

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

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<b>IN THE MATTER OF THE</b>	)	<b>Index No.:</b> _____
<b>APPLICATION OF the JUNIPER PARK</b>	)	
<b>CIVIC ASSOCIATION,</b>	)	<b>ARTICLE 78 PROCEEDING</b>
<b>Petitioner,</b>	)	
	)	
<b>- against -</b>	)	
	)	<b>(Mandamus to Compel)</b>
<b>THE CITY OF NEW YORK, ADRIAN</b>	)	
<b>BENEPE, COMMISSIONER, NEW YORK</b>	)	
<b>CITY DEPARTMENT OF PARKS AND</b>	)	
<b>RECREATION, and the NEW YORK</b>	)	
<b>CITY DEPARTMENT OF PARKS AND</b>	)	
<b>RECREATION</b>	)	
<b>Respondent(s).</b>	)	

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**MEMORANDUM OF  
NEW YORK COUNCIL OF DOG OWNER GROUPS [AKA NYCdog],  
AS *AMICUS CURIAE*  
IN SUPPORT OF RESPONDENT(S).**

**SUMMARY OF MEMORANDUM:**

- 1. Interests of *Amicus***
- 2. Petitioner Arguments**
- 3. History of Off-Leash Recreation Rule**
- 4. Dogs and New York City**
- 5. Dog Ownership Versus Other Recreational Activities**
- 6. Organized Dog Owner Groups In New York City**
- 7. Juniper Park Civic Association And Dogs**
- 8. Juniper Valley Park, Middle Village, Queens**
- 9. Inappropriate Article 78 Petition (Mandamus to Compel)**
- 10. New York City Department of Parks and Recreation Dog Policies**
- 11. Parks and Recreation Department Policy on Dog Runs Within Parks**
- 12. Conclusion**
- 13. Attachments:**

**Aerial Photo of Juniper Park**

**Letter to Petitioner(s) from NYCDOG dated March 2006**

**Published Articles on Motion before the Court.**

**Miscellaneous attachments of interest**

**Studies on Dog Behavior and Off-Leash Recreation**

**Full Studies Appended Separately**

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**MEMORANDUM OF  
NEW YORK COUNCIL OF DOG OWNER GROUPS [AKA NYCDOG],  
AS *AMICUS CURIAE*  
IN SUPPORT OF RESPONDENT(S).**

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**INTERESTS OF *AMICUS***

*Amicus* NEW YORK COUNCIL OF DOG OWNER GROUPS (NYCDOG) was born of cooperation between two dog owner groups, founded by an alliance of seven groups, and now includes approximately 25 groups throughout New York City representing over 20,000 dog owners, and growing. NYCDOG was founded to unite dog owners and dog owner groups throughout New York. We are dedicated to improving our communities by promoting the establishment and maintenance of humane off leash recreation opportunities, responsible dog ownership and respectful park stewardship. NYCDOG has grown each month with the addition of new group members; hence representation is always in flux.

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Counsel for Respondent(s) has agreed to submission of this memorandum. NYCDOG requests permission of Petitioner for same. Barring that, *Amicus* requests that the Court accept this memorandum pursuant to its authority. *Amicus* has prepared this memorandum without benefit of Counsel and begs the Court's indulgence as such.

NYCDOG is organized under Section 501(c)(3) of the Internal Revenue Code (“IRC”). NYCDOG is an umbrella organization that promotes its views only through public education and advocacy on public policy issues. A significant number of NYCDOG members are also 501(c)(3) organizations. NYCDOG does not participate in the electoral process. However individuals associated with NYCDOG and/or its member organizations may and do private participate in the electoral process; taking private positions across the spectrum.

In filing this *Amicus* memorandum, NYCDOG seeks to provide background information in the public interest on matters of public policy.

This memorandum has been authored by NYCDOG in an effort to provide to the Court information that *Amicus* feels is important in considering the issues raised by both Petitioner(s) and Respondent(s).

On matters of public policy, NYCDOG often takes positions that sharply contract with Respondent(s) in this case and Respondent’s policies with regard to the operation and funding of New York City parks *visa-via* canine issues. Despite differences on public policy issues, NYCDOG shares with Respondent(s) the position that policy on off-leash canine recreation established more than twenty years ago by the Commissioner of New York City Parks Department was made pursuant to authority under the New York City Charter.

*Amicus* believes that the policy is in the best interest of the community and the City of New York as evidenced by its success on multiple levels. Furthermore, *Amicus* believes that no

precipitating event or events have occurred that merit the Article 78 action brought by Petitioners.

The belief in the intrinsic value of unfettered public debate in the public policy area is central to the mission of NYCDOG. The ability of citizen groups –including Petitioner(s) to affect public policy through its elected and appointed officials is vital. A decision by the Court to limit the ability of the City and the Commissioner of Parks to respond to the changing needs and desires of its citizens would limit public debate and would forestall the ability of any citizen group to effect change.

NYCDOG supports nonprofit advocacy of canine off-leash recreation throughout New York City; primarily in New York City Parks in designated places at designated times under specific guidelines of behavior by dog owners; and by extension, their dogs.

## PETITIONER'S ARGUMENTS

Petitioner seeks to compel the Commissioner to enforce §161.05 of the New York City Health Code with respect to requiring that dogs be leashed at all times; in this instance within New York City Parks and areas under control of the Department of Parks and Recreation.

In effect, Petitioner's seek to compel the Commissioner to rescind his policy of off-lease recreation that permits owners to unleash dogs after 9 pm and until 9 am in *specifically designated places* and under *specific* rules of behavior and responsibility by owners of canines; and by extension, their dogs.

Benjamin Disraeli (1804-81), a novelist, a debater and England's first and only Jewish prime minister, wrote that "there are three kinds of lies: lies, damned lies, and statistics."

NYCDOG contends that Petitioner's have initiated this action in the absence of any precipitating event or pattern of events that would show that the policy of the Commissioner has endangered residents of Middle Village, Queens or anywhere else within the City of New York.

Furthermore, NYCDOG contents that Petitioner's have revealed a consistent policy over many years to try to force all dogs out of Juniper Valley Park by virtue of their press releases, publications, unsubstantiated "facts," and public pronouncements. NYCDOG will show within this memorandum that Petitioners seek to use the Courts for their own political benefit to the detriment of all citizens and taxpayers of New York City.

But selectively “cherry picking” statistics and by the use of unsupportable anecdotal reports, Petitioners seek to paint a picture before the Court that the policies of the Commissioner are contrary to the interests of its citizens.

NYCDOG relies on the supported and substantiated facts regarding this twenty-year policy as a defense of same. We also cite Saint Thomas More (1478 –1535), English lawyer, author, statesman and Catholic martyr who wrote with respect to the law:

§ “Were it my father on the one side and the devil on the other, his cause being good, the  
devil should have his right.”

*--Life of Thomas More by William Roper*

The law and the cause each support the current policy as issued by the Commissioner.

### **HISTORY OF OFF-LEASH RECREATION RULE**

This policy was enacted under then Parks Commissioner Henry Stern approximately twenty years ago. Mr. Stern often called this policy “the relaxed leash law” [hereafter referred to as the Rule].

The Commissioner, and his successor Adrian Benepe, issued the commonly called “9 to 9 Rule” under authority of the Charter of the City of New York.

The Commissioner was acting within his authority in issuing the “9 to 9 Rule” or “relaxed leash law.” The New York City Charter gives specific authority to the Commission of the Department of Parks and Recreation to §531a9 “**to establish and enforce rules and regulations for the use, government and protection of public parks and of all property under the charge or control of the department, which rules and regulations so far as practicable shall be uniform in all boroughs and shall have the force and effect of law.**”

**Excerpt**  
**NEW YORK CITY CHARTER, CHAPTER 21 (Department of Parks and Recreation), § 531a9**

**CHAPTER 21**  
**DEPARTMENT OF PARKS AND RECREATION**

**§ 531. Department; commissioner.** There shall be a department of parks and recreation the head of which shall be the commissioner of parks and recreation.

**§ 532. Deputies.** The commissioner may appoint three deputies.

**§ 533. Powers and duties of the commissioner.** Except with respect to the functions of the board of education and except as otherwise provided by law, the commissioner shall have the power and it shall be his or her duty:

**a. Parks**

....

*9. to establish and enforce rules and regulations for the use, government and protection of public parks and of all property under the charge or control of the department, which rules and regulations so far as practicable shall be uniform in all boroughs and shall have the force and effect of law.” [Emphasis ours]*

The “relaxed leash law” [hereafter called the “Rule”] has been modified over the years by the Commissioner on a case-by-case basis as warranted. Some examples follow:



1. In small City parks where self-contained dog runs or dog parks have been constructed, the rule has been withdrawn.
2. In larger parks –most notably Central and Prospect- where dog parks are not feasible or inappropriate due to Landmarking or Historic designations, the Rule applies to specific locations within said same parks as determined by the Commissioner and individual park Administrators.
3. In other parks, a hybrid has been created wherein dogs are allowed off-leash under the Rule in specific locations where self contained dog parks or runs are geographically distant; most notably Riverside Park in Manhattan where runs are scattered over great distances over the length of the park so off-leash recreation is allowed in designated areas in between.
4. Finally, in some parks, the Rule does not apply. The Commissioner has decided for specific reasons unknown to NYCDog that the Rule is not applicable in some parks. We do know that in some instances that this is due to limited size or geographic conditions related to some of those parks.

The Commissioner acted within his authority in enacting the Rule. And, the Commissioner was responding to public need and desire in enacting the Rule. Furthermore, if ordered by the Court to abandon the Rule, the cost to taxpayers to enforce the logistically unenforceable Health Code §161.05 would strain the limited resources of the City, the New York Police Department and the Department of Parks and Recreation.

## **DOGS AND NEW YORK CITY**

As the appended and attached documents clearly indicate, the nature of dog ownership has markedly changed over the last half century. This is true not only in New York City but throughout the United States.

As we have become a better educated society and following studies completed by Veterinary Colleges and organizations dedicated to the better treatment of animals, canines have assumed a greater place within human family structures. Combine this with the role of dogs as protectors, caregivers, guides, and rescue animals, it is clear to even casual readers that dogs have become more than family pets to be confined to private yards.

In fact, studies (attached) show that properly socialized dogs are less likely to be aggressive to either other dogs or to human beings. It might be a cliché based on fact when aggressive and unsocialized canines are called “junkyard dogs” because those animals –deprived of human or animal interaction- become territorial and unapproachable.

Reports vary widely as to the number of dogs owned within the borders of New York City. The most respected reports (ASPCA and Citizens Union) place the number at approximately *1.4 million* within the nearly 3.5 million households in the City.

Accounting for service and working dogs owned within businesses and for multiple dog households, the 1.4 million figure is consistent with a citation by the Humane Society of America that 39% of American households own dogs.

NYCDOG represents a small fraction of those dog owners. Despite our goal and best efforts, we do not expect to ever organize a majority of the owners of the 1.4 million dogs. Why? The answer is both simple and complex, but merits discussion before the Court.

### **DOG OWNERSHIP VERSUS OTHER RECREATIONAL ACTIVITIES**

Unlike athletic teams that require organization, canine ownership is typically a singular or familial activity. Relatively few dog owners participate in organized canine events requiring interaction with other dog owners. Therefore the compulsion to organize is less than that required by those wishing to participate on an athletic *team*.

