



GLOUCESTER CITY COUNCIL  
**Ordinances & Administration Committee**  
Monday, April 14, 2014 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
**AGENDA**

(Items May be taken out of order at the discretion of the Committee)

**1. *Continued Business:***

A) CC2013-040 (Verga) Request to review GCO Chapter 4 “Animals,” Art. II “Dogs,” Sections 4-15 to 4-22: **Review of Ad Hoc Committee Recommendations** (Cont’d from 03/17/14)

COMMITTEE  
**Councilor Robert Whycott, Chair**  
**Councilor Sefatia Theken, Vice Chair**  
**Councilor Jacqueline Hardy**

Back-up and Supporting Documentation all on file at the City Clerk’s Office, City Hall

CC: Mayor Carolyn Kirk  
Jim Duggan  
Linda T. Lowe  
Police Chief Leonard Campanello

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

**Linda Lowe**

---

**From:** Paul McGeary  
**Sent:** Thursday, April 10, 2014 8:34 AM  
**To:** Linda Lowe  
**Subject:** More on leash law

Linda:

Please add this email that I sent to my constituents to the list of communications received in connection with the animal control ordinance. As you can see, it includes the results of a straw poll that I took at my ward meeting on April 7.

I would like the results of the straw poll to be incorporated into the tally you will provide at the meeting on April 22.

I made scans of the actual ballots that included suggestions. The file is too big to attach to an email, so I have uploaded them to the city Dropbox in a folder called "Animal Control." The name of the file is "**DogStrawPollResults.pdf.**"

Thanks,

Paul

.....

*I want to thank all those who took the time to come to my ward meeting on changes to the animal control ordinance on Monday night. More than 80 people attended, and the debate was spirited but respectful.*

*I, along with Councilors Cox and LeBlanc who also attended, were impressed with the seriousness of the thoughts and suggestions that were brought forward and I know we will weigh them carefully as we consider this matter.*

*Straw poll*

*During the meeting I asked that participants take part in a straw poll on the proposed changes. The results were as follows:*

*The choices were:*

- 1) "I oppose allowing dogs off leash at Good Harbor at all times"*
- 2) "I favor allowing dogs off leash on Good Harbor off season at specific times.*
- 3) "I could support allowing dogs off leash on Good Harbor off season but with specific changes."*

*The results*

*Option 1: 24 votes*

*Option 2: 9 votes*

*Option 3: 23 votes*

*Among the changes suggested by those who said they could support allowing dogs off leash with changes were:*

- *Vigorous enforcement of whatever leash law is adopted.*
- *A collar or other prominent device to make it easy to identify dogs who misbehave.*
- *Better signage making clear pet owners' responsibilities.*
- *Formation of volunteer "ambassadors" to educate pet owners about their rights and responsibilities on the beach.*

*Again thanks to all who participated. The matter will be discussed at Monday's meeting of the Council's Ordinance and Administration Committee on Monday, April 14. (This is a meeting, not a hearing. The public may observe but may participate only with the permission of the chair.)*

*The public hearing before the Council is scheduled for Tuesday, April 22.*

*NOTE: If the O&A committee is unable to finish its work in one night, the hearing before the Council may be continued. Watch the papers and the city website for details.*

**Sec. 4-15. Running at large prohibited.**

(a)

No person owning or keeping a dog in the city shall permit such dog at any time to run at large in the city (**unless expressly authorized under Sec 4-16a or Sec 4-16d.**) Each incident in which a dog, licensed or unlicensed, is on public or private property without authorization and is not under the direct control of its owner by a leash not exceeding six feet in length shall be a violation of this section.

(b)

As used in this section, the term "at large" shall mean the dog is off the premises of its owner or keeper and not under the direct control of a competent person by a leash not exceeding six feet in length.

*(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1)*

**Sec. 4-16a. Dogs **allowed on public** beaches at certain times.**

1. Leashed dogs under the direct control of their owners by a leash in hand not exceeding sixteen (16) feet in length shall be allowed on all public beaches from September 16<sup>th</sup> to April 30<sup>th</sup>.

OPTION 1 Unleashed dogs shall be allowed on Good Harbor Beach and Wingaersheek Beach from; **September 16<sup>th</sup> to April 30<sup>th</sup>, annually subject to the following conditions:**  
Off leash sunrise to 9AM and 3PM to sunset

OPTION 2 Unleashed dogs shall be allowed on Good Harbor Beach and Wingaersheek Beach from; **October 1 to April 30<sup>th</sup>, annually subject to the following conditions:**  
Off leash Sunrise to 9AM and 2PM to sunset

- 1- Owners must remain with and monitor their dogs. Owners, per the below conditions define persons with direct care, custody, and control of a dog while in a designated off leash area.
- 2- Dogs must be licensed and vaccinated as required by applicable law and ordinance.
- 3- Dogs must wear their tags and have no contagious conditions, diseases or parasites.
- 4- Dogs must be leashed when entering and exiting a designated off leash area.
- 5- Dogs and humans are not allowed in the dunes.
- 6- Dogs with a history of dangerous or aggressive behavior as determined by Animal Control are prohibited.
- 7- Dogs younger than four (4) months are not allowed.

- 8- Unaltered male dogs or female dogs in heat are not allowed.
- 9- Owners must immediately remove dogs who are exhibiting aggressive behavior.
- 10-Owners must carry a leash; one leash per dog is required.
- 11-Maximum of two (2) unleashed dogs per owner.
- 12-Owners must have in their possession an adequate number of poop bags, or other appropriate device for removal of their dogs waste.
- 13-Owners must clean up after their dogs and dispose of the waste in an appropriate waste container.**
- 14-Owners must fill in any holes dug by your dog(s).
- 15- Any violation of the above conditions shall be subject to a fine of \$50.00, 1st offense, \$100.00 for any subsequent offense(s), and dog may have off leash privilege revoked by Animal Control.

Fines for violations will be double in season, for beaches and other off leash areas as determined.

*(Ord. No. 95-1998, § I, 7-7-1998; Ord. of 7-23-2002, § I)*

**Editor's note—**

Ord. No. 95-1998, § I, adopted July 7, 1998, repealed the former § 4-16 and enacted §§ 4-16a and 4-16b as set out herein. Section 4-16 pertained to dogs prohibited on beaches at certain times and derived from § II of an ordinance adopted February 8, 1977, and § 2 of an ordinance adopted August 11, 1981.

**Sec. 4-16b. Dogs prohibited in city-owned cemeteries at all times.**

Dogs shall be prohibited from all city-owned cemeteries at all times.

*(Ord. No. 95-1998, § I, 7-7-1998)*

**Sec. 4-16c. Dogs prohibited on athletic fields.**

Dogs shall be prohibited from all city-owned athletic fields at all times.

*(Ord. of 1-22-2002(01), § I)*

**Sec. 4-16d. Off-leash dog areas.**

Unless otherwise expressly authorized under this ordinance, the department of public works director may designate, with the approval of the mayor and the city council, specific lands for use as off-leash dog

areas, with their operation being subject to regulations enacted pursuant to Section 7-16(b) of the City Charter.

