

LEGISTAR #59294 - Body

DRAFTER'S ANALYSIS: This ordinance will reorganize and recreate the City's patchwork of ordinances that address on- and off-leash dog use of City property, consistent with the Board of Park Commissioners October 2, 2019 approval of the Statement of Policy and Guidelines for On-leash Dog Access to the Madison Park System (Legistar File No. 57578), which document was prepared following extensive public input and discussion.

Current ordinances (Sections 8.19 and 23.32) prohibit dogs generally from City parks and any City-occupied buildings, while also allowing for 26 specific on-leash dog parks and 9 specific off-leash dog parks. As part of this ordinance, dogs will generally continue to be prohibited from City buildings, but City agencies will now be able to designate whether any other City property under their control (such as City golf courses, Forest Hill Cemetery, the Public Market, Monona Terrace, etc.) should be dog-free, and under what conditions.

In addition, under the ordinance change, all City parks and greenways (stormwater properties) will now, except where specifically designated as dog-free, allow for leashed dogs. Greenways are already treated like park open space by many, so creating a mechanism to regulate the use of these open spaces, and treating them like parks for the purposes of this ordinance, is appropriate. The current off-leash dog park list will remain, but temporary dog recreation areas will be allowed as well—which will give the City some flexibility in testing and establishing other areas where regulated use by dogs may be appropriate.

Finally, the definition of "service dog" is being updated to align with the current usage under the Americans with Disabilities Act.

Of note, the main effect of these combined changes are that all parks will now allow leashed dogs except where otherwise specified, which is different than the existing status where dogs are banned unless allowed.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 8.19 entitled "Animals Prohibited in Certain Areas" of the Madison General Ordinances is amended to read as follows:

8.19 ANIMALS PROHIBITED IN CERTAIN AREAS.

- (1) ~~Definition. "City space" means any building or portion of a building that is occupied by the City.~~
- (2) ~~Dogs Prohibited in Parks, on School Grounds, and in City Spaces~~ **Certain Areas.**
 - (a) ~~Definitions. For the purposes of this Subsection, the following definitions apply:~~
 - ~~City Building means any building or portion of a building that is occupied by the City.~~
 - ~~Designated City Property means any City owned or leased property, or portions thereof, designated as "dog-free" by the Department or Division in charge of said City property, and posted as such. Any such designation may be with or without conditions.~~
 - (ab) ~~Prohibition. Except as provided for under Subdivision (bc), no owner, keeper or handler of a dog shall allow, cause or permit such dog to enter or remain in:~~
 - 1. ~~Any public park in the City of Madison; or, City building;~~
 - 2. ~~Any designated City property; or,~~
 - 23. ~~Any school grounds in the City of Madison as have been designated by order of the Board of Education as areas in which dogs are prohibited and that are posted as such.~~
 - 3. ~~Any City space.~~
 - (bc) ~~Exceptions. The prohibition in Subdivision (ab) shall not apply to the following:~~

1. ~~Service Dogs. Dogs specially trained, or dogs being specially trained, to lead visually or hearing-impaired persons or to provide support for mobility-impaired persons when leading or accompanying a visually impaired, hearing-impaired or mobility-impaired person. Service Dogs are dogs that are individually trained to do work or perform tasks for people with disabilities as set forth in Title II of the Americans with Disabilities Act and United States Department of Justice regulations.~~
2. ~~Law Enforcement Dogs. Dogs used by or under the auspices of the City of Madison Police Department or other law enforcement department in the course of official police business.~~
3. ~~On Leash Dog Parks.~~
 - a. ~~On Leash Dog Park Locations. Subject to the conditions set forth in sub. b., dogs are permitted to be in posted areas of the following parks or any other area so designated by the Board of Park Commissioners and confirmed by the Common Council:~~

