

DEPARTMENT OF CITY CLERK
CITY HALL
DECEMBER 16, 1997

The Committee on Ordinances meets this day at 5:00 o'clock p.m.,
Committee Room "A", City Clerk's Department, City Hall.

PRESENT: Chairwoman Williams, Councilwoman DiRuzzo, Councilman
Clarkin and Councilman Hassett.

ABSENT: Vice-Chairman Allen.

Also present are John D'Amico, Senior Assistant City Solicitor; Nancy
Derrig, Superintendent, Department of Public Parks and Lesley M. Skeffington,
Assistant Clerk.

**AN ORDINANCE AMENDING ORDINANCE CHAPTER 18
SECTION 8 RELATING TO "DOMESTIC ANIMALS IN PUBLIC
PARKS". (COUNCILWOMAN WILLIAMS - BY REQUEST).**

CHAIRWOMAN WILLIAMS: This is a continuation of a discussion of the
ordinance amending ordinance Chapter 18-8 relating to domestic animals in public
parks. At the previous meeting, it was suggested by the Ordinance Committee that
we take a look at all the ordinances pertaining to animal control. Because the
Animal Control officers feel that they should be revised and apparently they've
done some research and they are preparing some recommendations for the City
Solicitor. Unfortunately, they can't be at this meeting. So, we will continue that to
a later meeting. But, I think that since the Director of Parks, Nancy Derrig, will be
coming to this meeting that we can continue to discuss the specific amendment that
I had proposed. I'd like to share with the Commission, if I could, some
correspondence that has come to my attention. I have a letter dated December 16th
from the President of the Council, Evelyn Fagnoli and she says she is unable to
attend the Ordinance Committee meeting scheduled for this evening. But, she is
very interested in what the proposed dog ordinance may accomplish. (Reads from
letter submitted by Council President Fagnoli) "What I'm very concerned about
with regards to the dog ordinance is the removal of canine waste when dog owners
are walking their dogs throughout City neighborhoods and public parks. While
there may be some who obey the current ordinance, there are many so disregard it. I
do support the concept of designated areas within public parks for dog owners to
walk their dogs. But, by the same token, I believe serious consideration should be
taken before any final vote it made. I will make every attempt to attend your next
meeting regarding this ordinance." I'd like to submit that letter to the Clerk. I also
have received numerous letters on all supporting this ordinance from people who
own dogs and use Sessions Street park and are very much in favor of having
designated areas in other parks as well because they realize the impact its having on

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that particular neighborhood. I have about 60 postcards that were sent to me. All of these, except two, are from my ward. The other two are Ward Three. And I believe other Council people may have received postcards as well. Just for the record, I would like to indicate that there is a great deal of support for this concept and for the City supporting this.

COUNCILWOMAN DIRUZZO: In your area.

CHAIRWOMAN WILLIAMS: No, there are...

COUNCILMAN HASSETT: I received nine.

COUNCILWOMAN DIRUZZO: I received three.

COUNCILMAN HASSETT: Eight of which were from College Hill and one was from Mount Pleasant.

COUNCILMAN CLARKIN: I received about four from my area and a few others, not from my area.

CHAIRWOMAN WILLIAMS: The majority are probably from my ward which I'm glad of. But, I know there are others who use it that aren't from my ward and maybe just have not sent in the correspondence. I also would like to share with the Committee some information regarding Pet Pollution Solution. I asked the City Council Office to do some research because I think I had mentioned that I had seen some mutt mitts at Torro Park and they also had a dispenser similar to this. I'll pass this around to all of the members. I just thought this would be good for you to see there are solutions and that we may be able to have a public/private support for this. That we probably could get some interested businesses to advertise which is what they do in Newport, to support and maybe even pay for the supply of these mutt mitts. So, I'd like to pass this around to Committee members. They have this particular dispenser in Newport and I had Maureen Lynch do some research and she found where it is made.

COUNCILMAN HASSETT: Do they also have a designated park?

CHAIRWOMAN WILLIAMS: It's not fenced in, but dogs obviously are allowed to use Torro Park and they supply the dog mitts. So, it's not all that expensive. The dispenser is \$57.50, the mutt mitts are \$49.75 for a carton of 800 mitts. So, this is something I think we ought to be able to incorporate this ... the Council President had a concern about the elimination of the dog refuse and that would be a way to handle that. So, I just wanted to share that. This is the example of the mutt mitt and they are biodegradable. I also want to pass around a copy of the ordinance relating to domestic animals in the parks, 18-8. Now, we can go ahead and have the City Solicitor give us his recommendations.