*(Ord. of 10-12-2010(01))*

**Sec. 4-17. Female dogs in heat to be confined.**

Every female dog in heat shall be confined in a building or secured enclosure in such a manner that it cannot come into contact with another animal except for planned breeding.

*(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1)*

**Sec. 4-18. Impoundment; notice to owner; transfer of custody.**

(a)

The city's dog officer shall catch and confine any dog found to be in violation of any provision of this article. When any dog has been impounded, the owner shall be notified within 24 hours of the violation and fine which is being assessed. The owner or keeper of an impounded dog shall have ten days in which to recover the dog.

(b)

Except as provided below, any dog which is held in confinement by the dog officer that shall not have been claimed by the owner or keeper at the end of the ten day period shall be transferred to the care and control of the Massachusetts Society for the Prevention of Cruelty to Animals or some other similar organization, or to any person offering to pay the fee for confinement. In no case shall a dog be sold or delivered to or given to any person or organization intending to use the dog or vivisection purposes.

(c)

Impoundment under this chapter shall also include the placement by the dog officer of the dog in a kennel licensed by the commonwealth.

*(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1; Ord. of 4-18-1989, § 1)*

**\*Sec. 4-19. Redemption of impounded dogs.**

(a)

No dog confined for a violation of this article shall be released to its owner or keeper except as provided herein. The dog officer shall issue to the owner or keeper of any such dog a citation for the violation of this article. The violations shall bear a fine of the following:

(1) For the first offense: \$10.00; **\$50.00**

(2) For **any subsequent offense(s)**: \$30.00; **\$100.00**

(b)

In case of the first and each succeeding violation, no dog shall be released prior to the receipt by the dog officer of due notice of the payment of the fine for all outstanding notices of violation or of the deposit of the amount of the fines as a security for the payment of said fines **and proof of valid license**. In every case in which the owner or keeper refuses to pay such fines or a deposit for security for such fines, the dog shall be held until a hearing on the charged violation has been held and the owner shall be liable for all confinement charges as provided herein. As used in this subsection, the term "outstanding notices of violation" shall include only those notices of violation resulting in confinement.

(c)

Notwithstanding the provisions of this section to the contrary, no dog so confined shall be released prior to the payment of confinement and care charges of the actual contract cost to the city of confining, impounding or boarding the dog.

(d)

The provisions of this article shall not apply to any person or organization who owns, keeps or maintains any dog as part of a canine corps for the commonwealth or any of its political subdivisions while actually engaged in the performance of official duties.

*(Ord. of 2-8-1977, § 1; Ord. of 11-1-1977, § 1; Ord. of 8-11-1981, § 1; Ord. of 4-18-1989, § 1)*

#### **Sec. 4-20. Pound; dog officer.**

(a)

The city shall make provision **to shelter** stray dogs, dogs impounded due to violations of this article, or dogs rescued from danger or distress. The operation of the **shelter** shall incorporate the regular services of a licensed veterinarian.

(b)

The city shall make provision for the services of at least one fulltime dog officer, whose duty it shall be to enforce the provisions of this article, of the licensing laws relevant to dogs, and of other relevant commonwealth law. The dog officer shall have the power to decide on the merit of complaints of citizens with regard to what they feel are nuisance dogs and issue citations to owners which, unless appealed under commonwealth law, shall be referred to the district court if citation is ignored.

*(Ord. of 2-8-1977, § III; Ord. of 8-11-1981, § 3; Ord. of 4-18-1989, § I)*

**Cross reference**— *Officers and employees, § 2-40.*

**State law reference**— *Animal pounds generally, M.G.L. c. 49, § 22 et seq.; dog officers generally, M.G.L. c. 140, § 151.*

## Sec. 4-21. Dog fouling.

(a)

**Duty to dispose.** 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 dog on any sidewalk, street or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his dog on any private property neither owned nor occupied by said person.

(b)

**Duty to possess means of removal.** No person, who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Furthermore, no person who, owns, possesses or controls such dogs, shall appear on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog. Disposal in storm drains is prohibited.

(c)

**Method of removal and disposal.** For the purposes of this subsection, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, 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 agent of the board of health.

(d)

***Fines for violation.*** Violation of this regulation shall be punished by a fine of (\$50.00) for the first offense and (\$100.00) for any subsequent offense(s)

***Fines for violation of beach conditions shall be punished by a fine of \$50.00 for the first offense and \$100.00 for any subsequent offense(s).***

Fines for violations will be double in season, for beaches and other off leash areas as determined.

Section 4-18(a), impoundment, does not apply to violations of this section.

(e)

***Enforcement.*** Violations of this section shall be enforced in accordance with all other applicable laws governing municipal ordinances; however, at the option of the enforcing person, violation may be enforced noncriminally pursuant to M.G.L. c. 40, § 21D and as provided in section 1-15, rather than by a criminal complaint in district court.

(f)

***Exemption.*** This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his handicap, is physically unable to comply with the requirements of this section.

(g)

***Severability.*** The provisions of this section are severable; and, if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(h)

***Notification.*** Upon licensing of a dog, the owner shall be given subsections (a) through (h) of this section by the dog officer, city clerk or person issuing the license.

*(Ord. No. 13-1994, § 1, 8-9-1994)*

## **Sec. 4-22. Fees and penalties.**

(a)

*Revised fees for dog licenses, effective July 1, 2002. Male/female/neutered/spayed, each dog:*

*Late penalty, effective April 30, 1993.* The owner shall pay a penalty of \$10.00 for any dog whose license fee has not been paid by April 30 of the current licensing renewal year.

(Ord. of 3-16-1993; Ord. No. 121-1998, § I, 9-29-1998; Ord. of 5-28-2002(06), § I; Ord. of 6-6-2006)

---

FOOTNOTE(S):

---

--- (2) ---

**Cross reference**— Chief of police to act as dog constable, § 17-21; dogs prohibited in school grounds or buildings, § 18-6. [\(Back\)](#)

**State Law reference**— Municipal authority to regulate dogs, M.G.L. c. 140, § 173. [\(Back\)](#)

**Sec. 1-15. Penalty for violation of certain specified sections of Code.**

Violation of the Code sections set forth in this section may be enforced noncriminally by way of the ticketing procedures set forth in M.G.L. c. 40, § 21D. For the purpose of this section the specific penalty which is to apply for a violation of each such section shall be as listed below and the municipal officers or employees whose titles are listed under such section shall be deemed to be enforcing officers for each such section:

**Chapter 4, section 4-16a. Dogs allowed on public beaches at certain times.**

Chapter 4, section 4-21, dog fouling.

Penalty:

First offense **\$50.00**

**Subsequent offense(s), \$100.00.**

The enforcement officer for violation is the animal control officer.

Chapter 5, article II, section 5-19, inspections of buildings erected on pilings.

