



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9017

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

June 28, 1989

Mr. Russell B. Higley
City Solicitor
City Hall
Cambridge, MA 02139

Dear Sir:

Enclosed you will find a copy of an amendment to the Zoning Ordinances of the City of Cambridge relative to Veterinary Establishments.

Enclosed also you will find copies of two proposed amendments to the General Ordinances as follows:

1. Regulation of vicious dogs
2. Ordinance on the Care and Use of Laboratory Animal in the City of Cambridge.

All of these amendments were passed to be ordained at the City Council meeting held on June 26, 1989.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton
Joseph E. Connarton
City Clerk

JEC/dl

Encs. (3) Ordinance Numbered 1087, 1088 and 1086.

c.c. Councillor William Walsh, Chairman, Committee on Ordinances.
Joseph Cellucci, Commissioner of Inspectional Services.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

In amendment to the Zoning Ordinances of the City of Cambridge

Be it ordained by the City Council of the City of Cambridge as follows:

Amend the text of the Zoning Ordinance of the City of Cambridge by deleting existing line 4.35 l. Veterinary establishment, kennel, pet shop or similar establishment and substitute therefor the following:

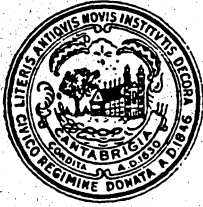
4.35. 1. Veterinary establishment, kennel, pet shop or similar establishment. ²⁹ No No No No No Sp Sp Sp¹⁰Sp Sp Sp No Sp No

In City Council June 26, 1989.

Passed to be ordained by a yea and nay vote:-
Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager

ATTEST:- Joseph E. Connarton
City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

Be it ordained by the City Council of the City of Cambridge as follows:

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

‡ C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

(5) The owner or keeper of a vicious or potentially vicious dog shall sign statements attesting that: (a) in the case of a vicious dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease

to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

(3) If any vicious or potentially vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a three hundred dollar (\$300.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of three hundred dollars (\$300.00).

(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

In City Council June 26, 1989.

Passed to be ordained by a yea and nay vote:- Yeas 8;
Nays 0; Absent 1.

Robert W. Healy, City Manager

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

In amendment to an Ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "the Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Eleven entitled: "Health, Hospitals and Housing" is hereby amended by inserting the following article:

ARTICLE IV
ORDINANCE FOR THE CARE AND USE OF LABORATORY
ANIMALS IN THE CITY OF CAMBRIDGE

Section 11-30. DEFINITIONS

In the context of this Ordinance the following definitions are adopted:

- (a) An animal is any nonhuman vertebrate.
- (b) An experiment is any procedure conducted by a research institution upon a live animal.
- (c) A research institution is any facility operated in the City of Cambridge, any school or college of medicine, public health, dentistry, pharmacy, veterinary medicine, or agricultural, medical, biological, or diagnostic laboratory, biological corporation, hospital or other educational or scientific establishment within the City of Cambridge which, in connection with any of its activities, investigates or gives instruction concerning the structure and function of living organisms or the causes, prevention, control or cure of diseases or abnormal

conditions of human beings or animals, or participates in the development, marketing, or testing of any commercial product utilizing live animals.

Section 11-31. COMMISSIONER OF LABORATORY ANIMALS

The City Manager shall appoint a Commissioner of Laboratory Animals (CLA) for the purpose of overseeing the care and use of laboratory animals in the City of Cambridge. The Commissioner shall neither be aligned with an antivivisection nor a biomedical research organization or movement. The CLA's qualifications should include an understanding of animal welfare, health, physiology, psychology, and pathology, as well as the philosophy and goals of the animal welfare movement and scientific endeavor.

The CLA shall use the February 24, 1989 Joint Report of the Mayor's Blue Ribbon Committee on the Care and Use of Laboratory Animals in Cambridge as a guide to his or her oversight of the care and use of laboratory animals in Cambridge.

Section 11-32. REGISTRATION AND REGISTRATION FEE

Each research institution shall register with the CLA.

Section 11-33. GUIDELINES FOR THE CARE AND USE OF ANIMALS

All experiments on all animals within the City of Cambridge shall be undertaken in conformity with all federal, state, and local statutes, ordinances, and regulations concerning the welfare of animals including the Guide for the Care and Use of Animals of the National Institutes of Health, the Animal Welfare Act (7 U.S.C. sections 2131, et seq.), the Health

- 3 -

research Extension Act of 1985, the Public Health Service Policy on Humane Care and Use of Laboratory Animals, G.L. c. 140, s. 174D, and 105 CMR 910.000 et seq., all as amended or revised from time to time.

Section 11-34. ANIMAL CARE AND USE COMMITTEES

Each institution that performs research, experiments, or biotechnical procedures using animals shall maintain or establish an autonomous animal care and use committee with the power to disapprove or restrict research, experiments, or biotechnical procedures regarding the care and use of laboratory animals in accordance with the standards set forth in Section 11-33. Each animal care and use committee shall have a member who is not and has not been affiliated with the institution.

An individual not affiliated with the institution in any way and who is neither aligned with an antivivisection nor a biomedical research or other biotechnical organization or movement shall be appointed to the animal care and use committee. The non-affiliated person should be knowledgeable about animal welfare philosophy and about the purpose of scientific research. The appointment of the non-affiliated member shall be made by the chief executive of the institution for a term of one year subject to renewal at the expiration of the term. Appointment and renewal shall be binding only on approval of the Commissioner of Laboratory Animals.

