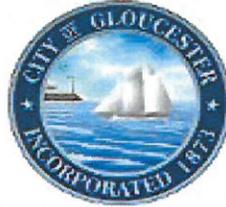


CITY CLERK  
GLOUCESTER, MA

2016 SEP 28 PM 2: 41



GLOUCESTER CITY COUNCIL  
**Ordinances & Administration Committee**  
Monday, October 3, 2016 – 6:00 p.m.  
**1st Fl. Council Committee Room – City Hall**  
**AGENDA**

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

1. *Appointments & Reappointments: None.*
2. *CC2015-044 (Verga, Cox) Amend GCO Sec. 9-12 re: Prohibition of plastic checkout bags (Cont'd from 07/18/16) (TBC 01/03/17)*
3. *CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted (Cont'd from 07/18/16) (TBC 01/03/17)*
4. *CC2016-037 (LeBlanc) Request Traffic Commission conduct traffic & speed study of Beach Court & make written recommendation as to whether to amend GCO for safe traffic flow patterns & parking (Cont'd from 09/19/16 -- TBC 10/17/16)*
5. *CC2016-038 (Cox) In accordance with Sec. 22-165 request to amend GCO Sec. 22-279 "Thirty-minute parking" by adding Commercial Street for a distance of 27 ft. from its southerly intersection with Beach Court (Cont'd from 09/19/16)*
6. *CC2016-041 (Nolan) Amend GCO Sec. 22-270 "Parking prohibited at all times" & Sec. 22-291 "Tow-away zones" re: 44 Lexington Avenue (Cont'd from 09/19/16)*
7. *CC2016-042 (Cox) Request the removal of first two parking meters on Duncan St. from Main St., & amend GCO Sec. 22-280 "Fifteen-minute parking" to add two (2) fifteen-minute parking spaces*
8. *CC2016-043 (Nolan) Amend GCO Sec. 22-270 "Prohibited parking at all times" & Sec. 22-291 "Tow-away zones" re: Concord Street*
9. *CC2016-044 (Gilman) Request to Amend GCO Sec. 22-284 "Service or loading zones" re: Holly Street (TBC 10/17/16)*
10. *Review of Vote of the O&A Committee of July 17, 2016 pursuant to possible amendment of GCO Sec. 4-16(a) regarding expansion of off-leash areas for dogs (Cont'd from 08/15/16)*

COMMITTEE

Chair, Councilor Steven LeBlanc  
Vice Chair, Councilor Jamie O'Hara  
Councilor Sean Nolan

CC: Joanne Senos  
Chris Sicuranza  
Chip Payson

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: #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

## PLASTIC BAG REDUCTION ORDINANCE

### SECTION 1 DEFINITIONS

The following words shall, unless the context clearly requires otherwise, have the following meanings:

“Director”, the Director of Public Health or his/her designee.

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.

“Checkout bag”, a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

“Department”, the City’s Health Department.

“Marine-degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Department, provided additional, Department-approved standards are as stringent as ASTM D7081.

“Recyclable Paper Bag” means a paper bag that is (1) 100 percent recyclable including the handles.

“Retail establishment”, any retail space located in the City including without limitation any commercial business facility that sells good directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, “mini-marts”, and retail stores and vendors selling clothing, food and personal items.

“Reusable checkout bag”, a sewn bag with stitched handles that (1) is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 2.25 mils thick.

## SECTION 2 REQUIREMENTS

(a) If any retail establishment as defined in section 1 provides a checkout bag to customers, the bag shall be comply with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.

**(b) A store that provides any type of checkout bag shall sell them for no less than ten cents (\$0.10). All moneys collected pursuant to this ordinance shall be retained by the store.**

(c) The Director may promulgate rules and regulations to implement this section.

## SECTION 3 PENALTIES AND ENFORCEMENT

(a) Each Retail Establishment shall comply with this by-law.

(1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Retail Establishment for the initial violation.

(2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.

(3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

A) \$50 for the first offense

B) \$100 for the second offense and all subsequent offenses. Payment of such fines may be enforced through civil action in the state District Court.