Baseball, softball, football, soccer, hockey and other organized sports each requires organization and endeavors. NYCDOG cites *The New York Times*, Sunday, June 25<sup>th</sup> 2006: “It's Goalkeeper vs. Bookkeeper as I.R.S. Audits Youth Soccer.” The hierarchical organization of non-profit, recreational teams has become so complex that even the Internal Revenue Service has taken notice.

A few decades ago, the New York Road Runner Club began the New York Marathon with a small contingent of loosely organized amateur athletes running through Central Park. By

cultivating interest, the Marathon is now one of the world's largest amateur (and semi-professional) endeavors with over 26,000 participants and millions of television views worldwide.

How does this relate to dogs?

At one time running was considered to be almost an isolated or individual sport. In many ways it still is. But at regular intervals through events such as the Marathon and the Corporate Challenge<sup>®</sup> New York City parks are turned over to thousands of runners.

In response to the need and public desire, despite pathetically limited funding under multiple administrations, the Department of Parks and Recreation has managed to create dedicated running lanes in many parks. Within **Juniper Valley Park** an all-weather track has been constructed at great cost.

A similar pattern has now developed within the bicycle-riding population of New York City. Dedicated bicycle lanes grace most larger parks and many public thoroughfares. What had been a singular recreational activity has now become highly organized. Given the public interest, Parks has responded.

## **ORGANIZED DOG-OWNER GROUPS IN NEW YORK CITY**

Dog ownership is still largely singular. The 1.4 million dogs and their owners constitute the single largest use-specific users of New York City parks; second only to casual walkers and users. Despite this fact, dog owners have not had a coherent, organized voice in the funding and administration of New York City parks. That is until recently.

Approximately ten years ago, spurred by the lack of open land and the absence of dog parks within City parks, confrontations between dog owners and police and parks police (Parks Enforcement Officers) became more frequent.

In response, dog owners were forced by events to organize. And organize they did. More than forty such groups centered on specific New York City Parks and scattered among the five Boroughs have been formed. In recent years, these groups have proliferated in almost every neighborhood of New York City. Within the last year, the pace has accelerated.

Unfortunately, the formation of most of these groups followed an archetype consistent with city living in that the majority were started by individuals most capable of affording donations and the time to dedicate to improving off-leash recreation availability for their dogs. Following a pattern known to most sociologists, these groups have expanded in number to include citizens of all economic strata.

In response to pressure brought by citizens and dog owner groups, the Commissioner endeavored to provide areas where dogs could be let off-leash under owner supervision to play together and with their owners.

Acting under authority of the City Charter and under the blessing of Mayors Koch, Dinkins, Giuliani, and now Bloomberg, the two Parks Commissioners have allowed dog owners to unleash their dogs at night –after 9 pm - in specific locations, and under specific rules of behavior. Despite this, most areas within parks remain off-limits to dogs.

It should be noted that City parks close at 1 am and do not open until 6 am, effectively shortening off-leash times by five hours daily. Still, the accommodation of dog owners in response to public pressure and community need has worked well.

NYCDOG does not dispute that a small minority of dog owners violate the Rule by allowing their dogs to run off-leash after 9 am or in areas that are off-limits. Still fewer fail to clean-up after their dogs.

NYCDOG contends that violation of the Rule is more reflective of individual, deviant behavior than of any failure of the Rule to fulfill public need and interest. People continue to litter despite anti-littering laws. People speed despite speed limits. People drink to excess and then drive despite DUI laws. And people commit acts of vandalism despite laws and reason. We do not restrict freedoms –nor should we- as the result of a few lawbreakers.

Furthermore, individuals with aggressive dogs and those who do not clean-up after their dogs will not alter their behavior whether their dogs are on-leash or off-leash. Again, NYCDOG contends that no discernable pattern of increased problems has resulted because of the Rule. The opposite is likely to be true.

With 1.4 million dogs, City streets and parks are remarkably free of animal waste and there have been few altercations between dogs and humans that required police intervention. A recent study reported in *The New York Daily News* reported that New York City is among the cleanest cities when it comes to animal wastes:

### **N.Y. dog lovers doo right**

When it comes to picking up after Fido, New Yorkers rank near the top of the pack.

Big Apple dog-owners ranked No. 6 among 15 big cities in a nationwide survey of pooper-scooper prowess, with 28% of city residents saying dog-owners are very responsible and 51% more are "somewhat" responsible.

San Francisco was No. 1, where only a remarkably small 2% said dog owners didn't act responsibly at all.

The cities where you're most likely to have to hopscotch over dog doo? Houston, Atlanta and Dallas.

The poop pickup poll was conducted by Merial to promote its medications that control heartworms and other intestinal parasites in dogs.

Originally published on May 5, 2006 NEW YORK DAILY NEWS

In the last forty years the number of reported dog bites has dropped. In the last ten it has dropped even more dramatically as reported by the New York City Department of Health. The New York City Health Department 2002 Annual Report indicates the following:

- Number of annual dogs bites in the 1960's > 40,000
- Number of dogs bites in 2003 < 8,000

In a span of approximately forty years, the number of dog bites was reduced by 500%. Note that the reported dog bites took place not just within City parks but throughout the City. And, as the history of bites throughout the nation shows, many bites are the result of non-violent dog interactions; ie owners breaking up fights between dogs, dogs startled by children, dogs protecting humans and/or property, and other non-malicious canine-human interactions.

The latest available New York City Health Department numbers (Health Trac February 2006) indicates that in fiscal year-to-date 2006 (eight months), there have been 3,432 *animal* bites (includes all animals, not just dogs; i.e. squirrels, rats, snakes, etc.) in all of the City.

Clearly, the Rule has not precipitated an explosion of dog bites throughout New York City.

Dog owner groups throughout the City have stepped forward to help improve conditions for dogs and their owners. They have simultaneously worked to establish rules of behavior and etiquette for dogs whether off-leash or on-leash in public areas (inside and outside of parks).



These groups have worked with Parks to do the following (not all-inclusive) things:

- Build and maintain dog parks and runs where appropriate.
- Establish off-leash areas in other parks.
- Reduce crime within and around parks.
- Plant trees and shrubbery within parks.
- Donate fencing, fountains, bag dispensers, waste receptacles, signs, flyers, and other amenities worth hundreds of thousands of dollars; and probably in excess of one million dollars.
- Create and operate events involving dogs within City parks such as parades, charity events, dog training, and picnics for dog owners and their pets.
- Remind dog owners to clean-up after their dogs and to report those who fail to respect our neighborhoods.
- Educate the dog-owning community that they bear the responsibility for their animals at all times.
- Educate the non-dog owning community that they need not fear dogs.
- Reduce the number of abandoned dogs.

It is well known that as the number of law abiding citizens within parks increases that the likelihood of serious criminal behavior decreases. Prospect Park Administrator Tupper Thomas has been quoted on numerous occasions stating that responsible dog owners have helped return City parks to a safe condition. Dog owners use parks day and night. Their presence has pushed criminals and would-be troublemakers out of parks.

The 9 am – 9 pm Rule promotes usage of City parks at hours when other users are least likely to be present. No athletic teams use fields during these hours with the exception of a diminimus number of lighted fields scattered in a few parks. Runners and bicycle riders drop-off as the sun sets. Picnickers are few except during concerts and other organized events. And casual users vacate the parks for the safety of their homes. Children and seniors are almost non-existent in most parks during those hours.

Almost like the village in the play *Brigadoon*, dog owners and their dogs ‘magically’ appear at night when the parks are least populated. They congregate in small groups creating pools of safety for all park users. As they walk into and out of parks, they provide avenues of safe passage for all park users.

### **JUNIPER PARK CIVIC ASSOCIATION AND DOGS**

Petitioners have mounted an effective public relations campaign to cast aspersion on the dogs and dog owners throughout the City. They have sought to portray dog owners as being irresponsible and dogs as dangerous.

In numerous published articles in myriad publications, Petitioner -and Petitioner Representative Robert Holden- has made *Disraeliesque* misrepresentations of fact and statistics. One need only read the official Juniper Park Civic Association web site to see numerous examples of hyperbole, misstatement, and outright lies. **See: <http://www.junipercivic.com/home.html>**

The latest issue of the *Juniper Berry*, the official publication of the Juniper Park Civic Association, includes a hysterical diatribe against dogs and dog owners in the Middle Village neighborhood. The substantiated facts do not support such views [See attached].

The NYC Parks Department reports that only two incidents have been reported in Juniper Valley Park involving dogs and humans since 2000. During those seven years, only two reports of problems involving dogs have been reported. One incident involved a Bearded Collie puppy nipping a middle aged woman who was *illegally* rollerblading on a park sidewalk as she passed the dog. The facts of the second incident are unknown and NYCDOG attempts to discover the details of that incident were unsuccessful. It is not known if either incident took place during the 9 am – 9 pm period or during hours when dogs must be kept on-leash.

NYCDOG does not dismiss the significance of any dog bites or non-bite altercations with humans. Each of our member organizations has published dog-owner generated rules of behavior for dogs and their owners whether off-leash or on-leash and whether in a dog park / run or park without such facilities. Each group self-regulates. Each group helps educate local citizens in proper human-animal interaction.

In response to Petitioner(s) claims of problems within Juniper Valley Park, Respondent(s) offered to construct a dog park / run within Juniper Park. In doing so, the Rule would be eliminated for Juniper Valley Park itself.

In response, Mr. Holden and other representatives of JPCA repeatedly and vociferously opposed the construction of any dog park within Juniper Valley Park despite the stated willingness of Parks officials to establish same within the park.

The nascent Juniper Park Dog Owners Group (a member of NYCDOG) was established to help resolve any dog related problems that might exist within Juniper Valley Park and to counteract the anti-dog public relations campaign waged by JPCA.

Though only formed in March 2006, The Juniper Park Dog Owners Group (made up of Middle Village taxpayers) has already sponsored two park clean-up events and donated doggie bag dispensers that have been installed by Parks within Juniper Park. At each event, the Dog Owners Group has distributed dog licensing forms, pamphlets with rules of behavior, and animal adoption information. Other events are already scheduled.

In response to the willingness of Parks to construct a dog park and the commitment of the Juniper Park Dog Owners Group to help build and maintain same, Petitioner(s) demanded that any dog park or run be constructed north of the Long Island Expressway; more than 1.5 miles north of the southern end of Middle Village in an area too distant and unsafe for either dogs or their owner families.

While professing not to dislike dogs or their owners, the site selected as appropriate by Petitioner(s) is, in fact, identical to a location cited by same Petitioner(s) in the June 2003 issue

of their own *Juniper Berry* publication as dangerous to human health due to noise generated by traffic on adjacent roadways:

Acting on a request from President Bob Holden and the Juniper Park Civic Association, Community Board #5 voted a request for a sound barrier on the southside of the Long Island Expressway from 69th Street to 85th Street. The JPCA has also been fighting to force the State Department of Transportation to make good on their promise to "Diamond Grind" the roadbed of the LIE as it passes through Maspeth and Middle Village. Several years ago the quieter asphalt roadbed was replaced with the much noisier concrete roadbed and combine this with more traffic from additional lanes and hundreds more diesel trucks an hour, and the situation is unbearable for those living near the LIE.

Congressman Anthony Weiner, newly appointed to the Transportation Committee, promised to explore ways to cut the excessive noise from the expanded expressway.

To put the noise volume definition into focus this may help - noise is measured in decibels (dBA). The U.S. Environmental Protection Agency's recommendation for protective noise levels is 55 dBA during the day and 45 dBA at night. Normal conversation is 60 dBA, while motorcycles register 90 dBA and rock concerts 140 dBA. Continued exposure to 100 dBA for more than fifteen minutes can put workers at risk of permanent hearing loss, according to the federal Occupational Safety and Health Administration (OSHA). Each increment of 10 dBA is perceived by the human ear to be a doubling of the noise level.

