

ARTICLE 27 ANIMAL CONTROL BY-LAW

Section 1. DEFINITIONS

As used in this by-law, unless the context otherwise indicates.

- A. **"ANIMALS"** - All dogs, cats, domesticated and wild animals of any species, both male and female.
- B. **"OWNER" OR "KEEPER"** - Any person or persons, firm, association or corporation owning, keeping, or who has in his possession, for eleven (11) consecutive days in any calendar year, an animal, licensed or unlicensed; and cannot show to the satisfaction of the Animal Control Officer that such animal was sold, had died, was given away or otherwise disposed of. Further, if the owner or keeper of an animal were a minor, the parent or guardian of such minor shall be held liable for any violation of this by-law.
- C. **"RUN-AT-LARGE"** - Free of restraint and permitted to wander on private or public ways at will.
- D. **"COMMERCIAL KENNEL"** - "One pack or collection of dogs or cats maintained on a single premise, whether maintained for breeding, boarding, training, adoption or sale."
- E. **"RESIDENTIAL KENNEL"** - More than three (3) dogs or three (3) cats over the age of six (6) months of age kept for the sole purpose of being household pets in a single private residence.
- F. **"LICENSE PERIOD"** - The time between January 1 and December 31, both dates inclusive.
- G. **"ANIMAL CONTROL OFFICER"** - Any officer appointed by the Board of Selectmen to enforce the laws relating to dogs or cats or other animals.
- H. **H. "K-9 Law Enforcement Dog" – a certified dog trained specifically to assist law enforcement with their duties and responsibilities.**
- I. **I. "Service Animal" - any dog that is 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.**

Section 2. DOGS REQUIRED TO BE LEASHED

- A. No owner or keeper of a dog shall permit such dog, whether licensed or unlicensed, to run-at-large within the Town of Dudley. No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless a leash, which shall not exceed ten (10) feet in length or up to twenty-five (25) feet if the leash is retractable, physically restrains the dog.
- B. No person shall permit a dog owned or kept by him to run freely within the confines of the property of the owner or keeper unless the owner or keeper or other person of adequate age and discretion accompanies the dog and who has "full control" of the animal. If unaccompanied, the dog must be leashed so as to restrain the dog in such manner that the dog is securely confined to the premises of the owner or keeper by fencing or appropriate barriers.

- C. For the purpose of this section, "full control" means that the dog will respond to the command, order or signal of the owner or other person responsible for the dog and shall at all times, by his command, order or signal prevent his dog from bothering, worrying, annoying, chasing or barking at any person, domestic animal or livestock.
- D. This section was disapproved by the Attorney General and deleted in its entirety.
- E. This section shall not apply to property owned and/or controlled by the Commonwealth of Massachusetts where a separate set of rules and regulations apply.
- F. A dog may for the purpose of events such as working, hunting, field trails or training purposes be exempt from the restraining order during such period of time as the dog is actually engaged in the event or sport, provided the dog is under the direct supervision of a person to properly control its action.

