



STAFF REPORT ACTION REQUIRED

Dogs on City of Toronto Swimming Beaches

Date:	September 29, 2009
To:	Parks and Environment Committee
From:	Brenda Patterson, General Manager, Parks, Forestry and Recreation Dr. David McKeown, Medical Officer of Health
Wards:	6, 13, 14, 28, 30, 32, 36 and 44
Reference Number:	

SUMMARY

City Council, in considering the report, “Toronto Beaches Plan” at its meeting of February, 2009, approved an action plan to improve Toronto’s swimming beaches in 2009-10. Council, among other things, requested that staff address the impacts of “Blue Flag” status on dogs, on- and off-leash, on Blue Flag designated beaches, and specifically Kew-Balmy Beach, as this became the City’s seventh such swimming beach in 2009.

The Municipal Code Chapter 608, Parks prohibits all dogs, year-round, on Blue Flag beaches. Staff have considered various options to balance the issues of providing safe, clean beaches for all user groups and the interests of these various constituencies, including dog owners.

Following from our review of various options arising from the Kew-Balmy situation specifically, this report advances a broader management approach that would apply consistently to all 11 of the City’s swimming beaches. This would allow dogs to use all City swimming beaches from November 1 to March 31 while on-leash and prohibit use at all other times. Allowing access to the beaches and other parklands year-round for working dogs in service to the City is also proposed.

It is noted that a companion report, “People, Dogs and Parks Strategy – Off-Leash Policy Review,” is being submitted concurrently to the Parks and Environment Committee.

RECOMMENDATIONS

The General Manager, Parks, Forestry and Recreation and the Medical Officer of Health recommend that:

1. City Council direct the City Solicitor, in consultation with the General Manager of Parks, Forestry and Recreation and Medical Officer of Health, to amend the Toronto Municipal Code Chapter 608, Parks to:
 - a. allow dogs under the control of non-commercial and commercial dog walkers to use all City swimming beaches from November 1 to March 31 while on-leash and prohibit use at all other times; and
 - b. allow working dogs providing a service to the City to use all City swimming beaches and other parklands on- or off-leash at any time,

as outlined in Attachment 1, subject to any necessary minor substantive or stylistic refinements as may be identified by the General Manager and the City Solicitor.

Financial Impact

The financial impacts arising from the adoption of the recommendations in this report are minimal. Funding required for the replacement or modification of beach regulatory signs (maximum \$5,000) can be accommodated in the 2009 Parks, Forestry and Recreation Operating Budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

City Council, in considering the Toronto Beaches Plan (Item EX29.2) at its meeting of February 23 and 24, 2009, requested, among other things, the General Manager of Parks, Forestry and Recreation to consult with Environmental Defence Canada and report to the Parks and Environment Committee on the impacts of “Blue Flag” status on dogs on- and off-leash on Blue Flag designated beaches, and specifically on how such status will impact dogs on Kew-Balmy Beach when it is designated as a Blue Flag beach (<http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-02-23-cc31-dd.htm>).

ISSUE BACKGROUND

Dogs have long been a consideration in the management of Toronto’s beaches. This report examines how dogs have been addressed in past and present City regulations, the Blue Flag program and the Toronto Beaches Plan. The existing pattern of dog access to the waterfront, including Kew-Balmy Beach, is also outlined.

COMMENTS

The Toronto Beaches Plan and Blue Flag Program

Swimmable beaches are often cited as an indicator of Toronto's environmental performance and quality of life, and the Toronto Beaches Plan sets out various actions to advance improvements at the City's 11 swimming beaches. The Plan is driven by the vision of moving all Toronto swimming beaches to and beyond the "Blue Flag" threshold – the international eco-standard for quality beaches.

Toronto began the process of certifying its swimming beaches in 2003. To date, seven of Toronto's 11 swimming beaches have achieved international Blue Flag designation. The Blue Flag program, administered in Canada by Environmental Defence, requires candidate Canadian beaches to meet 27 criteria relating to water quality, environmental management, safety and services, and environmental education. Kew-Balmy Beach was awarded its first Blue Flag in 2009.

