

**Bare Cove Park
Hingham, MA**

**Off-Leash Dog Walking Program
Rules and Regulations**

July, 2017

Per Order of the Hingham Board of Selectmen
acting in its capacity as the Board of Park Commissioners
under M.G.L. c. 45, § 2 & 5

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Section 1: Introduction

The following Off-Leash Dog Walking Program Rules and Regulations for Bare Cove Park are being promulgated by the Board of Selectmen in its capacity as the Board of Park Commissioners for the Town of Hingham pursuant to M.G.L. c. 45, Section 2 in response to an advisory vote of 2017 Annual Town Meeting (Article 15). The rules and regulations were drafted by a working group made up of the Assistant Town Administrator, the Chief of Police, the Animal Control Officer, Town Clerk, the Chair of the Bare Cove Park Committee and a representative of Share Bare Cove. The draft was modified to include the comments and concerns of members of the public and the Board of Selectmen and to reflect the advice of legal counsel. The rules and regulations are subject to a twelve (12) month “look-back” by the Board of Selectmen to assess among other factors, overall compliance with the rules and regulations, violations of the rules and regulations (including warnings), enforcement issues, administrative issues, environmental concerns and general off-leash usage. Please note however that the Board of Selectmen has the authority at any time to amend, suspend or terminate the Off-Leash Dog Walking Program in its sole discretion. The Bare Cove Park Dog Regulations are hereby incorporated by reference into the Off-Leash Dog Walking Program Rules and Regulations and, in the case of any inconsistency between the Bare Cove Park Dog Regulations and the Off-Leash Dog Walking Program Rules and Regulations, the Off-Leash Dog Walking Program Rules and Regulations shall govern so long as they are in effect (subject to all other applicable laws and regulations including the Town of Hingham General By-Laws and the General Laws of Massachusetts). For all non-emergency reports of violations arising under this program please contact 781-741-1490 (only emergency calls should be directed to 911).

Section 2: Definitions

- 1) Attack. A dog chasing persons or animals (domestic or wild) in an aggressive manner and/or biting or causing injury to a person or animal.
- 2) Dog Owner. The person who files and signs the application for a permit hereunder to the Town Clerk.
- 3) Enforcement Officer. Any of the following: Animal Control Officer, a Hingham Police Officer and any other designated person appointed by the Chief of Police. Such Enforcement Officer is hereby authorized to enforce these rules and regulations.
- 4) Off-Leash Walking Distance. A Permitted Dog must be within the line of sight of a Responsible Walker and be no more than forty (40) feet away from the Responsible Walker at all times. (Note that in an effort to educate Responsible Walkers about the Off-Leash Walking Distance, the Bare Cove Park Committee will endeavor to provide visible distance markers at the main entrance to the park.)
- 5) Permitted Dog. A dog that has been registered with the Town Clerk of Hingham to participate in the Off-Leash Dog Walking Program as further described in the rules and regulations and on the permit application.
- 6) Responsible Walker. Any person who brings a Permitted Dog into Bare Cove Park, including but not limited to the Dog Owner, person in charge and/or keeper of the Permitted Dog (the term “keeper” shall have the same meaning as the definition contained in M.G.L. c. 140, § 136A). All Responsible Walkers agree to abide by the Off-leash Dog Walking Rules and Regulations as set forth in the permit Application.
- 7) Restricted Odd-Numbered Calendar Days. Odd-numbered calendar days when special events are scheduled in the park. Such events and the extent of the restriction shall be posted on the Bare Cove Park website and at the Bare Cove Park entrance to the park.
- 8) Unrestricted Odd-Numbered Calendar Days. Odd-numbered calendar days when no special events are scheduled in the park.
- 9) Unwelcomed Greeting. Jumping, humping or other un-wanted contact by a dog against a person who has expressed that he/she does not want such contact.
- 10) Violation. A violation of any provision of the rules and regulations adopted hereunder and as more particularly described in the Violations Table.
- 11) Voice Control. A Permitted Dog must be able to return promptly to a Responsible Walker upon command from the Responsible Walker.

