

ARTICLE 6. ANIMAL CONTROL BYLAW

SEC 1: PURPOSE

1. The purpose of this Bylaw is to achieve the objectives of the animal control enabling legislation contained in Chapter 140, Section 147A of the Massachusetts General Laws, which includes the regulation of domesticated animals within the borders of the Town of Sutton, Massachusetts, the licensing of dogs, and the establishment of fines for violation of this Bylaw.

2. This Bylaw is adopted for the above purposes under the authority provided by, and in accordance with the provisions of Chapter 140, Section 147A of the General Law, as amended.

SEC 2: APPLICATION

1. This Bylaw shall apply to all dogs owned by or kept by residents of the Town of Sutton: all dogs harbored or kept in the Town of Sutton whether or not for hire: and all dogs physically within the Town of Sutton, whether on public or private property and regardless of whether ownership can be determined. This Bylaw also shall apply to all residents of the Town of Sutton who bring or harbor one or more dogs within the Town of Sutton.

SEC 3: BYLAW SUPERIORITY

1. This Bylaw supersedes any policies, directives, dog control or dog restraint Bylaws now in effect. Unless otherwise provided for or mandated by law.

SEC 4: SEVERABILITY

1. Should any portion, section or provision of this Bylaw be found invalid for any reason, that finding shall not effect the validity and force of any other section, portion or provision of this Bylaw.

SEC 5: RESPONSIBILITIES OF THE ANIMAL CONTROL OFFICER

1. It shall be the responsibility of the Animal Control Officer to maintain proper records as required by the Town of Sutton.

2. It shall be the duty of the Animal Control Officer to investigate complaints concerning any dogs which are alleged to be in violation of the Town Bylaws and or Massachusetts General Law and to apprehend any dog found by him to be a public nuisance and to impound such dog in a suitable place or to order the owner thereof to restrain such dog.

3. The Animal Control Officer, or acting Animal Control Officer shall have the authority to issue citations, penalties and enforce the Bylaw and any regulations adopted under this Bylaw.

SEC 6: LICENSING-FINES AND PENALTIES

1. Chapter 140, Section 137 of the Massachusetts General Laws require that all dogs wear a collar with the valid license and rabies tag.

2. License Fees:

a) January 1 through March 1

Males and Females – Twenty dollars - (\$20.00)

Neutered and Spayed – Fifteen dollars - (\$15.00)

3. Hobby Kennel License - Ninety dollars - (\$90.00)

4. Breeder Kennel License - One hundred twenty dollars - (\$120.00)

5. Commercial Kennel License - One hundred fifty dollars - (\$150.00)

6. Fines:

a) After March 1 - Fifteen dollars - (\$15.00)

b) After April 1 - Twenty five dollars - (\$25.00)

SEC 7: DEFINITIONS

AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE INDICATES:

1. DOG shall mean all animals of the canine species, both male and female.

2. WORKING DOG shall mean a dog used in the performance of a particular set of tasks, while used in such a capacity. Examples include guard dog, seeing eye dogs and dogs used to control a farmer's flock or herd.

3. HUNTING OR SPORTING DOG shall mean a dog under the control and direction of its owner or keeper while used in training or actual hunting. It also includes dogs used in events or trials participating under sanctioned competitions.

4. OWNER shall mean any person or persons, firm, association or corporation, owning, keeping or harboring a dog as herein defined.

5. PUBLIC NUISANCE shall mean any dog deemed to be a public nuisance if not found to be on the premises of the owner of such dog or upon the premises of another person with the knowledge and express permission of such other person.

- a) If such dog is being used as a so-called “hunting dog”, during open hunting season or at any time when necessary for field training, and is being supervised as such by a person competent to restrain such dog so that it shall not be a threat to public safety.
 - b) Unless such dog is a seeing-eye dog guide dog or hearing dog, according to the Massachusetts General Laws.
 - c) Unless such dog is under restraint as defined in Sec: 8
 - d) No person shall own or keep in the Town of Sutton any dog which by biting, excessive barking, howling or in any other manner disturbs the quiet of the public.
6. HOBBY KENNEL shall mean a kennel as described in Sec: 18 with more than three (3) dogs, six (6) months or older.
7. BREEDER KENNEL shall mean a kennel as described in Sec: 17 with not more than ten (10) dogs, six (6) months or older.
8. COMMERCIAL KENNEL shall mean a kennel as described in Sec: 17 with ten (10) plus dogs.
9. DOMESTIC ANIMAL shall mean all animals as described in MGL 131 Sec: 23.

