

TOWN COUNCIL

STAFF REPORT EXECUTIVE DEPARTMENT



MEETING DATE:	June 13, 2018
PROJECT:	Consideration of an Ordinance Amending the Town of Bluffton Code of Ordinances, Chapter 22, <i>Streets, Sidewalks and other Public Property</i> , by adding Section VI, <i>Dog Parks</i>
STRATEGIC PLAN INTEGRATION:	Strategic Focus Area: Infrastructure Guiding Principle(s): 3; Establish long-term planning, prioritization and investment strategies for future infrastructure and facilities that improve the quality of life for citizens while being financially sustainable.
PROJECT MANAGER:	Scott Marshall, Deputy Town Manager

RECOMMENDATION:

Town Council consideration to approve Ordinance presented as Attachment 1 which contains proposed amendments to the Town of Bluffton Code of Ordinances, Chapter 22, *Streets, Sidewalks, and Other Public Property*, by adding Article VI, *Dog Parks*.

BACKGROUND:

With the construction of the Dog Park at Oscar Frazier Park well underway, the project includes proper signage to include rules of operation for the Dog Park. Presented as Attachment 1 is an ordinance amending the Town of Bluffton Code of Ordinances, Chapter 22, *Streets, Sidewalks, and Other Public Property*, by adding Article VI, *Dog Parks*.

Currently, there is no language in our ordinances which specifically addresses dog park usage. The amendment presented for consideration would be applicable to all current and future dog parks under the jurisdiction of the Town.

The rules that are suggested are derived from a combination of sources, to include Beaufort County's Dog Park rules, the Town of Hilton Head's Dog Park rules as well as several on-line sources for suggested rules for the safe and efficient operation of public dog parks. They have also been vetted through the Town of Bluffton Police Department and the Town Attorney's office.

HIGHLIGHTS OF ORDINANCE (AS AMENDED):

1. Hours of Operation.

- a. Park hours of operation are sunup to sundown. Remaining in a dog park during periods of darkness shall be considered trespassing.
- b. Exceptions to hours of operation may only be granted, in writing, by the Town Manager or his/her designee.

2. General Prohibitions.

- a. No dog shall be admitted to the dog park that is not fully compliant with Chapter 4, Article II of the Town Code.
- b. Children under the age of twelve (12) are not permitted, unless accompanied by a parent or guardian.
- c. Dogs shall not be unattended. Any unattended dog shall be considered abandoned, in accordance with Chapter 4, Section 35. (d) of the Town Code.
- d. No dogs under 4-months-old are allowed in park.
- e. No female dogs in heat are allowed in park.
- f. Food and drinks in glass containers are prohibited.
- g. Climbing on fences is prohibited.
- h. Professional dog trainers shall not utilize the dog park for the conduct of business.
- i. No person shall allow any animal that is not a dog in the dog park.
- j. No dog shall be permitted to attack, bite, molest, leap, jump or harass anyone or any dog, whether leashed or unleashed.
- k. No dog is permitted in the park that is known to have previously attacked, bitten, molested or harmed anyone or any other animal.
- l. No more than two dogs are permitted per person.

3. Dog Park Rules.

- a. Dogs must remain on leash when entering or leaving park or designated fenced area.
- b. Gates must be closed and latched immediately upon entering and exiting.
- c. No dog that is not under strict voice control or supervision, as defined in Chapter 4-27 of the Town Code, may be off-leash.
- d. Owners/handlers are responsible for any injuries caused by dogs under their control.
- e. All dogs must be licensed and current with required vaccinations.
- f. Dogs must not be allowed to dig. Owner/handler is responsible for refilling any holes created by digging.
- g. Owner/handler shall clean up and remove any droppings left by their dog.
- h. Trash shall be disposed of in trash and recycling receptacles provided in the park.
- i. Any objects (chairs, toys, training aids, etc.) left in the dog park will be considered trash and will be disposed of accordingly.

4. Penalties.

- a. Violators of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, not to exceed \$500.00 or not to exceed 30 days' imprisonment, or both.
- b. These penalties are consistent with Chapter 4, Article II, of the Town Code which regulates animal control.

NEXT STEPS:

1. The Ordinance will be presented for second and final reading at the July 10, 2018 meeting of Town Council.
2. Pending passing of the Ordinance, the rules will be provided to Friends of Bluffton Dog Parks for incorporation into park signage, in accordance with project plans.

ATTACHMENTS:

1. Ordinance Amending the Town of Bluffton Code of Ordinances, Chapter 22, *Streets, Sidewalks and other Public Property*, by adding Section VI, *Dog Parks*.
2. Dog Park Rules Listy
3. Suggested Motion Language.

ATTACHMENT 1

ORDINANCE NO. 2018 –

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING CHAPTER 22 OF THE TOWN CODE, STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY, BY ADDING ARTICLE VI, DOG PARKS, TO BE NUMBERED SECTIONS 22-133 THROUGH 22-149, FOR THE PURPOSE OF ESTABLISHING UNIFORM RULES FOR THE REGULATION AND SAFE OPERATION OF ALL DOG PARKS UNDER JURISDICTION OF THE TOWN OF BLUFFTON.

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to Section 5-7-140 of the South Carolina Code of Laws, 1976, as amended; and,

WHEREAS, the Town of Bluffton Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest amendments as Town Council deems appropriate; and,

WHEREAS, the Town of Bluffton Town Council desires to amend Chapter 22, Streets, Sidewalks, and Other Public Property by adding Article VI, Dog Parks, to enable the Town of Bluffton to better regulate, supervise and provide for fair and safe operations of Town dog parks;

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton as follows:

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends Chapter 22 of the Code of Ordinances for the Town of Bluffton, South Carolina, by adding Chapter 22, Article VI, Dog Parks, to be numbered Sections 22-133 through 22-149, and which shall read as shown on Exhibit “A” attached hereto and fully incorporated herein by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this ____ day of _____, 2018.

