

ATTACHMENT A

As referenced in Article 26 of the June 5, 2021 Annual Town Meeting Warrant

Animal Control Bylaw - Proposed

Administration

- A. Severability: If any provision of this By-Law should be found invalid, the remainder of this By-Law shall remain in force.
- B. Definitions for this by-law shall be adopted and defined by MGL c. 140 §136A.

Dog Licensing

1. In accordance with MGL c. 140 § 137, the owner or keeper of a dog over the age of (6) six months shall annually obtain a license for the dog from the licensing authority, who shall issue dog licenses and tags.
2. Annual dog licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
3. In accordance with MGL c. 140 § 138, any person who during any licensing period becomes the owner or keeper of a dog which is duly licensed in the town or city where it is to be kept shall forthwith give notice, in writing, to the Town Clerk that they have become such owner or keeper. The Town Clerk shall change the record of such license to show the name and address of the new owner or keeper.
4. In accordance with MGL c. 140 § 138, any person bringing or causing to be brought from another state or country any dog licensed under the laws thereof which is 6 months old or over or will be 6 months old before the expiration of (30) thirty days shall, on or before the expiration of thirty days following the arrival of such dog within the commonwealth license the dog with the Town Clerk.
5. No License fee shall be charged for a license issued under MGL c. 140 § 139, for a service dog as defined by the Americans with Disabilities Act and MGL c. 272 §98a.
 - a. Application shall be made for a dog license as provided in this bylaw, and license tags issued must be worn by any such service dog.
6. No License fee or portion thereof shall be refunded because of subsequent death, loss, spaying, neutering, removal from town or other disposal of the dog for which the license has been issued, nor shall any fee for a license issued to a new resident be prorated.
7. Any person (70) seventy years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per licensing year.
 - a. The owner of a kennel license, age (70) seventy years of age or older, shall be excluded from this exemption.
8. All license fees collected shall deposited as defined in MGL c140 § 147.

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Kennel Licensing

1. Annual kennel licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. The open licensing period shall be from February 1st through March 31st of each year.
2. A Kennel license shall be in lieu of individually licensing the dogs kept on the subject premises.
3. The fee for Kennel licensure shall be set by the Select Board and may be adjusted at their discretion during an open meeting. Any adjustments shall not become effective until the start of the next licensing period.
4. Kennels may be established where allowed and permitted by the Town of Buckland Zoning Bylaw.
5. Issuance: Upon receipt of the completed application packet and appropriate fee, the Town Clerk shall issue the kennel license valid through March 31st of the following calendar year.
6. Renewals: A kennel license shall be renewed by March 31st annually, upon completion of an annual inspection and payment of the appropriate fee, provided that the license holder has not been in violation of this bylaw as it relates to dog control or any of the Massachusetts General laws pertaining to dogs in the past (12) twelve months as determined by the Animal Control Officer or Hearing Authority.
7. Inspection or complaints of kennels or revocation, suspension and reinstatement of kennel licenses shall be handled in accordance with MGL c. 140 §137C.
8. In accordance with MGL c. 140 § 137A, an owner or keeper of less than 4 dogs, 3 months old or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel.
9. All license fees collected shall deposited as defined in MGL c140 § 147.

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Dogs Running-At-Large; Unrestrained

1. For the purpose of this section, the term restrained shall be defined as: A dog that is secured with a chain or leash of sufficient material and strength as necessary to restrain the dog and which is held by a person capable of controlling the movements of the dog or at heel beside a competent person and/or obedient to the commands of that person.
 - a. Any dog that is found to be causing damage to public or personal property, or acting in such a way that a reasonable person would consider it to be a nuisance shall be considered in violation of this section, regardless of the restraint method used.
2. No owner or keeper of any dog within the town limits shall allow any dog, whether licensed or unlicensed, to wander or roam-at-large on private property without permission of the owner thereof, or on any public property within the Town, including but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is properly restrained.
 - a. ~~Exception: Any dog that is being walked in an area zoned as "Village Commercial (VC)" or posted and/or signed to require a dog be leashed shall be restrained by a leash or chain. Further this section shall in no way preclude the use of certain specially trained dogs as set forth in MGL c. 140 §139.~~
 - b. Any public property that is owned by the Town of Buckland, shall not be posted or signed to require a dog to be restrained by a leash or chain only, unless such posting or signage is approved by the Buckland Selectboard, during a public hearing at a scheduled and posted Selectboard meeting.
 - i. The Buckland Selectboard may set time and or calendar limits for enforcement during the approval process.
 - ii. The Buckland Selectboard may make the posting or signage of public property temporary.
Note: This shall be defined as **Temporary Order of Leash Restraint (TOLR)**. A TOLR can be issued for up to 4 weeks, the purpose of a TOLR is to allow the town to issue a temporary order to support events or activities on public lands.
 1. The maximum period of time a TOLR can be valid is for 4 weeks.
 2. The Selectboard must set the date and time that the TOLR starts and vacates at the time of approval. The TOLR will automatically vacate at the specified termination time and no public hearing will be required for termination. The TOLR time period may only be extended during a public hearing at a scheduled and posted Selectboard meeting. However, the Selectboard may vacate the TOLR earlier then the specified termination date/time during a regular scheduled and posted Selectboard meeting.
 - c. Any signed or posted public property issued on 2b above shall remain in affect year round until such approval is revoked by the Buckland Selectboard during a public hearing at a scheduled and posted Selectboard meeting. Unless such order was a temporary order, which will automatically vacate at the date/time specified.
3. Any dog being used for lawful hunting, training, sporting, working purposes and accompanied by its master, who must accept full responsibility for the dog's behavior, shall not be considered running unrestrained.
4. Any dog, whose owner or keeper is found to be in violation of this bylaw, and not under the immediate control of the owner or keeper, may be picked up by any law enforcement officer and either returned to the owner or keeper or deposited in a dog pound or similar facility. The owner or keeper shall be responsible for paying all costs of maintaining and keeping the animal at the dog pound or similar facility. Except as otherwise permitted by this bylaw, unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control