Section 3: Off-Leash Dog Walking Rules and Regulations

Pursuant to M.G.L. c. 45, § 2, the Hingham Board of Selectmen, acting in its capacity as the Board of Park Commissioners hereby adopts the following park rules and regulations pursuant to M.G.L. c. 45 § 5, subject to all other applicable laws and regulations (including the Town of Hingham General By-Laws and the General Laws of Massachusetts), which shall govern off-leash dog walking in Bare Cove Park in the Town of Hingham:

All dogs shall be walked on-leash in Bare Cove Park at all times except as provided below:

- 1) Except as provided herein, a Permitted Dog and only a Permitted Dog may be walked off-leash in Bare Cove Park by a Responsible Walker on Unrestricted Odd-Numbered Calendar Days (and on Restricted Odd-Numbered Calendar Days in compliance with the posted restrictions under section 10 below) so long as such Permitted Dog is, at all times, (i) within the Off-Leash Walking Distance and (ii) under Voice Control.
- 2) The Responsible Walker must carry a leash for each Permitted Dog at all times while walking a Permitted Dog in Bare Cove Park.
- 3) An Enforcement Officer may, at any time, determine in his or her sole discretion whether or not a Permitted Dog is within the Off-Leash Walking Distance. Any Permitted Dog outside the Off-Leash Walking Distance may be found by the Enforcement Officer to be in violation of these rules and regulations.
- 4) An Enforcement Officer may, at any time, request that a Responsible Walker demonstrate Voice Control and shall have the authority to determine in his or her sole discretion whether or not a Permitted Dog is under Voice Control. Any Permitted Dog that does not conform to Voice Control may be found by the Enforcement Officer to be in violation of these rules and regulations.
- 5) Permitted Dogs may only be off-leash in Unrestricted Area(s) being those areas of the park noted on the Permitted Areas Map for Bare Cove Park as accessible to off-leash dogs. Such areas will also be physically marked in the park.
- 6) A Responsible Walker may walk up to four (4) Permitted Dogs at any one time.
- 7) No dogs are allowed at any time in any Restricted Area(s) as shown on the Permitted Areas Map for Bare Cove Park as not accessible to off-leash dogs. Such areas will also be physically marked in the park. No dogs are allowed at any time in the Green Dockhouse Building in Bare Cove Park.
- 8) All dogs shall be leashed at all times in the parking areas of Bare Cove Park and in the areas leading to the entrance and exit of the park.
- 9) No dogs shall be left unattended in Bare Cove Park. Unattended dogs may be picked up by an Enforcement Officer and the owner may be subject to applicable enforcement actions.
- 10) The Off-Leash Dog Walking Program is subject to special event use of the park as scheduled from time to time by the Bare Cove Park Committee and as such the Off-Leash Dog Walking Program may be suspended, circumscribed or canceled on any odd-numbered calendar day by the Town. Restrictions on the off-leash use of the park on odd-numbered calendar days shall be

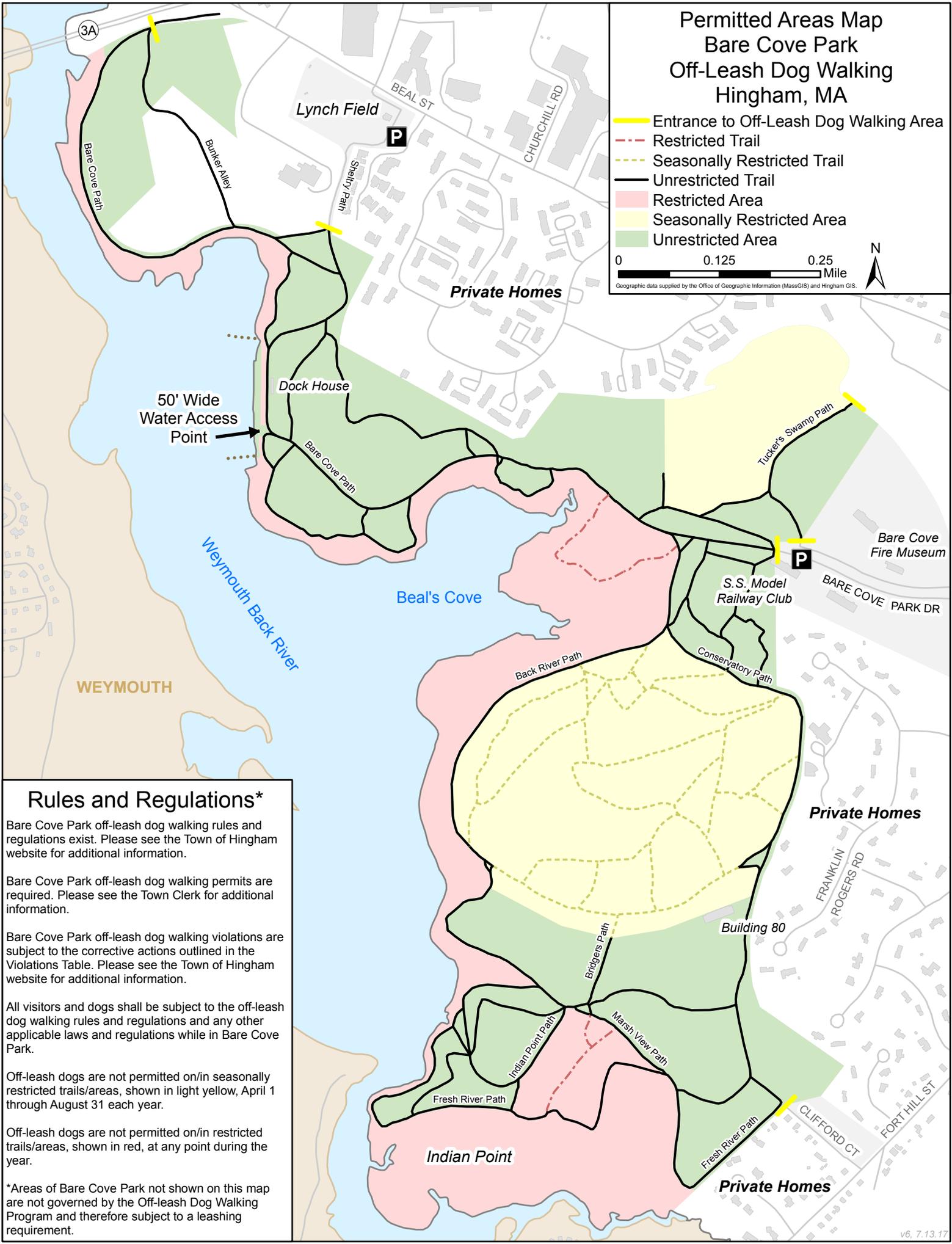
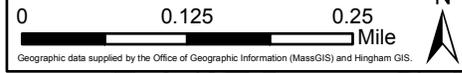
posted on the Bare Cove Park website and at the Bare Cove Park entrance to the park at least a week in advance of any such special event ("Restricted Odd-Numbered Calendar Days").*

