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TOWN OF AYER
TOWN CLERK

11:30am
NCPeland



Town of Ayer
Select Board

Ayer Town Hall – 1st Floor Meeting Room
1 Main Street, Ayer, MA 01432

Tuesday August 31, 2021 – 5:45 PM
Executive and Open Session Meeting Agenda

This meeting/hearing of the Ayer Select Board will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. The Select Board meetings air live on Comcast Channel 8 and live on ayerpublicaccess.org.

5:45 PM

Call to Order

Executive Session Pursuant to G.L. c. 30A, sec. 21A

Exemption 3 (Litigation Strategy): National Opioid Litigation: Mallickrodt Bankruptcy Plan

6:00 PM

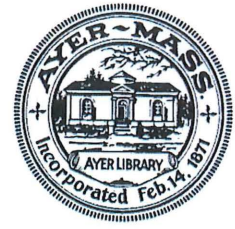
Reconvene in Open Session

Public Hearing – Nuisance or Dangerous Dog (G.L. c. 140 §157)

To determine as to whether the dogs known as “Roko” and “Bella” kept at 23 Atherton Street, Ayer, MA are nuisance dogs or dangerous dogs in accordance with Massachusetts General Laws, Chapter 140, Section 157

Adjournment

Office of the Select Board Office of the Town Manager



Town of Ayer| Ayer Town Hall| 1 Main Street| Ayer, MA 01432|978-772-8220 x100| ayer.ma.us

August 19, 2021

BY CERTIFIED MAIL 7019 1120 0000 1035 9942

Estevan Ortiz
23 Atherton Street
Ayer, MA 01432

NOTICE OF HEARING NUISANCE OR DANGEROUS DOGS

On **Tuesday, August 31, 2021 at 6:00 PM at the Ayer Town Hall, 1 Main Street, Ayer, Massachusetts** the Town of Ayer Select Board will hold public hearing in accordance with Massachusetts General Laws, Chapter 140, Section 157, to determine whether two dogs owned and/or kept by you in the Town of Ayer, are Nuisance or Dangerous Dogs as those terms are defined in said statute. This Notice is based on a complaints that your dogs frequently run loose outside of their enclosure and that they have bitten on more than one occasion, including a serious incident on Saturday, July 31, 2021 in which the dogs attacked a resident and a police officer, causing injuries.

In accordance with its statutory authority, the Board will examine the evidence, including an examination of the complainant under oath, and based on the credible evidence and testimony presented, the Board may make such findings and order concerning the restraint or disposal of said dogs as may be deemed necessary, which may include an order that the dogs be euthanized.

You may attend hearing and at that time you may produce any documentation and/or witnesses. You may be represented by counsel at your own expense if you so choose.

If you have questions related to the hearing process, please call me at (978) 772-8220 x100.

Sincerely,

Carly Antonellis
Assistant Town Manager



**Ayer Police Department
Incident Report**

**Incident #: 2101-393-OF
Call #: 21-18654**

Date/Time Reported: 07/31/2021 1605
Report Date/Time: 07/31/2021 1932
Status: Incident Open

Reporting Officer: Animal Control Offic JULIE THOMAS
Assisting Officer: Patrol CASEY SCOTT
Approving Officer: Chief BRIAN GILL

Signature: _____

Signature: _____



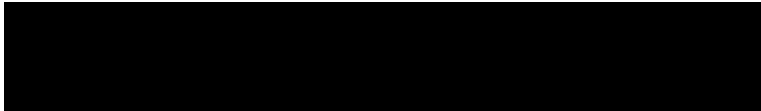
SUSPECT (S) SEX RACE AGE SSN PHONE

1	ORTIZ, ESTEVAN 23 ATHERTON ST AYER MA 01432-1701					
[REDACTED]						
[REDACTED]						
[REDACTED]						
[REDACTED]						

[CONTACT INFORMATION]



[APPEARANCE]



Ayer Police Department
Incident Report

Incident #: 2101-393-OF
Call #: 21-18654

#	SUSPECT(S)	SEX	RACE	AGE	SSN	PHONE
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[REDACTED]

#	OFFENSE(S)	ATTEMPTED	TYPE
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LOCATION TYPE: Restaurant/Cafeteria Zone: SOUTH SECTOR GEO 11
LAZY MARY'S
30 LITTLETON RD
AYER MA 01432

