

CITY CLERK  
GLOUCESTER, MA

15 DEC -3 AM 8:41



GLOUCESTER CITY COUNCIL  
**Ordinances & Administration Committee**  
Monday, December 7, 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. ***New Appointments:***  
 Gloucester Cultural Council TTE 02/14/18 Dorothy Nelson  
 Magnolia Woods Oversight & Advisory Committee TTE 02/14/18 Richard Jabba
2. ***CC2015-041 (Stewart) Amend GCO Sec. 22-270 "Parking prohibited at all times" re: intersection of Washington & Tucker Streets***
2. ***CC2015-043 (Verga, Lundberg, LeBlanc) Amend GCO Sec. 15-2 Stage Fort Park Advisory Committee***
3. ***CC2015-044 (Verga, Cox) Amend GCO Sec. 9-12 re: Prohibition of plastic checkout bags***
4. ***CC2015-037 (LeBlanc) Request City Council amend GZO Sec. VI definition of "Junk Yard" and Amend GCO Chapter 19, Sec. 19-30(b), Sec. 19-32, Sec. 19-1, Sec. 19-1(3), Sec. 19-1(4) (Cont'd from 11/09/15)***
5. ***CC2015-038 (Stewart) Amend GCO c. 22, Sec. 22-269 "Stop Intersections" re: Leonard Street (Cont'd from 11/09/15)***
6. ***Returned from Council Public Hearing of 10/27 by City Council for clarification: To Amend GCO Chapter 9, Sec. 9-10 "Penalty for violation of Sec. 9-10" by DELETING Sec. 9-10 in its entirety and ADDING new Section 9-10 and to Amend Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of the Code" Chapter 9, Sec. 9-8 "Littering prohibited" by DELETING \$300 FOR EACH OFFENSE" and by ADDING \$50 PER DAY (or the amount allowed by MGL c. 40, §21 as amended) including the day the action of depositing the litter occurred and each day thereafter in which the litter remains for any part of the day" and ADDING after "Enforcing persons the words, "Building Inspector"***
7. ***CC2015-032 (Stewart) Amend C. 4, Art. II "Dogs" as most recently amended in 2014 by deleting Sections 4-15, 4-15(a), 4-16(b), 4-16(c) and 4-21(c); renumber Sec. 4-22 through 4-23; and adding new Sec. 4-22 "Enforcement and Penalties," and adding new Sections 4-15, 4-16(a) Rules and conditions for all dogs," 4-16(b) "Additional rules and conditions for large dogs," 4-16(c) "Locations where dogs must be leashed or at large with restrictions," 4-21(c), and 4-22 "Enforcement and Penalties" (Cont'd from 11/09/15)***

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

CC: Mayor Theken  
Jim Destino  
Linda T. Lowe  
Chip Payson  
Chief Leonard Campanello  
Bill Sanborn

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 Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
stheken@gloucester-ma.gov

**CITY OF GLOUCESTER  
OFFICE OF THE MAYOR**

November 9, 2015

Ms. Dorothy Nelson  
42 Mt. Pleasant Avenue  
Gloucester, MA 01930

Dear Ms. Nelson:

I am pleased to appoint you to a three year term on the Gloucester **Cultural Council**. Your appointment will be sent to the City Council for their meeting of November 17, 2015 and will be referred out to the Ordinance and Administration subcommittee. You will be contacted by the Clerk of Committees as to the date on which your appointment will be reviewed.

In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90-day temporary appointment. It is our understanding that you have already been sworn in by the City Clerk.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Should you require any further information, please do not hesitate to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Seratia Romeo Theken". The signature is fluid and cursive, with a large initial "S" and "R".

Seratia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

## Christine Pantano

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**From:** Dorothy Nelson <Dorothy.Nelson@umb.edu>  
**Sent:** Friday, November 06, 2015 10:28 AM  
**To:** Christine Pantano  
**Subject:** Cultural Council letter of interest

November 6, 2015

Office of the Mayor

Christine Silva Pantano

Executive Secretary

Dear Christine,

Thank you for helping to facilitate my temporary appointment (90 day) to the Gloucester Cultural Council. You mentioned that I should write a letter expressing my interest in serving on the Cultural Council and include some of my relevant background.

It was Martin Ray who asked me if I would consider becoming a member of the Cultural Council within the past few months. Martin has first-hand knowledge of my contributions to the Gloucester Writers Center and the Veterans Writing Workshop at the Gloucester Veterans Center which I launched in the fall of 2013. We will complete the fall, 2015 workshop next week with a semi-public reading by the participants at the Veterans Center on Emerson Avenue.

Formerly a senior lecturer in English at UMass Boston, I have taught writing and literature for 25 years. This teaching includes ten years as a member of the liberal arts faculty at The Boston Conservatory where all my students were performing artists.

I will bring an undying love for the arts, to the cultural council. During the past five years I served on the Board (4 and ½ years) of the newly established Gloucester Writers Center and now as an Advisor to the Writers

Center. I participated in a panel on the creative process at the Cultural Center of Rocky Neck with artists from the Cripple Cove Studios. I have written a review of painter Joy Buell's new work which was exhibited in the Topsfield public library. The review was published in North Shore Art Throb. My reviews of Henry Ferrini's film, Poem in Action and his children's book about Charles Olson, Little Charlie Goes to Gloucester were published on line. I have organized and produced at least six events under the auspices of the Gloucester Writers Center including convening and moderating a panel at the Cape Ann Museum to commemorate the centennial of Vincent Ferrini's birth. Two of my poems were published on line in a recent journal, Polis, edited by Gloucester educator and writer, James Cook. I look forward to being able to play a role in contributing to the support of Gloucester's talented community of artists.

Sincerely,

Dorothy Shubow Nelson

42 Mt. Pleasant Ave. Gloucester

[Dorothy.nelson@umb.edu](mailto:Dorothy.nelson@umb.edu)

EFFECTIVE NOVEMBER 5, 2015

**The City of Gloucester, Massachusetts**

Dear Dorothy Nelson, 42 Mt. Pleasant Avenue, Gloucester

It is my pleasure to inform you that I have this day appointed you  
to the GLOUCESTER CULTURAL COUNCIL of the City of  
Gloucester, Massachusetts.

This is a 90 day temporary appointment. After City Council  
approval, term to expire 2/14/2018. (THREE YEAR TERM)

Respectfully,

Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting  
under this appointment.