This Ordinance was read and passed at first reading on _____, 2018.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Kimberly Chapman, Clerk
Town of Bluffton, South Carolina

This Ordinance was read and passed at second reading on _____, 2018.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Kimberly Chapman, Clerk
Town of Bluffton, South Carolina

EXHIBIT "A"

ARTICLE VI. – DOG PARKS

Sec. 22-133. - Applicability.

This article applies to any publically owned or operated dog park that is specifically designed for and designated by the Town as a place for dogs to exercise and play off-leash in a controlled environment under the supervision, possession, or control of their owner(s).

Sec. 22-134. – Purpose.

Designated dog park(s) may be offered by the Town for the purposes of providing public access for dog owners and handlers where dogs can run freely off-leash and socialize with other dogs. The rules, prohibitions and other restrictions on use set forth in this Article are intended for the purpose of maintaining and regulating such facilities in a manner that will permit the greatest public use.

Sec. 22-135. – Hours of Operation.

- (a) Park hours of operation are sunup to sundown. Remaining in a dog park during periods of darkness shall be considered trespassing.
- (b) Exceptions to hours of operation may only be granted, in writing, by the Town Manager or his/her designee.

Sec. 22-136. – Prohibitions.

- (a) No dog shall be admitted to the dog park that is not fully compliant with Chapter 4, Article II of the Town Code.
- (b) Children under the age of twelve (12) are not permitted, unless accompanied by a parent or guardian.
- (c) Dogs shall not be unattended. Any unattended dog shall be considered abandoned, in accordance with Chapter 4, Section 35. (d) of the Town Code.
- (d) No dogs under 4-months-old are allowed in park.
- (e) No female dogs in heat are allowed in park.
- (f) Food and drinks in glass containers are prohibited.
- (g) Climbing on fences is prohibited.
- (h) Professional dog trainers shall not utilize the dog park for the conduct of business.
- (i) No person shall allow any animal that is not a dog in the dog park.
- (j) No dog shall be permitted to attack, bite, molest, leap, jump or harass anyone or any dog, whether leashed or unleashed.
- (k) No dog is permitted in the park that is known to have previously attacked, bitten, molested or harmed anyone or any other animal.
- (l) No more than two dogs are permitted per person.

Sec. 22-137. – Dog Park Rules.

- (a) Dogs must remain on leash when entering or leaving park or designated fenced area.
- (b) Gates must be closed and latched immediately upon entering and exiting.
- (c) No dog that is not under strict voice control or supervision, as defined in Chapter 4-27 of the Town Code, may be off-leash.
- (d) Owners/handlers are responsible for any injuries caused by dogs under their control.
- (e) All dogs must be licensed and current with required vaccinations.

- (f) Dogs must not be allowed to dig. Owner/handler is responsible for refilling any holes created by digging.
- (g) Owner/handler shall clean up and remove any droppings left by their dog.
- (h) Trash shall be disposed of in trash and recycling receptacles provided in the park.
- (i) Any objects (chairs, toys, training aids, etc.) left in the dog park will be considered trash and will be disposed of accordingly

Sec. 22-138. Penalties.

Any person violating any section of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, not to exceed \$500.00 or not to exceed 30 days' imprisonment, or both.

Sec. 22-139. Enforcement

The responsibility to enforce the rules and regulations set forth in this Article is hereby vested in the Police Department of the Town.

Sec. 22-140 through Sec. 22-149. Reserved.

ATTACHMENT 2

Dog Park Rules of Operation

- Park hours of operation are sunup to sundown. Remaining in the dog park during periods of darkness shall be considered trespassing.
- Dogs must remain on leash when entering or leaving park or designated fenced area.
- Close and latch gates immediately upon entering and exiting.
- Dogs shall not be unattended. Any unattended dog shall be considered abandoned.
- No dog that is not under voice control or supervision may be off-leash.
- No dog shall be permitted to attack, bite, molest, leap, jump or harass anyone or any dog, whether leashed or unleashed.
- No dog is permitted in the park that is known to have previously attacked, bitten, molested or harmed anyone or any other animal.
- Owners/handlers are responsible for any injuries caused by dogs under their control.
- No dogs under 4-months old are allowed in park.
- No female dogs in heat are allowed in park.
- All dogs must be licensed and current with required vaccinations.
- Do not allow dogs to dig. Owner/handler is responsible for refilling any holes created by digging.
- No more than two dogs are permitted per person.
- Owner/handler shall clean up and remove any droppings left by their dog.
- Dispose of trash and recycling in provided receptacles.
- Do not leave objects (chairs, toys, training aids, etc.) in the dog park. Any objects left in the dog park will be considered trash and will be disposed of accordingly.
- Children under the age of twelve (12) are not permitted, unless accompanied by a parent or guardian.
- Professional dog trainers shall not utilize the dog park for the conduct of business.
- No person shall allow any animal that is not a dog in the dog park.
- Climbing on fences is prohibited.
- Food and drinks in glass containers are prohibited.
- The Town of Bluffton and/or Friends of Bluffton Dog Parks are not responsible for any injuries or damages caused by any dog or person while in the dog park.
- The Town of Bluffton Police Department has jurisdiction over the dog park.

ATTACHMENT 3

**Attachment 3
Suggested Motion Language**

**“I move to pass the Ordinance, as presented, Amending
the Town of Bluffton Code of Ordinances, Chapter 22,
Streets, Sidewalks and other Public Property, by adding
Section VI, *Dog Parks.*”**