



Programs & Services Committee Agenda

City of Newton In City Council

Wednesday, April 21, 2021

7:00 PM

The Programs & Services Committee will hold this meeting as a Zoom Meeting on Wednesday, April 21, 2021 starting at 7:00 pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/82189800681> or call 1-646-558-8656 and use the Meeting ID 821 8980 0681.

Items Scheduled for Discussion:

Referred to Programs & Services and Finance Committees

#156-20

Request for comparison of dog license fines

COUNCILOR ALBRIGHT requesting a comparison of Newton's fine for failure to license a dog to other communities. In addition, requesting an increase in the fine for failure to license a dog.

Programs and Services Held 7-0 on 06/24/2020

Referred to Programs & Services and Finance Committees

#157-20

Request for review and changes to off-leash dog ordinance

COUNCILOR ALBRIGHT requesting a review and possible changes to the off-leash dog ordinance to include:

- a) raising fees required by dog walking companies in order to better maintain sites heavily used by dog walkers; and
- b) requiring background checks on dog walkers to assure safety of dog owners and dogs; and
- c) requesting the development of regulations for dog walking and dog daycare companies to assure appropriate care for dogs.

Programs and Services Held 7-0 on 06/24/2020

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

- #184-20 Request to authorize the use of remote participation in Council meetings**
COUNCILOR ALBRIGHT requesting to authorize the use of remote participation for
City Council meetings.
Programs and Services Held 8-0 on 1/20/21

Chair's Note: *The Chair will provide an update on the search for a new City Clerk/Clerk of the Council. No vote is expected, and the Chair will entertain a motion to hold.*

- #137-21 Public Meeting with City Clerk/Clerk for the Council candidates**
CITY CLERK PRELIMINARY SCREENING COMMITTEE submitting recommended
candidates for the City Clerk/Clerk of the Council position for review by the
Programs & Services Committee and recommendation to the City Council.

Respectfully Submitted,

Josh Krintzman, Chair

Nathan Giacalone

From: Susan Albright
Sent: Thursday, April 15, 2021 3:19 PM
To: Nathan Giacalone
Subject: proposal to raise the fines for failure to have a dog onleash

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Nathan would you add this to the packet for this docket item

Based on research provided by Mr Giacalone we can see that many communities have a graduated fine for having a dog off-leash; a lower fine for a first offense going up for the 2nd and subsequent offenses. Watertown, Arlington, Winchester, Boston, Framingham, Lynn, Dedham, Westwood and Hopkington all have this graduated approach to the fine for an off-leash dog.

My proposal is to keep \$50 as the first offense and raise the second offense to \$75, and raise the third and subsequent offenses in a calendar year to \$100.

These fines would apply to off-leash dogs in either non-off-leash areas or in off-leash areas, i.e the fine would apply to dogs without an off-leash dog medallion but found off-leash in an off-leash dog park.

I look forward to a discussion on this matter at our meeting.

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**Susan Albright, President
Newton City Council
Councilor-at-Large Ward 2**

