

CITY OF MARCO ISLAND

ORDINANCE NO. 09-04

**AN ORDINANCE OF THE CITY OF MARCO ISLAND AMENDING CHAPTER 34, ARTICLE I TO CREATE DEFINITIONS AND RULES AND REGULATIONS REGARDING DOG PARKS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Marco Island has been granted broad home rule powers under Article VIII, §2(b) of the Florida State Constitution and Section 166.021, Florida Statutes; and

**WHEREAS**, dogs have not only become urbanized companions to the young and old, but also are considered members of a family unit;

**WHEREAS**, many owners lack opportunities to play with dogs off-leash in open space areas and as a result many dogs are confined to crates, a portion of the home or a small section of the yard for extended periods of time, and when walked are subject to strict leash laws;

**WHEREAS**, more than 600 cities and counties in the United States have set aside open space areas in their jurisdictions as dog parks to allow dogs to exercise and play off-leash with their owners and each other; and

**WHEREAS**, dog parks provide a community setting in which people can gather, socialize and observe the interaction of groups of dogs at play as well as spend time together while their dog satisfies its cravings for canine and human companionship, which may not be available in the neighborhood or dwelling where the dog regularly resides; and

**WHEREAS**, dog parks have also been described as beneficial to communities since they can assist in: 1) promoting responsible pet ownership; 2) enforcement of dog-control laws; 3) reducing barking and other behavioral problems; 4) providing the public with a safe place to exercise their dogs; and 5) community building through socialization of owners and their pets; and

**WHEREAS**, in order to promote the health, safety and welfare of the City of Marco Island, City Council has decided to adopt regulations regarding the use of dog parks in the city; and

Note:

~~Strikethrough words~~ are deletions to the existing words in the Land Development Code.

Underlined words are additions to the existing words in the Land Development Code.

Double underlined words and ~~underlined-striken words~~ reflect changes requested by City Council During the First Public Hearing.

**WHEREAS**, after having received input from and participation by the City of Marco Island Recreation Committee, interested members of the public, staff, and after having considered the recommendations from staff, the City Council conducted a first and second reading of the proposed ordinance at duly noticed public hearings as required by law and further found the proposed ordinance is in the best interests of the City, the residents of Marco Island and its visitors.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:**

**SECTION 1. Recitals.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby made a specific part of this Ordinance.

**SECTION 2. Amendment and Adoption.**

The following sections of the City of Marco Island Code of Ordinances are hereby amended to read as follows:

1. Section 34-2, Article I, of the Marco Island City Code is hereby amended to read as follows:

Sec. 34-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

*City.* The City of Marco Island.

*City Council.* The City Council for the City of Marco Island.

*City Manager.* The City Manager for the City for Marco Island or designee.

*County.* Collier County.

*Director.* The Parks and Recreation Director for the City of Marco Island or designee.

*Department.* The City of Marco Island Parks and Recreation Department.

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Dog Owner. Dog owner as used in this article shall include the legal owner of the dog or an individual authorized by the legal owner of the dog to have possession and control of the dog.

Dog Park. A designated area within a Park or any land or water site, owned, operated or controlled by the city that is used primarily for the enjoyment of the general public for off-leash play and exercise of dogs, in a controlled and regulated environment, under the closely monitored supervision of their owners.

*Facility use policy.* Policy adopted by the City Council, by resolution, for the reservation and use of City owned parks

*Park.* Any land or water site owned, operated, or controlled by the City that is used by the general public for recreational purposes, including dog parks.

*Person.* An individual, corporation, governmental agency, business, estate, trust, partnership, firm, joint venture, syndicate, fiduciary, society, organization, association, two or more persons having a joint or common interest, or any other entity, and its designated agents, successors or assigns.

*State.* State of Florida.

2. Section 34-3(k), Article I, of the Marco Island City Code is hereby amended to read as follows:

(k) ~~*Dogs and other pets.*~~ Animals.

(1) The city council may, by resolution, establish policies and rules regarding relation to dogs and other pets the use of city parks, including dog parks, by persons in the possession of animals. within city parks.

(2) Dog owners shall be allowed to walk their dogs on leash only within those in city parks as determined identified by city council by resolution, or except in dog parks identified by city council by resolution, where dog owners may walk and play with their dogs off-leash.

### **SECTION 3. Inclusion in the Code of Ordinances.**

It is the intention of the City Council and it is hereby ordained that the amendments to the City of Marco Island Code of Ordinances made by this Ordinance shall become part of the City of Marco Island Code of Ordinances, that the sections of

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this Ordinance may be renumbered and relettered as necessary, and that the word "Ordinance" may be changed to "Section, "Article" or other appropriate word.

**SECTION 4. Conflicts.**

All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 5. Severability.**

If any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 6. Effective Date.**

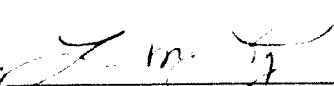
This Ordinance shall be effective immediately upon passage by the City Council on second reading.

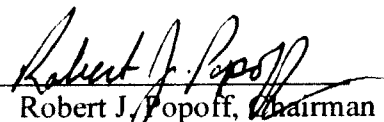
ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND

this 20th day of April, 2009.

Attest:

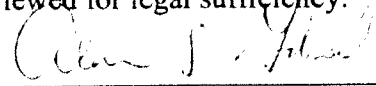
**CITY OF MARCO ISLAND FLORIDA**

By:   
Laura M. Litzan, City Clerk

By:   
Robert J. Popoff, Chairman

(SEAL)

Reviewed for legal sufficiency:

By:   
Alan L. Gabriel, City Attorney

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