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CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

May 14, 2012

Robert W. Healy
City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Amendment to Cambridge Municipal Code, Chapter 6.04

Dear Mr. Healy:

At the request of Mark McCabe, Director of the Animal Commission and Sam Corda, Managing Director of the Water Department, please find attached proposed amendments to Chapter 6.04 of the Cambridge Municipal Code, which regulates animal activities in the City. Mr. McCabe and Mr. Corda have requested that the Code be amended to provide that the enforcement officials listed in Section 6.04.110 having the authority to issue notices to dog owners in violation of the provisions of Chapter 6.04 be authorized to enforce off-leash area provisions (Section 6.04.040) and licensing provisions (Section 6.04.020) of the Code. The Code currently allows enforcement officials to issue violation notices to dog owners only with respect to violations of the leash law (Section 6.04.030) and the scoop law (Section 6.04.060). The requested amendments would authorize all enforcement officials, including Water Department employees, to issue notices of all violations under this ordinance relating to dog activities. The proposed amendments in the other sections of Chapter 6.04 relate simply to title changes of the enforcement officials referenced in the ordinance.

Please let me know if I can be of further assistance in this matter.

Very truly yours,

Nancy E. Glowa

In Section 6.04.030:

Replace all references to the term "Dog Officer" with the phrase, "Director of the Animal Commission or an Animal Control Officer."

In Section 6.04.100:

Replace the term "Dog Officer" with the phrase, "Director of the Animal Commission or an Animal Control Officer."

In Section 6.04.110:

In subsection (A):

In line 1 add "6.04.020" and "6.04.040" to the listed sections.

In line 5 replace the term "Dog Officer" with the phrase, "Director of the Animal Commission, Animal Control Officers"

In line 6 delete the phrase, "recommended by the Water Board and approved by the Chief of Police" and replace it with the phrase, "designated by the Managing Director of the Water Department."

6.040.030 – Dogs – Leash or restraint – Required – Offense.

A. No person owning or keeping a dog shall permit it to be at large other than on his own premises; if it be on the premises of another person, it shall be with the knowledge and permission of such other person. The owner, keeper or person having custody of a dog which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall keep the dog under control by means of a chain, rope or cord not exceeding six feet in length of sufficient strength to control the actions of such dog.

B. In any prosecution under this chapter, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

C. Any dog found to be at large in violation of this chapter shall be caught and confined by the ~~Dog Officer~~Director of the Animal Commission or an Animal Control Officer, who shall notify forthwith the owner or keeper of such dog by telephone or by leaving a written message at his or her place of residence. If the ~~Dog Officer~~Director of the Animal Commission or an Animal Control Officer is unable to communicate with the owner or keeper by these means, he shall, within two days of such failure, notify such owner or keeper, by certified mail, return receipt requested. The owner or keeper shall have ten days from the date the dog is caught within which to recover the dog.

D. Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper. The ~~Dog Officer~~Director of the Animal Commission or an Animal Control Officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this section; provided, however, if within the twelve months next preceding this offense the owner or keeper has not been convicted for violation of this chapter or a dog owned or kept by him has not been taken into custody for violation of this chapter, the ~~Dog Officer~~Director of the Animal Commission or an Animal Control Officer may waive prosecution.

6.04.100 – Enforcement officials designated.

A full-time ~~Dog Officer~~Director of the Animal Commission, Animal Control Officers and an Assistant shall be appointed by the City Manager and shall have the responsibility of enforcing this chapter.

6.04.110 – Violation – Complaint disposition.

A. For the purpose of enforcing the provisions of Sections 6.04.020, 6.04.030, 6.04.040 and 6.04.060 of this chapter, notices of violation (appearance tickets) may be issued by Sanitation Inspectors and Code Enforcement Inspectors detailed with the Department of Health and Hospitals, by persons appointed as Parking Control Officers detailed within the Department of Traffic and Parking, by any Police Officer, and by the ~~Dog~~

~~Officer~~Director of the Animal Commission, Animal Control Officers and employees of the Water Department, ~~recommended by the Water Board and approved by the Chief of Police~~ designated by the Managing Director of the Water Department in those areas under the jurisdiction of the Water Board.

B. Any owner or keeper of a dog, who has been observed by a Police Officer to have violated any provisions of Sections 6.04.020, 6.04.030, 6.04.040 and 6.04.060 of this chapter and who refuses to give proper personal identification of his or her person to such Police Officer upon request, shall be subject to arrest.

C. All notices of violation (appearance tickets) shall be returnable to the Clerk of the Cambridge Division, District Court Department of the Trial Court, Middlesex County. Unless the person named on said notice of violation appears before said Clerk within twenty-one days of said violation either personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the notice, the fine provided therein, a complaint will be sought against the person named in said notice. If the violation is the first offense under Section 6.04.030 or 6.04.060 of this chapter committed by such person within a calendar year, the payment to the Clerk of a fine of ten dollars shall operate as a final disposition of the case. If it is the second offense in a calendar year, payment to the Clerk of a fine of twenty-five dollars shall operate as a final disposition of the case. If it is the third or subsequent offense in a calendar year, payment of a fine of fifty dollars shall operate as a final disposition of the case. A violation of Section 6.04.020 of this chapter shall be punishable by a fine of not more than twenty-five dollars for each offense.