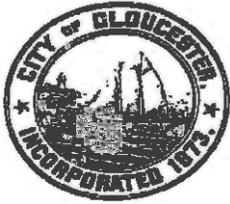
(4) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.

(5) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty or the amount of the penalty payable shall be doubled.

## SECTION 4 EFFECTIVE DATE

All of the requirements set forth in this by-law shall take effect within six months of passage. In the event that compliance with the effective date of this ordinance is not feasible for a small retail establishment, because of economic hardship, the Department may grant a waiver of not more than six months upon application of the owner or the owner's representative.

Dy



# CITY OF GLOUCESTER 2016 CITY COUNCIL ORDER

**ORDER:** CC#2016-015  
**COUNCILLORS:** Melissa Cox

**DATE RECEIVED BY COUNCIL:** 04/12/16  
**REFERRED TO:** O&A  
**FOR COUNCIL VOTE:**

**ORDERED** that the Ordinances & Administration Standing Committee shall review and recommend the matter of prohibiting the use of polystyrene food and beverage containers or serving items from food service establishments if the packaging takes place on the premises of food service establishments, and further that waivers may be granted for no more than six months if this poses an economic hardship. This ordinance amendment shall take into account CC2015-044 concerning plastic checkout bags.

**ORDERED** that a new Code of Ordinances Chapter 9, "Art. II" be **ADDED** and titled "Prohibition on Polystyrene-Based Disposable Food Serving Items" "Sec. 9-20 Effective \_\_\_\_\_ 2016 polystyrene food and beverage containers or serving items (such as utensils or straws) shall not be used in the City of Gloucester to package or serve food or beverages if that packaging takes place on the premises of "food service establishments" as defined in sec. 9-21.

In the event that compliance with this ordinance is not feasible for a food establishment because of either unavailability of alternative non-polystyrene containers or economic hardship, the Director of Health may grant a waiver of not more than six months upon application of the owner or owner's representative."

"Sec.9-21 Definitions;"

"Food Service Establishments shall mean those establishments which serve food or beverages which they have packaged on the premises."

And by **ADDING** at Sec. 1-15 of the Code of Ordinances that "Violations of sec. 9-20 of the Code of Ordinances shall be subject to civil ticketing by agents of the Health Department" by a fine of : \_\_\_\_\_."

**FURTHER ORDERED** that the O&A shall recommend to the Council that the ordinance on Polystyrene Food and Beverage Containers be adopted.

Melissa Cox  
Ward 2 Councillor



**CITY OF GLOUCESTER 2016  
CITY COUNCIL ORDER**

**DRAFT**

**ORDER: CC#2016-00  
COUNCILLOR: Melissa Cox  
Ward 2 Councillor**

**DATE RECEIVED BY COUNCIL: 4/12/16  
REFERRED TO: O&A  
FOR COUNCIL VOTE:**

**ORDERED** that the O&A shall review and recommend the matter of prohibiting the use of polystyrene food and beverage containers or serving items from food service establishments if the packaging takes place on the premises of food service establishments and further that waivers may be granted for no more than six months if this poses an economic hardship. This ordinance amendment shall take into account CC2015-044 concerning plastic checkout bags.

ORDERED that a new Code of Ordinances Chapter 9, "Art. II" be ADDED and titled "Prohibition on Polystyrene-Based Disposable Food Serving Items".

"Sec.9-12 (a) Effective \_\_\_\_\_ 2016 polystyrene food and beverage containers or serving items (such as utensils or straws ) shall not be used in the City of Gloucester to package or serve food or beverages if that packaging takes place on the premises of "food service establishments" , as defined in sec. 9-21.

In the event that compliance with this ordinance is not feasible for a food establishment because of either unavailability of alternative non-polystyrene containers or economic hardship, the **Public Health Department** may grant a waiver of not more than six months upon application of the owner or owner's representative."

"Sec.9-12 (b) Definitions;"

"Food Service Establishments shall mean those establishments which serve food or beverages which they have packaged on the premises."

