

**REVISED DRAFT ORDINANCE FOR DISCUSSION PURPOSES
at 8/17/06 Task Force Meeting:**

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.*

1. 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.

2. In the event public land owned by the City of Newton but not under the control of said Commissions is to be considered for designation as an off-leash area, permission to consider such land must be obtained from the municipal official with jurisdiction over that land. If such permission is given, said municipal official or designee shall sit on the Dogs Off-Leash Advisory Committee established in Section 3-30(c). With respect to this ordinance, said municipal official shall have the same role and authority over land subject to his or her control as the Commissions have over land subject to their control, including the final authority to promulgate rules and regulations pertaining to use of such land as an off-leash area, and final authority to designate or revoke the designation of any off-leash area on land subject to his or her control.

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

1. To advise the Parks and Recreation Commission and the Conservation Commission in their decisions, there shall be formed a Dogs Off-Leash Advisory Committee. The Advisory 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 jointly by the Mayor and the President of the Board of Aldermen and confirmed by the Board of Aldermen. To insure an orderly transition, all citizen members of the current off-leash task force shall be asked to serve as the initial citizen appointees of the Dogs Off-Leash Advisory Committee for a term not to exceed one year without requiring formal reappointment.

2. The Advisory 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 Advisory Committee shall hold a public meeting. The Advisory Committee shall consider only those proposed sites for which a local resident group will sponsor the site, will agree to mitigate dog-related impact on the site, and will agree to such other terms and conditions as the Advisory Committee may deem appropriate for that site.

3. The Advisory 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 Advisory 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 Advisory 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 up to two ward residents to assist the Advisory Committee, as that 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. Six months prior to expiration, the Advisory Committee shall report and make recommendations to the Parks and Recreation Commission and Conservation Commission and 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.