SEC 8: RESTRAINT

1. The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large off his property, including but not limited to school grounds, recreation areas and cemeteries, unless the dog is accompanied by its owner or other person responsible for the dog, who is in full control of such dog, or unless the dog is held firmly on a leash of not more than six (6) feet.
2. For the purpose of this section “full control” means that the dog will respond to command, order or signal of the owner or other person responsible for the dog. He shall, at all times, by his command, order or signal, prevent his dog from bothering, worrying, annoying, chasing or barking at any person or vehicle including bicycles, or killing, chasing or harassing livestock, fowl or other pets.
3. Any owner shall confine in a building or secure enclosure, any dog used for security and not remove said dog from the building or enclosure unless it is securely muzzled.
4. Every female dog in heat shall be kept in a building or secure enclosure or in a boarding kennel, so that she cannot come into contact with another dog.

SEC 9: PROHIBITIONS

1. No owner or keeper shall allow a dog to become a public nuisance as defined in Sec. 7 Subsection 5, paragraphs a through c inclusive. Failure to comply with the section constitutes a violation of the Bylaw.

2. Any dog that bites a person shall be quarantined for ten (10) days, subject to Massachusetts General Laws, Chapter 129, Section 21 and Chapter 129, Section 30.

3. This Bylaw shall not be construed to prohibit the use of hunting, sporting or working dogs in their normal capacities, as defined in Section 7, Subsections 2 and 3 inclusive.

4. Defecating anywhere but on the property of its owner or keeper, unless picked up and disposed of properly by its owner or keeper.

SEC 10: IMPOUNDMENT

1. NOTICE TO OWNER – If a dog impounded pursuant to Section 10, Subsection 2 has upon it the name and address of the owner, or if the name of the owner is otherwise known, then the Animal Control Officer shall immediately notify the owner, and if the owner is unknown then no notice shall be necessary.

2. IMPOUNDMENT BY ANIMAL CONTROL OFFICER a dog may be picked up and impounded when:

- a) Found at large, without full control of owner.
- b) Found unmuzzled when an order for muzzling of such dog is in effect.
- c) Having bitten, attacked or threatened the health or safety of a person.
- d) Chasing any vehicle upon a public way or upon any way open to the public travel in the town.
- e) Having damaged or littered property other than the owner's.
- f) Found without a license.
- g) In violation of Section 8 of the Bylaw.

SEC 11: REDEMPTION OF IMPOUNDED DOGS

1. The owner or keeper of any dog impounded under the provisions of this Bylaw may redeem such dog, provided he or she first:

- a) Procures from the Town Clerk a license and tag for any such dog that is not licensed.
- b) The owner of any dog impounded pursuant to Section 11 may reclaim such dog upon reimbursement to the Animal Control Officer of his expense for

maintaining such dog while impounded. In any event, the Animal Control Officer shall not charge more than Fifteen dollars (\$15.00) for a reimbursement of such expenses for the first twenty-four (24) hour period or any part thereof that the dog is held by him, and Fifteen dollars (\$15.00) for each additional day.

- c) Any dog which has been impounded under the provisions of this Bylaw and has not been redeemed by its owner or keeper within ten (10) days, may be disposed of in accordance with the provisions of the Massachusetts General Laws, Chapter 140, Section 151A.

SEC 12: OWNER RESPONSIBILITY FOR RESCUE COSTS

1. The owner, keeper or person responsible for any animal injured or killed by a motor vehicle shall be responsible for the cost of all rescue response, emergency care, treatment and/or disposal of said animal.

SEC 13: PERSONS CONVICTED OF CRUELTY TO ANIMALS

1. Any person or persons found guilty of a violation of any provisions of SECTION 77, 80A, 94 OR 95 OF CHAPTER 272 OF MASSACHUSETTS GENERAL LAW, will forfeit the right to own or keep any animal within the Town of Sutton and must immediately, upon conviction, surrender all animals in his/her possession to the Animal Control Officer.

