



# CITY OF BILLINGS

## POLICE DEPARTMENT

### ANIMAL CONTROL DIVISION

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## MEETING MINUTES

### RECORDED BY:

Melonie Trang

### MEETING PURPOSE:

PRC Board and Animal Control Board Special Meeting

### MEETING DATE

January 20, 2016

### AND LOCATION:

Community Center

### ATTENDEES:

PRC Board Members:

Rick DeVore, Tom Rupsis, Marcia Clausing, Dayton Rush, Mark Wahl

Animal Control Board Members:

Jeannette Vieg, Robert Pumphrey, Charles Bushey, Cara Chamberlain, Delmer Schmidt

PRPL Staff Members:

Mike Whitaker, Director

Jon Thompson, Park Superintendent

Kory Thomson, Recreation Superintendent

Mark Jarvis, Park Planner

Mike Pigg, Park Supervisor



## I. MEETING CALLED TO ORDER

Chairman Rick DeVore called the meeting to order at 11:30.

### A. INTRODUCTIONS

Brent Brooks, City Attorney

Tom Stinchfield, Animal Control

Mike Ferguson, Billings Gazette

### B. ADDITIONS TO THE AGENDA

None

## II. DIRECTORS REPORT – Michael Whitaker

None

## III. PUBLIC/BOARD COMMENT

None

## IV. NEW BUSINESS

### A. Animal Control Ordinance:

The Animal Control Board and Park Board discussed the revisions to Section 4-407 to the Animal Control Ordinance. *(Copies of the revised ordinance is included in the board binder)*



The current ordinance is as follows:

**Section 4-407 Small animals in city parks or public lands.**

No small animals, whether restrained or unrestrained, shall be permitted in the city parks except for service animals when being used for that purpose and service animals being used in police work. This prohibition does not prohibit small animals in posted areas of parks or public lands that are specifically designated by council resolution for use by small animals in accordance with posted regulations. Areas in parks or public lands may be designated as a dog park by the city council through resolution. Dogs may be present without a leash within dog parks in accordance with posted regulations. Dogs located in these dog park areas are not subject to the leash restriction contained in section 4-406. Small animals in the city parks are deemed a nuisance and may be impounded; provided, that a permit for organized obedience training or shows may be granted for use in designated areas of designated parks on designated days. The permit shall be obtained from the animal control division at the discretion of the animal control supervisor for that particular event. The permit shall be in writing and shall designate the park, area within the park, the dates and duration. A fee as prescribed by council resolution shall be collected for each permit for each event. The city administrator, by administrative order, may regulate or restrict animals from being on certain public lands during designated public events. Such restrictions shall be clearly posted at the designated event. Failure to comply with the terms of such restrictions shall constitute a municipal infraction, and subject the animal owner to civil penalties as specified in section 18-1304, Ord. No. 03-5259, § 10, 10-27-03; Ord. No. 05-5351, § 8, 12-12-05; Ord. No. 09-5489, § 1, 4-13-09; Ord. No. 11-5536, § 1, 6-27-11) Editor's note—

Ord. No. 11-5536, § 1, adopted June 27, 2011, changed the title of section 4-407 from "Small animals in city parks" to "Small animals in city parks or public lands." The historical notation has been preserved for reference purposes

**The revised Section 4-407 – Small animals in city parks or public lands.**

~~No small animals, whether restrained or unrestrained, shall be permitted in the city parks except for service animals when being used for that purpose and service animals being used in police work.~~ Small animals, limited to dogs and cats, shall be allowed within city parks and other designated public lands subject to the following restrictions and regulations.

(a) ~~Dogs and cats in city parks or on public lands shall be restrained by a secure leash or other secure restraint not more than 8 feet in length and under physical control of a person capable of restricting the animal's movement.~~

(b) ~~Service animals are exempt from the restraint requirement in subsection (a) when being used for that purpose and service animals being used in police work.~~

(c) ~~The owner or handler of any dog or cat shall be to remove fecal matter deposited by their animals within a city park, on public land or on public sidewalks, trails or easements before the owner leaves the immediate area where the fecal matter was deposited.~~

(d) ~~The owner or handler must have in their possession the equipment necessary to remove their dog's or cat's fecal matter.~~

(e) ~~Due to heavy use by the public in addition to health and safety concerns, there are several park or public areas where dogs and cats are not allowed:~~

- I. ~~Within 25 feet of an~~ In established playground with play equipment
- II. ~~Within 25 feet of~~ In established spray grounds or swimming pools
- III. On established athletic fields
- IV. On tennis courts
- V. On basketball courts
- VI. Within established community gardens or formal garden areas
- VII. On City owned golf courses
- VIII. Within all park buildings

IX. At organized events including but not limited to outdoor concerts, markets, shows, programs, exhibits, assemblies, festivals, carnivals, fairs, etc.

