





City and Borough of Sitka

PUBLIC WORKS

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Date: 4/2/2013

To: Mayor Mim McConnell and Assembly Members
Jim Dinley, Municipal Administrator

From: Michael Harmon, Public Works Director 
Gary Baugher, Maintenance and Operations Superintendent 
Lynne McGowan, Parks and Recreation Manager

Subject: Ordinance 2013-18; 23.30.020 "Conditions for use of Park", and Ordinance 2013-19; 8.04 "Off leash areas"

Background:

The amendments to Title 23 "Conditions of Use of Park and Recreation Facilities" addressing ballfield and playground use by dog owners and Title 8 "Animal Protection and Control" addressing off-leash use of ballfields are a result of input from many meetings and public consensus.

This following is the timeline of meetings that lead to Title 23 "Conditions for use of park", and Title 8 "Off leash areas":

- In September 2012, in response to the opening of the new Moller Field, the Administrator requested the Sitka Parks and Recreation Committee (SPRC) look at possibly increasing fines for failure to clean up dog waste on sportfields and playgrounds, and prohibiting dogs from the new Moller Field. The SPRC passed a motion at that meeting in support of this approach.
- In October a draft ordinance closing all fields at Kimsham Recreational Complex and the new Moller Field to dogs was considered by the Assembly.
- At November's SPRC meeting a compromise was proposed which would close all CBS sportsfields and playgrounds but allow one field at Kimsham to be considered for "group sponsorship" and subsequent designation as a dog area. The Attorney drafted an ordinance that captured this new SPRC recommendation.
- At the November 27 meeting the Assembly passed on first reading an amended ordinance prohibiting non-service dogs on Moller with a \$300 fine.
- The Assembly, on December 11 passed on second reading the ordinance closing Moller Field to dogs and requested that Police and Fire along with Sitka Parks and Recreation Committee work together to come up with an option that considers the various ballfield user groups.
- During January 2013 two meetings were held by the working group. A range of ten options were considered. The group worked through those options to come up with one that was acceptable to the whole group as well as an equitable fine schedule.
- February 7, 2013 SPRC voted to move the draft ordinance from the dog ordinance working group forward to the Assembly. March 13, 2013, the Police and Fire Commission voted to move the draft forward as well.

The ordinances address problems with dogs defecating on City and Borough of Sitka sports

fields and municipal playgrounds while allowing use of sports fields by dog owners when sports or school activities and events are not occurring. The goal is to create a healthier recreational environment for the Sitka community including children playing on sports fields and playgrounds while allowing for limited use by responsible dog keepers and/or custodians.

Analysis:

Changes to Title 23 “Conditions for use of park” and Title 8 “Off leash areas” include the following:

- Close CBS playgrounds (Crescent, Moller East and West) and Lower Moller, Baranof, and at Kimsham’s Krueger Field, Field 3 & 4 ballfields to non-service dogs.
- Dogs on leash still permitted at Lower Moller Track.
- Areas designated as “off-leash” include Field One at Kimsham complex, Keet Gooshi Heen, Vilandre ball fields and the Cross Trail.
- Sport fields designated for off-leash use will be closed to dog keepers and/or custodians during scheduled sports events, school activities or when the area is in use by students or players.
- Hours and rules will be posted on signs at each sport field where dog “off-leash” is permitted and added to the Sitka General Code.
- Further definition of “Competent Voice Control”
- Fines are one hundred dollars \$100.00 for allowing any non-service dog on ball fields when players or students are present or for allowing a non-service dog in fenced municipal playgrounds or sports field that are closed to dogs.
- A keeper of a dog who fails to immediately remove all fecal matter left by the dog in an “off-leash area” shall be fined \$50 for the first offense, and double that amount for subsequent violations. The third offense will require a mandatory court appearance.

The two working committee’s agreed that the ordinance needs to be reviewed after one year and if the proposed off-leash areas are not used responsibly by dog owners, the Assembly may strike the ball fields as off-leash areas. The group agreed that language in the ordinance’s purpose statement should re-iterate that the existing animal ordinance requires that dog owners have a leash and a means of cleaning up after their pet whenever in public areas.

The ordinance’s enforceability and educational strategies were items discussed at length. Failure to clean up dog waste will continue to be difficult to enforce but enforcement of the ballfield and playground closure to non-service dogs will be more straightforward. Education efforts regarding the new ordinance will be necessary via the website, newspaper and via a brochure that can be handed out with dog licenses. Additional signage regarding the ordinance and hours will be necessary.

Fiscal Note:

Minimal impacts to the budget will occur. Signage at the ballfields will require an initial expense. Developing a brochure and posting changes to “off-leash” hours will also require additional expenses.