Dog Leash and Licensing Fees Comparison Chart							
City/Town	Ordinance Location	Leash Law Summary	Leash Fines	License Law Summary*	License Fees	License Fines	Enforcement Powers
				<i>*State law mandates that all dogs six months of age and older must be annually licensed through a rabies vaccination. This license is demonstrated with a medallion to be worn by the dog at all times.</i>	<i>*State law does not address the license fee.</i>	<i>*The fine for violation of the state dog licensing law is not more than \$100.</i>	<i>*State law does not address dog license enforcement.</i>
Newton	Sec. 3-22, 3-23, 3-30; http://www.newtonma.gov/civicax/filebank/documents/45812	All dogs must be leashed in public and not allowed to roam free. They are also banned from "tot lots" whether leashed or not. Dogs may go unleashed in designated off-leash areas subject to certain conditions.	\$50 for each offense	All dogs older than 6 months must be regularly vaccinated against rabies on an annual basis.	\$15 or \$10 if dog is spayed/neutered	\$50 for each offense	Dog Officer, Parks, Recreation and Culture Commissioner or their designee
Cambridge	6.04.020, 6.04.030, 6.04.040, 6.04.050, 6.04.060, 6.08.010, 6.04.110, 6.04.120; https://library.municode.com/ma/cambridge/codes/code_of_ordinances?nodeId=TIT6AN_CH6.04ANCORE	All dogs must be leashed in public.	\$25 or each offense plus costs for care and confinement	All dogs older than 6 months must be regularly vaccinated against rabies on an annual basis.	\$30 or \$10 if dog is spayed/neutered	\$50 for each offense	Director, Animal Control Officers, Park Rangers, Police Officers, and the Director of the Animal Commission and their designee
Wellesley	47.4, 47.5, 47.6, 47.7, 47.8, 47.9; https://wellesleyma.gov/DocumentCenter/View/464/Article-47---Animal-Control-Regulations-PDF	Dogs must be on a leash of no-more than 7 feet when not on private property of their owner or with permission.	Maximum penalty is \$300 with each day a violation exists constituting a separate violation.	Dogs older than 6 months must be regularly vaccinated	\$20 or \$12 if the dog is spayed/neutered	Maximum penalty is \$300 with each day a violation exists constituting a separate violation.	Animal Control Officer annually appointed by the Board of Selectmen
Brookline	Article 8.6 (all sections); https://www.brooklinema.gov/DocumentCenter/View/13635/Brookline-Town-By-Laws-PDF	Dogs must be leashed in public when appropriate and refrain from prohibited behavior. They may be off-leash in designated areas but are still subject to certain behavior regulations.	\$25 for the first violation, \$50 for the second, and \$75 for third and subsequent offenses	Dogs must be licensed in accordance with state law (6 months and older)	\$20	\$20 late filing fee	Police officers through the dog officer.
Lexington	Chapter 9, sec 1-3; https://ecode360.com/10531591	All dogs must be properly leashed in public. They are allowed off-leash in certain areas of conservation land during specified times Monday through Friday.	Up to \$50 or state maximum, whichever is higher	All dogs older than 6 months must be regularly licensed. An owner must renew the license within 21 days of being notified that a previously issued license has expired.	\$20 or \$15 if the dog is spayed/neutered	All license late fees are not to exceed \$50	
Needham	Section 3.7; https://www.needhamma.gov/DocumentCenter/View/1859/General-By-Laws-2019-PDF?bidId=	All dogs must be leashed outside of their owner's property.	\$25 for first offense, \$50 for subsequent offenses	Unvaccinated dogs brought into Needham must be licensed and vaccinated within thirty days or reaching six months of age, whichever comes later.	\$25 or \$20 if the dog is spayed/neutered	No more than \$100.	Animal control officer
Waltham	Chapter 3, Article II; https://ecode360.com/26931073	All dogs must be leashed when in public on a restraint no longer than 10 feet in length.	\$25 for first offense, \$50 for subsequent offenses	All dogs older than 6 months must be licensed annually	\$10 or \$6 if the dog is spayed/neutered	\$25 for no license, \$50 for no rabies vaccination	Dog officer and their designee, the Chief of Police is involved in additional hearings and investigations.
Watertown	Chapter 91; https://codelibrary.amlegal.com/codes/watertown/latest/watertown_ma/0-0-0-5991	Dogs must be leashed when not in designated off-leash areas.	\$25 for first offense, \$100 for second offense, \$200 for subsequent offenses.	All dogs older than 6 months must be licensed annually. Additionally, they must either be spayed/neutered or a statement explaining the alternative decision.	\$10, \$6 for persons aged 60 and over.	\$25 for first offense, \$100 for second offense, \$200 for subsequent offenses. Dogs not displaying their license medal are subject to impoundment until the license is attained.	Animal Control Officer, animal control agent, any Watertown Police officer, Director of Parks and Recreation and their designee.
Arlington	Title IV Article I Section 8; Title VIII Article 2 Sections 1-6 (See Sec. 2 and 4); https://www.arlingtonma.gov/home/showdocument?id=27200	All dogs must be leashed except when in designated off-leash areas. In these areas, a handler may have up to two unleashed dogs under their control.	\$75 for first offense, \$100 for second offense, \$150 for subsequent offenses.	All dogs older than 6 months must be licensed. No license will be granted to an owner convicted of animal cruelty.	\$20 or \$15 if the dog is spayed/neutered	\$50 for failure to comply	Dog officer, Arlington Police officers,

