

Sec. 3-30 Dog off-Leash Program

Changes noted in highlighted text

Current text	Proposed text	Description of and Rationale for Proposed Changes
	Delete the provisions of Sec. 3-30 Dogs Off-Leash Pilot Program in its entirety and insert in its place the following section:	
<p>(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.</p>	<p>(a) Notwithstanding the provisions of Sec. 3-26(a) Restraint of Dogs, in areas officially designated as a "Designated Off -Leash Area" by the commissioner of parks and recreation, a dog may be permitted off-leash under the following minimum conditions, and subject to any additional rules, regulations, and restrictions that may from time to time be in effect for an off-leash area.</p>	<p>Rather than municipal agency with control of the public land designating off leash areas, those areas are to be designated by the commissioner of parks and recreation. Control of non-recreation land would have to be granted to the commissioner of parks and recreation.</p>
<p>(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.</p>	<p>(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;</p>	
<p>(2) Any dog left unattended is subject to impoundment by the Newton police;</p>	<p>(2) The dog shall be leashed prior to entering and upon exiting the designated off-leash area.</p>	<p>previously part of a1</p>
<p>(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.</p>	<p>(3) Any dog left unattended is subject to impoundment by the Newton police;</p>	<p>previously a2</p>
<p>(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.</p>	<p>(4) 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.</p>	<p>previously a3</p>

Sec. 3-30 Dog off-Leash Program

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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.	(5) The dog shall wear a collar with identification at all times, be licensed and vaccinated, healthy and parasite free.	previously a4
(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.	(6) Dogs must be at least four months old to be allowed off-leash.	previously a4
(7) No person shall bring a female dog in heat into any designated off-leash area.	(7) The number of off-leash dogs per person in a designated off-leash area is limited to three, unless otherwise specified in the rules and regulations pertaining to a particular off-leash area.	Previously a5. <b>Change in language:</b> The change from original text to proposed is from the number of dogs in an off-leash area to the number of off-leash in a designated off leash area. Rationale is that individual could be in off-leash area with more than three dogs, as long as only three dogs are off-leash at one time.
(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.	(8) The person in charge of a dog or dogs must at all times carry a leash for each dog under that person's supervision.	previously a5
	9) 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 to persons or animals, or damage to public or private property caused by the dog.	previously a6
	(10) No person shall bring a female dog in heat into any designated off-leash area.	previously a7
	(11) Any dog which is the subject of a complaint, investigation, order or proceeding pursuant to 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.	(b) Selection and Designation of Sites for Off-Leash Areas.	
Current text	Proposed text	Description of and Rationale for Proposed Changes

Sec. 3-30 Dog off-Leash Program

<p>(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.</p>	<p>(1) The commissioner of parks and recreation, together with the director of planning and development, shall establish site selection criteria for the identification of appropriate sites for dogs off-leash areas on public land under owned by the city, and shall identify sites for potential designation. For any particular potential site, the commissioner and director may recommend additional criteria for designation of that particular site, such as need for fencing, where they deem appropriate.</p>	<p>Rather than having a number of municipal agencies making recommendations for proposed off-leash sites, it is under the jurisdiction of the commissioner of parks and recreation and the director of planning and development.</p>
	<p>(2) Subject to the established site selection criteria, the commissioner of parks and recreation may designate specific off-leash areas on public land under the control of the city. If the identified area is under the jurisdiction of a municipal agency or commission other than the parks and recreation department, the commissioner shall obtain permission of that agency or commission prior to such designation. An agency or commission granting such permission may designate operation and maintenance of the off-leash area to the commissioner of parks and recreation.</p>	<p>Gives the commissioner of parks and recreation the authority to designate recreation and non-recreation sites throughout the city as off-leash areas. Commissioner needs permission for non-recreation sites.</p>
	<p>(3) A designation of any off-leash area may be revoked at any time by the commissioner or by the municipal agency or commission with jurisdiction of the off-leash area.</p>	<p>Revocation of recreation sites by commissioner of parks and recreation, non-recreation sites by agency in charge of such site.</p>
	<p>(4) Notwithstanding anything to the contrary contained herein or hereafter, the following areas shall not be designated under any circumstances as designated off-leash areas: 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.</p>	<p>Same language from original ordinance that prohibits off-leash areas on enclosed (Major League) Little League fields.</p>

Sec. 3-30 Dog off-Leash Program

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(C) Dogs Off-Leash Advisory Committee.	(C) Rules and Regulations	
(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 the dogs off-leash advisory committee for a term not to exceed one year, unless further appointed.	In addition to the minimum conditions listed in section (a) applicable to all designated off-leash areas, the commissioner may from time to time promulgate rules and regulations for the general operation and use of all off-leash areas, as well as rules and regulations specific to the use and operation of an individual site. The commissioner may impose time, seasonal, or other restrictions for the use of any area. In the case of off leash areas on sites under the jurisdiction of another agency or commission, that agency or commission shall approve such rules, regulations and restrictions, and may make such additional rules, regulations, and restrictions it deems necessary.	Elimination of Dogs Off Leash Advisory Committee (DOLAC), responsibilities to fall under the commissioner of parks and recreation.
(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.	(d) Signs - All conditions, rules and regulations, and other restrictions applicable to a designated off-leash area, as well as the boundaries of such area, shall be conspicuously posted.	Elimination of duties and responsibilities of Dogs Off Leash Advisory Committee (DOLAC). New ordinance language deals with signage at off-leash sites.
(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.	(e) 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 restrictions pertaining to the designated off-leash area shall be subject to a fine of fifty dollars (\$50.00) for each offense.	Elimination of duties and responsibilities of Dogs Off Leash Advisory Committee (DOLAC). New ordinance language deals with fines associated with dogs being off-leash outside the designated area.

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(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.		Elimination of duties and responsibilities of Dogs Off Leash Advisory Committee (DOLAC).
(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).		Elimination of duties and responsibilities of Dogs Off Leash Advisory Committee (DOLAC).
(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		Elimination of duties and responsibilities of Dogs Off Leash Advisory Committee (DOLAC).
(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).		The language in the old text dealing with penalties is discussed in Section a) of the new text. It is more general and deals with Sec. 3-26(a) of the Newton Ordinance rather than just specifying the penalties.
(e) The provisions of this section will expire on June 30, 2010 unless terminated earlier, or unless renewed or revised by the board of aldermen. Six months prior to expiration, the advisory committee shall report and make ordinance should be terminated, renewed in its present form, or revised. (Ord. No. Z-11, 12-03-07; Ord. No Z-54, 11-02-09)		Deals with temporary nature of current ordinance. Permanent nature of proposed ordinance eliminates need for clause.