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MR. D'AMICO: I had discussed this with the Chair earlier in light of the first draft and the first draft was really posited with the Committee in an effort to sponsor some kind of discussion. I've since had the opportunity, unfortunately, I was not at the last meeting, but I've also had the opportunity to review the minutes of the last meeting. So, in fact, it appears that the scope of the discussion has expanded. When one attempts to regulate what goes on with the parks, it appears that it is probably placed before the Board of Park Commissioners and that's pursuant to Section 1003 of the City Charter. And the language for that is "...acquire, plan, develop and maintain the areas and facilities under its charge." And what's under its charge is all green spaces. Also, it talks about determine, meaning "the Board of Park Commissioners shall determine policies, rules, regulations governing access to use of the areas and facilities under its charge." So, strictly speaking is control of the green spaces is vested in the Board of Park Commissioners. So, what the Committee may want to do, assuming it is this kind of ordinance, land use in the parks, it may want to consult the Board of Park Commissioners in order to have them implement some policies that's consistent with the Council's notation on this. Or, alternatively, it would have to regulate the behavior of persons... I was trying to think of this today and it really needs more reflection on my part is if you could regulate what people do, as opposed to where they do it. Certainly you can say, you can't have unleashed pets. It already exists. But, what I'm saying is in general. It has to do with the designation of green space as designated dog areas, really would require the action of the Board of Park Commissioners. That had been my focus earlier. When I read the minutes, you know I realized that the Committee may be talking about more than the regulation of park areas. I was prepared to listen to the kinds of things that we were talking about.

COUNCILMAN HASSETT: Madam Chair, is this an ordinance that was passed by the City Council?

MR. D'AMICO: 18-8, I'm certain it is.

COUNCILMAN HASSETT: Doesn't it delve in the parks and recreation as to whether what should and should not be.

MR. D'AMICO: The thing is that is 1946. The date of the ordinance is 1946. Now, really what that does is that predates both the ... there was a general law passed in either '78 or '79, I think it was '79 and the Home Rule Charter. Historically, you will see action by the City Council with respect to ordinances. In fact, if you look through the Code of Ordinances, it talks about what time the parks

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open and closes. But, really that authority is now vested in the Board of Park Commissioners and practically speaking has been for almost 20 years. Nancy, was it '79 for the General Assembly action?

MRS. DERRIG: I think it was '79.

COUNCILMAN HASSETT: The Charter passed in 1980

MR. D'AMICO: The Charter is passed in '80 and effective January 1, 1983.

COUNCILWOMAN DIRUZZO: No, '82 when I took office.

MR. D'AMICO: It's either '81 or '82. It governed the election of '82.

COUNCILMAN HASSETT: This ordinance remains in effect?

MR. D'AMICO: Yes.

COUNCILMAN HASSETT: So, you're saying if we amend this, where does that put us?

MR. D'AMICO: I don't know. What I'm going to tell you is as the law currently exists, the way I would suggest to the Committee going about having its wishes done with respect to designated areas in green space areas is to include the Board of Park Commissioners. I mean it's very difficult to say that... practically speaking it's very difficult to say that the City Council can't pass an ordinance that does certain things and I don't know if I'm prepared to say that.

COUNCILMAN HASSETT: That's my question. First of all, I want to find out where the lines runs. I'm not saying we wouldn't cooperate with the Board of Park Commissioners. I want to know whether we have in fact the authority to amend this ordinance to do what we want it do or what ultimately the Committee and the Council decide to do.

MR. D'AMICO: Probably not. Probably, you would want to have a regulation. The better way is to have a regulation from the Board of Park Commissioners given Section 1003 of the Home Rule Charter.

COUNCILWOMAN DIRUZZO: We have the authority to pass any ordinance we wish to pass and the thing is the language we incorporate into an ordinance speaks to other agencies. We have to have ordinances on the books that speak to things like this. The language would have to be very specific in that regards, as far as I am concerned and as far as I know. That's what I mentioned at the last meeting, these are so archaic. The laws that we have on here and there are so many questions with regard to what the City Charter allows, what are ordinances allow. They should have been certainly addressed long before this. We've had these problems for mega years and what's happened is its never truly been a priority and this is how it works in everything. Maintenance is let go until it's too

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late and then we can't afford to do maintenance of anything. We have a problem now with dogs that have been escalating for many years. As a matter of fact, I've been talking to the dog officer and those people, it has got to be two years and they did tell me they wanted help. Because I had to go to Municipal Court on a dog barking problem and it was such a federal case, not to get it to the court, but the resolution was so ridiculous. It was a \$25.00 fine for all the aggravation that we went through to get it to that level that it wasn't worthy of our time at the court. It was a \$25.00 fine. Who minds paying a \$25.00 fine? In fact, the lady who had asked to come here tonight to listen to this and then have some impute with regard it, just paged me because she just came down with a 104 fever. She really asked me, "Please don't make any decision tonight". Because there are so many things that we have to do to bring the dog regulations or laws on the books up-to-date, to speak to the problems as they are now that we shouldn't be rushing through any of this. I know that we're not going to. I think you really have to look into the question that Terry is posed tonight with regard to, do we have the authority to do this because I think that we do.

MR. D'AMICO: I've attempted to explain it. This is the language of the Charter. It says "acquire, plan, develop and maintain" then it says "determine policies, rules and regulations governing access to and use of the areas and facilities under its charge."

