



CITY of NOVI CITY COUNCIL

Agenda Item D
July 21, 2014

SUBJECT: Approval of the "Novi Dog Park Rules 2014" governing use of and conduct in the City's dog park.

SUBMITTING DEPARTMENT:

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION: The City has established a dog park in an area east of Novi Road, south of Ten Mile, near the Novi Ice Arena. The park is approximately 3 acres in area and is designed to provide a location where dogs can run off leash, while still supervised by their owners/attendants. The City will be allowing use of the park by both Novi residents and residents of Northville/Northville Township. The use of the park is to be subject to rules adopted by the City Council. Entrance into the park will be governed by issuing passes to dog owners who have taken appropriate classes regarding the use of the park area and the rules for use, and whose animals have been properly documented as fully vaccinated and licensed by the City.

The City Council will also consider at its July 21, 2014 meeting the adoption of an ordinance to allow for the dog park and amend the existing requirement that any animal in a park be on a leash. The ordinance refers to rules to be adopted by the City Council for the dog park and requires compliance with those rules while in the park.

The proposed rules were written in conjunction with Northville and Northville Township, and are consistent with their previously adopted rules. In addition, the City intends to have users of the City's park sign an appropriate release of liability form.

At the July 7, 2014 City council meeting a question was raised whether there was a conflict that needed to be addressed as a result of the fact that the rules allow a 16-year old to accompany a dog within the park (Paragraph 7), but the state's criminal laws only require a person 18 years or older (i.e., an adult) to give their name and address to a person who is bitten by a dog under their control. The state law--which is aimed only at requiring the submission of identification and not at the conduct of the animal--is limited to adults in order to avoid subjecting a minor to a general state criminal law. It would certainly be true that, if a 16 year old within the park failed to give his or her name after a dog under their control bites a person would not be subject to the same penalty as an adult. However, because there are other ways of controlling and identifying dogs and individuals using the park, the state law and the threat of criminal sanction is not the only tool for ensuring identification of an offending individual or animal (for example, the dogs are registered, and a key fob is used for each visit). Assuming that the City Council agrees that a 16 year old can be sufficiently responsible to be given control of a dog at the park, the limitation of the identification statute to adults would not **preclude** the City from allowing a responsible 16 year old to use the park, as proposed in the attached rules.

Because staff believes that the age limitation is appropriate, no change has been made from the original draft rules.

RECOMMENDED ACTION: Approval of the "Novi Dog Park Rules 2014" governing use of and conduct in the City's dog park.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				



Novi Dog Park

Rules 2014

Novi Dog Park: 42390 Nick Lidstrom Drive - Use Novi Road entrance to Park, access through Novi Ice Arena parking lot.

**Operational Hours: M-F 8:00 a.m. – 9:00 p.m. or dusk, whichever is earlier
Saturday/Sunday 8:00 a.m. – 9:00 p.m. or dusk, whichever is earlier**

1. Pass holders are responsible for compliance with the Novi Dog Park rules at all times and are legally responsible for their dogs and any injuries caused by their dogs.
2. Use of the Novi Dog Park is at the pass holder's own risk.
3. Only pass holders and their approved dogs are allowed to use the Novi Dog Park.
4. Dogs must wear their current dog license when inside the Novi Dog Park.
5. Pass holders must remain with their dog inside the Novi Dog Park at all times.
6. Pass holders may bring the number of registered dogs into the Novi Dog Park that they can adequately control without endangering other park users, up to a maximum of three dogs.
7. Dogs must be accompanied by individuals 16 years of age or older.
8. Children age five or younger are not allowed in the Novi Dog Park at any time.
9. Pass holders must clean up their dog's waste and dispose of it in the receptacles provided.
10. The following conditions are not allowed in the Novi Dog Park: dogs under the age of four months, dogs in heat, dogs with contagious diseases or internal or external parasites, dogs that are not registered with the dog park or whose license or vaccination has expired.

11. No food (people or dog treats), glass containers of any kind, alcoholic beverages, cigarettes or cigars are allowed inside the Novi Dog Park.
12. Pinch, prong or spiked dog collars are not allowed in the Novi Dog Park.
13. Digging is not allowed at the Novi Dog Park.
14. Dogs exhibiting aggressive behavior must be removed from the Novi Dog Park immediately.
15. Dog fighting is not allowed in the Novi Dog Park. Pass holders must immediately remove any dog exhibiting hostile, fighting or aggressive behavior. Pass holder shall bear all risks of their involvement in disengagement or separation of dogs engaged in said behavior. The City of Novi and/or the Novi Parks, Recreation and Cultural Services Department shall not be responsible for intervention of dogs engaged in said behavior and are not responsible for the behavior or suitability of any dog brought to the Novi Dog Park.
16. The Novi Dog Park is a designated off leash area. Dogs must remain on leash while outside the gates.
17. Please refrain from any laptop / tablet use while in the park. Also please limit any phone conversation to 2 minutes to ensure that your dog is properly watched.

Administrative

18. **Passes are revocable at the sole and absolute discretion of the City of Novi Parks, Recreation and Cultural Arts Services Department. For the first reported violation, members will be required to repeat the education session. Passes will be revoked if a second violation occurs. The park will be monitored by random patrols that will enforce the rules. To report a rule violation, please contact the Novi Parks, Recreation and Cultural Services Department at (248) 347-0400, or by e-mail at noviparks@cityofnovi.org. Please note the day, date, and time of violation.**

This process for a rules violation is in addition to any tickets or complaints that may be issued and prosecuted in the event of incidents involving violations of City ordinances or Michigan statutes, and enforcement of the above steps shall not be deemed to waive or release an offender from prosecution for same.

Michigan Penal Code 750.66: Persons 18 and older must provide name and address when the dog under their control has bitten another person. A pass holder must provide vaccination information and remain at the scene of the bite until all of the above information is provided.

19. Dog Park passes are not transferable and may only be used by the issued household.
20. Only adults (18 years and older) may apply for a pass. Applicants may be required to provide proof of age.
21. Pass applicants must provide a copy of current dog license and a copy of current vaccinations of rabies, DHLPP and bordatella for each dog registered. A parasite preventative is recommended.