These numbers give you an idea of what we're dealing with when we talk about motorcycles, "souped-up" car engines, lawn mowers and blowers, car alarms and horns, barking dogs etc.

July 2003 Juniper Berry

The Juniper Park Civic Association, Inc., All Rights Reserved  
Mailing Address: PO Box 790275, Middle Village, NY 11379

Clearly, the insistence that dogs, dog-owners, and the children of dog-owners be forced to gather on an embankment of the Long Island Expressway in an area surrounded by light industrial and retail properties is evidence that Petitioner(s) wish to force all dogs out of Juniper Valley Park.

Having failed to persuade the public and elected officials that dogs have no place in Juniper Valley Park, Petitioner(s) is seeking an end-run through the Courts by misrepresenting the application of the Rule and its efficacy *over twenty years* within Juniper Valley Park and other New York City parks.

Petitioner(s) would use the Court to force elimination of the Rule in *all City Parks* to the detriment of the hundreds of thousands of dog owners who have no choice except to exercise and play with their dogs within City parks.

The effect of their “remedy” for a non-problem would be contrary to public interest and public policy.

Petitioner(s) Article 78 Mandamus to Compel would violate good public policy that has proven itself over twenty years to be working.

In newspapers, the JPCA web site, and on television, Petitioner(s) and Petitioner’s Representative, Robert Holden, have cited a recent, unfortunate event where an irresponsible dog owner failed to control his off-leash dog *after 9 am*. The dog attacked a smaller dog walking with its owner *outside* of a Maspeth, Queens park and both the small dog and owner were injured.

Petitioner(s) fail to recognize the aberrant nature of the event. The reason it received as much published press as it did was because of the isolated nature of the event.

NYCDOG condemns the owner of the attacking dog for failing to control his canine and violation of the 9 am – 9 pm Rule. We do not know if the dog was properly licensed, but if it was not, NYCDOG advocates further penalties against the owner for failing to obey the law.

Robert Holden is an official of an organized amateur sports group that helps maintain the ball fields at Juniper Valley Park. His contributions to the maintenance of the park are commendable.

However, his leadership of both the JPCA and within the (unspecified) sports league does not vest to him the authority or right to prohibit the legal use of Juniper Valley Park by law abiding dog owner taxpayers and their dogs. To convey to him and his organization said power would be against the public interest.

Mr. Holden was recently appointed as a Vice Chairman of his local Community Board. In his new capacity he will have the opportunity to do further good deeds. Or he can use it as yet an additional venue for his own campaign against dog owners and their pets who wish to use Juniper Valley Park.

The Court should not be used to cede control of Juniper Valley Park from the Department of Parks and Recreation to Petitioner(s) unelected, private organizations.

## JUNIPER VALLEY PARK, MIDDLE VILLAGE, QUEENS

At approximately 55.247 acres, Juniper Valley Park is a mid-size park within the City’s system of parks and recreation spaces. It is surrounded by a highly developed residential community that relies on the park for much of its recreational needs.

The park is developed with seven baseball/softball fields, an all-weather football field surrounded by an all-weather track, The Bohan Memorial Hockey Rink, eight tennis courts, two basketball courts and a children’s playground.

Despite the shortage of public monies to maintain and improve parks, since 1996 Juniper Valley Park has reaped the rewards of **\$8,843,427.00** in major capital improvements *without a single dollar dedicated for facilities for dog owners or their pets*. Capital improvements in recent years include:

JUNIPER VALLEY PARK	
Project Description:	JUNIPER VALLEY PARK (Q102)
Date Started:	Wednesday, Dec 14, 2005
Date Completed:	Wednesday, Apr 12, 2006
Total Budget:	\$273,846.00

JUNIPER VALLEY PARK	
Project Description:	JUNIPER VALLEY PLGD (Q102)
Date Started:	Thursday, Dec 08, 2005
Date Completed:	Wednesday, Apr 12, 2006
Total Budget:	\$70,347.00



JUNIPER VALLEY PARK	
Project Description:	UPPER JUNIPER PLGD & WADING POOL RECONSTRUCTION
Date Started:	Monday, Mar 28, 2005
Date Completed:	Tuesday, Dec 13, 2005
Total Budget:	\$1,158,000.00

JUNIPER VALLEY PARK	
Project Description:	FENCE WORK @ JUNIPER BALLFIELD (Q102)
Date Started:	Tuesday, Oct 07, 2003
Date Completed:	Monday, Jun 20, 2005
Total Budget:	\$9,500.00

JUNIPER VALLEY PARK	
Project Description:	WICKET FENCE @ JUNIPER VALLEY PARK (Q102)
Date Started:	Thursday, Jul 22, 2004
Date Completed:	Friday, Jul 23, 2004
Total Budget:	\$4,519.00

JUNIPER VALLEY PARK	
Project Description:	JUNIPER PARK (BRENNAN FIELD) - SYNTHETIC TURF ATHLETIC FIELD
Date Started:	Monday, Mar 17, 2003
Date Completed:	Thursday, Jul 31, 2003
Total Budget:	\$1,200,000.00

JUNIPER VALLEY PARK	
Project Description:	JUNIPER VALLEY PARK - BALLFIELDS
Date Started:	Monday, Apr 08, 2002
Date Completed:	Monday, Jun 16, 2003
Total Budget:	\$2,139,000.00

JUNIPER VALLEY PARK	
Project Description:	PLAY EQUIPMT, S.S. & SITE WORK @ JUNIPER VALLEY PARK (Q102)
Date Started:	Monday, Feb 04, 2002
Date Completed:	Wednesday, May 01, 2002
Total Budget:	\$59,995.00

JUNIPER VALLEY PARK	
Project Description:	JUNIPER PARK - BLEACHERS F/FIELDS 1 & 2
Date Started:	Monday, Dec 10, 2001
Date Completed:	Friday, Apr 05, 2002
Total Budget:	\$300,000.00

JUNIPER VALLEY PARK	
Project Description:	SITE WORK @ JUNIPER VALLEY PARK (Q102)
Date Started:	Monday, Jan 14, 2002
Date Completed:	Monday, Mar 25, 2002
Total Budget:	\$90,285.00

JUNIPER VALLEY PARK	
Project Description:	JUNIPER VALLEY PARK - WATER SERVICE
Date Started:	Monday, Sep 11, 2000
Date Completed:	Saturday, Aug 04, 2001
Total Budget:	\$251,000.00

Q102-05	
Project Description:	JUNIPER VALLEY PARK - BRENNAN FIELD RUNNING TRACK & BLEACHERS
Date Started:	Wednesday, Aug 02, 2000
Date Completed:	Thursday, Apr 26, 2001
Total Budget:	\$1,560,000.00

JUNIPER VALLEY PARK	
Project Description:	JUNIPER VALLEY PK. - ROLLER HOCKEY RINK
Date Started:	Monday, Aug 10, 1998
Date Completed:	Monday, Aug 16, 1999
Total Budget:	\$702,000.00

JUNIPER VALLEY PARK	
Project Description:	SIDEWALKS & PAVEMENTS @ JUNIPER VALLEY BALLFIELD #1 (Q102)
Date Started:	Monday, Mar 02, 1998
Date Completed:	Thursday, Oct 15, 1998
Total Budget:	\$107,245.00

JUNIPER VALLEY PARK	
Project Description:	JUNIPER VALLEY PK.BALLFIELDS @ 78 ST/75 PL.
Date Started:	Monday, Jul 01, 1996
Date Completed:	Monday, Oct 20, 1997
Total Budget:	\$876,000.00

JUNIPER VALLEY PARK	
Project Description:	INSTALLATION OF SAFETY SURFACE @ JUNIPER VALLEY PLGD. (Q102)
Date Started:	Wednesday, Aug 28, 1996
Date Completed:	Sunday, Jun 16, 1996
Total Budget:	\$41,690.00

Source: [http://nycgovparks.org/related\\_information/related\\_information.php?pIDs=Q102&MD=CAP](http://nycgovparks.org/related_information/related_information.php?pIDs=Q102&MD=CAP)

The good condition of Juniper Valley Park in large part is due to the responsiveness of New York City and its Parks Department to the needs and desires of the surrounding Middle Village neighborhood. Despite the lack of facilities for dog owners and their pets no evidence of rampant damage by dog owners and their pets is to be found in Juniper Valley Park.

Additionally, in their public pronouncements, one of innumerable reasons posed by Petitioner(s) in opposition to the construction of a dog park within Juniper Valley Park is their claim that it would draw citizen dog owners from surrounding areas.

We need not remind Petitioner(s) that Juniper Valley Park is owned by *all* taxpayers and citizens of New York City. It is not a private playground reserved for only Middle Village. Incidentally, there is absolutely no evidence showing that dog parks draw many users from distant locations.

Public and published records clearly do not support the need for the Court to countermand public policy in the form of the Rule as established by the City of New York through its Parks Commissioner.

## **INAPPROPRIATE ARTICLE 78 PETITION (MANDAMUS TO COMPEL)**

NYCDOG recognizes that the Court is not a venue for compromise whereas it is an appropriate vehicle for justice. NYCDOG does not abandon its right to seek court relief when appropriate.

Instances are numerous where the Courts were the only forum citizens could achieve justice when a majority controlled all other public bodies. Sometimes it has taken a lone, African American woman to force the nation's transportation systems to treat all citizens equally. At other times it has been a high school student requiring the intervention of the Courts to attend a public institution of higher education. NYCDOG respects and admires the history of the US judicial system that has helped expand individual rights and to protect those of minorities when oppressed by majorities.

NYCDOG does not see the Petitioner(s) as having any resemblance to an oppressed minority or properly aggrieved individual. Anecdotal reports are not evidence. Twenty years of successful application of the Rule along with the absence of reported violations of the law are.

## **NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION DOG POLICIES**

As stated in the introduction of this Memorandum, NYCDOG as *Amicus* does not wholly endorse the policies of the Department of Parks and Recreation. We concur with one statement made in Petitioner(s) application: “It is clear that just because the application of the law requires the agency to use its discretion does not insulate that agency from judicial scrutiny.”

Petitioner(s) misstate themselves when they also say “What has been lost on the Respondents is that they are duty-bound to perform their obligations under the law, regardless of whether they may exercise their discretion in doing so.”

NYCDOG contends that the New York City Charter gives the Commissioner of Parks the right to establish the Rule and policies that “have the effect of law.” He, and his predecessors, has done so.

In exercising discretion, Parks Commissioner after Parks Commissioner has determined that public policy is best served by recognizing the owners of 1.4 million dogs in New York City as having the right to use public facilities; parks.

While lacking the funds to build or create designated areas appropriate in size to the need, the Commissioner has sought a compromise that, while imperfect, has worked and continues to do so with increasing efficacy as shown by decreased numbers of animal bites, increased adherence

to clean-up laws, and increases in dog-owner contributions (both monetary and volunteer) to Parks.

Petitioner(s) list what they call “numerous alternatives for the Respondent.” They offer to the Court that “...the Respondents could change the law.... Respondents could give away its enforcement power over Public Health Law §161.05 to the Department of Health...and (sic) it could amend its own rules and regulation.”

