



City of Richmond

Report to Committee

To: Parks, Recreation and Cultural Services Committee **Date:** July 13, 2010
From: Dave Semple
General Manager, Parks and Recreation **File:** 11-7375-00/Vol 01
Re: Professional Dog Walking Report - Response to Referrals

Staff Recommendations:


That:

1. The staff report responding to referrals from Council related to the proposed Professional Dog Walker Program, dated July 13, 2010 from the General Manager, Parks and Recreation, be received for information.
2. The proposed Professional Dog Walker Program be endorsed.
3. Animal Control Regulation Bylaw No. 7932, Amendment Bylaw No. 8598 be introduced and given first, second and third reading.
4. The Business License Bylaw No. 7360, Amendment Bylaw No. 8619 be introduced and given first, second and third reading.



Dave Semple
General Manager, Parks and Recreation
(604-233-3350)

Att. 2

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER
Business Licences	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Community Bylaws	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

On May 26, 2010, the Parks, Recreation and Cultural Services Committee made the following referrals:

That:

1. The report be referred back to staff to study further the appropriate amount of license fee to be charged for professional dog walkers;
2. Staff conduct a risk analysis to determine the appropriate level of general liability insurance to be required from professional dog walkers; and
3. Staff to look into the damages caused by dogs in the MacDonald Beach Park designated off-leash area and investigate the charging of a fee to all users of said area to provide funds for the Park's maintenance.

This report addresses these referrals which originate from a staff recommendation that a professional dog walking program be implemented in Richmond, initially at MacDonald Beach Park.

Analysis

Referral One: That "the report be referred back to staff to study further the appropriate amount of license fee to be charged for professional dog walkers".

Staff have previously recommended that the fee for the professional dog walker permit be set at \$100; this would be in addition to the business license fee of approximately \$150 for a maximum annual total of \$250 to operate a professional dog walking business in Richmond.

The professional dog walking permit would be in addition to the mandatory business license; the benefit of the permit would be additional off-leash privileges at MacDonald Beach Park only. The permit fee would be re-evaluated if the program is expanded, however at this time the fee is appropriate given the amount of area it includes.

A comparison of similar programs indicates that Richmond fees are lower than other cities. However, the area initially covered in our permit is substantially smaller, and includes MacDonald Beach only, not any other dog off-leash areas. Metro Vancouver charges approximately \$400 a year for an area that covers the entire Pacific Spirit Park in Vancouver (approximately seven square kilometres). North and West Vancouver permit fees vary from a low of \$200 to a high of \$1,250 depending on the number of dog walkers, however these permits cover multiple parks and mountain areas in those cities.

Referral Two: That “staff conduct a risk analysis to determine the appropriate level of general liability insurance to be required from professional dog walkers.”

Staff analyze risk from multiple perspectives and may assign a low, medium or high risk rating against an activity or action which considers the frequency of an event, and the severity of a potential outcome.

City practice for medium level third party risk activity requires a minimum \$2 million of general liability insurance with the City as an additional insured. Higher risks such as extreme sports activity, fireworks, alcohol use, food services and child participation activities may call for a \$5 million dollar limit.

The City’s risk exposure through enacting a bylaw to permit professional dog walkers to have six (6) dogs off-leash may attract liability from the actions or negligence of the professional dog walker. The City also has a liability exposure under the Occupiers Liability Act that requires a duty of care to protect (save from harm) persons using City property.

MacDonald Beach park site is not exclusive to dog walkers (professional or otherwise), and the park will attract all persons including children from the community. The interface between numbers of canines running off-leash with other users of the park site raises the exposure for liability.

A risk analysis of the potential liability created from having professional dog walkers with six (6) dogs off-leash in a public park suggests that commercial operators should provide a \$5 million dollar level of general liability insurance to shield the City's interests from their activity.

The increased cost of \$400 - \$800 a year or \$1 to \$2 a day for the additional insurance to \$5 million is weighted against protecting the City and its resources from a liability brought on by a commercial operator conducting a business activity over which the City has little or no control.

North Shore local government programs permit eight (8) dogs off-leash and require \$2 million liability insurance. Staff understand this program is under review. Metro Vancouver permits three (3) dogs off-leash and requires \$2 million liability insurance.

Referral Three: That “staff to look into the damages caused by dogs in the MacDonald Beach Park designated off-leash area and investigate the charging of a fee to all users of said area to provide funds for the Park’s maintenance.”

