

ARTICLE 3: BY-LAW CHAPTER 130 (DOGS)

§ 130-1 Applicable Law and Definitions.

- A. In addition to the requirements set forth in this Bylaw, the licensing, keeping and control of dogs shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited to the provisions of MGL c. 140, §§136A to 174E, inclusive, as may be amended from time-to-time, which provisions are incorporated herein.
- B. The terms used in this Bylaw shall be as defined in MGL 140, §136A, as may be amended from time-to-time, and the following additional terms shall have the meanings indicated:

ABANDON:

A dog is considered abandoned within the meaning of this chapter when it has been left alone or unattended by the owner for any period greater than 24 hours without the owner providing for its needs.

AT LARGE:

A dog that is off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash held by a person capable of controlling the dog.

COMPLAINANT:

Any person, including the Animal Control Officer, who makes a written complaint regarding an animal committing a violation under this chapter. In the case where the complaint is from someone other than the Animal Control Officer, the Ayer Dog Incident Complaint Form should be used.

COMPLAINT: A formal written report of a dog incident.

DOG:

Any animal of the canine species.

DOMESTIC ANIMAL:

An animal designated as domestic by regulations promulgated by the Department of Fish and Game, as may be amended from time-to-time.

HEARING AUTHORITY:

The Select Board or their designee is charged with the responsibility of handling nuisance or dangerous dog complaints.

LICENSE:

A valid and current municipal dog license and dog license tag.

OWNER:

Any person or persons, firm, association or corporation owning, keeping or harboring a dog.

PHYSICAL CONTROL:

Control of a dog with a restraint.

PUBLIC DISTURBANCE

Any dog shall be deemed a public disturbance when such dog is engaged or has engaged in any combination of one or more of the following activities. Each instance of a public disturbance is considered to be a violation. Each day of a violation is determined to be a separate violation.

- A. Destroying, disturbing or otherwise molesting the property, including refuse, of another while outside the property of its owner, whether under such owner's physical control or not.
- B. Being upon any public park, playground, schoolyard, beach or in any place to which the public has a right of access while not under the restraint of its owner or keeper.
- C. Being permitted to run unrestrained at large. The running of hunting dogs, certified service dogs and search and rescue dogs shall not constitute a public disturbance hereunder. The exercising of other dogs which are under the physical control of their owner or keeper shall not constitute a public disturbance hereunder, providing permission of the landowner has been obtained.
- D. Being an unspayed female or unneutered male at large.

- E. Being over the age of six months and not wearing a suitable collar and current municipal dog license tag issued for it and while not on the property of the owner.
- F. Being a dog, which has been abandoned.
- G. Being a dog, which deposits solid waste not removed, or not properly disposed of, by the dog's owner or keeper upon any public park, playground, schoolyard, beach, public or private way sidewalk, in any place to which the public has a right of access or any property other than that of its owner.

RESTRAINT:

The control of a dog by physical means, such as a leash, fence or other means of physically confining or restraining a dog.

RESTRAINT ORDER

Order to confine or restrain a dog with conditions determined by the Animal Control Officer.

§ 130-2 Nuisance Dog / Dangerous Dog / Public Disturbance Prohibited; Enforcement

- A. No owner or keeper of any dog shall permit such dog to become a Nuisance Dog, Dangerous Dog or Public Disturbance within the Town at any time.
- B. If the owner or keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for any violation of the bylaw.
- C. It shall be the duty of the Animal Control Officer to apprehend any dog which is found at large and to impound such dog in a suitable place or to order the owner to restrain such dog.
- D. If such a dog is impounded and has upon it the name and/or address of the owner, or owner if otherwise known, the Animal Control Officer shall immediately notify the owner.
- E. The owner of any dog impounded may reclaim such dog upon payment of a \$25 pick-up fee, together with any kennel fees incurred; provided, however, that if the dog is not licensed, a license must be secured from the Town Clerk before the dog is released. The sums collected pursuant to the provisions of this section shall be accounted for and paid over to the Town Treasurer/Tax

Collector. Any dog which has been impounded and has not been redeemed by the owner within 7 days shall be disposed of as provided by the laws of the Commonwealth of Massachusetts.