Sworn in \_\_\_\_\_

By: \_\_\_\_\_

**PART I ADMINISTRATION OF THE GOVERNMENT****TITLE II EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH****CHAPTER 10 DEPARTMENT OF THE STATE TREASURER****Section 58 Local and regional cultural councils**

Section 58. Any city or town may establish a local cultural council and any consortium of cities and towns, with the approval of the council, may establish a regional cultural council. Local cultural councils shall consist of at least five and not more than twenty-two members to be appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.

Regional cultural councils shall consist of an equal number of members to be appointed from each city or town within the consortium in the manner herein described. The regional cultural council may adopt, at its option, a proportional membership consistent with the population of each municipality; provided, however, that each municipality shall have at least one member; and provided, further, that the adoption of such option shall be by a two-thirds vote of the regional cultural council. Notwithstanding any provisions to the contrary, if the council deems it necessary or desirable in order to carry out the purposes of this section and sections fifty-six and fifty-seven, the council may certify for payment in accordance with the provisions of section fifty-six those applications for funds received from any local or regional cultural councils whose composition is determined by the council as not complying with the provisions of this section, provided that upon notice of such noncompliance, such local or regional cultural council, or its appointing authority, as the case may be, either cures such noncompliance or provides certification satisfactory to the council of how and by when such compliance will be achieved.

Members of the local and regional cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. Members shall not be elected public officials. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional cultural council member who is authorized thereby to make disclosure to such member's city or town clerk or

appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional cultural council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional cultural councils shall annually elect a chairman, secretary and treasurer.

Local and regional cultural councils may establish administrative units, but no such cultural council shall utilize more than five percent of the monies received from the State Arts Lottery Fund for administrative purposes, including member expenses.

Subject to rules, regulations, rulings or guidelines of the council, such local or regional cultural councils may decide the distribution of arts lottery funds or other funds that may be allocable to them, may also conduct other activities to promote and encourage the arts, may enter into contracts, subject to approval of town counsel or city solicitor as to form, and may do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of sections fifty-six to fifty-eight, inclusive. Nothing in the provisions of section twenty-seven of chapter ten shall prevent a local or regional cultural council or an arts organization, or their agents or employees, from encouraging the sale of lottery tickets for the arts nor from being licensed as agents to sell lottery tickets for the arts.

Notwithstanding the provisions of section fifty-three A of chapter forty-four, local and regional cultural councils may accept grants, contributions, gifts, bequests, devises, and other donations from all sources, including governmental bodies and shall deposit such monies and any other revenues, including revenues derived from local or regional cultural councils activities, in the revolving fund established under the provisions of this section. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local or regional cultural council for the same purposes as arts lottery funds, including administrative expenses, provided, however, that the council may by rule, regulation, ruling or guideline establish further clarification of such purposes as well as procedures to assure that such funds are so used.

Notwithstanding the provisions of section fifty-three of chapter forty-four, any city, town or consortium of cities and towns otherwise pursuant to the provisions of section four A of chapter forty, shall establish in the city or town treasury, or in one of the cities or towns in the consortium a revolving account which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited all receipts from the state arts lottery fund, distributed under the provisions of section fifty-six, and any other receipts or donations to the local or regional cultural council authorized by law. A treasurer of a city, town or regional consortium as custodian may invest such portion of cash as deemed not required until such

funds are to be expended and in such investments as are authorized under the provisions of section fifty-five of chapter forty-four. All such funds, including interest earned thereon, may be expended at the direction of the local or regional cultural council, without further appropriation, and such council may establish a subcommittee of no less than two members and may delegate thereto its authority to approve all payrolls, bills, requests for payment, or accounts prior to submission to the accountant, auditor or official performing similar functions; provided, however, that such subcommittee shall make available to such council at its next meeting, a record of such actions of such subcommittee; and provided further, however, that such funds as shall not have been expended twelve months after receipt shall be segregated and subject to further appropriation by the mayor, city council, city manager, board of selectmen or town manager for the purposes provided in sections fifty-six to fifty-eight inclusive. The city auditor, town accountant, or officer having similar duties, shall submit annually a report of said, revolving fund to the mayor, city council, city manager, board of selectmen, or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts and the council.

City Hall  
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Gloucester, MA 01930



TEL 978-281-9700  
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stheken@gloucester-ma.gov

**CITY OF GLOUCESTER  
OFFICE OF THE MAYOR**

November 11, 2015

Mr. Richard Jabba  
25 Derby Street  
Gloucester, MA 01930

Dear Mr. Jabba:

I am pleased to appoint you to a three year term on the **Magnolia Woods Oversight and Advisory Committee**. Your appointment will be sent to the City Council for their meeting of November 17, 2015. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

In order for you to attend and vote at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's Office to pick up your appointment card and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

A handwritten signature in black ink, appearing to read "Sefatia Romeo Theken". The signature is fluid and cursive, written over the word "Sincerely,".

Sefatia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council

Richard Jabba  
25 Derby Street  
Gloucester, MA 01930

September 9, 2015

Sefatia Romeo Theken, Mayor  
9 Dale Avenue  
Gloucester, MA 01930

Re: Magnolia Woods Oversight and Advisory Committee

Dear Mayor Theken:

I would like to serve on the Magnolia Woods Oversight and Advisory Committee (MWOAC). I heard of the opportunity from Dean Sidell, who is President of Fishermen Youth Soccer (FYS) organization and on the MWOAC.

I have worked in the community planning field for the past 20 years, and currently work with many boards and commissions regarding development of public and private spaces. In fact, I was one of the key preparers of the Gloucester Community Development Plan 2001, which was a very rewarding experience. Furthermore, I have two sons that are regular participants in the FYS league. Involvement with the FYS has broadened my interests in the use of the Magnolia Woods fields and the need for management and improvement with this excellent community resource.

Again, I express my sincere interest to be on the MWOAC in order to recommend improved programs, maintenance, and revenue streams to support the fields. If you would like additional references or a résumé regarding this letter of interest, please let me know. I can be reached at 617.357.7044 x208 during day or at this email (rijabba@yahoo.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Jabba", written in a cursive style.