Each day a violation continues will be treated as a separate offense. A violation of this ordinance shall be \$300.00 per day and/or condemnation of the building.

Chapter 5, article II, division 4, sections 5-35—5-39.3, vacant buildings.

CITY CLERK  
GLOUCESTER, MA

14 APR 10 AM 10:19

GCO Sections 4-15—4-22; 1-15  
Draft Changes 3/24/2014

**Sec. 1-15. Penalty for violation of certain specified sections of Code.**

Violation of the Code sections set forth in this section may be enforced noncriminally by way of the ticketing procedures set forth in M.G.L. c. 40, § 210. For the purpose of this section, the specific penalty which is to apply for a violation of each such section shall be as listed below and the municipal officers or employees whose titles are listed under such section shall be deemed to be enforcing officers for each such section:

*Chapter 4, section 4-16a, dogs allowed on public beaches at certain times*

Formatted: Highlight

*Chapter 4, section 4-2, dog fouling*

**Penalty**

Formatted: Highlight

First offense \$50.00

Subsequent offense(s) \$100.00

Formatted: Highlight

~~The enforcing officer for violation is the animal control officer.~~  
Enforcing persons: animal control officer, police officers

Formatted: Highlight

*Chapter 5, article II, section 5-19. Inspections of buildings erected on pilings.*

Each day a violation continues will be treated as a separate offense. A violation of this ordinance shall be \$300.00 per day and/or condemnation of the building.

*Chapter 5, article II, division 4, sections 5-35-39.3, vacant buildings.*

## ARTICLE II. DOGS\*

### Sec. 4-15. Running at large prohibited.

(a) No person owning or keeping a dog in the city shall permit such dog at any time to run at large in the city (unless expressly authorized under Sec 4-16a or Sec 4-16d.) Each incident in which a dog, licensed or unlicensed, is on public or private property without authorization and is not under the direct control of its owner by a leash not exceeding six feet in length shall be a violation of this section.

(b) As used in this section, the term "at large" shall mean the dog is off the premises of its owner or keeper and not under the direct control of a competent person by a leash not exceeding six feet in length.  
(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1)

### Sec. 4-16a. Dogs allowed on public beaches at certain times

1. Leashed dogs under the direct control of their owners by a leash in hand not exceeding sixteen (16) feet in length shall be allowed on all public beaches from September 16th to April 30th.

OPTION 1 Unleashed dogs shall be allowed on Good Harbor Beach and Wingaersheek Beach from: September 15th to April 30th, annually subject to the following conditions:  
Off leash sunrise to 9AM and 3PM to sunset

OPTION 2 Unleashed dogs shall be allowed on Good Harbor Beach and Wingaersheek Beach from: October 1 to April 30th, annually subject to the following conditions:  
Off leash Sunrise to 9AM and 2PM to sunset

1. Owners must remain with and monitor their dogs. Owners, per the below conditions define persons with direct care, custody, and control of a dog while in a designated off leash area.
2. Dogs must be licensed and vaccinated as required by applicable law and ordinance.
3. Dogs must wear their tags and have no contagious conditions, diseases or parasites.
4. Dogs must be leashed when entering and exiting a designated off leash area.
5. Dogs and humans are not allowed in the dunes.
6. Dogs with a history of dangerous or aggressive behavior as determined by Animal Control are prohibited.
7. Dogs younger than four (4) months are not allowed.

\*Cross references---Chief of police to act as dog constable, § 17-21; dogs prohibited in school grounds or buildings, § 18-6.  
State law reference---Municipal authority to regulate dogs, M.G.L. c. 140, § 173.

Formatted: Highlight

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto, Character scale: 100%, Highlight

Formatted: Font: (Default) +Body (Calibri), 11 pt, Highlight

Formatted: Font: 11 pt, Highlight

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto, Character scale: 100%, Not Expanded by / Condensed by , Highlight

Formatted: Font: (Default) +Body (Calibri), 11 pt, Bold, Highlight

Formatted: Font: (Default) +Body (Calibri), 11 pt, Not Bold, Underline, Highlight

Formatted: Font: (Default) +Body (Calibri), 11 pt, Highlight

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto, Character scale: 100%, Highlight

Formatted: Font: (Default) +Body (Calibri), 11 pt, Bold, Highlight

Formatted: Font: +Body (Calibri), 11 pt, Not Bold, Underline, Font color: Auto, Character scale: 100%, Highlight

Formatted: Font: (Default) +Body (Calibri), 11 pt, Not Bold, Underline, Highlight

Formatted: Font: 11 pt, Highlight

Formatted: Highlight

Formatted: Highlight

8. Unaltered male dogs or female dogs in heat are not allowed
9. Owners must immediately remove dogs who are exhibiting aggressive behavior.
10. Owners must carry a leash, one leash per dog is required
11. Maximum of two (2) unleashed dogs per owner
12. Owners must have in their possession an adequate number of poop bags, or other appropriate device for removal of their dogs waste.
13. Owners must clean up after their dogs and dispose of the waste in an appropriate waste container
14. Owners must fill in any holes dug by ~~your~~ their dog(s)
15. Any violation of the above conditions shall be subject to a fine of \$50.00, 1st offense, \$100.00 for any subsequent offense(s) and dog may have off leash privilege revoked by Animal Control.

Formatted: Highlight

Fines for violations will be double in season, for beaches and other off leash areas as determined.  
(Ord. No. 95-1998, § 1, 7-7-1998; Ord. of 7-23-2002, § 1)

Formatted: Highlight

**Editor's note**--Ord. No. 95-1998, § 1, adopted July 7, 1998, repealed the former § 4-16 and enacted §§ 4-16a and 4-16b as set out herein. Section 4-16 pertained to dogs prohibited on beaches at certain times and derived from § 11 of an ordinance adopted February 8, 1977, and § 2 of an ordinance adopted August 11, 1981.

#### **Sec. 4-16b. Dogs prohibited in city-owned cemeteries at all times.**

Dogs shall be prohibited from all city-owned cemeteries at all times.  
(Ord. No. 95-1998, § 1, 7-7-1998)

#### **Sec. 4-16c. Dogs prohibited on athletic fields.**

Dogs shall be prohibited from all city-owned athletic fields at all times.  
(Ord. of 1-22-2002(01), § 1)

#### **Sec. 4-16d. Off-leash dog areas.**

Unless otherwise expressly authorized under this ordinance, the department of public works director may designate, with the approval of the mayor and the city council, specific lands for use as off-leash dog areas, with their operation being subject to regulations enacted pursuant to Section 7-16(b) of the City Charter.  
(Ord. of 10-12-2010 (01))

#### **Dog Park Establishment and Use**

(a) There is established an enclosed dog park at Stage Fort Park for the use and enjoyment of dogs of residents of the city.

