

Report of the Dog Off-Leash Task Force

Section 1: Introduction to the Issues and History of the Task Force

Dissatisfaction both with the current leash law, and with compliance, is a familiar topic to many Newton residents; concern with these issues dates back many years. Some dog owners regularly allow their dogs off leash, feeling that this activity has substantial benefits and should be allowed. Other citizens, both dog owners and non-owners, have problems with off-leash dogs and are unhappy when owners fail to comply with the statute. Informal exploration of these issues began many years ago with Aldermen and citizens meeting to discuss the situation.

In 2004, Aldermen Samuelson, Johnson and Sangiolo initiated a discussion group with a group of aldermen: John Stewart, Polly Bryson, Ken Parker and Scott Lennon to consider amending the City's dog leash law to allow, on a trial or other basis, dogs off-leash at appropriate locations and/or times and under appropriate conditions. This group also worked with Carol Stapleton at the Parks Department to identify potential places for dog areas and/or off-leash hours. Some off-leash proponents, particularly Newton Dogs¹, were actively involved and encouraged this endeavor. The Board of Aldermen's ("BOA") Programs and Services ("P&S") Committee was charged with investigating the residents' request to consider amending the Newton leash law.

Several times at their meetings during 2004, the P&S Committee discussed the possibility of establishing off-leash areas. A public hearing, before this committee and largely organized by Newton Dogs, was held on December 3, 2003, affording the opportunity for residents to express both support for and opposition to changes in the existing regulations, dissatisfactions with the current situation, and concerns in general. This hearing also provided an opportunity for Newton residents to hear from officials representing nearby communities where dogs have been permitted off-leash in certain circumstances and/or who have modified their leash laws. Officials from Wellesley, Brookline, Cambridge, and the Trustees of Reservations addressed the meeting. Newton's public health commissioner also spoke about the health effects of dog feces and other medical issues related to dogs.

After several discussions and consideration of public testimony, the P&S Committee adopted a resolution (docket item No. 242-03, dated February 22, 2005), recommending the formation of a Special Task Force to examine whether and, if so, how the existing dog leash law should be amended. Its charge is described in Section 3 below. This document is the final report of that Task Force.

Section 2: Overview of Task Force Recommendations

- The Task Force suggests the implementation (for two years, unless terminated, renewed or revised by the BOA) of a pilot program that would allow dogs off-leash in specified areas and/or at specified times and subject to certain conditions. To accomplish this, the Task Force determined that the city would be best served by an ordinance to set procedures and the establishment of an Advisory Committee (the "Committee") to oversee its implementation. The Committee that would assume the responsibility for carrying out the detailed plans for implementing a "pilot" program within the City. The Committee would include the Parks and Recreation Department ("P&R") and the Conservation Commission ("CC")

¹ Thanks to Newton Dogs for some of the details of this history.

representatives, an Animal Control Officer (*ex officio*), plus four residents appointed by the Mayor and the BOA. Therefore, for the consideration of the BOA, the Task Force presents and proposes the attached ordinance which was prepared by the Law Department, with input from the Task Force. A more detailed description of the anticipated functioning of the pilot program is presented in Section 7.

- The Task Force discussed the possibility of choosing specific sites for off-leash activity and focused on the suitability of several possible locations. However, the Task Force concluded that it was not the appropriate group to make such recommendations. In our judgment, this task is, in fact, an administrative and not a legislative function and that the proper authority for designating such sites is the function of those agencies who deal with the land and who have legal responsibility for any potential sites – the P&R and the CC.
- The Task Force also saw the benefit of having possible sites proposed by the residents who would use the area for off-leash activities and who would take some responsibility for site maintenance.
- We anticipate that, subsequent to proposals and commitments from neighborhood groups, the Committee would recommend specific sites to the two Commissions for their consideration. Proposed sites would then be evaluated, and accepted or rejected, by the P&R and the CC. We anticipate that the Committee would assist the Commissions in developing rules and regulations to address issues of concern specific to the proposed sites as well as ensuring a consistent adherence to legal requirements established in the proposed ordinance. The Committee would monitor and evaluate the functioning of the program and report regularly to the Commissions. Should it become necessary, the Committee and/or the two Commissions may recommend that designation for a site or sites be revoked.