COUNCILMAN CLARKIN: John, basically, if the Parks Commission comes up with a regulation of the parks, can the police enforce?

MR. D'AMICO: Sure.

COUNCILMAN CLARKIN: Can the police enforce it with penalties?

MR. D'AMICO: Yes.

COUNCILMAN CLARKIN: They can. You mean to tell me that they can set-up a fine of \$50.00 or \$100 or something like that.

MR. D'AMICO: Well, because it would be the violation of the park regulation.

CHAIRWOMAN WILLIAMS: But, it doesn't have to be an ordinance. See the police like to have an ordinance to enforce. They will not enforce a regulation of the Department of Public Works or the Department...

MR. D'AMICO: She has her own police force.

COUNCILMAN CLARKIN: I'm talking about the Providence Police force.

COUNCILMAN HASSETT: Which cuts to my point, Madam Chair, we have two entities, the City Council and the Board of Park Commissioners. What

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you are saying is you can enforce regulations and, therefore, take control of parks. Suppose the regulation by the Board of Park Commissioners that says dogs can go in the park and they can do their duty and they can regulate it when the ordinance says you can't. There's no dogs allowed, there's nothing allowed.

MR. D'AMICO: That's right.

COUNCILMAN HASSETT: I mean this is an old ordinance, obviously, neat cattle and swine...

MR. D'AMICO: That's exactly my point.

COUNCILMAN HASSETT: I think you have to deal with the jurisdictional question.

CHAIRWOMAN WILLIAMS: You posited this and I've discussed it and I had the same reaction that the other two committee members are having in that the City Council is the legislative body and has the power to make ordinances that the Police Department will enforce. So, even though there is a park commission which is an agency of the City and they do have the power to make regulations. I don't see why we can't... I think your suggestion does fit right into this and it takes that into consideration. I do believe that we have to amend the ordinance because this is the Code of Ordinances, these are the rules and regulations that are enforced by the Police Department. So, I think we do have to address it here. And certainly doing it in conjunction with the Parks Department makes sense and I don't see why this couldn't be in the ordinance. I'd like to just keep it simple instead of having it be complicated. I don't think it has to contradict or one overrule the other. You know it can be a joint venture.

MR. D'AMICO: I certainly understand that and I understand the Committee's objection. I am only pointing out to you the language of the Charter and, unfortunately, to me it's clear. You know there is not a lot of latitude when it has that kind of language in it. Now, I'm talking specifically about regulation of the green spaces. It's got nothing to do with any of the other dog ordinances that the Committee may consider. It's got to do with regulations of park areas.

CHAIRWOMAN WILLIAMS: What do you recommend to us then?

MR. D'AMICO: For what?

CHAIRWOMAN WILLIAMS: For amending 18-8. You had originally given this as a recommendation. My first reaction was it was too general. However, given the feedback that you gave me about the power of the Parks Commissions, perhaps that is in line with what we should do.

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MR. D'AMICO: Forgetting 18-8 and I mean we don't have to reference it to anything. If you want to set aside designated areas in public parks, you, I think are entitled to enact a resolution which requests the Board of Park Commissioners to do just that and be very specific about how you want it set-up.

CHAIRWOMAN WILLIAMS: Okay, that's fine. But, what's happens when a lawyer says to me "You're going against the ordinance that's on the books".

MR. D'AMICO: You can repeal the ordinance. They can say whatever they want to. You repeal the ordinance and that takes care of it.

CHAIRWOMAN WILLIAMS: So, what you're saying is that since the Home Rule Charter, any ordinances that are on the books that pertain to green spaces or public parks are null and void, unless there is something in writing from the Parks Commission.

COUNCILMAN HASSETT: I think the Charter has enhanced or probably focused on areas of jurisdiction. I wouldn't say that you automatically would repeal an ordinance that has existed for some time.

MR. D'AMICO: You do not repeal ordinances that are not inconsistent with the Charter.

COUNCILMAN HASSETT: So, this is inconsistent with the Charter is what you're saying.

MR. D'AMICO: I haven't made that determination. But, assuming it is.

COUNCILMAN HASSETT: Well, it's an important determination.

MR. D'AMICO: Let's assume it is, then it's repealed. It's not an important determination because we are talking about how to do it a different way, doing it consistent with the Charter.

COUNCILMAN HASSETT: What I'm trying to find out is what jurisdiction we have. I mean either this is the ordinance that we're going to amend or repeal, we have to get from "a" to "z".

MR. D'AMICO: But, you're asking me, I've suggested more than one time that what the Committee should do is do it through a resolution of the Board of Park Commissioners.

CHAIRWOMAN WILLIAMS: Resolutions do not have any legal standings though.

MR. D'AMICO: They have legal standing, the Board of Park Commissioners may not abide by that request.

COUNCILMAN CLARKIN: I believe you're saying legal standing with police enforcement.

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CHAIRWOMAN WILLIAMS: Exactly.

