

# Chapter 23

## Animals

### Article I

#### Dog Control

##### § 23-1 Purpose.

The purpose of this bylaw is control of dogs to prevent injury to property, persons and animals.

##### § 23-2 Definitions.

Massachusetts General Laws Chapter 140, Section 136A, shall be referenced to define terms used on this bylaw.

##### § 23-3 Administration.

- A. The Town Manager shall appoint an Animal Control Officer, who shall be responsible for the enforcement of this bylaw and the General Laws relating to the regulation of animals.
- B. The Town Manager shall appoint a Hearing Officer to perform the duties and responsibilities outlined in this bylaw.
- C. For purposes of this bylaw and MGL c. 140, § 157, the Select Board shall be the Hearing Authority.

##### § 23-4 Control of dogs.

- A. Any person owning, keeping, or harboring a dog within the Town is responsible for removing and properly disposing of any feces left by the dog whether on public or private property. The provisions of this subsection shall not apply to a disabled person who is using a service animal and who is physically unable to comply. Animal Control and your fellow residents appreciate you doing your part to keep our Town clean and enjoyable for all.
- B. Other Town facilities: All dogs shall be kept on a leash while on Town's athletic fields, Town parks, Town Common, Town Hall, public schools.
- C. Town of Plymouth will have areas of Town designated as Dog Park. The rules and regulations of said Dog Parks will be determined as a policy of the Select Board and posted at each Dog Park.
- D. Provided, however, that Subsections **B** and **C** shall not apply:
  - (1) To service animals as defined by the Americans with Disabilities Act or regulations promulgated thereunder;
  - (2) To dogs belonging to a law enforcement agency or formally trained as search and rescue animals, provided that such dogs are acting in the line of duty; or
  - (3) With permission of the landowner for the purpose of training dogs or hunting.

##### § 23-5 Roaming at large.

- A. No owner or keeper of any dog shall cause or permit such dog, whether licensed or unlicensed, to run at large within the Town of Plymouth, or permit such dog to wander unrestrained on public or private property other than the premises of the owner or keeper or 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 of no more than 6' or within a vehicle being driven or parked.

B. Unrestrained or unlicensed dogs may be caught and confined by the Animal Control Officer or any police officer of the Town of Plymouth. A dog so confined may be held for not more than seven (7) 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 adoption or euthanization as set forth in MGL c. 140, §§ 151A and 167, as may be amended from time to time.

**§ 23-6 Nuisance and dangerous dogs.**

A. The Animal Control Officer shall investigate all complaints made to the Animal Control Officer, the Town of Plymouth Police Department, the Select Board, or the Town Manager that any dog owned or kept within the Town of Plymouth is a nuisance dog or dangerous dog, as those terms are defined in MGL c. 140, §§ 136A and 157, as may be amended from time to time.

B. The Animal Control Officer shall require that said complaints be in writing and is hereby empowered to make whatever inquiry is deemed necessary to determine the accuracy of said complaint and may make such orders as he or she deems necessary to ensure the protection of public safety and/or to eliminate said nuisance, as provided in MGL c. 140, § 157, as may be amended from time to time.

C. Any person aggrieved by an order of the Animal Control Officer may request a hearing before the Hearing Officer. Said request shall be in writing and received by the Hearing Officer within five business days of issuance of the Animal Control Officer's order. A copy of the hearing request shall also be delivered to the Animal Control Officer. If no such request is filed within the time specified herein, the order of the Animal Control Officer shall be final.

D. Upon receipt of a timely request, the Hearing Officer shall convene a public hearing, which shall include an examination of the complainant under oath, to determine whether the dog is a nuisance dog or dangerous dog. Based on the credible evidence and testimony presented at said public hearing, the Select Board may affirm the Animal Control Officer's order, reverse and nullify the Animal Control Officer's order, or issue any such order as it deems necessary to ensure the protection of public safety and/or eliminate a nuisance, as provided in MGL c. 140, § 157, as may be amended from time to time. The determination of the Select Board after a hearing shall be final.

E. Nothing in this bylaw is intended to limit or restrict the authority of the Select Board to act in accordance with MGL c. 140, § 157.

**§ 23-7 Dog tags.**

All dogs shall wear a collar or similar device with the current dog tags (license) attached.

**§ 23-8 Licensing.**

A. All dogs six months or over must be licensed and tagged. The registering, numbering, and licensing of dogs, if kept in the Town of Plymouth, shall be conducted in the office of the Town Clerk.