Section 3: Charge and Composition of the Task Force

The Task Force was charged by the BOA to conduct a study of existing conditions, including investigating and providing a comprehensive assessment of the following issues:

- The present functioning of the present dog leash law
- Environment, health and safety impacts of dogs off-leash
- What sites, environments, times and conditions would be appropriate and necessary to allow off-leash activities
- Enforcement measures needed to implement off-leash and related ordinances, including personnel, funding and fines for violations
- The experience of other communities with respect to measures allowing dogs off-leash
- Whether the proposed modifications should be implemented on a trial or other, basis

The Task Force was instructed to report back to the BOA, for its consideration, the results of its study and its deliberations. It was asked to propose recommendations regarding possible modifications of the extant law (either on a trial or other basis), and to consider implications of the proposed modifications.

The BOA's resolution anticipated that the Task Force would proceed with input from members of the P&R, CC and the School Department, as necessary, about special concerns and criteria and/or areas for study. The Task Force was also charged with holding meetings or public hearings as it deemed fit.

The membership of the Task Force is as follows:

- Four residents (one each from Wards 1-2, 3-4, 5-6, and 7-8) to be appointed by the President of the BOA, from recommendations by the aldermen from such wards (*Amy Koel, Leslie McGregor², Paula Palumbo, and Richard Tucker were selected*)
- Two aldermen (one each from Wards 1-4 and 5-8), to be appointed by the President of the BOA (*Susan Albright and Mitch Fischman were selected*)
- One member of the Newton Parks and Recreation Commission, to be designated by the Commission (*Francis Rice was selected*)
- One member of the Newton Conservation Commission, to be designated by the Commission (*Norm Richardson was selected*)
- An Animal Control Officer of the Newton Police Department, to be designated by the Chief of Police (*Officer O'Connell was selected*)

The Task Force was staffed by Shawna Sullivan (BOA/Clerk's office) and Marie Lawlor (City Solicitor's office).

Section 4: The Work of the Task Force

The Task Force began meeting in June 2005. Since that time, the Task Force has accomplished the following:

1. Sought to understand existing conditions in Newton
2. Reviewed emerging national and local trends, and new off-leash laws in neighboring communities (including laws regulating implementation) and specific policies governing the functioning of off-leash areas
3. Spoke with interested official public parties in Newton including those from the Departments of Health and Human Services, Police, Newton Public Schools, P&R and CC
4. Listened to groups and individuals who are in favor of off-leash areas/times and others who object to and/or who have experienced problems with off-leash dogs
5. Listened to individuals who are not necessarily against off-leash dog areas but do not like the way the dog-owners currently behave
6. Visited sites currently frequented by off-leash dogs and their human companions
7. Evaluated sites to determine their suitability for off-leash dogs in Newton (ultimately we decided not to propose any recommendations of individual sites as is explained elsewhere in this document)
8. Discussed which rules might be appropriate to govern off-leash dog areas in Newton including specific rules about inclusion, behavioral guidelines, whether off-leash areas or off-leash times (or both) would be suitable, penalties and enforcement
9. Considered possible sources of funding for the project but decided against making any recommendations at this time. Possible needs can be examined at a future time when program functioning and specifics become apparent. There are no obvious funding sources available from the city.
10. Prepared a final report for the consideration by the BOA

² Leslie McGregor resigned membership in the Task Force early in the process.