Richard Jabba

Cc: Dean Sidell



**Gloucester City Council  
CERTIFICATE OF VOTE  
Certificate Number: 2015-082**

The Gloucester City Council, at a meeting held on **Tuesday, May 12, 2015** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following:

**IN CITY COUNCIL:**

**MOTION: On a motion by Councilor Stewart seconded by Councilor Ciolino, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 absent, to Amend Chapter 2, Section 2-556 "Tenure, composition requirements" for the Magnolia Woods Oversight and Advisory Committee by DELETING Subsection (b) in its entirety and ADD a new Subsection (b) as follows:**

**"(b) The successors to these initial appointees shall serve for a term of three years. Five (5) appointed members shall be selected from the Magnolia community at large provided that these members shall be registered voters in Ward 5 of the city. One of these five (5) appointed members shall be from a neighborhood abutting the Magnolia Woods. For the remaining four members, preference shall be given to members of organizations that utilize the facilities of Magnolia Woods including, but not limited to, the Fisherman Youth Soccer Association, the Cape Ann Youth Lacrosse Association, the Cape Ann Model Airplane Flying Association, and the Magnolia Bike Club. In addition, a sixth member may be a representative from the city at large, provided that this member will be a registered voter of the city."**

Linda T. Lowe, City Clerk

Date: **MAY 14 2015**

APPROVED BY THE MAYOR

VETOED BY THE MAYOR

  
Sefatia Romeo Theken  
Sefatia Romeo Theken

SIGNED THIS 14<sup>th</sup> DAY OF ~~APRIL~~ <sup>MAY</sup>, 2015

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

## DIVISION 15. - MAGNOLIA WOODS OVERSIGHT AND ADVISORY COMMITTEE

### Sec. 2-555. - Purpose.

In recognition of the continuing need for oversight in the city's ownership, operation and maintenance of Magnolia Woods so its full recreational utilization can be sustainably realized and its integrity as an environmental remediation project and as a natural resource for the entire community can be fully protected, the Magnolia Woods Oversight and Advisory Committee is hereby created and established.

The committee shall undertake but not be limited to the following activities:

- (1) Recommend an overall and coordinated program for the use of the recreational facilities at the Magnolia Woods that balances the competing needs for the various recreational and sports programs seeking to use those facilities.
- (2) Review and make recommendations upon plans for proposed maintenance of or capital improvements to any of the facilities or property contained within the Magnolia Woods and provide advisory oversight to the execution of any such plans.
- (3) Recommend programs and activities which can generate revenue streams which can be dedicated to the maintenance or improvement of any of the facilities or property contained within the Magnolia Woods.

(Ord. of 8-23-2011(01))

### Sec. 2-556. - Tenure; composition; requirements.

- (a) The Magnolia Woods Oversight and Advisory Committee shall consist of nine members, one of whom will be the Gloucester School System Athletic Director (or his/her designee), two of whom shall be the director of public works (or his/her designee) and the ward councilor representing Ward 5, who shall serve so long as they hold the aforementioned positions. The six remaining members shall initially be appointed by the mayor of the city and approved by the city council under Section 2-10 of the City Charter for the terms listed below and shall be residents of Gloucester:
  - (1) Two members for one year;
  - (2) Two members for two years; and
  - (3) Two members for three years.
- (b) The successors to these initial appointees shall serve for a term of three years. The six appointed members shall represent the following interests:
  - (1) The Cape Ann Youth Soccer Association;
  - (2) The Cape Ann Youth Lacrosse Association;
  - (3) The Cape Ann Model Airplane Flying Association;
  - (4) The neighborhood abutting the Magnolia Woods; and
  - (5) The Magnolia community at large provided, however, that this member shall be a resident in Ward 5 of the city; and provided, further, that the member initially appointed to represent this interest shall have been a member of the Magnolia Woods Ad Hoc Committee, as indicated in the records of the city clerk;

- (6) A representative from the community at large, provided that this member, however, will be a registered voter of the city.

(Ord. of 8-23-2011(01))

**Sec. 2-557. - Vacancies.**

In case of resignation, death or disqualification of any member of the committee, or for the purpose of filling a vacancy for any other reason, the appointment of a new member to fill the unexpired term of such previous member immediately shall be made by the mayor and forwarded to the city council for its approval.

(Ord. of 8-23-2011(01))

**Sec. 2-558. - Assistance of city officials, boards and employees.**

The committee shall receive regular support and assistance from the department of public works.

(Ord. of 8-23-2011(01))



**CITY OF GLOUCESTER 2015  
CITY COUNCIL ORDER**

**ORDER:** CC#2015-041  
**COUNCILLORS:** Bob Stewart

**DATE RECEIVED BY COUNCIL:** 10/27/15  
**REFERRED TO:** O&A & TC  
**FOR COUNCIL VOTE:**

**ORDERED** that the GCO Sec. 22-270 "Parking prohibited at all times", be amended by **ADDING** the following:

"Washington Street, southerly side, from its intersection with Tucker Street in an easterly direction to Andrews Street."

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

Bob Stewart  
Ward 4 Councilor



**CITY OF GLOUCESTER 2015  
CITY COUNCIL ORDER**

**ORDER: #CC2015-043  
COUNCILLOR: Greg Verga, Paul Lundberg, Steve Leblanc**

**DATE RECEIVED BY COUNCIL: 11/17/15  
REFERRED TO: O&A  
FOR COUNCIL VOTE:**

**ORDERED** that the Ordinances & Administration Committee recommend that in regard to the Committee's approval of the structure of the Stage Fort Park Advisory Committee the ordinance be amended as follows:

**ORDERED** that sec. 15-2 Composition; requirements; tenure be amended to read as followed: sec. 15-2 Composition; requirements; tenure.

**DELETE:** 15-2(a) and **ADD:** 15-2(a): "The Stage Fort Park Advisory Committee shall consist of up to nine members appointed by the Mayor and approved by the Council to a term of up to three years. Voting members shall represent the organizations with direct interest of the park and to the extent possible including representatives of the Gloucester Rotary Club, Gloucester Dog Park, Gloucester Little League, Friends of Stage Fort Park, Farmers Market, recreation and gardening, and landscaping. Additional voting members may be "at-large" residents of the City. Additionally, the DPW Director or his designee as well as a City Councilor appointed by the Council President shall serve as ex-officio members.

**ADD:** "(b: at the first of each calendar year the majority of the voting members present shall elect from the among their members a Chair, Vice Chair, and a Secretary."

