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**City of Cambridge**

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**Executive Department**

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July 28, 2014

To the Honorable, the City Council:

Attached hereto for your consideration is a proposed amendment to Chapter 6.04 of the Cambridge Municipal Code (the "Animal Control Regulations"). The changes in this proposed amendment have been recommended by the Director of the Animal Commission, Mark McCabe ("Director") in consultation with the Law Department, and include changes related to the following issues:

- The Director and his staff have found that many dog owners do not remove dog waste left by their dogs in public areas, which not only constitutes a nuisance to individuals who may frequent parks and utilize public ways, but also constitutes a health hazard. Also, the volume of waste left near the City of Cambridge watershed poses additional concerns. The current schedule of fines contained in the Animal Control Regulations, which provides for fines of \$10.00 for the first offense, \$25.00 for the second offense, and \$50.00 for a third and subsequent offense in any calendar year, has not been sufficient to deter dog owners from failing to pick up after their dog. Accordingly, a flat fine of \$100.00 is proposed for all such violations.
- Other fees and fines that are less in Cambridge than in other communities include the fees for yearly licensing of dogs and the fine for failing to license a dog. The fine in Cambridge for failing to license a dog is \$25.00, which has been determined by the Director to be insufficient to offset the expenses incurred in enforcing this requirement, as there is an increasing number of individuals with unlicensed dogs in the City, and additionally, this fine is less than the fine for this offense under the state law governing unlicensed dogs, G.L. c. 140, §§ 137A and 141. The Director recommends that this fine be increased to \$50.00 per violation. He also recommends increases in license fees from \$8.00 to \$10.00 for spayed or neutered dogs, and from \$25.00 to \$30.00 for unspayed or intact dogs (but with no license fee for service animals), which will help offset some of the expenses needed to administer the license program.
- The Director has found that the graduated fines provided for off leash violations in the Animal Control Regulations have been an administrative burden to enforce, and that the initial \$10.00 fine for having a dog off leash has been insufficient to deter individuals from releasing their dogs off leash in non-designated areas. Accordingly, a fine of \$25.00 for each such offense is recommended, which would assist the Animal Control Commission in enforcing the leash requirement.
- If the City is required to kennel a "dog at large," or an unleashed dog, the Director has found that the requirement in the Animal Control Regulations to keep an unleashed dog in a kennel for ten (10) days is unnecessary, and recommends that the seven (7) day period provided by state law, G.L. c. 140, § 151, be required instead, and that the owner of the dog be required to reimburse the City for any costs of care while the dog is in the kennel.
- The Director also proposes that the Park Ranger(s) at the Fresh Pond Reservoir be given authority to enforce all aspects of the Animal Control Regulations, as the Fresh Pond Reservoir is the largest and most used shared space for people and dogs in the City.

- Finally, some of the terminology contained in Chapter 6.04 is outdated, so various updates are recommended.

A red-lined version of the Ordinance with the proposed changes to be ordained, along with a written description of such changes, is attached hereto for your consideration.

Very truly yours,



Richard C. Rossi  
City Manager

RCR/mec  
Attachment

Be it ordained by the City Council of Cambridge that Cambridge Municipal Code Chapter 6.04 is hereby amended as follows:

In Section 6.04.010, at the end of the section, adding the words “E. “Park Ranger” shall mean the Chief Park Ranger at the Fresh Pond Reservoir, or any other park ranger designated by the City of Cambridge.”

In Section 6.04.020, in the second sentence, adding the word (“Director”) after the word “Commission,” and adding the words “or her” after the word “his.” In the third sentence, replacing the word “2009” with “2015,” and the word “eight” with “ten” and the words “twenty-five” with “thirty,” and deleting the word “not” before the word “neutered.” In the fourth sentence, adding the words “or his or her designee” after the word “Director”, and adding the words “or she” after the first time the word “he” appears, and adding the words “or she” after the second time the word “he” appears, and adding the words “or her” after the word “his.” Deleting the fifth sentence, which reads “No fee shall be charged for a license for a dog specially trained to lead or serve a blind person, if the Division of the Blind certifies that such dog is so trained and actually in the service of a blind person,” and replacing with “Pursuant to G.L. c. 140, §139, no fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.”

In Section 6.04.030(A), adding the words “or her” after the word “his” in the first sentence.

In Section 6.04.030(C), deleting the words “Dog Officer” and replacing with “Director or designee or a Park Ranger(s)” in the first sentence. In the second sentence, deleting the words “Dog Officer” and replacing with the words “Director or designee, or a Park Ranger(s)” and adding the words “or she” after the word “he.” In the third sentence, deleting the word “ten” and replacing with the word “seven.” Finally, adding a fourth sentence to read “The owner or keeper shall be liable for all costs of care and confinement, in addition to any other amounts allowed by law.”

In Section 6.04.030(D), in the first sentence, adding the phrase “, plus full payment of all costs of care and confinement, in addition to any other amounts allowed by law” after the word “keeper”. In the second sentence, deleting the words “Dog Officer” the first time they appear and replacing with the words “Director or designee,” adding the words “or her” after the word “his”, adding the words “or her” after the word “him,” and deleting the words “Dog Officer” the second time they appear and replacing with the words “Director or designee.”

