



## Commission Memorandum

**REPORT TO:** Honorable Mayor and City Commission

**FROM:** Carolyn Poissant – Manager of Trails, Open Space, and Park Development  
Mitch Overton – Director of Parks and Recreation

**SUBJECT:** Resolution 4767 - Pursuant to 8.02.080.H, Bozeman Municipal Code, Designating an Additional Dog Restraint-Free Area at Bozeman Pond Park

**MEETING DATE:** January 30, 2017

**AGENDA ITEM TYPE:** Consent

**RECOMMENDATION:** Approve Resolution 4767 in order to include the enclosed dog restraint-free area in the Bozeman Pond Park expansion, as stipulated in Chapter 8. Article 2 Section 8.02.080 (G.) of the Bozeman Municipal Code

**BACKGROUND:** [Resolution No. 4494](#) approved the allocation of Trails, Open Space and Parks (TOP) bond funding in an amount not to exceed \$1,045,000 for the acquisition of park land and development of the Bozeman Pond Park Expansion Project (“Project”). Resolution 4494 states the primary goals of the Project are to include: 1) a 5-acre natural park between the existing Bozeman Pond Park and Ravalli Road; 2) a 3.5 –acre off-leash dog exercise area; 3) a paved, shared-use path paralleling Fowler and natural surface trails that offer recreational opportunities, provide access to park amenities, and create alternative transportation routes to community facilities; and 4) a restroom and 5) a 50-car parking lot to serve the park, playground, and dog restraint-free (off-leash) area. Commission approved the master plan for the Bozeman Park Expansion on July 27, 2015 and the site plan on December 7, 2015, which included the additional dog restraint-free area. Approval of Resolution 4767 will allow park patrons to legally utilize the “Lewis and Bark Park” as dog restraint-free area and it will be added to city mapping as such.

**UNRESOLVED ISSUES:** None

**ALTERNATIVES:** Per Commission.

**FISCAL EFFECTS:** Run Dog Run has assisted with dog waste removal due to Park Operations capacity constraints.

**ATTACHMENTS:** Resolution 4767

**Report compiled on: January 20, 2017**



**COMMISSION RESOLUTION NO. 4767**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, PURSUANT TO 8.02.080.H, BOZEMAN MUNICIPAL CODE DESIGNATING AN ADDITIONAL DOG RESTRAINT-FREE AREA AT BOZEMAN POND PARK**

**WHEREAS**, [Ordinance No. 1764](#) declares the intent of the City Commission to “provide adequate, safe, and identifiable locations for citizens to allow accompanied dogs to exercise without restraint without infringing on the rights of other community residents and visitors;” and **WHEREAS**, 8.02.080.A of the Bozeman Municipal Code (BMC) provides “it is unlawful for the owner of any animal to fail or keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the city”; and

**WHEREAS**, 8.02.080.B, BMC, provides, “Any dog, while on a street, sidewalk, public way, or in a park or other public space, other than areas as designated pursuant to subsection G of this section, or upon any private property without the consent of the property owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, such leash or chain not to exceed six feet in length. However, while actually participating in instructional obedience training, dogs may be temporarily restrained by a leash of greater length”; and

**WHEREAS**, 8.02.080.H, BMC, states, “the city commission may, by resolution, designate [] areas within the city which shall be exempt from subsections A and B of this section 8.02.080]...;” and

**WHEREAS**, the city commission approved the master plan for the Bozeman Park Expansion on July 27, 2015 and the site plan on December 7, 2015; and

**WHEREAS**, the master plan and site plan include a fenced enclosure for restraint-free exercise of dogs.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Bozeman, Montana, that:

- A. The location within Bozeman Pond Park, legally described as Lot 4A Van Horn Subdivision, 511, T02 S, R05 E, Lot 4A, ACRES 3.43, PLAT E-39-C, and which area is shown on Exhibit A is declared a restraint-free area and therefore shall not be subject to the requirements of 8.02.080.A and B, BMC.
- B. Any person using any other location in Bozeman Pond Park not subject to this Resolution shall continue to be subject to the restrain and confinement provisions of 8.020.080, BMC and all other applicable state and city laws.
- C. The City Manager must take all steps necessary to implement this Resolution.

**PASSED AND APPROVED** by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 30<sup>th</sup> day of January, 2017.

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**CARSON TAYLOR**  
Mayor

ATTEST:

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**ROBIN CROUGH**  
City Clerk

APPROVED AS TO FORM:

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**GREG SULLIVAN**  
City Attorney

# Exhibit A - New Bozeman Pond Dog Restraint-free Area



**Legend**

- Street Names
- City Limits
- Parks
- Roads

**Location**

**Notes**

City of Bozeman  
 GIS Department  
[www.bozeman.net](http://www.bozeman.net)

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 Feet

1: 4,579

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