**Further Ordered** that the Ordinances & Administration Committee shall propose and recommend the above amendments.

Greg Verga  
Councilor at Large

Paul Lundberg  
Councilor at Large

Steve Leblanc  
Ward 3 Councilor



## CITY OF GLOUCESTER 2015 CITY COUNCIL ORDER

**ORDER:** #CC2015-044  
**COUNCILLOR:** Greg Verga & Melissa Cox

**DATE RECEIVED BY COUNCIL:** 11/17/15  
**REFERRED TO:** O&A  
**FOR COUNCIL VOTE:**

**ORDERED** that the Ordinances & Administration Committee shall review the matter of the use of plastic checkout bags and shall propose banning them or reducing them by creating the following ordinance:

**AMEND** the Code of Ordinances Ch.9 Sec. 9-12 by **ADDING** new sec. 9-12 as follows:

- (a) "Checkout Bag" is a carry out bag provided by a store to a customer for the point of sale.
- (b) "Compostable Plastic Bag" a plastic bag that (1) conforms to the current ASD6400 for the compostability; (2) is certified as meeting the ASTM D6400 standard specification by a recognized verification entity, and conforms to any other standards deemed acceptable by this section.
- (c) "Retail Establishment" means any retail store that satisfies at least one of the following requirements: a retail space of 2500 square feet or larger or at least 3 locations in the City of Gloucester totaling 2500 square feet or more.
- (d) If a retail establishment provides plastic checkout bags to customers the plastic bags shall comply with the requirements of being compostable bags. Nothing in this section shall be read to preclude any establishment from making reusable checkout bags available for sale to customers or utilizing recyclable paper bags.

**AMEND** sec. 9-13 by adding a new sec. 9-13 as follows:

Each retail establishment comply with this law. If a violation has occurred a warning notice shall be issued for the first offense. The penalty for each violation that occurs after the initial violation shall be: \$50 for the first offense and \$100 for each offense thereafter.

**Further Ordered** that this matter be referred to the City Council that it adopt the above ordinance.

Greg Verga  
Councilor at Large

Melissa Cox  
Ward 2 Councilor



**CITY OF GLOUCESTER 2015  
CITY COUNCIL ORDER**

**ORDER: CC#2015-037**  
**COUNCILLORS: Steve LeBlanc**

**DATE RECEIVED BY COUNCIL: 10/13/15**  
**REFERRED TO: O&A, P&D & PB**  
**FOR COUNCIL VOTE:**

**ORDERED** that the Ordinances & Administration Committee recommend to the City Council to amend the definition of “Junk Yard” in section **VI of the City of Gloucester Zoning Ordinance** by **DELETING** the definition of “Junk Yard” and by **ADDING**:

“Junk yard” shall mean a site or facility used for the collection, storage, salvage, disposal, dismantling, processing, recycling, sale, or resale of waste materials including paper, rags, cloth, metal, glass, batteries, rubber, parts from old or damaged motor vehicles and equipment, and other discarded goods and materials. These materials are generally but not necessarily, stored in the open air or under a roofed structure rather than within a fully enclosed building.”

**FURTHER ORDERED** that the Ordinances & Administration Committee recommend to the City Council to amend Chapter 19 “Second Hand Goods”, Sec. 19-30(b) by **DELETING** the definition of “junk yard” and by **ADDING**:

“Junk yard shall mean a site or facility used for the collection, storage, salvage, disposal, dismantling, processing, recycling, sale, or resale, of waste materials including paper, rags, cloth, metal, glass, batteries, rubber, parts from old or damaged motor vehicles and equipment, and other discarded goods and materials. These materials are generally but not necessarily, stored in the open air or under a roofed structure rather than within a fully enclosed building.”

**FURTHER ORDERED** that the Ordinances & Administration recommend to the City Council to amend Chapter 19 Sec.19-32 “Fee” by **DELETING** this section and by **ADDING** to Sec. 19-1 “License Fees” subsection (1) Secondhand furniture and articles \$100(Delete \$20); Sec.19-1(3) Junk \$100(Delete \$20) and Sec.19-1(4) Antiques \$100(Delete \$20).

**FURTHER ORDERED** that this matter be referred to the Planning Board for review and recommendation as concerns the GZO definition of “junk yard ;” and that the O&A review the Code of Ordinance amendments and make recommendations to the City Council.

Steven LeBlanc  
Ward 3 Councillor



**CITY OF GLOUCESTER 2015  
CITY COUNCIL ORDER**

**ORDER: CC#2015-038**  
**COUNCILLORS: Robert Stewart**

**DATE RECEIVED BY COUNCIL: 10/13/15**  
**REFERRED TO: O&A & TC**  
**FOR COUNCIL VGTE:**

**ORDERED** that the GCO Chapter 22, Sec. 22-269 "Stop Intersections" be amended by **ADDING** the following location:

Leonard Street. Northbound drivers on Leonard Street at its intersection with River Road.

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

Robert Stewart  
Ward 4 Councillor

**ORDER #CC2015-033** (Councilor Cox) **ORDERED** that the GCO Sec. 22-269 "Stop Intersections" be amended by **ADDING** a stop sign on Shepherd Street for eastbound drivers on Shepherd Street at its intersection with Pleasant Street and in accordance with Sec. 22-128 with the official stop sign thereon facing traffic proceeding in the direction indicated above.

*(September Meeting) After discussion with both Councilor Cox and a resident of Shepherd Street, the Commission voted to continue the order in order to schedule a group site visit and determine the best approach to improve the safety of the subject intersection, and learn the best location and placement of a stop sign if approved.*

*(October Meeting) After a discussion and speaking with Councilor Cox, a MOTION was made, seconded and PASSED to NOT RECOMMEND the order.*

*The TC feels that vehicles traveling east on Shepherd Street have the right of way and there are already Stop signs at the intersection of Shepherd and Pleasant for vehicles traveling west, and on Pleasant and Shepherd for vehicles traveling north. The TC felt there was no reason for an additional Stop sign.*

#### **NEW READERS**

**ORDER #CC2015-038** (Councilor Stewart) **ORDERED** that the GCO Chapter 22, Sec. 22-269 "stop intersections" be amended by **ADDING** the following location:

Leonard Street. Northbound drivers on Leonard Street at its intersection with River Road.

