



**Parks Commission
Agenda
Tuesday, January 10, 2017
5:30 P.M.
Village Hall**

1. Call to Order
2. Consider Minutes from meeting on November 15, 2016
3. Discuss Ordinance Prohibiting Dogs at Atwater Park/Beach and Hubbard Park
4. Consider other Ideas for Amenity Fund Brochure
5. Benches at Atwater Park
6. Update on Wilson Drive Task Force
7. Staff Liaison Updates
8. Future Agenda Items
9. Adjournment

DATED at Shorewood, Wisconsin this 5th day of January, 2017.

VILLAGE OF SHOREWOOD
Tanya O'Malley
Village Clerk-Treasurer

Should you have any questions or comments regarding any items on this agenda, please contact the Manager's Office at 847-2702.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals.



AT THE EDGE OF THE CITY AND
THE HEART OF EVERYTHING

MEMORANDUM

TO: Parks Commission
FROM: Tyler Burkart, Assistant Village Manager
DATE: January 10, 2017
RE: Discussion on Dog Ordinance for Parks

OVERVIEW

A Village Trustee is asking the Parks Commission to review the Dog Ordinance language to consider recommending changes to the ordinance to allow access for dogs to Atwater and Hubbard Parks. Residents on both sides of this issue have provided feedback to the Village Board, which is one of the reasons why the Parks Commission is being asked to review this important topic. After talking with the Police Department and the Department of Public Works, Atwater and Hubbard Parks have historically always not allowed dogs. The two main issues that this discussion centered on in the past were safety and health.

Staff took the time to complete a quick review of other municipality ordinances and whether dogs were allowed access in parks. After surveying 16 municipalities, 9 of the 16 allowed some type of access for dogs. It is important to note that all 9 of these municipalities included some additional regulations when it comes to dogs being present in the parks. Several of the municipalities regulate their access to only particular areas of the park that are designated by signs. Others, such as Brown Deer, mention dogs are only allowed to be walked through the park to gain access to the recreational trail. All municipalities also require the dogs to be on a leash of approximately 6 feet (on average). Below is a list of the municipalities researched:

- Bayside – Undetermined based on review of municipal code
- Brookfield – Yes, regulated access
- Brown Deer – Yes, regulated access
- Cedarburg – Yes, regulated access
- Elm Grove – Yes, regulated access
- Fox Point – No access
- Germantown – Yes, regulated access
- Glendale – No access
- Grafton – No access
- Greendale – No access
- Hartford – Yes, regulated access
- Pewaukee – No access

- Sussex – Yes, regulated access
- Wauwatosa – Yes, regulated access
- West Bend – No access
- Whitefish Bay – Yes, regulated access

CURRENT ORDINANCE LANGUAGE

Ordinance § 400-9 in the Shorewood Municipal Code

§ 400-9. Dogs prohibited in certain park areas.

- A. No owner or keeper of a dog shall allow or permit such dog to enter or remain in identified areas of Atwater Park and Hubbard Park which are posted with signs which prohibit the dog's presence.
- B. The provisions of this section shall not apply to:
 - (1) Visually impaired, hearing impaired or mobility impaired persons who have and use a specially trained dog for assistance and support.
 - (2) Dogs used by or under the authority of law enforcement personnel in the course of official police business.
- C. Any owner, person or party who violates the provisions of this section shall be subject to the penalties authorized under the provisions of § 400-10 of this chapter.

ADDITIONAL RESEARCH AND ANALYSIS

Here is the number of dog licenses issued in the Village of Shorewood for the last three years, per Laura Proeber, Operations Manager at MADACC:

2014: 427

2015: 393

2016: 396

Based upon further review and research request of the commission, below are the exact code section and language included for selected municipalities:

- Milwaukee County, Section 47.06 (3)

Dogs prohibited in certain areas. No person having the control or care of a dog shall suffer or permit such dog to enter or remain in a public park or parkway unless it be led by a leash of suitable strength not more than six (6) feet in length, and then only within such areas in parks as have been designated by the parks director. Dogs may be off leash in specific areas designated solely as off leash dog exercise areas under all of the following conditions:

- (a) The owner or keeper of the dog must be present;
- (b) The dog must be under voice control of the owner or keeper at all times;
- (c) The dog must wear a current rabies vaccination tag; and
- (d) Feces must be properly removed and disposed of in designated containers.

