



Programs & Services Committee Report

City of Newton In City Council

Wednesday, May 5, 2021

Present: Councilors Krintzman (Chair), Noel, Albright, Humphrey, Wright, Baker, Greenberg, and Ryan

Also Present: Councilors Malakie and Oliver

City Staff: Nicole Banks, Commissioner of Parks, Recreation and Culture; Josh Morse, Commissioner of Public Buildings; Jonathan Yeo, Chief Operating Officer; Captain Jeffrey Boudreau, Traffic Bureau; Carol Stapleton, Rec Program Manager; Lara Kritzer, CPA Program Manager; Luis Perez Demorizi, Open Space Coordinator; Marie Lawlor, Assistant City Solicitor; Rafik Ayoub, Public Buildings Project Manager; Alejandro Valcarce, Deputy Director of Public Buildings; Maureen Lemieux, Chief Financial Officer; Sean Nickerson, Recreation Manager Aquatics; Nathan Giacalone, Committee Clerk

#155-21 Appointment of Howard Birnbaum to the Urban Tree Commission

HER HONOR THE MAYOR appointing HOWARD BIRNBAUM, 36 Central Street, Auburndale, to the URBAN TREE COMMISSION for a term to expire on April 30, 2024. (60 Days: 07/02/21)

Action: Programs & Services Approved 8-0

Notes: The Committee invited Mr. Birnbaum to introduce himself to the Committee and describe his desire to join the Commission. Mr. Birnbaum said that he has been a Newton resident for 40 years. By training and his career, Mr. Birnbaum is an economist and consultant and has recently started studying the healthcare consequences of trees. He said that he has been familiarizing himself with the work of the Urban Tree Commission, but that he still has more he needs to learn about it.

Mr. Birnbaum was thanked for his willingness to serve.

Q: Can you describe the health economics of trees more?

A: This is the relationship between tree coverage and peoples' health on health care costs. Tree leaves trap pollution and prevent it from getting into the respiratory tract. A lack of adequate tree coverage can lead to a greater prevalence of respiratory and other health issues, leading to higher healthcare costs.

Councilor Krintzman motioned to approve which carried 8-0.

Referred to Programs & Services and Finance Committees

#166-21 **CPC Recommendation to appropriate \$60,000 in CPA funding for the Gath Pool**
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of sixty-thousand dollars (\$60,000) in Community Preservation Act Recreation funds to the control of the Planning & Development for the hiring of a consultant to work with the Public Building and parks, Recreation and Culture Departments to complete a conditions assessment and feasibility study on the Gath Memorial Pool Complex.

Action: **Programs & Services Approved as Amended from the FY21 Current Year Budgeted Reserve Account 8-0**

Notes: Ms. Kritzer presented to the Committee on this item and was joined by other Mr. Demorizi, Mr. Nickerson, and other CPA and PRC staff members (presentation attached).

Ms. Kritzer described the project to renovate the Gath Pool, Newton's only public pool, saying that it is used heavily and is a beloved staple in the community. However, most of its systems are beyond their useful life and deteriorating and the pool is losing about 18,000 gallons of water per day. Additionally, the pool needs other grading and accessibility improvements. Ms. Kritzer said that this funding request is for the Phase 1 feasibility study of the project. If this request is approved by the Council, the study is estimated to begin in August/September 2021. This study would review the existing facilities and recommend a list of improvements to be made at the site. The funding request is for \$60,000 of CPA funds from the Current Year Budgeted Reserve Account. It is anticipated that more funding will be requested as the project progresses.

Discussion:

Q: Can you describe the timeline more?

A: The total project is expected to last more than two years. This funding request is only for Phase 1 to begin the study and get this project underway.

Q: With all of the money being lost on leaks can this timeline be accelerated at all?

A: This project is being treated with urgency and staff is trying to move expeditiously, but it is complex and can only move so fast. Among the many unknowns that need to be solved is the exact source of the leak. This is an area where the Phase 1 study will be useful.

