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GLOUCESTER CITY COUNCIL  
**Ordinances & Administration Committee**  
Monday, August 3, 2015 – 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. *CC2015-015 (Cox) Amend GCO c. 2, Division 10 "Committee for the Arts" Sec. 2-508- Created, subsection (b)(Cont'd from 07/20/15)*
2. *Memorandum from General Counsel & pertinent material re: proposed Ordinance for the creation of the Stage Fort Dog Park Commission (Cont'd from 07/06/15)*
3. *Amend Chapter 22, Sections 22-270 "Parking prohibited at all times," Sec. 22-272 "Parking prohibited from May 1-September 15 Saturdays, Sundays, holidays" and Sec. 22-291 "Tow-away zones" re: Atlantic Road – Returned from City Council Meeting of 07/28/15 for ordinance language clarification*

COMMITTEE  
Councilor Robert Whynott, Chair  
Councilor Robert Stewart, Vice Chair  
Councilor Joseph Ciolino

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

CC: Mayor Theken  
Jim Destino  
Linda T. Lowe  
Chip Payson  
Assistant Chief John McCarthy

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.



## CITY OF GLOUCESTER 2015 CITY COUNCIL ORDER

**ORDER:** CC#2015-015  
**COUNCILLORS:** Melissa Cox

**DATE RECEIVED BY COUNCIL:** 04/14/15  
**REFERRED TO:** O&A  
**FOR COUNCIL VOTE:**

**ORDERED** that the Gloucester Code of Ordinances Chapter 2, Division 10 "Committee for the Arts", Sec. 2-508.-Created, subsection (b) be **amended** as follows:

(b) No work of art, monument or ornament of art shall be placed on any public ways or on any public lands other than cemeteries and no work of art or object of decoration shall be placed in or upon any public or municipal building or be removed, relocated or altered unless the design thereof or the action to be taken therewith shall have been reviewed by the committee for the arts. For the temporary installation of a work of art, the committee shall make a written recommendation to the mayor within 45 days of its submission. For the permanent installation of a work of art, the committee shall make a written recommendation to the mayor within 90 days of its submission to the committee. Should the mayor choose to accept the committee's recommendation, after consultation with the Department of Works Director and the Building Inspector he shall forward it to the city council for a public hearing and a vote.

**FURTHER ORDERED** that this matter be referred to the Ordinances & Administration Standing Committee for review and recommendation.

Melissa Cox  
Ward 2 Councillor

**CITY OF GLOUCESTER  
LEGAL DEPARTMENT**

Memorandum

TO: Mayor Sefatia Romeo Theken

FROM: Charles J. Payson   
General Counsel

RE: Proposed Ordinance for the Stage Fort Dog Park and its Commission

DATE: April 7, 2015

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The board of directors for the Stage Fort dog park has requested that the City formally assume the responsibility and liability for the Stage Fort Dog Park which was created by City Council vote on March 11, 2014.

In order to achieve the aforementioned request, attached please find 1) a new ordinance that includes a) amendments to the ordinance created on March 11, 2014 establishing the Stage Fort Dog Park, b) additional language creating a Stage Fort Dog Park Commission, and c) additional language addressing annual reports, funding and ownership; and 2) a copy of the Certificate of Vote from March 11, 2014 for reference.

Please forward this packet of material to the City Council for their review and consideration.

Thank you.

Attachments

**Request to amend the Gloucester City Ordinance chapter 4 "Animals," Article II "Dogs," Section 4-16(d) "Off Leash Dog Areas" by striking the subsection approved on March 11, 2014 under Gloucester City Council Certificate of Vote number 2014-091 and inserting in place thereof the following:-**

**DIVISION \_\_. - GLOUCESTER STAGE FORT DOG PARK COMMISSION**

• **Sec. \_-\_\_\_. - Stage Fort Dog Park establishment; use; prohibitions; violations.**

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

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

1. The dog park shall be open from dawn until 9 p.m. and may be closed as conditions require;
2. Dogs must be accompanied by a guardian at least 14 years of age or older;
3. Minors under 14 years of age must be accompanied by an adult;
4. No more than 3 dogs per guardian will be allowed in the park at any given time;
5. Dogs must display a municipal dog tag license and current vaccination tag at all times when in the dog park;
6. Guardians must have voice control over their dog(s) at all times;
7. Guardians must immediately clean up and dispose of waste generated by their dog(s);
8. Guardians are responsible for filling any and all holes dug by their dog(s) before they leave the dog park;
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 actions of their dog(s).