The Blue Flag program does not specify whether dogs are permitted or prohibited on Blue Flag beaches, either on- or off-leash. The program simply requires that "Regulations concerning dogs and other domestic animals on the beach must be strictly enforced".

Because dog regulation is a local matter, controls vary at Ontario's 11 Blue Flag beaches. Eight sites prohibit dogs year-round (Toronto's seven beaches and Sauble Beach, Town of South Bruce Peninsula). One site permits leashed dogs without restrictions (Station Beach, Municipality of Kincardine). One site permits leashed dogs only in designated areas (Wasaga Beach Provincial Park). One site allows dogs except between 8 a.m. and 8 p.m., May 15 to September 15 (Grand Bend Beach, Municipality of Lambton Shores).

Action 20 of the Toronto Beaches Plan states: "Extend year-round regulation of dogs to all swimming beaches and physically separate swimming beaches from adjacent designated off-leash dog areas." In part, this action seeks a more consistent management approach that addresses the uneven treatment of Blue Flag and non-Blue Flag beaches in the Toronto Municipal Code. Council's approval of the action plan did not, however, amend the Code or change City policy in respect to dogs on beaches.

Past and present City regulations

Use of Toronto beaches is regulated by Municipal Code Chapter 608, Parks. Prior to July, 2007, Section 608-34-A(2) stated: "While in a park, no person as owner or person having control of a dog shall, excluding blind persons reliant upon a guide dog, permit the dog to enter a beach [or] swimming area... or any other area posted to prohibit." In other words, prior to the 2007 amendments, dogs were not permitted on any beach at any time. This ban was in place prior to amalgamation and applied to all of Toronto's former waterfront municipalities.

However, the Code was amended in 2007 as part of the "People, Dogs and Parks Strategy" and associated "Revised Commercial Dog Walker Permit Policy" to restrict commercial dog walking in various "prohibited" park areas, including Blue Flag beaches.

An unintended effect of the amendment was to permit dogs on swimming beaches that do not have the Blue Flag designation. Section 608-34-A(2) of the Code currently states: “While in a park, no person as owner or person having control of a dog shall allow the dog to enter a prohibited area.” Only Blue Flag beaches – not swimming beaches in general – are defined as “prohibited areas” in the Code.

These changes, in effect represent a relaxation of regulations related to dogs and beaches compared with the past, longstanding by-laws. The Code does not provide for seasonal variances from this prohibition. The Code continues to allow personal guide dogs on Blue Flag beaches but is silent on whether working dogs providing a service to the City are permitted. The latter point is germane because Parks, Forestry and Recreation uses border collies under the control of a sheepdog handler to herd Canada geese and gulls off beaches and other green spaces.

Public health concerns

The issue of dog regulation was raised in the beaches plan primarily due to public health concerns regarding beach water quality and beach sand. Under the Ontario Health Protection and Promotion Act, the Medical Officer of Health is authorized to take any actions to prevent or eliminate any potential health hazard. The risk of infectious diseases from dog feces is considered a health hazard. The interaction of people with sand and water at the beach puts them at higher risk of acquiring disease from dog feces if it is present at a beach. Taking measures to reduce this risk helps protect public health.

Health hazards include serious enteric bacterial infectious (e.g., Salmonella and Campylobacter) and parasitic infections (e.g., Giardia). Parasitic infections of *Toxocara canis*, which is found in dog stool, can result in blindness. Microbes that cause these and other infections can be passed in the stool of even healthy dogs and enter the human body after inadvertent contact with stool-contaminated surfaces like beach sand at the beach. Dog fecal matter also adversely impacts the water quality as a result of the microbial contribution from dog feces to the total pollution load.