1 AYER TOWN BY-LAW: DOG BY-LAWS N Ordinance
BY-LAW XXXII ARTICLE XXXII
OCCURRED: 07/31/2021 1605
FINE: 15.00

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
---	-----------	-----	------	-----	-----	-------

1 PAQUETTE, KAYLIA L
[REDACTED]

INJURIES: Apparent Minor Injury
[REDACTED]
[REDACTED] Stranger

2 SCOTT, CASEY R
[REDACTED]

INJURIES: Apparent Minor Injury
[REDACTED]
RESIDENT STATUS: Resident
TAKEN TO: Nashoba Valley Medical Center
[REDACTED]
TREATED DATE: 07/31/2021 @ 1800
[REDACTED]

Incident #: 2101-393-OF
Call #: 21-18654

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
---	-----------	-----	------	-----	-----	-------

3	WILLIAMS, JONATHAN B [REDACTED] [REDACTED]					
---	--------------------------------------------------	--	--	--	--	--

INJURIES: Apparent Minor Injury
[REDACTED]

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
---	-----------	-------------	-----	------	-----	-----	-------

1	BOSTWICK, MICHELLE E [REDACTED] [REDACTED]						
---	--------------------------------------------------	--	--	--	--	--	--

On Saturday 07/31/2021, I was working the 1445 to 2245 hours shift. I was assigned to marked cruiser #39 in the south sector. Also working the shift was Detective Barhight in marked cruiser #35 in the north sector.

At approximately 1605 hours, I responded to the area of Lazy Mary's restaurant located at 30 Littleton Road for a report of two Rottweilers that were loose in the area. It was also reported that a patron of Lazy Mary's was bitten by one of the dogs.

I arrived and began checking for anyone injured and for the two dogs. I was unable to locate anyone or the dogs. I spoke with an employee who told me an employee from Gage Cannabis was bit in the parking lot and she may be at work.

Animal Control Officer Julie Thomas arrived at this time and said she believed she was familiar with the dogs and knew the owner's lived at 23 Atherton Street. We made our way to Gage in order to speak with the employee who was bit. We met with employee's who stated Kaylia Paquette was the one who was bit and she came outside. I saw Kaylia had a bandage on her right hand as she walked outside. Kaylia was visibly upset and crying. I asked Kaylia if she wanted the Ayer Ambulance to respond to check her hand and she told me she did not. ACO Thomas then began speaking with her.

As ACO Thomas was speaking with Kaylia, I received a report that the dogs were now located at Old Towne Village Condo's. I cleared and went to check on the dogs while ACO Thomas spoke with Kaylia. I arrived at 418 Daybrook Drive and saw a group of people and one small child around the dogs feeding them and giving them water. I told the group to be careful as one of the dogs had previously bit someone.

The dogs appeared to be Rottweiler's and appeared to be friendly at first. One dog had a collar and the other one did not. ACO Thomas arrived and was able to put a leash on the dog without a collar. The larger dog with the collar came close to my left leg. I attempted to hold the collar to put a leash on him and to keep him away from the group of people. The dog then growled and bit my left upper thigh close to my groin. I attempted to get away and the dog then bit my right bicep. I was able to pull my taser out and kept it pointed at the dog. The dog then calmed down and walked away. ACO Thomas walked the one dog towards my cruiser and the other dog followed. I kept my taser out on the dog as we walked to the cruiser. I opened the rear door and the dog that bit me jumped inside. ACO Thomas was able to get the other dog in her vehicle. Once the dogs were secured I notified Detective Barhight that I had been bitten and may need medical attention and that we were still attempting to figure out who the dogs belonged to. The ACO and other individuals asked if I was okay and I said I was. The ACO also noticed I had a hole in my pants from being bit.

ACO Thomas and I responded to 23 Atherton Street in order to speak with the home owner and make sure the dogs belonged there. We were eventually able to get in contact with the owner, Estevan Ortiz. Estevan was sleeping at the time and was unaware the dogs had escaped. Estevan believed his children left the gate open and the dogs escaped that way. The dog that bit me was identified as Rocco.