COUNCILMAN CLARKIN: She does have police that patrol in Roger Williams Park and all.

COUNCILWOMAN DIRUZZO: I would like to use as an example, the time parks are supposed to close. Now, do we have an ordinance on the books, obviously, we do because police respond to it. If I call and say it's 11:30 and the kids are in the park and their making a lot of noise and their disturbing the neighborhood and it's bugging property owners and go to the park and tell them to leave, they respond. Now, we have an ordinance on the books that speaks to that. What about the Board of Park Commissioners? They're in charge of the parks.

MRS. DERRIG: We have regulations that set the curfews, as well.

CHAIRWOMAN WILLIAMS: And it's consistent with the ordinance.

MRS. DERRIG: Right.

CHAIRWOMAN WILLIAMS: And if it wasn't, you would probably come to us and say will you make it consistent with what are recommendation is. What is your reluctance to us amending this ordinance?

MR. D'AMICO: I have no reluctance. I'm just trying to tell you what the Charter says. It would have been much easier for me to do the ordinance then to do this. I'm telling you, I'm not telling the Committee anything, I'm attempting to explain to the Committee that my reading of the Home Rule Charter is that control over green space is delegated to the Board of Park Commissioners. So, I mean there is no reluctance on my part to do it, my reluctance is to inform you incorrectly and that's by saying that I think right now we can do an ordinance because I don't.

CHAIRWOMAN WILLIAMS: I wonder if we can have some feedback by you, Nancy. Do you have any reaction to this or any feedback that could assist us in this?

MRS. DERRIG: I think certainly the Board of Park Commissioners, I've been there 12 years, the Board of Park Commissioners is always consistently eager to participate and help the City Council in any way possible, so that if it is your finding at the end of this process, whether that's tonight or three months from now, that you would like to present to them some factors for their consideration, then I think they would certainly cooperate in every way and maybe they don't have the legal responsibility to do so. But, in my experience they want to do what it is that people have identified as making the City better or safer or cleaner. I don't think that's a problem at all, if you want to ask them to do something that would clarify

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things. I tend to agree with Rita though. Because I think that this still is a stumbling block to a lot a people, the fact that we can't have neat cattle or swine. I don't know what a neat cattle is and I run a zoo. So, maybe I think your reluctance is to willingly leave something there that going to provoke some controversy in the future. But, as far as the cooperation is concerned, you can absolutely assure yourselves that the Board of Park Commissioners would go right along with you either jointly to come up with something or to re-enforce what you want or to have their own consultation and come back and let you know what their feeling is.

CHAIRWOMAN WILLIAMS: If we amended this, it would be enabling legislation only. It doesn't mean that it would happen, it just means that it could happen and it shouldn't happen without conferring with the Parks Commission. That's how I would see.

COUNCILMAN CLARKIN: Could we not just put on the very bottom of this Section 18-8 "Except in those parks that the City Council and the Parks Commission jointly set aside as a dog park." This way the City Council does have some impute. Nancy can't come in and take one of tot parks away and make it into a dog park. We can't do it, we'd have to do it jointly.

COUNCILWOMAN DIRUZZO: Would you care to read that again? Because my people don't want to hear about a dog park in my neighborhood.

COUNCILMAN CLARKIN: "Except those parks that the City Council and the Parks Commission jointly set aside as a dog park." So, this means if you didn't want one in your neighborhood, basically you can stop it. The Parks Commission can't do it without the City Council's approval, City Council can't do it without the Parks Commission.

COUNCILWOMAN DIRUZZO: Can I ask a question for Nancy, through the Chair? The Parks Commission, do they allow public impute when they approve their regulations.

MRS. DERRIG: We haven't discussed this dog issue previously, but they certainly will.

COUNCILWOMAN DIRUZZO: Because my people feel very strongly about it, very strongly. I certainly would not even entertain voting on an amendment without having my people involved. I have to know when I vote for an ordinance that it's effecting the entire populous of this City and I have to know that the majority of the people feel favorable to it. -- vote on any ordinances that are going to effect the people and that is not going to be popular with the people. This is one the reasons why I've been asking the dog officer to come in. We have so

many problems with dogs in this City and I'm dog friendly, but I represent over 5,000 people and I have to deal with those problems every day. It's an on going situation in my ward that is overwhelming and that's why I've been trying to get these guys in here. And I think it's important enough for us to deliberate on it and make sure you're doing the right thing by the people in this City when we address these ordinances. So, I have a real problem with it.

MRS. DERRIG: I agree with you, Councilwoman, and I think that you know that in my career as park superintendent my goal is to do what the neighborhood wants me to do. So, we have never said well let's go do something that is unpopular because I'm here to serve the Council and to implement your policies and deliver your services. That's what my job is. I think what we need to understand that there are some areas where this is a popular idea and I think Councilman's plan is as long as the Council person has veto power or overriding power or whatever you call it, over the plan, then it does allow the community to say what they want in their area. But, I'm also concerned that there are bigger issues then whether or not dogs can run in parks. There are dogs running in streets and we have a leash law and we have a pooper-scooper law. We have all of those... restricted to parks at all. I think it is a much bigger issue then that. In fact, I think the only place it's actually really being perhaps an effort to resolve it, is in the parks. But, I believe it is a much bigger issue then that. I really do.

