

DOG BYLAWS

Section 1: Licensing: The owner or keeper of a dog kept within the Town of Heath shall cause the dog to be licensed individually or part of a kennel license, as provided in this Bylaw and Chapter 140 of the Massachusetts General Laws.

1. The owner or keeper of any dog over the age of six (6) months shall obtain a license for the dog from the Town Clerk.
2. Annual dog and kennel licenses must be obtained by March 31st for a licensing period of April 1 through March 31 of the following calendar year. When licensing a dog for the first time, proof of spay or neutering should be presented in order to be eligible for neutered or spayed license fee.
3. There will be a late charge per dog for licensing after March 31st. There will be no exceptions to this requirement.
4. New residents shall have thirty days to license their dog during which period any license duly recorded in another jurisdiction shall remain valid.
5. A license fee shall not be refunded because of a subsequent death, loss, spaying, or removal of such dog from the Town of Heath, nor because of a license fee mistakenly paid.
- ~~6.~~ No fee shall be charged for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.
7. The registering, numbering, describing, and licensing of dogs and kennels in the Town of Heath shall be conducted in the office of the Town Clerk during regular hours.
8. Proof of Rabies vaccination is mandatory before license(s) will be issued.
NOTE: A copy of the rabies certificate must be presented at time of licensing.

Section 2: Kennels (amended May 10, 2014)

- a. A person maintaining a kennel, as defined in Massachusetts General Laws, Chapter 140, section 136A, shall obtain a kennel license from the Town Clerk in accordance with section 1, sub-paragraph 2 above.
- b. The owner or keeper of a pack or collection of less than four (4) dogs, three (3) months of age or older may elect to obtain a kennel license in lieu of licensing the dogs individually. The fee for such a license shall be the same as the fee for a 4 to 10 dog kennel license, and the holder of such a license shall comply with all local, state and federal laws applicable to kennels, including but not limited-to compliance with this section and applicable provisions of the Town's zoning bylaws.
- c. A kennel license shall be in lieu of individually licensing the dogs kept on the subject premises.

d. The holder of a kennel license shall cause each dog kept at the premises to wear a tag inscribed with the number of the kennel license, name of Town and year of issue at all times.

e. A kennel license shall not be granted until the kennel is approved by the Planning Board and has passed inspection by the Animal Control Officer.

f. Application for a kennel license shall include the name, breed, age, proof of fixing (if applicable), proof of rabies vaccinations, and photograph of each dog.

g. The holder of a kennel license must comply with all local, state, and federal laws for conducting the licensed activity, including but not limited-to compliance with applicable provisions of the Town's zoning bylaws.

Section 3: Restraint of Dogs

a. No person shall cause or permit any dog, whether licensed or unlicensed, to run at large, or permit such dog to wander unrestrained on public or private property other than the premises of the owner or, keeper of the premises of another person with knowledge and permission of such other person. A dog is under restraint within the meaning of this bylaw if it is controlled by a leash or at heel beside a competent person and obedient to the commands of that person, and further in the area of Town zoned as Heath Center dogs must be tied or on a leash.

b. No dog shall be chained, tethered or otherwise tied to an inanimate object including a tree, post or building for longer than 24 consecutive hours.

c. Unrestrained or unlicensed dogs may be caught and confined by the Animal Control Officer or any police officer of the Town of Heath. A dog so confined may be held for not more than seven days. If the owner or keeper of the dog claims it and pays the sum of \$40 for each day that the dog has been held, the dog shall be returned to its owner or keeper. Any dog not claimed by the owner or keeper within said seven day period may be subject to euthanization or adoption as set forth in Massachusetts General Laws, Chapter 140, sections 151A and 167.

Section 4: Nuisance and Dangerous Dogs

a. No person shall permit a dog owned and/or kept in the Town of Heath to be a Nuisance Dog or Dangerous Dog as those terms are defined in Massachusetts General Laws, Chapter 140, sections 136A and 157.

b. Any person may make a written complaint to the Board of Selectmen that any dog owned or kept within the Town of Heath is a Nuisance Dog or a Dangerous Dog. The Board of Selectmen, as Hearing Authority, shall investigate or cause to be investigated such complaint, including an examination under oath of the complainant at a public hearing in the Town to determine whether the dog is a Nuisance Dog or a Dangerous Dog, and shall make such order concerning the restraint or disposal of such dog as provided in M.G.L. c.140, Section 157.