*After a discussion, a MOTION was made, seconded and PASSED to NOT RECOMMEND the order.*

*The TC felt that vehicles traveling on Leonard Street have the right of way and there is already a Stop sign on River Road at its intersection of Leonard Street.*

O&A 12/7/15  
From Councilor Stewart

MEMORANDUM TO O&A COMMITTEE

Re: Council request for clarification of remaining items in the littering ordinance.

The council referred the proposed littering ordinance back to Committee for clarification of the language of the fines and to deal with the building inspector's role in litter enforcement.

CURRENT ORDINANCE ON LITTERING FINES - There are two sections that state the fines, Chapter 9, Section 9.10, and Chapter 1, Section 1-15, both of which say:

"Upon finding violation of section 9.8, the district court shall fine the violator according to the severity of the violation of up to \$300 for each offense.

COMMITTEE PROPOSED ORDINANCE - change BOTH provisions to say:

"Upon finding violation of section 9.8, the district court shall fine the violator \$200 for each offense."

NOTE: the amount of the fine is what the city council voted at the last meeting, when it amended the original Committee proposal of "\$50" to be "\$200".

CURRENT ORDINANCE ON ENFORCEMENT PERSONNEL-

Section 9.8, the substantive provision, currently says nothing, but it appears believed that the enforcement personnel set forth in 9.9 applies to 9.8 and says "This section shall be enforced by the building inspector or police officers."

Section 1.15 Chapter 9, "littering prohibited" says

"Enforcing persons: police officers, board of health members or their agents and recycling coordinator"

COMMITTEE PROPOSED ORDINANCE:

Committee proposed "police officers, board of health members or their agents and building inspector".

Based on the Administration's position, I recommend to the Committee that both provisions say only "police officers".

To effect that change, we would recommend the following:

Revise Section 9.10 of the Code of Ordinances, by striking the second sentence and replacing it with "This section shall be enforced by police officers".

Revise Section 1-15 Chapter 9, *trash, recycling and litter, section 9-8, littering prohibited*, by striking the second sentence, and replacing it with "Enforcing persons: police officers".

*Submitted @ 10/27 CCM by  
Council Stewart*

LITTERING FINES  
CITIES/TOWNS NEAR GLOUCESTER  
OR HAVING POPULATION RANGE  
APPROXIMATELY 28,000-39,000  
WHERE ORDINANCES COULD BE FOUND

CITY/TOWN	FINE	ORDINANCE REFERENCE
Amherst	100	II-6
Andover	"as may be imposed by law (300?)	XII-10
Beverly	1st Warning 2nd 100 subs 250	22.05
Danvers	20	12 (Streets) 6
Essex	100	4-3.10
Fairhaven	500	
Falmouth (beaches only)	50	87-6, 1-2
Franklin	50	125-9
Gloucester	25	
Haverhill	50*	173.6
Holyoke	300	74-101(c)
Lexington	100	100-8
Lynn	1st 50, 2nd 100, 3rd 200 subs 300	7.00
Marblehead	250 public way 300 public property	94-1,2
Marlborough	200	406-23
Manchester	50 min 100 max	3A
N. Andover	200 min 300 max	130-2, XXI-1
N. Attleboro	up to 300	272-3, 1-17
Northampton	up to 300	
Randolph	20	140-4
Rockport	1st warning 2nd 50, 3rd 100 subs 300	14-B,C**
Salisbury	up to 100	IX-10
Woburn	50	9.A-5

\*Haverhill City Council public hearing being held 10/27/15 on ordinance to increase to \$500

\*\*Applicability confirmed by Town Clerk Office

~~"Litter means any waste material, including but not limited to tobacco products or parts thereof (other than the ashes), and waste material deposited on or near a waste receptacle which cannot accommodate more waste, and which waste material, if thrown or deposited in a manner prohibited by this Article 9, tends to create a danger to the public health, safety or welfare, or tends to create a danger to the quality of life including an unsightly appearance that would reasonably discourage others from using the property for its intended purpose."~~

~~COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council AMEND GCO Chapter 9, Sec. 9-8 "Littering prohibited" by ADDING a new subsection (e) as follows:  
 "(e) No person shall deposit litter in or near any waste receptacle that cannot accommodate additional waste."~~

**DISCUSSION:**

~~Councilor Stewart explained that one of the major complaints in park areas is that people toss bags of trash next to full trash receptacles causing the trash to be strewn about attracting rodents and seagulls.~~

~~MOTION: On a motion by Councilor Whynott, seconded by Councilor Stewart, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to AMEND GCO Chapter 9, Sec. 9-8 "Littering prohibited" by ADDING a new subsection (e) as follows:  
 "(e) No person shall deposit litter in or near any waste receptacle that cannot accommodate additional waste."~~

COMMITTEE RECOMMENDATION: On a motion by Councilor Stewart, seconded by Councilor Ciolino, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council AMEND GCO Chapter 9, Sec. 9-10 "Penalty for violation of Sec. 9-10" by DELETING Sec. 9-10 in its entirety and ADDING new Section 9-10 as follows:

"The Police or the Building Inspector shall recommend to the District Court that the Court fine the violator according to the severity of the violation and/or the number of prior violations of this article, up to \$50 per day continuing for each day that the violation remains."

**DISCUSSION:**

Councilor Whynott said that he agrees with the intent of this ordinance amendment but that he didn't see that it would be possible to track the number of days in order to fine a litterer accurately.

Councilor Stewart said he believed scofflaws will violate any ordinance regardless what is involved and law abiding people will abide by the law almost without exception. He added that there is a significant ability to deter these kinds of activities if the consequences are severe enough. He thanked the Councilors of the O&A Committee for raising the fine to \$50. His original proposal was \$300 per day he noted while the per day violation accumulation may be difficult to assess, but to lose \$300 most people will think twice about littering, he said. He moved to amend the \$50 fine to \$200, seconded by Councilor Cox.

Councilor Whynott reiterated he didn't have the problem with the fine, he reiterated but that he was concerned as to how the per day accumulation for a fine would be tracked and assessed. Councilor Stewart said such a penalty regardless of how it is calculated is intended to act as an increased deterrence to litterers. He suggested pursuant to not enforcing ordinances such as this, that police believe they first have to observe the action in order to enforce the ordinance. He said that there is nothing in state law or ordinance but ordinary rules of evidence apply that say that if there is good reason to believe that a particular individual violated the ordinance they have the right to serve a fine and the alleged offender has the right to appeal that decision. If the Council makes the fine significant enough the city will be better off, he said.