The City does not currently charge user fees to general park users to cover damaged by their use. Currently the majority of MacDonald Beach is in good shape, and there is no reason to expect the change in number of dogs off-leash to increase damage to the area. Staff do not recommend an additional charge for use of this park by all users at this. Staff will monitor the condition of the park on an ongoing basis.

Financial Impact

There is no financial impact.

Conclusion

Given the information provided above clarifying the referral requests, staff recommend that adoption of the three original recommendations presented at the Parks, Recreation and Cultural Services Committee Meeting on May 26th 2010 regarding a professional dog walking program be endorsed (Appendix A).



Dee Bowley-Cowan
Acting Manager, Parks Programs
(604-244-1275)



Glenn McLaughlin
Chief Licence Inspector & Risk Manager
(604-276-4136)

DB:db



City of Richmond

Appendix A

Referred to Staff

Report to Committee

To: Parks, Recreation and Cultural Services Committee

Date: May 19, 2010

From: Dave Semple
General Manager, Parks and Recreation

File: 12-8060-02-09/Vol 01

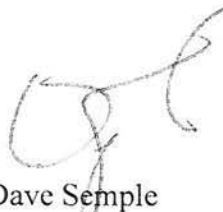
Re: Implementation of the Professional Dog Walker Program

12-8060-20-8598
12-8060-20-8619

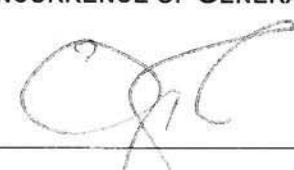

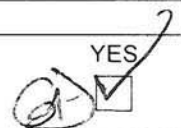
Staff Recommendation

That:

1. The proposed Professional Dog Walker Program be endorsed.
2. The Animal Control Regulation Bylaw No. 7932, Amendment Bylaw No. 8598 (attachment 1) be introduced and given first, second and third reading.
3. The Business License Bylaw No. 7360, Amendment Bylaw No. 8619 (attachment 2) be introduced and given first, second and third reading.


Dave Semple
General Manager, Parks and Recreation
(604-233-3350)

Att. 2

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ROUTED TO:		CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Business Licences		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Community Bylaws		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Law		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> 	NO <input type="checkbox"/>	REVIEWED BY CAO YES <input checked="" type="checkbox"/>  NO <input type="checkbox"/>

Staff Report

Origin

At the July 13, 2009 Council Meeting, an amended version of the Dogs in Parks Management Strategy was adopted by Council. This strategy included a provision to allow professional dog walkers (registered through a special licensing program) to have up to four dogs off-leash in a designated off-leash area (other dog walkers are currently allowed three). A delegation of professional dog walkers attended and requested that consideration be given to increasing the allowable number of off-leash dogs to six or eight dogs.

At that Council meeting the following referral was made to staff:

"That staff investigate increasing the number of dogs permitted off-leash for professional dog walkers;"

This report responds to that referral.

Analysis

Background

The City of Richmond currently regulates professional dog walkers by requiring adherence to applicable bylaws such as the Animal Control Regulation Bylaw and the Business License Bylaw. Currently dog walkers (professional or not) are permitted a maximum of three dogs off-leash provided they are in a designated off-leash area. Professional dog walkers typically walk an average of eight dogs at a time, and have approached the City requesting that they be permitted to walk more than three dogs off-leash while in designated off-leash areas.

City staff held focus group sessions with professional dog walkers to discuss the concept of a professional dog walking program which includes additional off-leash privileges. The members of this focus group have been proactive in initiating and developing the proposed program and many of the guidelines are based on their input.

The focus group discussions confirmed that demand for the services provided by dog walkers has increased in recent years. This is further supported by the increase in the number of business licenses issued to professional dog walkers by the City (three licenses in 2004 up to twelve so far in 2010). Given the number of professional dog walkers currently using our parks, it is advantageous to ensure that their use is compatible with other park users and dog owners.

Clients who use dog walkers tend to be people working long hours or persons with mobility issues. In many cases the dogs would not receive adequate exercise without the services of the dog walker.

Proposed Program

Staff propose a professional dog walking program based on the terms set out in the attached bylaw amendments.

