

DOG CONTROL BY-LAW

SECTION 1: PURPOSE

To achieve the objectives of the Animal Control Officers responsibilities as contained in Chapter 140, sections 136A-174E of the Massachusetts General Laws, which includes the regulation of domestic animals, the licensing of dogs, and the establishment of fines for these By-laws within the boundaries of the Town of Middlefield.

SECTION 2: APPLICATION

This Bylaw shall apply to those persons owning or keeping dogs within the boundaries of the Town of Middlefield in their role as responsible pet owners. It must be understood, however, that enforcement of the same is necessary to protect the rights and safety of the public. Any owner/ keeper seeking relief from any portion of these regulations may file or appeal for same with the Board of Selectman.

SECTION 3: SEVERABILITY

Should any section, portion, or provision of this by-law be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion, or provision of this Bylaw.

SECTION 4: ANIMAL CONTROL OFFICER

The Selectboard shall annually appoint an Animal Control Officer. The salary shall be fixed by vote of Annual Town Meeting.

SECTION 5: LICENSES AND TAGS

1. The owner or keeper of a dog kept within the Town of Middlefield, said dog being six months of age or older, shall cause that dog to be licensed annually. The license year shall be from April 1 to the following March 31, inclusive.
2. The Town Clerk shall issue dog licenses and tags. The Town Clerk shall record for each license issued, the name, address and telephone number of the owner or keeper of each dog licensed, the tag number issued, date of expiration of last rabies vaccination, breed, age, color, or other description of the dog. Each tag shall contain the tag number, the name "Middlefield" and the year of issue.
3. The owner or keeper shall cause said dog to wear around its neck or body a collar or harness to which he/she shall securely attach the tag issued. In the event that any tag is lost, defaced, or destroyed, substitute tags shall be obtained by the owner or keeper from the Town Clerk, at the cost of \$2.00 each.
4. The fee for each dog licensed shall be \$10.00 unless a certificate of a veterinarian stating that the dog has been spayed or neutered has been presented to the Town Clerk, in which case the fee shall be \$5.00. Any owner or keeper of four or more dogs, six months of age or older, may elect to secure a kennel license after inspection by the Animal Control Officer, as follows:

- a. 4 dogs - \$20.00
- b. Up to 10 dogs - \$40.00
- c. Over 10 dogs - \$75.00

No license fee or part thereof shall be refunded because of a subsequent death, loss, spaying or neutering, or removal from the Town of such dog. A late fee of \$10.00 per dog will be charged for late renewals after April 15. A late fee of \$50.00 per dog will be charged for late renewals after June 1. This does not apply for newly acquired dogs or for individuals who have moved into Town less than 30 days prior to licensing. All dogs must be licensed every year.

5. A license shall not be issued for any dog unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that the dog is currently vaccinated against rabies or indicating that, because of infirmity, other physical condition or regimen of therapy, said vaccination is deemed inadvisable. The rabies vaccination expiration date shall be recorded on the license record.

6. No fee shall be charged for a dog specially trained to lead or serve a disabled person. No fee shall be charged for a license for a dog owned by a person aged 70 years or over.

7. The owner or keeper of any dog shall provide proof of said license upon request of the Animal Control Officers, Police Officers or other authorized officials.

8. The penalty of violation of this section, in addition to any other penalties provided by law, shall be \$50.00. The penalty for failure to license said dog within 30 days of notification of violation of this section shall be \$75.00.

SECTION 6: LEASHING AND RESTRAINT OF DOGS

1. No owner or keeper of a dog shall permit such dog whether licensed or unlicensed to run at large within the Town of Middlefield. No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is physically restrained by a leash and under the control of its owner/keeper.

2. No person shall permit a dog owned or kept by him to run freely outside the confines of the property of the owner or keeper unless leashed or as to restrain the dog in such manner that the dog will not go beyond the property of the owner or keeper by fencing or appropriate barriers.

