



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 *for*
Gary Baugher, Maintenance and Operations Superintendent *GBB*
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 sportfields 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. 2013-18

**AN ORDINANCE OF CITY AND BOROUGH OF SITKA AMENDING SITKA
GENERAL CODE SECTION 23.30.020 ENTITLED "CONDITIONS FOR USE OF PARK
AND RECREATION FACILITIES" BY ADDING PROVISIONS TO PROHIBIT NON-
SERVICE DOGS FROM BEING ON CERTAIN DESIGNATED SPORT FIELDS
AND MUNICIPAL PLAYGROUNDS AND SUBJECTING THE DOG KEEPER
AND/OR CUSTODIAN TO A FINE**

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. 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 23.30.020 entitled "Conditions for use of parks and recreation facilities" by amending subsection G to list City and Borough playgrounds and sport fields where non-service dogs are prohibited. Such sport fields and playgrounds will be posted with signs stating the ban of non-service dogs and the fine schedule for violations. In addition, two new subsections are added: subsection H is added to provide the fine schedule for violations of SGC 23.30.020G and subsection I is added to provide definitions of municipal playgrounds and sport fields.

Only service dogs will be permitted on Baranof, Lower Moller multi-use field and Kimsham Recreational Complex Ball Field Two ("Krueger field"), Three and Four or on municipal playgrounds. Dogs will continue to be permitted on leash on the Lower Moller track and on designated off-leash areas specified in SGC 8.04.032. 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.

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 23.30.020 entitled "Conditions for use of park and

recreation facilities” are modified to read as follows (new language underlined; deleted language stricken):

23.30.020 Conditions for use of park and recreation facilities.

* * *

C. Dogs and other pets must be on a leash around developed facilities, with the exception of the Tom Young Memorial Cabin and off-leash areas designated in SGC 8.04.032. Pets are to be under control at all times. Pet owners are required to clean up after pets.

* * *

G. Notwithstanding any other provisions of this section, no dog is allowed on inside the following designated sport fields or municipal playgrounds except off-leash areas listed in SGC 8.04.032, Moller Park ball field fenced area, except service dogs with the dog keeper and/or custodian. owner with s “Service dogs” is as defined by Section 8.04.010P.180 or state and federal laws. Designated sport Moller Park ball fields and municipal playgrounds where non-service dogs will not be allowed, including the following: will be posted with signs regarding the ban on non-service dogs and the fine.

1. Moller Park fenced ball field;
2. Lower Moller and Kimsham (Krueger) Multiuse Fields;
3. Sport fields at Kimsham Recreational Complex except fenced Kimsham Field One, Baranof, Vilandre and Keet Gooshi Heen ball fields as listed as “off-leash areas” under SGC 8.04.032; and
4. Municipal playgrounds to include Crescent Harbor Park and Moller Park East and West.

~~The dog owner shall be fined three hundred dollars, in addition to any other applicable fine or other charges for violating any other code provisions, including for defecation or off-leash, of any non-service dog on this ball field.~~

H. Designated areas listed in subsection G will be posted with signs regarding the ban on non-service dogs and fines. In addition to applicable fines or charges for violating other code provisions, including defecation or off-leash offenses, fines for violating SGC 23.30.020G is as follows:

1. Three hundred dollars for violating SGC 23.30.020G.1. Moller Park fenced ball field;
2. One hundred dollars for designated areas in SGC 23.30.020G.2 and 4; and
3. One hundred dollars for a non-service dog on fenced Kimsham Field One, Baranof, Vilandre and Keet Gooshi Heen ball fields as listed as “off-leash areas” during

scheduled sports events, school activities or when the area is in use by students or players.

I. Definitions. For purposes of this section, the terms shall have the following meaning:

“Ball field” or “Sports field” means an area used by schools or organized teams recognized by the City and Borough of Sitka for regulation play of sports including baseball, soccer, football, and softball. “Ball field” or “Sports field” does not include the following areas: parking lots; roads; bleacher and concession areas; walkways or track adjacent to the ball field.

“Municipal playgrounds” means municipal; property used for outdoor play or recreation, especially by children, containing recreational equipment such as swings and slides.

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