(b) Use of the dog park is subject to the following rules and regulations:

1. The dog park shall be open from dawn to 9 p.m. and may be closed as conditions require;
2. Dogs must be accompanied by a guardian at least 14 years of age;
3. Minors under the age of 14 must be accompanied by an adult;
4. Maximum of 3 dogs per guardian at any one time;
5. Dogs must display a municipal dog tag license and current vaccination tag;
6. Guardians must have voice control over their dogs at all times;
7. Guardians must immediately clean and properly dispose of waste;
8. Holes dug by dogs must be filled;
9. All dogs must be leashed upon entering and exiting the dog park; and
10. Users of the dog park are responsible for any damage or injury inflicted by their actions and/or those of their dog(s). Neither the city nor any of its agents shall be liable for any injury or damage caused in the dog park.

(c) The following are prohibited inside the dog park:

1. Dogs displaying aggressive behavior (subject to immediate removal from the park by the animal control officer or his designee);
2. Female dogs in heat, unaltered male dogs, all dogs younger than four months in age;
3. Choke, prong or spike collars;
4. Toys of any kind, except for tennis balls;
5. Children under the age of 8;
6. Food, smoking, alcoholic beverages and glass; and
7. Bicycles, strollers, skateboards, roller blade and bare feet.

(d) Whoever violates any provision of this section shall be subject to a fine as set forth in Section 4-21(d). In addition, the dog officer may revoke any existing dog park tag and/or prohibit future issuance of a tag for those who violate any provision of this section. The decision of the dog officer shall be final.

**Sec. 4-17. Female dogs in heat to be confined.**

Every female dog in heat shall be confined in a building or secured enclosure in such a manner that it cannot come into contact with another animal except for planned breeding.  
(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1)

**Sec. 4-18. Impoundment; notice to owner; transfer of custody.**

(a) The city's dog officer shall catch and confine any dog found to be in violation of any provision of this article. When any dog has been impounded, the owner shall be notified within 24 hours of the violation and fine which is being assessed. The owner or keeper of an impounded dog shall have ten days in which to recover the dog.

(b) Except as provided below, any dog which is held in confinement by the dog officer that shall not have been claimed by the owner or keeper at the end of the ten day period shall be transferred to the care and control of the Massachusetts Society for the Prevention of Cruelty to Animals or some other similar organization, or to any person offering to pay the fee for confinement. In no case shall a dog be sold or delivered to or given to any person or organization intending to use the dog for vivisection purposes.

(c) Impoundment under this chapter shall also include the placement by the dog officer of the dog in a kennel licensed by the commonwealth.  
(Ord. of 2-8-1977, § 1; Ord. of 8-11-1981, § 1; Ord. of 4-18-1989, § 1)

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto, Character scale: 100%, Not Expanded by / Condensed by

#### Sec. 4-19. Redemption of impounded dogs.

(a) No dog confined for a violation of this article shall be released to its owner or keeper except as provided herein. The dog officer shall issue to the owner or keeper of any such dog a citation for the violation of this article. The violations shall bear a fine of the following:

(1) For the first offense: ~~\$10.00;~~ \$50.00.

(2) For any subsequent offenses(s) \$100.00. ~~For the second offense: any subsequent offense(s): \$10.00;~~

~~(3) For the third or subsequent offense: \$50.00.~~

Formatted: Highlight

Formatted: Highlight

(b) In case of the first and each succeeding violation, no dog shall be released prior to the receipt by the dog officer of due notice of the payment of the fine for all outstanding notices of violation or of the deposit of the amount of the fines as a security for the payment of said fines and proof of valid license. In every case in which the owner or keeper refuses to pay such fines or a deposit for security for such fines, the dog shall be held until a hearing on the charged violation has been held and the owner shall be liable for all confinement charges as provided herein. As used in this subsection, the term "outstanding notices of violation" shall include only those notices of violation resulting in confinement.

(c) Notwithstanding the provisions of this section to the contrary, no dog so confined shall be released prior to the payment of confinement and care charges of the actual contract cost to the city of confining, impounding or boarding the dog.

(d) The provisions of this article shall not apply to any person or organization, who owns, keeps or maintains any dog as part of a canine corps for the commonwealth or any of its political subdivisions while actually engaged in the performance of official duties.  
(Ord. of 2-8-1977, § 1; Ord. of 11-1-1977, § 1; Ord. of 8-11-1981, § 1; Ord. of 4-18-1989, § 1)

#### Sec. 4-20. Pound; dog officer.

(a) The city shall make provision to shelter stray dogs, dogs impounded due to violations of this article, or dogs

rescued from danger or distress. The operation of the shelter shall incorporate the regular services of a licensed veterinarian.

(b) The city shall make provision for the services of at least one fulltime dog officer, whose duty it shall be to enforce the provisions of this article, of the licensing laws relevant to dogs, and of other relevant commonwealth law. The dog officer shall have the power to decide on the merit of complaints of citizens with regard to what they feel are nuisance dogs and issue citations to owners which, unless appealed under commonwealth law, shall be referred to the district court if citation is ignored.

(Ord. of 2-8-19 77, § III; Ord. of 8-11-1981, § 3; Ord. of 4-18-1989, § I)

**Cross reference**---Officers and employees, § 2-40.

**State law reference**---Animal pounds generally, M.G.L. c. 49, § 22 et seq.; dog officers generally, M.G.L. c. 140, § 151.

#### Sec. 4-21. Dog fouling.

(a) *Duty to dispose.* 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 dog on any sidewalk, street or other public area. It shall further ~~be~~ be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his dog on any private property neither owned nor occupied by said person.

(b) *Duty to possess means of removal.* No person, who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog. Furthermore, no person who, owns, possesses or controls such dogs, shall appear on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog. Disposal in storm drains is prohibited.

(c) *Method of removal and disposal.* For the purposes of this subsection, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, 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 agent of the board of health.

(d) *Fines for violation.* Violation of this regulation shall be punished by a fine of ~~\$75.00~~ \$50.00 for the first offense in a calendar year and ~~\$50.00~~ \$100.00 for any subsequent offense(s) within the same calendar year. Fines for violation of beach conditions shall be punished by a fine of \$50.00 for the first offense and \$100.00 for any subsequent offense(s). Fines for violations will be double in season (insert decided upon date, here), for beaches and other off-leash areas as determined Section 4-18(a), impoundment, does not apply to violations of this section.

(e) *Enforcement.* Violations of this section shall be enforced in accordance with all other applicable laws governing municipal ordinances; however, at the option of the enforcing person, violation may be enforced noncriminally pursuant to M.G.L. c. 40, § 21D and as provided in section 1-15, rather than by a criminal complaint in district court.

(f) *Exemption.* This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his handicap, is physically unable to comply with the requirements of this section.