3. No person shall permit a dog owned or kept by him to be unaccompanied by a person of adequate age and discretion to properly control its actions.

4. Any dog found to be at large in violation of this section may be caught and confined by an officer authorized to do so, or returned to the owner or keeper of record forthwith. The Animal Control officer, or authorized agent, shall attempt to notify the owner/keeper of record of a confined dog. The owner/keeper of said dog shall have a period of time, not to exceed 10 days, within which to recover said dog. Return of the dog to the owner/keeper of record shall be dependent upon admission of

ownership or the keeping of said dog, and assumption of responsibility by the owner or keeper. If said dog is unlicensed, a current license shall be obtained and all impound fees paid prior to release of the dog. In addition to fees charged for boarding, medical, or other care cost, there shall be an impound fee paid to the Town of Middlefield of \$20.00 for licensed dogs and \$30.00 for dogs unlicensed at the time of impound.

5. This section shall not be construed to limit or prohibit the use of hunting dogs during the hunting season, the conducting of field trials for hunting dogs or the training or use of police K-9 units.

6. The penalty for violations of this section shall be \$25.00 for each offense.

SECTION 7: NUISANCE DOGS; DISTURBING THE PEACE; FINES

(Definition of a Nuisance Dog; a dog that: (i) by excessive barking or other disturbances, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal, or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.)

No owner or keeper of a dog shall allow such dog to soil or defile (unless picked up by owner or keeper), or dig, or commit a nuisance other than within the boundaries of its owner or keeper, or disturb the peace and quiet of any neighborhood with excessive barking or howling. Violators shall be warned by an Animal Control Officer. Fines within a one year period:

First offense: warning

Second offense: \$20.00 and reported to Selectboard

Third offense: not to exceed \$50.00

Fourth offense: not to exceed \$100.00 and the Selectboard shall take action as allowed in section 13 of this bylaw.

SECTION 8: VICIOUS OR DANGEROUS DOGS; FINES

No owner or keeper of a dog shall allow such dog to endanger the safety of any person or other domestic or kept animals. Violators shall be warned by an Animal Control Officer and reported to the Selectboard and action may be taken as described in section 13 of this bylaw.

(Definition of a Dangerous dog; a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic owned animal)

First offense: warning and reported to the Selectboard

Second offense: \$50.00 and the Selectboard shall cause the dog to be restrained as provided in section 13 of this bylaw

Third offense: not to exceed \$100.00 and cause the Selectboard to take action, by removal or destroying, as described in section 13 of this bylaw.

SECTION 9: PERSONAL PROPERTY, LIVESTOCK/FOWL DAMAGE; APPRAISAL; REIMBURSEMENT

1. Whoever suffers loss by the worrying, killing or maiming of his livestock or fowl by dogs shall inform the Animal Control Officer who shall forthwith proceed to the scene to view the damage, who shall determine if the damage was done in fact by dogs and, if so, appraise the amount of damage if it does not exceed \$50.00.

2. If in the opinion of the Animal Control Officer the damage exceeds \$50.00, the damage shall be appraised on oath by three persons, one of whom shall be the Animal Control Officer, one shall be appointed by the person alleged to have suffered the loss and the third appointed by the other two.

3. Said appraisers shall consider and include in such damages the number and kind of animals damaged, the extent of the damage and the approximate weight of the killed animals. The appraisers will also note in their report whether or not any animals were sent for medical treatment in an effort to save them, the number and kind of such animals. Such report shall be filed with the Board of Selectman within 10 days of said appraisal. The Board of Selectman may require the appraisers to provide any additional information that they deem appropriate. The appraisal will be reviewed and submitted for payment as deemed appropriate. Reimbursement may be denied or limited in accordance with Chapter 140, Section 161A, of the Massachusetts General Law.

SECTION 10: LIABILITY OF DOG OWNER

1. The owner or keeper of a dog which has done damage to livestock or fowl shall be liable for such damage, and the Board of Selectman may order the owner or keeper to pay damages after an investigation by the Animal Control Officer of the facts of the matter and appraisal conducted as outlined in Section 5.

