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GLOUCESTER CITY COUNCIL  
**Ordinances & Administration Committee**  
**Kyrouz Auditorium – City Hall**  
**Tuesday, October 20, 2015 – 6:00 p.m.**

**AGENDA**

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

**1. Reappointments:**

EDIC	J. Ronald Ross	TTE 07/01/18
Gloucester Cultural Council	Mary Rhinelander McCarl	TTE 02/14/18

- 2. CC2015-032 (Stewart) Amend Chapt 4, Art. II “Dogs” as most recently amended in 2014 by deleting Sections 4-15, 4-15(a), 4-16(b), 4-16(c) and 4-21(c); renumber Sec. 4-22 through 4-23; and adding new Sec. 4-22 “Enforcement and Penalties,” and adding new Sections 4-15, 4-16(a) Rules and conditions for all dogs,” 4-16(b) “Additional rules and conditions for large dogs,” 4-16(c) “Locations where dogs must be leashed or at large with restrictions,” 4-21(c), and 4-22 “Enforcement and Penalties”**

COMMITTEE

**Councilor Robert Whynott, Chair**  
**Councilor Robert Stewart, Vice Chair**  
**Councilor Joseph Ciolino**

Back-up and Supporting Documentation all on file at the City Clerk’s Office, City Hall

CC: Mayor Theken  
Jim Destino  
Linda T. Lowe  
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 Hall  
Nine Dale Avenue  
Gloucester, MA 01930



CITY OF GLOUCESTER  
OFFICE OF THE MAYOR

TEL 978-281-9700  
FAX 978-281-9738  
rtheken@gloucester-ma.gov

August 31, 2015

Mr. J. Ronald Ross  
243 Atlantic Road  
Gloucester, MA 01930

Dear Ron:

I am pleased to reappoint you to a three year term on the EDIC. Your appointment will be sent to the City Council for their meeting of September 8, 2015. Confirmation of your appointment will be referred out to the next Ordinance and Administration subcommittee meeting, and you will be notified by the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

In order for you to continue voting at meetings until your appointment confirmation is finalized, I have issued you a 90 day temporary appointment. Please report to the City Clerk's office to pick up your appointment card and be sworn in at your earliest convenience.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to continuing to work with you in the coming years to help make Gloucester a better place for all of us to live.

If you have any questions or if you require additional information, please feel free to contact my office.

Thank you again.

Sincerely,

Sefajia Romeo Theken  
Mayor

cc: Mayor's Report to the City Council  
Enclosure



**PART I ADMINISTRATION OF THE GOVERNMENT**

**TITLE XVII PUBLIC WELFARE**

**CHAPTER 121C ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATIONS**

**Section 3 Economic development and industrial corporation; authority to organize; consolidations; members of board of directors; surety bonds; compensation and reimbursements**

**Section 3.** There is hereby authorized in each municipality in the commonwealth the organization of an economic development and industrial corporation, a public body politic and corporate, hereinafter referred to as the corporation. No such corporation, however, shall be organized, transact any business, employ any personnel or exercise any powers until the city council with the approval of the city manager, in a city having a Plan D or Plan E form of charter, or with the approval of the mayor in any other city, or a town at an annual town meeting or a special town meeting called for the purpose, shall by vote declare a need for such a corporation because unemployment or the threat thereof exists in the city or town or that security against future unemployment and lack of business opportunity is required and that attracting new industry into the municipality and substantially expanding existing industry through an economic development project or projects financed under this chapter and implemented by such a corporation would alleviate the unemployment and lack of business opportunity problems.

In the event that two or more municipalities wish to consolidate their economic development and industrial corporations, each such municipality desirous of such a consolidation shall so vote as a city or town in the manner hereinbefore described. Such a vote may be made at the same time as the vote to organize the corporation or may be made at a time subsequent thereto.