Acewood Park	Law Park
Baxter Park	Marlborough Park
Blackhawk Park	Norman Clayton Park
Brittingham Park, from Bassett St. to Bedford St.	North Star Park
Demetral Park	Peace (Elizabeth Link) Park
Door Creek Park	Quarry Park
Elver Park, from March 15 to November 15	Richmond Hill Park
Garner Park	Spring Harbor Park, the eastern portion thereof
Glen Oak Hills Park	Sycamore Park
Greentree Park	Walnut Grove Park
High Point Park	Warner Park
Hoyt Park, along Owen Parkway	Wingra Park
James Madison Park	Yahara River Parkway (including Burr Jones Field)

- b. ~~Conditions of On-Leash Dog Park Use. All users of the designated on-leash dog parks set forth in sub. a. must comply with the following conditions:~~
 - i. ~~The dog must be restrained by a chain, rope, cord or leash of sufficient strength to control the action of such dog. The length of the chain, rope, cord or leash shall not exceed six (6) feet when the owner or keeper and the dog are proceeding along any pedestrian or transportation corridor.~~
 - ii. ~~The dog is licensed and must wear a rabies vaccination tag as required by Sec. 23.39(3), owner identification as required by Sec. 23.33(6)(a), a license tag as required by Sec. 23.33(6)(c), and a permit tag as required in sub. iv. below.~~
 - iii. ~~Dog feces shall be removed and disposed of in compliance with Sec. 7.322.~~
 - iv. ~~The owner of the dog must have secured a permit for use of dog exercise areas in city and county parks.~~
4. ~~Off-Leash Dog Parks. Dogs are permitted to run at large, off-leash, in certain parks, as set forth in Sec. 23.32.~~

- 53. Rental Space. Dogs are permitted when there is an agreement for rental or use of any City ~~space~~ building or designated City property and such permission is specified in the rental or use agreement.
 - 64. Permit. Dogs are permitted in any City ~~space~~ building or designated City property when authorized under a permit.
 - 75. Programming. Dogs are permitted in any City ~~space~~ building or designated City property when the dogs are part of programming that is intended for the general public and has been approved by the Department or Division Head.
- ~~(c) — The Board of Park Commissioners shall cause signs to be posted in parks or park areas where dogs are permitted and the School Board shall do likewise in school grounds or school ground areas wherein dogs are prohibited.~~
- (32) Horses Prohibited in Certain Areas. No owner or keeper of a horse, except horses used by the City of Madison Police Department in the course of official police business, shall suffer, cause or permit such horse to enter or remain in any public park in the City of Madison unless so designated by the Superintendent of Parks.
 - (43) Certain Animals Prohibited on Zoo Property. No owner or keeper of any animal shall suffer, cause or permit said animal to enter or remain on Henry Vilas Zoo property unless specific permission has been granted by the Henry Vilas Zoo Director.
 - (54) Any person violating any provision of this section for the first time in any twelve-month period may be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100); any person violating any provision of this section for the second time in any twelve-month period may be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200); any person violating any provision of this section for the third time in any twelve-month period may be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300); any person violating any provision of this section for the fourth and subsequent time in any twelve-month period may be subject to a forfeiture of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500)."

2. Section 8.195 entitled "Dog Recreation Areas" of the Madison General Ordinances is created to read as follows:

"8.195 DOG RECREATION AREAS.

- (1) Dogs Permitted in Recreation Areas. Except as otherwise provided in this Section or Section 8.19(1), dogs meeting the requirements of this Section are allowed in the following City-owned areas:
 - (a) Parks.
 - (b) Greenways. A greenway, as defined in Section 16.23(2), is an open area of land, the primary purpose of which is to detain or carry storm water on the ground.
 - (c) Designated Dog Recreation Areas. Other City-owned property may be designated as a dog recreation area by the City from time-to-time. Any such area must be so indicated by posted signs informing the public of the designation.
- (2) Dog Park Permit. The owner of a dog using a park, greenway or designated dog recreation area under this Section must have secured a dog park permit for the use of dog recreation areas in City and County parks. The revenue from the permit fee shall be put in a segregated fund to be used in the establishment and maintenance of dog recreation areas. The permit fee shall be established by the Superintendent of Parks subject to the approval by the Board of Parks Commissioners.
- (3) Requirements. Dogs are only permitted in City parks, City owned greenways and designated dog recreation areas if all of the following conditions are met:
 - (a) Dogs must be under the immediate physical and voice control of the owner or keeper at all times.