In Section 6.04.060, adding the words “or her” after the word “his” in the first sentence.

In Section 6.04.100, in the first sentence, deleting the words “A full time Dog Officer and an Assistant shall be appointed by the City Manager and” and replacing with the words “The Director, Animal Control Officers, and the Park Ranger(s),” deleting the

word “responsibility” and replacing with the word “authority,” and adding the words “all sections of” after the word “enforcing.”

In Section 6.04.110(A), in the first sentence, deleting the words “Department of Health and Hospitals” and replacing with the words “Public Health and Inspectional Services Departments,” and deleting the words “Department of Traffic and Parking” and replacing with the words “Traffic, Parking and Transportation Department,” and deleting the word “and” after the phrase “by any Police Officer,” and deleting the words “Dog Officer” and replacing with the words “Director, Animal Control Officers, Park Ranger(s),” and deleting the words “Chief of Police” replacing with the words “Police Commissioner.”

In Section 6.04.110(C), replacing the entire paragraph with the phrase “All fines and penalties assessed and collected under this chapter may be enforced by issuance of non-criminal tickets pursuant to G.L. c. 40, Section 21D, or as otherwise authorized by law.”

In Section 6.04.120, adding the following to the end of the section “Any person who violates any of the provisions of Section 6.04.020 of this chapter shall be subject to a fine of fifty dollars for each offense. A violation of Section 6.04.030 shall be punishable by a fine of twenty five dollars for each offense, plus any and all costs of care and confinement, and any other amounts allowed by law. A violation of Section 6.04.060 of this chapter shall be punishable by a fine of not more than one hundred dollars for each offense.”

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sidewalk, gutter, street or other public area, or on any private property neither owned nor occupied by such person without the means of removal of any feces left by such dog.

(Ord. 998 (part), 1983: prior code § 4-10)

**6.04.070 Running at large—Permits for exhibitions.**

No owner or person having the care of any domestic fowl, or any goats, sheep, swine, horses, oxen, cows or other grazing animals, shall permit or suffer the same to go at large, or to graze on any street; and no person shall publicly exhibit any animal in the streets or public places of the City except in accordance with a permit from the Superintendent of Streets.

(Ord. 998 (part), 1983: prior code § 4-3)

**6.04.080 Fast driving.**

No person having the care or use of a horse or other beast of burden, carriage or drougt, shall ride, drive or permit such horse or other beast to go at a rate of speed greater than is reasonable and proper having regard to traffic and the use of the way and the safety of the public.

(Ord. 998 (part), 1983: prior code § 4-4)

**6.04.090 Frightening horses.**

No person shall, by any noise, gestures, words or other means, wantonly and designedly frighten and drive any horse in any street.

(Ord. 998 (part), 1983: prior code § 4-5)

**6.04.100 Enforcement officials designated.**

~~A full-time The Director, Animal Control Officers, or Park Ranger(s) Dog Officer and an Assistant shall be appointed by the City Manager and shall have the responsibility authority of enforcing this all sections of this chapter.~~

(Ord. 998 (part), 1983: prior code § 4-12)

**6.04.110 Violation—Complaint disposition.**

A. For the purpose of enforcing the provisions of Sections 6.04.030 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 Public Health and Inspectional Services Departments ~~Department of Health and Hospitals~~, by persons appointed as Parking Control Officers detailed within the ~~Department of Traffic and Parking~~ Traffic, Parking and Transportation Department, by any Police Officer, and by the Director, Animal Control Officers, Park Ranger(s) and Dog Officer and employees of the Water Department recommended by the Water Board and approved by the ~~Chief of Police~~ Police Commissioner in those areas under the jurisdiction of the Water Board.

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**6.04.040 Dogs—Leash or restraint—Areas exempted where.**

- A. Dogs may go unleashed in areas within the City that have been designated as off-leash dog areas and signed as such. Dogs are permitted to use the off-leash dog areas provided that:
1. All dogs are leashed prior to entering and upon leaving the off-leash dog area;
  2. The owner/keeper of the dog(s), at all times while his/her dog(s) is (are) using the designated off-leash dog area, is in attendance with the dog(s) in the designated area;
  3. The owner/keeper of the dog(s) has a leash in his/her possession for each dog he/she owns/keeps that is using the designated area;
  4. All dogs using the off-leash dog areas have a current Cambridge dog license which must be displayed on the dog at all times;
  5. All dogs must be accompanied by an owner/keeper and be under his/her control at all times.
  6. The following dogs are not permitted to use these off-leash dog areas:
    - a. Dogs determined to have a vicious disposition pursuant to M.G.L. ch. 140 §157 or Cambridge Municipal Code Chapter 6.08
    - b. Dogs in heat;
    - c. Dogs wearing prong or choke collars.
- B. Each owner/keeper may only have a maximum of three (3) dogs at one time in one of the off-leash dog areas.
- C. All off-leash dog areas are subject to the provisions of M.G.L. ch. 140 §157 providing, inter alia, that excessive barking, display of vicious disposition and other disturbances or sources of annoyance may constitute a nuisance.
- D. Use of designated off-leash dog areas will be permitted during the regular operating hours of the park in which the off-leash dog area is located.

