

DOG CONTROL BY-LAW: JUNE 9,

2018

SECTION 2: APPLICATION

This Bylaw shall apply to those persons owning or keeping dogs within the boundaries of the Town of Chester in their role as responsible pet owners. It must be understood, however, that enforcement of 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 Selectmen.

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 Chester, 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 so 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 "Chester" 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 a cost of \$2.00 each.

4. The fee for every dog licensed in the Town shall be posted in the Schedule of fees in the office of the Town Clerk. Any owner or keeper of four or more dogs, six months of age or over, may elect to secure a kennel license after inspection by the Animal Control Officer

A. Any dog acquired or moved into the Town shall be required to obtain a license within 30 days, or upon reaching the age of six months, whichever occurs last. After 30 days, the owner shall be subject to late fees as posted in the Schedule of Fees in the office of the Town Clerk.

B. Even if exempt from the licensing fee, all dogs in the Town must obtain a license following normal procedures or will be subject to the fines and penalties posted in the Schedule of Fees in the office of the Town Clerk.

C. 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.

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 Bylaws within the boundaries of the Town of Chester.

D. Kennel Licenses: Any owner or keeper of four or more dogs, six months of age or over, may elect to secure an annual kennel license after inspection by the Animal Control Officer. The fees for Kennel licenses shall be as per

the fee Schedule posted in the Town Clerk's office.

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.

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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 for 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 Chester. 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 on record of a confined dog. The owner/keeper of said dog shall have a period of time, not to exceed 7 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 must be obtained and all impound fees paid prior to release of the dog. Impound fees include fees charged for boarding, medical, or other care costs.

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.

6. No fee shall be charged for a dog specially trained to lead or serve a disabled person, as defined by the Americans with Disabilities Act. No fee shall be charged for a license for a dog owned by a person aged 70 years or over.

E. Once any dog license fee (individual or kennel) has been paid to the town, no fee or portion thereof shall be refunded.

SECTION 7: NUISANCE DOGS; DISTURBING THE PEACE: FINES

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.

Fines within a one year period:

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 for the Selectboard to take action 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 Selectmen within 10 days of said appraisal. The Board of Selectmen 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, § 161A, of the Massachusetts General Law.

SECTION 11: VACCINATION AGAINST RABIES

1. The owner or keeper of a dog six months of age or older, housed or sheltered in the Town of Chester 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 Officers, 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 Selectmen, 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 Selectmen 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 Chester 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 authorized Town officials in the performance of their duties.

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 Selectmen may order the owner or keeper to pay such 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 Selectmen, the Animal Control Officer shall enter or cause to be entered a complaint in District Court for the enforcement of the order.

SECTION 13: COMPLAINT INVESTIGATION; ORDER TO RESTRAIN OR REMOVE

If any person shall make a complaint in writing to the Board of Selectmen that a dog owned or kept in the Town of Chester is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Board of Selectmen 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, § 157. Any person owning or keeping a dog subject to any order of the Board of Selectmen, who shall fail to comply with said order of the Board of Selectmen, 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 Selectmen shall be responsible for any and all costs of carrying out said order.

SECTION 14: VIOLATION AND PENALITES

Unless otherwise stated, violation of any provision of these 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, § 21D, as a non-criminal disposition of the violation. The fine for violations pursued utilizing the provisions of Chapter 40, § 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.