

## **ANIMAL AND DOG PARK ADVISORY COMMITTEE MEETING**

Friday, November 6, 2020

8:00 am – 9:00 am

### **MEETING TO BE HELD VIA ZOOM**

#### **Meeting Link:**

<https://us02web.zoom.us/j/84355790611?pwd=Ukd6MjVEdHI1ZWtXOG91NFlnRnRsZz09>

**Meeting ID:** 843 5579 0611

**Passcode:** 955378

**To Join by Phone:** 1-929-436-2866

*If you have difficulty joining, please call Julie Chizmas at 603-589-3064*

### **AGENDA**

1. Introduction of New Committee Member Kathy Abel
2. Adoption of the [October 2, 2020 Meeting Minutes](#)
3. Follow-up on City Ordinances
  - [O-20-031](#): Prohibiting Pets in Fenced-In Tot Lots (Attachment 1)
  - [§93-14](#): Violations and Penalties – proposed change in fines for dog violations (Attachment 2)
4. Dog waste cleanup campaign
5. Potential Dog Park Sites
  - Millyard Dog Park Site & Feasibility Study
  - Other Potential Sites?
6. Animal Shelter and ACO Updates

**O-20-031, Amended**

Endorsers: Alderman Patricia Klee  
 Alderman-at-Large Ben Clemons  
 Alderman-at-Large Brandon Michael Laws  
 Alderwoman Elizabeth Lu

**PROHIBITING DOGS IN FENCED-IN TOT LOTS****MOTION BY ALDERMAN KLEE TO AMEND O-20-031 BY REPLACING IT WITH THE GOLDENROD COPY OF AMENDMENTS MADE AT THE PERSONNEL/ADMINISTRATIVE AFFAIRS COMMITTEE, BY ROLL CALL**ON THE QUESTIONAlderman Klee

And if I may speak to that?

President Wilshire

Alderman Klee.

Alderman Klee

Thank you so much. The animal, I am blanking on the name... the Committee that we put together, thank you very much Alderman Lopez. They made three very, very good recommendations to the original Ordinance. And that was to change the prohibiting dogs in fenced in tot lots, just prohibiting pets in fenced in tot lots. At their Committee they had discussed that we live in a City of multi kind of pets from lizard type things to chickens to everything. And they just felt that it was more encompassing to change it from "dogs" to "pets". I would hope that someone is not going to bring their pet chicken to run around there but you never know. It was just a better way to go. The second thing that they changed was to add in that so for instance it says "bring in a pet into the following fenced in tot lot except for service animals". I had not addressed that perhaps service animals should be able to go in there and they picked that up right away and asked for that to be added and the Personnel/Administrative Affairs Committee did make that.

And the other thing that they asked was that we reference "future" fenced in tot lots. So those are the three amendments to that. Once we vote on that I can address the Ordinance itself.

President Wilshire

The Motion is to amend with the Golden Rod Copy. Further discussion on that motion. Seeing none would the Clerk please call the roll?

A viva voce roll call was taken which resulted as follows:

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd,  
 Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza,  
 Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Laws,  
 Alderman Cleaver, Alderwoman Harriott-Gathright, Alderman Wilshire 15

Nay: 0

**MOTION CARRIED****MOTION BY ALDERMAN KLEE FOR FINAL PASSAGE OF O-20-031 AS AMENDED, BY ROLL CALL**

ON THE QUESTIONAlderman Klee

And may I speak to it for a moment?

President Wilshire

You may.

Alderman Klee

Thank you so much. The reason that this Ordinance that this came about was a number of phone calls from constituents that had gone into the Shattuck Street Tot Lot and there was a lot of excrement to say the least I guess. So it became quite an issue. And then I heard from constituents who had been to other tot lots and experienced the same thing. When I originally had asked for this to be drafted, I had asked for all tot lots. But in speaking with Public Works, Parks & Recreation, it was made very clear that would be difficult to say all tot lots because there are some tot lots, for instance, the Salem Street tot lots where people just kind of walk through it. It's almost a pass through so to say that someone could not bring their dog just doesn't make any sense.

So we decided that it would be fenced in tot lots. And at this point in time we have only four fenced in tot lots in the City. So we have the Shattuck Street, the Belvedere Bridge Street, the Erion Field, Robinson Road, Jeff Morin Playground at Roby Park and then we did add the item of any other tot lots that become fenced in. So that's really where this came about and I think it's a good idea, as a person who has dogs, I just don't think that it is appropriate for them to go into any area where children are going to be playing on the ground and so on. And even if they did pick up the excrement, there are other liquids that are deposited by dogs as well. So that's where this came from and it's a long evening so hopefully we can just go to a vote.

President Wilshire

The Motion is for final passage of Ordinance 20-031 as amended. Alderman Lopez.

Alderman Lopez

I just want to add support to this. I think it was a good idea to propose it. I think the Animal Park Advisory Board did a good job of making recommendations and that Personnel/Administrative Affairs Committee also reviewed in in good conscious. I think it's going to be a positive addition to our Legislation.

President Wilshire

Anyone else? Seeing none, the motion is for final passage of Ordinance 20-031 as amended by roll call. Would the Clerk please call the roll?