Chief Gill arrived and spoke with the ACO and Estevan. It was determined the dogs would be quarantined for 10 days at the owners residence and there would be a dangerousness hearing for the dog at a later date. It was determined that Rocco was to be leashed at all times and have a muzzle on at all times while outside, as this is not the first time the dog has escaped and bit someone. It was determined that the Ambulance would respond to check my injuries and Kaylia's injuries. I called Kaylia and had her stay at Gage so the Ambulance could check

NARRATIVE FOR PATROL CASEY R SCOTT

Ref: 2101-393-OF

on her. Kaylia agreed to stay and was seen by the Ayer Ambulance but refused to go to the hospital. I was checked for my injuries and responded to the Nashoba Valley Medical Center for treatment on my own. I received a puncture wound to my right bicep, about a half inch long, and bruising, and I also received a minor cut on my upper thigh and bruising in the area. Dr. Lisse and other nurses treated me for my injuries by cleaning the wound and bandaging it up. I was then released at 1856 hours.

When I got back to the station I called Kaylia and asked how her injuries were. Kaylia said she had a puncture wound to her right hand and she was mostly scared of what had occurred. I asked Kaylia to explain what happened. Kaylia said she was on break from work and went to get lunch at Lazy Mary's. Kaylia said there were two dogs, one with a collar and one without, around her and they appeared to be friendly at first as she was petting them. Kaylia said she got out of her car and the one with the collar, Rocco, jumped into her car. Kaylia said when she went to get into the car Rocco began growling and bit her hand. Kaylia said that she left the dog in the car and she was in shock as to what happened. Kaylia said her friend arrived and the dog jumped out of the car and they both went behind Lazy Mary's. Kaylia said her friend called the police and they went back to her work to get cleaned up. I told Kaylia that the ACO would follow up with her.

I, Julie Thomas the Animal Control Officer for the Town of Ayer, was contacted by Ayer dispatch of a dog bite incident that had occurred at the Lazy Mary's Deli, by one of two Rottweilers that were running loose.

I went to the location and met up with Officer Casey Scott. No sighting of the K-9's at that time. In the past I have had calls on these two dogs running at large and I then attempted to contact the owner Estavan Ortiz 23 Atherton Street. The phone number I had was not working. I went to the address and no one came to the door. I left a message on his door for a return call regarding his dogs.

I then drove to Gage Cannabis where I was told that the woman, (Kaylia Pauquette) that was bit was working. I spoke to Kaylia who was quite emotional and she showed me her bandaged right hand. She explained that she had a 4 puncture wounds in her right hand. I advised her to go have it checked out with her doctor.

I received a second call that the same dogs were seen at Old Town Village on Daybrook Drive. As I pulled up to the new location, I saw a group of people around the two dogs feeding them. We attempted to gather the dogs, one with a collar, and one without. We approached the dogs and as I wrapped a leash around the collarless dog, Officer Scott attempted to get hold of the other dog. Within seconds the male dog turned aggressively toward Officer Scott and bit him on his right arm, and on his upper left leg.

We were able to get Roko in the back of the cruiser. I had gotten Bella in my car. The ambulance was called to check on both bite victims wounds. I believed that these two dogs names are Roko and Bella, and that they belong to Estavan Ortiz of 23 Atherton St.

Officer Scott and I went back to the Ortiz home to see if the owners had returned. Estavan finally came to the door he was sleeping and didn't hear our knocking at the door. I explained that his dogs were out loose and had bitten a civilian as well as an officer, and this was a re-occurring situation, is serious and one not to be taken lightly.

Based on the previous history, the owner(s) have shown a consistent lack of control over his/their dogs. In addition to that at least one of the animals, the male has shown a history of aggression toward humans.

October 2020 was my first experience with these two dogs that were found out wondering and brought to Ayer Animal Medical by a civilian who thought they were friendly and took them in her car. I, as the ACO was called to the Animal Medical Center. As I was trying to open the car door to scan the dogs for ID chips I was welcomed by growling and the sight of the dogs teeth. Officer Lansing, who was the assisting officer advised me to wait to see if we could locate the owners before attempting another scan. The owners were eventually contacted and they came down to retrieve the two dogs. Being my first contact with them I gave them a verbal warning and reminded them of our town by laws.

November 14, 2020 I received a call reporting two Rottweiler were seen on Route 2 near exit 38. I immediately called the owners (Ortiz). I was told that they had been out looking for their dogs. I told them the last location they had been seen. A woman, Adriana Rondeau had stopped to help gather the dogs with treats. During the attempt she was bitten on her hand. A State Police Officer took the dogs and they were returned to owners.

The following list reflects the contacts and citations issued up to this date.

