

PARK AND RECREATION COMMISSION WORK SESSION  
Tuesday, July 24, 2012  
5:00 p.m., City Council Chambers, Historic Federal Building

PRESENT:	Bob Blocker, Chuck Harris, Paul Hoffmann, Ken Klinge, Karen Lyness, Evelyn Nadeau and Dave Schlueter
OTHERS PRESENT:	Staff present: Marie Ware, Pat Prevenas and Eileen Trimble
	Meeting began at 5:00 p.m.
INFORMATION FROM LEISURE SERVICES MANAGER:	Leisure Services Manager Ware said she checked with the Legal Department on questions that had come up in previous meetings.
	<b>Fines:</b> There is no specific fee or fine structure defined within the Park and Recreation section of the Code of Ordinances. This means it becomes a municipal infraction which would be a minimum \$50 fine + court costs + corrective action. The city goes by rates set by the state for municipal infractions: 1st offense is anywhere from \$50 to \$750; 2nd offense is up to \$1,000 + court costs and corrective action; and 3rd offense is contempt of court with possible jail time. Pet waste not cleaned up by the owner falls under unlawful deposit under the littering ordinance and that fine structure would be the same. This is the fine structure unless commissioners wanted to define a specific fine structure that would be for parks only. The Assistant City Attorney shared fines are levied to gain compliance with rules.
	<b>Liability:</b> Ms. Ware asked the city Legal Department if the city would be open to liability if the ordinance was changed for pets to be allowed in parks and someone was bitten or attacked by a dog. She was told that if there are usage regulations in place, in other words if dogs are allowed in parks, the <b>city</b> would not be at risk for any greater liability; the liability would fall on the pet owner. <b>Commissioners</b> would not personally be open to liability because they fall under the umbrella of the city and would not be liable unless they had willful, malicious intent.
	From department view: Iowa's other large cities have pets in parks and they get calls with concerns. If we change the ordinance the department will get the calls from people that didn't want the ordinance changed - they will expect workers to go clean up dog waste right away and tickets to be issued. Other Park and Recreation professionals would say they wished their city had it our way. Park staff is concerned about opening up parks to pets because some parks are bad now even though pets are not supposed to be there. If the ordinance is changed, and pets are allowed in parks, department staff will not clean up pet waste calls that come in; there is not the staff available for that duty.
	• <b>Compromise:</b> If she was going to offer a compromise that hasn't been shared she would suggest allowing pets on only trails first to see how it goes. We have had people say they will police dog waste and help clean up other dog's waste. This is typically shortlived. • <b>Limit to certain areas of parks:</b> does not think allowing pets in only certain areas will work because people tend not to read

signs and it is more confusing. • **Only certain parks:** It has been said that a lot of people visit certain parks so let's not allow pets in those parks. The problem there is that those are the parks pet owners really want to go with their pets and families. • **Leash:** If you recommend allowing pets, Ware would suggest a maximum 6' leash, no retractables. • **Getting hurt:** Ware doesn't want to see anyone get hurt. People visit parks every day. There is inherent risk in participating in parks and recreation.

Ms. Ware said she observed people with pets on the Riverwalk - dogs running free; people holding leash in hand while dog ran ahead; a pile of dog waste in the middle of the Riverwalk, etc. as well as responsible pet owners. Ms. Ware thinks you have to be all in or all out with limited exceptions. The more exceptions you put on the rules, the harder it is for the public to follow and understand and the harder to explain. Whatever is decided, education of the public and consistent signage at all areas is important.

**COMMISSIONER COMMENTS:** Commissioner **Blocker** said it looks like Dubuque is the odd man out in relation to other cities because their ordinances allow pets in parks and ours does not. He feels pets should be allowed in every park except Arboretum/ Marshall Park with a maximum 6' leash.

Commissioner **Schlueter** asked if there was anybody that wanted the ordinance to stay as it is currently written, and Hoffmann and Klinge both said yes. In regard to the suggestion about starting with trails only, he feels people already have trails now because they are not really addressed in the current ordinance - they are like a nondefined area.

Commissioner **Harris** thinks pets should be allowed in all parks except Eagle Point, Arboretum/Marshall, Comiskey, Jackson, Murphy and Washington. He is open to changing that but feels strongest about no pets in Eagle Point and Marshall/Arboretum. Maybe we could add Eagle Point in the future after some kind of trial period after we see how it goes.

Commissioner **Lyness** agrees with allowing pets in all parks except Arboretum/ Marshall Park but we should provide baggies and charge 25 cents per bag. There will be a cost but we are going to pay for new signs regardless of what we do. Pets should be on leashes with a maximum 6' length and we would need to educate the public on fines.

Commissioner **Blocker** said Eagle Point is the most popular park so that is where most people will want to go. He thinks pets should be allowed in all parks except the Arboretum/Marshall.

