

**ORDINANCE NO. 718
CHAPTER 5, ANIMALS**

PUBLIC HEARING – ORDINANCE AMENDMENT

A public hearing was conducted to receive citizen comment regarding proposed ordinance amendment to amend Sections 5-26, Definitions, and 5-33, Dog Exercise Area, Chapter 5, Animals, Article II, Dogs, of the Code of Ordinances of the City of Owosso, Michigan.

The following person addressed the Council regarding the proposed amendment:

Sherry Chavora, 1201 North Dewey Street

There was discussion regarding requiring park users to remove feces and whether or not a pass system should be instituted.

Whereas, the City Council, after due and legal notice, has met and having heard all interested parties, motion by Councilperson Eveleth to amend the current ordinance Chapter 5, Animals, as follows:

ORDINANCE NO. 718

**TO AMEND SECTION 5-26 AND SECTION 5-33
OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN,
TO PROVIDE FOR THE CREATION AND GOVERNANCE OF A DOG PARK**

WHEREAS, the city council of the city of Owosso has adopted Chapter 5 of the Code of Ordinances regulating animals;

WHEREAS, Chapter 5 contains provisions pertaining to dogs which appears as Article II which requires that dogs be confined to the owner's property unless reasonably controlled;

WHEREAS, when Chapter 5 was adopted the city council didn't envision a "dog park" or "bark park" where dogs are allowed to run free;

SECTION 1. THE CITY OF OWOSSO ORDAINS:

That, Chapter 5, Animals, Article II, Dogs, Sections 5-26 and Section 5-33 of the Code of Ordinances of the City of Owosso, Michigan shall be amended to read as follows:

Sec. 5-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dog exercise areas are city designated fence enclosed facilities owned or operated by the city specifically intended for dogs to acquire owner/custodian supervised "off leash" exercise

Dog pound or pound means any facility used by the county dog warden for the confinement or care of animals within the county.

Owner, when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his or her care, and every person who permits such dog to remain in or about any premises occupied by him or her.

Reasonable control shall mean keeping the dog on a leash other than while upon owner's property, unless the dog is confined in a closed automobile or shipping receptacle.

Sec. 5-33. Dog Exercise Area.

The provisions of this subsection are applicable to all dog exercise areas which are to be used exclusively by dogs. It is prohibited to allow any other type of animal, wild, or domestic, into a dog exercise area.

1. All dogs must be leashed in the dog exercise area parking lot.
Any person bringing a dog or dogs to the dog exercise area must have one leash per dog.
3. There shall be no more than three dogs per person allowed in the dog exercise area. Any person bringing a dog or dogs to the dog exercise area must have at least one dog feces waste bag per dog in his or her possession and must remove any feces deposited by the dog(s) in their care.
4. Persons under sixteen years of age visiting the dog exercise area must be accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.

5. No persons under sixteen years of age are allowed in the dog agility area unless accompanied and supervised by a parent or guardian or other responsible adult with permission of the parent or guardian.
6. Each dog must be under visual and voice control of the owner or other responsible person at least 16 years of age at all times.
7. All dogs must have current vaccinations and licenses and shall wear a collar with tags as proof thereof.
8. Aggressive dogs, as defined below, are not permitted in or around the dog exercise area, including but not limited to, the parking lot. Owners or other responsible persons will be held legally responsible for any injury caused by a dog that they bring in or around the dog exercise area.
 - a. An aggressive dog is defined as:
 - i. A dog that bites a person. However, a dog shall not be considered aggressive if the dog bites a person wrongfully assaulting the dog or the dog's owner, or if the dog bites a person after being provoked by that person.
 - ii. A dog that injures or kills another domestic animal without provocation while at the dog exercise area.
9. Female dogs in heat are not permitted in or around the dog exercise area including, but not limited to, the parking lot.
10. Dog owners or other responsible persons shall provide dogs with drinking water while visiting the dog exercise area when weather conditions require.
11. Dog owners or other responsible persons shall not keep dogs enclosed in a vehicle during hot weather which may cause injury to the dog.
12. Any person having knowledge of a dog having bitten, scratched, or injured a person or other animal within the dog exercise area, including but not limited to the parking lot, shall report the incident to the police department.

Section 2. Severability

If any section, subdivision, sentence or attachment to this ordinance is for any reason held invalid or to be unconstitutional, such a decision shall not affect the validity of the remaining portion of this ordinance or attachment.

Section 3. Conflicting Ordinances

All existing ordinances inconsistent or in conflict with the provisions of this ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 4. Effective Date

This ordinance shall become effective November 21, 2010.

Section 5. Inspection.

This Ordinance may be purchased or inspected in the City Clerk's Office Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Martenis.

Roll Call Vote.

AYES: Councilpersons Cook, Erfourth, Eveleth, Forster, Martenis, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

I hereby certify that the foregoing document is a true and complete copy of action taken by the Owosso City Council at the regular meeting of November 1, 2010.

Amy K. Kohagen, City Clerk