Nowhere do Petitioner(s) acknowledge that Parks has, for years, offered to create a reasonably sized dog park of approximately 1.0± acre within Juniper Park where dogs could run freely within the confines of a fence [See attached]. Instead Petitioner(s) seek absolute control to force dogs and their owners out of Juniper Park. NYCDOG contends that this omission of options and failure to pursue same has forced the creation of the environment where JPCA is at odds with dog owners.

As attachments show, the area proposed by the Juniper Park Dog Owners Group and unofficially accepted by the Queens Park Administrator is an area of Juniper Valley Park most distant from nearby homes, unusable for any team events, and surrounded by paved pathways that would allow required vehicle access by Parks and Police.

Petitioner(s) oppose all workable compromises offered by Parks. This is in the face of changing public perception of dog parks, including:

In June 2006, Community Board 2 in Queens voted to approve the construction of a small dog run in Torsney Park at the corner of Skillman Ave. at 43rd St. in Sunnyside Queens. They voted to delay a final vote pending more research on another dog run proposed for Sherry Park in Woodside, Queens.

Freedom Run in Little Bay Park, Throgs Neck, Queens was begun as an experiment following a protracted fight between dog owners and community activists. Following the experimental period, the local Community Board and civic association voted overwhelmingly to make the dog park a permanent park fixture and the local Councilperson has earmarked funds for upgrading.

K9 Korral in Forest Park, some two miles south of Juniper Valley Park, was established in an abandoned Police Horse Corral. The use of the facility was hampered by its poor condition but nearly 1,000 Forest Park area residents signed-up as members of a group dedicated to improve the space. Use soared. Consequently Parks has allocated funds to upgrade the facility and to make it appropriate for dogs (and not horses) including grading, water fountains, and surface materials.

Prospect Park in Brooklyn cannot accommodate a dog park large enough to adequately serve the surrounding communities. Instead, the off-leash Rule continues to be applied there. This park is now the nation's largest and most successful urban, off-leash park as evidenced by the literally hundreds of dogs



and owners who daily use the areas designated for off-leash recreation. On Friday, June 23<sup>rd</sup> approximately 1,000 dogs and their owner-*families* participated in their annual “Pupnic” – an evening of shared dinners and off-leash events for dogs. Clearly the Commissioner’s policy is working here but it is endangered by Petitioner(s) motion.

Central Park is visited by more than 22 million people annually; a number greater than visitors to Disneyland<sup>®</sup> in Anaheim, California. The Landmarked park is likely used at the highest user-to-acre ratio of any City Park. The off-leash Rule works in Central Park with dog owners congregating in small sections of the 845 acre expanse every night and every morning, all the while surrounded by runners, bikers, pedestrians on the way to work, children in playgrounds, and innumerable tourists meandering amid the urban oasis. To deny these tens of thousands of citizens the right to continued off-leash recreation in the park is beyond any conceivable interest of Petitioner(s).

## **PARKS AND RECREATION DEPT. POLICY ON DOG RUNS WITHIN PARKS**

NYCDOG opposes Respondent(s) policy regarding the construction and maintenance of dog runs within City parks which is stated on the official NYC.gov Parks Department as follows:

**“Given that these dog runs are dedicated to user groups, the maintenance and enforcement of rules in the runs are up to the users.”**

Dog owners are, to the best of our knowledge, the only New York City citizen user groups required to pay-for the construction and maintenance of facilities specifically designated for use by dog owners.

Ball players do not pay for ball fields despite the enormous cost to construct and maintain fields. Bikers do not pay for bicycle lanes. Parents do not directly pay for playground spaces. Tennis court users pay nominal fees that do not cover the cost to construct and maintain courts. Runners do not pay for tracks. Yet dog owners must pay to construct and maintain dog runs and dog parks in those parks that have them or where they are wanted.

NYCDOG considers this to be policy in contradiction to both the needs and rights of dog owners. Regardless, neither NYCDOG nor any of its member groups have sought injunctive relief to compel Parks to spend its limited resources on dog owner facilities.

In fact, despite the use of parks by dog owners, these owners have been treated less than equitably when compared to the number of ball players who command *exclusive* use of vast portions of public parks and a disproportionately high share of the Department budget.

NYCDOG will continue to press its arguments before legislative bodies and to educate the public and its officials about the need for designated areas of appropriate large size and amenities for dog owners and their pets.

In public statements, Petitioner(s) representative has claimed that *all* dog parks within City parks are in disrepair. Evidence shows otherwise. He goes on to name several dog runs / parks within Queens Parks as examples of disrepair and poor maintenance.

Instead of seeking Court intervention, Petitioner(s) would better serve the citizens of New York by advocating the allocation of public funding for the construction and maintenance of dog-specific facilities on par with ball fields and in proportion to the use of parks by the owners of the City's 1.4 million dogs.

This is a public policy and funding debate best conducted before the Mayor and City Council and within City Agencies and Departments.

## CONCLUSION

Petitioner(s) seek to use the Courts to accomplish what is more appropriately addressed in other venues and before other public agencies. NYCDOG opposes Petitioner(s) Article 78 Petition (Mandamus to Compel) Parks to change the Commissioner's policy on off-leash hours for New York City dog owners and their pets.

Having quoted Benjamin Disraeli and St. Thomas More, we conclude with two quotes by noted Irish author Thomas Moore.

The relationship between dog owners and their pets can best be described as "A friendship that like love is warm; A love like friendship, steady."

And finally when it comes to the animus shown by Petitioner(s) towards their fellow citizens and dog owners "Those who plot the destruction of others often perish in the attempt."

Dated: June 26, 2006

Respectfully submitted,

Robert A. Marino  
President  
New York Council of Dog Owner Groups  
P.O. Box 330 Planetarium Station NYC NY 10024  
Info@NYCdog.org / www.NYCdog.org

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

<b>IN THE MATTER OF THE APPLICATION OF the JUNIPER PARK CIVIC ASSOCIATION,                     Petitioner,                      - against -  THE CITY OF NEW YORK, ADRIAN BENEPE, COMMISSIONER, NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION, and the NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION                     Respondent(s).</b>	) <b>Index No.:</b> _____ ) <b>ARTICLE 78 PROCEEDING</b> ) ) ) <b>(Mandamus to Compel)</b> ) ) ) ) ) ) ) ) )
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**MEMORANDUM OF  
NEW YORK COUNCIL OF DOG OWNER GROUPS [AKA NYCdog],  
AS AMICUS CURIAE  
IN SUPPORT OF RESPONDENT(S).**

**FOLLOWING ARE ARTICLES AND EXCERPTS OF SAME RELATING TO  
PETITIONER(S) MOTION**

**AND**

**LETTER FROM NYCDOG TO PETITIONER(S) SEEKING COMPROMISE  
RESOLUTION OF PERCEIVED PROBLEMS IN JUNIPER VALLEY PARK**

**AND**

**DVD OF OFF-LEASH RECREATION WITHIN PROSPECT PARK, BROOKLYN.**





## New York Council of Dog Owner Groups

P.O. Box 330 Planetarium Station NYC NY 10024

Info@NYCdog.org / www.NYCdog.org

*The Nation's Largest Dog Owner Group Representing over 20,000 dog owners and 20 Dog Owner Groups in New York City*

March 24, 2006

Re: Dog regulations and recreation

Attached is a letter we sent to the Juniper Park Civic Association regarding their pending lawsuit against the Parks Department's policy to allow off-leash, dog recreation in City Parks from 9pm – 9am. The heated meeting of the Civic Association did not permit a reasoned discussion of the matter. Unfortunately, dog owners were almost shouted out of the room by the chair. We do not want to engage in attacks on any person or group. In fact, we applaud those who volunteer to help their communities and others regardless of the vehicle chosen.

NYCdog would like to help Middle Village / Maspeth dog owners to organize and to work with other local groups to arrive at an amicable solution to the perceived problem of unleashed dogs. This can only happen if we all work together, actually listen to one another, and accept that some people regard their dogs as family members while others do not have similar feelings.

The NEW YORK COUNCIL OF DOG OWNER GROUPS (NYCdog.org) was born of cooperation between two dog owner groups, founded by an alliance of seven groups, and now includes 20 groups throughout New York City representing over 20,000 dog owners, and growing. NYCDOG was founded to unite dog owners and dog owner groups throughout New York. We are dedicated to improving our communities by promoting the establishment and maintenance of humane off leash recreation opportunities, responsible dog ownership and respectful park stewardship.

We hope you will work with us –and invite us- to help arrive at a solution that pleases all parties.

Sincerely,

Robert A. Marino  
President NYCdog

My direct contact information  
212.873.0006 (work and home)  
RAMnyc2000@yahoo.com  
110 West 90<sup>th</sup> Street  
New York, New York 10024-1222



## New York Council of Dog Owner Groups

P.O. Box 330 Planetarium Station NYC NY 10024

Info@NYCdog.org / www.NYCdog.org

*The Nation's Largest Dog Owner Group Representing over 20,000 dog owners and 20 Dog Owner Groups in New York City*

March 23, 2006

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Re: Dog regulations and recreation

Dear Members:

I apologize for not being able to attend your meeting of March 23<sup>rd</sup>. I was notified of the meeting last night after having read the *New York Post* article that said your association would be suing the City of New York and Parks Department in an effort to overturn the 9-9 off-leash rule in force in many of the City parks.

It is not my intention to tell you what to do. Nor am I writing as some privileged Manhattanite who does not understand your community. In fact, I was born in East New York and spent my childhood in lower Cypress Hills. I still remember playing in Highland Park and discovering the thrill of riding my bicycle down cemetery hill (of course, not realizing the dangers). I know your area quite well and am sympathetic to many of the issues raised in the current dispute.

The purpose of this letter is to invite *constructive* communication that may help resolve the issues you are facing. It is my belief that a common ground exists that will not only clear-up problems but will enhance your community in the process.

### **DOGS AND NEW YORK CITY**

First, please allow me to comment on dogs in New York City.

There are currently over 1 million dogs in New York City. That averages out to more than one dog per every four homes. Over the last fifteen years, dog ownership has increased over 33% in the nation and region.



There are more dog owners than there are runners, baseball/softball/football/soccer players, and any other recreational users in our park system. Only walkers and casual users number more.

Despite this astounding figures, the number of dog bites has decreased from over 40,000 per year in the 1960's to less than 8,000 per annum in 2003; the last year for which figures were available from the Department of Health. Many, if not most, of those bites were the result of owners breaking up dog on dog fights, puppies biting children in their own homes, and inevitable accidents between dog owners and their pets. The instance of dogs biting strangers is quite low.

Dog owners who walk their dogs in city parks have actually helped lower crime rates. Yes. This is true. Dog owners have used the parks when they were unkempt and in disrepair. They use the park during dark hours. They bring life to lonely areas and in doing-so have pushed out criminals and helped return our parks to usability.

Despite falling budgets, the Parks Department has managed a virtual Renaissance of many of our parks. Today, as neighborhoods improve and people return to the joys of urban life, our parks are once again blooming –often literally. Inspired leadership has helped turn worn-out areas into vibrant lawns, recreation areas, and dog parks.

### **DOG OWNERSHIP HAS CHANGED**

As a society, we have become more educated about dog ownership. While far too many animals continue to be abused, abandoned, and ignored, society as a whole has come to understand that dogs (and cats) are living beings worthy of respect and that they have particular needs inherent to their natures.

When I was a teenager, it was accepted practice to keep dogs penned in private yards. We thought this was humane. Today we know that dogs are social creatures and must be exposed to other dogs and people or they will become neurotic, territorial, or even vicious. Penned dogs are imprisoned dogs.