MR. D'AMICO: When I met with the folks from animal control and like I said, I haven't gotten the full of their material. The kinds of things that they are talking about is limiting the number of animals in any given unit. Because I know that many of you and the animal control officer knows that many of you don't represent single family houses... so that if you were to say "per house", you'd get 400. There has got to be some cognizance that you're talking about units in a lot... well, where I live and in a lot of areas of the City, it's not just houses. Although there are single family houses in areas of the City. And including limitations on the number of feline pets too. Because there is this idea that dogs are only the problem and what their telling me is that it's not a canine only situation.

COUNCILMAN HASSETT: It's domestic.

MR. D'AMICO: It's domestic, exactly, Councilman. It's that domestic animals in total. The other kinds of things are how long you can keep them out, you know, if they are a type nuisance by barking, things like that. Things that I know that I've encountered and I'm certain that you've encountered on many more occasions then I have because you folks get calls from more then one person.

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Those things are the kinds of things that I would suggest clearly are regulated by the Council. During the discussion, I was looking at 18-8 and the change in the Home Rule Charter and the change in the temperature is that this is 1914, the first ordinance is 1914 and was re-ordained in 1946. It talks about goat, swine and neat cattle and it says it prohibits them from going into parks. Well, if you wanted to pass an ordinance that said you can't have neat cattle because I don't know what they are either or goats...so that you can prevent people from having those. It has to do with in this particular instance you're attempting to regulate the way the designation of areas in the park. Now, I don't know if I had articulated that well enough. It has to do with the regulation of park land as opposed to the Council's general authority to enact ordinances. So, in 18-8, what you may want to do is change some of the language, so you're not talking about goat, swine and neat cattle.

CHAIRWOMAN WILLIAMS: I would hesitate to change this though because this ... I wouldn't take this out of the ordinance book because there may be someone who has a goat in their backyard. We're not going to allow that. So, we need to leave that. We're just talking about the regulation of the dogs in this instance.

COUNCILMAN HASSETT: I think Councilman Clarkin has certainly made a forward step as far as moving this along as far as an amendment. I think it gives us some latitude in terms of -- what gives us some safety -- that we don't necessarily agree with the Board of Park Commissioners that we certainly have the authority. My point earlier to John was I think that we do have the authority and I do stand on that. But, we do have authority to - - and to enact ordinances that would effect the life of the City. I would like to leave it to the Board of Park Commissioners to come up with an administrative vehicle or administrative set of rules as what this would look like and let's take a look at it. I think we have to give them, first of all, authority by the ordinance to do it and then we can move as far as promulgating rules and regulations. And it also can come down to, I mean Councilwoman DiRuzzo is concerned about the parks in her area, perhaps if there is a demand in a particular area that you would concentrate on that area or some areas may not have any problems whatsoever. I certainly don't want dogs coming from other parts of the City either into my area. I have four parks and because I have four, I hope I wouldn't be designated as simply people coming around the City... that's one concern I do have. There's no question about that.

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COUNCILMAN CLARKIN: I only reason I said it is that the Council person does have the right to say no. You don't want to take the authority away from the Parks either.

COUNCILMAN HASSETT: It's also the question of the nature of the park, if it has little league fields and everything is basically spoken for. I think this would give us that kind of authority.

COUNCILWOMAN DIRUZZO: Madam Chairwoman, I'm not so sure anything would do in any way is going to allow us or the Parks Department to control this problem. I have not seen anyone be able to control it to this point. I'm terribly disappointed, I was walking up my street the other day passing out flyers for my children's Christmas party, I couldn't even walk on the sidewalk. From what I saw, I mean it's disgraceful that my people, the people who don't follow any ordinances whatsoever or the law in any way and that's the problem. You've got good dog owners, responsible dog owners who want to do the right thing and then you have the others that really don't care and then they make it bad for everyone. It's a health hazard. There are so many things that nobody cares about that we can't control in the City because we don't have the personnel, number one and we don't have the police personnel to address situations like this. And we don't have the laws in place that effect a person who does this in a big way. I mean \$25 for violating the law is diddley squat in plain English. We've got to revise all these laws, the laws that we're able to. I'm not sure whether it's the Parks Department or the City Council or whatever it is who is going to cure this problem. I have a park on Clarence and Wallace Street that is a very small open space, we just redid it. We just remodeled it and we're going to put a fence around because we want to keep everything out of there because they destroy the park. They use it the way they want, they come in from all over the State of Rhode Island. They were drugging it up there, they were keeping the people up. The abutting property owners have to put up with this and I can assure you that from what I've seen that whatever park it is in the City, they're violating the East Side dog park right now and they're going to do the same around the City. And I'm a positive thinking person, but I haven't seen yet anything that's going to address the concern and the cry the people with regard to the problems that we're having with dogs yet. I have a lot of questions in my mind in that regard. Unless we straighten out these ordinances that we have now that address those problems that we're dealing with, we're never going to have any luck with anything as simple as this appears to be, as far as I'm concerned.

