

ORDINANCE NO. 2022

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA REVISING BOZEMAN MUNICIPAL CODE CHAPTER 8, ARTICLE 2, SECTION 080, (ANIMAL) RESTRAINT AND CONFINEMENT, TO ADD THE STORY MILL PARK NATURE SANCTUARY TO THE LIST OF DOG-FREE AREAS AND TO ADD THE FENCED AND ENCLOSED AREAS OF STORY MILL PARK AND BOZEMAN POND TO THE LIST OF RESTRAINT-FREE AREAS.

WHEREAS, The City of Bozeman (the “City”) is authorized by the City Charter and Montana law to promote public health, safety and welfare of the citizens of Bozeman, promote residential harmony and ensure the well-being of cats, dogs and other animals through effective animal regulations; and

WHEREAS, it is the intent of the City Commission to allow for animal control officers and police officers to provide necessary enforcement through the use of criminal citations and related prosecution for more egregious, habitual, or serious offenses and the use of civil citations and related civil penalties for less serious offenses, but allow for the exercise of such discretion to be held at the time of the offense; and

WHEREAS, Bozeman Municipal Code (BMC) Chapter 8, Article 2 includes provisions for enforcement of violations of this article; and

WHEREAS, it is the intent of the City Commission to provide adequate, safe, and identifiable locations for citizens to allow accompanied dogs to exercise without restraint without infringing on the rights of other community residents and visitors; and

WHEREAS, the proposed revisions in Sections 1 and 2 are in compliance with approved park master plans for Story Mill Park and Bozeman Pond Park;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:

Section 1

BMC Chapter 8, Article 2, Section 080. (Animal) Restraint and Confinement, is revised so that the following text be added to Subsection F. Dog-free areas:

5. Story Mill Park Nature Sanctuary, defined as the area of Story Mill Community Park south of East Griffin Drive and west of Story Mill Road, not including the Story Mill Spur Trail which bisects the park, the triangle parcel southeast of the Spur Trail, and the fenced and enclosed restraint-free area for dogs.

Section 2

BMC Chapter 8, Article 2, Section 080. (Animal) Restraint and Confinement, is revised so that the following text be added to Subsection G. Restraint-free areas:

8. West Paw Dog Park at Story Mill Community Park. The fenced and enclosed area located adjacent to Story Mill Road and east of the Story Mill Spur Trail that is specifically signed for use as a restraint-free dog park.

9. Lewis and Bark Dog Park at Bozeman Pond Park. The fenced and enclosed area located east of South Fowler Avenue, and north and west of Pond Row that is specifically signed for use as a restraint-free dog park.

Section 3

Repealer.

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4

Savings Provision.

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this Ordinance. All other provisions of the Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.

Section 5

Severability.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

Section 6

Codification.

This Ordinance shall be codified as indicated in Sections 1 and 2.

Section 7

Effective Date.

This ordinance shall be in full force and effect 30 days after final passage and approval.

PROVISIONALLY ADOPTED by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 1st day of July, 2019.

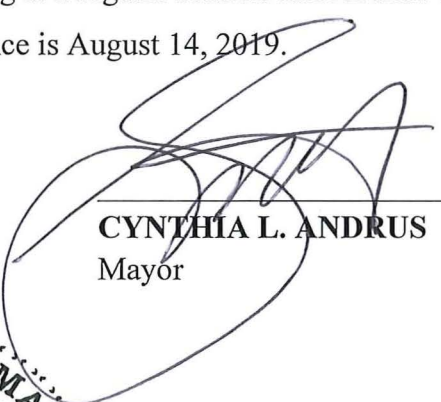

CYNTHIA L. ANDRUS
Mayor

ATTEST:


ROBIN CROUGH
City Clerk



FINALLY PASSED, ADOPTED AND APPROVED by the City Commission of the City of Bozeman, Montana on second reading at a regular session thereof held on the 15th day of July, 2019. The effective date of this ordinance is August 14, 2019.


CYNTHIA L. ANDRUS
Mayor

ATTEST:


ROBIN CROUGH
City Clerk



APPROVED AS TO FORM:


KAREN STAMBAUGH
Acting City Attorney