And by ADDING at Sec. 1-15 of the Code of Ordinances that "Violations of sec. 9-12 of the Code of Ordinances shall be subject to civil ticketing by agents of the **Public Health Department**" by a fine of : \_\_\_\_\_"

Further Ordered that the O&A shall recommend to the Council that the ordinance on Polystyrene Food and Beverage Containers be adopted.

# CITY OF GLOUCESTER TRAFFIC COMMISSION

*A meeting was held on Thursday September 22nd, 2016 at 6:00 p.m.  
in the third floor Conference Room  
at Gloucester City Hall*

**The meeting was opened at 6:00 p.m. by Chairman Robert B. Ryan. Attending were members Anthony Bertolino, Larry Ingersoll and Michael Mulcahey, City Councilors Melissa Cox and Sean Nolan, and residents Deborah Aiello, Josephine Napoli, Collette Kujawa and Mark McDonough.**

## AGENDA

Approval of our minutes from the 8/25/16 meeting

*A MOTION was made, seconded and PASSED to **APPROVE** the minutes as amended.*

Handicap Parking Requests:

- 18 Summit Street

*After speaking to the requestor and a discussion, a MOTION was made, seconded and PASSED (One negative vote-member Ingersoll) to **CONTINUE** the matter until a site visit can be done. Member Ingersoll believes that a site visit should already have been done by members before this meeting and saw no need to continue this as it could have been decided at this meeting without requiring the requestor to come again.*

- 26 Prospect Street

*After speaking to a representative of the requestor and a discussion, a MOTION was made, seconded and PASSED to **APPROVE** the request. The TC noted there are no other handicapped spaces in that area.*

The following was continued from our August meeting:

- 146 Main Street (Santander Bank)

*(August Meeting) After speaking to Councilor Cox and a discussion, a MOTION was made, seconded and PASSED (1 negative vote - member Ingersoll) to **CONTINUE** the request until the TC can speak with a representative of Santander Bank.*

*There currently is a handicapped space on Main Street, by the entrance to Bank Gloucester (approx. 60 feet from the Santander entrance) that is used by CVS and the other businesses in that area. There is a bus stop in front of Santander bank. Member Ingersoll feels that the current space is conveniently located and if it is moved, CVS may come forward asking for a space closer to their business which would result in yet*

*another metered space being removed from Main Street. Santander Bank has 2 spaces in their rear lot, but no handicapped access to the building from that location. Over the past few years, many Handicapped and Loading Zone spaces have been approved for Main Street and the amount of metered parking has been reduced considerably.*

*(September Meeting) At the request of Councilor Cox, this matter was **CONTINUED** as the bank manager was unable to attend and would like to speak on this matter.*

#### Handicap Parking Deletions and Removals:

- 11 School Street
- 89 Maplewood Avenue
- 13 Pearl Street

*After reviewing the requests and a discussion, a **MOTION** was made, seconded and **PASSED** to **DELETE** all three of these spaces.*

**Order #CC2016-037** (Councilor LeBlanc) **ORDERED** that the Traffic Commission conduct a traffic and speed study on Beach Court and that the Traffic Commission make a written recommendation to the Ordinance & Administration Standing Committee on the findings of their review including whether any traffic ordinance amendments are recommended.

*After a discussion, a **MOTION** was made, seconded and **PASSED** to **CONTINUE** the matter. The TC has questions to ask Councilor LeBlanc concerning this request and also noted that a speed study has never been done on such a short, dead end street.*

**Order #CC2016-038** (Councilor Cox) **ORDERED** that in accordance with Sec. 22-165 the Gloucester Code of Ordinances Sec. 22-279 “Thirty-minute parking” be amended by **ADDING** Commercial Street, for a distance of 27 feet from its southerly intersection with Beach Court.