C: What is the opportunity cost of delay for this project? Using CPA funds for this study should be fine, but long-term it is unclear that this is the best use of funds as many other projects need CPA funding as well.

Q: Why is the Planning Department controlling these funds and not Parks, Recreation and Culture?

A: This is how CPA funding is always routed and does not impact availability of the funds

Q: Is the leaking water flowing into the Charles River?

A: It is hard to tell where it is going, in part due to evaporation and spillover. Until the source of

the leak is determined it is difficult to answer where in the ground it is flowing into. It is possible that it is leaking into the nearby brook, and by extension into the Charles.

Q: How will two more lap lanes be added as described in the plans?

A: There is limited space to make change and improvements to the site, so the hope is to rearrange the configuration of the pool to add more and by using the existing deck footprint and expanding the shell. This will be good as swim teams and lap swimmers are some of the biggest user groups of the Gath Pool.

Q: Are there plans to use a saltwater pool? If the size doesn't prevent this, it can be more cost-effective and environmentally friendly.

A: We are hoping the consultant gives us options on this.

C: This is a good candidate for CPA funding as it has featured in many Newton childhoods.

Mr. Giacalone was then asked to summarize a memo sent earlier in the day from Ms. Kritzer regarding the funding source of the project (attached). He said that the original docket language mistakenly says that the funds will be drawn from the CPA Recreation Fund, which does not exist. If the Committee chooses to approve the item, Mr. Giacalone said that it would need to be amended to clarify that the funding is coming from the FY21 Current Year Budgeted Reserve Account.

Councilor Albright motioned to approve as amended which carried 8-0.

Referred to Programs & Services and Finance Committees

#163-21

Request for an increase to off-leash dog fines

COUNCILORS KRINTZMAN AND ALBRIGHT requesting an increase to the fine for failure to leash a dog under section 3-26 and the off leash dog program under section 3-30, as well as implementing a separate penalty for a second and third offense of the same ordinance.

Action:

Programs & Services Approved 8-0

Notes:

The Chair said that this item to increase fines for off-leash dog violations and the following two were docketed in response to the discussion at the meeting on April 29th. These items are intended to carry out the Committee desires outlined in those discussions. The Committee was joined for discussion on these items by Commissioner Banks, Captain Boudreau, Ms. Lawlor, and Ms. Stapleton.

Ms. Lemieux asked if the technical aspect of determining the correct offense number of the fines was discussed because of the difficulty in enforcing graduated fines. It was answered that this point had not been discussed yet. Captain Boudreau answered that officers use an Excel program to determine what number offense an individual has committed. This is a similar system for commercial snow complaints that uses CAD notes to log offenses. These are updated after every shift. While the QED database is accessible from every cruiser, the Excel list is not.

Q: Do the three offenses get counted within a calendar year or in total?

A: The draft ordinance specifies within a calendar year.

Q: Who enforces this ordinance?

A: This is a primary responsibility of the animal control officer. If they are not working then any officer can enforce the ordinance.

Councilor Albright motioned approval which carried 8-0.

Referred to Programs & Services and Finance Committees

#164-21 Request for an increase to dog license fees

COUNCILORS KRINTZMAN AND ALBRIGHT requesting an increase in the canine registration fee to help support pet waste disposal efforts across the city.

Action: **Programs & Services Approved 7-1 (Councilor Ryan opposed)**

Notes: The Chair introduced the item, to raise the dog licensing fee, currently set at \$15 or \$10 if the dog is spayed/neutered, to \$25/\$20 respectively. It was said that the intent is that this will correlate with a change in the funding structure for dog waste barrels and signage, as well as to raise additional funds to address feelings of being underfunded within the program.

Discussion:

C: When this topic first came up, the cost estimate was about \$38-40,000, but in the recent letter from Commissioner Banks to the Committee, this number was much higher. Where will the rest of the money come from that is not an increase in fees? Not from the off-leash dog money?

