

## **NEWLY ENACTED DOG ORDINANCE PROVISIONS**

The Town Council enacted new ordinance provisions concerning dogs on Monday, November 15<sup>th</sup>, 2021. The summary provided here is intended to eliminate confusion about what responsibilities dog owners will have under the new law regarding whether, where, and when their dogs must be leashed. The new ordinance requires dogs to be leashed on public property throughout the town with seven specific exceptions. At those seven, and only seven, public places in town at specified times of the year and day, dog owners may allow their dogs to accompany them without a leash. When and where permitted, a dog may be off leash provided the owner “exercises and maintains direct command and control of the dog”, which is defined in the ordinance. Additionally, the new ordinances place the responsibility on dog owners to “employ whatever measures are necessary and adequate to prevent the dog from leaving the (owner’s) property unrestrained and from moving about at large within the town.”

This information below is only a summary of the relevant sections of what is expected to become the new ordinance. The full text of the changes to the law when finalized will be found at Sections 10-73, 10-1, 10-70, and other relevant Sections of Chapter 10, Animals.

**Changes under the NEW ordinance include:**

### **LEASH REQUIREMENT**

**The new ordinance requires that any time a dog moves about on public property within the town, it must be attached to a leash that is held and controlled by a competent person, with seven exceptions.**

### **EXCEPTIONS TO THE LEASH REQUIREMENT**

**At seven, and only seven, public places within the town at certain times of the year and day may an owner accompanied by his or her dog allow the dog to move about without a leash. Dogs must be leashed at other times as outlined below, and dogs are not allowed on the listed beaches at all between May 16<sup>th</sup> and September 30<sup>th</sup>.**

The seven places and times when a dog may be off leash are limited to:

**1.) FORT GETTY PARK**

Dogs may be off leash: From October 1<sup>st</sup> through May 15<sup>th</sup> only from 7 am and 11 am and from 3 pm to 7 pm

Dogs must be leashed: From October 1<sup>st</sup> through May 15<sup>th</sup> at all times outside the hours of 7 to 11 am and 3 to 7 pm

Dogs must be leashed: From May 16<sup>th</sup> through September 30<sup>th</sup>

**2.) MACKEREL COVE BEACH**

Dogs may be off leash at any time: From October 1<sup>st</sup> through May 15<sup>th</sup>

Dogs not permitted at any time: From May 16<sup>th</sup> through September 30<sup>th</sup>

**3.) POTTER'S COVE BEACH**

Dogs may be off leash at any time: From October 1<sup>st</sup> through May 15<sup>th</sup>

Dogs not permitted at any time: From May 16<sup>th</sup> through September 30<sup>th</sup>

**4.) HEAD'S BEACH**

Dogs may be off leash at any time: From October 1<sup>st</sup> through May 15<sup>th</sup>

Dogs not permitted at any time: From May 16<sup>th</sup> through September 30<sup>th</sup>

**5.) PARK DOCK**

Dogs may be off leash at any time: From October 1<sup>st</sup> through May 15<sup>th</sup>

Dogs not permitted at any time: From May 16<sup>th</sup> through September 30<sup>th</sup>

**6.) BATTERY PARK**

Dogs may be off leash at any time from January 1<sup>st</sup> through December 31<sup>st</sup>

**7.) ELDRED AVENUE RECREATIONAL COMPLEX**

Dogs may be off leash: From November 15<sup>th</sup> through March 31<sup>st</sup>

Dogs must be leashed: From April 1<sup>st</sup> through November 14<sup>th</sup>

## DIRECT COMMAND AND CONTROL

Whenever and wherever the owner of a dog is permitted to have the dog off leash, the owner must exercise and maintain direct control of the dog when it moves about without a leash.

A dog is under the direct command and control of the owner when:

- a.) The dog returns upon voice command or when prompted by a remotely controlled electronic signal; and
- b.) The owner maintains constant awareness of the dog's whereabouts and conduct; and
- c.) The owner carries a leash and employs it when necessary; and
- d.) The owner prevents the dog from interacting with any other person unless and until that person clearly communicates their assent to the interaction.

## DOGS PROHIBITED FROM BEING AT LARGE

The owner of a dog is responsible for ensuring that the dog doesn't leave the property limits of the owner and move about "at large" within the town. A dog is "at large" when it is off the property of the owner and not under the control of a competent person. The owner of the dog must employ all measures that are necessary and adequate to keep the dog from leaving the owner's property unattended.

## WHAT WAS IN THE OLD ORDINANCE?

A prior Sec. 10-70, Dogs at Large, was effectively repealed and replaced by a newly enacted Sec. 10-70. Under the prior provision, dogs were only prohibited from being "at large" (leaving the owner's property unattended) from 7 am to 4 pm. During those hours, the dog had to have been either leashed or under the direct command and control of the owner.

As a result, dogs could be off leash on town streets and in neighborhoods after 4 pm until 7 am. However, despite the apparent laxity of the former Sec. 10-70, two provisions in Chapter 42- sections 22 and 51- placed significant limitations on dog activities. Section 22 provides that "all pets, if permitted, must be kept on a leash at all times while in any of the town recreational facilities". Section 51 provides that "no dogs, horses, or other animals shall be allowed on any of the town beaches."

The Town Council must now amend or repeal these two provisions in the future so that the newly enacted provisions in Chapter 10 do not conflict with Chapter 42, sections 22 and 51.