Section 11-35. REPORTS AND INFORMATION

Each animal care and use committee of each research institution shall provide the following information for review by the CLA at the time of his annual visit:

- (a) The number and species of animals used in the previous year.
- (b) The results of all federal and state inspections concerning animal care and use in the previous year.
- (c) The name and occupation of the non-affiliated members of the animal care and use committee.
- (d) The dates of meetings of the animal care and use committee held in the previous year.
- (e) The number of experiments or protocols for procedures reviewed by the animal care and use committee in the previous year.

Section 11-36. REPORTS OF VIOLATIONS

The CLA shall report any violation of the standards prescribed in section 11-33 to the chief executive officer of the research institution.

Section 11-37. INSPECTIONS AND INVESTIGATIONS

The CLA shall make at least one annual visit to each research institution to inspect animal and research facilities and hold at least one annual meeting with the chairperson and with the non-affiliated member of the animal care and use committee to discuss its work. The CLA may inspect any animal care and use committee reports and documents on his annual visit. The CLA shall make unannounced visits to inspect animal and research facilities as needed. Meetings and inspections should be made to ensure that the standards set forth in section 11-33 are being followed. The CLA shall report to the City Manager from time to time and may make recommendations to him regarding the care and use of laboratory animals within the City of Cambridge.

Section 11-38. VIOLATIONS

Any research institution that violates this Ordinance shall, after hearing by the Commissioner, be punished by a fine of three hundred dollars (\$300.00) per violation per day. Each day of violation shall constitute a separate offense.

Section 11-39. SEVERABILITY OF SECTIONS

Nothing in this Ordinance shall prohibit anything otherwise required by federal or state law. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

City of Cambridge

In City Council June 26, 1989.

Passed to be ordained as amended by a yea and nay vote:- Yeas 8; Nays 0; Absent 1.

Robert W. Healy, City Manager.

ATTEST:- Joseph E. Connarton
City Clerk

City of Cambridge

MASSACHUSETTS

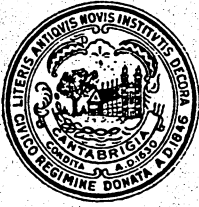
In City Council

June 26 1989

Unfinished Bu. #5 "P-7 Bull Terrier"

#5

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham	✓			
Mrs. Sheila T. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Alfred E. Vellucci	✓			
	8	0	1	



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

Be it ordained by the City Council of the City of Cambridge as follows:

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

† C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

† (3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

(5) The owner or keeper of a vicious or potentially vicious dog shall sign statements attesting that: (a) in the case of a vicious dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease

to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

(3) If any vicious or potentially vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a three hundred dollar (\$300.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of three hundred dollars (\$300.00).

(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

In City Council June 26, 1989.

Passed to be ordained by a yea and nay vote:- Yeas 8;
Nays 0; Absent 1.

Robert W. Healy, City Manager

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

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A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

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(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

* C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

(5) The owner or keeper of a vicious or potentially vicious dog shall sign statements attesting that: (a) in the case of a vicious dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease

to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

(3) If any vicious or potentially vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a three hundred dollar (\$300.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of three hundred dollars (\$300.00).

(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

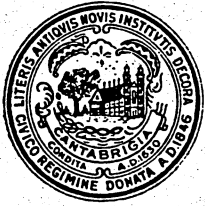
(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

In City Council June 26, 1989.

Passed to be ordained by a yea and nay vote:- Yeas 8;
Nays 0; Absent 1.

Robert W. Healy, City Manager

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

† *Be it ordained by the City Council of the City of Cambridge as follows:*

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

✓ C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

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to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

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(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

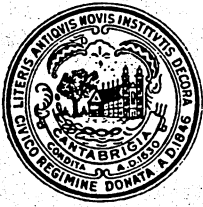
(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

In City Council June 26, 1989.

Passed to be ordained by a yea and nay vote:- Yeas 8;
Nays 0; Absent 1.

Robert W. Healy, City Manager

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

Be it ordained by the City Council of the City of Cambridge as follows:
Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

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B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

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Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

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(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

In City Council June 26, 1989.

Passed to be ordained by a yea and nay vote:- Yeas 8;
Nays 0; Absent 1.

Robert W. Healy, City Manager

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

Be it ordained by the City Council of the City of Cambridge as follows:

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

(5) The owner or keeper of a vicious or potentially vicious dog shall sign statements attesting that: (a) in the case of a vicious dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease

to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

(3) If any vicious or potentially vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a three hundred dollar (\$300.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of three hundred dollars (\$300.00).

(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

In City Council June 26, 1989.

Passed to be ordained by a yea and nay vote:- Yeas 8;
Nays 0; Absent 1.

Robert W. Healy, City Manager

ATTEST:- Joseph E. Connarton
City Clerk.

RECEIVED

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OFFICE OF THE CITY MANAGER



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a.k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

Be it ordained by the City Council of the City of Cambridge as follows:

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

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to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

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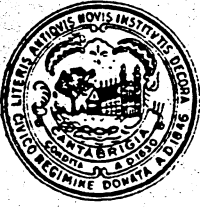
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(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

Passed to a second reading at the City Council meeting held on March 20, 1989 and on or after April 3, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

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(4) "Impounded" means taken into the custody of the Animal Commission.

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B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

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(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

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(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

(3) If any vicious or potentially vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a three hundred dollar (\$300.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of three hundred dollars (\$300.00).

(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

Passed to a second reading at the City Council meeting held on March 20, 1989 and on or after April 3, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

Be it ordained by the City Council of the City of Cambridge as follows:

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

(5) The owner or keeper of a vicious or potentially vicious dog shall sign statements attesting that: (a) in the case of a vicious dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease

to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

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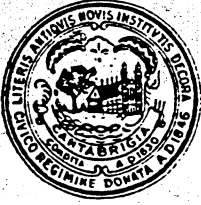
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ATTEST:- Joseph E. Connarton
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City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

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(4) "Impounded" means taken into the custody of the Animal Commission.