10/2020 Dogs running at large, Citation given verbal warning
11/14/2020 Dogs running at large Citation given # 3410
1/31/2021 Dogs running at large Citation given #3411
4/17/2021 Dogs running at large Citation given #3413
5/12/2021 Dogs running at large Citation Given #3414
7/31/2021 Dogs running at large Citation given #3416

Including the biting of two civilians and now a Police Officer, I have come to the conclusion this situation has been escalating. It is my opinion that Roko is potentially a dangerous dog. For the safety of our citizens Roko has been quarantined for 10 days. When I spoke to Estevan, I reiterated the importance of keeping these dogs inside, unless he personally takes Roko out on a leash with a muzzle at all times. And only within in the fenced in Dog Pen in his back yard. I advised Estevan that I will be recommending a Dangerous Dog Hearing with the Select Board. There has been a lot of chatter on social media regarding the owner and these two dogs, including that there was another man that was bitten before the call we were investigating that day.

Bella Town of Ayer Tag # 584
Roko Town Tag # 583

Both dogs are up to date with their Rabies Vaccinations.

I Julie Thomas the Ayer Animal Control Officer had learned that there was another bite to a male victim prior to Kaylia Paquette getting bitten.

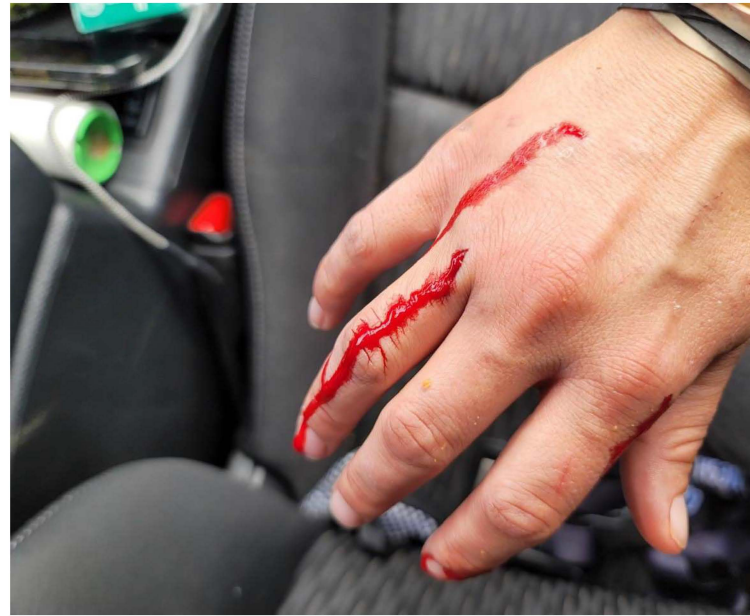
I went to see her at Gage Cannabis. I spoke to Kaylia and the other employee Elizabeth that had gone on break with her to Lazy Mary's for lunch. Elizabeth Williams 5 Albury Stone Circle. Nashua N.H. 03063
They both told me that a man they saw on Willard Street, right across from Lazy Mary's could have been the owner and yelled to ask, since the dogs came from that direction, and he yelled that they were not and that he had just gotten bitten on his hand. I asked them to show me which apartment they had saw he went into. Kaylia had she told me was recovering well, but was still sore and bandaged up. She did provide me with a photo she took of her right immediately after the dog had bitten her.

I went over to the Apartment after calling dispatch inquiring on some identification for this address. Jonathan Williams 5 Willard St 978-490-4073. No one came to the door. I went back later and spoke with him, he confirmed that he was bitten on his right hand between his thumb and first finger and between his middle and ring fingers, by the Rottweiler named Roko. He told me that he cleaned his own wounds and chose not to go to the Doctors. he went on to explained that he saw the two dogs loose in his back yard. They seemed friendly and as they started to wonder toward the busy street he reached out to grab hold of the one with a collar and in doing that the dog turned and bit bit hand.
I took a photo the one and thought the one on his thumb looked to be a little deep. I mentioned that it would have been a good idea to have his doctor look at his wound so it make sure it was cleaned well.