- (b) Dogs must be on a leash that is no more than 6 feet long, non-retractable, and held by a person at all times, except for while in designated off-leash dog recreation areas.
 - (c) The dog must wear a collar that includes:
 - 1. A rabies vaccination tag as required by Sec. 23.39(3);
 - 2. An owner identification tag as required by Sec. 23.33(6)(a);
 - 3. A dog license tag issued under Sec. 9.50(4)(b), or, if not applicable, a valid municipal license tag; and,
 - 4. A dog park permit tag as required by Sub. (2) above.
 - (d) Dog handlers are required to pick up waste and have bags or scoops when in the park, greenway or designated dog recreation area. Feces must be properly removed and disposed of in compliance with Section 7.322, MGO.
 - (e) Dogs must not dig, chase or harm wildlife, damage City property, or interfere with other park, greenway or dog recreation area users.
- (4) Off-leash Dog Recreation Areas. Dogs are permitted to run unleashed in the designated and posted portions of the following areas:
- (a) Brittingham Park, at Broom Street.
 - (b) Demetral Field.
 - (c) Lucia Crest Park, between 5:00 a.m. and 7:30 a.m. only.
 - (d) The McCormick Avenue Greenway (located west of McCormick Ave., north of Commercial Ave., east of Starkweather Creek, and south of Aberg Ave.).
 - (e) Odana School Park.
 - (f) Quann Park.
 - (g) Sycamore Park.
 - (h) Walnut Grove Park.
 - (i) Warner Park, in the area south of the lagoon.
 - (j) Special Designations. On a permanent or limited basis, and subject to the restrictions set forth in Subsection (5), all or a portion of the following areas may be established as off-leash dog recreation areas:
 - 1. Any park, or area therein, as authorized by the Parks Superintendent and the Board of Parks Commissioners;
 - 2. Any greenway, or area therein, as authorized by the City Engineer and the Board of Public Works; or,
 - 3. Any other City-owned land, or area therein, as authorized by the head of the City Department or Division in charge of said land and a resolution of the Common Council.
- (5) Dog-free Parks and Greenways. Notwithstanding the foregoing, dogs are not allowed in the following parks or greenways, or areas within the following parks or greenways:
- (a) Conservation parks.
 - (b) On or within 20 feet of any burial mounds.
 - (c) Olbrich Botanical Gardens.
 - (d) Playgrounds and areas within 20 feet of a playground surface.
 - (e) Splash parks and areas within 20 feet of the splash park surface.
 - (f) Goodman Pool and Breese Stevens Field (except for special events where dogs are specifically invited).
 - (g) Programmed sports fields and facilities that are enclosed or substantially enclosed by a fence, whether in use or not.
 - (h) Programmed, non-fenced sports fields such as soccer, ultimate fields or softball/baseball diamonds while they are in use for programmed activities.
 - (i) Inside of park shelters or other buildings.
 - (j) Groomed cross-country ski trails.
 - (k) In the water or on the beach at designated beach locations.
 - (l) Park special events, except where the sponsor has requested to allow dogs, with the Park Superintendent's approval.
 - (m) Parks designated as dog-free parks by the Board of Park Commissioners.

- (n) Parks designated as dog-free parks, for up to 90 days, by the Parks Superintendent.
- (o) Greenways designated as dog-free greenways by the City Engineer.
- (6) Exception. This Section shall not apply to prevent any person from bringing a service dog or law enforcement dog, as those terms are defined in Section 8.19(1)(c)1. and 2., into any City park, greenway or other City lands.
- (7) Penalty. Any person violating any provision of this section for the first time in any twelve-month period may be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100); any person violating any provision of this section for the second time in a twelve-month period may be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200); any person violating any provision of this section for the third time in a twelve-month period may be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300); any person violating any provision of this section for the fourth and subsequent time in a twelve-month period may be subject to a forfeiture of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500)."