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B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

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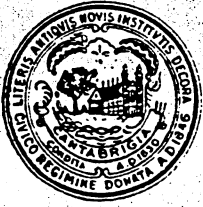
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(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

(3) If any vicious or potentially vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a three hundred dollar (\$300.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of three hundred dollars (\$300.00).

(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.

Passed to a second reading at the City Council meeting held on March 20, 1989 and on or after April 3, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

Be it ordained by the City Council of the City of Cambridge as follows:

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

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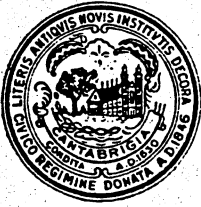
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ATTEST:- Joseph E. Connarton
City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-nine

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Passed to a second reading at the City Council meeting held on March 20, 1989 and on or after April 3, 1989 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton
City Clerk.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Anthony G. Paolillo
Chief of Police

Date March 22, 1989

From Joseph E. Connarton
City Clerk

Reference

Subject Vicious Dog Incident/February 4, 1988

Please be advised that at the Ordinance Committee of the City Council, at a public hearing held on March 9, 1989, a discussion ensued relative to the above referenced incident involving Mrs. Gail A. Spellman of 31 Madison Avenue, Cambridge. This situation was investigated by Detective Paul Jarosiewicz and Detective Mary Washington. (see attached).

The Animal Control Director also conducted an investigation.

Mrs. Spellman appeared before the Ordinance Committee to speak in favor of a proposed amendment to the General Ordinances relative to the regulation of vicious dogs. (see attached). During the hearing Councillor Sheila Russell requested that I write to you requesting you to provide any additional information you may have regarding this incident and further why it was that the dog was not destroyed after this incident.

Thank you for your cooperation in this matter.



CITY OF CAMBRIDGE
INTEROFFICE CORRESPONDENCE

To Joseph Connarton
City Clerk

From Mark W. McCabe *MWM*
Director Animal Commission

Subject DOG BITE INFORMATION

Date March 10, 1989

Reference

Enclosed are copies of the dog bite incident involving Gail Spellman (victim) and George McCray (dog owner). Included in the package of material is the restraining order from the Chief of Police.

If you need any further information please call me (9041).



CITY OF CAMBRIDGE

ANIMAL CARE & CONTROL
57 INMAN STREET
CAMBRIDGE, MASSACHUSETTS 02139
498-9041

MARK W. McCABE
Director

CAPTAIN HENRY W. BREEN
Cambridge Police Department

MELVIN CHALFEN, MD
Commissioner
Health and Hospitals

Members:

JOHN CORCORAN
ELLEN KIRCHHEIMER
MICHAEL KLEIN
PAUL PURCELL

TO: Chief Anthony G. Paolillo
Cambridge Police Department

FROM: Mark W. McCabe
Director Animal Control

SUBJECT: INVESTIGATION OF VICIOUS DOGS PURSUANT TO
MASS. GENERAL LAWS, CHAPTER 140, SECTION 157

DATE: February 10, 1988

cc: Captain Henry W. Breen
Cambridge Police Department

Russell Higley
City Solicitor

As the Director of the Cambridge Animal Commission I am filing a complaint under Massachusetts General Laws, Chapter 140, Section 157 (concerning vicious or barking dogs) against Mr. George McCray, 2301 Mas. Ave., Cambridge, MA. He is the owner of a Rottweiler-black and tan- 5 year old- male- named "Rottie". Enclosed is a copy of a dog bite report that occurred on February 4, 1988.

Although we have no previous reports concerning Mr. McCray's dog I feel that the circumstances and results of this attack requires a complete investigation and determination by your department.

This attack was allegedly unprovoked in which case I would consider this dog to be dangerous by vicious disposition. The Cambridge Animal Commission offers any assistance or further information that will help you in your investigation.

Thanking you in advance for your cooperation.

Yours truly,

Mark W. McCabe
Director Animal Commission



ANTHONY G. PAOLILLO
CHIEF OF POLICE

City of Cambridge Police Department



TELEPHONE
(617) 498-9378
9377

Office of the Chief of Police

HEADQUARTERS

ADDRESS ALL COMMUNICATIONS TO
5 WESTERN AVENUE, CAMBRIDGE, MASSACHUSETTS 02139

February 22, 1988

Mr. George McCray
2301 Mass. Ave.
Cambridge, MA 02140

Dear Mr. McCray:

As a result of a complaint, I, as Chief of Police, acting under Chap. 140, Sec. 157, am ordering that your dog must be restrained at all times.

The dog should be kept on a leash not exceeding six feet in length, off the owner's property. The dog may not be left unattended at any time when outside the owner's household.

When outside the owner's household, the dog must be muzzled.

Respectfully,

Anthony G. Paolillo
Chief of Police

AGP/rh

Enclosure: Copy of Chap. 140, Sec. 157



CITY OF CAMBRIDGE
POLICE DEPARTMENT
INTEROFFICE CORRESPONDENCE

TO: Captain H. Breen

DATE: February 18, 1988

FROM: Detectives Washington ^{MSW}
and Jarosiewicz ^{CPJ}

REFERENCE: Rottweiler Dog
Attack

SUBJECT: Mrs. Gail A. Spellman

Sir:

The following is a statement submitted to Detectives Paul Jarosiewicz and Mary Washington by Gail A. Spellman of 31 Madison Avenue, Cambridge, MA (617-547-6293) concerning the attack by a Rottweiler Dog on February 4, 1988.

