

ORDINANCE NO. 2023-21

**SHORT TITLE: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF DECATUR AMENDING CHAPTER 94 OF THE CITY OF DECATUR CODE OF ORDINANCES OF 2015 AS SUPPLEMENTED TO ADD SECTION 94.50 ESTABLISHING A DEDICATED DOG PARK IN THE CITY OF DECATUR.**

WHEREAS, the City of Decatur, Indiana ("City") has within its boundaries several park and recreation areas; and

WHEREAS, the City has determined that it is desirable for the enhancement of the community and to continue quality of life improvements to establish a park dedicated to canine use; and

WHEREAS, the City has secured an area located at 1145 Mercer Avenue, Decatur Indiana 46733, for the purpose of establishing a dedicated canine park facility, known as Paws & Play Dog Park; and

WHEREAS, the City, in coordination with the Decatur City Parks and Recreation Board, desires to establish necessary regulatory measures specific for the Paws & Play Dog Park to foster safety of the community, to promote use and enjoyment of the new park facility and to identify the rights and responsibilities of both the City and the users of the park facility; and

WHEREAS, the Decatur City Parks and Recreation Board has established and approved membership requirements, rules and regulations for the Paws & Play Dog Park, which are attached to this Ordinance as Exhibit A for reference to be considered by Common Council; and

WHEREAS, the Common Council hereby approves of the member requirements, rules and regulations for access and use of the Paws & Play Dog Park as submitted by the Decatur City Parks and Recreation Board; and

WHEREAS, the Common Council further finds it necessary to determine allocation of revenues generated from the use of the Paws & Play Dog Park and hereby allocates revenues, user fees and fines to the City of Decatur Park and Recreation Operating Fund; and

WHEREAS, the Common Council finds it necessary, within the Code of Ordinances, to distinguish Paws & Play Dog Park from other parks and recreation facilities within the City due to the special use and function of the Park.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA, AS FOLLOWS:

**Purpose.** The purpose of this Ordinance is to amend Chapter 94 Parks, and add a new section, 94.50 under the Heading: Dog Park.

**Amendment to Chapter 94.** The City of Decatur Code of Ordinances of 2015, as supplemented, Chapter 94 Parks, Section 94.50 Dog Park, is hereby added to read as follows:

- A. The Board shall have the authority to establish, maintain and amend, from time to time, membership requirements, rules, and fees governing access and use of the dog park; and
- B. Membership shall be required to access and use the dog park;
- C. Members of the dog park are subject to all requirements, rules and conditions of the park as set forth by the Board, the City of Decatur Code of Ordinances, state and federal laws and regulations.
- D. Members and their canines use the park facilities at their own risk.
- E. The following shall be prohibited at the dog park:
  - a. Food: human or canine;
  - b. Beverages other than water;
  - c. Smoking or discarding of cigarette butts and/or tobacco products
  - d. Glass containers
  - e. Pinch, prong and/or spike collars
- F. Access and use of the dog park shall be prohibited for:
  - a. Canines under the age of four (4) months
  - b. Female canines in heat
  - c. Aggressive or vicious canines defined in Ch. 90 of the City of Decatur Code of Ordinances, this Chapter or as determined by the Adams County Animal Control or local law enforcement with jurisdiction in the City of Decatur
- G. All canines must be up-to-date on all vaccinations for:
  - a. Rabies
  - b. Distemper/Parvo virus
  - c. Bordetella
- H. Enforcement
  - a. Except as herein stated, violations of this Ordinance, shall be enforced in accordance with Chapter 90 and/or Chapter 94 of the City of Decatur Code of Ordinances or any other applicable state or federal law
  - b. Violators may be subject to:
    - i. Suspension or revocation of membership to the dog park
    - ii. Fines of a minimum of \$25 and not to exceed \$500 per offense
    - iii. Prosecution

**Fund Allocation.** Revenue, fees and fines generated from membership and use of the Paws & Play Dog Park established herein shall be deposited into the City of Decatur Parks and Recreation Operating Fund for uses and purposes permitted therein.

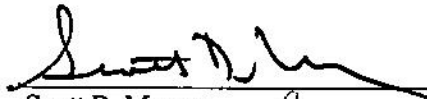
**Severability.** In the event any provision within this Ordinance shall be deemed to be unenforceable, such provision shall be severed from the Ordinance and remaining provisions shall remain in full force and effect.

**Effect of Ordinance.** All other portions of Chapter 94 of the City of Decatur Code of Ordinances of 2015, as supplemented, not herein affected, shall remain in full force and effect.


**Effective Date.** This ordinance shall be in full force and effect upon its passage, approval by the Mayor and publication as may be required by law.