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Winchester	Chapter 10, Sec 1-7; https://winchester.town.codes/Code/10	All dogs must be leashed unless otherwise appropriate. Any dog found in violation of the leash ordinance will be confined by the dog officer.	\$40 for first offense, \$50 for second offense, \$60 for subsequent offenses within one calendar year	No dog older than 6 months shall be kept without a rabies license	\$20 or \$15 if the dog is spayed/neutered	\$40 for first offense, \$50 for second offense, \$60 for subsequent offenses within one calendar year	Dog officer and the police department
Reading	Article 8, Section 8.8 https://www.readingma.gov/sites/g/files/vyhlif1116/ff/uploads/2019-05_general_bylaw.pdf ; License Fees: https://www.readingma.gov/town-clerk/pages/dog-licenses	Dogs must be leashed in public when not on private property. The dog may be within effective voice control when within the Town Forest or on other conservation lands if allowed by Conservation Commission rules.		All dogs older than 6 months must be licensed. License fees are set annually by town meeting, but spayed/neutered fees must always be cheaper and no fee shall be charged to an owner over 70.	\$20 or \$10 if dog is spayed/neutered	\$10 fine if not licensed by April 1 and \$5 for each subsequent month. There is a \$50 fine if still unlicensed.	Animal Control Officer appointed by the Town Manager to enforce this ordinance along with other duties determined by the Town Manager or their designee.
Boston	Chapter XVI, Section 16-1.9, and 16-1.9c: http://library.amlegal.com/nxt/gateway.dll/Massachusetts/boston/chapterxviprohibitionspenaltiesandpermit?f=templates\$fn=default.htm\$3.0\$vid=amlegal:boston_ma\$anc=0-0-0-1449	Dogs must be leashed when in public.	First offense in calendar year is a written warning, followed by \$50, \$60, and \$100 for each subsequent offense for the remainder of the calendar year	All dogs older than 6 months must be licensed annually.	\$30 or \$15 if the dog is spayed/neutered		Boston Police Department and the Animal Care and control Unit of the Parks and Recreation Department.
Somerville	Chapter 3, Sec 3-5 - 3-30, Article II: https://library.municode.com/ma/somerville/codes/code_of_ordinances?nodeId=PTIIICOOOR_CH3AN Licenses found at: https://www.somervillema.gov/departments/programs/dog-licensing-vaccination-and-ownership	Dogs must be leashed outside of the owner's private property and in designated off-leash areas, in which they must still follow posted rules.	\$50 for each offense	All dogs older than 6 months must be licensed annually.	\$30 or \$20 if dog is spayed/neutered	\$50	Police, animal control, commissioner of public works, inspectional services
Framingham	Article II, Section 14: https://www.framinghamma.gov/DocumentCenter/View/265/Article-2?bidId=	All dogs must be leashed when in public on a restraint no longer than 10 feet in length.	First offense is a written warning, followed by \$50, \$60, and \$100 for each subsequent offense	All dogs older than 6 months must be licensed annually.	\$15 or \$10 if dog is spayed/neutered	\$50 for licenses not purchased between January 2 and February 28. There is a \$10 for each year an owner of an unlicensed dog has neglected to get a license.	Animal Control Officers