*After a discussion and speaking to Councilor Cox, a **MOTION** was made, seconded and **PASSED** (one negative vote-member Ingersoll) to **RECOMMEND** the order be **AMENDED to GCO Sec. 22-274 Two Hour Parking.***

*The dental office has been putting out hand-made signs saying that parking in front of their business was for their patients only. These have been removed. The two hour limit was favored as the TC felt that 30 minutes was not enough if people are in either the dentist office or coffee shop. Member Ingersoll feels that there have been too many of these difficult to enforce time limit parking spaces lately and that parking at St. Peter's Park is an option. The TC also mentioned metering of that area.*

**Order #CC2016-041** (Councilor Nolan) **ORDERED** that the Code of Ordinances Sec. 22-270 “Parking prohibited at all times” and Sec. 22-291 “Tow-away zones” be amended by **ADDING** Lexington Avenue #44 at the entrance to the building.

*After a discussion and speaking to Councilor Nolan, a MOTION was made, seconded and PASSED to APPROVE the request. The order should read Lexington Avenue, northerly side, 80 feet from its intersection with Flume Road, in a westerly direction for 22 feet. By instituting this no parking zone, it improves emergency vehicle access to the front of the building.*

**Order #CC2016-042** (Councilor Cox) **ORDERED** request the removal of the first two parking meters on Duncan Street from Main Street, and amend GCO Sec. 22-280 “Fifteen-minute parking” to add two (2) fifteen minute parking spaces on Duncan Street with proper signage.

*Member Bertolino recused himself from voting on this matter as he is related to someone involved.*

*After speaking to the owner of the former Alchemy, Councilor Cox and a discussion, a MOTION was made, seconded and PASSED to APPROVE the request. Councilor Cox suggested that the meters removed be installed in another metered area that currently lacks meters.*

**Order #CC2016-043** (Councilor Nolan) **ORDERED** that the Gloucester Code of Ordinances Sec. 22-270 “Parking prohibited at all times” and Sec. 22-291 “Tow-away zones” be amended by **ADDING** Concord Street, southerly side, from Essex Avenue to the telephone pole past Landing Road.

*After a discussion and speaking with Councilor Nolan, a MOTION was made, seconded and PASSED to APPROVE the request with the RECOMMENDATION that it be changed to BOTH SIDES of the street. Order should read Concord Street, both sides, from its intersection with Essex Avenue, for 345 feet in an easterly direction to pole #1766.*

*This is being requested due to safety issues with the West Parish school.*

**The meeting was adjourned at 6:50 p.m.**

**ROBERT B. RYAN, Chairman**

**LARRY INGERSOLL, Secretary**



## CITY OF GLOUCESTER 2016 CITY COUNCIL ORDER

**ORDER:** CC#2016-037  
**COUNCILLORS:** Steve LeBlanc

**DATE RECEIVED BY COUNCIL:** 08/23/16  
**REFERRED TO:** O&A & TC  
**FOR COUNCIL VOTE:**

**ORDERED** that the Traffic Commission conduct a traffic and speed study on Beach Court and that the Traffic Commission make a written recommendation to the Ordinance & Administration Standing Committee on the findings of their review including whether any traffic ordinance amendments are recommended.

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

Steve LeBlanc  
Ward 3 Councillor



**CITY OF GLOUCESTER 2016  
CITY COUNCIL ORDER**

**ORDER: CC#2016-038**  
**COUNCILLORS: Melissa Cox**

**DATE RECEIVED BY COUNCIL: 08/23/16**  
**REFERRED TO: O&A & TC**  
**FOR COUNCIL VOTE:**

**ORDERED** that in accordance with Sec. 22-165 the Gloucester Code of Ordinances Sec. 22-279 “Thirty-minute parking” be amended by **ADDING** Commercial Street, for a distance of 27 feet from its southerly intersection with Beach Court; and

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

Melissa Cox  
Ward 2 Councillor



**CITY OF GLOUCESTER 2016  
CITY COUNCIL ORDER**

**ORDER:** CC#2016-041  
**COUNCILLORS:** Sean Nolan

**DATE RECEIVED BY COUNCIL:** 08/23/16  
**REFERRED TO:** O&A & TC  
**FOR COUNCIL VOTE:**

**ORDERED** that the Code of Ordinances Sec. 22-270 "Parking prohibited at all times" and Sec. 22-291 "Tow-away zones" be amended by **ADDING** Lexington Avenue #44 at the entrance to the building; and