(g) *Severability.* The provisions of this section are severable; and, if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Formatted: Highlight
Formatted: Highlight
Formatted: Highlight
Formatted: Character scale: 100%, Highlight
Formatted: Highlight
Formatted: Character scale: 100%, Not Expanded by / Condensed by , Highlight
Formatted: Highlight
Formatted: Normal, Indent: Left: 0", First line: 0", Right: 0", Line spacing: single
Formatted: Character scale: 100%, Not Expanded by / Condensed by , Highlight
Formatted: Font color: Auto, Character scale: 100%, Not Expanded by / Condensed by , Highlight
Formatted: Character scale: 100%, Highlight
Formatted: Character scale: 100%
Formatted: Font color: Auto, Character scale: 100%

(h) *Notification.* Upon licensing of a dog, the owner shall be given subsections (a) through (h) of this section by the dog officer, city clerk or person issuing the license.  
(Ord. No. 13-1994, § 1, 8-9-1994)

**Sec. 4-22. Fees and penalties.**

(a) *Revised fees for dog licenses, effective July 1, 2002.* Male/female/neutered/spayed, each dog: \$22.50.

(b) *Late penalty, effective April 30, 1993.* The owner shall pay a penalty of \$10.00 for any dog whose license fee has not been paid by April 30 of the current licensing renewal year.  
(Ord. of 3-16-1993; Ord. No. 121-1998, § 1, 9-29-1998; Ord. of 5-28-2002(06), § 1; Ord. of 6-6-2006)

# CITY OF GLOUCESTER

GLOUCESTER • MASSACHUSETTS 01930  
SHELLFISH DEPARTMENT  
3 POND ROAD

24 HOUR ANSWERING MACHINE: 978-281-9741

PHONE: 978-281-9781

EMAIL: dsargent@gloucester-ma.gov

CITY CLERK  
GLOUCESTER, MA  
APR -9 PM 12:42

To: Gloucester City Council

From: Dave Sargent - Shellfish Constable

Date: April 10, 2014

**RE: Recommendations from the Ad Hoc Dog Ordinance Committee dated 3/14/14**

I have read and reviewed the above referenced recommendations, met with Councilor Steve LeBlanc, and attended a Shellfish Advisory Committee meeting on 4/8/14 to listen to shellfish industry concerns.

I believe that Councilor LeBlanc and the Ad Hoc Dog Ordinance Committee are due a fair amount of gratitude and appreciation for attempting to tackle a long standing civic problem. However, the enforcement of improperly disposed dog waste, and its impact on shellfish growing waters, has not been adequately addressed within these recommendations.

On 4/18/14 the Gloucester Shellfish Advisory Commission voted unanimously to express the following information and concerns to the Gloucester City Council:

1. The recreational sea clam area of Good Harbor (N12.0) has been closed to shellfish harvesting since 12/10/12 when elevated counts of fecal coliform were detected in routine water sampling by the Massachusetts Division of Marine Fisheries. This was followed by an additional elevated fecal coliform count on 1/7/13. There were no stormwater events on or around those days and given the time of year (and lack of other beach activities) these high fecal coliform counts were likely the result of improper disposal of dog waste.
2. Maine Department of Marine Resources in an informational essay titled The Scoop on Fecal Coliform states that "Beaches where people frequently walk their dogs and do not pick up dog waste will likely show high fecal coliform counts."
3. The Town of Ipswich's Stormwater Report published in 2000 identified dog waste as the single largest source of bacteria responsible for the town's shellfish bed closures following rainfall.

4. The areas that are presently being recommended for limited off leash are Wingaersheek (shellfish growing areas N10 & N9.7) and Good Harbor (N12.0). It should be noted that these shellfish areas are exclusively set aside for recreational harvest and account for approximately 75% of all recreational shellfish activity within the City of Gloucester. The loss of these shellfish areas would result in the loss of a healthy family activity as well as substantially less recreational permits being issued.
5. Without dedicated and increased enforcement, increasing dog activity at Wingaersheek and Good Harbor Beaches is myopic at best and can only make a bad situation worse.

Clamming has been a vital marine resource in Gloucester since the arrival of its earliest inhabitants and continues to provide food, recreation, jobs, and a continuing tradition for a way of life, and a quality of life.

Thank you for your time and consideration in this matter.

Dave Sargent  
Gloucester Shellfish Constable

cc: Steve LeBlanc/City Councilor  
Noreen Burke & Max Schenk/ Gloucester Health Department  
Devon Winkler & Glenn Casey/area biologists DMF  
Gloucester Shellfish Advisory Commission  
File



# CITY OF GLOUCESTER

**Health Department**  
3 Pond Road, City Hall Annex  
Gloucester, Massachusetts 01930



**Public Health**  
Prevent. Promote. Protect.

14 MAR 11 PM 3:36  
CITY CLERK  
GLOUCESTER, MA

## Memo

**Date:** March 11, 2014

**To:** Paul McGeary, City Council President  
Steve LeBlanc, City Council, Ad Hoc Committee on Dogs

**From:** Noreen Burke, Director Gloucester Health Department, On Behalf of the Board of Health

**Subject:** Health concerns regarding dog fecal matter on city's beaches

Dear Council President McGeary and Councilor LeBlanc:

Per the request of Council, the following information is provided as a response to the oral communication of Mr. Phillip Dench, shown below, re: the impact of improperly disposed or undisposed pet waste on city's beaches.

The memo relies upon best practice brochure of the Bureau of Environmental Health Massachusetts Department of Public Health, (attached separately) and input from the Board members.

### Oral Communications:

"Phil Dench, 4 Harvey Place, asked that the Council obtain guidance of the Health Department for issues of health concerns regarding dogs on the city's beaches related to fecal matter. He expressed his concern that dogs may be allowed on city beaches with the advent of possible proposals to amend the city's dog ordinances. He said that even when dog owners are diligent about removing their dog's fecal matter, the bacterial agents from it remain on the beach, in even small amounts, which can still adversely affect human health. He urged that dogs not be allowed on city beaches. When this matter goes back to the O&A Committee, and the Council he asked that the health issues be examined closely before any changes are made for another off leash area for the city's dogs and their owners, even seasonally."

### **Information from the Bureau of Environmental Health, Massachusetts Department of Public Health<sup>1</sup>**

Pet waste is unpleasant and can pose health risks when left on beaches or in other recreational areas.

To make sure your pet isn't contributing to the problem, always clean up after your pet and deposit waste in an appropriate manner.



# CITY OF GLOUCESTER

## Health Department



**Public Health**  
Prevent. Promote. Protect.

### ***Health Risks Possibly Associated with Pet Waste***

Pet waste can contain bacteria and parasites, causing infections such as the following:

- **Campylobacteriosis:** A bacterial infection that causes diarrhea in humans.
- **Giardiasis:** A protozoan infection of the small intestine that can cause diarrhea, cramping, fatigue, and weight loss.
- **Salmonellosis:** Symptoms include fever, muscle aches, headache, vomiting, and diarrhea.
- **Toxocariasis:** An animal to human infection that is caused by roundworms found in the intestines of dogs. The parasite can cause vision loss, rash, fever or cough, and is a particular threat to children exposed to parasite eggs in sand and soil.

### ***Be Aware***

When animal waste ends up in the water it decomposes, using up oxygen. During summer months, low dissolved oxygen levels harm fish and other aquatic life.