The chart below outlines the major changes to the current circumstances:

Current Animal Control Regulation Bylaw	Proposed Changes included in the Animal Control Regulation Bylaw and the Business License Bylaw
<ul style="list-style-type: none"> no specific reference to professional dog walkers 	<ul style="list-style-type: none"> official recognition and permit program for professional dog walkers who wish to walk up to six dogs off leash
<ul style="list-style-type: none"> maximum of three dogs off leash in designated off leash area 	<ul style="list-style-type: none"> maximum of six dogs off leash at McDonald Beach (possibility for expansion to other off leash areas in the future)
<ul style="list-style-type: none"> no liability insurance required (many dog walkers currently voluntarily carry at least 2 million dollars of liability insurance) 	<ul style="list-style-type: none"> 5 million dollars of liability insurance required (City named as additional insured)
<ul style="list-style-type: none"> no identification required 	<ul style="list-style-type: none"> professional dog walkers with a permit must wear city issued identification while taking more than three dogs off leash in permitted area

The cost for the permit would be \$100 per a year which will go towards program administration and additional bylaw enforcement. Dog walkers will also purchase identification vests at cost (estimated to be \$30) which would be conspicuous for the bylaw officers and members of the public to see. The vests would be worn when more than three dogs are off leash in the permitted area (initially McDonald beach but could expand to other areas in the future). The vests can provide the dog walkers with additional credibility to other park users, who will know from signage that they are professionals permitted by the City.

The permit would be available from the front of house at City Hall and could be purchased at the same time as a business license. As part of the permit process professional dog walkers would demonstrate proof of insurance which lists the City as an additional insured. This portion of the permit would be self regulating because insurance providers notify the City any time it is removed as an additional insured. Most dog walkers voluntarily carry some insurance. This program would determine the type of insurance to be purchased.

Bylaw officers currently patrol McDonald Beach and other off leash areas looking for bylaw infractions such as dangerous dog issues and too many dogs off leash. Under this program they

May 19, 2010

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would also be checking to ensure that the requirements of the dog walker licenses are adhered to. This would include ensuring conditions such as the vests are worn while walking more than three dogs off leash and that no more than six dogs are walked off leash by permit holders at a time.

The timing of the program implementation will be based on the adoption of the Business License Bylaw. The earliest date would be July 2010 to ensure that all notification requirements are met.

Staff will report back to Council with a status update of the program after six months (Winter 2010). It is expected that the program will be successful as the focus group participants are responsible dog walkers with a vested interest in maintaining the additional off-leash privileges.

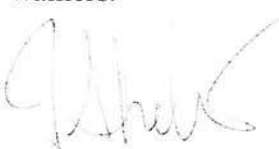
If this initial phase of the program at McDonald Beach is successful staff will report back to Council with recommendations that it expand to other off-leash locations.

Financial Impact

The cost of \$750 to produce signage at McDonald Beach to identify the off leash area and to explain the professional dog walker permit. Funding is within the existing operating budget.

Conclusion

Professional dog walking is a growing business in Richmond, with more dog owners relying on professionals to ensure their dogs receive adequate exercise for health and wellness. A professional dog walking license program will permit the professional dog walkers to increase the number of off leash dogs under their care, and will improve the accountability of the dog walkers.



Jodie Shebib
Manager, Parks Programs
(604-244-1275)

JS:js



City of Richmond

Bylaw 8598

**Animal Control Regulation Bylaw No. 7932,
Amendment Bylaw No. 8598**

The Council of the City of Richmond enacts as follows:

1. Animal Control Regulation Bylaw No. 7932, as amended, is further amended by deleting subsection 2.3.5.2 in its entirety and substituting the following:

2.3.5.2 As exceptions to subsection 2.3.5.1:

- (a) No **owner** may have more than three (3) **dogs** off-leash at any one time, except an **owner** who is a professional dog walker with a valid **off-leash permit** may have up to six (6) **dogs** off-leash in the **designated dog off-leash area** within McDonald Park; and
- (b) No **owner** may permit a **dangerous dog** to be off-leash in a **designated dog off-leash area**.

