



Town of Swampscott

OFFICE OF THE

Board of Health

ELIHU THOMSON ADMINISTRATION BUILDING

22 MONUMENT AVENUE, SWAMPSCOTT, MASSACHUSETTS 01907

TOWN OF SWAMPSCOTT REGULATION PROHIBITING OR RESTRICTING DOGS ON TOWN OWNED LAND

SECTION 1: PURPOSE

The purpose of this regulation is to protect the health of the general public and the environment in the Town of Swampscott.

Whereas, the Environmental Protection Agency (EPA) lists bacteria and nutrients from dog and pet waste on its list of non-point sources of environmental contamination, which are the leading remaining cause of water quality problems, as non-point source pollutants have harmful effects on drinking water supplies, recreation, fisheries and wildlife.

Whereas, the Center for Disease Control and Prevention (CDC) warns that dog waste can contain 3 million fecal bacteria, along with parasites and viruses that can be passed to human adults and children, as well as other pets and livestock.

Whereas the Centers for Disease Control state humans can become ill from numerous diseases due to contact with dog feces including but not limited to: tapeworm, hookworm, roundworm, giardia, salmonella, echinococcus, and campylobacter.

SECTION 2: LEGAL AUTHORITY

This Regulation is promulgated under the authority granted to the Town of Swampscott Board of Health pursuant to Massachusetts General Laws Chapter 111, Section 31, which provides that boards of health may make reasonable health regulations for the protection of the health and safety of the general public and of the environment, and pursuant to the Town of Swampscott General Bylaws, Article 5, Section 15(d), which states, in relevant part, that “the Board of Health may enact regulations relating to dogs on Town-owned land, which may include, but are not limited to, restricting or prohibiting dogs on certain properties at certain times; provided, however, that no such prohibition or restriction shall apply to service animals performing tasks for persons with disabilities as defined in the Americans with Disabilities Act.” The Board of Health further derives its authority to promulgate such regulations pursuant to Section 3-4 of the Charter of the Town of Swampscott.

SECTION 3: DEFINITIONS

As used in this regulation, the following words shall have the following meanings, unless the context requires otherwise:

Agent: an individual(s) who has been designated by the board of health to enforce this regulation.

Board: the Town of Swampscott Board of Health.

Dog: a domesticated carnivorous mammal that is a member of the genus Canis.

Handler: a person who trains and is in charge of animals, especially dogs.

Keeper: a person, business, corporation, entity, or society, other than the owner, having possession, custody, care, or control of the dog. This includes, without limitation, dog walkers, trainers, groomers and kennel operators, veterinarians or veterinarian technicians, and shelter employees.

Owner: a person, business, corporation, entity, or society having possession, custody, care or control of the dog for more than two consecutive weeks, or person, business, corporation, entity, or society registered as the owner of the dog on any licensing application submitted to the Town or State agencies.

Service Animal: any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, as those terms are defined in the Americans with Disabilities Act (ADA).

SECTION 4: DOGS ON TOWN OWNED LAND

A. Playing fields:

- (1) No person owning, keeping, or handling a dog within the Town of Swampscott shall allow such dog to trespass within a playing field. Playing field shall be defined under this subsection as any field designed to be used for outdoor team games or practice, whether those fields are under the control of the Town or the Swampscott School District.
- (2) Dogs are not permitted on the playing surface of synthetic turf fields controlled by the Town or Swampscott School District.
- (3) Basketball courts, tennis and pickleball courts shall be designated as “playing fields” for the purpose of this subsection

B. Playgrounds:

No person owning, keeping, or handling a dog within the Town of Swampscott shall allow such dog to trespass within a playground. Playground shall be defined under this subsection as any piece of land used for and usually equipped with facilities for recreation especially by children (such as swings and slides).

C. Parks and Cemeteries:

- (1) Dogs are not allowed in any cemetery under the control of the Swampscott Department of Public Works and Cemetery Department.
- (2) Dogs are not allowed on any Town owned park unless specifically stated as allowable in appendix 1 of this regulation. The board has the right to include or remove specific parks within appendix 1, if they feel dog access is or is not causing a public health nuisance at that park location.
- (3) Exception:
 - a.) Any area specifically designated as a “dog park” by the Town for the purpose of providing a recreational area for dogs to run off leash, while under the direct control of its owner, keeper, or handler. If the “dog park” is located within a public cemetery, dog must be driven, carried, or transported by other means other than being walked through the cemetery.

- b.) Any area of a park that is specifically designed as a dog path or walkway designated by clear borders and town created signage specifically stating dogs are allowed within that path or walkway only and must be leashed.
- c.) Any park not designated as prohibited to dogs in appendix 1, as long as dogs are leashed, and owner or keeper has a means to collect and remove and dispose dog waste.

SECTION 5: ENFORCEMENT

- (1) Whosoever violates any provisions of this regulation, shall be punished by a fine of:
 - a. \$100 for the first violation.
 - b. \$200 for a second; and
 - c. \$300 for a third or subsequent violation.
- (2) Each calendar day on which a violation occurs shall be considered a separate offense.
- (3) This regulation shall be enforced by the Board of Health, Animal Control Officers and/or any designated agents of the board.
- (4) Violations of Section 4 shall be disposed of by a civil penalty using the non-criminal method of disposition procedures contained in Section 21D of Chapter 40 of Massachusetts General Law without an enabling ordinance or by-law. The disposition of fines assessed shall be subject to Chapter 111 Section 188.
- (5) Violations of Section 4(c) and 4(d) may be disposed of by a civil penalty using the non-criminal method of disposition procedures contained in Section 21D of Chapter 40 of Massachusetts General Law.
- (6) Any person may register a complaint to initiate an investigation and enforcement by contacting the Animal Control Officer(s) through the Swampscott Police non-emergency phone line 781-595-1111 or writing a letter or sending an email to the Board of Health.

SECTION 6: EXEMPTIONS

Service animals as defined by the Americans with Disabilities Act (ADA) shall be exempt from this regulation, provided they abide by all the rules and regulations set forth by the ADA.

SECTION 7: SEVERABILITY

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

SECTION 8: EFFECTIVE DATE

This Regulation shall take effect after a majority vote of the Board to adopt such Regulation, and after posting notice and a summary describing the substance of this Regulation in the Lynn Item, in accordance with the requirements under Section 31 of Chapter 111 of the Massachusetts General Laws. *Posted on 11 / 27 /2020*

Swampscott Board of Health:



Marianne Hartmann, Chairperson



Emily Cilley



Stephanie Goodman