1. 3 August 2021, 1345 hours. I the undersigned Sergeant was assigned by Chief Gill to follow up on information surrounding this case in regard to a another person who may have suffered a dog bite prior to police and animal control responding. I was given the name of Lazy Mary's Pizzeria employee Michelle Bostwick. On the above date and time I contacted her place of employment and learned she was out sick for the day. I provided my department cell number and asked that she call me back by the end of the day.
2. At 5:22 p.m. I received a call from Bostwick who provided the following information: There was a second employee from Gage Cannabis with Paquette when she was bitten. She did not know the name of the person however that comment was made that another person, a male was also bitten by one of the dogs prior to Paquette being bit. Bostwick did not know the name of the second employee but identified her based on her Gage cannabis I.D. badge. The male reportedly lived on Willard Street. Bostwick did not know his name or address though.
3. On 4 August in the morning I met with ACO Thomas and provided her with the additional information I had received from Bostwick. I discussed the case with the ACO and she advised me she would follow up on the information with Paquette and Gage Cannabis right away. I received a call later in the afternoon from the ACO who advised me that she had identified the male on Willard Street confirmed the information, the address and photographed the injury and she would complete her report the following day.

EOR

AYER POLICE DEPARTMENT
Images Associated with 2101-393-OF



SUPPLEMENTAL NARRATIVE FOR ANIMAL CONTROL OFFICER JULIE A THOM
Ref: 2101-393-OF

On August 11, 2021 I gave Estavan a call to arrange a time that I could stop over to finalize Roko's Quarantine. It was a sunny afternoon. I was invited inside his home to the back room where the dogs crates are kept. Both dogs were outside in the back yard pen area, barking at the slider to come in. I noticed no muzzle or any leash on Roko or Bella. I questioned him about the conditions I had required to be fulfilled as part of the quarantine, he claimed that since I was coming over to release the dog it would be o.k. that Roko was ending his quarantine. I reiterated that the quarantine isn't over until I had visually inspected Roko.

In reviewing my notes I discovered that he had used Ayer dog tags listed for 2020.

The Ayer dog tags for 2021 are:

Roko # 574

Bella # 573

It was also brought to my attention that Roko's Rabies certificate expired on 7/19/21.

I will reach out to the owners and/or previous vet to see if this has been ratified.

Bella's rabies certificate expires on 11/17/23.

I spoke to Estevan on 8/25 at 5 PM. I mentioned to him that it was discovered that Roko's rabies vaccine had expired. I was wondering if this had been reissued? He told me, that he would try to have this taken care of by Tuesday 8/31/2021.

RELEASE FROM QUARANTINE

The animal(s) described on the right does not in my opinion show symptoms of any infectious contagious disease.

Jesse Thomas
Inspector of Animals
Aug 11 2021 mm
Date

Instructions to inspector: Write the full name of the person to whom you delivered the original order of quarantine. Designate that person as the owner, or person having interest in, or person in charge, by crossing out the words which do not apply. If you are not able to deliver the original order of quarantine to the primary caretaker, please post the original on premises.



Commonwealth of Massachusetts
DEPARTMENT OF AGRICULTURAL RESOURCES
DIVISION OF ANIMAL HEALTH
ORDER OF QUARANTINE
Massachusetts General Laws, Chapter 129 §§ 2, 21, 22

TRIPPLICATE
Inspector's
Copy

Town or City of Ayer Date 7/31/2021
To Stevan Cortez owner/person having an interest in/or person in charge.

Upon premises of Stevan Cortez Address 33 Attention Street

The following is quarantined, by virtue of the power and authority vested in me by law

one M kg black and white 37 black and white male
(Number, Sex, Species, Breed, Age, Color, Name)

Reason for quarantine. [Suspected disease, importation violation, animal bite (name of person bitten / address / date of bite)] on 7/31/21
Family member @ bite to Kayla Pungente 146 Main St. N. on
route after Casey Scott old town village Ayer

Further conditions of quarantine: muzzed when outside in kennel or fenced area only

You and all other persons whom it may concern are hereby forbidden to remove anything under quarantine from the premises for any purpose whatsoever, except by permission of the Director of Animal Health or his authorized agent. VIOLATION OF THIS ORDER CAN RESULT IN A FINE OF UP TO FIVE HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

Form 38 250-6/18

Jesse Thomas Inspector of Animals

Part I ADMINISTRATION OF THE GOVERNMENT

Title XX PUBLIC SAFETY AND GOOD ORDER

Chapter 140 LICENSES

Section 157 NUISANCE OR DANGEROUS DOGS; ORDERS FOR REMEDIAL ACTION; APPEAL; VIOLATION OF ORDER

Section 157. (a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

- (1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;
- (2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
- (3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or

(4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

(b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.

(c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:

(i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;

(ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime

including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

(vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

(vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter

animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the complaint; (ii) deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any

property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality.

If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).