

DRAFT 7/20/06 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; the dog must be leashed when entering and exiting the designated off-leash 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 from time to time designate one or more specific areas on land subject to their control to be Designated Off-Leash Areas. The Commissions 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 representative from the Parks and Recreation Department, nominated by the Parks and Recreation Commission; one representative from the Conservation Commission, nominated by that commission; a dog officer of the City of Newton, ex officio; and three citizens of Newton to be appointed by the Mayor.

2. The Committee shall from time to time 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. Prior to recommending to the Commission a site for such designation, the Committee shall hold a public meeting. The Committee shall consider only those proposed sites for which a local resident group will take responsibility for maintaining the condition of the site, and will agree to such other terms and conditions as the Committee may deem appropriate.

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 regular 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.

5. The ward aldermen of each ward may appoint two ward residents to assist the Committee, as the Committee may deem appropriate, in the review of Off-Leash sites and other tasks assigned by the Committee.

(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 two years after passage 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.