Recommendation:

Pass Ordinance 2013-18; 23.30.020 “Conditions for use of park” and Ordinance 2013-19; 8.04 “Off leash areas”.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2013-19

**AN ORDINANCE OF CITY AND BOROUGH OF SITKA AMENDING SITKA
GENERAL CODE CHAPTER 8.04 ENTITLED "ANIMAL PROTECTION AND
CONTROL" BY AMENDING 8.04.010 ENTITLED "DEFINITIONS" DEFINING
"COMPETENT VOICE CONTROL;" AMENDING 8.04.032 TO PROVIDE
ADDITIONAL OFF-LEASH AREAS BY ADDING FIELD ONE AT KIMSHAM
COMPLEX, KEET GOOSHI HEEN, VILANDRE BALL FIELDS DURING HOURS
WHEN SPORTS OR SCHOOL USE OR EVENTS ARE NOT OCCURRING AND THE
CROSS TRAIL; INSERTING "OFF-LEASH AREA" RULES OF USE AND ADDING A
PROVISION FOR FINES AND PENALTIES FOR THOSE WHO FAIL TO REMOVE
ALL FECAL MATTER AT THOSE DESIGNATED OFF-LEASH AREAS**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The purpose of this ordinance is to address problems with dogs defecating on school sport fields and municipal playgrounds and allow multiple use of areas such as sport fields when sports or school activities and events are not occurring. The goal is to create a healthier recreational environment for the Sitka community including children playing on sport fields and playgrounds while allowing for limited use by responsible dog keepers and/or custodians.

This ordinance amends SGC 08.04.010 entitled "Definitions" to clarify the definition of "competent voice control;" SGC 8.04.032 entitled "Off-leash Areas" by adding Kimsham Recreational Complex Ball Field One, Vilandre and Keet Gooshi Heen ball fields as off-leash areas during times when the fields are not scheduled or in use for sports or school activities and by adding the Cross Trail as an off-leash area and by inserting "Off-leash Area" rules of use. Sport fields designated for off-leash use will be closed to dog keepers and/or custodians during scheduled sports events, school activities or when the area is in use by students or players. Hours and rules will be posted on signs at each sport field where dog "off-leash" is permitted.

Only service dogs will be permitted on Baranof, Lower Moller multi-use field and Kimsham Recreational Complex Ball Fields Two ("Krueger field"), Three and Four or on municipal playgrounds as specified in SGC 23.30.020 entitled "Conditions for use of park and recreation facilities." Dogs will continue to be permitted on leash on the Lower Moller track. Existing animal ordinance requires that dog keeper and/or custodian have a leash and a means of cleaning up after their pet whenever in public areas.

If the proposed off-leash areas are not used responsibly by dog keepers and/or custodians, the Assembly may strike the sport fields as off-leash areas.

This ordinance was recommended by the Parks and Recreation Committee on February 7, 2013 by majority vote 4-0 and by the Police and Fire Commission on March 13, 2013 by a 4-1 vote.

4. ENACTMENT, NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that SGC 08.04.010 entitled “Definitions,” SGC 8.04.032 entitled “Off-lease areas,” and SGC 08.04.210 entitled “Penalties” are modified to read as follows (new language underlined; deleted language stricken):

Chapter 8.04

ANIMAL PROTECTION AND CONTROL

Sections:

- 8.04.010 Definitions.
- 8.04.020 Licensing.
- 8.04.030 Tag and collar.
- 8.04.031 Restraint requirements.
- 8.04.032 Off-leash areas.
- 8.04.033 Off-leash area rules.
- 8.04.040 Impoundment procedure.
- 8.04.050 Redemption of impounded dogs or cats.
- 8.04.060 Impoundment fees.
- 8.04.070 Control of female dogs in season.
- 8.04.080 Objectionable animals.
- 8.04.081 Potentially dangerous and dangerous dogs.
- 8.04.082 Classification of dogs—Notice—Restrictions pending appeals.
- 8.04.083 Animal hearing board.
- 8.04.084 On-premises confinement.
- 8.04.085 Off-premises restraint.
- 8.04.086 Notification of change of status.
- 8.04.087 Signs for potentially dangerous or dangerous dogs.
- 8.04.088 Special license and tag for potentially dangerous or dangerous dogs.
- 8.04.089 Destruction of dangerous dogs.
- 8.04.090 Rabies control.
- 8.04.091 Reclassification of dogs.
- 8.04.092 Sanitary disposal requirements.
- 8.04.093 Dog parks.
- 8.04.100 Immunization for rabies.
- 8.04.110 Dead animals.
- 8.04.120 Exemptions.
- 8.04.140 Records.
- 8.04.150 Citations.

8.04.160 Responsibilities of keeper of a domestic animal.

8.04.170 Responsibilities of owner of public building.

8.04.180 Service dogs exempt.

8.04.190 Enforcement.

8.04.200 Disposal of animals at keeper's request.

8.04.210 Penalties.

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08.04.010 Definitions

* * *

F. "Competent voice control" means when all the following are met: dog must be within owner's sight and under verbal control at all times, regardless of distractions (such as wildlife, other dogs, food, or other park or trail users). If dog jumps on or acts aggressively toward people or other dogs, chases wildlife, or will not consistently come immediately upon command, dog must be leashed. the keeper or custodian monitors the animal's activity and the animal is obedient to that person's command.

