

## **ANIMALS AND FOWL\***

### **Article. I. In General, §§ 4-1 to 4-15**

### **Article. II. Dogs, §§ 4-16 to 4-26**

## **ARTICLE II. DOGS**

### **Section. 4-16. Purpose.**

The purpose of this Bylaw is to protect the health, safety, and welfare of all the inhabitants of the town. This Bylaw also serves the purpose to diminish health hazards caused by dog bites or improper care of dogs and their excrement upon private or public property. This Bylaw is enacted in accordance with M.G.L. Chapter 140, Sections 136A to 174F.

### **Section. 4-17. Animal Control Officer.**

The ACO will in all matters carry out his or her duties in accordance with M.G.L. c. 140, Sections 136A to 174F.

The ACO is appointed by the Town Manager in May of each year. He or she shall maintain proper records as required by the Town of Millbury.

The ACO will investigate complaints concerning any dogs which are alleged to be in violation of Town Bylaws and to apprehend any dog found by him or her to be a nuisance or dangerous dog and to impound such dog in a suitable place or to order the owner thereof to restrain such dog.

The Town Manager shall authorize the ACO or Assistant to the ACO to issue citations and penalties and enforce established regulations as found in section 4-18 of the Bylaws.

### **Section. 4-18. Licenses/ Disposition of Receipts.**

A. Every Dog six months or older is required to be licensed and must have the proper rabies shots.

B. Dog licenses are valid from April 1<sup>st</sup> to March 31<sup>st</sup>. Licenses will be issued by the town clerk beginning in January and owners are required to show proof of valid rabies vaccinations.

C. License fees are as follows:

1. January 1 thru December 31 Dog License spayed/neutered – Ten Dollars (\$10.00)
2. January 1 thru December 31 Dog License – Fifteen Dollars (\$15.00)
3. Transfer of a Dog License valid for the current year – Five Dollars \$5.00
4. Four (4) Dog Kennel – Fifty Dollars (\$50.00)
5. Ten (10) Dog Kennel – Seventy Five Dollars (\$75.00)
6. Ten (10) or more Dog Kennel – One Hundred Dollars (\$100.00)

D. Late fees will be charged if a dog license or kennel license is not purchased by July 1<sup>st</sup> of each year in the amount of Thirty Dollars (\$30.00).

- E. An owner may be issued a citation from the Animal Control Officer concerning for failure to obtain a license required by this Bylaw. Should a dog be picked up for any violation of this Bylaw, without a license, the license fee, and a \$25.00 surcharge will be attached for the first violation, the second or subsequent violation will be processed for the license fee and a \$40.00 surcharge.
- F. This schedule of fees has been established in accordance with M.G.L. c. 140, Section 139. All fees provided for in this Bylaw shall be collected in accordance with M.G.L. c. 140.
- G. Any funds collected pursuant to the provisions of this Bylaw by the ACO shall be accounted for and paid to the Town Treasurer at such time and in such a manner as may be designated by the Town Treasurer.
- H. The maximum amount of Licenses issued to owners of dogs who own 10 or more acres of land as their primary residence shall increase from 3 to 4.

#### **Section. 4-19. Fostering Dogs.**

Any household may not foster more than two dogs at one time, and may not exceed more than three dogs in the home. If the amount of dogs in any household exceeds three, a kennel license must be acquired. Once a dog is to be fostered the owner must report to the Town Clerks office. The owner must provide a rabies certificate if the dog is over 6 months old, along with a written letter stating how long the dog will be fostered. If the time frame will be longer than six months the dog must be licensed.

#### **Section. 4-20. Restraint.**

A. The owner shall keep his or her dog under restraint at all times and shall not permit such dog to be at large off the property, unless the dog is accompanied by its owner or other person responsible for the dog who is in full control of such dog, or unless the dog is held firmly on a leash of not more than six (6) feet. For the purposes of this Section, the property shall mean property to which the owner has an exclusive right of possession and shall not include property to which other persons have a right of possession in common with the owner, such as a common open space in an Open Space Community Development or common areas in a Condominium, or public places.

B. For the purpose of this Section "full control" means that the dog will be restrained on a leash of 6ft or shorter and respond to command, order, or signal of the owner or other person responsible for the dog, and shall, at all times, by such command, order or signal, prevent such dog from bothering, worrying, annoying, chasing, menacing or barking at any person or vehicle, or killing, chasing or harassing livestock, fowl or other pets.

C. Every female dog in heat shall be kept in a building or secure enclosure, or in a boarding kennel, so that she cannot come into contact with another dog.

#### **Section. 4-21. Nuisance or Dangerous Dogs.**

- A. No owner or person who is in control of a dog shall permit that dog to be a nuisance or dangerous dog as defined in M.G.L. Chapter 140, Section 136A. Any such nuisance or dangerous dog may be subject to M.G.L. Chapter 140, Section 157.
- B. Owners or persons in control of a dog shall not permit any dog to engage in excessive barking or howling or vocalizing outside of a building in any manner, that disturbs the peace and quiet of any neighborhood, or to permit any dog to bark inside of a building in such a manner as to be heard beyond the premises where the dog is quartered for more than 15 minutes between the hours of 10:00 p.m. to 7:00 a.m. or for 30 minutes between the hours of 7:00 a.m. and 10:00 p.m.

**Section. 4-22. Impoundment by Animal Control Officer.**

A dog may be picked up and impounded at the ACO's discretion when:

- (1) Found at large, without full control of owner.
- (2) Found not muzzled when an order for muzzling of such dog is in effect.
- (3) Having bitten, attacked or threatened the health or safety of a person.
- (4) Chasing any vehicle upon a public way or upon any way open to the public travel in the Town.
- (5) Having damaged or littered property other than the owner's.
- (6) Found without a license.
- (7) In violation of section 4-20 Restraint

**Section. 4-23. Impoundment -Notice to Owner.**

If a dog impounded pursuant to section 4-22 has upon it the name and address of the owner, or if the name of the owner is otherwise known, then the Dog Officer shall immediately notify the owner, and if the owner is not known, then no notice shall be necessary.

**Section. 4-24. Impoundment -Redemption by Owner.**

The owner of any dog impounded pursuant to Section 4-22 may reclaim such dog upon reimbursement to the ACO.

Boarding charges and any emergency veterinary bills will be the sole responsibility of the owner of the dog. The Animal Control Officers expense for maintaining such dog while impounded, shall not charge more than Fifteen Dollars (\$15.00) for a reimbursement of such expenses for the first twenty-four (24) hour period or any part thereof that the dog is held by the Dog Officer and Fifteen Dollars (\$15.00) for each additional day. If the dog is not licensed, before release to any person by the ACO, a license as required by M.G.L. c. 140 Section 137 shall be secured.

**Section. 4-25. Impoundment - Disposition of Unclaimed Dogs.**

Any dog which has been impounded pursuant to section 4-22 of this Bylaw and has not been claimed by the owner within ten (10) days shall be disposed of as provided by M.G.L. c. 140, Section 151A.

**Section. 4-26. Enforcement.**

This Bylaw shall be enforced in accordance with M.G.L. c. 140, Section 173A.

(By-Law 5-2-17, Art. 31)