Before anyone claims that dogs do not belong in the city, please note that the latest objective studies show that New York City dogs are the longest lived dogs in the nation and world. The quality of care is among the best here.

Well behaved dogs are socialized. Responsible dog owners socialize their dogs.

### **JUNIPER PARK**

As you know better than I, Juniper Park is a bit more than 55.00 acres in size. It is highly developed far beyond other parks of its size. Much of its area is taken up by playgrounds, tennis courts, ball fields, and a track.

Despite this, there is ample area for a dog run of at least one acre in size. Studies have shown that a dog park of one acre is ideal for an area such as yours.

Before you all jump up in amazement, please allow me to explain.

An acre seems large until it is compared to established areas of your park. The main oval in Juniper Park has four ball fields on over 9.0 acres of land. Your eight tennis courts occupy approximately one acre.

Your association opposes the construction of a dog park. I am not familiar with your reasoning though I might be able to guess based on similar arguments in other areas that had initially opposed –but later come to embrace- dog parks within their local parks.

- One of the major reasons citizens have opposed dog parks is the mistaken belief that “strangers” from outside the area will use the area. This simply does not happen to any appreciable degree. People do not use the parks (runs; as many call them) to train vicious dogs. The presence of local dog owners keeps the parks lively and helps establish local standards of behavior.
- Many dog owners oppose dog runs in the mistaken belief that they are unhealthy. This could not be more incorrect. Dog parks are as safe and healthy as any areas of our parks. Since they are specifically designed for dogs, they are safer, in fact.
- If a dog run is large enough, there is ample room to throw balls for dogs and to allow dogs to play together off-leash.
- Parks of one acre can accommodate shaded and unshaded areas. They can support water fountains and even water areas for dogs to play in during hotter weather.
- Well designed parks include fenced areas for smaller dogs so they can play apart from larger dogs when appropriate.
- They have seating for dog owners so they can get to know one another while responsibly overseeing their dogs.
- They provide clean, safe receptacles for waste.
- They prohibit picnicking and other forms of human behavior that are contrary to responsible and safe dog play.
- And they create a community of dog owners that will help maintain the *entire* park while self-enforcing responsible dog ownership throughout the *entire community*.
- Of course, each park and neighborhood must be approached with consideration for specific needs. Potential noise is always a concern. Proper siting and design with landscaped buffers and berms can alleviate any potential noise problems during early and late hours of usage.

Juniper Park can accommodate a large dog park. In fact, with your active support, it can become the model for dog parks in all New York City Parks. Imagine similar parks in Forest and Highland Parks! It can happen.

NYCdog is prepared to help organize and train local dog owners and to work with Parks to design and build the City’s premier dog park in Juniper Park. I can envision a day when AnimalPlanet® and other media outlets feature your park as an example for the rest of the nation.

NYCdog is the nation's first affiliate outlet for the excellent book *So You Want To Build A Dog Park*. This book was written following years of study by architects, engineers, dog groups, park users and park managers. We know how to build coalitions to help maintain these areas once they are built. We know how to help these coalitions devise proper rules for dog ownership and how to teach others to abide by them. We know how to work to make our neighborhoods better.

One of our members at Tompkins Square in the Lower East Side of Manhattan just won an award as one of the nation's top dog runs for small areas; an area far, far smaller than Juniper Park.

Another one of our members, Fido in Brooklyn, helps maintain the largest off-leash dog fields in the City of New York and has been featured in publications throughout the world.

Other members recently helped initiate the construction of a dog park in Morningside Park and are planning another in St. Nicolas Park. The Cooper Park run in Williamsburg has helped transform the area, and though it is too small, it is working.

### **OFF LEASH RULE**

Your park is highly developed. While I am sympathetic to those who want to maintain the off-leash rules, it might no longer be practical in your area. However, your lawsuit threatens other areas where the off-leash rules are successfully working such as Prospect and Central Parks.

A protracted legal battle would only pit dog owners and lovers against the rest of the community. This is not the way to build a community of disparate interests and backgrounds.

I personally fear that in retaliation some citizens will want to limit the construction and maintenance of ball fields since per user, ball fields take up more space than almost any other form of recreation.

We often say that at the end of every leash is a voter. With one million dogs and approximately the same number of voters at the ends of their leashes, this could become a politicized situation. **WE DO NOT WANT THIS.**

No one wants to pit park users against one another. Together we can build better parks, better communities, and stronger neighborhoods of friends who love this city. We dog owners also play ball. We have children who use the parks. We like to picnic. We run. We play tennis. We are just like you! We cried with you on 9/11 and are determined to make New York City the world's greatest, safest, most livable urban environment.

## WORKING TOGETHER

When growing up in East New York / Cypress Hills, my parents dreamed of moving to Middle Village or a similar area. They knew that then –as I do now- that the community is special in more ways than I can express in this short letter.

As the president of NYCdog, I do not want to see a protracted and nasty battle that will surely divide your community.

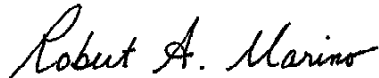
Though I could not be with you tonight, I am requesting the opportunity to bring together members of your civic association and NYCdog to arrive at a workable solution. We will not impose ourselves on you. Instead, we want to work for a way to create a better community for citizens and dogs.

Please do not vote to proceed with any lawsuit until you give us a chance to work with you and your local dog owners. A short postponement will not prevent you from proceeding should you wish to do so in the future. However, it will give you time enough to help make Juniper Park even more special than it already is.

I have had the pleasure of reading about your civics association via the internet. I enjoyed the article on The Slocum disaster and sympathize with your problem of overdevelopment. Please do not make your perceived problem with dogs become another disaster for the entire City.

I hope to hear from you soon and genuinely appreciate the opportunity you have given NYCdog to introduce ourselves through this letter.

With much respect,



Robert A. Marino  
President NYCdog

My direct contact information  
212.873.0006 (work and home)  
RAMnyc2000@yahoo.com  
110 West 90<sup>th</sup> Street  
New York, New York 10024-1222

<p>Mayor Michael R. Bloomberg City Hall New York, NY 10007 FAX (212) 788-2460</p>	<p>Christine Quinn Speaker City Council of the City of New York: City Hall New York, NY 10007 District Office Phone No.: (212) 564-7757 District Office Fax No.: (212)564-7347 <a href="mailto:quinn@council.nyc.ny.us">quinn@council.nyc.ny.us</a></p>	<p>Adrian Benepe Commissioner New York City Parks Department The Arsenal Central Park 830 5th Avenue New York, NY 10021</p>
<p>Dennis P. Gallagher Councilmember</p> <p>District Office Address: 78-25 Metropolitan Ave, Middle Village Middle Village, New York 11379 District Office Phone No.: (718) 366-3900 District Office Fax No.: (718) 326-3549</p> <p>Legislative Office Address: 250 Broadway, 17th Floor NY, NY 10007 Legislative Office Phone No.: (212) 788-7381 Legislative Office Fax :gallagher@council.nyc.ny.us</p>	<p>Office of the Queens Borough President, Helen M. Marshall 120-55 Queens Boulevard Kew Gardens, NY 11424 1-718-286-3000 1-718-286-2656 TTY info@queensbp.org</p>	<p><i>Queens Chronicle</i> MARK I PUBLICATIONS, INC. Mailing Address: P.O. Box 74-7769 Rego Park, N.Y. 11374-7769 Street Address: 62-33 Woodhaven Blvd. Rego Park, N.Y. 11374-7769 Tel: (718) 205-8000 Fax: (718) 205-0150 e-mail: Mailbox@qchron.com</p>
<p><b>C.B. 5</b> Ridgewood, Maspeth, Glendale, Middle Village, South Elmhurst 61-23 Myrtle Avenue Glendale, New York 11385 1-718-366-1834 Fax: 1-718-417-5799</p> <p>Vincent Arcuri, Jr., Chairperson Gary Giordano, District Manager (Monthly Meeting: 2nd Wednesday)</p>		



## **CITIZENS UNLEASH PARKS SUIT**

By STEPHANIE GASKELL

*March 22, 2006* -- The city will be slapped with a class-action lawsuit for allowing dogs to run without leashes in parks and bite New Yorkers, sources told The Post yesterday.

The Juniper Park Civic Association in Middle Village, Queens, has notified city officials it plans to bring a lawsuit next week.

The group claims several people have been bitten because Parks Commissioner Adrian Benepe has an informal policy of allowing dogs off their leashes between 9 p.m. and 9 a.m.

"At these hours when the parks are lightly used and there are few enforcement officers available, this policy balances the needs of half a million dog owners who need to exercise their animals and the other park users," Benepe responded.

Benepe said he would enforce the rule if the city can build a dog run in that neighborhood, but the Juniper Park Civic Association has said it doesn't want one.

"This is a form of civic blackmail," wrote JPCA member Lorraine Sciulli in the group's newsletter. She said there have been several recent dog attacks in the area.

## Civic wages war On man's best friend 03/30/2006

[http://www.timesledger.com/site/news.cfm?newsid=16403514&BRD=2676&PAG=461&dept\\_id=542859&rfi=6&xb=hakiz&xb=wipam&xb=soqoj](http://www.timesledger.com/site/news.cfm?newsid=16403514&BRD=2676&PAG=461&dept_id=542859&rfi=6&xb=hakiz&xb=wipam&xb=soqoj)

### **Some people like dogs. Some people, such as Bob Holden, the president of the Juniper Park Civic Association, don't.**

When some people think of dogs they envision a Norman Rockwell picture of happy children playing fetch with man's best friend. They see a faithful pal who comes running with tail wagging and ears flapping.

Not Bob. "Dogs can kill," he says, "they can maul and, at the least, they can intimidate - they should be kept on leashes."

President Bob and his association are adamantly opposed to creating a fenced-in dog run in Middle Village. They are equally opposed to a change in the city code that allows dog owners to let their dogs run off leash in some city parks between the hours of 9 p.m. and 9 a.m. And in fact Bob is considering taking the city to court to get the dogs back on their leashes.

Bob makes the Grinch look warm and fuzzy.

On the issue of the dog run, President Bob is flat out wrong. In urban environments where few people have large fenced-in yards, dog runs represent an excellent compromise between those who love dogs and those who would rather keep their distance. With any privilege comes responsibility. One of the conditions of using a dog run is that the dog owners cleanup Fido's waste. Most dog runs provide "poop bags" and a place to deposit the bags. Most dog runs are well maintained by pet owners who are grateful to have a place where their dogs can run. The runs are not unsanitary, nor are they dangerous.

Bob is equally wrong in his opposition to allowing dogs to run off-leash in parks in the early morning hours. His fears are unfounded. The change in policy has been in place for several years without causing significant problems. It goes without saying that people who own vicious dogs can never let their dogs run off-leash in a park, dog run or other public space. Likewise owners are expected to clean up after their pets whether they're on-leash or running free. If they don't should ticketed.

The city's parks belong to everyone. They should include space to sit quietly and reflect, space for children to play and a place for those who want to enjoy their pets.

## Dog Pals Offer to Take Civic for a Walk

By Phil Guie **Dateline : Thursday, April 13, 2006**

<http://www.queensledger.com/StoryDisplay.asp?PID=1&NewsStoryID=3505>

Two weeks after engaging in a shouting match with dog lovers, Juniper Park Civic Association President Bob Holden has not backed down from his stance of keeping canines out of public parks. Dog advocates, meanwhile, have stepped up their efforts to change his mind by offering to show him some of the city's better dog runs. Bob Marino, who serves as President of the New York Council of Dog Owner Groups, was unable to attend the March 23rd general membership meeting, during which Holden initially denied opponents the chance to address the public, and was the recipient of some harsh name-calling as a result. Marino sent a memo in his stead, urging Holden to postpone his lawsuit against Commissioner Adrian Benepe of the New York City Parks Department. The lawsuit accuses Benepe of failing to enforce an NYC health code by not enforcing leash laws in public parks at all times.

