

AGENDA ITEM # 10

CITY COUNCIL COMMUNICATION FORM

FROM: Parks and Recreation Commission, Jack Trautman and Dan Brabec, Co-Chairs
Chris Wilson, Parks, Open Space and Recreational Services Director (Ext. 317)

THROUGH: Jon Roberts, City Manager (Ext. 228)

DATE: October 19, 2010

ITEM: First Reading of Ordinance: An ordinance amending section 4-10 of the revised Municipal Code by adding a new subsection (f) exempting from the operation of the City's leash law dogs under voice and sight control in designated off leash dog parks; establishing a hearing date; and providing an effective date

NEXT STEP: A motion to approve the ordinance on first reading

DIRECTION
 INFORMATION
 ORDINANCE
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

Staff requests approval on first reading, an ordinance amending section 4-10 of the revised Municipal Code by adding a new subsection (f) exempting from the operation of the City's leash law dogs under voice and sight control in designated off leash dog parks; establishing a hearing date; and providing an effective date.

II. RECOMMENDED ACTION:

A motion to approve the ordinance on first reading.

III. FISCAL IMPACTS:

Proposed Expenditure: Approximately:
Signs/Pick-up bag containers \$ To Be Determined
Staff Time \$ As Currently Budgeted

Funding Source: The 2010 operating budget for Parks, Open Space and Recreational Services and Police Services staff.

IV. BACKGROUND INFORMATION:

As directed by City Council, the Parks and Recreation Commission worked with the public to discuss a leash law program change, which could include leash free areas within and upon certain City parcels.

At their August 3, 2010 City Council meeting, Dan Brabec, Co-chair of the Parks and Recreation Commission provided a brief history of this issue; the options for dog owners; present controls and also reviewed the Parks and Recreation Commission's advisory recommendation. Discussion commenced on how programs are working in other areas and general liability immunity for the City. Public comment unveiled support for off leash areas as well as fenced dog parks.

After discussion with the Commission and members of the public, City Council approved to abandon the tag program and expand the current off leash parks at Rita Valentine and Spring Creek Parks while also denying any additional parks at this time.

V. LEGAL ISSUES:

Legal staff has written the ordinance amending section 4-10 of the revised municipal code. Police Services, Municipal Court Prosecutor, the Assistant City Attorney and Parks, Open Space and Recreational Services staff have reviewed the ordinance.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

Continued community discussion about our overall dog friendliness lead Parks and Recreation Commission, at the request of City Council, to review and recommend these next steps.

Environmental issues include animal waste, its clean-up and disposal as well as resource impacts of dog keeper's or owner's pets.

VII. SUMMARY AND ALTERNATIVES:

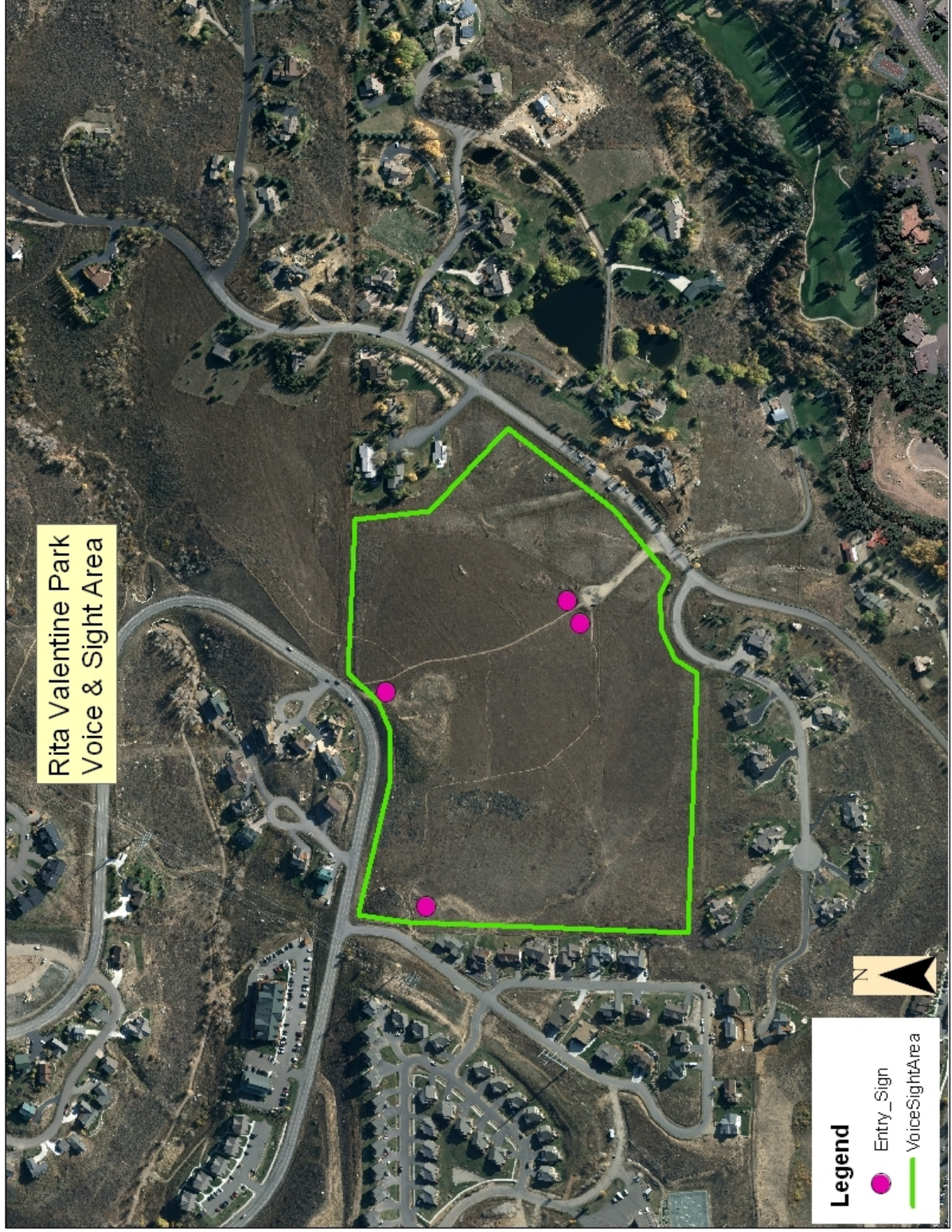
The revised municipal code has been developed to codify our community desires. The request to amend section 4-10 of the revised municipal code represents active listening to our community for a new vision of dog friendliness. Direction to support one of the following recommendations is requested:

1. Approve the first reading of an ordinance amending section 4-10 of the revised Municipal Code by adding a new subsection (f) exempting from the operation of the City's leash law dogs under voice and sight control in designated off leash dog parks; establishing a hearing date; and providing an effective date.
2. Deny the approval of the first reading of the ordinance with direction.
3. Deny the approval of the first reading of the ordinance

VIII. ATTACHMENTS

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| Attachment 1. | Map of Spring Creek Voice and Sight Area. |
| Attachment 2. | Map of Rita Valentine Park Voice and Sight Area. |





CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 4-10 OF THE REVISED MUNICIPAL CODE BY ADDING A NEW SUBSECTION (f) EXEMPTING FROM THE OPERATION OF THE CITY'S LEASH LAW DOGS UNDER VOICE AND SIGHT CONTROL IN DESIGNATED OFF LEASH DOG PARKS; ESTABLISHING A HEARING DATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 4-10 of the Revised Municipal Code prohibits dogs from being off the premises of their owner or keeper unless restrained by a leash or confined to a vehicle; and

WHEREAS, the City Council acknowledges that various citizens and community organizations have requested the City designate areas in which dog owners or keepers may exercise dogs without leashes; and

WHEREAS, the City Council finds it necessary and appropriate to the preservation of the public health safety and welfare to amend the Revised Municipal Code to permit voice and sight control of dogs in certain designated off leash dog parks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Section 4-10 of the Revised Municipal Code is hereby amended by the addition of the following subsection (f):

“(f) The provisions of subsections (c) and (e) of this section notwithstanding, any person owning or keeping a dog in the city may take a dog off the premises of the owner or keeper without restraining the dog with a leash or confining the dog in a vehicle when the dog and owner or keeper are in a designated off leash dog park and the dog is under the voice and sight control of the owner or keeper at all times. The owner or keeper of the dog shall demonstrate voice and sight control of the dog upon request of any law enforcement officer or Department of Parks, Open Space, and Recreational Services staff. The owner or keeper of a dog in a designated off leash dog park that is not under voice and sight control is subject to the same penalties that apply outside of off leash dog parks.

(1) For purposes of this subsection, “sight and voice control” means that the owner or keeper of a dog is in sight of the dog and is in sufficient control of the dog’s behavior that the dog does not charge, chase, or otherwise

display aggression toward any person, dog, wildlife, livestock, or any other animal, or fail to come to and stay with the owner or keeper immediately upon command by such person. This definition of voice and sight control shall apply regardless of the presence of toys, food, or other distracting circumstances.

- (2) Rita Valentine Park and Spring Creek Park, including the road access to Spring Creek Park, are hereby designated off leash dog parks.
- (3) The Department of Parks, Open Space, and Recreational Services shall post each entrance to a designated off leash dog park with a map showing the boundaries of such off leash dog park and shall maintain copies of such maps for public review at the Department offices and online.
- (4) The owner or keeper of a dog wishing to exercise a dog under voice and sight control pursuant to this subsection shall be solely responsible for identifying the boundaries of the off leash dog park and keeping the dog within said boundaries. The owner or keeper may not rely on ignorance of the boundaries or the absence of, or damage to, maps at the entrance(s) to an off leash dog park as a defense to the owner or keeper's failure to keep the dog within the off leash dog park boundaries.
- (5) The Director of the Department of Parks, Open Space, and Recreational Services is hereby authorized to adopt rules and regulations governing the use of designated off leash dog parks and to post such rules and regulations at the entrance to such parks.
- (6) This subsection provides an exception only to the provisions of subsections (c) and (e) regarding dogs running at large. All other provisions of this Chapter, including provisions regarding vicious animals and the removal of animal excrement shall apply in designated off leash dog parks."

Section 2. The City Council hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety.

Section 3. This ordinance shall take effect immediately upon the expiration of five (5) days from and after its publication following final passage, as provided in Section 13.6 of the Steamboat Springs Home Rule Charter.

Section 4. A public hearing on this ordinance shall be held on _____, 2010, at 5:15 P.M. in the Citizens Hall meeting room, Centennial Hall, Steamboat Springs, Colorado.

INTRODUCED, READ AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**

FINALLY READ, PASSED AND APPROVED this _____ day of _____, 2010.

**Cari Hermacinski, President
Steamboat Springs City Council**

ATTEST:

**Julie Franklin, CMC
City Clerk**