Councilor Cox suggested that if the maximum fine is \$300 and the minimum is no fine, that she would be willing to have language that states a fine of no greater than \$300 and no less than \$100 per offense. She added that she also didn't see a way the ordinance amendment could be enforced as written "per day." Councilor Stewart said she would strike the words, each day that the violation remains."

Councilor Fonvielle said he had no issue with \$300 but liked Councilor Cox's suggestion of a sliding scale.

**Councilor Verga** asked who would have the discretion to deem whether a fine is \$100 or \$300. He suggested it would be more appropriate to have a flat rate for the fine.

**Councilor Ciolino** expressed support for a fine of \$200 as did **Councilor LeBlanc** with both expressing concern with the "per day" issue and its enforcement.

**Councilor Whynott** said he has not voted since 1976 to raise a fine and would not do so now.

**Councilor Cox** expressed her agreement with Councilor Whynott. She said she didn't see the correlation between more enforcement and more fines. This is, she reiterated, a matter of enforcement.

**Councilor Stewart** said that enforcement will be what the Police Department can do. They did increase patrols around the pits and are well aware of this issue. He noted that in response to his inquiry by email that Chief Campanello had said he believes that it will help.

**On the amendment to raise the fine from \$50 to \$200 each day the City Council voted by Roll Call 6 in favor, 3 (Cox, Whynott, Lundberg) opposed.**

**Discussion on the main motion:**

**Councilor Stewart** allowed for a friendly amendment of, "\$200 fine per offense." and to strike the language, "...according to the severity of the violation and/or the number of prior violations of this article, up to \$50 per day continuing for each day that the violation remains."

**Councilor Cox** asked who would be enforcing this ordinance noting that she saw language indicating the addition of the Building Inspector to the list of enforcing officials. She further asked if this was strictly a police matter or would the Building Inspector be able to issue tickets. **Jim Destino, CAO**, said, "No," not as written unless the Council was to designate the Building Inspector to be able to write tickets which would require a separate vote. He said he had recommended that the only person writing a ticket for \$200 or \$300 for litter should be a police officer. There had been discussion of designating a member of the Clean City Commission or the Building Inspector, and that it was felt it was completely wrong, he said. Such a high fine ticket should only be written by a police officer, he reiterated.

**Councilor Cox** added that language in the motion that said, "...and further adding after enforcing persons the words, 'Building Inspector.'" **Councilor Stewart** said the Building Inspector is named within the littering ordinance, but the GCO in Section 1 of the General Ordinances related to fines omits mention of the Building Inspector. The addition of the Building Inspector is to make the two sections consistent, he pointed out. He added that it is the Building Inspector who has to crack down on builders and construction companies and that he suggested that the Building Inspector is named in the ordinance in order to be able to use this ordinance to get contractors to clean their work sites. If the Mayor's Office and the Police Department think that naming the Building Inspector as an enforcing agent would be inappropriate, he would agree to that to remove that from the amendment, he said.

**Councilor Whynott** said that he agreed a \$200 ticket should only be written by a police officer. He asked who would go through a bag of trash to find who deposited it. **Mr. Destino** said he said that he didn't know citing that there have been no tickets written for littering in two years. He said the city's Building Inspector doesn't have the ability to write tickets. Building violations are taken to court as opposed to writing ticket, he advised.

**By friendly amendment the Council struck the words, "or the Building Inspector" from the ordinance amendment.**

**Councilor Lundberg** expressed concern that this Council action was less than clear and recommended this matter be sent back to the O&A Committee for further clarification and redrafting. He said he would have to vote against all else that will come before the Council on this and any related matter because he was unable to understand what the Council is trying to accomplish. **Council President McGeary** offered that the Council had voted to amend the trash/litter ordinance related to the definition of litter and disposal of same, and that this third action is related to the fine for violation of the trash/litter ordinance of \$200 per offense. **Councilor Lundberg** said that wasn't the only point at issue that they are talking about adding the Building Inspector related to enforcement; the Administration is talking about not having a mechanism for enforcement. They aren't ready to make a change in the ordinance, he said. **Council President McGeary** said he didn't disagree with Councilor Lundberg and would support sending the matter back to the O&A Committee but highlighted that there are only two more regularly scheduled Council meetings in 2015 and expressed concern that this Council may not be able to finish action on this matter prior to the end of Councilor Stewart's term. **Councilor Lundberg** said if this rolls over to the new Council it is a matter of course and can be handled then if need be. **Councilor Stewart** said the motion on the table is in the civil court enforcement provision that it be a flat \$200 fine. The next question, if it is raised, is to take the Building

Inspector out of the enforcement process; and the third question will be to deal with the second fine provision which is the ticket authorization to the police which has always been an alternative to the court method of enforcement and has been in the ordinance since first enacted. There is no lack of clarity, he pointed out, and that they are changing the fine to a flat \$200 and to take the Building Inspector out of the enforcement aspect.

**Councilor Verga** said he agreed with Councilor Lundberg and understood where the Council has reached consensus adding that what the Council is doing now is legislating on the fly on a non-urgent matter. He suggested it was prudent to vote to reconsider the previous two related motions related to the trash/litter ordinance -- and that it all goes back to O&A and comes back to the Council as one revised cohesive package.

**Councilor Whynott** expressed his preference to spend the time to vote this matter up or down now reiterating that Councilor Stewart will not be a member of the Council on January 1.

**Councilor Cox** asked for the actual ordinance on the books as it is presented now. **Councilor Stewart** explained that the littering ordinance and the parallel fine for littering in GCO Article 1 differ. One section has the Building Inspector in it as an enforcing officer and one section does not. He explained that the original purpose was to add the Building Inspector to the section which didn't include him, and nothing to the section that included the Building Inspector already. He said he was willing to strike the Building Inspector all together. He highlighted that it is not eliminating language in the ordinance of any significance. **Council President McGeary** read the current ordinance section to the Council.

**Councilor LeBlanc** asked that the discussion be tabled and taken up after other matters before the Council are disposed of.