Both parties spoke on the phone with each other several days afterward. According to Marino, it was during their conversation that Holden agreed to the tour. "When we originally spoke, he said he was willing to go with us," Marino said. "There was no specific time and place scheduled, but Bob Holden said 'I'd be interested in the showing.' We were hoping to show him Thompson Square in Manhattan and possibly one other."

When reached by phone, however, Holden claimed no knowledge of any planned visit to a dog run. "Nobody called me. Nobody e-mailed me," he said. "This is the first I'm hearing about it." The Ledger called Holden back with the approximate date of the conversation, which was provided by Marino. The civic association president said that he recalled speaking to the dog advocate, but denied agreeing to any tour.

"We spoke a week ago," he said. "Robert Marino asked me to reconsider the lawsuit. We also spoke about the condition of dog runs in Queens County. I said that 90 percent of them were horrendous, and he agreed. He said he would try to contact Commissioner Benepe about a compromise. That was the last I heard from him." Holden would not say whether he could be enticed to visit more public dog runs outside of his home borough, and said that Marino should call him personally if he wants to discuss any such activity.

If Holden decides to push ahead with the lawsuit without first doing more research, it would be a rolled-up newspaper to the noses of dog lovers, who seemed to view the tour as their best bet to influence his decision. Marino, who works as a self-employed real estate consultant, sounded optimistic that Holden could still be convinced to go along.

"If I was led to believe that Bob Holden could not be shown proof that good dog runs exist and that dog runs could be better, I would not be approaching him," he said. Then he spoke enthusiastically about the dog park in Thompson Square, which he said could be a model for the one-acre park that advocates would like to see in Juniper Park.

"Let me tell you about Thompson Square Park, which Bob Holden has not seen," Marino said. "It's 18,000 square feet... It won an award for one of the best small urban dog parks in the nation, and received a \$10,000 gift as a result. It has a small dog area. It has chips that you can sprinkle around to help clean it up. It has doggie bags. Benches have been brought in so people can sit and chat while monitoring their dogs. [It has been] incredibly successful."



Marino attributed the park's success to the involvement of the community - something he said is not so common in Queens. "The problem with Queens is that it's a community with many private homes, and many people tend to be private with their own lives," he said. "It's easier when you go to the park [to have your behavior policed]." He pointed to Forest Park, which is adjacent to Woodhaven and Kew Gardens, as an example of what can happen when a community does come together. "The community organized around Forest Park," he said. "They had 600 members who, alongside the Parks Department, were working together to improve dog parks for everyone." Having seen his fair share of dog runs in parks, Marino did not dispute Holden's comment that the run he saw was "a fence with dirt." He said that sub-par dog runs do exist, and used Flushing Meadows Park as an example. "The Parks Department did not create an adequate dog park there. They created a dog run, but not a dog park. There were a lot of neighborhood dogs, and Parks [Department] felt it was better to put up a fence than to have nothing. And they were right. But originally, in Flushing, they did not have an organization working to better the park." Organized citizens, he argued, could keep in check those owners who fail to pick up their dogs' feces, who threaten to turn beautiful parklands into public pet toilets. "The dog owners realize that... there are dog owners who don't follow the rules, and they would like to remind them that respect is a two-way street," Marino said. He offered up the Juniper Park Dog Association, whose membership consists of between 40 and 50 dog owners, as an example of a local community group that effectively polices its own. As of press time, Marino said that the New York Council of Dog Owner Groups, or NYC Dog, hopes to continue working with the civic association and Queens Parks Commissioner Dorothy Lewandowski to develop a reasonably-sized dog run in Juniper Park. In the meantime, they can probably rule out the support of Council Member Dennis Gallagher, whose office recently sent a letter to Lewandowski reminding the Parks Department that Community Board 5, private citizens, and the Queens Civic Congress have voted against a Juniper Park dog run, and have voted to enforce leash laws at all times in public parks. Gallagher also expressed disappointment that the Parks Department has made no effort to obtain a small area of land at 57th Ave and 80th St., which he said would make an ideal location for two dog runs, from the state. "I will gladly advocate for City Council funding for the development [at that location]," he stated. "The location would not interfere with any other usage as it would in Juniper Valley Park and is a mere few blocks away from the park itself." Marino, however, argued that any prospective site must satisfy the particular expectations of both dog owners and non-owners. "What sites meet the criteria to handle the proper number of dogs that use the park?" said Marino. "We have to make sure this is not something that creates noise for neighbors or creates disturbances for someone nearby. We would prefer somewhere in the middle of [Juniper] Park, so that it's easy to get to for everyone, and far enough away from people's homes. [But] we're not going to say, 'This or nothing.' That would not be fair." And of course, there is the matter of that lawsuit. Along with his argument that dogs off the leash in Juniper Park would be a menace, Holden has also accused Parks Commissioner Benepe of trying to pull an end-run around residents by not bringing the issue before the community board in the first place. "Everyone is saying that the civic association doesn't want a dog run, but we have nothing to do with dog runs," he said. "If a group wants a dog run, it goes through the community board. Any city agency should go through the community board, and that's not what's going on here. Our stance is that we just want Benepe to enforce the [leash] law."

## **Sit, Robert, sit**

04/06/2006 *Queens Times Ledger*

### **There he goes again.**

Robert Holden, the petulant president of the Juniper Park Civic Association has turned up the heat in his crusade against the city's dogs and their owners. We can only hope that his bark is worse than his bite.

We commented in last week's issue on Holden's campaign to prevent the creation of a dog run in Juniper Park and his threat to sue the Department of Health for allowing dogs to run off leash in city parks from 9 p.m. until 9 a.m. Clearly, Mr. Holden has too much time on his hands.

Then Mr. Holden invited Mayor Bloomberg to a meeting of the civic association where he presented him with a plaque honoring him for his help in blocking the Cross Harbor Tunnel Project. After Hizzoner left, Holden reiterated his opposition to the dog runs and the relaxing of the leash law. He said he is now ready to go forward with the lawsuit and, he says, he has the signatures of all 100 members of the Civic Congress.

With all due respect, we doubt that. Show us the signatures, Mr. Holden.

But if 100 community leaders did sign this resolution, then 100 civic leaders were wrong. The dog runs and the easing of the leash are a good compromise between those who love dogs and those who don't.

No matter what, this isn't an issue for the courts. Since this is a democracy, let the people decide. Why not put the issues of the dog runs and the amended leash law up for a vote in the November election. We're guessing the anti-dog contingent will find themselves a small, albeit noisy, minority.

*Queens Times Ledger*

## **The Civic Scene: Civics agree to back Juniper in dog lawsuit**

By Bob Harris 04/06/2006

**The Juniper Park Civic Association, Middle Village, came to the March meeting of the Queens Civic Congress to present its long-standing concern over the fairly recent New York City Department of Parks & Recreation rule which permits owners to let their dogs run free between 9 p.m. and 9 a.m. in public parks. Juniper Park Civic President Bob Holden brought a "Dog Owner's Guide" issued by Parks Commissioner Adrian Benepe listing 15 citywide and park rules concerning dogs.**

One of his rules is the Courtesy Off-leash Hours, which is of concern to Holden and the civic. However, Holden quoted 161.05 of the City Health Code which states that dogs are not permitted to be loose in a public place, must be on a six-foot leash and the owners must clean up after their pets. An article in a July 2, 1962 issue of Newsday and in the March/April issue of the Juniper Berry, the civic's quite large newsletter, discussed the issue. The civic is so unhappy with the answers it has received from the Parks Department that it has decided to sue over the issue of the unenforced leash law.

Juniper Park Civic is concerned because children going to and from school and adults going to work or running for recreation are often in Juniper Valley Park prior to 9 a.m. There is concern that unleashed dogs can defecate when and where they want to.

Owners are often many yards away from unleashed dogs and sometimes stand and talk to other dog owners whose dogs form packs which run and play together. Since little children play on the grass and since there are Little League and Peewee League fields, there is the possibility that dogs will relieve themselves where the children and even adults play without the dog owners picking up the feces.

The Juniper Berry has a full page story by Lorraine Sciulli about the unenforced leash law. It states that the insurance industry has identified several breeds of dogs that have a strong propensity to attack. Anything from a leaf falling to a child or exerciser running can set off an attack.

Dogs in a pack tend to attack more quickly. Dogs which tend to attack are usually male and the breeds include the husky, Akita, German shepherd, pit bull, Rottweiler and the chow. The Juniper Berry article states that these very breeds are loose in the mornings in Juniper Valley Park.

Parks has answered the Juniper Park Civic by saying that they would enforce the leash law in Juniper Valley Park if the civic would accept a dog run. The civic complains that the park is too small for a dog run, plus the area proposed is a historic place which volunteers have spend years making beautiful. Juniper Valley Park activists have visited dog runs in other parks and Holden

says that they are not impressed by them.

There is a dog run on the western edge of Cunningham Park along 193rd Street near Aberdeen Road. There have been no complaints about this dog run that I know about. Holden says that it has just bare dirt and no sawdust. He believes that the big trees there may be damaged if dogs urinate on them constantly.

I do walk by it now and then and see dogs and owners. There is a can just outside the enclosure for waste. I really have never looked closely at the condition of the dog run, although when my 4-year-old grandson goes to the playground to the north of it, he sometimes stops playing to watch the dogs on the other side of the common fence located there.

One future problem might be the proposal, with no input from the community, to repair the deserted stone park building on the eastern edge of the dog run. They plan to repair the old closed toilets and add a children's toilet. There will be a room for a park office. I don't know how a dog run will fit into these plans which were presented to the Friends of Cunningham Park.

Oh, when the Cunningham Park Dog Run was proposed about a dozen years ago by a group of dog owners with a man from 186th Street who trained dogs, they agreed to take care of the dog run. After a while they just stopped being involved and it is now up to the individual dog owners to clean up the area. Since no one ever complained, things are just continuing as they have been for years.

The Queens Civic Congress, an umbrella group of about 100 civic associations, agreed to support the court activities of the Juniper Park Civic. We must all be alert to activities concerning our parks. "They" have just decided to relocate two parks in the Bronx to build a new Yankee Stadium and took 2.5 acres of Kissena Park adjacent to New York Hospital so cars can be parked there for a few years while a new hospital wing is built. Parks should be inviolate!

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS**

<b>IN THE MATTER OF THE</b>	)	<b>Index No.:</b> _____
<b>APPLICATION OF the JUNIPER PARK</b>	)	
<b>CIVIC ASSOCIATION,</b>	)	<b>ARTICLE 78 PROCEEDING</b>
<b>Petitioner,</b>	)	
	)	
<b>- against -</b>	)	<b>(Mandamus to Compel)</b>
	)	
<b>THE CITY OF NEW YORK, ADRIAN</b>	)	
<b>BENEPE, COMMISSIONER, NEW YORK</b>	)	
<b>CITY DEPARTMENT OF PARKS AND</b>	)	
<b>RECREATION, and the NEW YORK</b>	)	
<b>CITY DEPARTMENT OF PARKS AND</b>	)	
<b>RECREATION</b>	)	
<b>Respondent(s).</b>	)	

**MEMORANDUM OF  
NEW YORK COUNCIL OF DOG OWNER GROUPS [AKA NYCdog],  
AS *AMICUS CURIAE*  
IN SUPPORT OF RESPONDENT(S).**

**Summary of Back-up Studies Submitted With This Memorandum**

**Summary of Back-up**

**1. Study – Isaz 2003 12<sup>th</sup> Annual Conference**

**Off Leash Dog Parks: What makes them Work? Page 5 of 34  
BY – Melissa Bain, School of Veterinary Medicine, University of California**

Injury to people and other dogs was never observed during the visits, and was reported by Park managers to be of extremely low incidence.