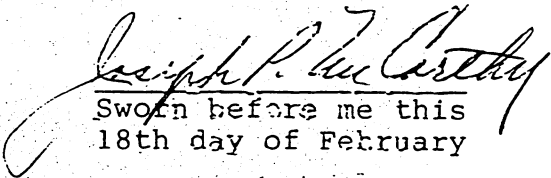
Sworn before a notary on February 18, 1988.

Thursday, February 4, 1988, at approximately 6:30 pm, I was walking on Mass Ave. heading home in the direction of Arlington when I was attacked by a Rottweiler dog.

I had just crossed a side street, which I believe was Meacham Rd., when I looked up, I saw a Rottweiler dog on the sidewalk, in front of me. Before I had realized anything the dog came at me. All I remember is lifting my arm to protect my face and the dog got a hold of my arm. He clamped his jaws down on my arm and I felt my arm break. The dog pulled me to the ground still tearing at my arm; when a man jumped between the dog and I breaking the dogs grip.

The dog circled around the man and myself, from behind, and came at me the second time. I'm not sure, but I think the man either pushed or hit the dog to get him away from me. The man got up and took the dog by the collar. I believe he put the dog in a building on the corner of the street. I was screaming for help, when the man came back out and stood over me. I was pleading with him to get some help and he just stared at me. It seemed like forever when he started to back away not saying a word. I saw two people at a distance away and screamed for them to help. A girl came and asked if I wanted her help? I pleaded with her to call an ambulance and police. She helped me to my feet and another girl came. They carried me to the curbstone and I couldn't move any further, my legs gave out. The girl yelled to someone on the street to call 911. He went into his office, made the call and returned to help me. He was a recruiting officer for the Armed Services. He carried me into his office and waited for the ambulance, the girl that helped phoned my husband.

Also, I spent five (5) days at Mt. Auburn Hospital for treatment for a fractured right arm.


Sworn before me this
18th day of February

Notary Public


Gail A. Spellman



CITY OF CAMBRIDGE

ANIMAL CARE & CONTROL
57 INMAN STREET
CAMBRIDGE, MASSACHUSETTS 02139
498-9041

Date: 2-4-88

MARK W. McCABE
Director

CAPTAIN HENRY W. BREEN
Cambridge Police Department

MELVIN CHALFEN, MD
Commissioner
Health and Hospitals

ORDER OF QUARANTINE

Members:

JOHN CORCORAN
ELLEN KIRCHHEIMER
MICHAEL KLEIN
PAUL PURCELL

George McCRAY
2301 MASS. AVE.
CAMBRIDGE, MA.

Dear Sir/ Madam:

Please be advised that a report has been made to this office
that your dog has bitten: GAIL SPELLMAN

31 MADISON AVE.
CAMBRIDGE, MA.

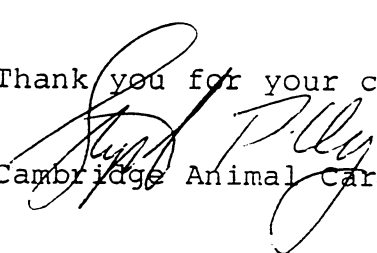
You are hereby notified, that by the powers and authority
vested in me by law, your dog is quarantined as of 2-4-88
for a period of ten days.

Upon premises of: GEORGE McCRAY
2301 MASS. AVE.
CAMB. MA.

You are to have your dog examined by the city veterinarian at
the Huron Animal Clinic within this ten day period. Bring with
you any and all records of vaccinations your dog has received.

Huron Animal Clinic
70-c Beacon St.
Somerville Ma
661-9553

Thank you for your cooperation,


Cambridge Animal Care / Control



174

Police Department
CITY OF CAMBRIDGE
ANIMAL CONTROL
CAMBRIDGE, MASSACHUSETTS

MARK W MCCABE
Director
CAPTAIN HENRY W OPLEN
Cambridge Police Department
MELVIN CHALFEN MD
Commissioner
Health and Hospitals
Members
JOHN CORCORAN
ELLEN KIRSCHHEIMER
MICHAEL KLEIN
PAUL PURCELL

DATE: 2-4-88
TIME: 7:30 1 P.M.

Report by: Stephen Kelly

Subject: DOG Bite 2301
MASS. Ave.

Assignment: ANIMAL CONTROL

Reported to: M.W. MCCABE
Rank or Position:

Date and time of occurrence: 2-4-88 6:45 P.M.
Action requested: Letter From
Chief of Police

At 6:45 P.M. received a Police call to respond to the Recruiting Center at MASS. Ave near Meecham Rd. for a woman attacked by a dog. Professional ambulance was sent to assist the woman. While on route I was told the woman was being taken to Mt Auburn Hosp. by Pro ambulance. I responded to Mt Auburn Hosp. and spoke to Mr. Spellman. His wife Gail Spellman was the woman who was attacked. Mrs Spellman resides at (31 Madison Ave. CAMB. tel - 547-6293) Mrs Spellman was very upset and was in the process of being treated for an arm injury. Mr Spellman advised that the owner of the dog a Rottweiler lives at 2301 MASS. Ave. and his



5

OFFICE OF THE ATTORNEY GENERAL
CITY OF CAMBRIDGE
ANIMAL CONTROL
CAMBRIDGE, MASSACHUSETTS

MARK W. MCCABE
Director
CAPTAIN HENRY W. BLEN
Cambridge Police Department
MELVIN CHALFEN MD
Commissioner
Health and Hospitals
Members
JOHN CORCORAN
ELLEN KIRCHHEIMER
MICHAEL KLEIN
PAUL PURCELL

DATE: _____
TIME: _____ A.M. / P.M.

