

ARTICLE 3 - 4

CANINE CONTROL

Sec. 1. **Licensing**

All dogs in the Town of Hanson must be licensed annually on July 1 of each year. The annual fee for each dog license, except as otherwise provided by law, shall be set by the Select Board with recommendation from the Animal Control Officer. A separate fee will be set for all male and female dogs which have been altered or spayed and have thereby been deprived of the power of propagation. A certified copy of a certificate from the veterinarian who performed the operation must be shown to the Town Clerk issuing the License. A certified copy of such certificate on file in the office of any city or town clerk within the Commonwealth of Massachusetts may be accepted as evidence that the operation has been performed. If the Town Clerk is satisfied that the certification by the veterinarian who spayed/altered the dog cannot be obtained, then a statement under the penalties of perjury from a veterinarian registered and practicing in the Commonwealth of Massachusetts describing the dog and stating that the dog has been examined and in his opinion is not capable of propagation by reason of spaying/altering cannot be provided, the fee for the licensing period shall be at the rate of an unspayed/unaltered dog.

When applying for a License, the applicant must also show proof, by a veterinarian's certificate that the dog, if six months of age or older, has been vaccinated against rabies, as required by Massachusetts Laws (General Law Chapter 140, s. 145B). No fee shall be charged for a license for a dog specifically trained to lead a blind person or serve the deaf or handicapped providing that the Division of the Blind, Deaf or Handicapped certifies that the dog is so trained and in actual service for which it was trained. No license or part of the fee shall be refunded because of subsequent death, loss, spaying/altering removal from the Commonwealth or other disposal of the dog. No license fee or part of the fee shall be refunded or recovered if paid by mistake.

In addition to the requirement that a dog be duly licensed, as required by law, the owner of a dog not licensed on or before September 30th shall be subject to a late fee set by the Select Board. This fee will be paid to the Town of Hanson in addition to the regular License fee for all dogs.
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Every dog licensed under the provisions of this By-Law shall wear a collar or harness to which a valid license tag has been securely attached. In the event that the tag is lost, defaced or destroyed, a substitute tag shall be obtained by the owner or keeper from the Town Clerk, at an established cost as provided in M.G.L. Chapter 140, s. 146.

Sec. 2. **Unlicensed Dogs: Licensed Dogs Not Wearing Tags.**

Any dog within the limits of the Town, not wearing a valid license tag, shall be impounded by the Animal Control Officer and not released until all fees and charges are paid and a current license is obtained. Any dog not claimed within ten days from the date of impoundment will become the property of the Town of Hanson and will be disposed of, by whatever humane means are available by the Animal Control Officer.

Sec. 3. **Leashing Law.**

Any person owning or harboring a dog shall not allow it to run at Large in any of the streets or public places in the Town Hanson or upon the premises of anyone other than the owner or keeper, unless the owner or occupancy of such premises grants permission. No dog shall be permitted in any public place, publicly owned land, or street within the Town of Hanson, unless it is effectively restrained by a chain or leash, or unless it is under the immediate and effective control of the handler. This shall not be construed to limit or prohibit the use of hunting dogs during the hunting season or the training of hunting dogs at any time. Field trials for hunting dogs, during the time of trial only, are also exempt.

Sec. 4. **Rabies Vaccination.**

In accordance with Chapter 140, s. 145B, Massachusetts General Law, the owner or keeper of a six months or older dog, shall cause that dog to be vaccinated by a veterinarian using a vaccine approved by the Massachusetts Department of Public Health, upon vaccination of the dog, the veterinarian shall provide a tag which shall be secured to the collar or harness of the dog, indicating the year of vaccination and shall complete copies of the Rabies Vaccination Certificate. The veterinarian shall forward one copy to the Town Clerk, present one copy to the owner or keeper of the dog and retain one copy.

Unvaccinated dogs acquired or brought into the Town shall be vaccinated within thirty days after acquisition or entry into the Town, or upon reaching the age of six months, whichever comes later.

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Vaccinated dogs shall be revaccinated periodically in accordance with the rules and regulations adopted by the Massachusetts Department of Public Health.

Whoever violates the provisions of this section shall be charged a fee.

Sec. 5. **Complaint of Nuisance.**

If any person submits a written complaint to the Animal Control Officer that any dog owned or harbored within the Town is a nuisance by reason of vicious disposition, excessive barking or other disturbance, the Animal Control Officer shall investigate such complaint which may include an examination under oath of the complainant. The Animal Control Officer, after his initial investigation, may issue an interim order restraining or muzzling, or causing to be restrained or muzzled, any dog, for a period not to exceed fourteen days to enable the Select Board to issue their order.

