

DOGS

SECTION 1. DOGS

Sub-Section 1. DEFINITIONS

As used in this by-law the following terms mean:

OWNER - Any person, group of persons or corporation owning, keeping, or harboring a dog or dogs.

AT LARGE - Any dog shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.

RESTRAINT - A dog is under restraint within the meaning of this by-law if he is controlled or at "heel" beside a competent person and obedient to that person's commands or on or within the property limits of its owner or keeper or within a vehicle being driven or parked on the streets.

DOG POUND - Any premises designated by action of the Town or the continued use of the present premises for the purpose of impounding and caring for all dogs found running at large in violation of this by-law.

ANIMAL CONTROL OFFICER - The person or persons employed by the Town as its enforcement officer and shall include any Police Officer or Constable of said Town.

Sub-Section 2. ENFORCEMENT

The provisions of this by-law shall be enforced by the Animal Control Officer or Animal Control Officers and any Police Officer or Constable of said Town.

Sub-Section 3. RESTRAINT:

No person owning or harboring a dog shall suffer or allow it to run at large in the said Town or allow it upon the premises of anyone other than the owner or keeper of such dogs or dog.

Sub-Section 4. IMPOUNDMENT:

Any dog or dogs, found running at large shall be taken up by the Animal Control Officer and impounded in the shelter designated as the Town Dog Pound, and there confined in a humane manner for a period of not more than ten (10) days, and may thereafter be disposed of in a humane manner if not claimed by their owner. Dogs not claimed by their owners before the expiration of ten (10) days may be disposed of at the discretion of the Animal Control Officer, except as hereinafter provided in the case of certain dogs.

DOGS (cont'd)

- (a) The Animal Control Officer may transfer title of all dogs held at the pound to the designated shelter after the legal detention period has expired and such dog has not been claimed by its owner. In the event of such a transfer of title, it is expressly understood that the designated shelter shall be liable for all expenses for such dogs after the legal detention period.
- (b) When dogs are found running at large, and their ownership is known to the Animal Control Officer, such dogs need not be impounded, but the Animal Control Officer may, at his/her discretion, cite the owner of such dogs to answer to charges of violation of this by-law.
- (c) Immediately upon impounding dogs the Animal Control Officer shall make every possible reasonable effort to notify the owners of such dogs, so impounded, and inform such owners in person or by registered or certified mail of the conditions whereby they may regain custody of such dogs.

5-23-95	8-29-95	9-1-95
10-27-98	1-27-99	2-3-99

Sub-Section 5. REDEMPTION OF IMPOUNDED DOGS:

- (a) The owner shall be entitled to resume possession of impounded dog, except as hereinafter provided in the cases of certain dogs, upon compliance with the provisions of Sub-section 3 (Restraint) of this by-law and the payment of impoundment fees set forth herein.
- (b) Any dog impounded under the provisions of this by-law and not reclaimed by its owner within ten (10) days, may be humanely destroyed by the Dog Officer, have its title transferred to the Designated Shelter as provided for in Sub-section 4 (Impoundment) (a), or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this by-law and such other regulations as shall be fixed by the Town.

10-27-98	1-27-99	2-3-99
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Sub-Section 6. IMPOUNDMENT FEES:

Any dog impounded hereunder may be reclaimed as herein provided upon payment, to the Town of Dartmouth of the per diem cost to the Town to keep the dog in a licensed facility plus \$5.00 (five dollars) per day for the Town's Administration and transportation.

11/12/02	12/10/02	12/16/02
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Sub-Section 7. CONFINEMENT OF CERTAIN DOGS:

- (a) The owner shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and not take such dog out of such building or secure enclosure unless such dog is securely muzzled, and upon a leash.