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MRS. DERRIG: Because basically, Councilwoman, even if the City Council and the Parks Commissioners at the end of this process with something that's agreeable to everyone and we put this protection in place, the Parks Department would not be enforcing this anyway. It would still be a police issue because we would not be there in the evening or be there to police people because we're out doing other things. So, I think it is something that would have to be discussed with the Police Department or they'd have to be briefed on how far you can go and have them still be comfortable that they could enforce what you were doing.

COUNCILWOMAN DIRUZZO: I've had this problem ongoing with Lt. Fitzgerald. I called him today and he was on vacation, so I said call me next week. Because we have a problem we there storing the waste next store to a person who is sick. You know their storing it in barrels instead of throwing it away and the Community Police went to remove the storage bin because it is a health hazard. And what do they do, they put out a big barrel instead. So, education is terribly important, we all know that. Dog owners have to be educated as to what their rights are. It's like having child, I said this at the last meeting. You have a child, you have to be responsible. You have to change a diaper. Well, when you have a dog, you have to do the same thing. But, they don't want to know that. I don't want to be casting all these negative aspersions on dog owners because that is not the case in any way. The problem is that we have overwhelming numbers that have more than one dog in the house. They have two and three dogs that go walking with them. I'll tell you this lady was coming up today and when we have the next meeting, she will be here that will show us photographs of problems were dealing with that will turn your stomach.

CHAIRWOMAN WILLIAMS: Let me just respond to that. I think when you have responsible dog owners, they help to educate others.

COUNCILMAN HASSETT: I think that the changes that we make here would be for people who tend to abide by the law and if they know anybody - - . I think that's probably a good sign that their probably moving in the right direction. But, I don't think where the only people that have a problem. There's the Pet Pollution Solution that you handed out, Chicago citizens pick-up after their pets in Chicago. It's the law. Obviously, we're not the only municipality or jurisdiction that has a problem. I don't want to belabor this, I know this amendment that Councilman Clarkin is approved by us that when the Parks Commissions gets along and tries to promulgated some rules and regulations, we ought to put a call into

Chicago and find out what they've done. Not to say they have the solution, but it may help the research to see if they've been successful.

CHAIRWOMAN WILLIAMS: I also received in the mail this article. It's in California and it's a park where dog owners can bring their dogs. It's near the water and they talk about what a difference this has made for the community there. I think this is a nationwide problem that people are trying to address. I think as our communities have become less safe, people like the protection of the animals and they also like the companionship they provide. So, I think there are more and more domestic animals.

COUNCILMAN HASSETT: I think it is a quality of life issue. You saw how successful the Clean and Lien program was. I was at the Finance meeting last night and they had a special item on there for more equipment for Clean and Lien. Obviously, you want a clean city. Those quality issues... cleaning up abandoned houses and cleaning up the streets and doing the kind of infrastructure improvements. I would just hope that we would do in such a manner that we don't put out one fire and start another. You like to have what the neighbors want to do.

CHAIRWOMAN WILLIAMS: I understand the concern that we have all of the amendments made and as I indicated the animal control officers will have their recommendations to the City Solicitor. But, the one item before us the amendment of this and I'm wondering if the Committee would be comfortable in proposing an amendment.

COUNCILWOMAN DIRUZZO: I will abstain from voting on this because I don't think it is appropriate that we do this before we do all the others. I think they should be done as a package.

COUNCILMAN CLARKIN: I would go along with the Department of Parks jointly with the City Council. I truly want the City Council, with whatever Council person it is, they have the right to say you're not doing it in this park. Rather than just allow the Parks Commission, not that I have a problem with the Parks Commission, but the idea of it, it's not just for today, it's for the future too. All of a sudden someone on the Parks Commission could say Pitman Street Park is not used that much or I think that little park you have on Preston and Ives, that should be the dog park, I think the Council basically should be able to say this is a park and this is what we want it for. The Council, whoever lives in that area should have the right to say no. But, I have no problem with the Parks Department having a right to say to the Council that they don't agree either. So, the park stays the way it is.

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CHAIRWOMAN WILLIAMS: John, you're looking at what you put together and what Councilman Clarkin said is an addition to that.

COUNCILMAN HASSETT: Are we saying we are going to accept this as... are we amending this?

COUNCILMAN CLARKIN: I would be amending that.

CHAIRWOMAN WILLIAMS: We're amending the suggestion of the City Solicitor.

MR. D'AMICO: Are you considering this as an amendment to 18-8?

CHAIRWOMAN WILLIAMS: Are you suggesting we leave that as is and add... we ought to kept this within parks and recreation or are you suggesting some place else in the book of Ordinances.