2. In the event that the owner or keeper of such dog known to have done damage to livestock or fowl refuses to pay upon the order of the Board of Selectman, the Animal Control Officer shall enter or cause to be entered a complaint in District Court for the enforcement of the order.

SECTION 11: VACCINATION AGAINST RABIES

1. The owner or keeper of a dog six months or older, housed or sheltered in the Town of Middlefield shall cause such animal to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Massachusetts Department of Public Health. Such owner or keeper shall procure a veterinarian's certification that such animal has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification

was issued, or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

2. Vaccinated animals shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Massachusetts Department of Public Health.

3. The owner or keeper of a dog shall present certification of rabies vaccination upon demand of the Animal Control Officer, police officers or other authorized officials of the Town.

4. The penalty for violation of this section shall be \$50.00 for each offense. The penalty for failure to vaccinate said animal within 30 days of notification of a violation of this section shall be \$75.00.

SECTION 12: QUARANTINE OF DOGS SUSPECTED OF HAVING CONTAGIOUS DISEASE

1. The Board of Selectman, or his authorized agent, may order any dog which said person has reason to believe is affected with a contagious disease, to be quarantined or isolated for at least 10 days upon the premises of the owner or of the person in whose charge it is found, or in such other place as the Board of Selectman or agent may designate.

2. A dog which has been quarantined or isolated by order of the Board of Selectman or his agent shall, during the continuance of such quarantine or isolation, be deemed to be affected with a contagious disease. The owner or keeper shall be responsible for any fees incurred for any off-premises quarantine. Whoever knowingly breaks or authorizes or causes to be broken a quarantine so imposed; or whoever contrary to such order of quarantine or isolation knowingly removes a dog or authorizes or causes it to be removed from a building, place or enclosure where it is quarantined or isolated; or whoever contrary to an order or notice of quarantine knowingly places or causes or authorizes to be placed any other animals within a building, place or enclosure where a dog is quarantined or in contact therewith; or knowingly causes or authorizes to be concealed, sold, removed or transported a dog, knowing or having reasonable cause to believe that it is affected with a contagious disease; or whoever knowingly authorizes or permits such dog to go at large within the Town of Middlefield shall be punished by a fine of \$200.00. Any such dog found at large by the Animal Control Officer, or other authorized agent of the Town, shall be captured and confined at the expense of said owner or keeper. This section shall not apply to the authorized Town officials in the performance of their duties.

SECTION 13: COMPLAINT INVESTIGATION; ORDER TO RESTRAIN OR REMOVE

If any person shall make a complaint in writing to the Board of Selectman that a dog owned or kept in the Town of Middlefield is a nuisance or dangerous dog as defined in Sections 7 & 8 of this bylaw, the Board of Selectman shall cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within 10 days after such order the owner or keeper of such dog may petition for relief of said order in accordance with the provisions of Massachusetts General Law, Chapter 140, Sections 157. Any person owning or keeping a dog subject to any order of the Board of Selectman, who fail to comply with said order of the Board of Selectman, shall be punished by a fine of \$100.00 for each

offense. The owner/keeper of any dog subject to an order of the Board of Selectman shall be responsible for any and all costs of carrying out said order.

SECTION 14: VIOLATIONS AND PENALITES

Unless otherwise stated, violation of any provision of the regulations shall be punished by a fine not to exceed \$300.00. The provisions of these regulations may be enforced by the Animal Control Officer utilizing the procedures contained in Massachusetts General law Chapter 40, Section 21D, as a non-criminal disposition of the violation. The fine for violations pursued utilizing the provisions of Chapter 40 Section 21D, shall be \$50.00 unless otherwise specified within the regulation.

SECTION 15: BYLAW SUPERIORITY

This Bylaw supersedes any policies, directives, dog control, or dog restraint Bylaws now in effect. Unless otherwise provided for or mandated by law.