There shall be seven members of the board of directors of the corporation who shall be appointed by the municipality. At least one member shall be experienced in industrial development, one in financial matters, one in real estate matters, one in municipal government, at least one member representative of low income people who shall be chosen from a list of three submitted by the regional or local community action agency or, where there is no such agency, from a list of three submitted by the department of housing and community development. The appointing municipality shall designate one of the seven members as chairman and another as vice-chairman. Each of the seven members shall be sworn to the faithful performance of his official duties as a director of the corporation. A majority of the seven directors shall constitute a quorum for the transaction of any business, but the action of a majority of the entire board shall be necessary for any transaction. For the purposes of section eleven A of chapter thirty A of the General Laws, the corporation shall be

deemed to be an authority established by the general court to serve a public purpose in the commonwealth. Of the members of the corporation first appointed, two shall be appointed to serve for one year from the first day of July in the current year, two for two years from said date, and three for three years from said date. Upon the expiration of the term of office of any such member, or of any subsequent member, his successor shall be appointed in like manner for a term of three years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no member of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed.

Any member may be removed by the municipality for malfeasance, misfeasance, or wilful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived, and after approval by MOBD. For purposes of chapter two hundred sixty-eight A of the General Laws, the members of the corporation shall be deemed to be special municipal employees.

Before the issuance of any bonds under the provisions of this act, each member of the corporation shall execute a surety bond with a surety company authorized to transact business in this commonwealth as surety, in the penal sum of fifty thousand dollars conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by the legal counsel of the municipality and filed in the office of the state secretary. The members of the corporation shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.

City Hall  
Nine Dale Avenue  
Gloucester, MA 01930



TEL 978-281-9700  
FAX 978-281-9738  
stheken@gloucester-ma.gov

**CITY OF GLOUCESTER  
OFFICE OF THE MAYOR**

October 6, 2015

Mrs. Mary Rhineland McCarl  
28 Old Nugent Farm Road  
Gloucester, MA 01930

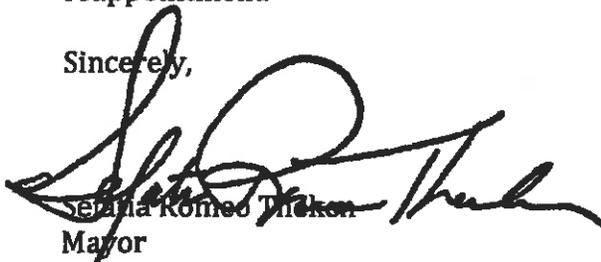
Dear Mary:

It has come to our attention that your reappointment to the **Gloucester Cultural Council** was not processed when it was due on February 14, 2015. Therefore, in order to correct this error, I am pleased to now submit you as a candidate for reappointment for a three year term on the Gloucester Cultural Council. Your reappointment will be retroactive to February 14, 2015 and your term will expire on February 14, 2018.

I have issued you a 90 day temporary appointment to continue to serve on this committee, and your reappointment will be forwarded to the City Council for their meeting of October 13, 2015. Confirmation of your reappointment will be referred out to the Ordinance and Administration subcommittee, and you will be contacted by the Clerk of Committees as to the date on which the O&A committee will review your appointment.

On behalf of the City of Gloucester, I greatly appreciate your service on the Gloucester Cultural Council and appreciate your patience as we work to resolve the error with your reappointment.

Sincerely,



Serina Romeo Theken  
Mayor

cc: Mayor's Report to the City Council.

MARY RHINELANDER McCARL  
28 Old Nugent Farm Road  
Gloucester, MA 01930-3167  
978-281-5269  
[mrmccarl@post.harvard.edu](mailto:mrmccarl@post.harvard.edu)

October 5, 2015

Mayor Sefatia Romeo Theken  
City of Gloucester, Massachusetts  
9 Dale Avenue  
Gloucester, MA 01930

Dear Mayor Romeo Theken:

I would like to serve another term on the Gloucester Cultural Council. Through an oversight on my part, I did not realize that my term expired February 14, 2015. I am acting as the recording secretary for the Council and enjoy the job, so I would like to continue.