3. Section 23.32 entitled "Regulation of Dogs and Cats Running at Large" of the Madison General Ordinances is amended to read as follows:

"23.32 REGULATION OF DOGS AND CATS RUNNING AT LARGE.

- (1) Except as provided under Section 8.195, it shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large in the City of Madison. Any animal found at large shall be conclusively presumed to be so with the permission of its owner or keeper. A dog or cat shall be deemed to be at large when it is off the premises of its owner or keeper, unless under the control of a person and restrained by means of a chain, rope or cord of sufficient strength and of a length not to exceed six (6) feet to control the action of such dog or cat, ~~except as provided in Subsection (2).~~ This ordinance is not intended to prohibit the keeping of dogs or cats within enclosed areas which will reasonably control the conduct of said dog or cat.
- (2) ~~Dog Parks.~~
 - (a) ~~Dog Park Locations. Subject to the conditions set forth in Subsection (b), dogs are permitted to run unleashed in the posted areas of the following locations:~~
 1. ~~Brittingham Park, at Broom Street.~~
 2. ~~Demetral Field.~~
 3. ~~Lucia Crest Park, between 5:00 a.m. and 7:30 a.m. only.~~
 4. ~~The McCormick Avenue Greenway (located west of McCormick Ave., north of Commercial Ave., east of Starkweather Creek, and south of Aberg Ave.).~~
 5. ~~Odana School Park.~~
 6. ~~Quann Park.~~
 7. ~~Sycamore Park.~~
 8. ~~Walnut Grove Park.~~
 9. ~~Warner Park, in the area south of the lagoon.~~
 - (b) ~~Conditions of Dog Park Use. All users of the designated dog parks set forth in Subsection (a) must comply with the following conditions:~~
 1. ~~The owner or keeper of the dog must be present;~~
 2. ~~The dog must be under the voice control of the owner or keeper at all times;~~
 3. ~~The dog must wear a rabies vaccination tag as required by Sec. 23.39(3), MGO, owner identification as required by Sec. 23.33(7)(a), a license tag as required by Sec. 23.33(7)(c), and a permit tag as required by paragraph 5. below;~~
 4. ~~Feces must be properly removed and disposed of in compliance with Section 7.322, Madison General Ordinances; and,~~

~~5. The owner of the dog must have secured a permit for use of dog exercise areas in city and county parks. The revenue from the permit fee shall be put in a segregated fund to be used in the establishment and maintenance of dog exercise areas. The permit fee shall be established by the Park Commission subject to approval by the Common Council.~~

(32) Any person violating any provision of this section for the first time in any twelve-month period may be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100); any person violating any provision of this section for the second time in a twelve-month period may be subject to a forfeiture of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200); any person violating any provision of this section for the third time in a twelve-month period may be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300); any person violating any provision of this section for the fourth and subsequent time in a twelve-month period may be subject to a forfeiture of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500).

~~(4) These amendments to Section 23.32, Madison General Ordinances, shall be effective May 15, 1996."~~

4. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
<u>"Dogs prohibited in certain areas City buildings.</u>	<u>8.19(1)(b)1.</u>	<u>\$25, 1st \$100, 2nd \$200, 3rd \$300, 4th, sub.</u>
<u>Dogs prohibited on designated City property.</u>	<u>8.19(1)(b)2.</u>	<u>\$25, 1st \$100, 2nd \$200, 3rd \$300, 4th, sub.</u>
<u>Dogs prohibited on school grounds.</u>	<u>8.19(1)(b)3.</u>	<u>\$25, 1st \$100, 2nd \$200, 3rd \$300, 4th, sub.</u>
<u>Dog recreation area violation.</u>	<u>8.195(7)</u>	<u>\$50, 1st \$100, 2nd \$200, 3rd \$300, 4th & sub.</u>
<u>Failure to comply with conditions of dog park use.</u>	<u>23.32(2)</u>	<u>\$25, 1st \$100, 2nd \$200, 3rd \$300, 4th & sub."</u>

EDITOR'S NOTE: A new or revised forfeiture range must be approved by the Municipal Judge prior to adoption. These new and revised ranges have been so approved.