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

Sean Nolan  
Ward 5 Councillor



**CITY OF GLOUCESTER 2016  
CITY COUNCIL ORDER**

**ORDER:** CC#2016-042  
**COUNCILLORS:** Melissa Cox

**DATE RECEIVED BY COUNCIL:** 09/13/16  
**REFERRED TO:** O&A & TC  
**FOR COUNCIL VOTE:**

**ORDERED** request the removal of the first two parking meters on Duncan Street from Main Street, and amend GCO Sec. 22-280 "Fifteen-minute parking" to add two (2) fifteen minute parking spaces on Duncan Street with proper signage; and

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

Melissa Cox  
Ward 2 Councillor



## CITY OF GLOUCESTER 2016 CITY COUNCIL ORDER

**ORDER:** CC#2016-043  
**COUNCILLORS:** Sean Nolan

**DATE RECEIVED BY COUNCIL:** 09/13/16  
**REFERRED TO:** O&A & TC  
**FOR COUNCIL VOTE:**

**ORDERED** that the Gloucester Code of Ordinances Sec. 22-270 “Parking prohibited at all times” and Sec. 22-291 “Tow-away zones” be amended by **ADDING** Concord Street, southerly side, from Essex Avenue to the telephone pole past Landing Road; and

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

Sean Nolan  
Ward 5 Councillor



**CITY OF GLOUCESTER 2016  
CITY COUNCIL ORDER**

**ORDER:** CC#2016-044  
**COUNCILLORS:** Valerie Gilman

**DATE RECEIVED BY COUNCIL:** 09/27/16  
**REFERRED TO:** O&A, DPW Director &  
& Traffic Commission  
**FOR COUNCIL VOTE:**

**ORDERED** that the Gloucester Code of Ordinances Chapter 22, Sec.22-284 "Service or Loading Zone" be amended by **ADDING:** Holly Street, easterly side from its intersection with Washington Street, beginning at a distance of 60' in a northerly direction for a distance of 40'.

**FURTHER ORDERED** that this matter be referred to the DPW Director and Traffic Commission for review, measurements, and recommendation and to the Ordinances and Administration for review and recommendation.

Valerie Gilman  
Ward 4 Councillor

## Recommendations of the Ad Hoc Committee

- 1) Modify Sec. 4-16a to expand unleashed areas for dogs on public beaches at certain times.
- 2) Modify Section 4-16(d) to clarify small and large dog areas in the Gloucester Dog Park

### Draft



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

Dogs shall be prohibited from public beaches from May 1 to September 30 annually with the following exceptions: 1) Dogs are allowed leashed and unleashed at Cressy Beach. 2) Dogs are allowed leashed and unleashed at Plum Cove Beach and Niles Beach from 5:30 pm to Sunset and Sunrise to 8:00 am.

Dogs shall be allowed leashed and **unleashed** on public beaches from October 1<sup>st</sup> to April 30<sup>th</sup> subject to the following exceptions: 1) Dogs are allowed unleashed only on even-numbered days at Good Harbor Beach. 2) Dogs are allowed unleashed only on odd-numbered days at Wingaersheek Beach.

---

Sec. 4-16d(a)(2) should be amended to ADD subsections k and l

k. Dogs that weigh 25 pounds or less are not allowed in area designated for large dogs.

l. Dogs that weigh 26 pounds or more are not allowed in the area designated for small dogs.



**CITY OF GLOUCESTER 2016  
CITY COUNCIL ORDER**

**ORDER:** CC#2016-031  
**COUNCILLORS:** James O'Hara

**DATE RECEIVED BY COUNCIL:** 06/28/16  
**REFERRED TO:** O&A  
**FOR COUNCIL VOTE:**

**ORDERED** that the Ordinance and Administration Standing Committee consider whether the Code of Ordinances Sec. 4-16a should be amended to expand off-leash areas for dogs year round at Crab Beach and Lanes Cove as follows:

Amend Sec. 4-16a by **ADDING** "and public landings" at certain times" and to **ADD** to the last sentence of Sec. 4-16a "Crab Beach and Lanes Cove year round."