- 11) The owner of the Permitted Dog and the Responsible Walker are responsible for ensuring that the Permitted Dog's activities in Bare Cove Park conform to the Off-Leash Dog Walking Program Rules and Regulations and such individuals shall be jointly and severally liable for any and all damage, injury or violation caused by the Permitted Dog.
- 12) The Town Clerk of Hingham is hereby authorized to issue an Off-Leash Walking Permit ("OLW Permit") in conformance with all dog licensing requirements of the Town of Hingham and the off-leash requirements and the permitting procedures and requirements adopted by the Board of Selectmen as set forth in the form attached hereto. Only dogs with an OLW Permit -- Permitted Dogs -- shall be allowed off-leash in Bare Cove Park and only pursuant to the foregoing rules and regulations.
- 13) Except to the extent they conflict with the regulations adopted hereunder, all other regulations applicable to Bare Cove Park including those set forth in the current Bare Cove Park Dog Regulations (<http://www.hingham-ma.gov/410/Dog-Rules-in-the-Park>) shall apply at all times.
- 14) The Dog Owner and the Responsible Walker of any Permitted Dog found in violation of these rules and regulations and as more particularly set forth in the Violations Table shall, in the judgment of the Enforcement Officer, be subject to one or more fines and penalties as provided in said Violations Table and may be ordered to immediately leash the Permitted Dog to cease any such violation. A violation of any provision of the Permitting Procedures and Requirements shall be considered a violation of these rules and regulations. A record of all such fines and penalties will be maintained by the Chief of Police or his/her designee.

*Note that Bare Cove Park hosts a number of special events throughout the year that result in restricted use of the park by everyone. Sometimes the restrictions affect use on certain days, but more often the restrictions are for certain hours or affect certain areas of the park (e.g., road races). Like all other uses of the park, the Off-Leash Dog Walking Program is subject to and may be restricted by this special event use of Bare Cove Park. The Bare Cove Park Committee will use its reasonable best efforts to schedule special events in a manner that minimizes disruption to the Off-Leash Dog Walking Program. Nonetheless, there may be occasions when off-leash use of the park is restricted and the time and extent of such restriction shall be posted on the Bare Cove Park website and at the Bare Cove Park entrance to the park at least a week in advance of any such special event.

Permitted Areas Map Bare Cove Park Off-Leash Dog Walking Hingham, MA

-  Entrance to Off-Leash Dog Walking Area
-  Restricted Trail
-  Seasonally Restricted Trail
-  Unrestricted Trail
-  Restricted Area
-  Seasonally Restricted Area
-  Unrestricted Area



Rules and Regulations*

Bare Cove Park off-leash dog walking rules and regulations exist. Please see the Town of Hingham website for additional information.