**A Walk in the Park: An Ethnographic Account of an Interspecies Social Community.  
Page 29 of 34  
BY – Shelley Scott, Northwestern University**

In a yearlong ethnography of resident who bring their dogs to a neighborhood park in Evanston, Ill. a northern suburb of Chicago

The small park does not contain a designated dog area and people are frequently warned and occasionally fined by patrolling authorities who find them with dogs off leash. This does not deter the folks who live in the nearby houses and condos from meeting at the park because social time has become an essential part of the day for the neighbors and their dogs. In my research I have noted what the park-goers talk about regarding their dogs and other issues.

Taking dogs to Baker Park each day provides as much of a social outlet for many of the neighborhood residents as it does for the dogs. This paper details how human-animal relationships can enhance human-human encounters and how humans and dogs together may form a social community.

## **2. Study – Golden Gate National Research**

### **Suggestions of the Social Research Laboratory based on study**

#### **Page 46 - 47**

Limit off-leash dog walking to specific designated (not fenced) areas.

Cite only irresponsible dog owners.

Schedule specific times for off-leash walking

Create separate and/or fenced areas for off-leash dogs.

Create a licensing process for off leash dogs.

Fence environmentally sensitive areas to reduce environmental impact of off-leash dogs.

## **3. Eurobodalla Shire Council (Australia) Companion Animal Plan**

### **Page 4 Public Risk**

Concerns expressed about risks from dog attacks and Council's exposure to an unreasonable level of public liability claims. It is important to understand the reason why dogs won't necessarily behave in the same way in the neutral territory of a public park. Attacks on private property frequently occur when a dominant, protective or injured dog is not adequately supervised with children and visitors. These triggers are not present in the neutral territory of a public park when a dog is with its owner. Most data collected on this issue suggests that dog attacks are more likely to occur in and around the family home or another home.

## **Page 10 Recognizing the benefits of Pet ownership**

The health and social benefits of owning pets are now well understood and have been documented in numerous scientific studies. At one level this means a balanced approach to managing domestic pets. At another more implicit level, there is an emerging understanding that pets contribute to quality of life, a positive that could perhaps be fostered by local government.

### **4. Establishing a dog Park In your community American Kennel Club**

#### **Page 2**

Dogs who are accustomed to playing with animals and people other than their owners are more likely to be well-socialized and react well toward strangers.

#### **Page 3**

The love people share for their dogs reaches beyond economic and social barriers and helps foster a sense of community.

Well-exercised dogs are better neighbors who are less likely to create a nuisance, bark excessively and destroy property. Their presence in the park along with their owners also may help deter crime.

### **5. Meeting the Need: Providing Off-Leash Recreational Space in Santa Barbara**

#### **Page 3 of 10**

The benefits of dog ownership are becoming clearer as scientific attention is increasingly directed toward the human-animal bond. Dogs are now recognized not just for their physical and mental health benefits, but for their role as companions and catalysts for human social interaction, and in helping children learn responsibility (Annual Review of Public Health, 1996; Psychological Reports 1996) For many single and elderly people a dog not only provides companionship but often is the only source of home and personal security.

The link between off-leash recreation and promoting acceptable behavior from dogs. Dogs need to be properly socialized to be good “canine citizens” (Canine Behavior, 1965). They also need appropriate exercise to reduce boredom and pent up energy at home. Access to a park close to home is the safest and most effective way to ensure that owners socialize their dogs and provide them with on-going experiences in the outside world. This not on benefits the dog and its owner but also neighbors, other park and street users, and authorities responsible for urban animal

management, all of whom are affected by unacceptable behavior from unsocialized and underexercised dogs.

Another reason dogs need access to public open space is for the positive effects on dog owners. Owning a dog encourages people to exercise, promoting physical and mental health. Taking a dog to a community park has also been found to stimulate social interaction with other people (Journal of Nutrition and the Elderly 1996). The community building that takes place in off-leash areas results in more cohesive neighborhoods, more local involvement in municipal affairs and a heightened sense of connectedness and community for all users.

#### **Page 4 of 10**

The final reason, of most benefit to urban managers and animal control departments, is that a balanced approach to accommodating dog owners in public open space results in higher levels of compliance with relevant laws by dog owners

#### **6. Wikipedia**

**Ref- Pets and People the bonds Grow stronger.**

Off-leash dog areas provide a social setting in which people can gather and interact in friendship. Off-leash dog areas are places where dog owners and nondog owners can delight in the entertaining and interesting interaction of dogs at play. Scientific studies have shown that people somehow find it easier to talk to each other with dogs as the initial focus, breaking down the usual social barriers that make people in our society perceive others as “strangers”. Research has also shown that companion dogs improve people’s health and increase resistance to disease by providing pleasurable activity by providing a source of constancy in our changing lives.

#### **7. PetNet**

**Prepared by Harlock Jackson Planning and Development Consultants in Association with Associate Professor Judith K. Blackshaw**

#### **Section 4 Page 3 of 7**

That dogs should be allowed access to public open space is a basic premise of this study. As a principle we believe it should be incorporated into both urban animal management strategies and open space/recreation plans. That is not to say that problems don’t exist; only that the benefits should outweigh the disadvantages and that there is considerable scope for the problems to be better managed.

Unduly restrictive access policies are inequitable and likely to be counter-productive in managing conflicts and varying demands.

#### **Page 4 of 7**



The benefits of allowing dog's access to public open space are not immediately clear and warrant closer examination. It is important to understand that they apply not only to dogs and their owners but also to the wider community as well as those responsible for urban animal management.

The most obvious reason why dogs need access to public open space is because of their popularity. Dog owners are a substantial group of park users.

The second reason has to do with its links with promoting acceptable behavior from dogs. Dogs need to be properly socialized in appropriate behavior. They also need regular outings to reduce boredom and pent up energy at home. Access to a park close to home is the safest and most effective way to ensure owners socialize their dogs and provide them with on-going experiences in the outside world. This not only benefits the dog and its owner but also neighbors who are effected by unacceptable behavior at home, other park and street users and authorities responsible for urban animal management.

The third reason why dogs need access to public open space is for the positive effects it can have on their owners. Owning a dog encourages people to exercise and visit their local park. Taking a dog out has also been found to stimulate social interaction with other humans.

## **8. Dog Park Scandals**

**BY Wendy van Kerkhove of Owner of Fresh Air Training**

**This whole article is relevant**

### **Summarization:**

Off-Leash parks give owners the opportunity to exercise their dogs in a manner that is hard to do under any other condition. Nothing beats playing with other dogs when it comes to getting a dog tired out. In addition, one cannot underestimate the importance of allowing a dog to continually practice his or her social skills. Yes, each one of us assumes some risk when taking our dog to a dog park, but in my opinion, the reward substantially outweighs the risk.

## **9. FirePaw Newsletter**

**The Foundation for Interdisciplinary Research and Education Promoting Animal Welfare**

Page 6

Dog play allows your puppy to learn his own language. A dog who knows how to communicate with other dogs is less likely to be afraid of them. Fear is the primary cause of aggression. Undersocialization is the primary cause of fear.

Frequent off-leash dog play throughout a dog's life is considered by behaviorists to be the first line of defense against fear and aggression in dogs.

## **10. The Bark Unleashed**

**Page 1 of 5**

### **Jan Drago City of Seattle Councilmember**

Issued a position defining press release on October 9, 1995. As I listed to the concerns of these Seattle residents I thought back to the time when I served as a member and chair of a Park Board, when I developed a personal philosophy that ALL residents of a community had a right to utilize park facilities, not just SOME residents. Why not have some areas where dog owners could exercise and play with their pets, socialize with other dog owners? I came to agree with what Seattle dog owners from all over this city were saying: **This is not a DOG issue it is a PEOPLE issue.** It is about recognizing off-leash activity a valid recreational activity. It is about Seattle residents who pay taxes to support our parks system, who willingly pay for those swimming pools, tennis courts and fields that they may never use and who ask in return only that they be allowed in some places in some parks and to be able to engage in their favorite recreational activity. She then introduced legislation to implement Seattle's off-leash pilot program.

**Page 2 of 5**

John Etter, Parks Planning, Public Works Maintenance, Eugene, Or.

The trial period came to an end, and following public hearing, the decision was made to retain all five locations. Testimonials include the fact that people have moved into a neighborhood because of their existence, and that people derive enjoyment in sharing this activity with others; it is as if these locations are community centers for people as well as canines. There have been no complaints about people having failed to clean up after their dogs. Introducing a new activity to a park can bring out the kind of people you want in parks, which can help control some of the undesirable activity that may be taking place (in the park).

## **11. The Bark Unleashed**

**Page 1 of 4**

### **Dee Tilson, East Bay Regional Park District Park Supervisor**

Dog fights are rare. In fact, there have been very few reported incidents involving fighting dogs in the last three years. Further, there has never been an incident resulting in litigation in the

history of the special dog park of leash use since 1975 over a dog fight incident. The interactions between dogs and people have been very positive.

## **12. The Bark Unleashed**

### **Interview with Dr. Nicholas Dodman Leading Animal Behaviorist and Veterinarian**

#### **Page 4 of 5**

The vast majority of dogs do benefit greatly from having exercise periods. And walking dogs on a leash is not sufficient exercise.

There's responsible pet ownership. But it is irresponsible behavior of the few that has made society make rules that are punitive for the many responsible owners. So it is not appropriate walk along Fifth Avenue with you dog off leash.

So whether it's continued petitioning to provide parks for dog owners, these things are necessary, considering how many dogs there are in the country. There are something like half as many dogs as there are cars. If you told car owners they could not park on the streets what would they do? So there is this massive problem. One in five people own a dog, something like 40 percent of all American households have a pet. And to make a rule that people can't exercise their dogs off leash might even be one of the reasons that we are seeing an increase in problems these days. The demographics of the human population is such that people are moving into the inner cities, we are becoming a nation of city dwellers, and in the city it is a concrete jungle, as Desmond Morris would say. Life is very bizarre for dogs who line in Manhattan. It is not at all like the natural life. A dog needs to be provided with natural outlets-being able to run and exercise and chase things and do what dogs were bred to do. Say you have an apartment –dwelling dog who has little or no exercise and is fed one of these high-energy foods. Then add to that that there isn't much communication because the owner took the dog to obedience training as a puppy and doesn't do it anymore. So now you have a dog that is neither is communicated with properly, nor has appropriate outlets or diet. This situation, which is all too common, is an accident looking for a place to happen.

## **13. Cal-Dog.com**

#### **Page 2 of 4**

Off-Leash recreation offers exercise for people and their dogs. The daily dog walk gives people a chance to exercise, to be out in nature, to meet with others and to create a community. Dog walkers find friends at off-leash parks; they also monitor each other and spread the word about courtesy, clean-up and control. A strong argument in favor of creating off-leash spaces is that availability of legal off-leash areas cuts down on illegal off-leash use, making dog adverse people more comfortable in public spaces because there is less chance of encountering off-leash dogs in unauthorized places.