Access for dogs to the waterfront, including Kew-Balmy Beach

It is noted that, even with the restrictions on dogs on Blue Flag beaches, dog walkers do have access to sizeable areas of Toronto beach. The shoreline includes 24.4 km of sand and cobble beach of which about 5.5 km (22%) is lifeguarded beach designated for swimming. Of the designated swimming beaches, 1.6 km (29%) can be accessed year-round by dogs on-leash (four sites – Marie Curtis Park East, Sunnyside, Bluffers, Rouge). Dog walkers can also enjoy year-round on-leash access at the remaining 18.9 km of unsupervised beach as well as 1.1 km of beaches specifically designated for off-leash use (Cherry, Kew and Silverbirch).

Access by dogs to Kew-Balmy Beach became a point of community debate, largely due to past practices and changing regulations. For several years prior to 2008, this swimming beach was used informally as an off-leash area once winter fencing was erected south of the boardwalk. In late 2007, parks by-law enforcement officers began promoting responsible dog ownership and educating dog walkers at Kew-Balmy about

the new Council-approved policy and regulations. In October 2008, the beach was posted to restrict dogs and by-law enforcement began. Complaints were received regarding the loss of winter access at this site, and the Toronto Beaches Dog Association was formed to advocate for such access. At the same time, other community members expressed concern about uncontrolled off-leash dogs and the fouling of the beach and boardwalk at Kew-Balmy.

Kew-Balmy was recognized as one of Toronto's finest swimming beaches when it received its first Blue Flag in June 2009. To comply with the Toronto Municipal Code, this Blue Flag status means that dogs are not permitted at Kew-Balmy Beach on- or off-leash at any time. The existing designated off-leash dog areas that flank the swimming beach (Silverbirch and Kew, totalling 3.2 ha) remain in effect.

Options for dog access to swimming beaches

The interests of many user groups need to be considered at Kew-Balmy Beach. The site has a large residential population immediately adjacent to it. The desire for winter access is understandable given that Kew-Balmy lies in Ward 32, which has the largest number of licensed dogs, licensed dogs per hectare and licensed dogs per 1,000 residents in Toronto. Kew-Balmy is, however, part of the Blue Flag program and Toronto's system of 11 swimming beaches. It is also a significant waterfront park destination for visitors without dogs.

Staff reviewed the status quo, namely continuing the current ban, against proposals to create a winter corridor at Kew-Balmy away from the boardwalk to link the Kew and Silverbirch off-leash areas. Ploughing the Martin Goodman Trail was considered and then rejected as this asphalt path leaves the waterfront before reaching the Silverbirch off-leash area. Establishing a route on sand south of the boardwalk is also not feasible due to beach erosion.

Conditions at Kew-Balmy prompted staff to consider general options that could apply consistently to all of Toronto's swimming beaches. Neither a year-round ban on all dogs nor winter off-leash access are considered viable as they do not sufficiently balance the needs and concerns of different park users. Permitting on-leash dogs in the summer represents a public health risk and also has a high potential for creating conflict between beach users.

Recommended approach

Taking diverse public views into account, the most reasonable and equitable approach to dog access at City swimming beaches is to permit winter on-leash access to both Blue Flag and non-Blue Flag sites. This approach would mitigate dog-related pollution of beach sand and water and associated health risks when bathers are most frequently present. Controlled leashed access should also reduce conflict between dog walkers and other waterfront users and help ensure that feces are removed by dog walkers during the winter. On-leash access is proposed to extend from November 1 to March 31. This enables barefoot users to use swimming beaches safely during the spring, summer and fall, and gives staff sufficient time to clean and groom the beaches before lifeguards

arrive at the beginning of June. Implementation requires on-site signage, public education and by-law enforcement.

The recommended approach generally increases dog access to City swimming beaches. Access is reduced only at Toronto's four non-Blue beaches (currently Marie Curtis, Sunnyside, Bluffer's and Rouge) where summer on-leash use would be eliminated.