COUNCILMAN HASSETT: You could say after "...park or to remain therein, unless the Department of Parks following its review of recreation parks."

MR. D'AMICO: That's correct. But, the problem is suppose they wanted to allow neat cattle in there.

CHAIRWOMAN WILLIAMS: Because the Ordinance Book will note that it was revised in 1997 or 1998 whenever it is that it happens. And people looking at it historically will understand the context of the need for revision because we're just trying to met the needs of 1997/98 people. It needs change. Councilwoman, I need to move this along because I have an urgency in my area.

COUNCILWOMAN DIRUZZO: I know you do, but that doesn't mean everybody else in the City does and that's where I have a problem. My people don't want it.

CHAIRWOMAN WILLIAMS: But, nothing needs to happen in any other part of the City.

COUNCILWOMAN DIRUZZO: But, ordinances should effect every where, not just one section. I'm not saying that we ought not to do this, I'm not quite sure that we should move it along as quickly as we are. Because we have a lot of other work to do on this.

CHAIRWOMAN WILLIAMS: We do and those recommendations are amendments that are being recommended will be given to us to submit to the Council, just as I submitted this one and then we'll act on those.

COUNCILWOMAN DIRUZZO: The other thing is that the impute from that department may have an effect on this as well. Because they are the people who deal with it every day. I would be nice to know what they have to say before we change anything in the ordinances. I've always asked for a lot of impute when

we address any issues. I just can't understand why we have to move this along so quickly.

CHAIRWOMAN WILLIAMS: May I just say to you that I have and I may have said this at the last meeting that the animal control officers, a year and a half ago when there was a concern of the little league that the dog owners were using the field and they had some concern about little league starting. The animal control officers came to a neighborhood meeting after they had gone to all of the parks in my area and they said that Sessions Street Park was the cleanest park and that was park being used by the dog owners who were cleaning up after their dogs. So, that was the feed back I got from them and I have not heard anything at all from them or from anyone else. Because since this initiative the parks have been cleaner the streets have been cleaner because people have been more conscious of cleaning up after their dogs. So, I have been in touch with them and there's been nothing but positives about the initiative in my area from the animal control officers.

COUNCILWOMAN DIRUZZO: But, there again, your saying in your area. Councilwoman, ordinances effect all of the City, not just certain areas and that's what my concern is. I need to know that whatever the other concerns of the other areas are as well and we have not done that.

CHAIRWOMAN WILLIAMS: In this Committee, we go from one item to another. Even if this passes this evening, it won't be considered until 1998, the subsequent Council meeting and we will have the other ordinances. So, we can hold it up as a Committee. We can hold it up.

COUNCILWOMAN DIRUZZO: I'm not comfortable in voting on it tonight. So, I'm going to abstain from voting on it.

CHAIRWOMAN WILLIAMS: The City Solicitor here is kind of amending it and maybe we'll hear what he has to say.

MR. D'AMICO: This is draft language. Again, I just to put on the record that this suggestion should be by resolution after that.

COUNCILMAN HASSETT: Is that a legal opinion?

MR. D'AMICO: Yes. I don't presume to instruct on non-legal questions, I don't presume to instruct on anything. "Unless after review and consultation with local officials, the Board of Park Commissioners promulgates regulations establishing clearly delineated areas in parks in which domesticated animals are permitted to exercise, the Board shall promulgate rules and regulations for the maintain of said areas."

COUNCILMAN CLARKIN: Did I hear City Council in there at all?

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MR. D'AMICO: No, I have consultation with local officials.

CHAIRWOMAN WILLIAMS: That's too general. I think we want the City Council.

COUNCILMAN HASSETT: My suggestion is we can leave the ordinance the way it is. After "...or to remain therein, unless the Board of Park Commissioners with the approval of the City Council shall designate certain parks in which domestic animals are permitted to exercise."

MRS. DERRIG: Do you mean to say the City Council or City Council person. You don't mean to present each one of these issues to the entire Council, but rather to the one Council person.

COUNCILMAN CLARKIN: You know and I know it's going to be the individual Council person. But, I think you have to leave it in general as the City Council. I think being Chairman of the Public Works, if someone wants to make a street one-way, I'll go along with any street, except if someone was on Smith Street and they want to make Smith Street one-way, the City Council would not go along with that. But, any of the side streets, we're going to have to depend on that Council person in that area who knows what their doing. Because we don't go up and sit and watch the traffic flow and the same with the park. We're not going to be sitting in and checking the park, it's going to be up to that individual Council person. I think we respect each other enough for that.

MRS. DERRIG: These changes would come to the Ordinance Committee for passage?

CHAIRWOMAN WILLIAMS: You mean the changes to the ordinance?

MRS. DERRIG: No, I mean subsequently.

COUNCILMAN CLARKIN: It would probably just come to the City Council. The Park Commission would send it in and we would vote on it. The Council person, whoever it is, you're not changing Pitman Street Park and putting a -- Park in it and it's not to be because...

MRS. DERRIG: So, it would be done by ordinance.