11. Prepared a draft ordinance for the Board’s review with the much appreciated help of Marie Lawlor from the law department

Section 5: National, Massachusetts, and Local Trends and Issues

National

“Dog parks-dog runs, or off-leash areas, pooch parks, paw parks – where canines can frolic under the supervision of their owners, have gone from controversy to commonplace in about 15-years” (*Krohe*, Planning; February, 2004). This statement accurately sums up a growing national trend. A “Google” search on off-leash dogs produces nearly 1 million hits. Narrowing the search down to government sites produces nearly 38,000 websites. Cities and towns throughout the United States have created areas for dogs to be off-leash with their companions. The website www.dogpark.com has links to 40 states with off-leash dog areas. Some sites permit off-leash dogs at specific times and prohibit them at other times. Other sites are exclusively designated for off-leash dogs. Some areas are enclosed; others are not. The off-leash access in some areas varies with the seasons (and other uses of the site); others do not. Some communities provide funding. Other communities require that the users of the off-leash areas provide their own funding. Still others do not specify or require funding. In many communities, interested group of citizens are involved with the successful implementation of these programs; in some cases, this participation by advocates is mandatory.

There is a relatively standardized set of rules and regulations governing off-leash areas, including such specifics as: dogs should be leashed entering and exiting the park; dogs in heat are prohibited; aggressive dogs must be excluded; dogs must be healthy and licensed; dogs must be under voice control at all times; and dog owners must pick up after their dogs. In addition, there is agreement on certain underlying principles on the formation of off-leash areas. These include: parks should be large (some recommend at least one-acre in size); there is a threshold number or size of parks necessary to prevent overuse; parks can sometimes successfully be divided between dog and non-dog areas and/or times; it is helpful (sometimes necessary) to have the groups of owners who use these parks be responsible in some way for their functioning.

Massachusetts

In Massachusetts, many of our neighboring communities have adopted ordinances and rules to govern the creation and operation of off-leash dog areas. This afforded the Task Force examples to review and consider. Cambridge, Boston, Somerville, Sharon, Wellesley, Weston and Brookline are among the communities with off-leash laws. Regulations governing these areas were varied; some permitted dogs off-leash only at specified locations, others during specific hours. The allowed sites also varied considerably in their characteristics. Some of the local ordinances were adopted on a trial basis; others were more longstanding. Brookline, whose model seemed the most relevant to Newton, developed a successful pilot program two years ago which just recently was made permanent. Weston has seen problems with off-leash dogs and there has been discussion about reinstating a leash law.

Newton

Despite the existing leash regulation (which mandates that dogs should never be off-leash when not on private property) many dogs are regularly exercised off-leash in Newton. With only two dog officers, it is impossible to effectively enforce the law. There are many parks, notably Norumbega, Cabot Woods, and Cold Spring Park (and many other areas that are consistently used for off-leash activities but where the dog population is lower) where it is commonly understood that people bring dogs for off-leash exercise and play and where the humans can socialize with each other. These owners report that this arrangement works well and has advantages for the owners and the dogs - and sometimes even the sites as well, as some dog owners have formed informal groups to keep the areas clean and maintained. Members of the task force visited these and other parks (e.g., Burr) to better understand the situation with off-leash dogs. This survey found that the majority of off-leash dogs are responsive to their human companions and cause few problems.

However, other Newton residents stated that Newton's leash law is not working effectively to protect the interests of residents generally and also of dog owners and their dogs (both off-leash dogs and dogs who are always on leash). Some residents articulate general concerns that off-leash dogs pose risks to residents' health, safety, and the peaceful enjoyment of public open spaces. They also express specific concerns regarding allowing dogs off-leash in areas where children customarily play, such as schoolyards, small neighborhood parks and playgrounds, and conservation areas.

We heard reports about residents who come to parks and have been bothered by off-leash dogs, even when those dogs have been friendly. One speaker (a breeder, author, judge for the American Kennel Club, and a Legislative Liaison for the Massachusetts Federation of Dog Clubs and Responsible Dog Owners) noted an incident where a person was injured at a dog park by the actions of a friendly dog. Another speaker who lives near Cold Spring Park (currently used by many for off-leash activity) said that she had to fence in her property to keep dogs out of her yard. A related issue is that there is conflict between conflicting needs in some parks. One often-cited example is that student runners from the high schools come to train in Cold Spring Park and they are pursued or jumped upon by dogs playing off-leash

There are a few parks in danger from overuse because there are so many dogs off-leash. City agencies have tried to work, in an unofficial way, with off-leash dog groups to help maintain the parks – but because taking off-leash dogs to a park is illegal these efforts have been modest.