Report by _____
Address: _____

Subject: _____

Incident: _____

Reported to: _____
Rank or Position _____

Date and time of occurrence _____
Action requested _____

NAME is George F. McCRAY. of 2301 MASS. Ave CAMB. tel # (H) 876-1430. (a) 757-0692. I advised Mr. Spellman I would like to speak to his wife. when she feels better. He will call me on 5-5-88.

I then responded to 2301 MASS Ave the corner of MASS + Meccham. Rd and spoke to a George F McCRAY. He advised that at the time of the attack he was shoveling snow in front of his house & his dog was sitting on the sidewalk (unleashed) when Mrs. Spellman came by. He said he did not know why the dog attacked her. He showed me a copy of a current Rabies Cert & stated the dog



3

CITY OF CAMBRIDGE
ANIMAL COMMISSION
CAMBRIDGE, MASSACHUSETTS

MARK W. McCABE
Director
CAPTAIN HENRY W. GREEN
Cambridge Police Department
MELVIN CHALFEN, MD
Commissioner
Health and Hospitals
Members
JOHN CORCORAN
ELLEN KIRCHHEIMER
MICHAEL KLEIN
PAUL PURCELL

DATE: _____
TIME: _____

Report by _____
Officer: _____

Subject: _____

Comments: _____

Date and time of occurrence: _____

Reported to: _____
Rank or Position: _____

Action requested: _____

HAD A CURRENT CAMB. Dog License. UPON
Reviewing our records it is indicated
that this dog does not have SAID license.
A citation was issued for 15.00 for not
having a current license. ~~MR~~

MRS. SPELLMAN CALLED AT 11:45 AM. ON 2-5-88.
She was calling from the Mt Auburn Hosp.
Rm. 530 She has a Broken wrist & numerous
Puncture wounds to her RIGHT ARM.
She said she plans to be in the hospital
5 days & will need surgery to repair
her broken wrist. She stated she was
walking down the street, as she approached
2301 MASS. Ave she came upon a Rottweiler
owned by Mr. George McCray. She said the

4



REPORT OF OCCURRENCE
CITY OF CAMBRIDGE
ANIMAL HOSPITAL
CAMBRIDGE, MASSACHUSETTS

MARK W. McCABE
Director
CAPTAIN HENRY W. BLEN
Cambridge Police Department
MELVIN CHALFEN MD
Commissioner
Health and Hospitals
Members
JOHN CORCORAN
ELLEN KIRCHHEIMER
MICHAEL KLEIN
PAUL PURCELL

DATE: _____
TIME: _____ P.M.

Report by _____
Officer _____

Subject: _____

Assignment: _____

Reported by: _____
Rank or Position _____

Date and time of Occurrence _____
Action requested _____

DOG BEGAN TO STARE AT her. So she stopped.
When she went to take another step.
the dog BEGAN TO ATTACK. She put her
RIGHT ARM UP; the dog GRABBED onto it
and BEGAN TO SHAKE it. She was knocked to
the ground. At this point MR. McCRAY came
from the front of the house and separated
the dog & put the dog in the house. At this
point some people from the recruiting office
on MASS. Ave. came to her assistance,
at which time she was transported to the
MTH ACBURN HOSPITAL via PRO. AMBULANCE.

Submitted by
Step P. Kelly ACO
Stephen P. Bell. CAMBRIDGE ANIM L

(OVER)

FEB. 5, 1988 12:45 PM

MR GEORGE MR CRAY CAME INTO
OUR OFFICE TO P/L ORDER OF
QUARANTINE, LICENSE HIS DOG.
P/L CITATION, & BRING COPY OF
EXAM. AT PORTER Sq. VET. & COPY
OF RABIES. CERT.



CAMBRIDGE ANIMAL CONTROL - ANIMAL BITE REPORTS

DATE: 2-4-88

TIME: 7:30 PM

NAME: GAIL SPELLMAN

ADDRESS: 31 MADISON AVE. CAMB

PHONE: 547-6293 AGE: 37

AREA OF BODY BITTEN: RIGHT ARM. RIGHT WRIST.

DATE OF INCIDENT: 2-4-88 TIME: 6:30 PM.

WHERE INCIDENT OCCURRED: 2301 MASS. AVE.

ANIMAL OWNER'S NAME: GEORGE McCRAY.

ADDRESS: 2301 MASS. AVE.

PHONE: (H) 876-1430. (W) 727-0692.

DESCRIPTION OF ANIMAL: ROTTWEILER 5 YRS OLD

TREATMENT REC'D AT: MT. AUBURN HOSP. ADMITTED.

5th FLOOR. 530. BROKEN WRIST. PUNCTURE WOUNDS.

REPORT REC'D FROM: GAIL SPELLMAN 5-5-88 11:45 AM. CAMBRIDGE BOARD OF HEALTH

OTHER _____ DATE: _____

REPORT GIVEN TO: _____ HAC _____

OTHER _____ DATE: _____

OTHER INFO: See Attached Report.