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

- (1) Dogs displaying aggressive behavior (subject to immediate removal from the dog park by the animal control officer or his designee);
- (2) Female dogs in heat and unspayed and unneutered dogs;
- (3) Choke, prong or spike collars;

(4) Toys of any kind, except for tennis balls;

(5) Children under 8 years of age;

(6) Food, smoking, alcoholic beverages and glass; and

(7) Bicycles, strollers, skateboards, roller blades, scooters and bare feet.

(d) Whoever violates any provision of this section shall be subject to a fine of \$50.00 for each offense. In addition, the dog officer may revoke the use of the dog park for those who violate any provision of this section. The decision of the dog officer shall be final.

• **Sec. \_-\_\_\_. - Stage Fort Dog Park Commission.**

(a) *Created; terms.* There is hereby created a commission to be known as the "Stage Fort Dog Park Commission" which shall consist of seven members all whom shall be appointed by the mayor and approved by the city council. The commission shall be selected with due care for providing an optimum mix of background and expertise. Upon the establishment of the commission, the mayor shall appoint three members to a term of one year; two to a term of two years and two to a term of three years. Thereafter, the mayor shall appoint each successor to a term of three years. In the event of death, resignation or removal of any member, the mayor shall appoint a successor to serve for the unexpired term for which the member has been appointed.

(b) *Compensation.* Members of the commission shall serve without compensation for their work as members of the commission.

(c) *Structure.*

(1) A chairperson shall be elected by a majority of the commission annually. The chairperson shall decide all points of order and procedure, unless directed otherwise by a majority of the commission. The chairperson shall determine the chairpersons of any and all subcommittees, and shall be a member of said subcommittees. The chairperson may serve as secretary of the commission.

(2) A vice-chairperson shall be elected by a majority of the commission annually. The vice-chairperson shall serve as acting chairperson in the absence of the chairperson.

(3) A secretary shall be elected by the commission annually and shall be responsible for maintaining minutes of the regular meetings and a record of attendance of the commission members. The secretary shall also be responsible for filing the minutes of meetings with the City Clerk's office.

(d) *Committees.* Subcommittees shall be established as needed by vote of the commission. Such subcommittees shall be comprised of no less than three members but no more than seven members, at least one of whom shall be a commission member and shall serve as the chairperson of the subcommittee to the commission at the regular meeting.

- **Sec. \_-\_\_\_. - Annual reports.**

The commission shall submit an annual report to the mayor and the city council of its activities and funding.

- **Sec. \_-\_\_\_. - Funding.**

The commission shall be charged with raising funds for the maintenance of the dog park on an annual basis.

- **Sec. \_-\_\_\_. - Ownership.**

The city through the creation of the dog park and/or the commission does not grant any of its rights, title or interest to the parcel of land known as Stage Fort Park and/or Stage Fort Dog Park.



**Gloucester City Council  
CERTIFICATE OF VOTE  
Certificate Number: 2014-091**

The Gloucester City Council, at a meeting held on Tuesday, March 11, 2014 at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following:

**IN CITY COUNCIL:**

**MOTION:** On a motion by Councillor Theken, seconded by Councillor Cox, the City Council voted by ROLL CALL 8 in favor, 0 opposed, 1 absent, to amend the GCO c. 4 "Animals," Art. II "Dogs," Section 4-16(d) "Off Leash Dog Areas" by ADDING new subsections as follows:

**Dog Park Establishment and Use**

1. There is established an enclosed dog park at Stage Fort Park for the use and enjoyment of dogs of residents of the city.
2. 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.
3. 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.
4. 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 the use of the dog park for those who violate any provision of this section. The decision of the dog officer shall be final.



Linda T. Lowe, City Clerk

Date: MAR 13 2014

APPROVED BY THE MAYOR

VETOED BY THE MAYOR

  
Carolyn A. Kirk, Mayor

\_\_\_\_\_  
Carolyn A. Kirk, Mayor

SIGNED THIS 17 DAY OF Mar, 2014

All Ordinances shall become effective 31 days after passage except  
Emergency Orders and Zoning Amendments shall become effective the next day.

