

## NEWLY ENACTED DOG ORDINANCE PROVISIONS

REVISED JULY 5, 2022

The Town Council enacted new ordinance provisions concerning dogs on Monday, November 15<sup>th</sup>, 2021, and amended them on July 5, 2022. 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 10-67, 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 at all and/or restricted to specific times of use on the listed beaches 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 a.m. to 11 a.m. and from 3 p.m. to 7 p.m.

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

Dogs may be off-leash limited hours: From May 16<sup>th</sup> through September 30<sup>th</sup>  
6 a.m. to 10 a.m. and 5:30 p.m. until sunset

Dogs are not permitted to be anywhere on the beach:  
From May 16<sup>th</sup> through September 30<sup>th</sup> at all other hours  
outside the limited hours listed above

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 may be off-leash limited hours only the portion of the beach north of the middle rock jetty:  
From May 16<sup>th</sup> through September 30<sup>th</sup>  
6 a.m. to 10 a.m. and 5:30 p.m. until sunset

Dogs are not permitted to be anywhere on the beach:  
From May 16<sup>th</sup> through September 30<sup>th</sup> at all other hours  
outside the limited hours listed above

5.) PARK DOCK

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

Dogs may be off-leash limited hours: From May 16<sup>th</sup> through September 30<sup>th</sup>  
6 a.m. to 10 a.m. and 5:30 p.m. until sunset

Dogs are not permitted to be anywhere on the beach:  
From May 16<sup>th</sup> through September 30<sup>th</sup> at all other hours  
outside the limited hours listed above

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 a 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 ARE 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.

## DOGS ARE PROHIBITED ON SCHOOL AND LIBRARY PLAYGROUND PROPERTIES

Additionally, Sec 10-67 now includes prohibiting an owner or keeper to allow a dog to be in or on (a)the schoolyards, school property, and (b), library playground properties, adjacent to the Jamestown Library.

## 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 from 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 provided that "all pets if permitted, must be kept on a leash at all times while in any of the town recreational facilities". Section 51 provided that "no dogs, horses, or other animals shall be allowed on any of the town beaches."

The Town Council also repealed these two provisions on May 16, 2022, so as to work in concert with the newly enacted provisions in Chapter 10.