FOR USE OF ANIMAL CONTROL DEPARTMENT

ONE ANIMAL BITING ANOTHER: _____

OWNER M. Gray DATE 2-5-85

PATIENT(S) RCH

HOME CARE INSTRUCTIONS: _____

URINE/FECAL SPECIMEN IN _____ DAYS NEXT APPOINTMENT _____

CERTIFICATE
#50
Breed or type _____

M.I. _____ Telephone 876-1430
State MA Zip 02144

Predominant Breed: Boxer Colors: Black tan

Other 269
Vacc. Serial (lot) No. _____

Veterinarian's: # Mass 3056
License No. _____
Dr. I. Reiser M.D.
Signature

Address: **PORTER SQUARE VETERINARIAN**
129 ELM STREET
SOMERVILLE, MASS. 02144
628-5588

SERVICES RENDERED		FEE	
CONSULTATION/EXAMINATION WELL PET <u>20</u> AILING PET _____ RECHECK _____ EXTENDED _____ EMERGENCY _____ SAME DAY _____ ADDIT'L PETS _____ SCHEDULED _____ FIT IN _____ OFF HOURS _____ EXTENDED PHONE CONSULTATIONS, CORRESPONDENCE _____		20	
VACCINATION DHLPP _____ PARVO _____ RABIES _____ FVR-C-P _____ FELV _____ OTHER () _____			
LABORATORY URINE FULL _____ PARTIAL _____ CBC _____ THYROID _____ FELV _____ CULTURE _____ FECAL FLOAT _____ SMEAR _____ PCV _____ CYTOLOGY _____ HEARTWORM _____ SMEAR _____ B. G. _____ SKIN SC. _____ PROFILE _____ AMYLASE _____ AZO _____ BIOPSY _____ OTHER () _____ OTHER () _____			
TREATMENT EARS: CLEAN _____ FLUSH _____ NAILS _____ INJECTIONS _____ BANDAGES _____ FLUIDS: S.Q. _____ I.V. _____ OTHER () _____ CATHETER: BUTTERFLY _____ INDWELLING _____ URINARY _____			
ANESTHESIA SEDATION _____ LOCAL _____ GENERAL: INJECTABLE _____ GAS _____ EXTENDED TIME _____			
SURGERY _____ _____ DISPOSABLES _____			
DENTISTRY _____			
RADIOLOGY INITIAL FILMS _____ CONTRAST _____ ADDITIONAL FILM _____			
HOSPITALIZATION _____ FULL DAYS @ _____ = _____ _____ PART. DAY @ _____ = _____			
TAXABLE ITEMS (NO DISCOUNTS APPLY)		TOTAL FEES 20 SEN. CIT. DISC. SUB TOTAL TAXABLE TOT.	
SUTURE/DRAIN REMOVAL _____ DAYS WITH DR. _____		TAX TOTAL PREV. BAL	
PORTER SQUARE VETERINARIAN 129 ELM STREET SOMERVILLE, MASS. 02144 628-5588 <u>TWS 11.45</u>		CREDITS BALANCE 20 PAYMENT 20 METHOD	

OWNER'S COPY

RABIES VACCINATION CERTIFICATE

NASPHV Form #50

Owner's Name & Address

Print - use ball point pen or type

PRINT - Last McCray		First George	M.I.	Telephone 876-1430	
No.	Street 2301 Mass Ave	City Cambridge MA	State	Zip 02140	
Species: Dog <input checked="" type="checkbox"/> Cat <input type="checkbox"/>	Sex: Male <input checked="" type="checkbox"/> NA Female <input type="checkbox"/>	Age: 3 mo to 12 mo <input type="checkbox"/> 12 mo. or older <input checked="" type="checkbox"/>	Size: Under 20 lbs. <input type="checkbox"/> 20-50 lbs. <input type="checkbox"/> Over 50 lbs. <input checked="" type="checkbox"/>	Predominant Breed: Rottweiler	Colors: Black tan
Name Roti					

Producer: **NOIR** (First 3 letters) 1 yr. Lic./Vacc. 3 yr. Lic./Vacc. Other **269** Vacc. Serial (lot) No.

For Licensing Agency Use License No. _____ Year _____ _____ 19 _____ _____ 19 _____ _____ 19 _____ Other _____ Change <input type="checkbox"/> Add <input type="checkbox"/> Control No. _____	DATE VACCINATED: March 22 19 76 Month Day Rabies Tag No. B6 VACCINATION EXPIRES: March 22 19 79 Month Day	Veterinarian's # Mass 3056 License No. Dr. I. Reiser MS Signature Address PORTER SQUARE VETERINARIAN 123 ELM STREET SOMERVILLE, MASS. 02144 628-5588
--	--	---

CITATION/NOTICE TO APPEAR

Commonwealth of Massachusetts
 District Court Department
 Cambridge, Division
 40 Thorndike St., P.O. Box 338
 E. Cambridge, MA 02141-0338
 (617) 494-4220

COURT DOCKET NO.

CITATION NO.

c 2409

DATE OF VIOLATION

2 4 88

TIME OF VIOLATION

7:30 A.M.
 P.M.

(PLEASE PRINT) NAME & ADDRESS OF OFFENDER

GEORGE MCCRAY
 2301 MASS AVE
 CAMB MA

LOCATION OF VIOLATION

2301 MASS AVE

No.	Did commit the following infraction of Ordinances of the City of Cambridge	Fine
1.*	<input checked="" type="checkbox"/> Did fail to license a dog as required under Ch. 4, Article 1, Sec. 4-7	\$ 1500
2.*	<input type="checkbox"/> Did fail to restrain a dog as required under Ch. 4, Article 1, Sec. 4-9	\$
3.*	<input type="checkbox"/> Did fail to dispose of dog feces in a manner required under Ch. 4, Article 1, Sec. 4-10	\$
4.*	<input type="checkbox"/> Did fail to display license tag as required under Mass. Gen. Law, Ch. 140, Sec. 137	\$

SIGNATURE OF OFFICER *[Signature]* Total Fine(s) Due 15.00

Before the ANSWER DATE below, you must either send in the Amount Due or send in your plea of not responsible to the Clerk-Magistrate's Office (see address above).

ANSWER DATE (Month) (Day) (Year)

SIGNATURE OF OFFENDER

OFFENDER REFUSED TO SIGN THIS NOTICE.