**FURTHER ORDERED** that the Ordinance and Administration Standing Committee consider whether the Code of Ordinances Sec. 4-16d (a)(2) should be amended to **ADD** new subsections as follows:

- "k. Dogs that weigh 25 pounds or less are not allowed in area designated for large dogs.
- l. Dogs that weight 26 pounds or more are not allowed in the area designated for small dogs."

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

James O'Hara  
Councillor at Large



**Gloucester City Council**  
**CERTIFICATE OF VOTE**  
**Certificate Number: 2016-012**

The Gloucester City Council, at a meeting held on **Tuesday, January 12, 2016** 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 LeBlanc, seconded by Councilor Cox, the City Council voted by **ROLL CALL 9** in favor, **0** opposed, to **AMEND GCO Chapter 4, Article II, Sec. 4-16(a)** "Dogs allowed on public beaches at certain times," by **ADDING** the words, "and Plum Cove Beach on consecutive days in the off season" after the words, "Wingaersheek Beach."

Linda T. Lowe, City Clerk

Date: **JAN 14 2016**

**APPROVED BY THE MAYOR**

Sefatia Romeo Theken

**VETOED BY THE MAYOR**

\_\_\_\_\_  
Sefatia Romeo Theken

SIGNED THIS 14<sup>th</sup> DAY OF JANUARY, 2016

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



**Gloucester City Council**  
**CERTIFICATE OF VOTE**  
**Certificate Number: 2014-337**

The Gloucester City Council, at a meeting held on Tuesday, November 18, 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 Councilor Verga, seconded by Councilor Cox, the City Council voted by ROLL CALL 9 in favor, 0 opposed, to Amend GCO c. 4, Animals, Art. 2 "Dogs" Sections 4-15, 4-16, 4-19, and 4-20 as follows:

**Section 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.

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

Dogs shall be prohibited from public beaches from May 1 to September 30 annually. Dogs shall be allowed on public beaches from October 1 to April 30 annually and shall be under the control of the owner or keeper. In addition, unleashed dogs shall be allowed on Good Harbor Beach and Wingsheek Beach from: October 1 to April 30, annually, subject to the following conditions:

Off leash all day on even-numbered days at Good Harbor Beach and odd-numbered days at Wingsheek Beach.

1. Owners must remain with and monitor their dogs. Owners, per the below conditions, define person 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 the Animal Control Officer 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 dog(s) 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 their dog(s).
15. Any violation of conditions 1 through 12 and 14 above shall be subject to a fine of \$50 for each offense. Any violations of condition 13 above shall be subject to a fine of \$100 for each offense; and dogs(s) may have off-leash privileges revoked by Animal Control.

60

16. Unless renewed by the City Council and signed by the Mayor, the provisions of this section shall expire on December 18, 2015."

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

**Section 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.

**Section 4-19. Redemption of impounded dogs.**

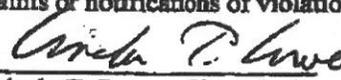
(a) No dog confined for a violation of this article shall be released to its owner or keeper except as provided herein. The dog officer shall issue to the owner or keeper of any such dog a citation for the violation of this article. The violations shall bear a fine of the following:

(1) For the first and subsequent offenses: \$50.00

(b) In the 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.

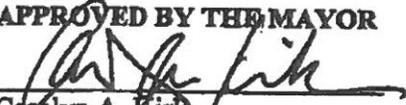
**Section 4-20. Pound; dog officer.**

- (a) The city shall make provisions 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. The dog officer shall have the authority to prioritize responses to complaints or other notifications of violations based on their emergency or non-emergency nature. Emergency complaints or notifications are those in which there is imminent threat to the life, health or safety of humans or dogs. All other complaints or notifications of violations are non-emergency.

  
Linda T. Lowe, City Clerk

Date: NOV 24 2014

APPROVED BY THE MAYOR

  
Carolyn A. Kirk

VETOED BY THE MAYOR

\_\_\_\_\_  
Carolyn A. Kirk

SIGNED THIS 24 DAY OF NOV, 2014

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