A viva voce roll call was taken which resulted as follows:

Yea: Alderman O'Brien, Alderman Klee, Alderwoman Kelly, Alderman Dowd, Alderman Caron, Alderman Clemons, Alderman Lopez, Alderman Tencza, Alderwoman Lu, Alderman Jette, Alderman Schmidt, Alderman Laws, Alderman Cleaver, Alderwoman Harriott-Gathright, Alderman Wilshire	15
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Nay:	0
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**MOTION CARRIED**

Resolution O-20-031 declared duly adopted as amended.

**O-20-032**

Endorsers: Alderman-at-Large Brandon Laws  
Alderman Thomas Lopez  
Alderman Jan Schmidt  
Alderman Skip Cleaver  
Alderwoman-at-Large Shoshanna Kelly  
Alderwoman Elizabeth Lu

**REDUCING THE FINE FOR OVERNIGHT PARKING VIOLATIONS****MOTION BY ALDERMAN LAWS FOR FINAL PASSAGE OF O-20-032, BY ROLL CALL**ON THE QUESTIONAlderman Laws

If I could briefly speak to it?

President Wilshire

Alderman Laws.

Alderman Laws

Thank you. You've all heard the arguments for this. It absolutely will result in the City losing some of the fine revenue. I spoke with Director Cummings today for awhile and we hashed it out and before the late fees, the number we came up with was with the \$10.00 parking fee the difference is going to be somewhere in the ballpark of \$112,000.00/\$113,000.00 a year that the city isn't making in parking fee revenue. Now that is a substantial amount of money, he promised me that it doesn't mean that anybody is going to lose their jobs. Because of the way it's structured right now, he basically is just giving people extra hours. I am paraphrasing him and he can correct me if he finds anything I say to be misleading or wrong. But he basically gives people hours to go out and do this so there's not set schedule, and there's no set people doing it. It's not someone's particular job to go out and do overnight parking tickets. So no one is going to lose their job because of this.

He says that it is going to be difficult to find other ways to find this \$112,000.00 but there are going to be ways to do it. And I would just like to make the simple argument that this is \$112,000.00 that is disproportionately shouldered by people who live in our lowest income neighborhoods; people who work in the service industry, who go out to the car after work and get a parking ticket because they got out of work late. And people who go to the restaurants and bars and future Performing Arts Center that we all pretend that we care so much about and want to be responsible and not drive home afterwards after having a few drinks.

So I mean I am OK with taxing people broadly, but I believe in equity in the tax and I don't think that this is fair to all of our residents when only a few of them are the ones that have to shoulder this burden. So that's where I am at. Thank you, Madam President.

President Wilshire

You're welcome. Discussion? Alderman O'Brien?

## Attachment 2

**From:** [Langis, Robert](#)  
**To:** [Klee, Patricia](#); [Tom Lopez](#)  
**Cc:** [Chizmas, Julie](#)  
**Subject:** Proposal to change NRO 93-14  
**Date:** Monday, October 12, 2020 11:50:08 AM

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**CAUTION:** This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Animal Advisory Comm. Members,

Good morning. I would like to propose a change to NRO 93-14. This was brought up in Sept but was accidently left off the agenda for October.

Currently under the city ordinances a dog related offense is punishable by a fine of \$25 while other animal offenses are punishable by up to a \$1,000 fine.

As an example, a repeat offender of chickens getting loose could face up to \$1,000 while a repeat "dog at large" offender only get \$25.

I believe the courts should have more discretion in the dog related offenses. No one is going to request or impose the max fine but a repeat offender should be liable for increased penalties.

Considering the time and cost involved in a "dog at large" complaint, police resources to locate and catch the animal and transport it to the pound, time for the ACO or police officer to fill out the reports, complaints and testifying in court, it costs more to pursue than the penalty!

The simple solution is to delete the phrase , "except that violation of an ordinance relating to dogs shall be punished by a fine of \$25." Changing the comma preceding the text with a period.

Below are the related chapters as they are currently written.

### [93-14 Violations and penalties.](#)

[Amended 5-14-1996 by Ord. No. O-96-11; 8-11-1998 by Ord. No. O-98-42; 3-23-1999 by Ord. No. O-98-90; 8-12-2003 by Ord. No. O-03-191]

Any owner found violating any provision of this article shall be guilty of a violation and upon conviction thereof shall be punished as provided in § [1-12](#) of the City Code, except that violation of an ordinance relating to dogs shall be punished by a fine of \$25.

1-12

General penalty for violation of ordinances.

Whenever in the Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of the Code or any ordinance shall be

punished by a fine of not more than \$1,000 and/or the issuance of a citation. Each day any violation of any provision of the Code or of any ordinance shall continue shall constitute a separate offense.

1-13

Extended applicability.

This section shall be applicable to accomplices and accessories as well as to principals, and to attempts; and a violation, failure to comply or conspiracy on the part of a corporation shall also constitute a violation, failure to comply or conspiracy on the part of any and all individuals participating therein.

Your consideration is appreciated. If you have any questions please contact me.

Bob Langis  
Animal Control Officer  
Nashua Police Dept  
603-594-3500

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