* * *

8.04.032 Off-leash areas

All dogs may be off-leash in the following designated "off-leash areas"; provided, that the keeper and/or custodian is actively engaged with the dog and has competent voice control:

F. Land along the Sitka Cross Trail;

G. Vilandre, Keet Gooshi Heen and Kimsham Field One during times when the sport fields are not scheduled or in use for sports or school activities or when in use by students or players;

HF. Dog parks.

8.04.033 Off-leash area rules.

A. The following rules shall be followed by all keepers and/or custodians that use the off-leash areas with their dogs, and shall be posted at fenced off-leash areas:

1. Sports fields designated for off-leash use are open during hours specified on posted signs.

2. Sports fields designated for off-leash use are closed when players or students are present for games, sports or other activities; practice; tournaments and field preparations.

3. Keeper and/or custodian must promptly vacate the sports field whenever unscheduled use by players or students occurs. Sports use by students or players has the priority.

135 4. Objectionable and dangerous dogs, as defined under SGC 8.04.080 and 8.04.081, and
136 female dogs in heat are prohibited;

137 5. Dogs shall be leashed upon entering and leaving the fenced sports fields designated
138 for off-leash use;

139 6. Keepers and/or custodians shall keep their dogs in sight and under “competent voice
140 control” at all times as defined under SGC 8.04.010F;

141 7. Keepers and/or custodians shall remain with their dogs within the fenced off-leash
142 area or sports field;

143 8. Keepers and/or custodians shall clean up and remove any dogs’ feces left by their dog
144 or be subject to fines or prohibitions;

145 9. Holes dug by dogs must be filled by the keeper and/or custodian;

146 10. Keepers and/or custodians shall be responsible for all actions of their dogs; and

147 11. Aggressive or unruly dogs are not allowed;
148

149 B. The parks and recreation committee may recommend additional rules for “off-leash
150 areas,” which are subject to the approval of the parks and recreation manager and the
151 administrator, without requiring assembly approval. Additional rules will be posted.
152

153 C. If the off-leash areas are not used responsibly by dog owners, the assembly at the
154 recommendation of the parks and recreation committee, parks and recreation manager and
155 administrator may strike the ball fields as off-leash areas.
156

157 D. Sports fields designated for off-leash use are closed to dog owners when players or
158 students are present for games, sports or other activities and during practices, tournaments
159 and field preparations or as posted at the ballfields. Hours and rules will be posted on signs
160 at each sports field where dog “off-leash” is permitted.
161

162 E. Any keeper and/or custodian of a dog who violates any rule in this section is subject to
163 the penalties in SGC 8.04.210 in addition to any penalties under SCG 23.30.020H, the
164 administrator or his designee may prohibit any keeper and/or custodian and their dog from
165 using the off-leash area who violates any of the rules of this section.
166

167 * * *

168 **8.04.210 Penalties.**
169

170 A. The maximum penalty for violation of the provisions of this chapter is five hundred
171 dollars. Standard penalties shall be determined by the chief of police in consultation with the
172 animal hearing board.
173

174 B. The court shall have the power to review all actions under this chapter and to fashion
175 remedies in accordance with it.
176

177 C. A keeper and/or custodian of a dog at sports field or municipal playground as defined in
178 SGC 23.30.020I, who fails to immediately remove all fecal matter left by the dog on such

property shall be subject to a \$50 fine for the first offense, \$100 for the second offense and mandatory court appearance for the third and subsequent offenses subject to maximum penalty of five hundred dollars.

D. For purposes of this section, prior offenses must be within the previous five years and shall be charged to the keeper and/or custodian and not a particular animal.

* * *

5. EFFECTIVE DATE. This ordinance shall become effective within 30 days after passage by the Assembly of the City and Borough of Sitka.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 23rd day of April, 2013.

Mim McConnell, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

Sara Peterson

From: Serena Wild <serenaw@sitkapd.com>
Sent: Thursday, March 14, 2013 10:16 AM
To: Sara Peterson
Cc: 'Aaron Swanson'; 'Aaron Wamsley'; 'Dave Miller'; 'Don Jones'; 'Joseph Reeves'; Matthew Hunter; 'Rick Armstrong'; 'Sheldon Schmitt'
Subject: Police & Fire Comm. Impute

Hello Sara,

At last night's Police & Fire Commission meeting there were two items on the agenda that had been deferred to the Commission for their impute. Please pass onto the Assembly the Commissions assessment of the following items. One being whether or not the P&F Commission supported the most recent version of the ordinance of allowing dogs on the ball fields that Legal had sent to us. The Commission voted 4/1 in support of it. So when the ordinance goes before the Assembly next time it can be said that the Commission supports the new version of the dog ordinance. Also the Planning Commission had sent Mr. Welsh's pedicab idea over to the P&F for their review. P&F Commission didn't see any potential police issues such as traffic congestion or pedestrian endangerment and no fire issues as long as he carried a fire extinguisher. The Commission voted that his idea could move forward past their commission. Thanks!

Serena