ALL OF WHICH IS DULY PASSED, ADOPTED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA, ON THIS 8<sup>th</sup> DAY OF November, 2023.

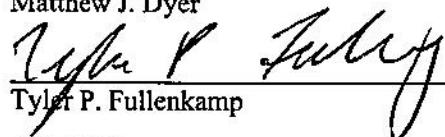
COMMON COUNCIL OF THE CITY OF DECATUR, INDIANA


  
\_\_\_\_\_  
Scott D. Murray

  
\_\_\_\_\_  
J. Wylie Sirk

  
\_\_\_\_\_  
W. Craig Coshow

  
\_\_\_\_\_  
Matthew J. Dyer

  
\_\_\_\_\_  
Tyler P. Fullenkamp

  
\_\_\_\_\_  
Daniel L. Rickord, Mayor and Presiding Officer

ATTEST:   
\_\_\_\_\_  
Phyllis J. Whitright, City Clerk-Treasurer

Presented to Daniel L. Rickord, Mayor of the City of Decatur, Indiana, for approval on this 8<sup>th</sup> day of November, 2023.

Phyllis J. Whitright  
Phyllis J. Whitright, City Clerk-Treasurer

Approved by me, Daniel L. Rickord, as Mayor of the City of Decatur, Indiana, on this 8<sup>th</sup>  
day of November, 2023.

D. L. Rickord  
Daniel L. Rickord, Mayor

# Exhibit A

## Paws & Play Dog Park Rules, Risks and Regulations

1145 Mercer Ave., Decatur, IN 46733

Park Hours: 6:00 a.m.-10:00 p.m. Daily

### Rules:

- Please do not bring more than three (3) dogs to the playground at any given time.
- All dogs must have a "Pass" to be permitted to be inside the playground.
- Rabies tags must be worn and displayed by all dogs at all times.
- **Dogs must be on a 6' leash** until safely inside the playground enclosure. It's the law. When inside the playground enclosure, please remove your dog's leash and keep it in your possession. In the event your dog would need to be leashed quickly, please be prepared.
- Please remove pinch (prong) collars and spike collars from dogs before entering the park. Other dogs can be injured while playing.
- Check all entrances before unleashing your dog and/or leaving the park. If the entrance gate hasn't been closed, please wait until it is before unleashing your dog(s). If an inside gate is open, please wait until it is closed before opening the primary entrance gate to leave with your dog(s).
- **Always keep an eye on your dog. Never leave your dog unattended. Dogs may not be out of sight range or voice command.**
- Dogs under four (4) months of age are not permitted in the playground. Puppies are not fully vaccinated and are vulnerable to disease and injury.
- Female dogs in season/in heat are not permitted in the playground and should not be brought to the park.
- Dogs known to exhibit vicious, fierce, aggressive, or dangerous behavior are not permitted in the Paws & Play Dog Park. If your dog has a known bite history, if your dog has been determined to be fierce, aggressive or dangerous as defined by 90.35 of the City of Decatur Code of Ordinances, by the Adams County Animal Control, Decatur Police Department or another law enforcement agency, your dog is not permitted to be at Paws & Play Dog Park. If your dog becomes unruly or aggressive toward other dogs or a human, you must leash your dog and exit the enclosure.
- Always clean up after your dog. It's the law. A container is available in the park for this purpose. Please leave the facility in better condition than you found it. Keep the site neat, clean and litter free. Repair any holes made due to your dog's play and/or digging.
- Do not bring glass containers to the facility.
- Do not bring food (people food, dog food or dog treats) into the playground. Some dogs may be allergic, and food may also make a docile dog aggressive.
- Do not smoke in or around the playground. Cigarette butts and food wrappers are unhealthy for dogs.
- Do bring water. Have drinking water readily available for your dog before and especially after exercise. You must provide your own water and bowls.
- Dogs, owners, and users creating a disturbance or violating posted rules must leave the playground if requested by Decatur Police, park personnel, other law enforcement

officers with jurisdiction of the area, and other designated agents as determined by the City of Decatur Common Council.

- Children under fourteen (14) years of age must be accompanied by an adult. Please instruct children to avoid running, shouting, screaming and/or waving their arms around dogs in the park. Prior to arrival please review proper safety practices with your child(ren) coming to Paws & Play Dog Park with you.
- Maintenance needs of the site will vary based on weather and use. You are asked to vacate the playground during maintenance activities.

### **Be Aware of Risks**

While it may be tempting to stand back and be a passive observer, all users will have a much more rewarding experience if basic rules are actively observed. Use of the Paws & Play Dog Park is a privilege and not a right. Please adhere to the rules, use common courtesy, show respect to other people and their dogs, conduct yourself responsibly and enjoy the park with your four-legged friend(s).