**This matter was tabled at 8:08 p.m. and returned to for Council discussion at 8:40 p.m.**

Upon returning to the matter of the third motion of the public hearing, **Councilor Stewart** advised that the first two motions will stand alone and improve the ordinance. He asked that the third motion be returned to the O&A Committee for further clarification and revised language.

**This matter is continued to December 15, 2015.**

7. PH2015-058: Amend Chapter 1, Sec. 1-15 "Penalty for violation of certain specified sections of the Code" Chapter 9, Sec. 9-8 "Littering prohibited" by DELETING \$300 FOR EACH OFFENSE" and by ADDING \$50 PER DAY (or the amount allowed by MGL c. 40, §21 as amended) including the day the action of depositing the litter occurred and each day thereafter in which the litter remains for any part of the day" and ADDING after "Enforcing persons the words, "Building Inspector"

**This public hearing is opened at 8:41 p.m.**

**Those speaking in favor: None.**

**Those speaking in opposition: None.**

**Communications: None.**

**Councilor Questions: None.**

**This public hearing is closed at 8:41 p.m.**

**Councilor Stewart** asked that this matter return to the O&A Committee. With the assent of the Council, **Council President McGeary** announced that this matter is returned to the O&A Committee for its reconsideration and that the public hearing is continued to December 15, 2015.

**This matter is continued to December 15, 2015.**

8. PH2015-059: Amend Chapter 22, Sec. 22-270 "Parking prohibited at all times" by DELETING Middle Street, westerly side, from the easterly corner of Riggs Street, in an easterly direction to the property line of #20 Middle Street
9. PH2015-060: Amend GCO Chapter 22, Sec. 270.1 "Resident Sticker Parking Only" by ADDING Middle Street, westerly side (even numbers) from the intersection of Riggs Street, in a northeasterly direction to the westerly property line of #28 Middle Street

**This public hearing is opened at 8:09 p.m.**

**Those speaking in favor:**

**Todd Tierney**, 26 Middle St., said there is an issue of parking in front of his family's house which is public property which he said they understood. He pointed out that in the snow season it is not shoveled or plowed in the

Gloucester Code of Ordinances, Article II DOGS, proposed changes to Sections 4-15, 4-16a, 4-16b, 4-16c and 4-21.

- I. Section 4-15 is hereby deleted and replaced with the following:

**Sec 4-15 Dogs Running At Large Restrictions**

(a) No person owning or keeping a dog in the City shall permit such dog at any time to run at large on public property, other than as set forth in Sections 4-16a through 4-16c, or to run at large on private property without authorization by the owner.”

(b) Definitions: for purposes of Sections 4-15, 4-16a, 4-16b and 4-16c, the following terms shall have the following meanings:

1. “Leashed” attached to a leash not exceeding 12 feet in length.
2. “At large” without a leash on and in the hands of the owner or another competent person.
3. “Owner” as the term pertains to a dog, the legal owner or one of the legal owners of the dog;
4. “Owner” as the term pertains to property, the legal owner or one of the legal owners of the property, or the person or one of the persons in possession of the property, including but not limited to a tenant of the owner thereof.

5. "Guardian" a competent individual accompanying a dog in the place of the owner
6. "Competent person" an individual who is physically and mentally capable of controlling a dog on its leash.
7. "Direct control of dog" the voice, leash, electronic or other means of preventing a dog from leaving the immediate vicinity of the owner or guardian thereof or returning a dog which has left that immediate vicinity to that immediate vicinity, ~~AS DETERMINED BY~~ as determined by WHO?
8. "School Athletic fields" - athletic fields regularly used ~~by schools for formal~~ for athletic contests and practices
9. "Play areas" - areas designed for children to play.
10. "Dog Areas" or "Dog Parks" Specific lands or areas which are designated by Ordinance, ~~or are designated by the Director of the Department of Public Works pursuant to Section 4-16(d), as off-leash dog areas.~~ Should not be both by Ordinance and designated by DPW
11. "Downtown" is defined as within the blue-hashed areas in



the map below

Source: The map is from July 10 2013 presentation "Framing Future Priority Downtown Gloucester.

II. Section 4-16a is deleted and replaced with the following:

**Sec 4-16a...Rules and conditions for all dogs:**

- (1) Dogs are not allowed on city owned athletic fields, including grandstand, bleachers or other viewing areas at any time, whether leashed or unleashed, and are not allowed on privately owned athletics unless permitted by the owner and under such conditions as the owner shall direct., ~~during periods where such fields are generally used for athletic contests or practices, or during periods when such fields are in fact being used for athletic contests or practices. For this purpose, grandstand~~ Grandstand or other normal viewing areas for athletic events are not considered to be ~~part of the on the athletic field, Dogs are not permitted on lease or off lease in the grandstands or other normal viewing areas, but dogs in those areas immediately before, during and immediately after an athletic event must be leashed. Dogs are permitted on leash or off leash on athletic fields during periods not generally used for athletic contests and practices unless there is in fact an athletic contest or practice in progress.~~
- (2) Dogs must be leashed in any play area where children, other than those of or with the owner or guardian of the dog, are present

- (3) The owner/guardian of any dog on public ~~or private~~ property shall remove all feces of the dog from that property and dispose of it as set forth in Section 4-21.
- (4) Dogs must be up to date on all legally required vaccinations.
- (5) Dogs who have been determined by an Animal Control Officer to have a history of being a danger to the public or to themselves, including but not limited to chasing or attacking other animals or people, chasing vehicles, or doing damage to private or public property, or create a nuisance through excessive barking or repeated trespassing, must be managed by its owner or guardian, including leashing, muzzling or any other controls determined by an Animal Control Officer.
- (6) Dogs with contagious diseases must be leashed at all times and shall not be permitted to be in contact with other animals or humans in public areas.
- (7) At all times off the property of the owner or guardian and not under the care of veterinary personnel, dogs must have a collar on them with current license and rabies vaccination tags attached. For purposes of this provision, if proof of rabies vaccinations are a requirement for obtaining the current license, the license tag shall be deemed to also be a vaccination tag.
- (8) Dogs must have on their collar or otherwise on or in their bodies some means to contact the owner of the dog.
- (9) Dogs may not be left unattended, except for short intervals but then only if secured. How is short intervals defined? Short intervals, for this purpose, are no longer than twenty-minutes if the dog is on public property, a public street or a public

walkway, and if the dog is on private property, such as permitted by the owner of the property.