Quincy	Part II, Chapter 113, Article III https://ecode360.com/29043175	Dogs may go unleashed to exercise and play in a controlled environment under the supervision of their owner.	May be penalized by a noncriminal disposition.	All dogs older than 6 months must be licensed with a current rabies vaccination.	\$10	\$10 late fee for any dog not licensed on or before April 30.	The Animal Control Officer shall be any person who is designated so by the Mayor.
Brockton	Part II, Chapter 3, Article II: https://library.municode.com/ma/brockton/codes/code_of_ordinances?nodeId=PTIIREOR_CH3ANFO_ARTIIDO	Dogs must be restrained on a leash when in public.	No less than \$38 and no more than \$300	All dogs older than 6 months must be licensed or within 30 days of being brought into Brockton, whichever is first.	\$24 or \$10 if spayed/neutered	No less than \$78	Persons or agencies designated by the City and also law enforcement officials.
Lynn	http://www.lynnma.gov/departments/isd_animal_control.shtml#gpm1_5 http://lynnpolice.org/announcements/lynn-ordinances/section/	Dogs must be leashed in public except at the city dog park. When in the park, they must be accompanied by their handler and display a valid license tag.	\$25 for first offense, \$50 for all subsequent offenses	All dogs must be licensed annually by April 1.	\$10		Animal Control Department
Dedham	Part II, Chapter 117, Article III; enforcement found at Chapter 1, Article I: http://dedham-ma.elaws.us/code/coor_ptii_ch117_artiii ; http://dedham-ma.elaws.us/code/de3083/15734225/#15734225	Dogs must be leashed in public. They are only allowed on public park lands with a special exception in order to chase off geese.	Warning for first offense, \$50 for the second, \$100 for the third, and \$300 for all subsequent	All dogs older than 6 months must be licensed annually with a rabies vaccination.	\$15 or \$10 if the dog is spayed/neutered		Dedham police officer, Town Administrator, DPW Director, other town officials, and their designees.
Westwood	Part II, Chapter 184 Article I: http://westwood-ma.elaws.us/code/coor_ptii_ch184_arti ; Fees found at: https://www.townhall.westwood.ma.us/departments/town-clerk/dog-licensing/-fsiteid-1	Dogs must be restrained on a leash when in public. They may go off-leash in designated areas but must still be under the control of a handler.	\$25 for first offense, \$50 for the second offense, \$75 for all subsequent offenses.	All dogs must be annually licensed. Residents 70 and older are exempt from the license fee for one dog per year.	\$15 or \$10 if dog is spayed/neutered	\$25 for first offense, \$50 for the second offense, \$75 for all subsequent offenses.	Animal Control Officer and/or others appointed from time to time by the Board of Selectmen
Hopkinton	Chapter 62, Article II, Article III, and Article VII: https://www.hopkintonma.gov/General%20Bylaw%20Book%202019%20(1).pdf	Dogs must be leashed when in public.	\$25 for first offense, \$45 for second offense, \$75 for subsequent offenses	All dogs older than 6 months must be licensed annually with a rabies vaccination. Any late fee will be charged per household, not per dog.	\$15 or \$10 if dog is spayed/neutered	\$25 for first offense, \$45 for second offense, \$75 for subsequent offenses: \$25 for license late fee.	Animal Control Officer, any Hopkinton police officer, or the Select Board through any means available by law