Bare Cove Park off-leash dog walking permits are required. Please see the Town Clerk for additional information.

Bare Cove Park off-leash dog walking violations are subject to the corrective actions outlined in the Violations Table. Please see the Town of Hingham website for additional information.

All visitors and dogs shall be subject to the off-leash dog walking rules and regulations and any other applicable laws and regulations while in Bare Cove Park.

Off-leash dogs are not permitted on/in seasonally restricted trails/areas, shown in light yellow, April 1 through August 31 each year.

Off-leash dogs are not permitted on/in restricted trails/areas, shown in red, at any point during the year.

*Areas of Bare Cove Park not shown on this map are not governed by the Off-leash Dog Walking Program and therefore subject to a leashing requirement.

Section 4: Permitting Procedures and Requirements

- 1) A Bare Cove Park Off-Leash Dog Walking Permit as issued by the Hingham Town Clerk (the "OLW Permit") must be obtained by the Dog Owner prior to any off-leash dog walking in Bare Cove Park ("BCP").
- 2) The Permit shall be clearly displayed at all times on the Responsible Walker walking the dog off-leash.
- 3) Each dog must wear a tag on its collar which reflects the OLW Permit number.
- 4) Each dog must have its own OLW Permit.
- 5) In order to obtain an OLW Permit, the Dog Owner must supply the following to the Town Clerk:
 - a. Dog Owners must submit a completed Bare Cove Park Off-Leash Walking Permit Application (applicant must be 18 years of age or older to obtain an OLW Permit).
 - b. A copy of the Dog Owner's driver's license or other government issued identification.
 - c. A photograph of the Dog Owner with their dog shall be provided to the Town Clerk at the time of application for the OLW Permit and such photograph shall be retained by the Town Clerk.
 - d. Proof of a current dog license from the Town of Hingham or other issuing Jurisdiction must be provided.
 - e. If not shown by the current dog license, a current rabies vaccination certification must be provided (a current Hingham dog license already shows that a rabies vaccination certification has been provided).
 - f. A Dog Owner must certify that the dog has not previously been involved in an Attack as defined herein.
 - g. A Dog Owner must agree to defend, indemnify and hold harmless the Town from liability, injury or damage caused by their off-leash dog.
 - h. A Dog Owner must agree to release the Town from liability, injury or damage caused by their off-leash dog and agree to waive any claims or causes of action against the Town arising hereunder.
 - i. A Dog Owner must certify that he/she has a valid insurance policy covering the activities of the dog hereunder which shall remain in effect for the term of the OLW Permit and shall make available for review by the Town Clerk a Certificate of Insurance, Coverage Selections Page or other acceptable proof of such insurance (which shall be reviewed by the Town Clerk at time of application but not kept on file).
 - j. A Dog Owner must certify that he/she has read the Off-Leash Dog Walking Program rules and regulations and on behalf of himself/herself and any Responsible Walker agrees to abide by the same. Further, a Dog Owner must certify that any Responsible Walker of the owner's dog will also read the Off-Leash Dog Walking Program rules and regulations and will abide by the same.
 - k. Providing false information or certifications on the application shall be grounds for permanent revocation of the OLW Permit.
- 6) Retention of OLW Permit is subject to the requirements of the Violations Table.
- 7) OLW Permits are valid as follows:
 - a. Hingham Residents – All dogs licensed by the Town of Hingham shall, upon proper submittal of the required material, be issued an OLW Permit. Said OLW Permit shall expire upon the earliest to occur of the following:
 - i. Expiration of the existing dog license and/or rabies vaccination certification;
 - ii. Expiration of the applicable insurance policy; or

- iii. One year from the date of issuance of the OLW Permit.
 - b. Non-Hingham Residents – All dogs owned by non-Hingham residents shall, upon proper submittal of the required material, be issued an OLW Permit. Said OLW Permit shall expire upon the earliest to occur of the following:
 - i. Expiration of the existing dog license and/or rabies vaccination certification;
 - ii. Expiration of the applicable insurance policy; or
 - iii. One year from the date of issuance of the OLW Permit.
- 8) All OLW Permits are subject to renewal upon expiration by submitting a completed Bare Cove Park Off-Leash Walking Permit Application.

**BARE COVE PARK OFF-LEASH WALKING PERMIT APPLICATION
HINGHAM RESIDENTS**

A Bare Cove Park Off-Leash Dog Walking Permit as issued by the Hingham Town Clerk (the "OLW Permit") must be obtained by the Dog Owner prior to any off-leash dog walking in Bare Cove Park ("BCP"). Issuance of an OLW Permit is subject to the Permitting Procedures and Requirements.