Section 3. LICENSE REQUIREMENTS, VACCINATION, FEES, EXCEPTIONS

- A. **License.** Any owner or keeper of a dog six (6) months of age or older in the Town of Dudley shall cause that dog to be licensed as required by Massachusetts General Laws Chapter 140 during the month of January of each year, or within 30 days after a dog becomes six months old. The license will be obtained from the Town Clerk. Each license shall be numbered and contain the color, breed, gender and special markings of the dog; the name, residential address and phone number of the owner; the expiration date of the rabies vaccination; and other information as the Town Clerk deems appropriate. Each license shall be issued upon the condition that the owner or keeper shall comply with the provisions of this by-law, rule or regulation relating to the ownership and control of dogs.
- B. **Tags.** The owner or keeper of a licensed animal shall cause the animal to wear around its neck or body a collar or harness to which shall be securely attached a tag issued by the Town Clerk at the time of licensing. A fee of \$1.00 (one) Dollar shall be charged to replace a lost tag.
- C. **Veterinarian's Certification.** The Town Clerk shall not issue any license including residential kennels unless the owner or keeper provides either a veterinarian's certification that such dog has been vaccinated against rabies by a licensed veterinarian, therein, provided, or a notarized letter from a veterinarian that a certification was issued.
- D. **Commercial & Residential Kennels:**
 1. Any owner or keeper of more than three (3) dogs or three (3) cats must acquire a residential kennel license ***and is subject to the Dudley Zoning by-Laws. (Bold italics voted on 11/4/2013 and designated as Article 27, Sec. 3, paragraph C in error)***
 2. Commercial Kennels must be fully licensed pursuant to the provisions of M.G.L. Chapter 140 and subject to Dudley's Zoning By-laws.
 3. Each residential kennel and commercial kennel shall be available to inspection by the Animal Control Officer, a Natural Resource Officer, Fish and Game Warden, Police Officer or the Board of Health.

- E. **Vaccination.** All dogs (6) six months of age or older must be currently vaccinated against rabies as per M.G.L. Chapter 140, Section 145b.
- F. **Fees.** The annual fee for every animal license, residential kennel and commercial kennel license and all fines relevant to dog control shall be as follows:
1. **Establishing Fees.** The Board of Selectmen, at its discretion, on or before by September 30th of the preceding calendar year, may review and establish animal control fees pursuant to this Article 27 of the General By-Laws.
 2. **Annual Dog Fee.** The fee for all dogs (male, neutered, female, spayed) shall be as established by the Board of Selectmen.
 3. **Residential Dog Kennel License:** Fifty (\$ 50.00) Dollars
 4. **Commercial Dog Kennel License:** Seventy-Five (\$75.00) Dollars.
 5. **Commercial or Residential Cat Kennel License:** Fifty Dollars (\$50.00).
 6. No fee shall be charged for a license for a K-9 Police Dog or a Service Animal as defined in Section 1 of this by-law. The individual who is responsible for a K-9 Police Dog must provide a written statement from the law enforcement unit stating that the dog is actively working. The owner of a Service Animal must show written evidence that the animal is a service dog.
 7. No license fee shall be refunded in whole or in part for any reason.
- G. **Town Clerk.** The registering, numbering, describing and licensing of dogs shall be performed in the office of the Town Clerk on a form prescribed and supplied by the Town, and shall be subject to the condition expressed therein that the dog so licensed shall be controlled and restrained from killing, chasing or harassing livestock or fowls.
- H. **Failure to License.** Should any owner or keeper of an animal fail to license that animal as required under M.G.L. Chapter 140 before April, 1, the owner or keeper shall pay a late fee of Ten (\$10.00) Dollars before obtaining said license, except a dog brought into the Town as provided by M.G.L. Chapter 140, Section 138. This late fee shall be applicable from the 61st day after the arrival of such dog. Any person maintaining a commercial kennel in the Town of Dudley who fails to license as prescribed by this section and the laws of the Commonwealth, shall pay a late fee of Fifty (\$50.00) Dollars, commencing April 1. Any owner or keeper of a dog failing to license by June 15th in any year shall be subject to a fine of Twenty-Five (\$25.00) Dollars per dog in addition to the license fee upon the complaint of the dog officer or Town Clerk. Any person maintaining a Commercial Kennel who fails to license by June 15th in any year shall be subject to a fine of Seventy-Five (\$75.00) Dollars upon the complaint of the dog officer or Town Clerk.
- I. **Unpaid Fees.** In addition to all other sums due and owing for any license fee hereunder, a person who applies for license hereunder shall be obligated to pay all prior amount of license fees and late fines determined to be due and owing by the Town Clerk pursuant to this By-law, for past periods in which said person was obligated to obtain license. It shall be a violation of the By-law to fail to pay any said sum due hereunder; this remedy shall be cumulative.