Decatur Parks & Recreation strives to provide a fun, safe environment for you and your dog. However, by using this facility you agree that you understand and assume all responsibility and liability for the risks of unleashing your dog in the facility.

Potential risks include, but are not limited to:

- Infectious diseases such as rabies, kennel cough or Lyme disease.
- Dog theft or unlawful capture by other people.
- Dog escapes over or under fences.
- Plants and/or water sources in the park that may be poisonous to dogs.
- Park vegetation that may have burrs or seeds that could get tangled in a dog's coat or lodge in a dog's feet, ears, or eyes.
- Mosquitoes, ticks, chiggers, fleas or other insects that may be present.
- Dog fights, dog bites and injuries to humans and other dogs.
- Wild animals in the parks such as skunks, raccoons, or stray dogs, all of which might injure or infect your dog.
- Young children are easily knocked over or trampled by running dogs.
- Herding dogs may nip at children while attempting to round them up.
- Not all dogs are child-friendly. Please, never allow your child to approach or pet a dog without the owner's presence and approval.
- **Parents:** If you do bring your children into Paws & Play Dog Park, please teach them how to behave with animals and what to do in an emergency:
  - Never run!
  - Hide face. Tuck arms and legs into body.
  - Curl up in a ball, face down on hands and knees.
  - Be as still and quiet as possible.
  - Wait for help or until the dog has left.
- In order for the bite to be defined as a bite - it must break the skin and must have been caused by oral contact (not a nail scratch).

- A dog bite to a human or another animal **must be reported**. The biting animal will be quarantined for ten days to ensure it is healthy and does not pose a rabies risk. In this case, the bite most likely happened inside the confines of the Dog Playground so the dog will be considered legally restrained at the time of the bite. If a dog bite happens while at the park:
  - Immediately secure the biting dog and the victim dog. Leash them and keep separated.
  - Any wounds should be washed immediately with clean water. Owners of dogs involved should exchange names, addresses, and telephone numbers.
  - Owners should then take their dog home or to a veterinarian for necessary medical care. If a bite has occurred to a person, consult a physician.
  - Please contact Decatur Police Department and Adams County Animal Control to take a bite report and enact quarantine:
    - **Decatur Police Department: 260.724.8464 (non-emergency number)**
    - **Adams County Animal Shelter: 260.849.0300**

#### **Enforcement:**

- Dogs who have bitten while at the Paws & Play Dog Park will not be allowed to return.
- Any person violating the rules of this Ordinance may be subject to removal and suspension from the dog park.
- Enforcement of these rules shall be done by one or more of the following:
  - Decatur Community Park Employees
  - Decatur Police Department and/or other law enforcement agencies who have jurisdiction within the City of Decatur
  - Decatur City Parks & Recreation Board
- Any person asked to leave the dog park shall leave immediately.
- It is an offense to violate any provision of this Ordinance.
- Any person found guilty violating this Article shall be punished by fine not to exceed \$500.00 per offense.
- Any person violating any of the provisions of this ordinance may be subject to prosecution and revocation and/or suspension of membership to Paws & Play Dog Park.

**\*\*Paws & Play Dog Park is not staffed or supervised by any agent or employee of Decatur Parks and Recreation Department or the City of Decatur. Users therefore are required to abide by posted rules and etiquette at all times while on the premises. Police, City and Parks & Recreation staff will make periodic site visits.\*\***

It is important to familiarize yourself with pertinent City Ordinances that apply to this playground as well as parks and park facilities in general. Relevant Ordinances may be found in Chapters 90 and 94 of the City of Decatur Code of Ordinances and may be viewed on the City's website at [www.decaturin.org](http://www.decaturin.org).

CITY OF DECATUR

PAWS & PLAY DOG PARK

1145 MERCER AVE, DECATUR, IN 46733

MEMBER APPLICATION AND WAIVER OF LIABILITY

Annual Membership Fee: \$30.00

Annual Memberships valid: January 1-December 31

All dogs visiting Paws & Play Dog Park must be part of a membership and a liability waiver signed by their owner must be on file at the Decatur Parks and Recreation Department. Please complete the following information for each dog to be included within your membership. Read and sign the liability waiver attached. Completed membership applications should be turned in to the Decatur Parks and Recreation Department located at 231 E. Monroe St., Decatur. Questions? Please call 260.724.2520. Please type or print application.