JULIE	SAMPLE	781-741-1410
Dog Owner First Name	Last Name	Phone #
210 Central St	emailsample@hingham-ma.gov	
Address	Owner's Email Address	
3456	Progressive Insurance Company	Jul 21, 2017
Hingham Dog License #	Name of Insurance Company	Insurance Policy Expiration Date
BANDER	POODLE MIX GOLDE	BLACK
Name of Dog	Breed	Color

I certify that the dog that is the subject of this application has not previously been involved in an Attack, defined as: A dog chasing persons or animals (domestic or wild) in an aggressive manner and/or biting or causing injury to a person or animal.

I agree to defend, indemnify and hold harmless the Town of Hingham from liability, injury or damage caused by the dog.

I agree to release the Town of Hingham from liability, injury or damage caused by the dog and agree to waive any claims or causes of action against the Town arising hereunder.

I certify that I have a valid insurance policy covering the dog, which shall remain in effect during the term of the Off-Leash Walking Permit.

I certify that I have read the Off-Leash Dog Walking Program rules and regulations and on behalf of myself and any Responsible Walker agree to abide by the same. Further, I, as the Dog Owner, certify that any Responsible Walker of the dog will have also read the Off-Leash Dog Walking Rules and Regulations and will abide by the same. I further certify that I, along with the Responsible Walker, share responsibility for the actions of the dog while in Bare Cove Park.

I certify that I have received a copy of the Off-Leash Dog Walking Rules and Regulations and the Permitted Areas Map.

Signed under the penalties of perjury. *Signature is required and indicates that the information you have provided is accurate and complete, that you agree to follow all permit rules and regulations.*

Dog Owner's Signature _____ Date: _____

- Applications submitted must be accompanied by:
- Owner's Valid Government Issued Identification
 - Proof of Insurance
 - Photo of Owner with Dog

FOR OFFICE USE ONLY

OLP EXPIRATION:
APPLICATION DATE: **Jun 30, 2017**



Section 5: Violations Table

Category A

- 1) A dog Attack on a person or animal.
- 2) Leaving the scene of a dog Attack without providing identifying information including the owner's and Responsible Walker's name, address, telephone number and OLW Permit number to an Enforcement Officer responding to a dog Attack or to an aggrieved person that has suffered from a dog Attack.
- 3) Refusal to display an OLW Permit to an Enforcement Officer responding to a dog Attack or to an aggrieved person that has suffered from a dog Attack.

Category B

- 1) Dog giving Unwelcomed Greeting to a person.
- 2) Dog entering or damaging any Restricted Area(s) as shown on the Permitted Areas Map.
- 3) Dog entering or damaging the Green Dockhouse Building.

Category C

- 1) Dog walking off-leash in parking area.
- 2) Dog walking off-leash without an OLW Permit or tag or using an OLW Permit or tag belonging to another Permitted Dog.
- 3) Responsible Walker not carrying an OLW Permit while walking dog off-leash and/or dog not wearing tag while being walked off-leash.
- 4) All other violations of these rules and regulations including all other Bare Cove Park dog regulations referenced herein.

All local, state and federal laws continue to be in force in Bare Cove Park in addition to the above Violations Table

Fines and Penalties

Category A - \$250 fine and permanent revocation of OLW Permit after 1 violation

Category B* - \$100 fine

Category C** - \$50 fine

* Two category B violations will result in permanent revocation of OLW Permit and One Category B violation coupled with two category C violations will also result in permanent revocation of OLW Permit.

** Three Category C violations will result in permanent revocation of OLW Permit

Providing false information or certifications on the application for an OLW Permit shall also be grounds for permanent revocation of the OLW Permit.

Violations are tracked in perpetuity, violations are cumulative and stay with the Permitted Dog throughout the Permitted Dog's life and are not subject to a reset.

Section 6: Implementation Plan

Approval of Off-Leash Dog Walking Program rules and regulations is anticipated to occur in June of 2017. Upon approval of the rules and regulations, Town staff will undertake the necessary steps to implement the program, including:

- Purchase of necessary material and equipment: Permit printer, permit cards, dog tags, signage and other necessary material and equipment.
- Development of procedures for permitting
- Personnel Training: Clerk's office, Police Officers, Animal Control Officers
- Creation and distribution of educational material
- Development of online application development and ID printing tools
- Staff level incident tracking tool - development and training
- On-line complaint and reporting tool for public use

Enactment of off-leash walking rules and regulations is recommended to begin on or near July 15, 2017.