

CITY OF NEWTON

IN BOARD OF ALDERMEN

December 3, 2007

ORDINANCE Z-11

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Chapter 3, Article II *DOGS* as follows:

Following **Section 3-29 Removal and Disposal of Canine Wastes**, insert a new Section as follows:

Sec. 3-30 Dogs Off-Leash Pilot Program

(a) Notwithstanding the provisions of Sec. 3-26(a) *Restraint of Dogs*, in areas officially designated as "Designated Off-Leash Area" by a municipal agency with care, custody and control of public land, a dog may be permitted off-leash under the following minimum conditions, and subject to any other rules and regulations or time restrictions established from time to time by such agency.

1. The dog shall at all times be accompanied by and under the control of a person, who shall ensure that the animal does not disturb the surrounding area by excessive barking, and shall ensure that it does not disturb or threaten other dogs or persons using the designated off-leash area or surrounding area; the dog shall be leashed when entering and exiting the designated off-leash area.
2. Any dog left unattended is subject to impoundment by the Newton police;
3. The person in charge of a dog inside a designated off-leash area shall, in accordance with Section 3-29, immediately remove and as soon as practicable properly dispose of any fecal waste deposited by that dog.
4. The dog shall wear a collar with identification at all times, be licensed and vaccinated, healthy and parasite free. Dogs must be at least four months old to be allowed off-leash.

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5. The number of dogs per person in a designated off-leash area is limited to three. The person in charge of a dog or dogs must at all times carry a leash for each dog under that person's supervision.
6. The dog owner and/or person in charge of a dog are responsible to ensure that the dog's activity conforms to all rules and regulations pertaining to the off-leash area, as well as for any injury or damage to public property caused by the dog.
7. No person shall bring a female dog in heat into any designated off-leash area.
8. Any dog which is the subject of a complaint, investigation, order or proceeding under Section 3-25 or Section 3-27 of this ordinance, and/or under General Laws Chapter 140, section 157 shall be banned from designated off-leash areas.

(b) *Sites for Designated Off-Leash Areas.*

1. A municipal agency with care, custody and control of public land, may from time to time designate one or more specific areas on such land to be designated off-leash areas. Such custodial agency may from time to time establish rules and regulations for use of each such area, which shall be posted at the site. With respect to this section, such agency shall have sole authority over land subject to its care custody and control, may limit the number of designated areas, and may revoke a designation at any time. Notwithstanding anything to the contrary contained herein or hereafter, the following areas shall not be designated under any circumstances as designated off-leash areas by the agency having care, custody, and control thereof: the little league baseball fields on (i) Lyons Playground; (ii) James E. Murphy Field at the Halloran Sports Complex; (iii) Leo H. Riley Field at Cabot Park; (iv) Jay Gordon Field at Newton Centre Playground; and (v) Richardson Field.

(c) *Dogs Off-Leash Advisory Committee.*

1. To assist a custodial agency in its decisions, there shall be formed a dogs off-leash advisory committee, under the auspices of the department of planning and development. The advisory committee shall consist of one alderman; one representative from the parks and recreation department, nominated by the parks and recreation commission; one representative from the conservation commission, nominated by that commission; an animal control officer of the city of Newton, ex officio; and four citizens of Newton to be appointed by the board of aldermen. To insure an orderly transition, current citizen members of the existing off-leash task force shall be asked to serve as the initial citizen appointees of

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the dogs off-leash advisory committee for a term not to exceed one year, unless further appointed.

2. The advisory committee shall develop and recommend site selection criteria to custodial agencies and shall from time to time recommend to the appropriate custodial agency a site or sites which said agency may consider for designation as official off-leash areas. The advisory committee shall consider only those proposed sites for which a local resident group will sponsor the site; will designate a person to serve as liaison with the city; will agree to mitigate dog-related impact on the site; and will agree to such other terms and conditions as the advisory committee and the custodial agency may deem appropriate for that site. The custodial agency with control over such site shall take such steps as it deems appropriate to notify and to solicit the opinions and suggestions of abutters and other neighborhood residents prior to designation.

3. The advisory committee shall recommend to the custodial agency rules, regulations and time restrictions to be established for each off-leash area, and may at any time recommend that the agency revise said rules, regulations or time restrictions for any or all designated off-leash areas.

4. The advisory committee shall monitor and evaluate the dogs off-leash program and shall report to the custodial agency on a regular basis, but no less than twice a year. The advisory committee may recommend additional sites for designation, and may recommend that designation for a particular site or sites be revoked.

5. The advisory committee shall establish a procedure for receiving and logging comments and complaints pertaining to activities in designated off-leash areas. The log shall be made available to the custodial agency and the board of aldermen on an ongoing basis. The advisory committee shall consider comments and complaints received in order to assist in its evaluation of off-leash areas and in the reports required by Section 3-30(c)(3) and Section 3-30 (e).

6. The advisory committee may appoint interested residents to assist, as it may deem appropriate, in its review of off-leash sites and other tasks as assigned by the committee.

(d) *Penalties:* The owner and/or the person in charge of a dog in a designated off-leash area who fails to control said dog or who violates any of the rules, regulations or time restrictions pertaining to the designated off-leash area shall be subject to the penalties set forth in Sec. 3-26 (b).

(e) The provisions of this section will expire two years after passage unless terminated earlier, or unless renewed or revised by the board of aldermen. Six

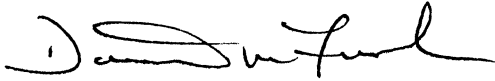
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months prior to expiration, the advisory committee shall report and make recommendations to custodial agencies and to the board of aldermen as to whether the program set forth in this ordinance should be terminated, renewed in its present form, or revised.

Approved as to legal form and character:



DANIEL M. FUNK
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
17 yeas 7 nays (Aldermen Gentile, Harney, Lappin, Lipof, Parker, Salvucci, and Sangiolo)



(SGD) DAVID A. OLSON
City Clerk



(SGD) DAVID B. COHEN
Mayor

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