B. The annual license period shall run from January 1 to December 31 of each calendar year.

C. The annual fees to be charged by the Town of Plymouth for the issuance of licenses for dogs shall be:

- (1) Intact males and females: \$25.
- (2) Neutered males and spayed females: \$15. (A certificate of neutering or spaying is required.)
- (3) Dog owners over the age of 70: no fee.

(4) Service animals as defined by the American with Disabilities Act or regulations promulgated thereunder: no fee.

(5) Dangerous dog relicensing fee: \$30.

The word kennel shall be one collection of dogs on a single premises, whether maintained for breeding, boarding, sale training, hunting or other purpose, including more than three dogs, three months old or older, provided however, that a veterinary hospital shall not be considered a kennel under the intent of this Bylaw. A commercial kennel shall require a kennel license.

(6) Personal kennels (subject to inspections):

New Kennels: \$150

Renewals:

(a) Four dogs to five dogs: \$50.

(b) Six to nine dogs: \$75.

(c) 10 to 24 dogs: \$150.

(d) Commercial kennels (subject to inspections): \$200.

D. Further, the Town will charge a late fee of \$15 to be paid by owners or keepers of record each year who license said dog or dogs on or after April 1. All money received from issuance of dog licenses by the Town of Plymouth or recovered as fines or penalties by said Town under provisions of MGL c. 140 relating to dogs, shall be paid into the general fund of the Town. The late fee will be waived for any new dogs to the community registered after the deadline.

#### § 23-9 Licensing of dangerous dogs.

- A. The Hearing Officer shall notify the Town Clerk of all dogs that have been designated as dangerous dogs in accordance with § 23-6 of this bylaw and/or MGL c. 140, § 157.
- B. The owner or keeper of any dog(s) designated as a dangerous dog(s) in accordance with § 23-6 of this bylaw and/or MGL c. 140, § 157, which has not been ordered euthanized shall relicense said dog(s) as "dangerous" within 30 days of such determination. A unique licensing number shall be assigned to a dangerous dog by the Town Clerk. That number shall be noted on the Town licensing files. The owner or keeper of such dangerous dog shall pay a relicense fee in accordance with § 23-8 of this bylaw.
- C. The owner or keeper of a dangerous dog shall notify within 12 hours the Animal Control Officer if said dog is unconfined, has attacked a domestic animal or another dog or has attacked a human, or has died or has been sold or given away; the owner or keeper shall also provide the Animal Control Officer with the name, address and telephone number of the new owner of the dangerous dog.

#### § 23-10 Enforcement and penalties.

- A. Allowing dog to roam at large.

- (1) In addition to the remedy of impoundment as set forth therein, § 23-5 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 MGL c. 40, § 21, and noncriminal disposition in accordance with MGL c. 40, § 21D, and § 1-5, Noncriminal disposition, of this Code. When enforced in accordance with MGL c. 40, § 21, the maximum penalty shall be \$300 and each day a violation exists shall constitute a separate violation.

(2) When enforced through noncriminal disposition, the penalties shall be as follows: [

- (a) First offense: fine of \$50.
- (b) Second offense: fine of \$100.
- (c) Third offense: fine of \$300.
- (d) Fourth and subsequent offense: fine of \$500.

(3) For purposes of enforcement through noncriminal disposition, any violation of the provisions of this bylaw occurring more than 12 months after a first offense shall constitute a new and separate violation.

B. Violation of order to restrain nuisance or dangerous dog.

- (1) In addition to the remedies set forth therein, § 23-6 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 MGL c. 140, § 157A, as may be amended from time to time, and noncriminal disposition in accordance with MGL c. 40, § 21D, and § 1-5, Noncriminal disposition, of this Code. When enforced in accordance with MGL 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.
- (2) When enforced through noncriminal disposition, the penalties shall be as follows:
  - (a) First offense: \$100 fine.
  - (b) Second offense: \$200 fine.
  - (c) Third and subsequent offense: \$500 fine.
- (3) For purposes of enforcement through noncriminal disposition, any violation of the provisions of this bylaw occurring more than 12 months after a first offense shall constitute a new and separate violation. The Animal Control Officer or any Town of Plymouth police officer shall seize and impound any dangerous dog found outside of its enclosure in violation of this bylaw or any order issued by the Animal Control Officer, the Select Board or the Court.

C. Other. The Plymouth Select Board may enforce this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Select Board shall not preclude enforcement through any other lawful means.

**§ 23-11 Severability.**

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

A True Copy

Attest:



Kelly A. McElreath, Town Clerk