

ARTICLE 16

DOGS RUNNING AT LARGE

License Fees Exemption for Seeing-Eye Dogs; Refund of Fees

SECTION 1. The annual fee for every dog license, except as otherwise provided by law, shall be \$10.00 for a male dog, and \$10.00 for a female dog and \$6.00 for a spayed or neutered dog. Kennel fees shall be: \$30.00 for four dogs or less; \$40.00 for ten dogs or less; and \$50.00 for more than ten dogs.

All the dogs in the Town of Grafton shall be licensed by April 1, of each year. An additional fee of Five Dollars (\$5.00) shall be charged to each owner or keeper of a dog three months old or over who fails to license said dog on or before June 1 of any year. The fees so collected shall be deposited into the Town Treasury and become a part of the Town General Fund.

No fee shall be charged for a license for a dog specially trained to lead or serve a blind person provided that the Division of the Blind certifies that such dog is so trained and actually in the service of a blind person. No license fee or part thereof shall be refunded because of the subsequent death, loss, or removal from the Commonwealth or other disposal of the dog, nor shall any license fee or part thereof paid by mistake be paid or recovered back after it has been received by the Town. All owners must submit a certificate of vaccination for rabies to the Town Clerk on issuance of a license.

Disturbing the Peace

SECTION 2. No person owning or keeping a dog in the Town shall allow such dog to roam at large upon the land of another, nor allow such dog to roam at large on any portion of any public highway. Unless on property so designated by the Town such owner or keeper of a dog in the Town which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash not exceeding six (6) feet in length. Nothing in this section shall be construed to limit or prohibit the use of hunting dogs during the open hunting season or at any other times when necessary for field training. (T. M. 10/20/03)

Complaint of Nuisance

SECTION 3. If any person shall make a complaint in writing to the Dog Officer that any dog owned or harbored within the Town is a public nuisance by reason of vicious disposition or excessive barking or other disturbance, the Dog Officer shall investigate such complaint, which may include an examination under oath of the complainant and submit a written report to the Selectmen of his findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The Dog Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen days to enable the Selectmen to issue their order following receipt of the report of the Dog Officer. If the Selectmen fail to act during the period of the interim order, upon expiration of the period the order automatically is vacated.

Restrain or Muzzle

SECTION 4. The Dog Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed fourteen days, any dog for any of the following reasons:

- a. if found at-large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect;
- b. for having bitten any person;
- c. if found in a school, school yard or public recreational area not so designated for off-leash dogs ;(T.M. 10/20/03)
- d. or having killed or maimed or otherwise damaged any other domesticated animal, including livestock and fowl;
- e. for chasing any vehicle, horse and rider, pedestrian and bicycle upon a public way or ways open to public travel in the Town; or
- f. for any violation in Section 2.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Dog Officer shall submit in writing to the Selectmen a report of his action and the reason therefore. Upon receipt of such report the Selectmen may make such order concerning the restraining, muzzling, or disposal of said dog as may be deemed necessary. If the Selectmen fail to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order automatically is vacated.

Appeal of Restraint or Muzzling

SECTION 5. The owner or keeper of any dog that has been ordered to be restrained or muzzled or had been restrained under this Article, may file a request in writing with the Dog Officer that the restraining order be vacated, or that the dog be released, and, after investigation by the Dog Officer, such Officer may vacate such order or release such dog, if the order or restraint was imposed by him. If the order was imposed by the Selectmen, the Dog Officer shall submit a written report of his investigation, with his recommendations, to the Selectmen who may vacate such order.

Penalty

SECTION 6. Any owner or keeper of a dog who shall fail to comply with any order of the Dog Officer or Selectmen issued pursuant to this Article shall be punishable by a fine of fifty dollars (\$50.00), with a right of appeal to the District Court pursuant to MGL Chapter 140, Section 157.

Definitions

SECTION 7. The following words and phrases as used in this By-Law, unless the context otherwise requires, shall have the following meanings:

"**Keeper**" shall mean person, other than the owner, harboring or having in his possession any dog.

"Kennel" one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three (3) dogs three (3) months old or over owned or kept by a person on a single premises irrespective of the purpose of which they are maintained.

"Person" shall include corporations, societies, associations and partnerships.

"Public Nuisance" shall mean a dog whether licensed or unlicensed, owner or kept in the Town of Grafton which is elsewhere than on the premises of its owner or keeper or on the premises of another person with the knowledge and express permission of such person, unless such dog is:

- a. attached to and restrained by a suitable restraining device and is under the care and custody of a person competent to restrain it so that it shall not be a threat to public safety, or
- b. engaged in hunting, or training thereof and is supervised by a person competent to restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being a public nuisance.

Enforcement

SECTION 8. The Dog Officer shall enforce the provisions of this By-Law and to that end he shall have the authority to seek complaints in the District Court for violations thereof. He shall investigate complaints of alleged violations of this By-Law. He shall also apprehend any dog found by him to be a public nuisance and impound such dog in a suitable place or order the owner or keeper thereof to restrain it.

Procedure Following Impoundment

SECTION 9.

- a. **Notice to Owner or Keeper.** The Dog Officer shall immediately notify the owner or keeper of any dog impounded by him under the provisions of this By-Law if such owner or keeper is known by him; if such owner or keeper is not known by him, no notice shall be necessary.
- b. **Redemption of Impounded Dogs.** The owner or keeper of any dog impounded under the provisions of this By-Law may redeem such dog provided he first:
 1. Procures from the Town Clerk a license and tag for any such dog that is not licensed.
 2. Reimburses the Dog Officer for his expenses at the rate of fifteen dollars (\$15.00) for his initial handling of such dog plus five dollars (\$5.00) for each day, or a portion thereof, that he has confined such dog.
- c. **Disposition of Unredeemed Dogs.** Any dog which has been impounded under the provisions of this By-Law and has not been redeemed by its owner or keeper within ten (10) days shall be disposed of in accordance with the provisions of Section 151A of Chapter 140 of the General Laws, as amended.

Keeping Account of Monies

SECTION 10. The Dog Officer shall keep an account of all moneys received by him under the provisions of this By-Law.

Penalty - Violations of Article

SECTION 11. Whoever violates any provision of this By-Law may be penalized by a noncriminal disposition as provided in General Laws, Chapter 40, Section 21D. For the purposes of this By-Law, the Dog Officer and all Town Police Officers, shall be the designated enforcing persons. Each day on which any violation of this By-Law occurs shall be deemed to be a separate offense subject to the following penalties:

- First Offense \$10.00
- Second Offense..... \$25.00
- Each Subsequent Offense \$50.00

(T.M. 5/13/96)