The National Parks & Recreation Service notes in its booklet, *Planning Parks for Pets*:? Designating an area where dog owners can allow their animals to run off-leash successfully remedies this problem in parks where the concept has been introduced. Violations of the leash law and subsequent public complaints have decreased; and dog owners have a place to legally exercise their pets.

Additional benefits of Off-Leash

Accommodate senior citizens and the disabled, who cannot always walk their dogs on leash.

Promote Pet behavioral socialization, making dogs safer around other dogs and people.

Discourage delinquent and criminal activity in city parks.

#### **14. Better Health Channel**

##### **Page 1 of 3**

People who walk their dogs are seen by other people as friendly and approachable.

Stroking and patting a pet can reduce the physiological indicators of stress, including high blood pressure.

The non-judgmental companionship and unconditional love offered by pets is known to have considerable mental health benefits for owners including increased self-esteem.

Research taken by the University of Western Australia has found that owning a pet can also benefit the whole community. The researchers found that pet owners, in particular dog owners, were more likely to:

- Acknowledge and greet other people in the street
- Exchange favors with neighbors
- Meet others in their neighborhood.

#### **15. The San Francisco Society for the Prevention of Cruelty to Animals**

##### **Statement to the City and County of SF Advisory Dogs Off-Leash Task Force**

##### **Page 2 of 5**

Perhaps most importantly, dogs also contribute to a more positive environment in our City by facilitating communication between people. Studies have found that the presence of a dog increases the likelihood of friendly contact. This is especially true and important for people with

mobility problems or other special needs that keep them socially isolated. As one dog organization has noted, “Neighbors who would otherwise have little reason to speak to one another will stop and chat when dogs are present” (SF Dog Owners Group SF DOG Managing Off-Leash Recreation in Urban Parks, March 1999 at P. 6) this fact is an important ingredient in the formation of a community. There are countless examples of dogs introducing people to other people, thus leading to the formation of neighborhood groups, park clean-up days, new friendships, and even marriage.

Dogs do so much good for the community: they give us a sense of optimism, safeguard us from depression and loneliness, and break down the barriers that isolate us from one another. Their presence improves our health, protects us from danger, and teaches us about caring and responsibility. While dog ownership may not be a fundamental right, it is unquestionable an integral aspect of our daily life – which cannot be dismissed lightly and should not suffer unwarranted limits.

Because dogs, like human beings are “pack” animals, they like us, need to socialize in order to remain psychologically healthy. Keeping dogs isolated from one another goes against a dog’s most basic instincts. In addition, if continually frustrated by their lack of mobility, many dogs will react with intense enthusiasm, such as dashing around wildly.

As noted by the San Francisco Dog Owners Group, “Dogs require daily exercise and contact with other dogs in order to remain healthy and well socialized...A well socialized dog learns the skills required for getting along with the people and the other dogs (he/she) meets each day (SF DOG Page 7).

### **Page 3 of 5**

There is no substitute for off-leash parks: Dogs socialize with each other through subtle displays of posture and behavior that can only occur when they are not impeded by a leash. A leash limits a dog’s natural movement and can even cause some dogs to become territorial, protecting the area to which the leash confines them” (SFDOG at P.7)

Moreover as the Task Force recognized, the twenty-year old park system does not reflect the distribution of dogs and dog owners in the City, nor does it reflect an apparent increase in dog ownership in the last twenty years (p.3)

### **Page 4 of 5**

As stated in the Task Force Report, the current off-leash areas “are by and large, poorly marked, poorly maintained, and inadequate to meet the needs of dog owners” (p.8). Just as our park system as a whole has aged, the areas available to dog owners have aged along with it. In some cases, simple maintenance and signage will help to improve dog areas. In other, the availability of trash cans, waste bags and benches will lead to a more successful park.

## **16. P.E.I. Humane Society**

**Page 1 of 3**

### **The Benefits of a Dog Exercise & Education Park**

Research shows that dogs are more than just companions. They provide both physical and mental health benefits to their owners. The importance of dogs in society has even helped spawn a new field of study, Urban Animal Management, which aims to ensure that animals are taken care of in the urban environment.

Off-Leash recreational areas not only foster the strong historical relationship between dogs and people; they also contribute to urban animal management and urban environment.

### **The Benefits of a Dog Exercise & Education Park to Dogs**

Studies have shown that dogs that exercise and are allowed to run freely are not as aggressive towards people as dogs that are under-exercised. Allowing dogs to have an off-leash area socializes dogs. It brings them in contact with other dogs and causes them to be less aggressive in each future encounter with dogs. Dog Parks improve the mental state of dogs. Many dog owners report that after a visit to the park their dog is less agitated, more relaxed and in general nicer to be around.

**Page 2 of 3**

### **The Benefits of a Dog Exercise & Education Park to Dog Owners**

The benefits enjoyed by dogs are also benefits to dog owners. A well adjusted, less aggressive dog is more enjoyable and easier to handle for the owner. In addition the Dog Park benefits owners' research shows that these benefits include:

The provision of a vital public space allowing people to meet and form the bonds of community.

Allows people to have the pleasure of watching their dogs at play. Contributes to the overall physical fitness of people by encouraging them to exercise with their dogs. Provides an opportunity for owners to enjoy the outside.

### **The Benefits of a Dog Exercise & Education Park to Dog Owners**

By providing socialization and exercise opportunities, the Dog Park can make dogs less aggressive, thus reducing the risks of dog attacks. In addition, well-exercised puppies and dogs are less likely to create a nuisance by barking excessively or destroying property.

## **Benefits to the Community that do not rest on Dog Behavior.**

Designated spaces for dogs and their owners reduces the likelihood that dogs will be let loose in other recreational areas where they could infringe on the rights of other park users.

Dog owners have an interest in the safety of their community and can act as a neighborhood watch. Also designated off-leash spaces reduce the resources law enforcement and animal control officials must spend on enforcing leash laws, allowing of them to devote their time to other areas of crime prevention and animal cruelty investigations.

Dogs often help people break the ice, allowing people who share interests to socialize while exercising their dogs. These interactions help neighbors to get to know each other and to build a sense of community. The social aspect of the off-leash spaces also tends to enforce the basic rules of dog ownership such as leaning up after one's dog and always controlling one's dog behavior.

## **17. Christian Science Monitor June 22, 2005 edition**

**Creating dog parks – without rancor By Peter Harnik and Cerise Bridges**  
**Peter Harnick is director of the Trust for Public Land's Center for City Park Excellence**

**Cerise Bridges is a former researcher for the center**

Seattle Parks Department spokeswoman Dewey Potter deems the city's dog park program "wildly successful." Dogs have even helped reclaim three parks from illegal users: When police reported a high volume of unlawful alcohol, drug, and sexual activity in Seattle parks, the city park department converted them to pilot off-leash areas, and criminal activity soon evaporated.

There's no doubt that off-leash areas are good for dogs and their owners. The dogs can cavort; the humans can stand or sit, talk or read, watch or even provide comfort, if necessary. It's not unlike a children's playground and it's just about as much fun, even for non-dog owning passerby who often stand at the fence and watch.

## **18. New York Daily News September 29<sup>th</sup>, 2005**

Tupper Thomas remembers the bad old days in Prospect Park.

Everybody was terrified of Prospect Park, said Thomas, who was appointed the park's administrator in 1980. "I remember going around to several schools with a Park Ranger and

telling the principals that if they brought their schoolchildren to the park, I would assign them their own personal ranger to make sure nothing happened to them.”

That was then. Let’s talk about now.

Today Prospect Park hosts some 7 million visitors annually, thanks in no small part to what Thomas estimates is more than \$100 million in public and private funds spent sprucing Frederick Law Olmsted and Calvert Vaux’s vision under her watch.

Hard to believe, but dogs deserve a lot of the credit.

Even the threat of muggings never kept Brooklyn dog owners out of the 585 acre park. But they were more than a bit rattled when, in 1982, the Parks Department started ticketing owners who let their dogs roam city parks off their leashes.

Irate owners found their way to Thomas’ office.

“They were screaming at me,” said Thomas, herself a canine fancier. “They said, “Why are you doing this? We’re the only ones out there.

Thomas came up with a policy which is still in effect today: dogs can run without a leash in the Long Meadow and Nethermead areas from 9 p.m. to 9 a.m. every day. That simple accommodation was a mini-catalyst that helped turn things around, Thomas said.

“That dog group became a symbol that it was safe to come to the park,” Thomas said. It made an enormous difference. Runners started seeing people in the park, so people started running in the park rather than around it.

Over time, because there were people coming to the park, the park came back to the people.” That dog owners group (FIDO – Fellowship in the Interest of Dogs and their Owners) is still very active in park affairs.

## **19. The Case For Space Expanding Recreational Opportunities for Dog Owners and Their Pets**

**Report prepared for Freeplay by Eric Batch Matt Hale Ellen Palevsky School of Policy, Planning and Development University of Southern California**

**Under the Direction of Professor Juliet A Musso School of Policy, Planning and Development University of Southern California and Professor Christopher Weare Annenberg School for Communication University of Southern California**

**Almost 100 times more OLRA open space would be required to provide dog owners the same recreational opportunities as softball players.**



**Over 3 million of Los Angeles 3.6 million residents would have to be regular golfers to equalize the amount of open space proved to golfers as to dog owners.**

**There would have to be over 1 million tennis players, over 25% of all Angelenos, to have the same number of users per acre as dog owners currently have.**

**There would have to be only 1000 dog owners in all of Los Angeles who wish to use OLRAs for their current allocation of open space to equal the allocation for golfers.**

**Dog Bites.** A fear of an increased number of dog bites or other incidences is a major impediment to acceptance of off-leash areas. The evidence from existing areas, however, show that this fear is misplaced. A report by Hermosa Beach city staff studied several areas that allowed dogs on the beach: Huntington, Newport, Del Mar, Cardiff, Carmel, Laguna Beach, Pismo Beach and San Diego. Only Huntington and Del Mar reported any instances of dog bites, and these cities on reported a small number of incidences (under five). In contrast, six of the eight cities reported no incidents or confrontations at all.

Further evidence that this fear is unwarranted is that the new Westminster dog park has had no reports of dog bites since it opened. This successful record is largely due to the significant self-policing capabilities of community groups like Freeplay. Those who fear increased incidences of dog bites apparently ignore the important role of peer pressure in protecting against unpleasant confrontations. Finally to the extent that Off-Leash Recreation Areas confine dogs to spaces under community supervision, dogs are less likely to become involved in confrontations that if they are roaming free in other open space areas.

**Health Risks from Dog Feces.** The City of Los Angeles has raised concerns over the possible transmission of diseases through dog feces left in off-leash areas. The Chief Legislative Analyst of Los Angeles compiled a list of twenty diseases that could possibly be transmitted by dogs. While all dogs are subject to gastrointestinal and external parasitism, the city reports that only humans with particularly weak immune systems such as Aids patients and young children stand any significant chance of contracting diseases from such do-borne parasites. Moreover, an analysis of Legislative Analyst report by Dr. Ellie Goldstein a leading public health expert has this list to be highly misleading. Many of the diseases listed are not endemic to LA and many others are very rare. In his words, "it is as likely that people will get any of these listed diseases from their pet dog as their chance of getting hit by lightning." Based on this analysis Dr. Goldstein concludes that the creation of new off-leash recreational areas pose minimal risks from a public health perspective.