(f) In the City owned cemeteries, dogs and cats are allowed provided they are restrained in accordance to with subsection (a) and are restricted to the roadways within the cemetery.

Michael Whitaker said the revision to the ordinance has been reviewed by the City's Legal Department and they are satisfied. City Attorney Brent Brooks was present at the meeting to answer any legal questions the boards might have.

Park Board Chair Rick DeVore stated that today's meeting was to discuss the proposed changes to the ordinance. He said there would be no action taken at this time.

The following are comments, questions and answers during the discussion:

- Add language defining "off leash" rules. Currently it states all public lands.
- Question: what is the penalty for people not following the ordinance? It falls under infractions. Section 4-454. Tom Stinchfield, of Animal Control said people can be fined between \$300-\$500.
- Is Park staff going to be monitoring dogs in parks? Animal Control and Park staff will have to work together. Director Michael Whitaker said both departments would need to come up with an implementation plan.
- What would be the costs involved to implement this new ordinance? Park Superintendent Jon Thompson said for the Parks Division, costs could run between \$20-\$30,000 to update signage in all of our parks and to install and maintain more mutt mitt dispensers. He said they haven't gotten in to the costs associated with educating the public, enforcement and ongoing maintenance costs.
- A question was asked about allowing dogs off leash in open areas of the park. It was commented a concern that if we allow dogs in an open area of some of our parks that they could run off and into the street or possibly chase someone. It was commented that it could be hard to regulate. Park Planner Mark Jarvis said we already have an off leash area for dogs and that is High Sierra Dog Park. He said there will be another off leash dog park at Centennial.
- Jon Thompson said this is going to be a huge change. We are doing something completely opposite of what the law has been for years. He said in other cities they have been allowing dogs in parks for a long time. He said he is a supporter of this if there is good education and enforcement.
- Tom Stinchfield, of Animal Control said the Animal Control Board has discussed this ordinance and has approved it. He said the Animal Control Board felt they should bring this to the Park Board for their approval before it is presented to Council and implemented. He said this change would affect both the Parks and Recreation Department and Animal Control and wanted both boards to be in agreement before moving

forward.

- Comment: It will be up to the Parks and Recreation Department to educate the public and put up signage but it is up to Animal Control to enforce the ordinance.
- A concern was brought up about enforcing the ordinance immediately. City Attorney Brent Brooks said once a policy has been approved, City Council can delay the effective date and do a warning period.
- Comment: The signage should contain the Animal Control phone number.
- Comment: 90% of dogs are off leash in certain parks like Norms Island in Riverfront Park and Phipps Park. Suggestion is to be flexible in these parks with allowing dogs off leash.
- Suggestion: Make Norms Island a Dog Park.
- Comment: Do not want to see a park like Riverfront/Norms Island labeled as a dog park.
- Comment: The resolution should specify certain off leash areas.
- Comment: The City Administrator should be allowed to designate off leash areas or define what those areas are. It was suggested to add to the ordinance the following wording: *City Administrator has the discretion to designate other areas as are deemed as necessary off leash.*
- City Attorney Brent Brooks suggested we should have any resolutions and administrative orders that are upon the designation of certain areas and collect them and maybe repeal all of them and start again.

It was a consensus following discussion by both boards to update the proposed ordinance in regards to "off leash areas" to include in the wording the following suggestion "*City Administrator has the discretion to designate other areas as are deemed as necessary off leash*" and update it before moving ahead on approval.

Director Michael Whitaker said once the update has been done, with the approval of those changes by the Legal Department, the ordinance will be presented to both boards for their approval and recommendation before going to Council for final approval and implementation.

## **VII. ADJOURNMENT**

1:10 pm