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Milford	Article 15A: https://www.milfordma.gov/sites/g/files/vyhlf3466/f/uploads/dog_control_law_article_15a.pdf	Dogs must be leashed in public. Under no circumstances are they allowed on schoolyards, cemeteries, playing fields, or public parks.	\$15 for first offense, \$25 for second offense, \$50 for subsequent offenses. \$50 for any offense involving unspayed/neutered dog.	All dogs three months of age or older must be licensed annually.	\$25 or \$6 if dog is spayed/neutered.	\$10 license late fee	Dog officer
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DRAFT FOR DISCUSSION 4/16/2021 #156-20

Sec. 3-23. License fees; Vaccination Certification and Exemptions; Exemption of fee of Seeing Eye dogs; refund of fees.

(a) The fee for the license for every male and female dog, except as otherwise provided by law, shall be ~~fifteen dollars (\$15.00)~~ twenty-five dollars (\$25.00) except that the license fee for each dog for which written proof as set forth herein can be shown to the City Clerk to be a neutered male dog or spayed female dog shall be ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00). The fee for the issuance of a duplicate dog license shall be two dollars (\$2.00).

Sec. 17-3. Fees for certain licenses, permits and fees.

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be paid a fee on an annual basis or unless otherwise noted to the city clerk for each of the following applications, permits, licenses or charges, the sum set forth as follows:

(36) Dog License (Sec. 3-23).....	\$15.00 <u>\$25.00</u>
Spayed or Neutered.....	\$20.00 <u>\$20.00</u>
(37) Off-Leash Dog Park Permit (Sec. 3-30).....	\$50.00
(38) Public Hearing Advertising Cost	See Sec. 6-6
(39) Vehicles Transporting Goods License (Sec. 19-316(b)).....	\$1.00
(40) Bus license fee, each vehicle (Sec. 19-363)	\$10.00

SEC. 17-23

d) POLICE DEPARTMENT: City police officers shall be authorized to issue written notice of the following violations:

..... FINE
() Warning \$0.00

Sec. 3-22. Vaccination certification.

() Any offense..... \$50.00

Sec. 3-23. License fees; vaccination; certification and exemptions (dogs)

() Any offense..... \$50.00

Sec. 3-24. Disturbing the peace by barking, etc.

() Any offense..... \$50.00

Sec. 3-25. Complaint of nuisance; investigation by dog officer.

() Any offense..... \$50.00

Sec. 3-26. Restraint of dogs.

() First Any offense in calendar year \$50.00

() Second offense in calendar year \$75.00

() Third and subsequent offenses in calendar year \$100.00

Sec. 3-27. Muzzling or confinement of dogs.

() Any offense..... \$50.00

Sec. 3-29. Removal and disposal of canine waste.

() Any Offense..... \$50.00

Sec. 3-30. Dogs Off-Leash Program

() First offense in calendar year \$50.00

() Second offense in calendar year \$75.00

() Third and subsequent offenses in calendar year \$100.00

ARTICLE II. DOGS

Sec. 3-22. Vaccination, Rabies, Certification.

(a) Whoever is the owner or keeper of a dog in the city six months of age or older shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions and shall cause such dog to be re-vaccinated at intervals recommended by the manufacturer. Such vaccination shall be in accordance with chapter 140, section 145B of the General Laws, all relevant regulations of the Commonwealth, and any amendments to the same.

(b) Unvaccinated dogs acquired or moved into the city shall be vaccinated within ninety days after the acquisition or arrival into the city or upon reaching the age of six months, whichever last occurs.

(c) The owner or keeper of such dog shall have available for inspection by authorized persons a tag issued by the veterinarian as evidence of rabies vaccination or such other evidence of rabies vaccination as may be specified by applicable state statute and or regulation(s). Said tag may be secured by the owner or keeper of such dog to the collar or harness made of suitable material to be worn by the dog. (Ord. No.V-62, 2-5-96)

Sec. 3-23. License fees; Vaccination Certification and Exemptions; Exemption of fee of Seeing Eye dogs; refund of fees.

(a) The fee for the license for every male and female dog, except as otherwise provided by law, shall be fifteen dollars (\$15.00) except that the license fee for each dog for which written proof as set forth herein can be shown to the City Clerk to be a neutered male dog or spayed female dog shall be ten dollars (\$10.00). The fee for the issuance of a duplicate dog license shall be two dollars (\$2.00).

The City Clerk shall accept either a certificate of a registered veterinarian that such operation was performed or a certified copy of such a veterinarian's certificate from the office of any City or Town Clerk within the Commonwealth as proof that a dog has been neutered or spayed and has thereby been deprived of the power of propagation. If the City Clerk is satisfied that the certificate of the veterinarian who spayed the dog cannot be obtained, a statement may be accepted in lieu thereof signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that such dog has been examined and that it appears to have been spayed or neutered and thereby deprived of the power of propagation.

(b) No license shall be granted for any dog unless the owner or keeper thereof provides either a veterinarian's certification that such dog has been vaccinated and sets forth the date of such vaccination and the duration of immunity or provides a notarized letter from a veterinarian that a certification was issued or provides a metal rabies tag bearing an expiration date indicating that such certification is still in effect, or has been certified exempt, as hereinafter provided.

A vaccination exemption may be granted for any dog which has not yet attained the age of six months, any dog which the commissioner of health and human services of the City of Newton, for a specified period of time, declared exempt upon presentation of a veterinarian's certificate stating that because of infirmity, other physical condition or regimen or therapy, that inoculation is thereby deemed inadvisable, or any dog in transit, or dog brought into the Commonwealth of Massachusetts temporarily, for the sole purpose of showing in dog shows or exhibitions.