Section 4. RABIES CONTROL

All dogs and cats owned by a resident of the Town of Dudley shall be properly vaccinated in accordance with Massachusetts General Laws Chapter 140 Section 145B. Unvaccinated dogs and cats acquired or moved into the Town of Dudley shall be vaccinated within sixty (60) days or upon reaching the age of six (6) months, whichever occurs first.

Those dog owners found in violation of the rabies requirement of Massachusetts General Laws Chapter 140, Section 145B, shall, at the owner's expense, have their dogs properly vaccinated by a licensed veterinarian within ten (10) days of said violation and will receive a fine of twenty-five dollars (\$25.00).

Any dog without current proof of rabies vaccination that is impounded by the Animal Control/Dog Officer will be vaccinated at the owner's expense prior to release by the Animal Control/Dog Officer.

Any animal that is quarantined and requires vaccination shall be vaccinated at the owner's expense. Notification of such vaccination shall be sent to the Animal Inspector within ten (10) days of said vaccination.

Any dog or cat that is not currently vaccinated that bites or scratches any person shall be confined in an approved, adequate boarding facility for a period of not less than ten (10) days, at the owner's expense.

Any dog or cat that is currently vaccinated that bites or scratches any person shall be confined at the home of the owner for a period of not less than ten (10) days.

Any veterinarian bills incurred for vaccinating or preparing any animal for rabies testing shall be at the owner's expense.

Any owner or keeper moving an animal subject to quarantine shall notify the Board of Health in writing prior to moving the animals. The Town of Dudley shall be given the name, address, and phone number as to where the animal is going to be housed.

Any owner or keeper of any animal in the Town of Dudley who has received written notice of quarantine and does not comply with said quarantine order, or if the quarantined animal is found outside the approved enclosure of its owner or keeper and not under his/her immediate care, shall be subject to an immediate order to destroy or order to be housed at an approved boarding facility at the owner's expense.

It shall be the duty of the Animal Inspector to investigate and enforce the provisions of this by-law, and to give written notice to the Board of Health, Animal Control/Dog Officer and the animal owner in regards to all quarantines.

Section 5. MUZZLING DOGS

- A. Any owner or keeper of a dog may be ordered to muzzle said dog by a duly appointed Animal Control Officer/Animal Inspector and, in his/her absence, by a police officer for either of the following reasons:

- (1) for having bitten, injured or physically molested any person; or
- (2) for having physically injured any dog or other animal.

- B. This order shall remain in effect until removed by the officer after having been satisfied that the dog is unlikely to repeat its offense. Such decisions by the officer to remove the said order shall not be unreasonably withheld. A dog muzzled under the provisions of this section shall be monitored by the Animal Control Officer or Police Officer so long as the muzzle is in place. The Animal Control Officer or Police Officer may delegate the monitoring to a party subject to written guidelines provided by the Animal Control Officer. In no event shall the order exceed a period of 5 (five) hours except for extraordinary circumstances.

