

Chapter 110

ANIMAL CONTROL

[HISTORY: Adopted by the Town Meeting of the Town of Charlton 5-20-2013 ATM by Art. 19 (Art. XXIII of the 2005 Bylaws). Amendments noted where applicable.]

§ 110-1. Authority and purpose.

This bylaw is adopted pursuant to the authority of MGL c. 140, §§ 136A to 137A, inclusive, § 173, and any other relevant statutes and regulations promulgated pursuant thereto. The purpose of this bylaw is to establish regulations for the keeping of dogs and cats in the Town of Charlton in a manner consistent with such statutes. All references in this bylaw to any statute shall mean such statute as such may be amended from time to time and any successor statute to same. Nothing in this bylaw is intended to, nor shall, preclude or limit any enforcement officer or agent, nor any Town board or official, from utilizing any procedure or exercising any right provided by any such statute. This bylaw does not purport to set forth or reference all such statutes, and anyone reading the bylaw is also bound by all applicable statutes and should consult same, including but not limited to: MGL c. 140, §§ 136A, 137A through 137D, 138, 139, 139A, 140,¹ 141, 141A and 141B, 145, 145A and 145B, 146, 147, 147A,² 148³ through 151, 151A and 151B, 152, 153, 155, 155A, 156 through 161, 161A, 163 through 169, 171, 173, 173A, 174, 174A and 174B, 174D and 174E and 176; MGL c. 209A, § 11; MGL c. 272, § 77; and MGL c. 129, § 39G.

§ 110-2. Licenses and tags; fees; penalty.

- A. The owner or keeper of a dog six (6) months old or over shall purchase a license from the Town Clerk and shall attach the license to a collar or harness of said dog. If any such tag is lost, the owner or keeper of such dog shall secure a substitute tag from the Town Clerk.
- B. Any person residing in the Town of Charlton, who at the beginning of the license period (January 1 to December 31) is, or who during the license period becomes, the owner or keeper of a dog six (6) months old or over, shall cause the dog to be licensed within thirty (30) days.
- C. Any owner or keeper of a dog who moves into the Town of Charlton and has a valid dog license for his/her dog from another city or town in the Commonwealth shall, within thirty (30) days, obtain a transfer license and a tag for such dog in accordance with MGL c. 140, § 146, for a fee of one dollar (\$1) upon producing evidence of the previous license.

¹. Editor's Note: MGL c. 140, § 140, relating to dog breeder's licenses, was repealed by St. 1934, c. 320, Sec. 8.

². Editor's Note: MGL c. 140, § 147A, relating to bylaws relative to the regulation of dogs, was repealed by St. 2012, c. 193, Sec. 19.

³. Editor's Note: MGL c. 140, § 148, was repealed by St. 1932, c. 289, Sec. 6.

- D. Per MGL c. 140, § 137(a) and § 137A, the above licensing provisions shall not apply to any dog or cat housed in a research institution or kept under a valid kennel license.
- E. The annual fee for every dog license, except as otherwise provided for by law, shall be as follows:

Male

\$20

Female

\$20

Senior citizen (65 and over)

\$17

Neutered male

\$10

Spayed female

\$10

Senior citizen (65 and over)

\$8

Substitute tag

\$1

Transfer license

\$1

- F. Per MGL c. 140, § 139(c), no fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.
- G. Any person seventy (70) years of age or older, upon proof of age, shall be exempt from the annual fee for one (1) dog, per household, per year. The owner of a kennel license, age seventy (70) years of age or older, shall be excluded from this exemption. These exemptions shall take effect upon the Town's acceptance of the provision of MGL c. 140, § 139(c) reading as follows: "No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision." All other fees and fines as otherwise provided for in the Animal Control Bylaws or Massachusetts General Laws will apply.
- H. When applying for a dog license the applicant must show proof, by a licensed veterinarian's certificate, that the dog has been vaccinated against rabies, as required by MGL c. 140, §§ 137 and 145B, or must provide certification per said statutes that such animal is exempt from this requirement.
- I. The fee for each kennel license shall be as follows:

Four dogs or less	\$35
Kennel with 5 to 10 dogs	\$75
Kennel with 11 to 25 dogs	\$100
Kennel with 26 or more dogs	\$200

- (1) Per MGL c. 140, § 137A(b), to determine the amount of the license fee for a kennel, a dog under the age of six (6) months shall not be counted in the number of dogs kept in a kennel. Per MGL c. 140, § 137A(c), there shall be no kennel fee charged a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering.
 - (2) Per MGL c. 140, § 137C, any person maintaining a kennel after the license to maintain a kennel has been so revoked, or while such a license is suspended, shall be punished by a fine of two hundred fifty dollars (\$250).
- J. Per MGL c. 140, § 139(c), no license fee or any part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Commonwealth or other disposal of the dog.
- K. Any owner or keeper of a dog failing to license it before March 1 shall pay a late fee of ten dollars (\$10) per dog. Any person required to obtain a kennel license (or any person eligible and electing to do so in lieu of a dog license or licenses) who falls to obtain same before March 1 shall pay a late fee of fifty dollars (\$50).
- L. In accordance with MGL c. 140, § 141, any person failing to license a dog as prescribed by this section or otherwise violating MGL c. 140, § 137, 137A, 137B or 138, shall be assessed a penalty of fifty dollars (\$50) per dog.

§ 110-3. Definitions.