Beaches and shellfish beds may be closed, if evidence that disease-causing bacteria and viruses might be present is found on routine water testing. Pet waste can be a cause of test results that close beaches and shellfish beds.

The majority of water pollution comes from small sources - especially at the household level.

### ***Do More to Protect the Shore***

- Always carry a plastic bag to pick up your pet's waste.
- Do not throw pet waste near a storm drain; use a trash can. Pet waste can also be flushed down a toilet, but please don't flush the bag.
- Make sure to dispose of pet waste in a sealed bag so it doesn't spill during trash collection.
- Do not flush pet or wildlife waste from your deck or dock into the water.
- Obey local leash laws and seasonal bans at beaches.

In putting the health risks in perspective the Board of Health asked me to emphasize that it is presumed in this discussion that all accompanied dogs on the beach are pets and therefore are licensed. Thus, these pets general health is overseen on a regular scheduled basis by a veterinarian.

The Gloucester Code of Ordinances outlines specific concerns regarding control of pets, pet waste and code enforcement at *Sections 1-15. penalty for violation of certain specified sections of Code, and 4-16 (a) duty to dispose of pet waste.*

---

<sup>1</sup> Pet Waste and Bathing Beaches: Guidelines for Pet Owners

## Health Risks Possibly Associated with Pet Waste

Pet waste can contain bacteria and parasites, causing infections such as the following:

**Campylobacteriosis:** A bacterial infection that causes diarrhea in humans.

**Giardiasis:** A protozoan infection of the small intestine that can cause diarrhea, cramping, fatigue, and weight loss.

**Salmonellosis:** Symptoms include fever, muscle aches, headache, vomiting, and diarrhea.

**Toxocariasis:** An animal to human infection that is caused by roundworms found in the intestines of dogs. The parasite can cause vision loss, rash, fever or cough, and is a particular threat to children exposed to parasite eggs in sand and soil.



## Why is Pest Waste A Concern?

There are a lot of pets, producing a lot of waste, and while pet waste is not the most significant pollutant, it can contribute to pollution over time.



Why pick up after my dog, won't the tide wash it away?

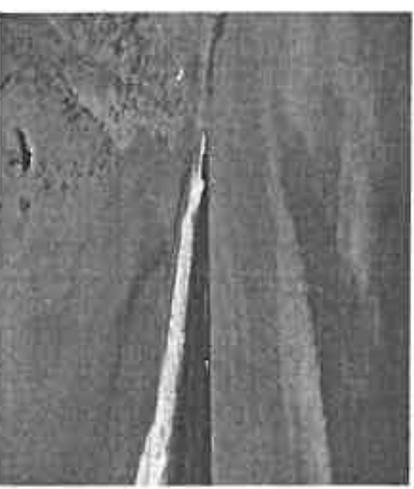
Dog waste may pose a health threat to swimmers, wildlife, surfers and other dogs. It can pollute the water and lead to beach closures and closure of shellfish beds.

I only have a small dog; it can't really harm the water, can it?

It can be hard to picture how a single dog depositing a small amount of waste can result in water pollution. However, studies have shown that the combined impact of all pets and wildlife within a watershed can be significant when it comes to water quality and human health.

## Be Aware

- When animal waste ends up in the water it decomposes, using up oxygen. During summer months, low dissolved oxygen levels harm fish and other aquatic life.
- Beaches and shellfish beds may be closed, if evidence that disease-causing bacteria and viruses might be present is found on routine water testing. Pet waste can be a cause of test results that close beaches and shellfish beds.
- The majority of water pollution comes from small sources – especially at the household level.
- Many towns have “pooper scooper” ordinances that require pet owners to pick up and remove fecal matter from public property. Fines can be imposed on those caught violating these laws.



---

## Pet Waste is Natural

---

However, efficient drainage systems and roads now make it easy for pet waste to reach beach waters.

Waste left on the ground either passes through storm sewers untreated or washes directly into oceans, lakes, and streams.

Pet waste is unpleasant and can pose health risks when left on beaches or in other recreational areas

To make sure your pet isn't contributing to the problem, always clean up after your pet and deposit waste in an appropriate manner.

---

## Quick Tips

---

Reuse old bags: grocery, sandwich, newspaper, produce and bread bags to pick up and contain pet waste.

Keep a supply of bags near your dog's leash.

The bags onto the leash if you don't have a pocket or pack.

---

## Do More to Protect the Shore

---

- Always carry a plastic bag to pick up your pet's waste.
- Do not throw pet waste near a storm drain; use a trash can. Pet waste can also be flushed down a toilet, but please don't flush the bag.
- Make sure to dispose of pet waste in a sealed bag so it doesn't spill during trash collection.
- Do not flush pet or wildlife waste from your deck or dock into the water.
- Obey local leash laws and seasonal bans at beaches.

---

## For More Information

---

Bureau of Environmental Health  
MA Department of Public Health  
250 Washington Street, 7th fl  
Boston, MA 02108

MA Bathing Beaches Project Website:  
[www.mass.gov/dph/beaches](http://www.mass.gov/dph/beaches)

Phone: 617-624-5757

Fax: 617-624-5777

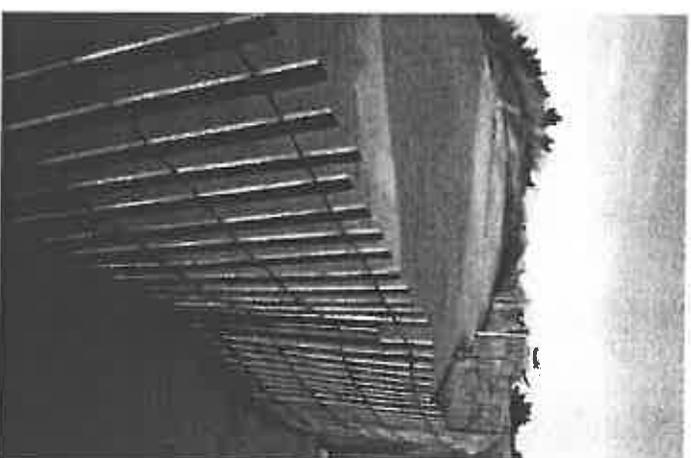
TTY: 617-624-5286

---

# Pet Waste and Bathing Beaches

## Guidelines for Pet Owners

---



**This brochure will educate pet owners on environmentally sound waste disposal practices to protect the recreational waters of Massachusetts.**

---





# CITY OF GLOUCESTER

**Health Department**  
3 Pond Road, City Hall Annex  
Gloucester, Massachusetts 01930



**Public Health**  
Prevent. Promote. Protect.

## Memo

**Date:** April 10, 2014

**To:** Robert Whyntott, Chair Ordinances and Administration  
Sefatia Romeo-Theken, Vice-Chair  
Jacqueline Hardy, Member

**From:** Noreen Burke, Director Gloucester Health Department  
Rich Sagall, Chair Gloucester Board of Health

**Cc:** Jim Duggan, Chief Administrative Officer

**Subject:** Advisory Opinion on Any Health Issues that Maybe Faced Due to Dog Fecal Matter on City Beaches

14 APR 10 AM 9:56  
CITY CLERK  
GLOUCESTER, MA

Per the request of the Ordinances and Administration Subcommittee, the following information represents the advisory opinion of the Gloucester Board of Health on any health issues that may be faced due to dog fecal matter on city beaches.