Section 6: Benefits and Challenges of Off-Leash Times/Places

The Task Force studied the pros and cons of allowing off-leash activity on public land. We discussed it among ourselves, heard the observations of other residents (some off-leash advocates and others who reported problems with such activity), visited parks, and considered the views of some authorities on the issues.

The Pros

1. Allowing dogs to run off-leash builds community for the dog owners who regularly are out with their dogs. Dog owners, who currently let their dogs run off-leash, report great satisfaction with their involvement in neighborhood groups.
2. Some people have disabilities that prevent them from walking their dogs on a leash and off-leash play gives them a way to exercise their dogs.

3. Dogs allowed to socialize with other, well-behaved, dogs are more likely to develop positive relationships with other dogs and are less likely to be aggressive toward other dogs.
4. Running off-leash is a very good way for dogs to get exercise, and tired dogs are less likely to develop behavioral problems.
5. Otherwise law-abiding citizens currently must break the law to participate in an activity they deem reasonable and constructive, and some feel quite uncomfortable with this situation.
6. Many dog owners with off-leash dogs are cognizant that there ought to be some rules governing off-leash practices, but because this behavior is illegal, their ability to discourage and/or report inappropriate behavior (e.g., dog-on-dog aggression) is limited. Allowing such activity would promote cooperation between these owners and the city.
7. In several off-leash areas, owners have been active in promoting, cleaning up, conserving the site and monitoring it for safety. With an institutionalized policy, dog owners as individuals and/or groups could be mobilized to help produce a successful outcome regarding off-leash dog behavior that would benefit all--a win/win situation is the goal for the parks, dog-owners, and citizens without dogs (and the dogs).
8. If there were times and places in Newton where off-leash dog activity were to be made legal, it might reduce illegal and inappropriate off-leash dog behavior in other areas.
9. Off-leash proponents state that many residents currently are allowing their dogs off leash and that, in general, this is working very well in Newton and in other communities.

The Challenges

1. Dogs, even friendly dogs can cause problems, e.g., by jumping up in greeting. Some adults and children are afraid of dogs.
2. Some off-leash dogs exit the parks and disturb abutters and/or passersby.
3. Encounters with aggressive or dominant dogs in off-leash parks are dangerous for people and for other dogs. Such encounters can result in dog bites to humans and can facilitate dog aggression in vulnerable dogs. The latter is more likely to happen in large parks with "drop-in" participants and less likely to happen in neighborhood parks where the owners know each other and the dogs are familiar. The leading association of dog walkers and sitters (Pet Sitters International) states in their newsletter that, due to the growing popularity of dog parks, they are seeing a rise in the number of dog fights, dog bites to humans and dog injuries from running off-leash, in addition to more insurance claims.
4. Sometimes it is more difficult for owners to notice that they need to pick up after their dogs if their dogs are not in the immediate vicinity. That said, much of the dog waste in Newton is on the sidewalks and streets - left by owners who walk their dogs on leash.

5. Dogs are off leash in many parks at many and varied times of the day. Sometimes the presence of off-leash dogs can preclude other dog owners (those with smaller, older, more shy or sedate dogs, or dogs who don't get along with other dogs) from walking their dogs on- or off-leash safely through the parks. In general, mixing on- and off-leash dogs can be problematic.
6. Walking a dog on leash is good exercise; watching them play is not.
7. Enforcement of any dog-related regulation is difficult due to the limited number of hours Animal Control Officers are available.
8. Other municipalities allowing off-leash areas have had to contend with a surfeit of people from nearby cities and towns frequenting the areas.
9. Overuse of any one area can lead to site damage, additional traffic, and danger to dogs and/or people. Care should be taken to ensure that no one site becomes overcrowded with Newton residents and/or owners from other, local, municipalities.