A TRUE COPY ATTEST  


Nine members of the audience who indicated they were abutters to Plum Street by a show of hands at the request of Councilor Whynott were in opposition to the ordinance amendment.

After a discussion by the Committee with Acting Mayor McGeary on whether to send the matter forward to public hearing with no recommendation or to vote with a recommendation in place, the Committee agreed to continue the matter until their next regularly scheduled meeting in order for any member to visit the street and to have an opportunity to talk to the Fire Chief on the matter.

Councilor Ciolino acknowledged that the street is tight but that there are tighter situations found in the city, but cited that there have been fires on that street with apparatus entering from Mt. Pleasant Avenue with no issues.

Acting Mayor McGeary said he was sensitive to the issue that there is not much on-street parking in this particular neighborhood the net effect is a loss of four parking spaces.

**This matter is continued to July 20, 2015.**

**5. CC2015-020 (McGeary) Amend GCO Sec. 22-270 "Parking prohibited at all times re: Atlantic Road**

Acting Mayor McGeary explained that the Police Department feels that on Atlantic Road there is an unsafe situation. Detective Nicaastro through Assistant Chief McCarthy brought this matter to his attention. He reviewed that over the years people who purchased homes on the Back Shore (Atlantic Road) built out to their property lines and a lot of pull-offs have disappeared on that side of the road. It does mean cars are sitting in the road as vehicles travel on Atlantic Road coming down from Nautilus Road, and it becomes a hazard, he pointed out. He said currently the ordinance is on weekends in May through September parking is banned for the full length of Atlantic Road. This proposal would say that on all year from Nautilus Road to Moorland Road there would be no parking year round. For the rest of Atlantic Road the concurrent rules apply, that there is no parking in the summer, but there is after September 15.

Councilor Whynott said that he agrees that from Nautilus to Moorland Roads parking should be banned, but that for a goodly portion of Atlantic Road there are places people can pull off and admire the views and walk across the street to be next to the shoreline, and reminded the Councilors of the fact that tourism is important to Gloucester and that the Back Shore is an important attraction. He acknowledged there should never be parking allowed on the water side of Atlantic Road. Acting Mayor McGeary said cars parking in the travel lanes constitute a public safety hazard. He reminded the Committee this request came forward not from a resident wanting to preserve their views but from city safety officials.

Councilor Ciolino said where the Acting Mayor is speaking of banning parking is a sweeping curve, and said that it is treacherous when service vehicles, in particular, park on the side of the roadway which he is intimately familiar with living in the area and driving Atlantic Road very frequently.

Councilor Whynott said it wasn't that he disagreed with banning parking from Nautilus to Moorland Roads, but that his issue was with banning parking from Moorland to Farrington Avenue he didn't agree that that parking is banned. He suggested that if perhaps 15 minute parking was allowed during the summer months he might agree with it. Councilor Ciolino said people will try and use the area for beach parking as it happened before any ban was in place, and that is why there is no parking on weekends now on Atlantic Road. He said he would support the parking ban from Moorland to Farrington Avenue Saturday afternoons, Sundays and holidays May 1 to September 15.

Acting Mayor McGeary discussed with the Committee logistics of adding and deleting from the GCO under Section 22-270 "Parking prohibited at all times

**MOTION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-270 "Parking prohibited at all times" by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road.**

**MOTION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 2 in favor, 1 (Whynott) opposed to recommend that the City Council AMEND GCO Sec. 22-272 "Parking prohibited from May 1 to September 15-Saturdays, Sundays, holidays" by DELETING "Atlantic Road, both sides, between Nautilus Road and Farrington Avenue on Saturday afternoons, Sundays and holidays," and ADDING "Atlantic Road both sides from Moorland Road to Farrington Avenue Saturday afternoons, Sundays and holidays."**

**MOTION: On a motion of Councilor Ciolino, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend that the City Council AMEND GCO Sec. 22-291 "Tow-away zones" by ADDING Atlantic Road, both sides from its intersection with Nautilus Road in a southerly direction to its intersection with Moorland Road.**

These matters will be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:45 p.m.

Respectfully submitted,

Dana C. Jorgenson  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Letter by Nicole Duckworth, 197 East Main Street, part owner of Duckworth's Bistro, to not change current parking scheme on Plum Street but if put in place that it be 100 feet on the EVEN side of the street from its intersection with East Main Street