

NOTICE OF FINAL PASSAGE OF ORDINANCE

Notice is hereby given of Final Passage by the Berlin Town Council of the amended ordinance as follows:

Section 3-2 “Definitions” of the Animals Ordinance of Chapter III of the Code Book of the Town of Berlin and amended Section 13-32 “Dogs” of the Parks and Recreation and Open Spaces Ordinance at Chapter XIII of the Code Book of the Town of Berlin, approved and adopted by the Berlin Town Council at its December 14, 2021 meeting. The amended Sections will take effect thirty (30) days after this publication.

Amended Section 3-2 Sec. Definitions.

At large means that an animal is off the premises of the owner and not properly on a leash or lead seven (7) feet in length or less on school or other non-designated public property, and excepting playing fields, playgrounds, golf courses, tracks, outdoor courts, inside fenced-in areas at the pools, and within the initial/first fenced-in area at Scalise Field including the spectator seating area on which dogs are not allowed per Sec. 13-32 of Chapter XIII of the Code, or on a leash or lead of ten (10) feet in length or less on *Designated public property* as herein defined, which leash or lead is under the immediate control of its owner or keeper who is capable of restraining the animal at all times. A dog(s) shall not be considered to be *At large* and is/are permitted to be off-leash when said dog(s) are off-leash in the meadow area of Bicentennial Park; however, such off-leash dog(s) must be under the immediate control of its/their owner or keeper who is capable of restraining the animal(s) at all times. Dogs will be permitted to be off-leash as aforesaid for a six (6) month period of time from February 1, 2022, or such shorter or longer period of time as the Town Council acts to permit, with those conditions, limitations, and/or restrictions it deems appropriate in its discretion.

Public nuisance means any animal that endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance” shall include, but not be limited to, any animal that:

- (1) Is repeatedly found running *At large* as herein defined;
- (2) Is in any section of any park or open space land where animals are not permitted; or where permitted, is not properly on a leash or lead seven (7) feet in length or less on school or other non-designated public property or on a leash or lead of ten (10) feet in length or less on *Designated public property* as herein defined, which leash or lead is under the immediate control of its owner or keeper who is capable of restraining the animal at all times; or if off-leash in the meadow area of Bicentennial Park for a six (6) month period of time from February 1, 2022, or such shorter or longer period of time as the Town Council acts to permit, is not under the immediate control of its owner or keeper who is capable of restraining the animal at all times or is otherwise not in compliance with those conditions, limitations, and/or restrictions the Town Council imposes on such off-leash area in its discretion;
- (3) Damages or defiles any property other than that of the owner, unless the owner or keeper immediately picks up after the animal;
- (4) Barks, whines, howls or makes any noise natural to its species in an excessive or continuous fashion so as to disturb the peace, except where such activity occurs on a farm;

- (5) Is in heat and is not confined or under the owner's or keeper's control so as to prevent attraction or contact with other animals;
- (6) Whether or not on the property of its owner, that without provocation molests, attacks, or otherwise unreasonably interferes with the freedom of movement of persons in a public right-of-way or on private property other than that of the animal's owner;
- (7) Chases motor vehicles in a public right-of-way;
- (8) Is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence and the inadequacy of the facilities and care; or
- (9) Attacks another animal off the property of the owner or keeper of the attacking animal.

Under restraint means that an animal is properly secured by a leash or lead seven (7) feet in length or less on school or other non-designated public property or on a leash or lead of ten (10) feet in length or less on *Designated public property* as herein defined, which leash or lead is under the immediate control of an individual who is mentally and physically capable of restraining the animal and obedient to that person's commands; or securely enclosed (e.g., appropriate fence) within the real property limits of the owner's premises; or if off-leash in the meadow area of Bicentennial Park for a six (6) month period of time from February 1, 2022, or such shorter or longer period of time as the Town Council acts to permit, is under the immediate control of its owner or keeper who is capable of restraining the animal at all times or is otherwise in compliance with those conditions, limitations, and/or restrictions the Town Council imposes on such off-leash area in its discretion.

New Definition

Designated public property means public property on which animals can be on a leash or lead that is ten (10) feet in length or less and includes the area of Bicentennial Park which is not part of the meadow, Community Playground, Demore, Dinda, Bittner Jr. Memorial Pool, Percival Pool, The Grove, Hatchery Brook Hiking Trails, Heffernan Park, Kensington Orchards, Lamentation Mountain Open Space, Little People's Playground, The Meetinghouse, Miccia Memorial Park, Murray Heights, Papergoods Pond, Pistol Creek (with both sides of the street), Potter's Field, Ragged Mountain Hiking Trails, Senior Center, Timberlin Golf Course, Town Hall Complex, Veteran's Park, Volunteer Park, Webster Park, and Worthington Ridge Monument.

Sec. 13-32. Dogs.

Dogs are not allowed on playing fields, playgrounds, golf courses, tracks, outdoor courts, inside fenced-in areas at the pools, and within the initial/first fenced-in area at Scalise Field including the spectator seating area. Dogs are allowed on all other ground areas, provided they are properly on a leash or lead seven (7) feet in length or less on school or other non-designated public property or on a leash or lead of ten (10) feet in length or less on designated public property as defined in Sec. 3-2 of Chapter III, which leash or lead is under the immediate control of their owner or keeper who is capable of restraining the dog at all times, and their excrement must be picked up, wrapped and disposed of.

This document is prepared for the benefit of the public, solely for purposes of information, summarization and explanation. This document does not represent the intent of the legislative body of Berlin for any purpose."

Dated at Berlin, Connecticut this 22nd day of December 2021.

Kathryn J. Wall
Town Clerk