There are few groups in the city which make so many people happy while not costing the city any money. We support story-tellers, we pay for bus service so children may attend performances out-of-town, we pay for performers to bring joy at the Senior Center.

Many thanks for your consideration,

A handwritten signature in black ink, appearing to read "Mary R. McCarl". The signature is written in a cursive style with a long, sweeping underline.

Mary Rhineland McCarl

**PART I ADMINISTRATION OF THE GOVERNMENT****TITLE II EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH****CHAPTER 10 DEPARTMENT OF THE STATE TREASURER****Section 58 Local and regional cultural councils**

Section 58. Any city or town may establish a local cultural council and any consortium of cities and towns, with the approval of the council, may establish a regional cultural council. Local cultural councils shall consist of at least five and not more than twenty-two members to be appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.

Regional cultural councils shall consist of an equal number of members to be appointed from each city or town within the consortium in the manner herein described. The regional cultural council may adopt, at its option, a proportional membership consistent with the population of each municipality; provided, however, that each municipality shall have at least one member; and provided, further, that the adoption of such option shall be by a two-thirds vote of the regional cultural council. Notwithstanding any provisions to the contrary, if the council deems it necessary or desirable in order to carry out the purposes of this section and sections fifty-six and fifty-seven, the council may certify for payment in accordance with the provisions of section fifty-six those applications for funds received from any local or regional cultural councils whose composition is determined by the council as not complying with the provisions of this section, provided that upon notice of such noncompliance, such local or regional cultural council, or its appointing authority, as the case may be, either cures such noncompliance or provides certification satisfactory to the council of how and by when such compliance will be achieved.

Members of the local and regional cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. Members shall not be elected public officials. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional cultural council member who is authorized thereby to make disclosure to such member's city or town clerk or

appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional cultural council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional cultural councils shall annually elect a chairman, secretary and treasurer.

Local and regional cultural councils may establish administrative units, but no such cultural council shall utilize more than five percent of the monies received from the State Arts Lottery Fund for administrative purposes, including member expenses.

Subject to rules, regulations, rulings or guidelines of the council, such local or regional cultural councils may decide the distribution of arts lottery funds or other funds that may be allocable to them, may also conduct other activities to promote and encourage the arts, may enter into contracts, subject to approval of town counsel or city solicitor as to form, and may do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of sections fifty-six to fifty-eight, inclusive. Nothing in the provisions of section twenty-seven of chapter ten shall prevent a local or regional cultural council or an arts organization, or their agents or employees, from encouraging the sale of lottery tickets for the arts nor from being licensed as agents to sell lottery tickets for the arts.

Notwithstanding the provisions of section fifty-three A of chapter forty-four, local and regional cultural councils may accept grants, contributions, gifts, bequests, devises, and other donations from all sources, including governmental bodies and shall deposit such monies and any other revenues, including revenues derived from local or regional cultural councils activities, in the revolving fund established under the provisions of this section. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local or regional cultural council for the same purposes as arts lottery funds, including administrative expenses, provided, however, that the council may by rule, regulation, ruling or guideline establish further clarification of such purposes as well as procedures to assure that such funds are so used.