A: Commissioner Banks said that the original estimate was added up using the \$450 per each receptacle and adding up all 57 barrels in the parks and open spaces. There were some additional costs and the beautification division now estimates a cost of about \$53,000. This includes all 65 barrels and the off-leash areas. Other cost increase factors are service for barrels that need to be emptied more and the mutt mitt bags provided for pet waste.

Q: With the combination of factors in the off-leash areas and the additional funding from the fee increase, will there be enough money to cover the amount taken from the off-leash program?

A: With approximately 4,200 licenses currently in the city, it will depend on how many dogs are spayed/neutered or not. At a minimum it should be enough. There could be a further review to identify if certain sites require more or less service for the barrels.

Q: Could an automatic system for dog licenses be implemented which is similar to that in use for excise taxes? This would fix many license problems as many are simply lapsed.

A: This would be a topic to discuss with the Clerk's Office more as they handle the dog licenses. It would need a separate docket item to be implemented.

Q: The mutt mitts are very effective but do not decompose well. When it is time to purchase more, could a more biodegradable option be considered?

A: Yes.

Q: At Oak Hill Park there is only one barrel and the barrel in Sawmill Brook has no mutt mitt bags. Why is this?

A: The blue barrels are specific to pet waste and many others do not have bags. This system is going to be reviewed as there are requests for more barrels.

Q: How does one request an additional barrel?

A: This can be done through PRC or the 311 system.

C: In one case a dog passed away and it took three years to remove it from the Clerk's Office system. How effective then would this automatic system be citywide?

C: If a dog is spayed/neutered the fee should only increase by five dollars.

C: Is there a separate fee for commercial dog walkers?

A: The policy is to try and restrict them by limiting the number of dogs somebody can walk. Newton based dog walkers must pay a fee of \$250 while non-Newton based outfits must pay \$350.

C: The fee has been \$10 for nearly 40 years and it is time to raise it as it makes sense to fund more pet waste barrels. Based on the dog fine/fee comparison chart, this increase will be comparable to neighboring communities and is not overcharging.

Councilor Krintzman motioned approval which carried 7-1 (Councilor Ryan opposed)

Referred to Programs & Services and Finance Committees

#165-21 Request for changes to the off-leash dog ordinance

COUNCILORS KRINTZMAN AND ALBRIGHT requesting changes to the off-leash dog ordinance including, but not limited to, possible requirement that dogs be spayed or neutered for eligibility for an off-leash license; the fee for an off-leash registration and enforcement within the off-leash dog parks.

Action: **Programs & Services Held 8-0**

Notes: The Chair introduced the item and said that it was intentionally written broadly in order to allow it to address multiple subjects.

Discussion:

C: Heightened aggression from unneutered dogs is often a result of the neutered dogs feeling threatened. This restriction will help keep peace between dogs in the parks along with reducing other inappropriate activities, though aggression is the primary concern.

The suggestion was made to hold this item, saying that the Off-Leash Working Group would be a better body to address it. When it feels ready, the Working Group will be able to deliver a recommendation back to the Committee.

Commissioner Banks was asked if this idea has already been discussed in the Working Group and she said that it has not. She added that after some research, the spaying/neutering requirement for an off-leash permit is a requirement in other communities.

Captain Boudreau was asked if the police had records on this topic. He answered that they did, and most dangerous dog/dog bit reports note whether the dog was spayed/neutered or not.

C: The main concern is less about human bites but the aggression of dogs together off leash.

Ms. Lawlor added that off-leash fees are controlled by the Commissioner who can raise and set them as long as they are reasonably related to the cost of the program.

Councilor Ryan motioned to Hold which carried 5-0.

#156-21 Reappointment of Naomi Krasner to the Council on Aging
HER HONOR THE MAYOR reappointing NAOMI KRASNER, 72 Nonantum Street, Newton, to the COUNCIL ON AGING for a term to expire on May 15, 2024. (60 Days: 07/02/21)

Action: Programs & Services Approved 8-0

Notes: Councilor Greenberg motioned approval which carried 8-0.