DOGS (cont'd)

Sub-Section 8. NUISANCE ABATEMENT:

- (a) The keeping or harboring of any dog, whether licensed or not, which by habitual, consistent and persistent howling, yelping, barking, or other noise disturbs or annoys any persons residing in the neighborhood is unlawful, and is hereby declared to be a public nuisance and each day shall constitute a separate offense. Dogs shall be kept in such a manner that no nuisance is produced regarding sanitary conditions, housing, food, shelter, water, or other factors which may cause a nuisance. Upon determination by the Animal Control Officer, based on evidence, that a dog is causing a nuisance, the keeper of such dog shall be given a warning to end such nuisance. A second offense to such warning shall result in a fine of \$25.00 per day. If more than five such fines are given in a calendar year, the dog owner shall be given the prescribed statutory notice to appear before the Board of Selectmen and/or Officer in Charge of Animal Control for a hearing concerning the maintenance of such a nuisance. If so determined that a nuisance exists, the Board of Selectmen and/or Officer in Charge of Animal Control may issue an order to permanently remove the animal from the Town. If the Board and/or Officer in Charge of Animal Control determines a nuisance exists, fines and penalties shall accrue for each day and until final disposition of the Board or courts of the nuisance abatement.

5-23-95	8-29-95	9-1-95
10-27-98	1-27-99	2-3-99

No person owning or in control of any dog shall allow the dog to:

1. Run loose in any Town Park, Beach, Recreation Area or upon property without the permission of the person owning or in control of the property.
2. Kill, harass or maim any livestock, waterfowl, pets and other domestic animals.
3. Run loose or at large at any time when quarantined by the Board of Health.
4. Be without a collar or harness, with a tag so identifying the dog, whenever the dog is not upon that person's property.
5. Allow the dogs feces to remain upon street, roads, sidewalks and walkways and upon any property without the permission of the person owning or in control of property concerned.

Any person sheltering a stray animal without the permission of the owner or person with the right to control that animal shall immediately notify the Animal Control Officer.

The owner or person in control of any animal shall be responsible for any violation of these above requirements.

4-16-75	8-25-75	9-10-75
1-15-91	3-22-91	4-29-91

DOGS (cont'd)

Sub-Section 9. INTERFERENCE:

No person shall interfere with, hinder or molest the Animal Control Officer of this Town in the performance of his duties, or seek to release any dog in the custody of the Animal Control Officer, except as herein provided.

Sub-Section 10. RECORDS:

(a) It shall be the duty of the Animal Control Officer to keep, or cause to be kept, records of the impoundment and disposition of all dogs coming into his custody.

Sub-Section 11. PENALTY:

Penalties for the violation of any provision of this By-law shall be assessed and collected in accordance with the procedure established under Massachusetts General Laws, Chapter 140, Section 173A (Non-Criminal Disposition of Complaints for Violation of Dog Control Laws). The fine for the second violation in the calendar year shall be twenty-five (\$25) dollars and the fine for any subsequent violation in the calendar year shall be fifty (\$50) dollars.

4-25-78	7-19-78	8-8-78
5-23-95	8-29-95	9-1-95
5-27-97	8-1-97	8-21-97

SECTION 2. FINE FOR UNLICENSED DOGS

Each year, any dog over four months of age found after May 1st to be unregistered with the Dartmouth Town Clerk, shall have a fine of \$25.00 imposed upon the owner of the dog.

3-14-89	5-5-89	5-12-89
5-27-97	8-1-97	8-21-97
10-27-98	1-27-99	2-3-99

SECTION 3. REMOVAL OF TOWN FROM COUNTY DOG FUND

Sub-Section 1. FEES TO TOWN

All licensing funds and other fees which were previously delivered to Bristol County shall be retained by the Town of Dartmouth.

Sub-Section 2. FEES

The License Fee structure shall be the following:

Spayed female dogs and neutered male dogs	\$12.00 license a year
Unspayed female dogs and unneutered male dogs	\$20.00 license a year

Duplicate tags \$1.00 each.

DOGS (cont.d)

Kennel Licenses

- A. Not more than four dogs \$ 50.00
- B. More than four but not more than ten dogs 65.00
- C. More than ten dogs but not more than twenty-five dogs 100.00
- D. More than twenty-five dogs 300.00

Boarding Charge: \$25.00 per day.

Sub-Section 3 PENALTIES

With the licensing fees, late licensing penalties and boarding fees an account will be established out of which the following expenses will be paid:

- A. Veterinarians' fee under Chapter 140 Section 151B
- B. Damages appraised under Chapter 140 Section 161
- C. Costs for printing license forms, list of dogs in Town and notices of non-renewal of licenses
- D. Costs of license tags and hooks
- E. A late fee of \$5.00 per month per dog for failure to license a dog as of May 1st. each year.