Notwithstanding the provisions of section fifty-three of chapter forty-four, any city, town or consortium of cities and towns otherwise pursuant to the provisions of section four A of chapter forty, shall establish in the city or town treasury, or in one of the cities or towns in the consortium a revolving account which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited all receipts from the state arts lottery fund, distributed under the provisions of section fifty-six, and any other receipts or donations to the local or regional cultural council authorized by law. A treasurer of a city, town or regional consortium as custodian may invest such portion of cash as deemed not required until such

funds are to be expended and in such investments as are authorized under the provisions of section fifty-five of chapter forty-four. All such funds, including interest earned thereon, may be expended at the direction of the local or regional cultural council, without further appropriation, and such council may establish a subcommittee of no less than two members and may delegate thereto its authority to approve all payrolls, bills, requests for payment, or accounts prior to submission to the accountant, auditor or official performing similar functions; provided, however, that such subcommittee shall make available to such council at its next meeting, a record of such actions of such subcommittee; and provided further, however, that such funds as shall not have been expended twelve months after receipt shall be segregated and subject to further appropriation by the mayor, city council, city manager, board of selectmen or town manager for the purposes provided in sections fifty-six to fifty-eight inclusive. The city auditor, town accountant, or officer having similar duties, shall submit annually a report of said, revolving fund to the mayor, city council, city manager, board of selectmen, or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts and the council.



## CITY OF GLOUCESTER 2015 CITY COUNCIL ORDER

**ORDER:** CC#2015-032  
**COUNCILLORS:** Robert Stewart

**DATE RECEIVED BY COUNCIL:** 09/08/15  
**REFERRED TO:** O&A  
**FOR COUNCIL VOTE:**

**ORDERED** that Chapter 4, Art. II “Dogs” as most recently amended in 2014 be further amended by **DELETING**:

Sections 4-15 “Running at Large Prohibited”; 4-16(a) “Dogs allowed on Beaches at Certain Times”; 4-16(b) “Dogs prohibited in City Owned Cemeteries”; 4-16(c) “Dogs Prohibited on Athletic Fields” and 4-21(c) “Dog Fouling”.

And by **RENUMBERING** Sec.4-22 to Sec.4-23 and by:

**ADDING** a new sec.4-22 “Enforcement and penalties” and by **ADDING** new Sections 4-15; 4-16(a); “Rules and conditions for all dogs”; 4-16(b) “Additional rules and conditions for at large dogs”; 4-16(c) “Locations where dogs must be leashed or at large with restrictions”; 4-21(c); and 4-22 “Enforcement and Penalties.

The complete text of the new proposed amendments are attached to this Order.

**FURTHER ORDERED** that the Ordinances & Administration Standing Committee shall seek public input on these proposed amendments before any changes are made to the “Dogs” ordinance.

Robert Stewart  
Ward 4 Councillor

Gloucester Code of Ordinances, Article II DOGS, proposed changes to Sections 4-15, 4-16a, 4-16b, 4-16c and 4-21.

- I. Section 4-15 is hereby deleted and replaced with the following:

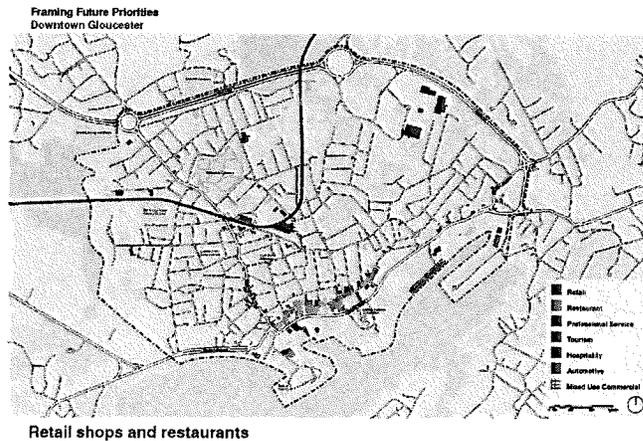
**Sec 4-15 Dogs Running At Large Restrictions**

(a) No person owning or keeping a dog in the City shall permit such dog at any time to run at large on public property other than as set forth in Sections 4-16a through 4-16c, or to run at large on private property without authorization by the owner.”

