immediately

- Develop a program with ECACS, TOV officers, and town staff with input from the neighborhood and park users that includes:
 - Education regarding the nature of Stephens Park as a neighborhood park first, and an off-leash area second. (Signage and personal contacts)
 - Increased presence at the park throughout the year to include personal contacts with users. This can currently be performed under the existing contract with ECACS and potentially expanded, but with staff limitations.
 - Encourage park users to file complaints on the ECACS website regarding irresponsible park users
- Additional signage...
 - a) Delineate the limits of the off-leash area
 - Ask ECACS officers to enforce the on-leash areas of the park
 - Alter the off-leash area to include the Gore Creek access at the east end of the turf area (revise by ordinance)
 - b) Add signage that notes the turf area as "Shared Space"
 - c) Add signage to encourage users to "Grab a Bag"
- Town staff is currently working on a town-wide dog waste education campaign. Tie these efforts into Stephens Park
- Have Google remove the listing for both Stephens and Bighorn parks as "Dog Parks"

C. Possible future programs

If the above measures fail to work, the following are ideas that could be implemented at the Council's direction.

- Required registration - Each dog that uses Stephens Park could require registration. This could be enforced easily. And, it could cut down on random use.
- DNA testing - With registration, could be a DNA requirement. This is successfully used in other areas at a cost of less than \$100 per dog.
- Add a fenced area to a portion of the park as the only off-leash area
- Cameras could be added at an initial cost of approximately \$15,000. The difficult part of this is having someone review footage and being able to tie that footage to a specific owner/animal.
- Temporary or permanent suspension of the designated off-leash area

IV. ACTION REQUESTED BY COUNCIL

Provide staff with direction in regards to the dog waste issue based on the provided recommendations and input received from the public

V. STAFF RECOMMENDATION

The effort to clean up the park will require support from town staff, ECACS, the Vail PD, Town Council, neighbors and park users. Developing a consistent message and backing it with enforcement is likely the best option for ensuring the park can be enjoyed by everyone.

Staff recommends reviewing the ideas listed above in conjunction with input from the community and providing direction to staff towards improving education, signage and enforceable measures. Staff also recommends altering the existing designated off-leash area to include the Gore Creek access point at a later date.

Attachments:

- Ordinance 4, Series 2004

**ORDINANCE NO. 4
SERIES 2004**

AN ORDINANCE AMENDING TITLE SIX OF THE VAIL TOWN CODE; EXEMPTING AREAS OF STEPHENS PARK FROM TOWN OF VAIL REQUIREMENTS REGARDING PET ANIMAL OWNERS' IMMEDIATE AND PHYSICAL CONTROL OF DOGS; AND SETTING FORTH DETAILS IN REGARD THERETO.

WHEREAS, the Town of Vail, in the County of Eagle and State of Colorado (the "Town"), is a home rule municipal corporation duly organized and existing under laws of the State of Colorado and the Town Charter (the "Charter"); and

WHEREAS, the members of the Town Council of the Town (the "Council") have been duly elected and qualified; and

WHEREAS, Stephens Park is located within the Town and, when visiting the park, Pet Animal Owners are currently subject to the requirements as set forth in Section 6-4-6 of the Vail Town Code regarding the Immediate and Physical control of dogs; and

WHEREAS, it is the Council's desire to exempt certain areas of Stephens Park from Town requirements regarding Immediate and Physical control of dogs.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO THAT:

Section 1. The purpose of this Ordinance is to exempt certain areas of Stephens Park from current Town of Vail Town Code requirements that Pet Animal Owners' exercise either Immediate or Physical control of dogs at all times.

Section 2. Section 6-4-6 of the Vail Town Code is hereby amended to read as follows:
(additions are shown in **bold** and underline)

6-4-6: FAILURE TO CONTROL ANIMAL: It shall be unlawful and considered a failure to control an animal when:

A. Any dog is off the premises of the owner without the presence of a responsible person having physical control of the dog on any bike path or public park located within the Town or on any area located within the Town and described in Exhibit A attached to Ordinance 5 Series of 1995, made a part of this Section by reference, and which can be found on file in the office of the Town Clerk.