To respond to Council's request the Board of Health relies upon scientific studies that demonstrate the health issues related to dog fecal matter. Key highlights of these scientific studies are described below. Full copies of the scientific studies are available if needed.

The memo describes proven and affordable best practices implemented elsewhere that encourage dog owners to pick up their pet waste and dispose of it responsibly. Links to those websites are embedded in the body of the memo.

The memo also describes cooperative relationships that existed in the past to promote education and outreach to encourage responsible pet ownership in and around Gloucester.

### **Dog Fecal Matter Contains Pathogenic Organisms**

Pet waste can contain bacteria and parasites, causing infections such as the following:

- *Campylobacteriosis*: A bacterial infection that causes diarrhea in humans.
- *Giardiasis*: A protozoan infection of the small intestine that can cause diarrhea, cramping, fatigue, and weight loss.
- *Salmonellosis*: Symptoms include fever, muscle aches, headache, vomiting, and diarrhea.
- *Toxocariasis*: An animal to human infection that is caused by roundworms found in the intestines of dogs. The parasite can cause vision loss, rash, fever or cough, and is a particular threat to children exposed to parasite eggs in sand and soil.



# CITY OF GLOUCESTER

## Health Department



**Public Health**  
Prevent. Promote. Protect.

*(MA Bathing Beaches Project Website. Pet Waste and Bathing Beaches. Guidelines for Pet Owners , Revised July 2007)*

*(State of New Jersey: Pet Waste: Dealing with a Real Problem in Suburbia)*

Further the Center for Disease Control (CDC) confirms pet waste can spread parasites, including hookworms, ringworms and tapeworms.

*(CDC Referenced in Dog Talk 101: Facts About the Dangers of Dog Poop).*

One research study examined a skin disorder known as cutaneous larva migrans (CLM) which is defined as a "parasitic skin disease caused by hookworm larvae that usually infects dogs, cats and other animals". Humans can acquire the infection by walking barefoot along soil or beaches contaminated with animal feces. The study discusses that this parasite can currently be found **only** in the southeastern and Gulf states of the U.S. and in the tropical countries of the Caribbean, South Asia and Southeast Asia. However, the study discusses that with increasing globalization and the growing incidence of foreign travel, the parasite continues to show up in many non-endemic countries around the world.

*(Case Studies in International Travelers". Cutaneous Larva Migrans: " The Creeping Eruption". Kitchen, L.W. , Aug. 1999)*

One study attempted to quantify the microbial load of enterococci contributed by different animals that frequent a beach site. The highest enterococcal levels were observed in dog feces, the next highest level in birds and the lowest from shrimp fecal mounds. Comparing animal contributions to previously published numbers for human bather shedding indicates that one adult human swimmer contributes approximately the same microbial load as one bird fecal event. The study suggests that given the abundance of animals observed on the beach, that dogs are the largest contributing animal source of enterococci to the beach site.

*(Microbial Load from Animal Feces at a Recreational Beach. Mar Pollut Bull. Author Manuscript: available in PMC Nov 1, 2010).*

From May to September beaches in Gloucester are regularly tested for enterococci bacteria. In the recent past, storm water runoff and combined sewer overflows (CSO's) have been the most likely causes of elevated enterococci levels, not dog fecal matter. CSO's aside, storm water runoff from heavy rain events pull animal waste from the entire watershed area, and not just the beaches themselves.

### **Proven and Affordable Education Strategies and Outreach Campaigns\_ Future and Past**

Council and all interested parties are encouraged to look at proven and affordable best practices implemented elsewhere to promote responsible dog ownership.

Affordable dog waste stations and dog waste disposal systems do exist in the marketplace. Professional Dog Waste Stations with a heavy-duty locking can and sealed chute are economical, easy to install and help solve the problem of dog waste clean-up compliance.



# CITY OF GLOUCESTER

## Health Department



**Public Health**  
Prevent. Promote. Protect.

*([www.zerowasteusa.com/Dog-Waste-Stations-Prodlist.html](http://www.zerowasteusa.com/Dog-Waste-Stations-Prodlist.html))*

In the 90's the Health Department in cooperation with the Department of Public Works and working with private supporters had installed and maintained "mutt-mitt" stations at various locations throughout the city. In conjunction with this initiative, education materials were handed out to dog owners along Stacy Boulevard advising them on the impact of improperly disposed pet waste on our environment, and encouraging the use of the disposal bags.

In August of 2008, the Health Department in cooperation with the Shellfish Constable, presented an article in the Gloucester Daily Times "Health Beat" section regarding the issue of undisposed pet waste and other water quality concerns.

In 2012, Health Department staff and Board of Health members met with representatives from the Conservation Commission and Water Compliance Office to discuss methods for providing education to pet owners who walk within the watershed areas of the community. Recommendations included better educational signage and working with citizen volunteers and interested nonprofit partners to foster stewardship in these areas.

The State of Rhode Island successfully launched a "Scoop the Poop" educational campaign to promote responsible pet ownership at licensed beaches.  
*(State of Rhode Island Department of Health )*

Scoop the Poop Tips are provided by the New Hampshire Department of Environmental Services at their Pet Waste Outreach Campaign web site.  
*([http://des.nh.gov/organization/divisions/water/wmb/coastal/scoop\\_the\\_poop.htm](http://des.nh.gov/organization/divisions/water/wmb/coastal/scoop_the_poop.htm) )*

### **Enforcement of Dog Ordinance**

Enforcement of whatever regulations enacted concerning dog owners cleaning up their dogs feces is critical to keeping our beaches safe. Enforcement strategies are beyond the current scope of the Gloucester Health Department.

pl

## Comprehensive Program for Responsible Dog Ownership in Lanesville

Several dozen neighbors in Lanesville have come together in the spring of 2014 to discuss issues and develop proposals for a comprehensive program for responsible dog ownership. These discussions have been prompted by an ongoing City Council review of the animal control ordinance, in particular related to off-leash dog privileges on Good Harbor and Wingersheek beaches. Currently, the Gloucester ordinance requires dogs to be on-leash at all times on public streets and beaches, although, by tradition, this ordinance has not been strictly enforced.

The ad hoc group of Lanesville residents has worked collaboratively to identify the problems dogs can create in a neighborhood, to explore public safety and public health benefits and concerns related to dog ownership, to review animal control ordinances from other towns, to meet with experts, and, in particular, to attempt to define carefully the problems and opportunities related to dog ownership in Lanesville. Lanesville is a dog-friendly community, with a longstanding tradition of off-leash dog-walking, with ample opportunities for dogs to run, play with other dogs, swim, and generally explore. The neighborhood is semi-rural, with a relatively low density of houses and traffic.