Section 7: Findings and Recommendations of the Task Force

Benefits/Rationale

The Task Force believes that the successful implementation of the pilot program (if such should be the decision of the BOA) described in this report would result in a material improvement over existing conditions in the City of Newton's beautiful open spaces.

With time, if this program were to be successfully implemented, we envision a more dog-friendly environment where responsible citizens have the option of allowing their dogs to exercise off leash, where dog-related issues would be reduced, and where enforcement would be made more efficient and a more effective deterrent to unacceptable canine (and associated human) behavior.

Outcome Selected

A gradual consensus grew on the Task Force out of the process of listening to input, reviewing several extant local plans/regulations, discussing possible solutions for Newton, and discussing the pros and cons of various potential sites within the city. The result, the proposed ordinance, reflects the perspectives of the individual committee members (including representatives of the CC and the P&R) as well as input from other city departments and citizens at large. The ordinance, drafted by Marie Lawler of the City Law Department, is attached.

The ordinance proposes the implementation of a pilot program (for two years, unless terminated, renewed or revised by the BOA) that would allow dogs off-leash in specified areas and/or at specified times and subject to certain conditions as well as the establishment of a committee to oversee its implementation. The Committee would include P&R and CC representatives, an Animal Control Officer (*ex officio*), plus four residents appointed by the Mayor and the BOA. The current resident members of the Task Force would be asked to serve on the Advisory Committee for the first year to assist with the transition. Given some

continuity of membership from the task force to the new Advisory Committee, we anticipate a smooth transition, assuming passage of the ordinance.

Reasons This Outcome Was Selected

Initially, the Task Force discussed the possibility of choosing specific sites and regulations for off-leash activity. We debated the suitability of several possible locations. However, we concluded that this was not an appropriate undertaking for the Task force. There are several reasons for this.

- In our judgment, this task is, in fact, an administrative and not a legislative function and that the proper authority for designating such sites is the prerogative of those agencies who deal with the land and who have legal responsibility for any potential sites – the CC and P&R Commissions.
- The Task Force also saw the benefit of having sites proposed by the residents who would use the area for off-leash activities and who would take some responsibility for site maintenance and for compliance with specific regulations established for the areas. This would encourage continued neighborhood involvement and collaboration and contribute to the success of the pilot program.
- It is obvious that this method of site selection, and the subsequent necessary monitoring of the proposed program, is likely to be a prolonged and involved process, necessitating administrative flexibility and continued oversight of selected sites. An advisory committee would be best suited to maintain the supervision and flexibility necessitated by the proposed procedures.

Procedures, Issues and Guidelines

Site Selection

The Task Force proposes that potential site selection be initiated by the residents who would use the area for off-leash activities, as noted above. (The Task Force discussed the likelihood that many people who currently exercise their dogs off-leash are content with the status quo and would be reluctant to promote the public spaces that they utilize as potential candidate sites. One of the initial challenges of the committee will be to communicate the potential benefits of the trial program to this community)

The Advisory Committee will then recommend to the appropriate custodial agency a site or sites to consider for designation as official off-leash areas. The Committee will take steps it deems appropriate to notify and solicit opinions and suggestions of abutters and other neighborhood residents and would also recommend associated rules, regulations and time restrictions to the Commissions.

Proposed sites and regulations would then be evaluated, and accepted or rejected by the CC and the P&R.

Off-leash areas would be selected based on a variety of considerations, as identified in the report. Improvement over existing conditions from the perspective of those with and without dogs would be the paramount selection criterion and the goal of the pilot program.