SEC 14: ENFORCEMENT

1. The Animal Control Officer or Police shall be empowered to enforce provisions of this Bylaw. Fines assessed under this Bylaw shall be paid to the Town Clerk within twenty-one (21) days of issuance of a citation by the Animal control Officer or Police. Failure to pay such fine shall be in violation as described in the NON-CRIMINAL COMPLAINT FORM (CH. 40 SEC. 21D).

SEC 15: VIOLATIONS

1. Violations of this Bylaw shall be punishable by such fines as described in the NON-CRIMINAL COMPLAINT FORM (CH. 40 SEC 21D) or by CRIMINAL COMPLAINT, at the discretion of the Animal Control Officer.

SEC 16: APPOINTMENT OF AN ANIMAL CONTROL OFFICER

1. The Town Administrator shall appoint an Animal Control Officer for the Town of Sutton. The Animal Control Officer and/or his agent shall be appointed as Special Police Officers by the Town of Sutton, Town Administrator and sworn in by the Town Clerk.

2. The Animal Control Officer and/or his agent are not required to be a resident of the Town of Sutton.

3. The Animal Control Officer shall be a salaried employee of the Town of Sutton. The Animal Control Officer shall receive such compensation as agreed upon by the Animal Control Officer and the Town Administrator. Such agreed upon salary may be funded with monies from the Dog Control Revolving Account.

4. The Animal Control Officer shall have the responsibility, authority and power as an agent of the Town of Sutton to enforce the provisions of the Animal Control Bylaw and Massachusetts General Law, Chapter 140.

SEC 17: KENNELS-BREEDER OR COMMERCIAL

1. No person shall house more than three (3) dogs, age six (6) months or older, on a single premises without first applying for a kennel license with the Town Clerk. A copy of the special permit from the Zoning Board of Appeals must be included, or such application shall be denied. Upon review of the application, the Animal Control Officer, along with the Health Department Agent, shall inspect the facility prior to the issuance of any kennel license. The Animal Control Officer may deny the application if the facility is not in compliance with any or all sections of this Bylaw.

2. It shall be a condition of the issuance of any kennel license that the Animal Control Officer shall be permitted to inspect all animals and the premises where animals are kept at any time following reasonable notice to the licensee and shall, if permission for inspection is refused, revoke the license of the refusing owner or keeper with no part of the fee refunded.

3. Any person who receives a kennel license shall erect a kennel in accordance with the following Specifications:

a) A minimum of four by eight (4x8) feet for each dog shall be provided.

b) Locks on gates to prevent the escape of dogs and the entry of children shall be provided.

c) Kennel shall be sixty (60) feet from the street and forty (40) feet from lot lines.

4. No person convicted of cruelty to animals shall be issued a license to operate a kennel.

5. Any person or persons who holds a kennel license shall make available to the Animal control Officer and the Police Department an emergency number where they can be reached.

6. Kennel licenses shall be given only to people who apply under the conditions of operating a breeding and/or commercial facility as defined in SEC 7 SUBSECTION: 8 AND 9.

7. Kennel licenses shall not be given to any person who is not a resident of the Town of Sutton, unless they are operating a commercial business.

8. Pet stores shall not be required to carry a kennel license as long as they are in accordance with MGL CH. 129 SEC. 39A.

9. All complaints received of a kennel will be handled in accordance with MGL CH. 140 SEC. 157, as amended.

SEC 18: HOBBY KENNEL

1. No person shall house more than three (3) dogs, six (6) months or older on a single premises without first applying for a Hobby Kennel license with the Town Clerk.

2. A Hobby Kennel where four (4) to eight (8) dogs are housed for the primary purpose of pleasure (pets) or hunting, and where there is no boarding or breeding. There shall be no revenue derived from the sale of pups from these dogs.

3. Any person or persons who hold a kennel license shall make available to the Animal Control Officer and the Police Department an emergency number where they can be reached.

4. All complaints received of a kennel will be handled in accordance with MGL CH. 140 SEC. 157, as amended.

5. It shall be a condition of the issuance of any kennel license that the Animal Control Officer shall be permitted to inspect all animals and the premises where animals are kept at anytime following reasonable notice to the licensee and shall, if permission for inspection is refused, revoke the license of the refusing owner or keeper with no part to the fee refunded.

Adopted: Mar 3, 1973

Amended: 4/16/77, 4/20/85, 5/6/91, 5/12/03, 10/20/03