- (10) Dogs younger than 4 months of age must be leashed at all times except in ~~Dog Parks or Dog Areas~~ other than Dog Parks; and are not permitted at any time, leashed or unleasher, in Dog Parks .
- (11) No more than three dogs may be under the control of one owner or guardian without an additional competent person in attendance for each one to three additional dogs. ~~Does this apply to professional dog walkers? Perhaps they could be permitted or licensed by the city so they can do their jobs. This provision shall not apply to any guardian who is licensed or otherwise approved as a professional dog walker by an agency of the City.~~
- (12) Owners or guardians must fill in any holes dug by any dog under their stewardship.
- (13) Dogs are not permitted at any time in city owned cemeteries.

III. Section 4-16b is deleted and replaced with the following:

**Sec 4-16b Additional rules and conditions for at large dogs.**

- (1) Dogs must be direct control of owner/guardian at all times.
- (2) Dogs are not permitted to be at large if not under direct control of owner/guardian.

- (3) The owner or guardian of a dog must carry a leash for each dog under its auspices who is off of the property of the owner or guardian
- (4) If an at large dog is on a public way or sidewalk with its owner or guardian and another individual with a leashed dog is on the same public way or sidewalk and requests the owner or guardian to leash the dog, the owner or guardian shall retrieve and leash the dog until the requesting individual has left the proximity or rescinds the request. If an at large dog is on a beach or public park or other area of congregation by the public, and the dog is acting aggressively toward another individual or leashed dog, if the individual or the owner or guardian of the leashed dog~~and~~ requests the owner or guardian of the at large dog to leash the dog, the owner or guardian of the at large dog shall retrieve and leash the dog until the requesting individual has left the immediate vicinity of the owner or guardian or rescinds the request. Leaving much to be determined and those walking dogs now must request the owner leash their dog

III. Section 4-16c is deleted and replaced with the following:

**Sec 4-16c Locations where dogs must be leashed or may only be at-large with restrictions:**

(1) Dogs must be leashed:

- (A) In high activity areas (defined as ?), other than areas designated as "Dog Parks" ~~or "Dog Areas" or like terms by the Director of the Department of Public Works~~
- (B) Downtown, except for areas designated as "Dog Parks" ~~of "Dog Areas" or like terms and except for otherwise designated as off leash by the Director of the Department of Public Works.~~
- (C) Stacy Boulevard
- (D) Stage Fort Park in the vicinity of gatherings of more than twelve (12) people (other than Dog Parks) if there are three gatherings of 4 people would that constitute a gathering of 12? ~~or Dog Areas~~
- (E) ~~Shopping malls and other~~ Areas open to the public areas having a significant concentration of commercial activity. (shopping malls are private property – why are they being regulated)
- (F) Sidewalks and foot paths with high volume pedestrian traffic or adjacent to high-speed automobile traffic.

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(2) Dogs may be at large with restrictions as follows:

(A) Stage Fort and other city-owned parks: Leashed from May 1 through September 30, except between sunrise and 9:00 am; off-leash permitted at all times from October 1 through April 30

(B) Beaches

- (i) From May 15 through September 15, ~~off-leash~~ dogs are prohibited on Good Harbor Beach, Half Moon Beach, Niles Beach, Plum Cove Beach, and Wingaersheek Beach.
- (ii) From September ~~16~~5 through May 14, off-leash dogs are permitted on Half Moon Beach, Niles Beach, and Plum Cove Beach.
- (iii) From April 15 through May 14, and from September ~~16~~5 through October 14, ~~off-~~off-leash dogs are permitted on even numbered days on Good Harbor Beach and on odd numbered days on Wingaersheek Beach, and from October 15 through April 14 on all days on those two beaches.
- (iv) From October 15 through April 14, off-leash dogs are permitted on Good Harbor Beach and Wingaersheek Beach on all days, provided that those entering shall do so through entrance portals or other pathed entranceways which are not locked. Parking area gates or other gates locked by City authorities will not be made accessible for this purposes and requests to unlock them will not be approved by City authorities.

~~provided that those entering shall do so on foot through entrance portals or other pathed entranceways which are not locked, and parking areas which are gated and locked by the City will not be accessible for this purpose and requests to unlocked such gates will not be granted. (please note gates at both beaches are closed during this time and we do not intend on manning gates for dog walking purposes)~~

- (v) Dogs are permitted off leash at all times on Pavillion Beach, Boulevard Beach and Cressy Beach.

(C) All of the off leash permissions in this Paragraph (2) are also subject to the requirements of Sections 4-16a and 4-16b.

IV Section 4-21(c) shall be deleted and replaced by the following new section 4-21(c):

For the purposes of this section, the means of removal of canine feces shall be any tool, implement, bag, glove or other device suitable for picking up and containing feces without leaving significant remnants at the location. Disposal shall only be by

(1) depositingshall be accomplished by EITHER placing the contained feces in a public municipal provided disposal bin specifically marked as suitable for animal feces but not any other public disposal bins;

(2) depositing in household trash bags specifically used for regular municipal collection; or

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(3) by other methods specifically permitted by regulations promulgated by the Department of Public Works after the effective date of this ordinance.

~~in the immediate vicinity unless the bin indicates that it is not suitable for deposit of animal feces. OR transported to another facility or device designed for the disposal of animal or human feces, including, but not limited to a private or public toilet facility (the flushing of poop bags, gravel, rocks, grass, etc will surely cause damages to all toilets, as well as cause porta potties to fill up faster), or designated as appropriate by regulations of, or notices from, the City Health Department or City or State Board of Health.~~

Waste should be brought home and disposed of the same as trash would be

V Present Section 4-22 is renumbered 4-23, and a new 4-22 is inserted to read as follows:

**“4-22 Enforcement and penalties.**

- (a) Sections 4-15, 4-16a, 4-16b and 4-16c shall be enforced as set forth in Section 4-20
- (b) Each violation of Section 4-16a(3) shall be subject to a fine of \$200 for each offense.
- (c) Each violation of the provisions of Sections 4-15, 4-16a, 4-16b or 4-16c other than Section 4-16a(3) shall be subject to a fine of \$50.00 for each offense, provided that, for purposes of the fines set forth in this clause (c ), a single occurrence that violates more than one of the provisions whose fines are set forth in this clause (c ) shall be deemed to be a single violation.