Overuse

The Task Force became sensitized to the concerns of over-use (as exist today under the current ordinance), particularly if the pilot program included only a small subset of available areas. However, it anticipates that the Committee could minimize such concerns during the permitting process, perhaps by working on a

neighborhood rather than individual site basis, by soliciting proposals from neighborhood groups and by considering implementation of multiple sites at a time. In addition, continued monitoring by the Committee ensures that a site in danger of being damaged from overuse could be revoked as a designated off-leash area.

Symptoms of “over-use” would include any of the following conditions:

- Noise levels that are reported to be burdensome by the neighborhood
- Plant (or wildlife) impacts in non-designated areas; such evidence could include signs of trampled plants, erosion, and presence of feces (and possible parasite transmission to wildlife)
- Reoccurring and/or serious complaints or incidents concerning dogs
- [Anything else????]

The Advisory Committee

The Committee would be responsible for developing administrative procedures enabling the efficient execution of the pilot program and ensuring that mandates specified in the approved ordinance were integral to the permitting process. After hearing specific proposals by neighborhood groups, the Advisory Committee would deliberate, and recommend potential sites and rules, regulations and time restrictions appropriate to each individual site to the Commissions for their consideration, as noted above.

The Committee would monitor and evaluate the functioning of the program. It would regularly report to the Commissions to ensure that the program would not unduly impinge upon the rights of citizens to continue to enjoy use of the Newton’s outdoor public spaces.

The Committee would also be responsible for establishing a vision (or desired end-state) for each neighborhood based on the available public land, established guidelines, concerns identified by the P&R and CC, the needs of people interested in off-leash dog areas, and those of other citizens as well. Such a community-level vision would consider the availability (walking distance, parking, size, and necessary use restrictions) of park resources within each neighborhood and would actively solicit proposals from off-leash advocates willing to assume leadership roles. In addition, the committee would determine how the pilot program would be best communicated with the public and which forums would be most appropriate for soliciting comments and feedback.

At any time, the Advisory Committee may recommend revision of the rules, regulations, and time restrictions associated with a particular site and/or revocation of the site as a designated off-leash area.

The Committee may also appoint interested residents to assist them in their responsibilities.

1. Education Program, Community Involvement and Enforcement

Following the formation of the Advisory Committee, we anticipate that an education program be recommended by the Committee to inform the public of the details of the pilot program. Such information might be publicized via the annual mailing of dog license renewal forms, articles in the press, postings on the City website, as well as pamphlets to be distributed. Appropriate signage might also be helpful. Good examples of such information have been obtained from neighboring communities, in particular Brookline, whose program seems most compatible with what might be implemented in Newton.

The Animal Control Officer(s) would be encouraged to enforce the rules to the extent possible. Nonetheless, given the inability of two officers to police the entire city, it is clear that a high degree of community support in the neighborhoods would be useful to create a climate of cooperation and self-enforcement. Initially, we anticipate that a greater allotment of the time of the Animal Control Officers to any newly designated off-lead areas might be helpful.

Successful implementation of the pilot program would require off-leash dog advocates to assume greater leadership roles to ensure that ongoing activities were in compliance with the amended ordinance and those rules and regulations specific to a given park or open space land (as deemed necessary by the granting authority). Advocates would contribute to the program's monitoring and evaluation components and would be responsible for working with other off-leash dog park users to address identified issues. Such leaders would work with the City of Newton and its officials to help ensure the success of the program and the comfort of all the citizens who use these spaces. The commitment of off-leash dog park users to acquaint themselves with, and abide by, the specific regulations of the parks they frequent is an essential component of the Task Force concept and critical to the success of the pilot program.

As noted by some off-leash dog park advocates, the self-policing role of park users and their cooperation with the City would be enhanced by legalizing off-lead activities and eliminating the stigma experienced by otherwise law abiding citizens under the current environment. We expect that this increased "self-policing" aspect, combined with the reduction in areas where off-leash dog activity is not legal would allow the Animal Control Officers to focus their activities more completely on the important safety issues and problematic areas.

ATTACHMENT: DRAFT OFF-LEASH DOG REGULATIONS