

ORDINANCE NO. OR 13-337

AN ORDINANCE TO AMEND THE STOCKBRIDGE MUNICIPAL CODE, CITY OF STOCKBRIDGE, GEORGIA RELATING TO PARKS, RECREATION, AND CULTURAL AFFAIRS SO AS TO PROVIDE FOR OFF-LEASH AREAS WITHIN CITY PARKS FOR DOGS AND SO AS TO PROVIDE FOR REGULATIONS RELATING TO SUCH AREAS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council have determined that the establishment of designated off-leash areas for dogs within public City parks will more fully serve the recreational needs of City residents who own dogs and will not injure the rights of residents who do not own dogs; and

WHEREAS, the Mayor and City Council have further determined that the establishment of off-leash areas will provide a substantial benefit in the form of exercise and social interaction for dogs and their owners.

THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

SECTION 1. Ordinance. That Title 7, Chapter 7.08, Section 7.08.010 of the current Stockbridge Municipal Code, City of Stockbridge, Georgia relating to “General park regulations” be amended by deleting subsection (A) (2) of said Code Section in its entirety, and by substituting the following in lieu thereof:

7.08.010 General park regulations.

A. ...

2. No pets except as permitted in Title 7, Chapter 7.09 of this Code;

...

That Title 7 of the current Stockbridge Municipal Code, City of Stockbridge, Georgia regarding “Parks, Recreation, and Cultural Affairs” be amended by adding a new Title 7, Chapter 7.09 entitled “Off Leash Dog Parks” to the Stockbridge Municipal Code, City of Stockbridge, Georgia so as to read as follows:

Chapter 7.09 OFF-LEASH DOG PARKS

7.09.000 – Establishment and Purpose.

The City is empowered to establish one or more off-leash dog park(s) within the public parks of the City for the purpose of allowing the off-leash exercise of dogs, provided that any dog within such park must be under the control of an owner who is competent and knowledgeable relating to the behavior of each such dog owned.

7.09.010 – Definitions.

The following definitions shall apply to the terms used in this Chapter:

“Dog Owner” is defined as any person or legal entity, including, but not limited to a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of a dog. In the case of a dog owned by a minor, the term “dog owner” includes the parents or person in loco parentis with custody of the said minor.

“Dog Park” is an enclosed and/or fenced facility, within a City of Stockbridge public park and accessible to the public, designed by the City for the purpose of allowing dogs, under the control of their owners, to exercise and socialize while off-leash.

“Visual Control” shall be defined as an owner being within 75 feet of the dog at issue, able to control or recall the dog at all times, and preventing the dog from becoming involved in any altercation with other dogs or people.

“Voice Control” shall be defined to include dogs that immediately come to their owner when so commanded by their owner.

7.09.020 – Dog Registration and Fees.

- A. All dogs using the Dog Park must be registered with the Stockbridge City Clerk’s office.
- B. All registration fees must be paid at the time of registration submittal.
- C. Registration fees shall be in an amount established by City Council resolution.
- D. The City Council shall set registration fees in an amount that is reasonably calculated to reimburse the City for maintenance of the dog park(s).

7.09.030 – Responsibilities of Dog Park Users.

- A. Owners must possess documentation that their dog(s)’ vaccinations are current. Current vaccination tags must be displayed on each dog’s collar at all times while on the premises of a dog park.
- B. All dogs using a dog park shall be free of contagious or infectious diseases, be parasite free both externally and internally, and have no visible wounds or injuries.
- C. No more than three (3) dogs per owner are allowed within a dog park.
- D. The owner of each dog inside the dog park must also be inside the enclosed dog park and have both visual and voice control over each of their dogs at all times. Dogs shall not be left unattended at or inside a park.
- E. All dogs must wear a collar at all times while in a dog park, however, spike, choke, and gentle-leader style electronic collars are not permitted within the dog park enclosure.
- F. Owners must filling in any holes created at a dog park by their dog(s).
- G. Owners must remove their dog(s) when they become engaged in excessive parking or are exhibiting signs of aggressive behavior.
- H. All dog waste must be promptly removed by dog owners and properly disposed of

in designated receptacles.

- I. Owners must also abide by all rules posted by the City of Stockbridge at any dog park. Owners are charged with the responsibility of familiarizing themselves with all posted City dog park rules.

7.09.040 – Prohibitions.

To ensure the safety of all dogs and their owners, the following are not permitted in any dog park;

- A. Animals other than dogs;
- B. Female dogs while in heat;
- C. Dogs having a previous history of aggressive behavior towards other animals or humans;
- D. The use of bicycles, roller blades/skates, skateboards, and other similar types of equipment;
- E. Glass bottles and similar breakable containers;
- F. Alcoholic beverages;
- G. Smoking;
- H. Professional dog trainers may not use any dog park facility in conjunction with the operation of their dog training business.

7.09.050 – Liability.

- A. Owners are responsible for and liable for all injuries and damages caused by their dogs.
- B. Use of any City dog park shall constitute implied consent of a dog owner to all conditions of this ordinance and shall constitute a waiver of liability to the City of Stockbridge. As such, users of any City dog park agree and undertake to protect, indemnify, defend, and hold harmless the City of Stockbridge for any injury or damage caused by or to their dog(s) during any time that said dog is at a dog park facility.

7.09.060 – Enforcement.

- A. Any person found to be in violation of this dog park ordinance and/or rules posted for a dog park by the City of Stockbridge is subject to removal from the facility and may be prohibited from future use of City dog parks, and may also have his or her dog impounded.
- B. Any person who violates any provision of this ordinance or the rules posted for a dog park by the City of Stockbridge may be subject to a fine of up to \$100.00.

SECTION 2. Intention of the Governing Body. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 3. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 4. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 5. Codification and Severability.

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

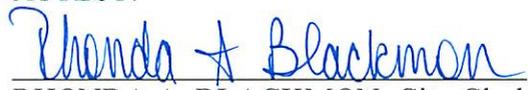
SECTION 6. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council and final approval as provided in Section 3.23 of the City's Charter.

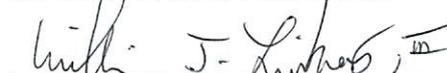
SO ORDAINED this 9th day of December, 2013.


MARK A. ALARCON, Mayor

ATTEST:


RHONDA A. BLACKMON, City Clerk (SEAL)

APPROVED AS TO FORM:


WILLIAM J. LINKOUS, III, City Attorney