*1. \$15; *2. \$10 (1st offense), \$25 (2nd offense), \$50 (3rd offense);
 *3. same as #2; *4. \$15

DOG OFFICER

COMMONWEALTH OF MASSACHUSETTS
County of Middlesex

CAMBRIDGE
City or Town 7270692

(check one) \$10 This license is for a: Unspayed/Uncastrated Dog
 \$ 2 Spayed/Castrated Dog

Date 3/30/84 Phone 876/430 Tag 1196

Issued to George McCray

Address 2301 Mass. Ave.

Dog's Name/Age Rottie / 21 mos.

Breed/Color Rottweiler / blk-tan

Issuer Animal Commission 498-9041

NUMERICAL

In accordance with the provisions of Sec. 137, Chap. 140 of the General Laws, License is hereby issued to the person named above to keep the dog herein described for one year from the first day of April, 1984. Said dog is numbered and registered as required by said Laws, for which 10 dollars has been paid.

THIS LICENSE EXPIRES MARCH 31, 1985

APPLICATION FOR DOG LICENSE(S)

For Use of Animal Control Only

Date Feb. 5, 1988 Tag No. 2519

Owner George F. MSCRAY Phone: Home 876-1430 Work 727-0692
Address 2301 MASS. AVE. CAB. MA. Zip 02140
Breed of Dog Rotweiler Sex Male
Color Tan + Black Age 5yr 8 mo.
Name of Dog Patti
George F. McGray

defense of such action; provided that in the case of an officer employed by the commonwealth the settlement or defense of such case shall have been made by the attorney general, and that in the case of an officer employed by a city or town such settlement or defense shall have been made by the city solicitor or town counsel or by an attorney legally employed for the purpose by a city or town.

Sec. 156. Any person may kill dog, when. Any person may kill a dog which suddenly assaults him while he is peaceably standing, walking or riding outside the enclosure of its owner or keeper; and any person may kill a dog found out of the enclosure of its owner or keeper and not under his immediate care in the act of worrying, wounding or killing persons, live stock or fowls, and if any person shall kill or attempt to kill a dog so found, and in the act of worrying, wounding or killing persons, live stock or fowls, he shall not be held liable for cruelty to the dog unless it shall be shown that he intended to be cruel to the dog, or that he acted with a wanton and reckless disregard for the suffering of the dog. Prompt killing of a wounded dog, or a prompt report to the owner or to a dog officer of the wounding of the dog, shall be considered evidence of sufficient regard for the suffering of the dog.

Sec. 157. Vicious or barking dogs. If any person shall make complaint in writing to the selectmen of a town, the chief of police of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity such selectmen, chief of police or county commissioners shall investigate or 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 ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate deem necessary the magistrate shall review action, hear the witnesses and affirm such

order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, chief of police, county commissioners or district court, as the case may be shall be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense.

The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.

Magistrates shall exercise their authority hereunder subject to the limitations of section sixty-two C of chapter two hundred and twenty-one.

Sec. 158. Killing of vicious dogs. Any police officer, constable or dog officer shall kill a dog which the selectmen of the town, chief of police of a city, or the county commissioners, or, upon review, the district court, shall have ordered to be restrained if such dog is again found outside the enclosure of its owner or keeper and not under his immediate care, and may kill a dog which is living in a wild state.

Sec. 159. Treble damages for damage after notice. If a dog which the selectmen of a town, chief of police of a city or the county commissioners, or upon review, a district court, shall have ordered to be restrained shall wound any person, or shall worry, wound or kill any live stock or fowls, the owner or keeper of such dog shall be liable in tort to the person injured thereby in treble the amount of damages sustained by him.

Sec. 160. Killing of dog known to have done damage unless bond is given. The county commissioners of any county, the mayor of any city, the selectmen of any town, or their agents thereto authorized in writing, may, after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog known to them to have worried or killed live stock or fowls, and then and there kill such dog, unless such owner or keeper whose premises are thus entered for the said purpose shall give a bond in the sum of two hundred dollars, with sufficient sureties, approved by the county commis-



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

October 17, 1988

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 6, enclosed please find copy of proposed Ordinance Amendments relative to licensing of vicious dogs.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

DONALD A. DRISDELL
DEPUTY CITY SOLICITOR

MICHAEL C. COSTELLO
ASSISTANT CITY SOLICITOR

SEVERLIN B. SINGLETON, III
BIRGE ALBRIGHT
GAIL S. GABRIEL
LEGAL COUNSEL

September 29, 1988

TO: Robert W. Healy
City Manager

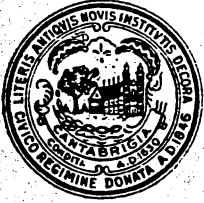
FROM: Russell B. Higley RBH
City Solicitor

RE: Ordinance Amendments

Please find attached hereto the following amendments to Chapter Four of the City Code:

- (1) Section 4-7. Licensing of Dogs.
- (2) Section 4-11(b). Disposition of Complaints.
- (3) Section 4-20. Regulation of Vicious Dogs.

Please note that the amendment regarding the regulation of vicious dogs is intended to replace the former "pit bull" ordinance and was drafted in response to Councillor Russell's Order of February 22, 1988. The remaining two amendments were drafted in response to amendments recently enacted at the state level.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Eight

AN ORDINANCE

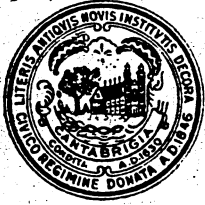
In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-7 in Article I entitled "Licensing of Dogs" and substituting the following new Section 4-7.

Section 4-7. Licensing of Dogs.

