

CHAPTER 21

ANIMAL CONTROL

Art. I. In General

Definitions, sec. 21.101

Animals Constituting A Nuisance, sec. 21.102

Licensing Of Dogs, sec. 21.103

Leashing Of Dogs, sec. 21.104

Appointment Of Dog Officer, sec. 21.105

Penalty, sec. 21.106

Art. II. Inspector Of Animals

Appointment Of Inspector, sec. 21.201

Duties Of Inspector, sec. 21.202

Report To City Manager, sec. 21.203

ARTICLE I. IN GENERAL

ARTICLE 21.101. DEFINITIONS. As used herein: (a) "Animals" shall mean all mammals but man, and all fowl and reptiles.

(b) "Keep" shall mean possessing, controlling, exercising or allowing to run at large.

(c) "Owner" shall mean any person possessing, keeping, harboring or having custody of an animal.

SECTION 21.102. ANIMALS CONSTITUTING A NUISANCE.<sup>1</sup> It shall be unlawful for any owner to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passerbys, biting, chasing vehicles, habitually attacking other domestic animals or trespassing upon private property shall be deemed a nuisance.

SECTION 21.103. LICENSING OF DOGS. The fee for every dog license shall, except as otherwise provided, be Three (\$3.00) Dollars for a male dog and Six (\$6.00) Dollars for a female dog, unless a certificate of a registered veterinarian who performed the operation that the female dog has been spayed and has thereby been deprived of the power of propagation has been shown to the City Clerk, in which case the fee shall be Three (\$3.00) Dollars. If the City Clerk is satisfied that the certificate of the veterinarian who spayed the dog cannot be obtained, he may accept in lieu thereof a sworn statement of a veterinarian registered and practicing in the Commonwealth, describing the dog and stating that he has examined the dog, and that it appears to have been and in his opinion has been spayed. No fee shall be charged for a license for a dog specially

<sup>1</sup>For State Law relative to dogs, see G.L., c. 140, secs. 137 to 175.

## ANIMAL CONTROL

trained to lead or serve a blind person: provided that the Division of the Blind certifies that such dog is so trained and is actually in the service of a blind person. No part of the license fee shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal of the dog; nor shall any part of the license fee paid by mistake be refunded after it has been paid over to the County under G.L., c. 140, sec. 147. (Ord. No. 765, sec. 5, April 22, 1968)

**SECTION 21.104. LEASHING OF DOGS.** (a) No person owning or keeping a dog shall permit it to be at large other than on his own premises; if it be on the premises of another person it shall be with the knowledge and permission of such other person. The owner, keeper or person having custody of the dog 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 keep the dog under control by means of a chain, rope or cord not exceeding six feet in length of sufficient strength to control the actions of said dog or by such personal presence and attention as will reasonably control its actions and conduct.

(b) In any prosecution hereunder, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

(c) Any dog found to be at large in violation of this Article shall be caught and confined by the Dog Officer who shall notify forthwith in writing, by certified mail, return receipt requested, the licensed owner or keeper of said dog. The owner or keeper shall have ten days from the date of receipt of such notice within which to recover the dog.

(d) Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper. The Dog Officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this Section, provided, however, if within the twelve months next preceding this offense the owner or keeper has not been convicted for violation of this Article or a dog named or kept by him has not been taken into custody for violation of this Article, the Dog Officer may waive prosecution. (Ord. No. 765, sec. 6, April 22, 1968)

(e) A licensed kennel owner having custody of a dog confined under this Article shall be allowed a sum not exceeding that established by G.L., c. 140, sec. 151A for the care of such dog, payable by the owner or keeper thereof. (Ord. No. 765, sec. 7, as amended)

**SECTION 21.105. APPOINTMENT OF DOG OFFICER.** A full time Dog Officer and an Assistant shall be appointed by the City Manager and shall have the responsibility of enforcing this Article. (Ord. No. 765, sec. 7, April 22, 1968)

## ANIMAL CONTROL

SECTION 21.106. PENALTY. Any person who violates any of the provisions of this Article shall be subject to a fine not exceeding Twenty-Five (\$25.00) Dollars for each offense. (Acts 1973, c. 627)

### ARTICLE II. INSPECTOR OF ANIMALS

SECTION 21.201. APPOINTMENT OF INSPECTOR. The City Manager shall annually, in March, nominate one or more Inspector of Animals, and before April 1 send to the Director of Animal Health the name, address, and occupation of each nominee. Such nominee shall not be appointed until approved by the Director. (G.O. 1943, c. 2, sec. 168 as amended by St. 1967, c. 347)

SECTION 21.202. DUTIES OF INSPECTOR. The Inspector shall comply with and enforce all orders and duties enumerated by statute and such other duties as the City Manager may from time to time require.<sup>2</sup>

SECTION 21.203. REPORT TO CITY MANAGER. He shall annually, in January, and whenever requested by the City Manager, make a full and detailed report of all matters pertaining to his department, with such suggestions as he may deem proper. (G.O. 1943, c. 2, sec. 170)

<sup>2</sup>For State Law relative to duties of Inspector see G.L., c. 129, secs. 15 et seq.