Both the literature and the experiences of Lanesville residents suggest that a responsible dog management approach should include ample opportunities for off-leash activities for dogs, in order for them to be healthy, calm, and well-mannered. Most dogs need to be able to interact and play with other dogs and people, and to explore the out-of-doors. If dogs are required to be on-leash at all times, they are likely to become more aggressive over time, and interactions between dogs are generally safer when both are off-leash. Public safety is enhanced with healthy and happy dogs protecting the home and the neighborhood. Public health is enhanced when people are out walking, which is usually with a dog, and rates of obesity, high blood pressure, asthma, depression, and other diseases are lower with a dog in the family. Further, enforcement by animal control ordinances is easier and more efficient when the officer can focus on dealing with nuisance dogs, rather than taking calls and issuing citations for off-leash dogs that are not causing problems.

While problems with nuisance dogs are relatively infrequent in the neighborhood, nevertheless, a handful of concerns about dogs in Lanesville have surfaced in the discussions. There is a widespread disappointment at dog waste that some dog owners fail to pick up off of lawns or public places, such as Lanes Cove. There are incidents where dogs may act aggressively, and while not dangerous, are provocative and upsetting. Dog owners sometimes do not take responsibility for the actions of their dogs or respect the concerns of others. There appear to be some chronic situations of adverse interactions between leashed dogs and off-leash dogs. There are quite rare occasions when dogs may injure other dogs, or bite people, often in the home. Most of these problems can be traced back to poor training of dogs and a lack of education or far-too-casual attitude by some dog owners. Some may be due to illness in a dog, or just unfortunate accidents. A strict enforcement of

14 APR -9 AM 9:45  
GLoucester, MA

a leash-only law is not a well-targeted solution to these problems, and in general may exacerbate them.

The ad hoc group has come to believe that dog problems in the neighborhood are not best resolved by law enforcement of an overly-restrictive leash law, but rather through the community and individual dog-owners taking responsibility for the actions of their dogs and the larger well-being of the community. The group recognizes that on-leash requirements may be necessary for other more dense or heavily-trafficked areas of the City. It is also clear that because the City lacks accurate data on problems reported to the animal control officer, it would be very useful to have a specific neighborhood, such as Lanesville, where an alternative approach can be tried and data collected to assess its effectiveness.

Therefore, the ad hoc group has drafted a proposed comprehensive approach for responsible dog ownership in Lanesville, with these three elements:

- Dog training and mediation – a Citizens for Responsible Dog Ownership Club will be established at the Lanesville Community Center, with classes and events offered by Mindy Trafton, a certified dog trainer and former dog officer. Classes will include teaching dogs the art of greeting others politely, sessions for people who are not dog owners to learn more about dogs. In general the Club will seek to solve problems and resolve conflicts, and to strengthen the reliability of dogs in public settings (see attached description of the proposed club)
- Pet waste removal – Lanesville residents will encourage all dog owners to pick up and dispose of dog waste, and will consider organizing “dog poop pick-up days” to clean up the neighborhood periodically. In addition, the community will work with the City of Gloucester to implement a program, in particular at Lanes Cove, where poop bags will be supplied, proper disposal receptacles installed, including possibly a small biogas digester to recover energy from the dog waste.
- Experimental off-leash zone – Lanesville residents will request that the City Council adopt language in the animal control ordinance providing for the establishment of an experimental off-leash zone in Lanesville, for a period of two years, that would allow for control of a dog on public streets and properties (other than cemeteries) either by leash or under direct voice command of the owner or keeper. This language would codify existing practice and would be consistent with leash laws in the neighboring towns of Rockport, Manchester, and Essex, which are similarly semi-rural. (see attached proposed language)

The ad hoc Lanesville group is committed to ongoing education and outreach to the entire neighborhood, and will host additional meetings, disseminate flyers, and converse with neighbors. The group will continue to seek to represent the full

range of perspectives and concerns of residents of the neighborhood, with a goal, to the greatest extent possible, of enhancing the public safety and well-being of all.

DRAFT

CITY CLERK  
GLOUCESTER, MA

14 APR -9 AM 9:45

**(c) Experimental Zone in Lanesville**

There shall be established an experimental off-leash zone in Lanesville, allowing control of a dog either by use of a leash or under direct voice control of its owner or keeper, subject to the following provisions.

(1) The experimental zone shall include all streets, ways and public properties north of the intersection of Washington Street and Quarry Street. The zone shall include Lanes Cove and exclude public cemeteries and Plum Cove Beach from May 1 to September 30.

(2) Activities authorized pursuant to this section shall commence on June 1, 2014 and continue to June 1, 2016. Provided, however, that at any time during said period, and following a duly noticed public hearing, the City Council may determine that the public health and safety require immediate termination of said activities.

(3) No later than May 1, 2016, and following a duly noticed public hearing, the City Council shall elect to either (i) terminate the experimental zone and all activities allowed therein; (ii) authorize said activities to continue for another fixed period of time; or (iii) authorize said activities to continue indefinitely.

(4) As used in this section, "off-leash" shall mean any dog is under voice control of its owner or keeper, who must remain with and monitor the dog. No roaming-at-large by a dog not under voice control of its owner will be allowed.

(5) Conditions set forth in Section 4-16a and pertaining to off-leashed dogs on Good Harbor and Wingaersheek beaches shall apply to off-leashed dogs in the experimental zone, including the following:

- 1- Owners must remain with and monitor their dogs. Owners, per the below rules define persons with direct care, custody, and control of a dog while in a designated off leash area.
- 2- Dogs must be licensed and vaccinated as required by applicable law and ordinance.
- 3- Dogs must wear their tags and have no contagious conditions, diseases or parasites.

- 4- Dogs with a history of dangerous or aggressive behavior as determined by Animal Control are prohibited.
- 5- Dogs younger than four (4) months are not allowed.
- 6- Unaltered male dogs or female dogs in heat are not allowed.
- 7- Owners must immediately remove dogs who are exhibiting aggressive behavior.
- 10-Owners must carry a leash; one leash per dog is required.
- 11-Maximum of two (2) unleashed dogs per owner.
- 12-Owners must have in their possession an adequate number of poop bags, or other appropriate device for removal of their dogs waste.
- 13-Owners must clean up after their dogs and dispose of the waste in an appropriate waste container.
- 14-Owners must fill in any holes dug by your dog(s).

(6) Within the experimental zone, no owner or keeper of an off-leashed dog shall permit such dog to be or cause a public nuisance, including, but not limited to, making repeated and prolonged excessive noise, chasing or otherwise molesting people, attacking people or other animals, chasing vehicles or trespassing on private or public land in such a manner as to cause damage.

(7) Any violation of the section shall be subject to a fine of \$50.00 for the first offense and \$100.00 for any subsequent offense(s). In addition, the dog in question may have its off-leash privileges revoked by Animal Control.