

ORDINANCE NO. 2019 -   1  

AN ORDINANCE AMENDING SECTION 92.40  
OF THE ORDINANCES OF THE CITY OF CLAREMORE  
REGARDING DOG PARKS ON PUBLIC PROPERTY

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WHEREAS, the City of Claremore, pursuant to the powers delegated to it by the Oklahoma Constitution, Oklahoma Statutes and as a Charter City, has the authority to amend Section 92.40 of Chapter 92 of the Ordinances of the City of Claremore and

THEREFORE, BE IT ORDAINED by the Council for the City of Claremore, Oklahoma, that:

Amendment. Section 92.40 of the City of Claremore Code is hereby amended as follows (all deletions are struck through and all insertions underlined):

Section No. 1: 92.40 DOG PARKS ON PUBLIC PROPERTY

- (A) A "Dog Park" is an area within a City of Claremore park designated by the Parks Department for the purpose of allowing dogs to roam without leashes.
- (B) An "Owner" means any person, who owns, possesses, harbors, or has permanent or temporary care or custody of a dog.
- (C) Use of dog park shall be the sole risk of the owner of the dog. By use of the park, the owner of the dog accepts all responsibility and liability.
- (D) The owner is responsible for the following:
1. inspecting and insuring the park facilities, including fencing, grounds, waters, will be adequate for their dog(s) abilities to not able to escape and in safe condition.
  2. remaining present inside the appropriate area of the dog park that their dog is present in.
  3. Immediate removal and proper disposal of excrement
  4. has control within reason of their dog to prevent injury or provocation
- (E) No persons under 16 years of age shall be permitted to bring a dog in to the off leash area. Persons under 16 years of age must be supervised by an adult to use the dog park. Youth must behave in a responsible manner: no running, chasing dogs, or petting dogs without the owner's permission. No children under 5 years of age will be allowed in the off-leash area.
- (F) Limit of 3 dogs per responsible party.
- (G) The owner must escort their dog to and from the dog park on a leash and may not remove the leash until within the dog park fence. Inside the dog park, the owner must carry their leash with them at all times.
- (H) The dog must wear a collar bearing its current and valid rabies tag whenever utilizing the dog park. Specialty collars such as choke, prong, pinch, shock, or spike collars must be removed inside dog park.

(I) No dog weighing more than 35 pounds shall be permitted within the area designated for small dogs. Owners allowing their small dogs to enter a designated large dog area do so at their own risk and assume responsibility for whatever damage or injury that may result.

(J) The following is prohibited inside the dog park:

1. smoking or vaping of any kind, whether tobacco, marijuana, or any other substance
2. treats or food (human or canine), soft drinks
3. Possession of or under the influence of alcohol or illegal drugs
4. Fighting, profanity, actions or words intended to threaten or harass another person.
5. glass containers
6. bicycles, rollerblades, roller-skates, skateboards, strollers. (wheelchairs or physical assistance devices are permitted)
7. toys, remote control toys or devices (if the dog park is empty or minimal occupants, fetch type activity may be allowed with permission of other owners present)
8. Destruction or misuse of public property

(K) Any dog within any of the following will be asked to be removed and may or may not be allowed to return at discretion of Claremore Animal Control and/or Parks Department.

1. under 4 months of age
2. injured or showing signs of illness
3. any females "in heat"
4. any dangerous, potentially dangerous dog(s) or at first sign of any dangerous behavior.
5. dogs that are digging

(L) Owner or person(s) may be asked to leave under the following circumstances at which time the owner will also be removing their dog from the park. Failure to do so may result in prosecution for violation of the trespass laws of the city.

1. creating a disturbance or not properly controlling their dog
2. any person having been convicted of allowing a dog to bite, chase, or attack and person or animal without provocation
3. leaving dog(s) unattended
4. Failure to cooperate with and obey the instruction of any official exercising control over a public park facility.
5. Failure to abide by rules and regulations of a user group exercising control over a public park facility.
6. Violation of any municipal, state or federal law or ordinance while on the premises of a public park facility.

~~(A) An owner 18 years of age or older may permit his dog to run on public property beyond his immediate reach and his immediate physical control in a designated and city approved dog park:~~

~~(1) Within the fenced area of the dog park;~~

- ~~(2) During the posted hours of operation of the dog park; and~~
- ~~(3) In accordance with this code and the rules and regulations established by the Director of Parks and Recreation.~~
- ~~(B) As a condition of the use of the dog park, it shall be the duty and responsibility of the owner of the dog to inspect the safety, security, sufficiency and adequacy of the fencing, grounds, waters and facilities of the dog park prior to entering and releasing his dog. The owner shall not enter the dog park or release his dog from his or her immediate reach or his immediate physical control if:
  - ~~(1) The fencing is not sufficient condition, strength and height to prevent the dog from escaping the dog park;~~
  - ~~(2) The grounds, water or facilities are not adequate or sufficient to prevent the dog from escaping the dog park; or~~
  - ~~(3) The park is not safe for the owner, the dog or any person accompanying them.~~~~
- ~~(C) Use of the dog park shall be at the sole risk of the owner of the dog. By use of the dog park, the owner of the dog accepts all responsibility and liability:
  - ~~(1) For the safety of the owner, his dog and any person accompanying him; and~~
  - ~~(2) For the damages and injury to or by his dog to any persons and property. It shall be the responsibility of the owner to determine whether the park is safe for his use and the use of his dog and any person accompanying him.~~~~
- ~~(D) The owner of a dog must be present in the dog park whenever his dog is utilizing the park.~~
- ~~(E) No owner or person under the age of 18 shall enter the dog park unless accompanied by a person 18 years of age or over.~~
- ~~(F) No person may use the dog park for purposes of or while engaged in commercial dog walking or dog care services.~~
- ~~(G) No owner or person shall bring more than two dogs to the dog park at any one time, nor shall any female dog in heat be allowed in the park.~~
- ~~(H) The dog must wear a collar bearing its rabies tag whenever utilizing the dog park.~~
- ~~(I) The owner must escort his dog to and from the dog park on a leash and may not remove the leash until within the dog park fence.~~
- ~~(J) As used in this section, **OWNER** shall mean any person who owns, possesses, harbors or has permanent or temporary care or custody of a dog.~~

~~(Ord. 2009-10, passed 5-18-09)~~

**Section No. 2:** The City Clerk is hereby ordered and directed to cause this Ordinance to be published as required by law.

PASSED AND APPROVED by the Mayor and Council of the City of Claremore, Oklahoma, this 18<sup>th</sup> day of February, 2019.



Mayor

ATTEST:



City Clerk

