

ORDINANCE NO. 18-01

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, DECLARING THE DOCUMENT ENTITLED "DOG PARK CODE AMENDMENTS, FEBRUARY 1, 2018" AS A PUBLIC RECORD; ADOPTING THE "DOG PARK CODE AMENDMENTS, FEBRUARY 1, 2018" BY REFERENCE; AMENDING THE TOWN CODE OF THE TOWN OF YOUNGTOWN, ARIZONA, BY AMENDING TITLE 6 ANIMALS, BY ADDING A NEW SECTION 6.04.060, DOG PARKS, RELATED TO ADOPTING REGULATIONS FOR THE DOG PARKS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, that certain document entitled "Dog Park Code Amendments, February 1, 2018," three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk; and

WHEREAS, the Town Council has determined that the proposed amendments are necessary to update animal regulations, efficiently enforce the law, and meet the best interest of the public health, safety, and welfare of Town residents;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Youngtown, Arizona, as follows:

Section I. In General.

The Code of Youngtown, Arizona, is hereby amended by amending Title 6 Animals, by adding a new section 6.04.060, Dog Parks to read as set forth in that certain document entitled "Dog Park Code Amendments, February 1, 2018," which document is hereby adopted and incorporated by reference.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Unless otherwise provided, any person found in violation of any provision of this Ordinance shall be responsible under Section 1.12.010 of the Town Code for a civil violation, punishable by a fine not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each violation. Each day that a violation continues shall be a separate offense punishable

as herein described. After having been found responsible for committing three (3) or more civil infractions of the same code provision in any twenty-four (24) month period, a person is a habitual offender and may be charged with a class one misdemeanor, punishable by a fine of not less than five hundred dollars (\$500) nor more than twenty five hundred dollars (\$2500), imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 1st day of February, 2018, by the following vote:

AYES: 6

NAYES: _____ ABSENT: 1


EXCUSED: _____ ABSTAINED: _____

APPROVED this 1st day of February, 2018.




Michael E. LeVault, Mayor

ATTEST:



Mary Reynolds, Town Clerk

APPROVED AS TO FORM:



Gust Rosenfeld, P.L.C.
Town Attorneys
By Trish Stuhan

I, MARY REYNOLDS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 18-01 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 1ST DAY OF FEBRUARY, 2018, WAS POSTED IN THREE PLACES ON THE 2ND DAY OF FEBRUARY, 2018.



Mary Reynolds, Town Clerk

DOG PARKS CODE AMENDMENTS, FEBRUARY 1, 2018

The following section is hereby adopted into the Town of Youngtown Town Code to read as follows:

6.04.060 Dog Parks.

A. Dog park rules. Any person may use, at their own risk, any dog park provided that such use is consistent with the use restrictions and prohibitions set forth in this chapter.

1. Owners of dogs or persons who bring any dog to a park, facility, or open space are required to clean up after such dogs.
2. Children under thirteen (13) years of age must be accompanied by a person at least eighteen (18) years old in order to bring a dog to a park, facility or open space.
3. All dogs older than 4 months must be licensed, vaccinated, and must wear their identification and permit tags to use the park. Dogs younger than 4 months may be permitted to use the park if they are under the owner's control and do not cause any disruption to other dogs, park patrons, or park facilities.
4. Dogs are required to be under voice control and within the owner's sight at all times when using a dog park.
5. Owners are required to immediately remove any dog exhibiting aggressive behavior toward another dog or any person including the owner in a dog park.
6. Eating or bringing any food into a dog park is prohibited.
7. Bringing more than three (3) dogs per person into a dog park is prohibited.
8. Dogs showing signs of illness are not allowed in the dog park. Dogs must be spayed and neutered to use the dog park.
9. All special uses and competitive events must be reviewed and approved by the Town Manager prior to any event.
10. Users may not enter a dog park at any time other than posted operational hours.
11. The Town Manager or the Town Public Works Manager may close the park for performance of routine maintenance or preparation for a reserved use, or when deemed necessary to protect public safety, dog safety, or property. Notice shall be posted when closed. The notice shall reasonably describe the time and period of closure for the area.
12. No person who has custody of an animal shall cause or permit the animal to cause damage to any Town property including but not limited to trees, shrubs, plants, turf and landscaping. No person shall cause the lighting facilities or electrical appliances to be turned on or used without written permission of the Town Manager.

13. It is unlawful for a person or animal to remain in or return to the dog park after a reasonable request to leave by the Town Manager, Public Works Manager, a Town code enforcement officer, or a law enforcement officer.

B. The presence of a dog in a dog park or any other park area, facility, or open space shall constitute a waiver of liability, on behalf of the person either owning, controlling, or attempting to control the dog, to the Town of Youngtown, as well as an agreement and undertaking to protect, indemnify, defend, and hold harmless the Town of Youngtown for any and all liability and/or damages alleged to have been or adjudicated to have been caused by the actions or presence of a dog including but not limited to property damage or personal injury.