

**TOWN COUNCIL MINUTES
Ordinance Committee
Town Hall Council Chambers
September 18, 2012**

Present: Michael Smart, Chairman
Jane Hackett, Vice Chairman
Arthur Mathews
Ed Harrington
Kenneth DiFazio

Also Present: George Lane, Town Solicitor
Kathy Deree, Town Clerk
Officer Michael Parker, Animal Control Officer

Recording Secretary: Diane Hachey

Chairman Smart called the Ordinance Committee meeting to order at 8:05 PM.

Issue-Inter-municipal Agreements

Chairman Smart urges his fellow committee members to delay this issue to a future meeting, as Councilor Lacey is unable to attend.

12 104-Animal Control Ordinance Sections 6-700 through 6-801

Solicitor Lane noted that this ordinance hasn't been addressed for several years. Officer Parker has been instrumental in revision of the ordinance and has researched with surrounding communities. Officer Parker presented with the following explanations to proposed changes:

-section 6-801 (d)-increasing first violation penalty to (\$50) fifty dollars, second violation to (\$75) seventy five dollars and subsequent violations to (\$100) one hundred dollars. This is being done as fees haven't been changed for quite some time and would result in the town being in line with surrounding communities.

-section 6-801(g) change the deadline for licensing to March 1 as this allows owners two months to license their dogs before penalties are imposed.

-section 6-801(h) add "in an approved facility by the Chief of Police" as the town doesn't have a town pound; therefore language provision is warranted.

Councilor Harrington suggested revision of the language for clarity purposes to "In a facility approved by the Chief of Police".

-section 6-801 (i) this language is being proposed to be in line with above and the fact that the town doesn't have a pound.

-section 6-801(k) language change to "service dogs" to run parallel with state law as service dogs encompass more than simply seeing eye dogs

-section 6-801(l) language added regarding "displaying of tags"

-section 6-801(m))language added regarding "feeding of wildlife" -this addition came about due to complaints, especially surrounding Whitman's Pond.

Councilor DiFazio suggests moving this section “feeding of wildlife” and assign its own fee penalty structure.

-section 6-801 (n) language added regarding “failure to identify to Animal Control Officer/Law Enforcement”

-section 6-801 (o) language added regarding “posted Town of Weymouth property”-this is being done as there is no enforcement mechanism currently and this would address that.

-section 6-801 (p) language added for “animals left unattended in motor vehicle”.
A discussion ensued regarding assigning a monthly definition to this section and Officer Parker cautioned that we could have cold or hot days in off months.

-section 6-801 (q) language added regarding “unattended dogs”--discussion ensued regarding barking and disturbing peace calls and our inability to assign hours to this section of the ordinance, as some people work at night and sleep during the day. Officer Parker noted that he receives numerous complaints, regarding barking--averaging about 6 (six) per week.

-section 6-802 (Dangerous and Vicious Dog) is entirely new and was taken from the City of Brockton and the MSPCA.

Councilor Harrington noted concern with the definition of a dangerous/vicious dog and cited under section 3 that if a dog is aggressive towards an individual trespassing on private property that he doesn’t define that as dangerous or vicious. Officer Parker makes that determination and it is discretionary. Solicitor Lane cautioned that proposed changes remain flexible or the town could run into an issue if the need to appear in court arises.

Additionally, there was a discussion on section 6-802 entitled “Registration of Dangerous or Vicious Dog” whereby Councilor Mathews noted that the deadline of January 1 is a holiday and he suggests changing to January 15.

Chairman Smart noted that the public hearing on the proposed animal ordinance is scheduled for September 24th and the committee will meet subsequent to that time. He asked that Officer Parker forward the committee’s suggested revisions to Ms. Hachey.

ADJOURNMENT

At 8:38 PM , there being no further business, a MOTION was made by Councilor Hackett to ADJOURN the meeting and was seconded by Councilor Harrington. UNANIMOUSLY VOTED.

Respectfully submitted by Diane Hachey as Recording Secretary

Approved by Michael Smart as Chairman of the Ordinance Committee