- F. The Animal Control Officer, members of the Police Department, or whoever else may be designated by the Select Board shall enforce the provisions of this bylaw and shall attend to all complaints pertaining to dogs in the Town.

§ 130-3 Nuisance or Dangerous Dog Complaints.

- A. Complaints concerning Nuisance Dogs or Dangerous Dogs shall be addressed in accordance with MGL c. 140, §157, as may be amended from time-to-time.
- B. The Select Board is designated as the Hearing Authority to oversee the process of responding to all nuisance or dangerous dog complaints. The Select Board may designate another Town Employee as the Hearing Authority.
- C. The Hearing Authority shall notify the Town Clerk of any complaints filed and shall report any findings that a dog is a nuisance or dangerous dog to the Town Clerk.
- D. Issuance of temporary restraint orders. The Animal Control Officer may issue a temporary restraint order to the owner or keeper of any dog that is alleged to be a nuisance or dangerous dog and is awaiting a decision under this chapter. The Animal Control Officer's order shall expire upon receipt of a decision from the Hearing Authority on the nuisance dog or dangerous dog hearing.

§ 130-4 Dog Licenses; Fees

- A. MGL c. 140, § 137 requires that all owners or keepers of dogs shall cause the dog to be registered, numbered, described, and licensed each year. All dogs must be vaccinated against rabies. A Valid rabies certificate must be presented each time a dog is licensed.
- B. The annual license period shall be January 1 to December 31 of the calendar year.
- C. Fees.
 - 1. The annual dog licensing fee in the Town of Ayer shall be:

- i. Unaltered: \$15
- ii. Spayed / Neutered: \$10
- iii. Dangerous Dog: \$300

NOTE: Dogs for which it can be verified by a veterinarian in writing that they cannot be spayed or neutered due to medical reasons shall pay the same fee as spayed or neutered dogs

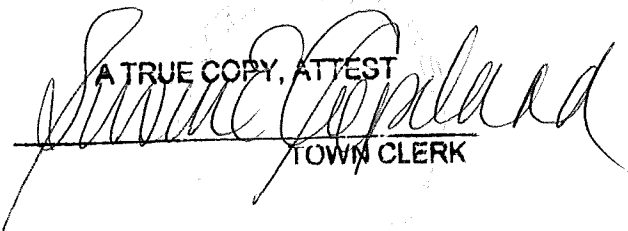
- 2. Fee exemptions. In accordance with MGL c. 140, § 139, no fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder; or for a license for a dog owned by a person aged 70 years or over.
- 3. The annual kennel licensing fee in the Town of Ayer shall be:
 - i. One to four dogs: \$40
 - ii. Five to ten dogs: \$70
 - iii. Over Ten dogs: \$100

§130-5 Violations and Penalties.

- A. Any person or entity who fails to register and license their dog each year by the last day of February in the Town of Ayer and pay the required fees and charges will be required to pay to the Town a late fee, in the amount of \$50, in addition to the original licensing fee and any fines assessed. Anyone acquiring a dog over the age of six months, after that date, shall have 30 days from the date the dog was received to register and license the dog or be subject to the late fee of \$50.
- B. This Bylaw may be enforced by the Animal Control Officer or any police officer of the Town through any means available in law or equity, including but not limited to by the noncriminal disposition statute, MGL c. 40, § 21D, MGL c. 140, §173A and the Town Code, Chapter 1, Article I, § 1-4. When so enforced, the fines shall be as follows:
 - (a) First violation: \$50.
 - (b) Second violation: \$100.
 - (c) Third violation: \$300.
 - (d) Fourth and subsequent violations: \$500

§130-6 Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

A TRUE COPY, ATTEST

TOWN CLERK