\_\_\_\_\_  
Name Of Principal Member/Dog Owner

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address

Household Family Members included within membership:

NAME	RELATIONSHIP	AGE

\*If additional household family members are to be included, please attach an additional sheet.

Canine Information: Each membership is valid for up to three (3) dogs per household.



DOG'S NAME	BREED OF DOG	AGE	SPAYED/ NEUTERED
1.			Y or N
2.			Y or N
3.			Y or N

\_\_\_\_\_  
Name Of Vet

\_\_\_\_\_  
Vet's Phone Number

Dog 1:

Date of last Rabies vaccination: \_\_\_\_\_

Date of last Bordetella vaccination: \_\_\_\_\_

Date of Distemper and Parvo vaccinations: \_\_\_\_\_

Dog 2:

Date of last rabies vaccination: \_\_\_\_\_

Date of last Bordetella vaccination: \_\_\_\_\_

Date of Distemper and Parvo vaccinations: \_\_\_\_\_

Dog 3:

Date of last rabies vaccination: \_\_\_\_\_

Date of last Bordetella vaccination: \_\_\_\_\_

Date of Distemper and Parvo vaccinations: \_\_\_\_\_

**REQUIRED: Please attach a copy of your dog's most Recent vaccination Records, either a copy of vaccine administration or a copy of a veterinary Receipt(s) showing current status on rabies, parvovirus and distemper vaccinations. Applications will not be accepted and no membership will be issued until all Records are attached and on file with the Decatur Parks and Recreation Department.**

### Release of Liability

The undersigned, hereby acknowledges that I voluntarily have applied to participate and use, with my dog(s) and above-named household family members, Paws & Play Dog Park, located at 1145 Mercer Ave., Decatur, IN 46733. I understand that the act of unleashing my dog(s) and being physically present inside the dog parks necessarily involves risks of injury to me, household family members intended to be included with my membership, other people, my dog(s), and other dogs, which risks are entirely my responsibility. I expressly assume all of these risks. I further understand that dogs, irrespective of their training and usual past behavior or characteristics, may act or react unpredictably at times based upon instinct or circumstances, and I agree to assume the risk of injury to me, any individual accompanying me in the dog park, household family members named within my membership application, and my dog(s). I understand that this risk may result from fierce, aggressive, vicious, and dangerous dogs, which may be present in the dog parks, whether known or unknown, whether or not reasonable efforts to prevent, prohibit, refrain, remove or otherwise limit such animals access and use of the dog park. I further understand and assume the risk that not all dogs present in the dog parks have received the Rabies vaccine as required by law, and that not all dogs using the dog parks have been vaccinated for Bordetella, Distemper and Parvo, all of which could result in injury to me and my dog(s). Additional risks include, but are not limited to: dog fights, dog bites and injuries to humans and other dogs; dog theft or unlawful capture; dog escape over or under fences; plants and/or water sources in the park may be poisonous to dogs; park vegetation may have burrs or seeds that could become tangled in a dogs coat or lodge in a dog's feet, ears, nose, or eyes; mosquitoes, ticks, chiggers, fleas or other insects may be present; wild animals such as skunks, raccoons, opossums, or stray dogs could be present in the parks, all of which might injure me, household family members included within my application, or injure and/or infect my dog(s). I understand and expressly assume all additional risks. It is my understanding that no agent or employee of Decatur Parks and Recreation Department or the City of Decatur will supervise the dog parks at any time. I further understand that neither Decatur Parks and Recreation Department nor the City of Decatur, its officials, officers, board members, employees, agents or assigns assumes liability for loss, damage, or any kind of injury sustained by any human or dog while using the dog park. I, therefore, expressly assume all risks associated with using the dog park, as well as fixtures and equipment located therein, in an unsupervised manner.

By signing this release of liability and using the Paws & Play Dog Park, I hereby fully and forever release and discharge Decatur Parks and Recreation Department, the City of Decatur, its officials, officers, board members, employees, agents and assigns from any and all claims, demands, damages, rights of action, or causes of action present or future, whether the same be known or unknown, anticipated or unanticipated, resulting from or arising out of my use or intended use of said dog park premises. I fully and forever release and discharge Decatur Parks and Recreation Department, the City of Decatur, its officials, officers, board members, employees, agents and assigns from any and all negligent acts and omissions in the same, and intend to be legally bound by this release. I have carefully read this release of liability and understand and fully agree with its contents. I also acknowledge having Received a copy of the Rules and Recommendations for the Paws & Play Dog Park and have read and understood its terms. I further agree to abide by its terms and conditions. **This is a release of liability. Do not sign if you do not understand or do not agree with its terms.**

\_\_\_\_\_  
Printed Name (Principal Member/Dog Owner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature