

# TOWN OF SHUTESBURY, MASSACHUSETTS

## DOG LICENSING AND CONTROL

*Bylaw passed by Shutesbury Town Meeting on May 4, 2002*

### ❖ GENERAL OFFENSES

All owners or keepers of dogs, or their agents, shall at all times:

- Maintain control of the dog beyond the confines of their property by leash or voice command.
- Maintain a collar or harness on the dog, suitable for restraining the animal.
- Maintain current Massachusetts dog license, if over six months of age.
- License any dog requiring same within 30 days of its arrival in Shutesbury.
- Maintain current rabies vaccination, if required.
- Maintain the issued current license tag securely attached to the collar or harness.

### ❖ NON-CRIMINAL DISPOSITION

In addition to criminal enforcement through the Massachusetts General Laws, all sections of this bylaw may be enforced by the below-designated enforcing persons through the non-criminal disposition process as defined in Chapter 40 section 21D of the Massachusetts General Laws. The Enforcing persons for this bylaw shall be: all Dog Officers, all Police Officers and Constables with jurisdiction, and all members of the Select Board.

### ❖ FINES

Unless otherwise specified, the fines for any listed offense shall be \$25.00 for each first offense, and \$50.00 for each subsequent violation. Each offense shall be considered as a separate offense in determining the applicable fine, and each day on which any violation exists shall be deemed to be a separate offense. The offenses shall be accrued against the owners or keepers, and not tallied against individual dogs.

### ❖ PICKUP AND STORAGE FEES

In the event that the enforcing person is required to collect and/or keep a dog in the performance of his or her official duties, said enforcing person shall charge a fee to the owner, keeper or adoptor for every dog collected plus the cost of necessary inoculations; and a fee per day for storage and board, beginning on the pickup date. All fees are subject to the approval of the Select Board and reflect the current market costs.

## ❖ LOCAL AMENDMENTS OF EXISTING MASSACHUSETTS GENERAL LAWS

1. Notwithstanding the provisions of Section 136A of Chapter 140 of the General Laws or any other provision of law to the contrary, the License period for Shutesbury will be the time between July first and the following June thirtieth, both dates inclusive. Remainder unchanged.
2. Notwithstanding the provisions of Section 137 of Chapter 140 of the General Laws or any other provision of law to the contrary, the cost of a replacement for a lost license tag shall be one dollar. Remainder unchanged.
3. Notwithstanding the provisions of Section 137A of Chapter 140 of the General Laws or any other provision of law to the contrary, ...The fee for each license for a kennel shall be twenty-five dollars if not more than four dogs are kept in said kennel, fifty dollars if more than four but not more than ten dogs are kept therein and seventy-five if more than ten dogs are kept therein;...Remainder unchanged.
4. Notwithstanding the provisions of Section 137C of Chapter 140 of the General Laws or any other provision of law to the contrary, the fine for maintaining a kennel after the license therefore has been so revoked, or while such license is so suspended, shall be as defined in the section entitled FINES of this bylaw. Remainder unchanged.
5. Notwithstanding the provisions of Section 139 of Chapter 140 of the General Laws or any other provision of law to the contrary, the fee for every license shall, except as otherwise provided, be ten dollars for a male or female dog, unless a certificate of a registered veterinarian who performed the operation attests that said male dog has been neutered, or female dog spayed, and has thereby been deprived of the power of propagation, has been shown to the town clerk, in which case the fee shall be five dollars.

Further, that the town clerk may accept a statement under penalties of perjury from a registered veterinarian regarding an examination of any neutered male, as for a spayed female, as defined in C140 s139.

Further, that a late charge of five dollars shall be charged beyond the start of the annual license period, or 30 days after arrival of the dog in town, as defined in the section entitled FINES of this bylaw and MGL C140 s138 that the dog is not licensed with the town clerk. Remainder unchanged.