Commissioner **Nadeau** said originally she had thought to exclude pets from Eagle Point but now sees the value of consistency and thinks they should be allowed in all except Arboretum/Marshall Park. She is wondering if we should set some kind of age restriction for the person holding the pet's leash – she wouldn't want to see a 7 year-old holding a lease, for example.

Commissioner **Schlueter** said why don't we take a consensus on the parks that have been mentioned the most – Comiskey, Jackson, Eagle Point, Washington, Arboretum/Marshall, Murphy, Riverwalk and Flora. The consensus seemed to be to allow pets in all parks except the Arboretum/ Marshall Park and Eagle Point.

FURTHER  
DISCUSSION:

Commissioner **Hoffmann** said he was originally for some kind of compromise but after the last meeting he changed his mind. He is hearing more and more against allowing pets in parks. He was at a meeting the other day with 50 people and all 50 were against changing the ordinance to allow pets in parks. Commissioner **Harris** said he has experienced the opposite – he was at a meeting where over half the people were for changing the ordinance.

Mr. **Hoffmann** said he is not hearing any answers to the questions about who cleans up after irresponsible pet owners. Who will enforce the new ordinance and write tickets - the park patrol does not start until later in the day? Who is liable if the pet owner has no insurance and their pet bites or attacks someone in the parks? How do you collect fines if they have no money?

Mr. **Harris** said the city has general liability now if somebody goes into the park and gets injured on a piece of play equipment. Are there lawsuits out there now because of dog bites or dog -attacks in parks? How will be it any different than walking up and down a city street where dogs are? Mr. **Blocker** said if other cities don't like the ordinance, why haven't they rescinded it? Ms. **Lyness** said Mr. Harris was right on the liability, there are hazards everywhere. Ms. **Nadeau** said there are a lot of people that want the change. It would be wonderful if we could respond with a trial of two years and say "let's try it and see how it goes," then revisit. Mr. **Schlueter** feels pets should be allowed in all parks, trails, etc. except Eagle Point Park and the Arboretum/Marshall Park with a maximum 6' leash, no retractable.

Ms. **Nadeau** said we should give some kind of criteria of why pets are allowed in some parks and not in others. Mr. **Harris** said Eagle Point has some really large events including wedding receptions that are planned 23 months in advance.

Mr. **Schlueter** said the Arboretum is taken care of totally by volunteers and they put in a lot of hard work taking care of all the flowers and plants.

COMMISSIONER  
SCHLUETER  
PROPOSAL:

Mr. Schlueter proposes to change the current ordinance 10-5B-4 as follows:

**A:** Unleashed Animals Prohibited: No person shall be permitted to bring into any park, any dog, cat or other domestic animal, nor shall any person permit such dog, cat or other domestic animals to run at large in any park. Any unattended animal shall be impounded and its owner may redeem the same upon paying the reasonable costs of such impoundment. **Change to:** Unleashed animals are allowed in designated pet parks.

**B:** Leashed Dogs and Cats Allowed in Certain Parks and Areas: Notwithstanding the foregoing, leashed dogs and cats shall be permitted in the following: Granger Creek Nature Trail, John G. Bergfeld Recreation Area, Medical Associates Greenbelt Park, and Miller Riverview Park. **Change to:** Leashed pets shall be allowed in all parks and on all trails and walkways except Eagle Point Park and the Arboretum/

Marshall Park, on a maximum 6' leash (no retractables). Owners are responsible for their pets while in the parks, including behavior and unlawful deposits.

**C: Unleashed Pets Allowed in Pet Park:** Unleashed pets shall be permitted in the pet park. **Could be dropped since unleashed pets in pet park would be covered in new A.**

## DISCUSSION

**Nadeau** thinks there is a value to a test period – it lets people know we are listening. **Hoffmann** asked about enforcement and financial aspect to changing ordinance. **Lyness** said there needs to be a time period to see how it goes. **Schlueter** said there is currently no enforcement and there are pets in all these parks now even though they are not supposed to be there. It will come down to the City Council making the decision. He does not want to see citizens going up to other citizens to try and enforce. **Klinge** said we need to recommend something as a commission and the City Council will have to make the decision. **Blocker** is open to a trial period.

## SPECIAL GATED AREAS AND/OR AREAS WITHIN A PARK:

Manager Ware said we need to think about areas like McAleece – a gated facility; Flora Pool is a gated facility within a park. We have to call these types of areas out and specify.

Ms. Nadeau asked if we could go back to her original proposal and include the part which said pets should not be allowed in playground areas; areas where food is consumed such as picnic tables unless the pet belongs to those picnicking; areas where sporting activities take place, such as athletic fields, skate areas; pools, disc golf courses and the like.

Ms. Ware said we will work on what the commission has said tonight and create a draft, and she will take to other city departments and ask about their concerns because this issue crosses over into other departments like Police and Health and bring to the next commission meeting.

END WORK  
SESSION:

Work session concluded at 6:15 p.m.

L.J. Blocker Chairperson

Karen Lyness  
Attest