(c) No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided, that the Division of the Blind certifies that such dog is so trained and actually in the service of a

blind person.

(d) No license fee or part thereof shall be refunded because of the subsequent death, loss, neutering, spaying or removal from the Commonwealth or other disposal of the dog, nor shall any license fee or part thereof paid be recovered after it has been paid over to the City Treasurer. (Rev. Ords. 1973, § 3-18; Ord. No. S-51, 3-19-84; Ord. No. S-56, 4-18-84; Ord. No. S-337, 11-7-88; Ord. No. T-168, 9-3-91; Ord. No. X-175, 05-26-05)

Cross references—Receipt of money from dog fund, § 2-139; licenses and fees generally, Ch. 17

State law references—Authority to regulate dogs, G.L. c. 140, § 173; Establishment of dog licensing fees, G.L. c. 140, § 147A; dog licenses generally, G.L. c. 140, § 137 et seq.

Sec. 3-24. Disturbing the peace by barking, etc.

No person shall own or keep in the city any dog which, by barking, biting, howling or in any other manner, disturbs the quiet of any person. (Rev. Ords. 1973, § 3-19)

State law reference—Barking dogs, G.L. c. 140, § 157

Sec. 3-25. Complaint of nuisance; investigation by dog officer.

If any person shall make a complaint in writing to the dog officer of the city that any dog owned or harbored within his jurisdiction is a nuisance by reason of a vicious disposition or excessive barking or other disturbance, the dog officer shall investigate such complaint, which may include an examination on oath of the complainant, and may order such dog to be confined or muzzled. (Rev. Ords. 1973, § 3-20)

Sec. 3-26. Restraint of dogs.

(a) Prohibitions:

- (1) No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the city. No person owning or harboring a dog shall allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of the premises. No dog shall be permitted in any street or public place within the city unless it is effectively restrained by a chain or leash not exceeding ten (10) feet in length.
- (2) Tot Lots: No person owning or harboring a dog shall suffer or allow a dog, leashed or unleashed, to enter a tot lot as hereinafter defined. For the purposes of this section, the term “tot lot” shall mean an outdoor play area located on land owned or controlled by the city intended for use by young children, the boundaries of which may be designated by a fence and/or sand, ground cover, grass or otherwise, and which may contain play equipment. Without limiting the foregoing, tot lot shall include currently designated tot lots which are listed below. Tot lots are fenced unless otherwise noted.

- Albemarle Park
- *Angier School (approximately 155' x 30')
- *Burr Park (approximately 95' x 75')
- Burr School
- Carleton Street area
- Cabot Park. East Side Parkway
- *Crescent Street Playground (approximately 90' x 70')
- Davis School Playground

- Emerson Playground
- Franklin School
- Hawthorn Park
- Hunnewell Park
- **Lower Falls Community Center (approximately 80' x 80')
- *Memorial-Spaulding School (approximately 90' x 90')
- **Newton Centre Playground, (approximately 115' x 105')
- Newton Highlands Playground
- Winchester Street (Centre and Needham Streets)
- Newton North High School
- Newton South High School
- *Richardson Playground, Allen Avenue (approximately 150' x 62')
- River Street Playground
- Sterns Playground
- Upper Falls Playground
- *Ware's Cove (approximately 200' x 60')
- Wellington Playground
- West Newton Common, Elm and Webster Streets
- *Williams School (approximately 50' x 60')

* Tot lots which are not surrounded by a fence. Area measurements of non-fenced sites are in excess of ground cover.

** Tot lots which are partially surrounded by a fence.

(b) Penalties: Any owner or keeper of a dog who shall fail to comply with the foregoing provisions of subparagraph (a) shall be punished by a fine of fifty dollars (\$50.00) for the first each offense in a calendar year; seventy-five dollars (\$75.00) for the second offense in a calendar year; and \$100.00 for the third and subsequent offenses in a calendar year.