The Toronto Municipal Code Chapter 608, Parks needs to be amended to give effect to the recommended approach. The Code should also be amended to allow working dogs providing a service to the City to use all City swimming beaches and other parklands on- or off-leash at any time. These working dogs are needed to herd geese and gulls off beaches and other parklands to reduce fecal loading by these birds. Service dogs used by vision-impaired individuals would continue to be permitted on all beaches. The proposed changes to Chapter 608 are outlined in Attachment 1 of this report. The by-law to amend Chapter 608 shall come into effect on the day after the set fine order is issued by the Regional Senior Judge of the Ontario Court of Justice.

Views of Toronto Public Health and Environmental Defence

Toronto Public Health, which is responsible for monitoring water quality at the City's swimming beaches, participated in the consideration of the dog access options. The Medical Officer of Health concurs that on-leash dogs may be permitted on all swimming beaches within clearly delineated areas from November 1 to March 31. Such beach areas should meet the following conditions to minimize adverse impact on human health and the beach water quality:

1. Be supplied with an adequate number of garbage bins for the disposal of dog feces.
2. Have signs informing dog owners and walkers about sources of fecal contamination at swimming beaches, their obligation to collect and dispose of their dog's feces appropriately and reminding them to wash their hands after handling feces.
3. Be cleaned and groomed before the beginning of the swimming season and as early as staff resources permit after March 31.

As the City's key partner in the Blue Flag program, Environmental Defence was also asked for its input on the recommended approach. Environmental Defence has reaffirmed its position that dog regulation is entirely a policy matter for Council to decide. However, to ensure compliance with Blue Flag requirements, Environmental Defence will continue to monitor Toronto's beaches to determine if regulations concerning dogs are being strictly enforced. Failure to enforce may result in the withdrawal of one or more of Toronto's Blue Flag awards.

Policy synopsis

The recommended approach strikes a balance between the needs of various waterfront user groups while generally improving beach access for dogs. Existing designated off-leash areas on the waterfront are maintained (Cherry, Kew, Silverbirch). Year-round on-

leash access to non-swimming “wild” beaches is maintained. Winter on-leash access will be introduced at all seven Blue Flag beaches (Kew-Balmy, Woodbine, Cherry, Ward’s Island, Centre Island, Gibraltar Point, Hanlan’s Point) and is maintained at all four non-Blue Flag swimming beaches (Marie Curtis, Sunnyside, Bluffers, Rouge) for non-commercial and commercial dog walkers. Summer on-leash access to the four non-Blue Flag swimming beaches is, however, eliminated. This is needed to protect public health, provide consistent regulation across all swimming beaches, and help achieve Council’s objective of bringing all City swimming beaches to the Blue Flag standard.

CONTACT

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SIGNATURES

Brenda Patterson
General Manager, Parks, Forestry and Recreation

Dr. David McKeown
Medical Officer of Health

ATTACHMENTS:

Attachment 1 - Proposed Amendments to Toronto Municipal Code 608 Parks

ATTACHMENT 1

PROPOSED AMENDMENTS TO MUNICIPAL CODE CHAPTER 608, PARKS

1. Amend § 608-1. “Definitions” by deleting the definition of “Blue Flag Designated Beach”.
2. Amend § 608-1. “Definitions” by deleting the words “or blue flag designated beaches” from section H of the definition of “Prohibited Areas”.
3. Amend § 608-1. “Definitions” by adding the following definition of “swimming beach”:

“SWIMMING BEACH – A pebbly or sandy shore on Lake Ontario maintained and supervised by the City of Toronto for bathing, swimming, sun bathing and other recreational activities.”
4. Delete § 608-34A(1) and (2) and replace with the following:

“A. While in a park, no person as owner or person having control of a dog shall:

(1) Excluding a working dog providing a service to the City, allow the dog to run at large, except in a posted designated off-leash area.

(2) Excluding blind persons reliant upon a guide dog, and a working dog providing a service to the City, allow the dog to enter a prohibited area.”
5. Add the following to § 608-34A:

“A. While in a park, no person as owner or person having control of a dog shall:

(5) Excluding blind persons reliant upon a guide dog, and a working dog providing a service to the City, allow the dog to enter a swimming beach except between November 1 and March 31 while on-leash.”