The meeting adjourned at 8:06pm.

Respectfully Submitted,

Josh Krintzman, Chair

Gath Memorial Pool Renovation Project Funding Recommendation

Community Preservation Committee
Presentation to Programs and Services Committee
May 5, 2021

Project Overview

- ▶ Newton's only public swimming pool, the 60+ year old facility serves approximately 30,000 guests each season
- ▶ The pool is used for swim lessons, summer camps, senior programs, the Bluefish Swim Team, and the Summer Suburban Swim League
- ▶ The pools, decks, systems and equipment have deteriorated and are past end-of-life, causing significant leaks that lose 18,000 gallons a day
- ▶ Site is also in need of grading and accessibility improvements



Current Funding Request

CPA funding under the Recreation category is requested to hire outside consultants to complete an existing conditions assessment and feasibility study for the site including:

- ▶ A list of the improvements necessary to continue to run the existing facility
- ▶ A list of additional improvements to meet community needs,
- ▶ A list of changes necessary to increase and improve accessibility at the site and to the pools
- ▶ A plan with costs for the phased restoration of the facility
- ▶ The information necessary for the City to assess the merits of replacement vs. repair of the swimming facility

Project Funding Sources

Funding Source	Amount
CPA Funds from Current Year Budgeted Reserve Account	\$60,000
City Staff Time for Oversight and Management of Feasibility Study	\$21,300
TOTAL PROJECT COST:	\$81,300

The current CPA funding is only for Phase I of the Gath Memorial Pool Renovation Project. The CPC anticipates that additional funding will be requested for later phases of the project in the future.

Timeline

- ▶ Phase I (3-4 months) - Completion of Existing Facilities Study. Estimated to begin in August/September 2021.
- ▶ Phase II (6-8 months) - Schematic Design Phase/Site Plan Approval
- ▶ Phase III (10-12 months) - Design Development, Construction Documents, and Bidding Phases
- ▶ Phase IV (TBD) - Construction and Close Out Phases

Questions & Discussion

▶ Thank you!



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

Community Preservation Committee

MEMORANDUM

Date: May 5, 2021
From: Lara Kritzer, Community Preservation Program Manager
To: Finance Committee
Programs & Services Committee
Cc: Sue Dzikowski, Comptroller
Cassidy Flynn, Committee Clerk
RE: Funding account clarification for Finance Committee Review of Gath Memorial Pool Feasibility Study Project CPA Funding Recommendation

This memo seeks to clarify the funding source for the CPC's CPA funding recommendation for the Gath Memorial Pool Feasibility Study Project. The recommendation and docketing request begin with a reference to the project as requesting "CPA Recreation funding" to complete the proposed study of the Gath Memorial Pool Facility. This statement was intended as a reference to the CPA funding category that the project falls under – the project is eligible for CPA funding as it is a step towards the preservation, restoration, and rehabilitation of an existing city-wide recreational resource. The CPC is required to document and track how the City's CPA funding is used and considers this project to contribute to its established goal of spending 20% of the City's annual CPA funding on recreation projects.

Unfortunately, the wording of this reference has caused confusion as to the CPA account to be used for this project. While 10% of CPA funding is required to be set aside annually for Community Housing, Historic Resource, and Open Space projects, there is no required set aside for Recreation. The wording of the recommendation suggested that the project should be funded from a recreation account which does not exist. Instead, all recreation projects must be funded out of general CPA funds. In this case, the CPC has recommended that the project be funded out of the FY21 Current Year Budgeted Reserve Account (Account #58R10498-579000) which has a current total of \$949,541 available for use in any category.

website www.newtonma.gov/cpa

contact Lara Kritzer, Community Preservation Program Manager

email lkritzer@newtonma.gov *phone* 617.796.1144

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.....	\$10.00 <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)

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(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

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