(b) Definitions: for purposes of Sections 4-15, 4-16a, 4-16b and 4-16c, the following terms shall have the following meanings:

1. “Leashed” attached to a leash not exceeding 12 feet in length.
2. “At large” without a leash on and in the hands of the owner or another competent person.
3. “Owner” as the term pertains to a dog, the legal owner or one of the legal owners of the dog;
4. “Owner” as the term pertains to property, the legal owner or one of the legal owners of the property, or the person or one of the persons in possession of the property, including but not limited to a tenant of the owner thereof.
5. “Guardian” a competent individual accompanying a dog in the place of the owner
6. “Competent person” an individual who is physically and mentally capable of controlling a dog on its leash.
7. “Direct control of dog” the voice, leash, electronic or other means of preventing a dog from leaving the immediate vicinity of the owner or guardian thereof or returning a dog which has left that immediate vicinity to that immediate vicinity.
8. “School athletic fields” - athletic fields regularly used by schools for formal athletic contests and practices
9. “Play areas” - areas designed for children to play.
10. “Dog Areas” or “Dog Parks” Specific lands or areas which are designated by Ordinance, or are designated by the Director of the Department of Public Works pursuant to Section 4-16(d), as off-leash dog areas.

11. "Downtown" is defined as within the blue-hashed areas in the map below



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Source: The map is from July 10 2013 presentation "Framing Future Priority Downtown Gloucester."

II. Section 4-16a is deleted and replaced with the following:

**Sec 4-16a...Rules and conditions for all dogs:**

- (1) Dogs are not allowed on city owned athletic fields during periods where such fields are generally used for athletic contests or practices, or during periods when such fields are in fact being used for athletic contests or practices. For this purpose, grandstand or other normal viewing areas for athletic events are not considered to be on the athletic field, but dogs in those areas immediately before, during and immediately after an athletic event must be leashed. Dogs are permitted on leash or off-leash on athletic fields during periods not generally used for athletic contests and practices unless there is in fact an athletic contest or practice in progress.
- (2) Dogs must be leashed in any play area where children, other than those of or with the owner or guardian of the dog, are present
- (3) The owner/guardian of any dog on public or private property shall remove all feces of the dog from that property and dispose of it as set forth in Section 4-21.
- (4) Dogs must be up to date on all legally required vaccinations.
- (5) Dogs who have been determined by an Animal Control Officer to have a history of being a danger to the public or to themselves, including but not limited to chasing or attacking other animals or people, chasing vehicles, or doing damage to private or public property, or create a nuisance through excessive barking or repeated trespassing, must be managed by its owner or guardian, including leashing, muzzling or any other controls determined by an Animal Control Officer.

- (6) Dogs with contagious diseases must be leashed at all times and shall not be permitted to be in contact with other animals or humans in public areas.
- (7) At all times off the property of the owner or guardian and not under the care of veterinary personnel, dogs must have a collar on them with current license and rabies vaccination tags attached. For purposes of this provision, if proof of rabies vaccinations are a requirement for obtaining the current license, the license tag shall be deemed to also be a vaccination tag.
- (8) Dogs must have on their collar or otherwise on or in their bodies some means to contact the owner of the dog.
- (9) Dogs may not be left unattended, except for short intervals but then only if secured.
- (10) Dogs younger than 4 months of age must be leashed at all times except in Dog Parks or Dog Areas.
- (11) No more than three dogs may be under the control of one owner or guardian without an additional competent person in attendance for each one to three additional dogs.
- (12) Owners or guardians must fill in any holes dug by any dog under their stewardship.
- (13) Dogs are not permitted at any time in city owned cemeteries.