COUNCILMAN CLARKIN: It would have to come in as a resolution, I would think.

CHAIRWOMAN WILLIAMS: So, what do we have now as a final document.

COUNCILMAN HASSETT: It is by the construction of this amendment to the ordinance, it is inherit in there that the department shall the authority to promulgate rules or should that be put in there.

MR. D'AMICO: You really want to make it the Board of Park Commissioners.

COUNCILMAN HASSETT: With the approval of the City Council.

MR. D'AMICO: I think you want to put it in. Although, I think it is always implicit that the executive official or the head of the department has the inherit power to enact rules. But, I think that it's preferable to just say that. I mean its an additional sentence. That has been my practice in the past. For example, the Director of Public Works, I think clearly he can institute reasonable rules and regulations that carry out what the Council wants through the ordinance.

COUNCILMAN HASSETT: The intent of the statute to do a certain thing, it's almost inherit that you can promulgate rules to carry out ...

MR. D'AMICO: I agree with that. However, I think it's preferable simply to put that sentence in.

COUNCILMAN HASSETT: Do you want me to try it again?

CHAIRWOMAN WILLIAMS: Try it again.

COUNCILMAN HASSETT: "...after or to remain therein, the Board of Park Commissioners with the approval of the City Council shall designate certain parks in which domestic animals are permitted to exercise. The Board of Park Commissioners shall also promulgate rules and regulations for the maintenance of said area." Does that do it?

CHAIRWOMAN WILLIAMS: That sounds good to me.

COUNCILMAN HASSETT: Because we're also not relinquishing the authority under 18-8 either, if were at some point wanted to repeal it, I think we would be able to do it.

CHAIRWOMAN WILLIAMS: Is that a motion?

On motion of Councilman Hassett, seconded by Councilman Clarkin, it is voted to approve the foregoing amendment.

CHAIRWOMAN WILLIAMS: All those in favor?

CHAIRWOMAN WILLIAMS, COUNCILMAN HASSETT and

COUNCILMAN CLARKIN: Aye.

COUNCILWOMAN DIRUZZO: I'm abstaining from this.

MR. D'AMICO: No, no, that motion was to amend.

COUNCILWOMAN DIRUZZO: Pass again, as amended.

COUNCILMAN HASSETT: I moved to amend 18-8, correct?

CHAIRWOMAN WILLIAMS: Right, moving to amend it.

COUNCILMAN HASSETT: Is that what I said?

COUNCILWOMAN DIRUZZO: Approve the motion, as amended, you have to say.

MR. D'AMICO: Your motion should be to amend the proposed modification, right.

CHAIRWOMAN WILLIAMS: What we have before us has been amended, so it does take two motions. We're amending what was the recommended recommendation to amend 18-8 and that was approved to amend the proposed.

COUNCILMAN HASSETT: Was this very formally introduced as an amendment to the Ordinance. This was a suggestion by you? So, it was never introduced as a motion.

CHAIRWOMAN WILLIAMS: You're right. It was never on the record.

MR. D'AMICO: But, the matter before the Committee was that. How are you going to deal with the issue of what was before the Committee?

COUNCILWOMAN DIRUZZO: Explain that?

MR. D'AMICO: The piece of paper before the Committee was the suggested ordinance.

COUNCILWOMAN DIRUZZO: This?

MR. D'AMICO: It was the draft that originally came up. The Committee now has to dispose of the document in some way.

COUNCILWOMAN DIRUZZO: Why, we didn't pass it.

MR. D'AMICO: No, but you were entertaining it.

COUNCILMAN HASSETT: If I recall the last meeting, we were frustrated with the language and said to come back with language before we do any motion.

MR. D'AMICO: You're considering that.

COUNCILMAN HASSETT: It was never formally introduced.

COUNCILWOMAN DIRUZZO: We didn't approve it.

COUNCILMAN HASSETT: We discussed the generality of how to deal with the issue and said John, can you come back with us with some kind of ordinance, a frame work for an ordinance. No one made an ordinance, as I recall.

COUNCILMAN CLARKIN: What can we do to get rid of it?

MR. D'AMICO: Continue the proposal indefinitely.

On motion of Councilman Clarkin, seconded by Councilman Hassett, it is voted to postpone indefinitely the foregoing proposal.

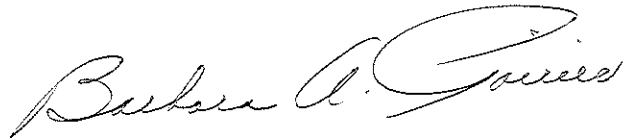
CHAIRWOMAN WILLIAMS: All those in favor?

COUNCILMAN CLARKIN and COUNCILMAN HASSETT: Aye.

CHAIRWOMAN WILLIAMS: Thank you very much.

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ADJOURNMENT: On motion of Councilman Clarkin, seconded by Councilwoman DiRuzzo, it is voted to adjourn at 6:15 p.m.



CLERK



Assistant Clerk