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Officer or any police officer of the Town and impounded pursuant to MGL c. 140, §§ 151A and 167.

5. This by-law shall remain in force year-round. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 173A.

Removal of Waste

1. No person owning or keeping a dog shall suffer, permit, or allow such a dog to leave feces in any public or private property of someone other than that of the dog's owner or keeper within the Town of Buckland, without the approval of said property owner. Any person having custody and control of a dog in any such area shall carry with him or her proper equipment for the removal of feces. For purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces. No person shall leave or dispose of said feces in any catch basin, drainage structure, waterway or on any public property or street except in an approved trash receptacle.
 - a. This section shall not apply to a dog licensed under MGL c.140 § 139 and/or accompanying a person whom is handicapped as defined in MGL c272 §98A. If by reason of their handicap they are physically unable to comply with the requirements of this section.

Complaint of Nuisance and Dangerous Dogs

1. Any person may make a written complaint to the Animal Control Officer that any dog owned or kept within the Town is a nuisance dog or a dangerous dog, as those terms are defined in MGL c. 140, § 136A.
2. The provisions of MGL c. 140, §§ 161 and 161A shall apply to whoever suffers the loss of livestock or fowl in a manner described in said § 161.
3. The Animal Control Officer shall investigate or cause to be investigated such complaint, which may include an examination under oath of the complainant at a public hearing in Town to determine whether the dog is a nuisance dog or a dangerous dog, and shall submit a written report of his/her findings and recommendations to the Select Board concerning the restraint or disposal of such dog as provided in MGL c. 140, § 157.
4. The Animal Control Officer, after his investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed 14 days to enable the Select Board to issue their order following receipt of the report of the Animal Control Officer. If the Select Board fails to act during the period of the interim order, upon expiration of the interim period, the order shall automatically be vacated.
5. The Select Board, after credible evidence and testimony is presented at the public hearing, shall (A) dismiss the complaint; (B) deem the dog a nuisance dog and order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior; or (C) deem the dog a dangerous dog and make such order concerning the restraint, muzzling, or euthanization of such dog, or such other action as may be deemed necessary; provided, however, that the Selectmen shall not order the banishment and tethering.
6. Violations of such orders shall be subject to the enforcement provisions of MGL c. 140, §§ 157 and 157A.

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Humane Treatment

1. Any person owning, possessing or controlling a domesticated animal shall provide his or her animal with sufficient potable water and wholesome food, proper shelter and protection from the weather, including extremes of heat and cold, veterinary care sufficient to prevent suffering and the spread of disease and shall provide humane care and treatment for the animal.
2. Any person owning, possessing or controlling a dog in the town shall not allow or permit said dog to be harbored, confined, chained or tethered in violation of MGL c. 140 § 174E.
 - a. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174E.
 - b. Clarification Note: MGL 140/174E defines rules and requirements related to dogs. This includes but is not limited to: Shelters, cable runs, tethering, kenneling, and dogs being outside during weather advisory/warnings/watches.
3. In accordance with MGL c. 140, § 174F, it shall be a violation of this bylaw to confine an animal in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold.
 - a. Violations of this section are subject to the fine schedule as set forth in MGL c. 140 § 174F.

