

DRAFT 6/15/06 FOR DISCUSSION PURPOSES:

Amend Chapter 3, Article II *DOGS* by adding a new Section 3-30 after Section 3-29 as follow:

Sec. 3-30 Dogs Off-Leash Pilot Program

(a) Notwithstanding the provisions of Sec. 3-26(a) *Restraint of Dogs*, in areas officially designated as “Designated Off –Leash Area” by the Parks and Recreation Commission together with the Conservation Commission or their designees, a dog may be permitted off-leash under the following minimum conditions, and subject to any other rules and regulations or time restrictions established from time to time by the Parks and Recreation Commission and the Conservation Commission:

1. The dog must at all times be accompanied by and under the control of a person, who must ensure that the animal does not disturb the surrounding area by barking or other action, and must ensure that it does not disturb or threaten others using the designated off-leash area or surrounding area;
2. Any dog left unattended may be impounded;
3. The person in charge of a dog inside a designated off-leash area must immediately remove and properly dispose of any fecal waste deposited by that dog.
4. The dog must wear a collar with identification at all times, be licensed and vaccinated, healthy and parasite free. Dogs must be at least four months old to be allowed off-leash.
5. The number of dogs per person in a designated off-leash area is limited to three.
6. Dog owners are responsible for their dogs and for any injury or damage caused by their dogs.
7. Female dogs in heat will not be allowed in any designated off-leash area.

(b) *Sites for Designated Off-Leash Areas.* The Parks and Recreation Commission and Conservation Commission may designate one or more specific areas on land subject to their control to be Designated Off-Leash Areas. The Commissions shall hold a public hearing prior to designating a site as an off-leash area, but may revoke a designation at any time.

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

1. The Parks and Recreation Commission and the Conservation Commission shall appoint an advisory committee, to be known as the Dogs Off-Leash Advisory Committee. The Committee shall consist of one or more representatives from the Parks and Recreation Department; one or more representatives from the Conservation Commission; one representative from the Police Department; one alderman; and one citizen of Newton.

2. The Committee shall recommend to the Parks and Recreation Commission and the Conservation Commission a site or sites which the said Commissions may consider for designation as official off-leash areas. The Commissions shall hold a public hearing prior to designating any recommended site as a Designated Off-Leash Area. The Commissions shall give preference to proposed sites for which a local citizen group will take responsibility for maintaining the site in accordance with rules and regulations established for its use. *[alternate language: The Commissions shall consider only those proposed sites for which a local citizen group will take responsibility for maintaining the site in accordance with rules and regulations established for its use.]*

3. The Committee shall recommend to the Commissions rules, regulations and time restrictions for off-leash areas, and may at any time recommend that the Commissions revise said rules, regulations or time restrictions for any or all Designated Off-Leash Areas.

4. The Committee shall monitor and evaluate the Dogs Off-Leash Program and shall report to the Parks and Recreation Commission and the Conservation Commission on a monthly basis. The Committee may recommend additional sites for designation, and may at any time recommend that designation for a particular site or sites be revoked.

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

(e) The provisions of this section will expire on [xx/xx/2007] unless terminated earlier, or unless renewed or revised by the Board of Alderman. Three months prior to expiration, the Parks and Recreation Commission and the Conservation Commission shall report and make recommendations to the Board of Alderman as to whether the program set forth in this ordinance should be terminated, renewed in its present form, or revised.