Said off leash areas shall be designated by the parks director. The parks director shall cause signs to be posted in areas wherein dogs are not permitted, or permitted off leash.

- Village of Whitefish Bay, Section 15.11B (7A-B)
 (A) A dog is considered to be running at large if it is off the premises of its owner or caretaker and not controlled by the owner, caretaker or some other person by leash not longer than 6 feet, and that person is of sufficient size and physical stature and condition to control the dog by continuous use of the leash.
 (B) A dog is considered to be running at large under any condition if it is a public park, on school grounds or any other public areas of this Village. Right-of-way areas for street purposes are not “public areas” for the purpose of this Subsection.
- Village of Brown Deer, Section 42-11 (9A-E)
 (A) Domestic pets are only allowed in Village Park for the purpose of being walked through the park to gain access to the village recreational trail. Owners are required to clean up any waste deposited by said pet, and properly dispose of off-site.
 (B) Domestic pets shall be on maximum eight-foot long visible leash. Owners shall be in control of their pet at all times.
 (C) Pets shall not be allowed in Village Park buildings, shelters and playground areas.
 (D) Certified service animals and police authorized animals are exempt from this provision.
 (E) Pets shall not be allowed in Village Park on the 4th of July, National/Community Night Out and the Deer Run.
- City of Glendale, Section 12.1.2 (4)
 No animals are allowed in Wingate Park, except such small wild species as may naturally inhabit the City of Glendale. This section shall not apply to animals assisting persons under disability.
- City of Wauwatosa, 7.65.040
 No person having the control or care of a dog shall suffer or permit such dog to enter or remain in a public park or parkway unless it be led by a leash of suitable strength not more than six feet in length, and then only within such areas in parks as have been designated by order of the park commission. The park commission shall cause signs to be posted in areas wherein dogs are not permitted.

Village staff spent additional time researching for language regarding seasonal limits, special event exceptions or fundraisers. After researching over 30 different ordinance languages, the Village was unable to find language as an example of any of the following areas. None of the municipalities listed above are reviewing their dog ordinance language at this time.

POLICE DEPARTMENT COMMENTS

The Police Department reviewed the ordinance and has no direct opposition to the current ordinance or suggested changes. As you are aware the Police Department has in the past received calls from citizens complaining about dogs in the parks and at the beach. The response to these calls requires Police Department resources; however, they have been minimal and therefore not burdensome. It is worth pointing out that changing the ordinance to allow dogs

could require more police resources to enforce the ordinance pending the recommended ordinance language and should be considered when making the final recommendation to the Village Board.

VILLAGE ATTORNEY COMMENTS

The Village Attorney states there are not liability concerns that should impact the decision making process. First, the mere passive act of allowing dogs to be present in municipally owned parks would not likely constitute an absence of reasonable care that establishes negligence on the municipality's part. Further, the municipality has immunity for discretionary and legislative acts under Wisconsin Statute Section 893.80. There is also the possibility that liability may also be barred by Wisconsin's recreational immunity Statute Section 895.52. Finally, Wisconsin Statute 174.02 places strict liability on the owner of a dog when a dog injures a human, another animal or property.

NEXT STEPS AND RECOMMENDATION(S)

The Parks Commission will discuss and gather feedback on this issue during its next 2-3 meetings. Eventually, the Parks Commission will need to come up with a recommendation to provide the Village Board on this issue. The following are potential options (but not limited to just these options) the Parks Commission may end up recommending to the Village Board:

1. The Parks Commission recommends allowing dogs to be at Atwater and Hubbard Parks as long as they are on a 6 foot leash during any hours the parks are open.
2. The Parks Commission recommends allowing dogs to be at Atwater and Hubbard Parks as long as they are on a 6 foot leash during off peak hours of the parks, which access for dogs must be between the hours of ____.
3. The Parks Commission recommends allowing dogs to be at Atwater and Hubbard Parks as long as they are within the predetermined area that is marked with signs.
4. The Parks Commission recommends keeping the current ordinance language as it is, prohibiting dogs to be at Atwater and Hubbard Parks.