Section 5: Fee Schedule (amended May 10, 2014)

- a. The annual fee for individual and kennel licenses shall be as follows:
 - i. Unspayed females or males not neutered . . . \$10.00
 - ii. Dogs neutered or spayed \$ 5.00
 - iii. Kennels
 - 4 to 10 dogs \$25.00
 - 11 or more dogs \$50.00
 - iv. Late Fee \$25.00

Section 6: Enforcement and Penalties

a. Allowing Dog to Roam at Large

b. In addition to the remedy of impoundment as set forth therein, Section 3 of this Bylaw may be enforced by the Animal Control Officer or any police officer of the Town through any means available in law or equity, including but not limited to criminal indictment in accordance with G.L. c.40, §21, and noncriminal disposition in accordance with G.L. c. 40, §21D, and the Town Bylaws, "Non-Criminal Disposition." When enforced in accordance with G.L. c.40, §21, the maximum penalty shall be \$300.00 and each day a violation exists shall constitute a separate violation.

- ii. When enforced through noncriminal disposition, the penalties shall be as follows:

First violation:	Verbal Warning
Second violation:	\$ 100.00
Third and subsequent violations within 12-month period of first violation:	\$ 300.00

- i. For purposes of enforcement through non-criminal disposition, any violation of the provisions of this by-law occurring more than 12 months after a first offense shall constitute a new and separate violation.

c. Violation of Order to Restrain Nuisance or Dangerous Dog

i. In addition to the remedies set forth therein, Section 4 of this Bylaw may be enforced by the Animal Control Officer or any police officer of the Town through any means available in law or equity, including but not limited to criminal indictment in accordance with G.L. c.140, §157A as may be amended from time-to-time, and noncriminal disposition in accordance with G.L. c. 40, §21D, and the Town Bylaws, "Non-Criminal Disposition." When enforced in accordance with G.L. c.140, §157A, an owner or keeper of a dog who fails to comply with an order of the selectmen or district court shall be punished, for a first offense, by a fine of not more than \$500 or imprisonment for not more than 60 days in a jail or house of correction, or both, and for a second or

subsequent offense by a fine of not more than \$1,000 or imprisonment for not more than 90 days in a jail or house of correction.

ii. When enforced through noncriminal disposition, the penalties shall be as follows:

First violation:	Verbal Warning
Second violation:	\$ 100.00
Third and subsequent violations within 12-month period of first violation:	\$ 300.00

iii. For purposes of enforcement through non-criminal disposition, any violation of the provisions of this by-law occurring more than 12 months after a first offense shall constitute a new and separate violation.

d. For purposes of enforcement through non-criminal disposition, any violation of the provisions of this by-law occurring more than 12 months after a first offense shall constitute a new and separate violation.

e. Other

i. Whoever violates any provision of this by-law or order of the Animal Control Officer for which no penalty is specified, may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be fifty dollars (\$50.00).

ii. Whoever violates any provision of this By-law for which no penalty is specified may be penalized by a noncriminal disposition process as provided in G.L.40, s.21D. If noncriminal disposition is elected, then any person who violates any provision of this By-Law shall be subject to a penalty in the amount of fifty dollars (\$50.00) for each offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

iii. The Town of Heath may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by Town shall not preclude enforcement through any other lawful means.

Section 7: Severability

If any section or part of this chapter shall be held invalid for any reason, the remainder of this chapter shall continue in full force and effect.

(May 11, 2002; amended Jan. 21, 2003, May 10, 2008, May 11, 2013 [pending])

1. The Town declared itself to be a Domestic Violence-Free Zone. Everyone who lives or works in Heath is encouraged to work to stop domestic violence in our community. All departments of town government, including the Library, Police Department, Fire Department and Public School, are encouraged to participate in appropriate programs to prevent domestic violence. Leaders in

the private sector are encouraged to join in these efforts to make Heath free of domestic violence. (June 28, 2003)

2. LICENSES

- a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permits denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standings with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.
- c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permits and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- d) The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his/her immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property. This section shall not apply to the following licenses and permits: open burning, section thirteen of chapter forty-eight; bicycles permits, section eleven A of chapter eighty-five; sales of articles of charitable purposes, section thirty-three or chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred forty-nine; clubs, associations, dispensing good or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred

and thirty-one; marriage licenses, section one hundred and eighty-one of chapter one hundred and forty. (May 9, 1998, June 28, 2003)