

ARTICLE 16

DOGS RUNNING AT LARGE

Deleted text in red highlight and added text in green highlight

- Adds prefix incorporating MGL by reference and giving the location of the definitions section.
- Adds more definitions of terms.
- Changes Dog Officer to the current title Animal Control Officer.
- Adds a fourth tier of kennels with a maximum size.
- Replaces outdated wording in regard to service animals.
- Adopts MGL 140 Section 139 waiving licensing fees for those over 70 years of age.
- Waives licensing fees for disabled veterans.
- Adds a definition of nuisance barking, with defined hours, to replace excessive barking, which was not defined.
- Updates leash requirements to not have a specific length but rather to keep the dog from interacting with other dogs or people.
- Adds a requirement for people to pick up and properly dispose of dog waste on properties open to the public.
- Adds references to MGL appeal procedures.
- Updates penalties to be in line with MGL.
- Changes the licensing period to be between January 1 and March 1 as the renewal forms are sent with the town census forms in early January, with the late fee being assessed immediately rather than two months after the due date.
- Section 10 is repealed as the Animal Control Officer is an employee of Westborough, and the town contracts with Westborough for services. As such, the officer no longer collects money directly from Grafton residents or the town.

In addition to the requirements set forth in this by-law, the licensing, keeping and control of Animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited to the provisions of MGL Chapter 140 Sections 136A -174F inclusive, as may be amended from time to time. See Section 7 for definitions of terms used in this article.

License Fees ~~Exemptions for Seeing-Eye Dogs~~ Exemptions; Refund of Fees

SECTION 1. The annual fee for every dog license, except as otherwise provided by law, shall be \$15.00 for a male dog, ~~and~~ \$15.00 for a female dog, and \$10.00 for a spayed or neutered dog. Kennel fees shall be: \$30.00 for four dogs or ~~less~~ fewer; \$40.00 for ~~more than four but fewer than ten dogs or less;~~ and \$50.00 for more than ten ~~but fewer than 20~~ dogs; and \$100 for more than 20 ~~but fewer than 100 dogs.~~

All the dogs in the Town of Grafton shall be licensed ~~by April 1,~~ between January 1st and March 1st of each year. An additional fee of Ten Dollars (\$10.00) 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~~ March 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~~ Service Dog.

No fees shall be charged for a license to persons over 70 years of age (under MGL 140 section 139), or to disabled veterans.

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~~ designed for use with dogs and which will prevent the dog from accessing other dogs or persons on the property. Owners and keepers must pick up and properly dispose of the dogs' waste from areas where the public has a right to access. 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~~ Animal Control Officer that any dog owned or harbored within the Town is a public nuisance by reason of vicious disposition or ~~excessive~~ Nuisance Barking or other disturbance, the ~~Dog~~ Animal Control Officer shall investigate such complaint, which may include an examination under oath of the complainant and submit a written report to the Select Board of ~~his~~ such findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Select Board may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The ~~Dog~~ Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed ~~fourteen~~ thirty days to enable the Select Board to issue their order following receipt of the report of the ~~Dog~~ Animal Control Officer. If the Select Board ~~fail~~ fails 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~~ Animal Control Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed ~~fourteen~~ thirty 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~~ **off leash** dogs; (T.M. 10/20/03)
- d. ~~or~~ **for** 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 Nuisance Barking**
- g. for any violation in Section 2.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the **Dog Animal Control** Officer shall submit in writing to the Select Board a report of ~~his~~ **the** action and the reason therefore. Upon receipt of such report the Select Board may make such order concerning the restraining, muzzling, or disposal of said dog as may be deemed necessary. If the Select Board ~~fail~~ **fails** 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 Animal Control** Officer that the restraining order be vacated, or that the dog be released, and, after investigation by the **Dog Animal Control** Officer, such Officer may vacate such order or release such dog, if the order or restraint was imposed by ~~him~~ **the Officer**. If the order was imposed by the Select Board, the **Dog Animal Control** Officer shall submit a written report of ~~his~~ **the** investigation, with ~~his~~ **his** recommendations, to the Select Board who may vacate such order.

The owner of a dog that has been ordered restrained, muzzled or euthanized after a hearing in accordance with Mass. General Law Chapter 140 Section 157 and Section 4 of this by-law may appeal the order of the Select Board or the Animal Control Officer in writing to the district court of the jurisdiction within 10 business days and shall provide a copy of the writing for an appeal to the town clerk.

Penalty

SECTION 6. ~~Any~~ Pursuant to MGL Chapter 140 Section 157A, any owner or keeper of a dog who ~~shall fail~~ **fails** to comply with any order of the **Dog Animal Control** Officer or Select Board issued pursuant to this Article shall be punishable by a fine of ~~fifty dollars (\$50.00)~~ **not more than \$500 or imprisonment for not more than 60 days in a jail or house of correction, or both, and for a second or subsequent offense by a fine of not more than \$1000 or imprisonment for not more than 90 days in a jail or house of correction, or both,** 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: Where not expressly defined herein, terms used in this Bylaw shall be interpreted as defined in MGL Chapter 140 sections 136A to 174F inclusive as may be amended from time to time and otherwise by their plain language.

“Emotional Support Animal”, Emotional Support Animals are NOT Service Animals. According to the U.S. Department of Housing and Urban Development (HUD), an emotional support animal is any animal that provides emotional support alleviating one or more symptoms or effects of a person’s disability. Emotional support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. They do require doctors’ letters and do not have special access allowed to service animals, however they are allowed in housing under HUD regulations.

“Hearing Authority”, the Select Board

"Keeper" shall mean a person, other than the owner, harboring or having in his their 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)~~ six (6) months old or over owned or kept by a person on a single premises irrespective of the purpose of which they are maintained.

“Nuisance Barking”, any barking of a dog that is outside, that disturbs persons, and that occurs between the hours of 10 PM to 7 AM on weekdays and the hours of 11 PM to 8 AM on weekends and holidays.

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

“Psychiatric Service Dog”, a dog who is trained to help its owner with Post Traumatic Stress Disorder (PTSD) avoid environmental triggers of disability symptoms.

"Public Nuisance" shall mean a dog whether licensed or unlicensed, ~~owner~~ owned 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.

“Service Animal” a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person’s disability. (See Americans with Disabilities Act)

Enforcement

SECTION 8. The **Dog Animal Control** 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~~ **The Officer** shall investigate complaints of alleged violations of this By-Law. ~~He~~ **The Officer** shall also apprehend any dog found ~~by him~~ to be a public nuisance **under this by law** 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 Animal Control** 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~~ **said owner or keeper** 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~~ **facility holding the dog at the facility’s standard day rate for board and care.**
- 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~~ **seven (7) days**, provided it is not being held for a 10 day bite quarantine, 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.~~ **[Repealed]**

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 Animal Control** 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 **pursuant to MGL Chapter 140 Section 173A:**

First Offense	\$10.00	\$50.00
Second Offense	\$25.00	\$100.00
Third Offense	\$300.00	
Each Subsequent Offense	\$50.00	\$500.00

Right to Appeal

SECTION 12. A person fined under the provisions of this by-law may pay the fines to the town clerk or appeal in writing to the district court and supplying a copy of the written appeal to the town clerk within 21 days.

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