- A. To the extent that MGL c. 140, §§ 136A to 137A, contain definitions of words used herein, all words and terms as used herein shall be as set forth in said statutes.
- B. Unless otherwise defined by such statutes, the terms as used in this bylaw shall mean the following unless the context otherwise indicates:

CAT — Any domestic animal of the feline species, both male and female.

DOG — Any domestic animal of the canine species, both male and female.

KENNEL — Is used as that term is defined in MGL c. 140, § 136A. See that statute for definitions of various types of kennels.

NUISANCE DOG — As defined in MGL c. 140, § 136A, shall mean a dog that:

- (1) By excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or
- (2) By excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or
- (3) Has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

OWNER — Any person or persons, firm, association, or corporation owning, keeping or harboring a dog, as herein defined.

RESTRAINT — The dog will be on a leash or a substantial chain and under the control of a person competent to restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being deemed a nuisance dog.

RUN-AT-LARGE — Any dog which is permitted to wander on private property of others or on public ways without proper restraint.

§ 110-4. Prohibitions.

- A. No owner or keeper shall violate any provision of this bylaw, nor permit any dog, whether licensed or unlicensed, to become a "nuisance dog" or to run-at-large within the Town of Charlton any time day or night.
- B. No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole or tree for longer than twenty-four (24) consecutive hours. Owner/Keeper must abide by all other requirements and prohibitions as to restraint, access to clean water and appropriate shelter and other matters addressed in MGL c. 140, § 174E. As specified in Section 174E, any person who violates same shall, for a first offense, be issued a written warning or punished by a fine of not more than fifty dollars (\$50), for a second offense, be punished by a fine of not more than one hundred dollars (\$100) and for a third or subsequent offense, be punished by a fine of not more than three hundred dollars (\$300), and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.

§ 110-5. Field trials.

No person shall conduct a field trial involving dogs in the Town of Charlton without first procuring a permit therefor from the Animal Control Officer. Any such permit shall contain such limitations as the Animal Control Officer shall deem reasonably necessary to prevent such dogs from being a threat to public safety.

§ 110-6. Violations and penalties.

Any owner or keeper found in violation of this bylaw shall be subject to a fine according to the following schedule, unless the fine for a violation is otherwise established by state law:

First offense	\$25
Second offense	\$35
Third offense	\$50
Fourth offense	\$75
Fifth and each subsequent offense (within a calendar year)	\$100

Failure to vaccinate for rabies	\$25
Failure to obtain dog license	\$50 per dog

§ 110-7. Enforcement.

It shall be the duty of the Animal Control Officer to investigate complaints and enforce the provisions of this bylaw and to that end he/she shall have the authority to seek complaints in the District Court for violations thereof. He/She shall also attend to all matters pertaining to stray or nuisance dogs, and to care for dogs that are injured in the Town of Charlton if the owner or keeper is unknown. The Animal Control Officer shall also be responsible for maintaining and keeping accurate records on all complaints and dogs that are apprehended and impounded as prescribed by law. The Animal Control Officer, such Officer's designee, the Police Chief and any Charlton Police Officer shall have authority to enforce the provisions of this bylaw. Any alleged violation of this bylaw may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent in accordance with MGL c. 40, § 21D.

§ 110-8. Procedure following impoundment.

The Animal Control Officer shall immediately notify the owner or keeper of any dog or cat impounded under the provisions of the bylaw if such owner or keeper is known by him/her. If such owner or keeper is not known by him/her, no notice shall be necessary.

§ 110-9. Notice to owner and redemption.

The owner may then reclaim the dog or cat by reimbursing the Animal Control Officer for expenses, fines and fees, and for boarding and care of the impounded dog or cat per MGL c. 140, § 151A(a). The boarding and care cost shall be ten dollars (\$10) for each twenty-four-hour period or any part thereof, plus thirty dollars (\$30) as an initial pickup fee. However, as required by MGL c. 140, §§ 137 and 145B, each dog six (6) months old or older must have been vaccinated for rabies and licensed and each cat six (6) months old or older must have been vaccinated for rabies before the Animal Control Officer may release it to its owner absent certification per said statutes that such animal is exempt.

§ 110-10. Disposition of unclaimed dogs and cats.

Any dog which has been impounded and has not been redeemed by the owner within seven (7) days shall be disposed of as provided by MGL c. 140, § 151A, and any amendment thereto. Any unclaimed dog or cat adopted from the Charlton Animal Control Officer shall be spayed or neutered and vaccinated for rabies at the owner's expense absent certification per MGL c. 140, §§ 137 and 145B, that such animal is exempt. The adoption fee for all unclaimed dogs or cats, regardless of sex, breed, or age shall be twenty dollars (\$20).

§ 110-11. Collection of fines and fees.

All fines and fees collected by the Animal Control Officer while enforcing the provisions of this bylaw shall be collected in the form of personal check, money order or registered check made payable to the Town of Charlton. In any event, the Animal Control Officer will not accept cash, unless bonded to do so.

§ 110-12. Disposition of fines and fees.

All fines and fees collected by the Animal Control Officer shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

§ 110-13. Nonwaiver of statutory remedies.

The provisions of this bylaw are intended to be in addition to and not in lieu of those contained in MGL c. 140, § 136A et seq., as amended by Chapter 193 of Legislative Acts of 2012, and as such may later be further amended. Nothing contained in this bylaw shall deprive the Town or any enforcement officer from exercising its or their rights and employing the remedies provided in those sections, including but not limited to disposition of a dog found to be a dangerous dog or nuisance dog, as provided in MGL c. 140, § 157, as so amended.