Impoundment and Kenneling

1. Impoundment:
 - a. The Animal Control Officer or Police Officer shall immediately notify the owner or keeper of any animal impounded by him/her under the provisions of this bylaw, if such owner is known by him/her.
 - b. If the animal is not licensed or the owner or keeper is not known by the Animal Control Officer or Police Officer, no notice shall be necessary.
 - c. The animal shall be secured in the town kennel or other such approved holding facility.
2. Kenneling:
 - a. The Kenneling period shall start at the time of impoundment and shall accrue until the owner presents the required documentation, signs a release form and removes the animal from the facility.
 - i. Required Documentation, shall be considered: Proof of Ownership, Valid Rabies Certificate, and Valid Town License.
 - b. The Town may contract with the Franklin County Regional Dog Shelter or any other licensed suitable public or privately owned facility, approved by the Animal Control Officer and the Massachusetts Department of Agriculture to provide care and kenneling services to dogs impounded by the Animal Control Officer, Police Officer, or turned in by a citizen.
 - i. All associated fees and costs related to the kenneling of a dog shall be set and collected by the owner or operator of the kennel.
 - c. In the event that the Kennel Facility is not adequate for the animals, is overpopulated, or is not adequate for the conditions, animals may be boarded at a boarding facility approved by the Animal Control Officer.

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- ii. If an animal is required to be boarded at another facility, payment to the facility shall be made by the Town upon receipt of bill or invoice. The Town may then seek restitution for the costs from the owner of the animal.
3. Disposition of Animals:
 - a. Animal Surrenders shall be done at the discretion of the Animal Control Officer.
 - b. Unclaimed Animals: In accordance with MGL c. 140 § 151A, any dog unclaimed after (7) seven days from pickup/confinement shall be come property of the town and shall be handled at the discretion of the Animal Control Officer.
 - iii. This bylaw shall be extended to cover all animals taken into custody by the Animal Control Officer, with the exception of livestock which shall be handled on a case-by-case basis.

Rabies Control

1. All dogs, cats and ferrets owned by a resident of the town shall be properly vaccinated against rabies in accordance with MGL c. 140 § 145B.
2. The town shall annually nominate a minimum of (1) Animal Inspector as defined in MGL c. 129 § 15.
3. All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the Animal Inspector and the Animal Control Officer as soon as possible by the person bitten or by the owner or keeper of the animal, or both.

Cats

1. Stray Cats:

Any rescue group, humane society or other person or organization picking up stray cats shall notify the Animal Control Officer with all relevant information of each cat and the location found.
2. Feral Cats:

Any person or organization that traps and releases feral cats shall report such activity to the Animal Control Officer including information of description and numbers of cats trapped and name and contact information of the caretaker. The caretaker is expected to take full responsibility for the duration of the cat's life. All feral cats shall be spayed or neutered and ideally be ear tipped to signify their alterations at the expense of the organization trapping the cats.

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Fees; Enforcement, Violations and Penalties

- A. In addition to police officers, who shall in all cases be considered enforcement personnel for the purposes of non-criminal enforcement, a duly appointed Animal Control Officer shall be the enforcement officer with respect to the provision set forth in this bylaw.
- B. A violation of any provision of this article may be dealt with as a non-criminal offense in accordance with the provision of General law, Chapter 40, Section 21D, and shall be subject to the specific fine or penalty listed in each provision.
- C. **Violation of Dog Control Laws:**
Shall utilize the following schedule of fines as defined in MGL c.140 §173A .
 - a. First Offense: \$50 (fifty dollars)
 - b. Second Offense: \$100 (one hundred dollars)
 - c. Third Offense: \$300 (three hundred dollars)
 - d. Fourth/Subsequent Offense: \$500 (five hundred dollars)
 - i. The town may require a dog to be spayed/neutered if applicable.
- D. **Chaining/Tethering; Housing:**
Shall utilize the following schedule of fines as defined in MGL c.140 §174E.
 - a. First Offense: \$50 (fifty dollars)
 - b. Second Offense: \$200 (two hundred dollars)
 - c. Third/Subsequent Offense: \$500 (five hundred dollars)
- E. **Confinement in a Motor Vehicle:**
Shall utilize the following schedule of fines as defined in MGL c.140 § 174F.
 - a. First Offense: \$150 (one hundred fifty dollars)
 - b. Second Offense: \$300 (three hundred fifty dollars)
 - c. Third/Subsequent Offense: \$500 (five hundred dollars)
- F. **Other violations:**
If no specific fine is listed for a specific provision, the following fine schedule shall apply:
 - a. First Offense: Verbal Warning
 - b. Second Offense: \$25 (twenty-five dollars)
 - c. Third Offense: \$50 (fifty dollars)
 - d. Fourth Offense/Subsequent: \$100 (one hundred dollars)
- G. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated may constitute a separate offense.
- H. Unless specified within a specific provision, a separate offense is not limited to an offense within a calendar year from the first offense.
- I. Except where otherwise required by law, all fines collected pursuant to the enforcement of this bylaw shall be deposited into the Animal Control/Dog Fund revolving account.