Every dog six months old or over shall be licensed pursuant to G.L. c. 140, s. 137. The fee for such license shall, except as otherwise provided, be two dollars (\$2.00) for a spayed or neutered dog and ten dollars (\$10.00) for an unspayed or unneutered dog. As proof that the dog has been spayed or neutered, the owner or keeper shall present to the Director of the Animal Commission or his designee a certificate of the registered veterinarian who performed the operation. If the Director is satisfied that the certificate of the veterinarian who performed the operation 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, in his opinion, it has been spayed or neutered. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person, if the Division of the Blind certifies that such dog is so trained and actually in the service of a blind person. No part of the fee shall be refunded because of the subsequent death, loss, spaying, castration, removal from the Commonwealth or other disposal of the dog. Nor shall any part of the fee paid by mistake be refunded.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Eight

AN ORDINANCE

In amendment to an ordinance formerly entitled "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-11(b) in Article I entitled "Disposition of Complaints" and substituting the following new Section 4-11(b):

Section 4-11(b). Disposition of Complaints.

ALL NOTICES OF VIOLATION (appearance tickets) shall be returnable to the Clerk of the Cambridge Division, District Court Department of the Trial Court, Middlesex County. Unless the person named on said NOTICE OF VIOLATION appears before said Clerk within twenty-one days of said violation either personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the NOTICE, the fine provided therein, a complaint will be sought against the person named in said NOTICE. If the violation is the first offense under Sections 4-9 or 4-10 of this Chapter committed by such person within a calendar year, the payment to the Clerk of a fine of ten dollars (\$10.00) shall operate as a final disposition of the case. If it is the second offense in a calendar year, payment to the Clerk of a fine of twenty-five dollars (\$25.00) shall operate as a final disposition of the case. If it is the third or subsequent offense in a calendar year, payment of a fine of fifty dollars (\$50.00) shall operate as a final disposition of the case. A violation of Section 4-7 of this Chapter shall be punishable by a fine of not more than twenty-five dollars (\$25.00) for each offense.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Eight

AN ORDINANCE

Chapter Four, entitled "Animals" is hereby amended by striking out Section 4-20 in Article IV entitled "American Staffordshire Terrier, a/k/a American Pit Bull Terrier or Bull Terrier" and substituting the following new section 4-20

Be it ordained by the City Council of the City of Cambridge as follows:

Section 4-20. Regulation of Vicious Dogs.

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Potentially Vicious Dog" means (a) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or (c) any dog whose owner has been cited on three (3) separate occasions within the previous twelve (12) months for failing to restrain said dog; or (d) any dog not licensed according to city ordinance as heretofore provided in Article I, section 4-7 of this Chapter.

(2) "Vicious Dog" means (a) any dog having been previously found to be potentially vicious which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (b) any dog which

bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (c) any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

Notwithstanding the above definition of vicious dog, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.

No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

(4) "Impounded" means taken into the custody of the Animal Commission.

(5) "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

B. Determination that Dog is Vicious.

In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty (30) days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County.

In the event that the Animal Commission has cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City of Cambridge for the costs and expenses of keeping such dog.

C. Determination that Dog is Potentially Vicious.

Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially vicious, in accordance with the aforementioned definition of "Potentially Vicious Dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog.

D. Registration Requirements.

No vicious or potentially vicious dog shall be licensed by the City of Cambridge for any licensing period commencing after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:

(1) The owner or keeper of a vicious or potentially vicious dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or her property. It shall be unlawful for an owner or keeper of a vicious or potentially vicious dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

(2) The owner or keeper of a vicious dog shall, at his or her own expense, have the licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;

(3) The owner or keeper of a vicious dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City of Cambridge to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;

(4) The owner or keeper of a vicious or potentially vicious dog shall display a sign on his or her premises warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way.

(5) The owner or keeper of a vicious or potentially vicious dog shall sign statements attesting that: (a) in the case of a vicious dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease

to own or keep the vicious dog prior to expiration of such license; (b) the owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious or potentially vicious dog on the property where said dog will be kept or maintained; (c) the owner or keeper shall notify the Animal Commission within twenty-four (24) hours if a vicious or potentially vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious or potentially vicious dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address, and telephone number of the new owner of said dog;

(6) The Animal Commission is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is hereby empowered to seize and impound any vicious or potentially vicious dog whose owner or keeper fails to comply with the provisions hereof. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;

(7) The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

(8) The owner or keeper of a vicious dog shall pay, in addition to the standard dog license fee, a sum of ten dollars (\$10.) for each vicious dog registered.

(D) Penalties for Violation.

(1) (a) Any vicious or potentially vicious dog which does not have a valid license in accordance with the provisions of this Chapter, or (b) in the case of a vicious dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or (c) any vicious or potentially vicious dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten (10) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar (\$150.00) fine.

(2) If any vicious or potentially vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay a one hundred fifty dollar (\$150.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of three hundred dollars (\$300.00).

(3) If any vicious or potentially vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a three hundred dollar (\$300.00) fine and the Animal Commission is empowered to confiscate and, after the expiration of a ten (10) day waiting period, exclusive of Sundays and holidays, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of three hundred dollars (\$300.00).

(4) No person shall be charged under subsections (1), (2) or (3) above unless the dog, prior to the offense alleged, shall have been declared vicious or potentially vicious pursuant to the provisions of this section.

(5) The Animal Commission shall provide notice of the impoundment and/or pending destruction of a vicious or potentially vicious dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five (5) days next following the date of impoundment.

(6) If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

October 17, 1988

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 6, enclosed please find copy of proposed Ordinance Amendments relative to licensing of vicious dogs.

Very truly yours,

Robert W. Healy
City Manager

RWH/mbf
Enc.

Re: response to Awaiting Report Item 6 on
the licensing of vicious dogs.

6/26/89 - Passed to be
ordained 8-0-1

6/29/89 - Chronicle - published

In City Council,

October 17, 1988

copy sent to Council or Walsh,
Ordinance Committee Chair
10/21/88 mlh