(c) It shall be the duty of the department of animal control to apprehend any dog found running at large in any street or public place within the city, or any dog, leashed or unleashed, found within a tot lot, or any dog found in violation of any of the provisions of this article, and to impound such dog in the place provided therefor. The department, upon receiving any such dog, shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the license tag. The owner, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and of all costs and charges incurred by the city for impounding and maintenance of such dog as provided by law.(Rev. Ords. 1973, § 3-21; Ord. No. 626, 2-19-74; Ord. No. 77, 7-7-75; Ord. No. 271, 4-18-78; Ord. No. S-50, 3-19-84; Ord. V-72, 3-4-96; Ord. No. Z-92, 06-20-11)

Sec. 3-27. Muzzling or confinement of dogs.

(a) The dog officer may order a dog to be muzzled or confined to its owner's premises, whichever in his judgment may be required, for any of the following reasons:

- (1) If found at large or unmuzzled, as the case may be, while an order of the dog officer for the confinement or muzzling of such dog is in effect;
- (2) If found in a school, school yard or public recreational area;

- (3) For having bitten any person;
- (4) For having killed or maimed or otherwise damaged any other domesticated animal;
- (5) For chasing any vehicle upon any public way or way open to public travel in the city;
- (6) For any violation of section 3-24 or 3-26.

(b) The owner or keeper of any dog that has been ordered to be confined or muzzled or has been confined under this article may, within seven (7) days after such order or confinement, file a request in writing with the dog officer that the confining order be vacated, or that the dog be released, and after investigation by the dog officer such officer may vacate such order or release such dog. If such order is not vacated or the dog is not released, as the case may be, the owner or keeper of such dog, within ten (10) days after such order or confinement, may bring a petition in the District Court of Newton addressed to the justice of such court, praying that the order or confinement may be reviewed by the court, and after such notice to the officer or officers involved as the court may deem necessary, it shall review such action, hear the witnesses and affirm such order or confinement, unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed or the dog shall be ordered released. The decision of the court shall be final and conclusive upon the parties. (Rev. Ords. 1973, § 3-22)

Sec. 3-28. Penalty.

Any owner or keeper of a dog who shall fail to comply with the provisions of this article or any order of the dog officer issued pursuant to this article shall be punished by a fine not to exceed fifty dollars (\$50.00) for each offense, unless otherwise specified. (Rev. Ords. 1973, § 3-23; Ord. No. 626, 2-19-74; Ord. No. T-168, 9-3-91; Ord. No. Z-61, 12-07-09)

Sec. 3-29. Removal and disposal of canine wastes.

It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, gutter, street, park or other public area or on any private property neither owned nor occupied by said person. No person who owns, possesses, or controls such dog shall appear with such dog on any sidewalk, gutter, street, park or other public area or on any private property neither owned nor occupied by said person without the means of removal of any feces left by such dog. For the purposes of this section the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces in a manner that such feces shall be unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces, specifically reserved for the disposal of canine feces, or as otherwise designated as appropriate by the commissioner of health and human services. (Ord. No. S-139, 11-18-85; Ord. No. X-175, 05-26-05; Ord. No. Z-61, 12-07-09)

Sec. 3-30 Dogs Off-Leash Program

(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, recreation and culture, 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.

- (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;

- (2) The dog shall be leashed prior to entering and upon exiting the designated off-leash area.
- (3) Any dog left unattended is subject to impoundment by the Newton police;
- (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.
- (5) The dog shall wear a collar with identification at all times, be licensed and vaccinated, healthy and parasite free.
- (6) Dogs must be at least four months old to be allowed off-leash.
- (7) The number of 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.
- (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.
- (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.
- (10) No person shall bring a female dog in heat into any designated off-leash area.
- (11) 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) *Selection and Designation of Sites for Off-Leash Areas.*

- (1) *Site selection criteria.* The commissioner of parks, recreation and culture, together with the director of planning and development, shall establish site selection criteria for the identification of appropriate sites for consideration as dogs off-leash areas on public land owned by the city, and shall identify and list potential sites for consideration as an off-leash area in accordance with such criteria. Site selection criteria may include a preference for areas with natural topography or features that would confine dogs to the off leash area. For any particular potential site or sites, the commissioner and director may recommend additional criteria for designation of the particular site or sites. Such additional criteria may include, but are not limited to, seasonal or time restrictions, and the need for fencing, when the commissioner deems it necessary to confine the dogs to the off leash area. The commissioner and director may appoint a group of interested persons to advise or otherwise assist them in their duties.
- (2) *Designation of Off-Leash Areas.* Subject to the established site selection criteria, the commissioner of parks, recreation and culture 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 department of parks, recreation and culture, the commissioner shall obtain permission of that agency or commission prior to such designation.