6. Notwithstanding the provisions of Section 141 of Chapter 140 of the General Laws or any other provision of law to the contrary, the violation of statute fine for a violation of this section shall be as defined in the section entitled FINES of this bylaw. Remainder unchanged.
7. Notwithstanding the provisions of Section 145B of Chapter 140 of the General Laws or any other provision of law to the contrary, the noncriminal fine for a

violation of this section shall be as defined in the section entitled FINES of this bylaw. Remainder unchanged.

8. Notwithstanding the provisions of Section 146 of Chapter 140 of the General Laws or any other provision of law to the contrary, the fee for a transfer license shall be one dollar. Remainder unchanged.
9. Notwithstanding the provisions of Section 150 of Chapter 140 of the General Laws or any other provision of law to the contrary, for an owner or keeper of a dog who refuses to answer or answers falsely the fine for a violation of this section shall be as defined in the section entitled FINES of this bylaw. Remainder unchanged.
10. Notwithstanding the provisions of Section 151 of Chapter 140 of the General Laws or any other provision of law to the contrary, the annual appointment date of dog officers shall be July first, beginning in 1993, and all dog officers holding office as of April thirtieth of any given year shall retain full powers and responsibilities until June thirtieth of said year, unless otherwise removed by the appointing authorities. Remainder unchanged.
11. Notwithstanding the provisions of Section 151A of Chapter 140 of the General Laws or any other provision of law to the contrary, the issue date of the warrant shall be amended from "June" to "July"; and the minimum adoption fee and 'per day' care fee shall both be amended from "three dollars" to "four dollars". Remainder unchanged.
12. Notwithstanding the provisions of Section 157 of Chapter 140 of the General Laws or any other provision of law to the contrary, for any person owning or harboring a dog who shall fail to comply with an order of an enforcing authority the noncriminal fine for a violation of this section shall be as defined in the section entitled FINES of this bylaw.
13. Notwithstanding the provisions of Section 161A of Chapter 140 of the General Laws or any other provision of law to the contrary, the words "..unlicensed dog of the age of three months or older..." shall be amended to read, "..unlicensed dog of the age of six months or older..." to be consistent with other State laws and this bylaw.
14. Notwithstanding the provisions of Section 164 of Chapter 140 of the General Laws or any other provision of law to the contrary, for a person who owns or keeps a dog and who has received notice and does not within 24 hours kill such dog or thereafter keep it on his premises or under immediate restraint and control of some person the fine for a violation of this section shall be as defined in the section entitled FINES of this bylaw.
15. Notwithstanding the provisions of Section 172 of Chapter 140 of the General Laws or any other provision of law to the contrary, and in recognition of the acceptance of Section 147A of Chapter 140 by Town Meeting vote prior to this Article, any fees or charges or damages received by the town treasurer under

Sections 136A to 174D inclusive of Chapter 140, and this by law, and receipts of noncriminal fines resulting from tickets issued under this bylaw, in excess of the limit set on the revolving fund as defined in MGL Ch. 44, S. 53E-1/2 for Dog Licensing and Control, shall be expended for the support of public libraries or schools.

Further, should any future Annual Town Meeting fail to reauthorize the Dog Licensing and Control revolving fund, the provisions of this section shall revert to the current General Laws at that time, relating to disposition of the balance of the dog fund.

#### ❖ SEVERABILITY

It is the desire of Town Meeting to ratify this Article in its entirety. If any section, subsection, paragraph, sentence or word thereof is found to be invalid it is the intent and desire of Town Meeting to sever this entire Bylaw and revert back to the existing approved Bylaw.

In any section which refers to existing statutes of Massachusetts General Laws which may be amended subsequent to this date, the statute in effect at the time of the offense shall be applied.

Once approved in its entirety, this Bylaw replaces the existing Bylaw entitled "Dog Licensing and Control Bylaw" and the Bylaw entitled "Bylaws Governing Persons in Control of Dogs".