(Ord. 1125 § 3, 1991; Ord. 998 (part), 1983: prior code § 4-8)  
(1306, Amended, 06/04/2007)

**6.04.050 Dogs—Nuisances unlawful.**

No person shall own or keep in the City any dog which by barking, biting, howling or in any other manner, disturbs the quiet of any person.

(Ord. 998 (part), 1983: prior code § 4-2)

**6.04.060 Dogs—Removal of waste required.**

It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his or her dog on any sidewalk, gutter, street or other public area, or on any private property neither owned nor occupied by such person. No such person shall appear with a dog on any

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~~ten~~eight dollars for a spayed or neutered dog and ~~thirty~~~~twenty~~-five dollars for a dog that is not spayed or ~~not~~-neutered. If the Director or his or her designee is satisfied that the certificate of the veterinarian who performed the operation cannot be obtained, he or she may accept in lieu thereof a sworn statement of a veterinarian registered and practicing in the Commonwealth, describing the dog, and stating that he or she has examined the dog and that, in his or her opinion, it has been spayed or neutered. Pursuant to G.L. c. 140, § 139, No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder, charged for a license for a dog specially trained to lead or serve a blind person, if the Division of the Blind certifies that such dog is so trained and actually in the service of a blind person. No part of the fee shall be refunded because of the subsequent death, loss, spaying, castration, removal from the Commonwealth or other disposal of the dog. Nor shall any part of the fee paid by mistake be refunded.

(Ord. 1321, 5/18/2009; Ord. 1275, 2004; 1125 § 2, 1991; Ord. 1096, 1990; Ord. 998 (part), 1983; prior code § 4-7)

**6.04.030 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 or her 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 Office~~Director or designee, or a Park Ranger(s), 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 Director or designee, or a Park Ranger(s) Officer~~ is unable to communicate with the owner or keeper by these means, he or she 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~~seven days from the date the dog is caught within which to recover the dog. The owner or keeper shall be liable for all costs of care and confinement, in addition to any other amounts allowed by law.
- 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, plus full payment of all costs of care and confinement, in addition to any other amounts allowed by law. The ~~Director or designee~~Dog Officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his or her 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 or her has not been taken into custody for violation of this chapter, the ~~Director or designee~~Dog Officer may waive prosecution.

(Ord. 998 (part), 1983; prior code § 4-9)

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**Sections:**

6.04.010 Definitions.

6.04.020 Dogs—License required—Fee.

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6.04.040 Dogs—Leash or restraint—Areas exempted where.

6.04.050 Dogs—Nuisances unlawful.

6.04.060 Dogs—Removal of waste required.

6.04.070 Running at large—Permits for exhibitions.

6.04.080 Fast driving.

6.04.090 Frightening horses.

6.04.100 Enforcement officials designated.

6.04.110 Violation—Complaint disposition.

6.04.120 Violation—Penalty.

**6.04.010 Definitions.**

As used in this chapter:

- A. "Animals" means all mammals, fowl and reptiles, except man.
- B. "At large" means off the premises of the owner or custodian and not under the control of the owner or custodian either by leash, cord, chain or otherwise.
- C. "Keep" means possessing, controlling, exercising or allowing to run at large.
- D. "Owner" means any person possessing, keeping, harboring or having custody of an animal.
- E. "Park Ranger" shall mean the Chief Park Ranger at the Fresh Pond Reservoir, or any other park ranger designated by the City of Cambridge.

(Ord. 998 (part), 1983: prior code § 4-1)

**6.04.020 Dogs—License required—Fee.**

Every dog six months old or over shall be licensed pursuant to G.L. c. 140, § 137. As proof that the dog has been spayed or neutered, the owner or keeper shall present to the Director of the Animal Commission ("Director") or his or her designee a certificate of the registered veterinarian who performed the operation. Effective June 1, 2015<sup>09</sup>, the fee for such license shall, except as otherwise provided, be

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- 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 fines and penalties assessed and collected under this chapter may be enforced by issuance of non-criminal tickets pursuant to G.L. c. 40, Section 21D, or as otherwise authorized by law. 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.

(Ord. 1097, 1990; Ord. 1092 (part), 1989; Ord. 998 (part), 1983: prior code § 4-11)

**6.04.120 Violation—Penalty.**

Any person who violates any of the provisions of Sections 6.04.040, 6.04.050, 6.04.070, 6.04.080 or 6.04.090 of this chapter shall be subject to a fine not exceeding fifty dollars for each offense. Any person who violates any of the provisions of Section 6.04.020 of this chapter shall be subject to a fine of fifty dollars for each offense. A violation of Section 6.04.030 shall be punishable by a fine of twenty five dollars for each offense, plus any and all costs of care and confinement, and any other amounts allowed by law. A violation of Section 6.04.060 of this chapter shall be punishable by a fine of not more than one hundred dollars for each offense.

(Ord. 1125 § 1, 1991; Ord. 998 (part), 1983: prior code § 4-6)