Section 6. IMPOUNDING, RELEASE AND DISPOSITION OF ANIMALS

- A. The Animal Control Officer/Animal Inspector or in his/her absence, police officers may cause an animal to be impounded for any of the following causes:
- (1) if found without a license when a license is required; or
 - (2) if found unrestrained as set forth in Section 2 of this By-law; or
 - (3) for violation of a muzzling order as provided for in Section 5 of this By-law; or as provided under M.G.L. Chapter 140, Section 167, as amended; or
 - (4) for having bitten, injured or physically molested any person; or
 - (5) for having physically injured any dog or other animal; or
 - (6) to restore peace when the owner or keeper of an animal is otherwise unavailable, unwilling, or physically unable to restrain his/her animal from causing a nuisance by continuous barking or howling; or
 - (7) to ensure the safety and well-being of the particular animal; or
 - (8) for any violation of this by-law.
- B. No later than (2) days after the impounding of any animal, the owner or keeper shall be notified, or if the owner or keeper of the animal is unknown, or, after reasonable efforts, is not contacted, written notice shall then be posted for ten (10) consecutive days in the location for posting notices in the Town Hall, which notice shall describe the animal and the place and time of taking. Animals impounded and unclaimed by the owner or keeper after such ten day period shall be disposed of in accordance with the provisions of M.G.L. Chapter 140, Section 151A. Prior to the end of said ten day period, the owner or keeper may obtain the release of such dog or other animal upon payment of all pound fees, fines, and notification costs, if any; and in the case of a violation of A (1) of this Section, upon obtaining a license as required by law.
- C. No animal shall be turned over or sold in any manner inconsistent with M.G.L. Chapter 140, S.151 or disposed of inconsistent with the provisions of S. 151A.
- D. In the case of a dog bite to a human, if a current rabies inoculation cannot be confirmed, the owner/keeper shall voluntarily subject the animal to euthanasia and rabies testing or subject the animal to mandatory, strict isolation and examination as prescribed by the Massachusetts Department of Public Health. All expenses incurred, including but not limited to transportation, to be the responsibility of the owner/keeper of said animal.

Section 7. PERSON CONVICTED OF CRUELTY TO ANIMALS

Any person or persons found guilty of a violation of any provisions of Sections 77, 80A, 94 or 95 or M.G.L. Chapter 272 will forfeit the right to own or keep any animal within the Town of Dudley

and must immediately, upon conviction, surrender all animals in his/her possession to the Animal Control Officer.

Section 8. COMPLAINT OF DANGEROUS DOGS / EXCESSIVE BARKING

If written complaint is made to the Board of Selectmen or Chief of Police regarding a vicious or dangerous dog or excessive barking/howling or in any other manner disturbs the peace and quiet of any neighborhood or endangers the safety of any person or animal, such complaint shall be acted upon in conformance with M.G.L. 140, S. 157 and S. 158.

Section 9. WARRANT TO ANIMAL CONTROL OFFICERS

The provisions of M.G.L. Chapter 140, S. 153 are incorporated herein.

Section 10. LIABILITY OF OWNER

- A. The Owner or Keeper of a dog or animal which has done damage to livestock or fowl shall be liable for such damage, and the Selectmen may order the owner or keeper to pay such damages after an investigation as set forth in M.G.L. Chapter 140.
- B. In the event that the owner or keeper of such dog or animal known to have done damage to livestock or fowl refuses to pay upon the order of the Selectmen, the Selectmen shall enter or cause to be entered a complaint in the District Court for the enforcement of the order.
- C. In addition, the Board of Selectmen or their agent thereto authorized in writing, may, after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog or animal known to them to have killed livestock or fowls, and then and there kill such dog, unless such owner or keeper whose premises are thus entered for the said purpose shall give a bond in the sum of two hundred dollars (\$200.00), with sufficient sureties approved by the Board of Selectmen, conditioned that the dog or animal is continually restrained. If the owner or keeper of the dog or animal declares his intention to give such a bond, said Selectmen or their agents shall allow him seven (7) days, exclusive of Sundays and holidays, in which to procure and prepare the same and to present it to them, or to file it with the Town Clerk.
- D. If a dog or animal which has previously been ordered restrained by the Selectmen, or upon review by the District Court, wounds any person or shall maim or kill any livestock or fowls, the owner or keeper of such dog or animal will be liable to the person injured thereby in triple the amount of damages sustained by him.
- E. The owner or keeper of any animal injured or killed by a motor vehicle shall be responsible for the cost of all response, emergency care, treatment and/or disposal of said animal.