An agency or commission granting such permission may delegate operation and maintenance of the off-leash area to the commissioner. Prior to designation of any off-leash area, the commissioner or other municipal agency or commission having jurisdiction of the potential site shall conduct a public hearing.

- (3) *Revocation.* 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.
- (4) *Areas not eligible for designation.* 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.
- (5) *Other Public Land.* On land in public use districts that is owned by the Commonwealth or other government entity, the commissioner and director may identify appropriate potential sites and seek the appropriate government entity's approval to designate such sites for off-leash areas, subject to such terms and conditions as the Commonwealth or other government entity may require.

(c) *Rules and Regulations.* 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 require permits and set reasonable fees for participation in the off-leash program. 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.

(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.

(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 the first each offense in a calendar year; \$75.00 for a second offense in a calendar year; and \$100.00 for a third and subsequent offenses in a calendar year. (Ord. No. Z-11, 12-03-07; Ord. No Z-54, 11-02-09; Ord. No. Z-65, 05-17-10; Ord. No. Z-70, 08-09-10; Ord. No. Z-82, 03-07-11; Ord. No. B-53, 03-02-20)

#157-20 Draft for Discussion 4/16/2021

SEC. 17-23

(e) DEPARTMENT OF PARKS, RECREATION AND CULTURE: The Commissioner of Parks, Recreation and Culture or designee shall be authorized to issue written notice of the following violations:

..... FINE

Sec. 3-30. Dogs Off-Leash Program

- () ~~First~~Any offense in calendar year \$50.00
- () Second offense in calendar year \$75.00
- () Third and subsequent offenses in calendar year \$100.00



Newton Parks, Recreation & Culture Department
246 Dudley Road, Newton, MA 02459
Office: (617) 796-1500
parks@newtonma.gov

April 16, 2021

Programs and Services Committee:

The Beautification division of the Parks, Recreation & Culture Department (PRC) oversees the contract we hold for pet waste collection. The contract is for disposal of pet waste from the blue pet waste bins, with the frequency of emptying based upon usage rate.

PRC is responsible for the purchase and installation of new bins at a cost of \$450 each. Approximately half of the bins require the minimum weekly recommended pickup, with the more heavily utilized requiring 2 collections per week, and one location, Hunnewell, needing 3. We pay \$10.25 each time a waste bin is emptied. The overall cost of the pet waste collection service is \$53,000 per year; this includes \$5,000 spent on mutt mitts that are made available next to each bin.

The service currently includes 65 barrels distributed throughout the city in park areas, playground areas, and open space areas that see significant canine traffic. These bins are needed and we continue to receive requests for additional bins to be placed strategically to encourage proper pet waste disposal. As most people are aware, pet waste is more than just an odor and shoe tread nuisance; it is also capable of transmitting disease to other pets and to people and is damaging to the environment.

Therefore, I strongly encourage the City of Newton to continue providing this public service.

There is an important discussion about the level and use of off-leash dog license fees. Of the 65 pet waste bins we have, 8 of them are located directly in or around an off-leash area dog park. The City Council is assessing the current dog license fee and is considering how the increased fees might be utilized. At present, 57 pet waste bins are not in proximity to off-leash areas. The purpose of the off-leash tag program is for the revenue to be used toward construction of off-leash parks, and oversight, maintenance, and improvement of these areas. The cost of the pet waste collection might more appropriately be borne by all dog owners, not just those who purchase an off-leash tag for their pet.

Thank you for your attention to this policy.

Respectfully,

Nicole Banks, Commissioner
Newton Parks, Recreation & Culture
246 Dudley Rd.
Newton, MA 02459
617-796-1500