III. Section 4-16b is deleted and replaced with the following:

**Sec 4-16b Additional rules and conditions for at large dogs.**

- (1) Dogs must be direct control of owner/guardian at all times.
- (2) Dogs are not permitted to be at large if not under direct control of owner/guardian.
- (3) The owner or guardian of a dog must carry a leash for each dog under its auspices who is off of the property of the owner or guardian
- (4) If an at large dog is on a public way or sidewalk with its owner or guardian and another individual with a leashed dog is on the same public way or sidewalk and requests the owner or guardian to leash the dog, the owner or guardian shall retrieve and leash the dog until the requesting individual has left the proximity or rescinds the request. If an at large dog is on a beach or public park or other area of congregation by the public, and the dog is acting aggressively toward another individual or leashed dog, the individual or the owner or guardian of the leashed dog and requests the owner or guardian of the at large dog to leash the dog, the owner or guardian of the at large dog shall retrieve and leash the dog until the requesting individual has left the immediate vicinity of the owner or guardian or rescinds the request.

III. Section 4-16c is deleted and replaced with the following:

**Sec 4-16c Locations where dogs must be leashed or at-large with restrictions:**

(1) Dogs must be leashed:

- (A) In high activity areas, other than areas designated as “Dog Parks” or “Dog Areas” or like terms by the Director of the Department of Public Works
- (B) Downtown, except for areas designated as “Dog Parks” or “Dog Areas” or like terms and except for otherwise designated as off-leash by the Director of the Department of Public Works.
- (C) Stacy Boulevard
- (D) Stage Fort Park in the vicinity of gatherings of more than twelve (12) people (other than Dog Parks or Dog Areas
- (E) Shopping malls and other areas having a significant concentration of commercial activity.
- (F) Sidewalks and foot paths with high volume pedestrian traffic or adjacent to high-speed automobile traffic.

(2) Dogs may be at large with restrictions as follows:

(A) Stage Fort and other city-owned parks: Leashed from May 1 through September 30, except between sunrise and 9:00 am; off-leash permitted at all times from October 1 through April 30

(B) Beaches .

- (i) From May 15 through September 15, off leash dogs are prohibited on Good Harbor Beach, Half Moon Beach, Niles Beach, Plum Cove Beach, and Wingaersheek Beach.
- (ii) From September 15 through May 14, off leash dogs are permitted on Half Moon Beach, Niles Beach, and Plum Cove Beach.
- (iii) From April 15 through May 14, and from September 15 through October 14, off leash dogs are permitted on even numbered days on Good Harbor Beach and on odd numbered days on Wingaersheek Beach, and from October 15 through April 14 on all days on those two beaches.
- (iv) From October 15 through April 14, off leash dogs are permitted on Good Harbor Beach and Wingaersheek Beach on all days.
- (v) Dogs are permitted off leash at all times on Pavillion Beach, Boulevard Beach and Cressy Beach.

(C) All of the off leash permissions in this Paragraph (2) are also subject to the requirements of Sections 4-16a and 4-16b.

IV Section **4-21(c)** shall be deleted and replaced by the following new section 4-21(c):

For the purposes of this section, the means of removal of canine feces shall be any tool, implement, bag, glove or other device suitable for picking up and containing feces without leaving significant remnants at the location. Disposal shall be accomplished by EITHER placing the contained feces in a public disposal bin in the immediate vicinity unless the bin indicates that it is not suitable for deposit of animal feces. OR transported to another facility or device designed for the disposal of animal or human feces, including, but not limited to a private or public toilet facility, or designated as appropriate by regulations of, or notices from, the City Health Department or City or State Board of Health.

V Present Section 4-22 is renumbered 4-23, and a new 4-22 is inserted to read as follows:

**"4-22 Enforcement and penalties.**

- (a) Sections 4-15, 4-16a, 4-16b and 4-16c shall be enforced as set forth in Section 4-20
- (b) Each violation of Section 4-16a(3) shall be subject to a fine of \$200 for each offense.
- (c) Each violation of the provisions of Sections 4-15, 4-16a, 4-16b or 4-16c other than Section 4-16a(3) shall be subject to a fine of \$50.00 for each offense, provided that, for purposes of the fines set forth in this clause (c), a single occurrence that violates more than one of the provisions whose fines are set forth in this clause (c) shall be deemed to be a single violation.