Section 11. ENFORCEMENT/PENALTIES

- A. The Animal Control Officer(s) duly appointed or, in their absence, police officers shall enforce the provisions of this Animal Control By-law, and shall attend to all complaints or other matters pertaining to animals in the Town of Dudley.
- B. Notwithstanding any provisions of the General Laws to the contrary, any person(s) who:

- (1) refuses to answer or answers falsely questions of a Animal Control Officer or a police officer pertaining to his/her ownership of an animal; or
- (2) is found guilty of cruelty to animals which shall include but not be limited to confining an animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, the Animal Control Officer or law enforcement officer who has probable cause to believe that this section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person; or
- (3) refuses to turn over any animal to the Animal Control Officer upon demand as authorized by sections 6 and 7 of this By-law; or
- (4) violates a Selectman's order shall be punished by a fine not less than one hundred dollars (\$100.00), nor more than three hundred dollars (\$300.00).

C. Any owner or keeper who:

- (1) violates the provisions of this By-law; or
- (2) is the owner/keeper of any animal who shall be found by the Animal Control Officer to have defecated on private property other than that of its owner/keeper, or on public property without proper disposal and removal; or
- (3) is the owner/keeper of any animal who intentionally allows any such animal to cause a nuisance by barking, howling or otherwise disturb another person's right to peace; or
- (4) is the owner/keeper of an animal found to have bitten or injured any person, dog or other animal may be penalized by non-criminal disposition as provided in M.G.L. Chapter 40, section 21D, and shall be punished by the imposition of fines as follows:
 - a) A fine of \$25.00 for the first offense.
 - b) A fine of \$50.00 for the second offense
 - c) A fine of \$100.00 for the third offense and each subsequent offense.

Fines not to exceed Five Hundred (\$500.00) Dollars.

- D. HEAT SEASON: The owner of any un-spayed female or un-neutered male unleashed dog found by the Animal Control/Dog Officer roaming at large in heat season off the premises of the owner or keeper shall be subject to a fine of \$50.00.
- E. Where applicable, each day shall constitute a separate offense.

Section 12. REDEMPTION OF DOGS AND ANIMALS

- A. Redemption of Impounded Dogs and Animals: The owner or keeper of any dog or animal impounded under the provisions of the by-law may redeem such dog or animal provided he first reimburse the Animal Control Officer for his/her expenses at the rate of not more than Twenty Five (\$25.00) Dollars per handling of such dog or animal , plus Ten (\$10.00) Dollars for each day, or portion thereof that he/she has confined such dog or animal and procures from the Town Clerk's office a license and tag for any such dog or animal that is not licensed, if required.
- B. The owner or keeper of any dog or cat impounded under the provisions of this by-law may redeem such dog or cat provided show proof of a current rabies vaccination before dog or cat is released.

Section 13. ALTERNATE PROCEDURE UNDER M.G.L. CHAPTER 140, SECTION 173A

- A. Notwithstanding any provisions of the General Laws to the contrary, any Animal Control Officer who takes cognizance of a violation of:
- (1) this By-law; or
 - (2) failure to license animals pursuant to M.G.L. Chapter 140 and this By-law; or
 - (3) failure to obtain residential kennel or commercial kennel license; or
 - (4) failure to vaccinate against rabies pursuant to M.G.L. Chapter 140, section 145B may issue or mail a Notice of Complaint of Violation of Municipal Dog Control By-law to the owner or keeper of such animal.

Section 14. DISCLAIMER/SEVERABILITY CLAUSE

- A. Nothing contained within this By-law shall limit or restrict any enforcement officer's authority to seek criminal prosecution of any violation of State or Federal law.
- B. If any part, section or provision of this By-law is found to be invalid, the remainder of this By-law shall not be affected thereby.

Section 15. The effective date of this by-law shall be Sept. 1, 2000.

Amendments:

Sec. 1, (D & E), Sec. 3, (B, G & J) - 05/18/09; Sec. 1, (A, B & G); Sec 10, (A, B, C, D & E); Sec. 12 (A / add new paragraph B); Dog Officer changed to Animal Control Officer – 11/07/11; Sec. 3 (G) (05/21/12); Sec. 1 (add H & I) 11/04/2013, Sec. 3 (C & G) 11/04/2013, Sec. 3 (G) 05/19/2014, Sec (A) § H & I, Sec. 3 § C & G renumbered 05/19/2014