Cause for this restraint or muzzling may be for any of the following reasons:

- If found to be in violation of Town of Hanson By-Laws, Article 3-4, Section Leashing Law.
- If found to be guilty of disturbing the peace.
- For having bitten or threatened (worried) any person.
- If found at large or unmuzzled while an order of restraint is in effect.
- For having killed, maimed or otherwise damaged any domesticated animal

The Animal Control Officer shall then submit a written report of his findings, actions and recommendations to the Select Board together with the written complaint. The Select Board shall notify both the complainant and the dog owner of a public hearing. As a result of the public hearing, the Select Board shall issue an order concerning restraint, muzzling, disposal of the dog, dismiss the complaint, or take such other action they deem necessary.

If the Select Board fails to act during the period of the interim order, the order is automatically vacated.

If a dog has been ordered to be restrained or muzzled for a total of six weeks within a twelve-month period, the Select Board will be required to issue a permanent order of restraint, muzzling or disposal. (10/ 1994)

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Sec. 6. **Dogs in Estrus Cycle.**

If the Animal Control Officer determines that a dog in her estrus cycle is attracting other dogs and causing a disturbance on, or damage to neighboring property or public area, he may impound the dog even if within the property of the owner or keeper. Impoundment will be for the duration of the estrus cycle with release being made to the owner or keeper upon payment of pickup and boarding fees.

As an alternative action, the Animal Control Officer, at his discretion, may require the owner or keeper to place the dog, while in her estrus cycle in a commercial boarding kennel or to remove it from the area thus abating the nuisance.

Sec. 7. **Kennel Licenses.**

- a) **Application.** Any owner or keeper of four (4) or more dogs which are three months of age or older and kept at one location, is required to obtain a kennel license. Written application is required to the Board of Appeals for their approval
- b) **Inspection.** Prior to the issuance of a kennel license, the premises must first be inspected and approved by the Animal Control Officer. The Board of Appeals may institute restrictions they deem necessary prior to the approval of a license.
- c) **Issuance.** Upon receipt of necessary approvals and the payment of the appropriate fee to the Town of Hanson, a kennel license will be issued after review by the Animal Control Officer.

The kennel license shall be on a prescribed form stating the name and address of the owner or keeper, the name, if appropriate, and location of the kennel and the maximum number of dogs authorized at any one time.

A kennel license shall be in lieu of any other license required for any dog kept in such kennel. While at large, each dog maintained in a kennel shall wear a collar or harness to which a tag shall be securely attached indicating the number of the kennel license, the year of issuance and the name of the Town.

Any holder of a kennel license may move his kennel to another location in Town with the approval of the granting authority, the Animal Control Officer and the Board of Appeals. A fee payable to the Town of Hanson

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shall be charged for the transfer of a license to the new location for the balance of the licensing period.

- d) **Revocation.** The Chief of Police or the Animal Control Officer shall at any time inspect, or cause to be inspected, any kennel. If in their judgment, the kennel is not being maintained in a sanitary or humane manner, or if records are not being properly kept as required by law, they may revoke or suspend said license. The Select Board, at a duly posted public meeting may reinstate such license and impose conditions and regulations upon the operation of the kennel.
- e) **Renewal.** A kennel license shall be renewed annually upon payment of an appropriate fee, provided that the license holder has not been in violation of this By-Law or Massachusetts General Laws pertaining to dogs in the past twelve months as determined by the Animal Control Officer.
- f) **Exclusion.** A veterinary hospital shall not be considered a kennel unless it engages in the boarding of dogs for other than medical or surgical purposes. In the event a license is determined to be required, the above procedures shall apply.

Sec. 8.

Shelter and Equipment.

The Select Board may select a commercial kennel facility or use the existing Town shelter to impound or keep dogs that have been apprehended by the Animal Control Officer. Such facility must be safe, clean and provide adequate shelter.

Sec. 9.

Annual Fees and Penalties.

- a) There shall be an annual license fee, approved by the Select Board, for the following purposes:
 - Spayed females or neutered males
 - Unaltered males or females
 - Kennel license - 4 dogs
 - Kennel license - Up to 10 dogs
 - Kennel license - Up to 25 dogs
 - Kennel license - Up to 50 dogs

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- b) Any owner or keeper who fails to comply with any of the provisions of this By-Law is subject to applicable fees and penalties approved by the Select Board, as follows:
- Violations of the Leash Law occurring within a twelve-month period: First, second, third, fourth and subsequent offenses.
 - Complaints involving, but not limited to, barking, littering, defecating on sidewalks or private property, occurring within a twelve-month period: First, second and subsequent offenses.
 - Failure to comply with an order of restraint: First and subsequent offenses, per day.
 - Failure to comply with notice to confine or destroy: First and subsequent offenses, per day.
 - Failure to vaccinate dogs against rabies: First and subsequent offenses, per citation.
 - Failure to license a dog on or before September 30 of each calendar year: First and subsequent offenses, per citation.
 - Pickup fee.
 - Boarding fee.

Before any dog can be released from custody to its owner or keeper, all scheduled fees and penalties must be paid. Any person contesting the assessed fees may petition for a hearing with the Select Board and the Animal Control Officer.

Note: All Fees, Charges, Penalties shall be payable to the Town of Hanson.

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