2. Animal Control Regulation Bylaw No. 7932, as amended, is further amended at section 9.1 by adding the following definitions in alphabetical order:

OFF-LEASH PERMIT means a permit issued to a professional dog walker pursuant to subsection 2.3.2 of the Business Licence Bylaw No. 7360, as amended or replaced from time to time

3. This Bylaw is cited as "**Animal Control Regulation Bylaw No. 7932, Amendment Bylaw No. 8598**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

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**BUSINESS LICENCE BYLAW NO. 7360,
AMENDMENT BYLAW 8619**

The Council of the City of Richmond enacts as follows:

1. Business Licence Bylaw No. 7360, as amended, is further amended by adding the following after section 2.2.1:

2.3 Professional Dog Walkers – Off-Leash Permits

2.3.1 A **professional dog walker** may have up to six (6) dogs under his or her care or control off-leash in the **designated dog off-leash area** within McDonald Park, provided the **professional dog walker** holds a valid **off-leash permit** and complies with all applicable **City** bylaws and the terms and conditions of the **off-leash permit**.

2.3.2 The **Licence Inspector** may issue an **off-leash permit** to a **professional dog walker** if the **professional dog walker** has met the following requirements, to the satisfaction of the **Licence Inspector**:

- (a) has completed an **off-leash permit** application, in a form and containing such information required by the **Licence Inspector**,
- (b) has a valid business licence issued by the **City** to the **professional dog walker** or **professional dog walker's** business;
- (c) has provided a certificate of insurance, in a form and on terms acceptable to the **City's** Risk Manager, to provide \$5,000,000 general liability insurance and naming the **City** as an additional insured;
- (d) has not had a history of non-compliance with this bylaw, other **City** bylaws or the terms and conditions of previous **off-leash permits** issued to the **professional dog walker**; and
- (e) has paid to the **City** the **off-leash permit** fee specified in Schedule C, which is attached to and forms a part of this bylaw.

2.3.3 The **Licence Inspector** may suspend or revoke an **off-leash permit** if the holder of the **off-leash permit** contravenes any provision of this bylaw or any term or condition of the **off-leash permit**.

- 2.3.4 An **off-leash permit** is valid for one (1) year from the date of issue or for such other period as may be specified in the **off-leash permit**. No portion of the **off-leash permit** fee paid pursuant to subsection 2.3.2(e) of this bylaw will be refunded if the **off-leash permit** is cancelled, suspended, revoked or otherwise terminated prior to the expiration date.
- 2.3.5 Every holder of an **off-leash permit** must comply with, and every **off-leash permit** issued under this bylaw is subject to, the following requirements, restrictions and regulations, to the satisfaction of the **Licence Inspector**:
- (a) comply with all applicable **City** bylaws, including in particular Animal Control Regulation Bylaw No. 7932;
 - (b) maintain throughout the term of the **off-leash permit**, general liability insurance in an amount not less than \$5,000,000, with the **City** named as an additional insured and containing such other terms required by the **City's** Risk Manager;
 - (c) ensure that all dogs under their care or control are wearing a valid municipal dog licence;
 - (d) wear an identification vest assigned by the **City** while walking more than three (3) dogs off-leash at the **designated dog off-leash area** within McDonald Park;
 - (e) immediately present a valid **off-leash permit** upon request by an Animal Control Officer, Richmond RCMP officer, or **License Inspector** with proper **City** staff identification;
 - (f) limit the number of off-leash dogs under his or her care or control:
 - (i) to no more than six (6) dogs while within the **designated dog off-leash area** at McDonald Beach Park; and
 - (ii) to no more than three (3) dogs while within all other **designated dog off-leash areas**;
 - (g) not walk with other **professional dog walkers** while having more than three (3) dogs under their care or control off-leash;
 - (h) keep dogs under their care or control on a leash until and unless they are in a **designated dog off-leash area**; and
 - (i) comply with any additional terms and conditions set out in the **off-leash permit**.

2. Business Licence Bylaw No. 7360, as amended, is further amended at section 7.1 by adding the following definitions in alphabetical order:

DESIGNATED DOG OFF-LEASH AREA	means an area posted by sign, which defines the geographic area and/or time period when dogs can be off-leash
OFF-LEASH PERMIT	means a permit issued to a professional dog walker pursuant to subsection 2.3.2 of this bylaw
PROFESSIONAL DOG WALKER	means an individual whose business or employment is walking dogs owned by other persons

3. Business Licence Bylaw No. 7360, as amended, is further amended by adding the following after Schedule B to Bylaw No. 7360:

SCHEDULE C TO BYLAW NO. 7360

OFF-LEASH PERMITS

Annual permit fee \$100

4. This Bylaw is cited as "**Business Licence Bylaw No. 7360, Amendment Bylaw 8619**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor
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MAYOR

CORPORATE OFFICER