B. 1. Any dog is off the premises of the owner in all areas of the Town, other than as specified in subsection A above, without the presence of a person having immediate control of the dog, and

2. It is an affirmative defense to a violation under this subsection that the responsible person accompanying and having immediate control of the dog was actively engaged in training of the dog which caused the distance between the responsible person and the dog to be greater than ten feet (10').

C. Any dog is on or within one hundred feet (100') of any athletic field or golf course within the Town while any athletic event or activity is in progress, except that a dog may be within one hundred feet (100') of an athletic field or golf course while any athletic event or activity is in progress if the dog is on a public road or right of way.

D. Any animal is allowed to become a danger to any person or property.

E. Any animal trespasses on, or is tethered upon, any public property where expressly prohibited or private property without the permission of a person owning, leasing, or otherwise controlling the property in question.

F. Any dog reaches past the perimeter of the owner's premises with its teeth or claws.

G. Any animal is allowed to excrete body waste upon public or private property when the animal owner or other responsible person does not remove the waste in a timely manner.

H. Any female dog or cat is not confined during estrus in a house, building, or secure enclosure constructed so that the female dog or cat cannot escape, and no male dog or cat may gain access to the enclosed animal.

I. A dog is not under physical control while in the yard of any multiple occupancy building occupied by other persons; or in the common areas of apartments, or condominium developments.

J. Any animal is not under physical control in areas posted as requiring any animal to be on a leash/tether by any agency of the Federal government, the State, or the Town.

K. Any animal is kept or left in circumstances which constitute neglect, mistreatment, or abandonment, if the keeping or leaving is due to criminal negligence on the part of the animal owner.

L. Protective custody of any animal is reasonably necessary.

M. Exception: Notwithstanding the provisions set forth in Sections 6-4-6(A) and (B) above, any dog in Bighorn Park and/or Stephens Park, except for those considered as Vicious, Dangerous or Potentially Dangerous, need not be under either Physical Control or Immediate Control of the Pet Animal Owner if said dog is occupying any area described in Exhibit A attached to Ordinance 1, Series 2003 or Exhibit A attached to Ordinance 4, Series of 2004, made a part of this Section by reference, and which can be found on file in the office of the Town Clerk. Nothing in the Section shall exempt a pet animal owner from the provisions of Sections 6-4-6(C)-(L) of this Title or from exercising Control over his or her dog, as defined in this Chapter 4, at all times.

Section 3. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part,

section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4. The Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town of Vail and the inhabitants thereof.

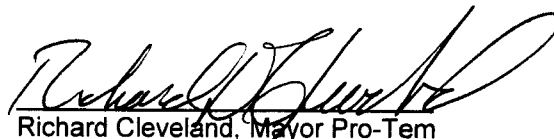
Section 5. The amendment of any provision of the Municipal Code of the Town of Vail as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceedings as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously amended or superseded unless expressly stated herein.

Section 6. All bylaws, orders, resolutions, and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution, or ordinance, or part thereof, theretofore repealed.

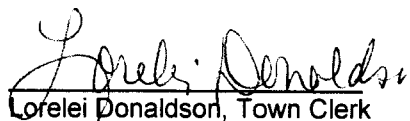
Section 7. This ordinance, as adopted by the Town Council, shall be numbered and recorded by the Town Clerk in the official records of the Town. The adoption and publication shall be authenticated by the signatures of the Mayor, or Mayor Pro Tem, and Town Clerk, and by the certificate of publication.

Section 8. This ordinance shall be in full force and effect five days after publication following final passage.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 2nd day of March, 2004 and a public hearing shall be held on this Ordinance on the 16th day of March, 2004, at 6:00 p.m. in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

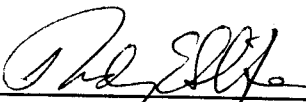

Richard Cleveland, Mayor Pro-Tem

ATTEST:


Lorelei Donaldson, Town Clerk




INTRODUCED, READ, ADOPTED AND ENACTED ON SECOND READING AND
ORDERED PUBLISHED in full this 16th day of March, 2004.