2-13-90	3-29-90	4-5-90
3-29-94	6-7-94	6-10-94
5-23-95	8-29-95	9-1-95
6-6-06	8-24-06	8-31-06
06-05-07	09-10-07	09-11-07

SECTION 4. NON-CRIMINAL DISPOSITION OF DOG LAW VIOLATIONS

Any person found to be in violation of the Dartmouth General By-Laws and/or Rules and Regulations relating to dogs shall be issued a citation. The citation shall denote the specific violation and cost of fine. All fines are to be paid to the Town of Dartmouth within 21 days of the violation notice. Anyone wishing to appeal the violation notice shall do so in writing or in person within the 21-day period by notification to the Executive Administrator of the Board of Selectmen. The Executive Administrator may decide upon the appeal or hold a hearing with all parties concerned on the matter. The decision of the Executive Administrator may be appealed through the provisions provided in MGL, Chapter 40 Section 21D. All receipts received for violation shall be deposited in the account established under the provisions of MGL, Chapter 140 Section 147A as adopted under Article 8 of the February 13, 1990 Special Town Meeting.

The purpose of this adoption is to administer and remediate any violations of Dog General By-Laws, Rules and Regulations at the lowest administrative level. All rights of appeal through judicial review as presently provided by laws of the Commonwealth are provided the aggrieved.

4-24-90	7-24-90	7-31-90
5-23-95	8-29-95	9-1-95
5-15-01	8-15-01	8-21-01

DOGS (cont.d)

SECTION 5. KEEPING OF DOGS

Sub-Section 1.

- (a) No more than four dogs are allowed to be kept on one premise in the Town of Dartmouth, except where the keeping of more dogs is allowed by zoning or a kennel license is granted. Applications for licensing of five or more dogs, in a residential area, shall be obtained through the Town Clerk's Office. The application form is to be filled out by the applicant and returned to the Town Clerk's Office. An application fee of \$100.00 will be required and is non-refundable.

An investigation will be done by the Animal Control Officer in regards to sanitary conditions of current and/or exercise areas, location and type of kennel, sound-proofing of kennel area, number of dogs, type of dogs, abutters concerns and any other issues he deems necessary.

The granting or denial of a kennel license will be done within 30 days of filing a complete application. Appeal by an aggrieved abutter or applicant shall be heard by the Board of Selectmen and/or Officer in Charge of Animal Control, who shall have the right to grant or deny a kennel license on appeal.

- (b) All dogs let out of kennel exercise area must be under control of its owner or keeper and not left unattended, unless, an enclosure or fencing device can ensure the dogs confinement to its property.
- (c) No more than one dog litter for sale can be produced on any one property in a 12-month period, except where more litters are allowed by zoning. The dogs produced in a litter under six months of age are not included in the keeping of more than four dogs, as described in Section 5A.
- (d) No dog shall be kept on an unoccupied or vacant property. For purposes of this by-law, occupied shall mean that the owner of the dog regularly resides on the premises and within 200 feet of the structure where the dog is usually confined.

Except dogs maintained and properly confined on regular business premises for the purpose of security need not have owners residing thereon. Such premise and the number of dogs under this sub-section shall be noted on their license or separately in letter form to the Animal Control Officer. Such letter shall include sites and dog license numbers of the dogs thereon and shall be updated immediately as may be necessary to maintain proper records with the Animal Control Officer.

5-23-95	8-29-95	9-1-95
10-27-98	1-27-99	2-3-99

DRAW TENDER

SECTION 1. DRAW TENDER

The Board of Public Works shall designate a person to act as Draw Tender for the drawbridge over Apponagansett River at Padanaram.

No person shall cause a vessel to pass through the draw without the permission of the draw tender first obtained.

Whoever violates any of the provisions of this by-law shall be punishable by a fine not exceeding \$300.00.

4-7-64	5-1-64	5-8-64
5-23-95	8-29-95	9-1-95