Rodney E. Slifer, Mayor

ATTEST:



Lorelei Donaldson, Town Clerk







Exhibit A

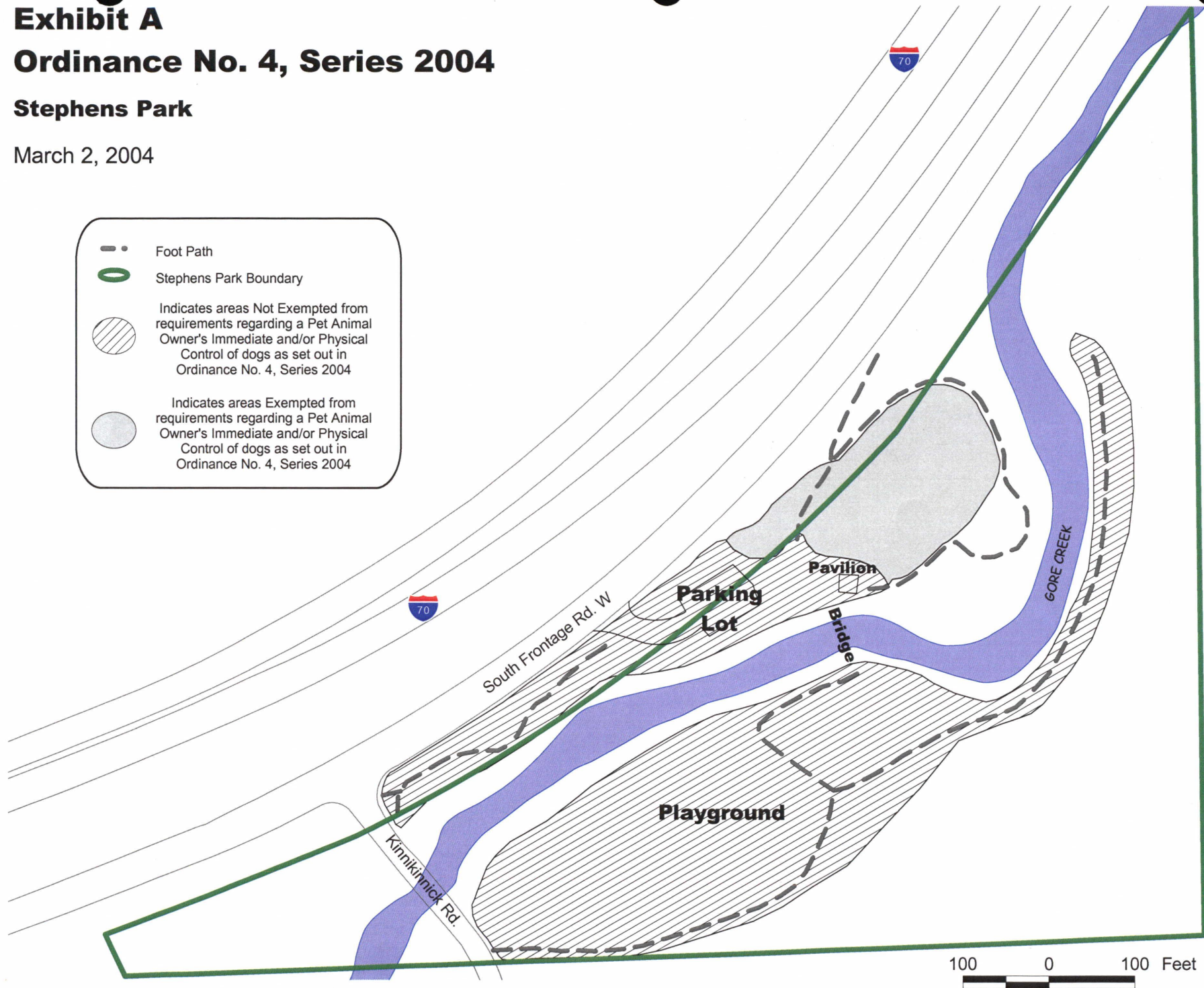
Ordinance No. 4, Series 2004

Stephens Park

March 2, 2004



-  Foot Path
-  Stephens Park Boundary
-  Indicates areas Not Exempted from requirements regarding a Pet Animal Owner's Immediate and/or Physical Control of dogs as set out in Ordinance No. 4, Series 2004
-  Indicates areas Exempted from requirements regarding a Pet Animal Owner's Immediate and/or Physical Control of dogs as set out in Ordinance No. 4, Series 2004



100 0 100 Feet

(1" = 150')