

## **ARTICLE 47. ANIMAL CONTROL REGULATIONS**

(Replaced ATM 2018.) (See Article 52 for violation fines.)

47.1. Purpose. Pursuant to the authority set forth in G.L. c. 140, §§ 136A-174GE, inclusive, and any other relevant statutes and regulations issued pursuant thereto, this section is adopted by the Town for the control and regulation of dogs within the Town.

47.2. Definitions. The definitions of words and terms set forth G.L. c. 140, § 136A are incorporated into Article 47 and shall be applicable herein.

### 47.3. Administration.

- a. The Select Board shall annually 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. For purposes of this bylaw and G.L. c. 140, § 157, the Executive Director shall be the Hearing Authority.

c. For purposes of this bylaw, and G.L. c. 140, § 157, the Town Clerk shall be the Licensing Authority.

### 47.4 Registration and License Requirements for Dogs. (Amended ATM 2023.)

- a. In accordance with G.L. c. 140, § 137, the owner or keeper of a dog six months of age or older, while residing in the Town of Wellesley, shall obtain a license ~~(either individual or kennel)~~ for the dog from the Town Clerk Licensing Authority, which shall be affixed to the dog's collar. To obtain or renew a license, each dog owner or keeper shall annually present proof of a current rabies vaccination or a certification of exemption from the vaccination requirement, pursuant to G.L. c. 140, §§ 137(b) and 145B.
- b. All dogs within the Town shall be licensed and registered and the fees for such license and registration shall be established by the Town Meeting from time to time in accordance with G.L. c. 140, § 139. Fees for the issuance of licenses for dogs shall be:

	<u>Fee</u>
1) Males and Females:	\$25
2) Neutered Males and Spayed Females:	\$15
3) Service Animals as defined by the Americans with Disabilities Act or regulations promulgated thereunder:	No fee.
<del>4) Kennels with 4-6 Dogs:</del>	<del>\$75</del>
<del>5) Kennels with 7-10 Dogs:</del>	<del>\$100</del>
<del>6) Kennels with 11 or more Dogs:</del>	<del>\$150</del>

- c. Dog owners and keepers shall renew each dog license annually. The annual licensing period runs from April 1 through March 31.

### 47.5 Kennels.

- a. Kennel has the same definition as in G.L. c. 140, § 136A. d. — Kennels. All kennels within the Town shall be licensed, operated, maintained and regulated in accordance with G.L. c. 140, §§ 137A-~~174G-137D~~ and any other applicable statute or regulation.

- b. A person maintaining a commercial kennel shall obtain a kennel license from the Licensing Authority. The Licensing Authority shall issue, suspend, renew and revoke kennel licenses as provided in G.L. c. 140, § 137A and any regulations promulgated by the Massachusetts Department of Agricultural Resources. In the case of an applicant for initial licensure or license renewal, the Licensing Authority shall deny a kennel license until the kennel has passed inspection by an Animal Control Officer.

The Licensing Authority shall specify on the license the type of kennel and the maximum number of animals that may be maintained by the licensee. Such number shall be determined by the Licensing Authority and the Animal Control Officer following the required inspection of all kennels by the Animal Control Officer.

- c. A person maintaining a personal kennel shall obtain a kennel license from the Licensing Authority. To obtain or renew a license, each dog owner or keeper shall annually present proof of a current rabies vaccination or a certification of exemption from the vaccination requirement, pursuant to G.L. c. 140, §§ 137(b) and 145B. The Licensing Authority shall issue, suspend, renew and revoke kennel licenses as provided in G.L. c. 140, § 137A and any regulations promulgated by the Massachusetts Department of Agricultural Resources. In the case of an applicant for initial licensure or license renewal, the Licensing Authority shall deny a kennel license until the kennel has passed inspection by an Animal Control Officer.

The Licensing Authority shall specify on the license the type of kennel and the maximum number of animals that may be maintained by the licensee. Such number shall be determined by the Licensing Authority and the Animal Control Officer following the required inspection of all kennels by the Animal Control Officer.

- d. The fee for the issuance and renewal of a kennel license shall be established from time to time by the Town Meeting in accordance with G.L. c. 140 § 137A; provided, however, that in determining the amount of the license fee for a kennel, a dog under the age of 3 months shall not be counted in the number of dogs kept in the kennel. Kennel license fees shall not be required for domestic charitable corporations that are incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

- e. Fees for the issuance of kennel licenses shall be:

	Fee
<u>1) Kennels with 5-8 Dogs:</u>	<u>\$75</u>
<u>2) Kennels with 9-12 Dogs:</u>	<u>\$150</u>
<u>3) Kennels with 13-25 Dogs:</u>	<u>\$200</u>
<u>4) Kennels with 26 or more Dogs</u>	<u>\$250</u>

- f. A commercial boarding or training kennel shall maintain records of individual dog licenses for all dogs in its care as required by G.L. c. 140, § 137A.
- g. The Animal Control Officer shall inspect or cause the annual inspection of every kennel licensed within the Town. If a licensee or applicant for a license to maintain a kennel refuses to allow an inspector to enter and inspect a kennel, the refusal shall be grounds for denial, suspension or revocation of the license.
- h. A kennel license shall be valid for a period of one year, beginning April 1 of each year through March 31.

**47.65. Policies and Procedures.** The Select Board shall from time to time adopt and publish such policies and procedures as they deem necessary to enforce the intent and purpose of this bylaw.

#### 47.~~76~~. Conduct of Dogs.

- a. Nuisance and Dangerous Behavior. No dog owner or keeper shall permit the dog to become or remain a nuisance dog or a dangerous dog, as those terms are defined and used in G.L. c. 140, §§ 136A and 157.
- b. Leash Law. When not on the private property of its owner or keeper, or on private property with express permission of that property's owner, a dog shall be on a leash of not more than seven (7) feet.
- c. Dogs on Town Property. Any dog on the street or sidewalk in the Town shall be on a leash of not more than seven (7) feet. Any dog, while on any other property owned or controlled by the Town, shall remain under the control of its owner or keeper in the manner prescribed by the regulations promulgated by the board, commission or officer having authority or control of said property.
- d. Service Animals. The provisions of Articles 47.~~76~~.b and 47.~~76~~.c shall not apply to any properly trained assistance or service animal while performing its duties.

#### 47.~~87~~. Animal Control Officer.

- a. Complaint Investigation. The Animal Control Officer shall investigate all written complaints arising within the Town pertaining to violations of Article 47 and of G.L. c. 140, §§ 136A-174~~GE~~ and any relevant state or local regulations.
- b. Issuance of Temporary Restraint Orders. The Animal Control Officer may issue a Temporary Restraint Order to the owner or keeper of any dog that is alleged to be a nuisance dog or a dangerous dog and is awaiting a decision under Article 47.~~98~~. A Temporary Restraint Order shall be in force for no more than thirty (30) days unless the Animal Control Officer renews it in writing for a subsequent thirty (30) day periods. The Animal Control Officer may rescind or stop renewing the order when, in the Animal Control Officer's judgment, restraint is no longer required. The Animal Control Officer's order shall expire upon receipt of a decision from the Select Board on the nuisance dog or dangerous dog hearing.
- c. Issuance of Temporary Confinement Order. The Animal Control Officer may make arrangements for the temporary housing of any dog that requires such temporary housing, and may issue an Order of Temporary Confinement authorizing such temporary housing. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, and shall be at the dog owner's or keeper's expense.
- d. Record Keeping. The Animal Control Officer shall keep accurate, detailed records of the confinement and disposition of all dogs held in custody, all bite cases reported, and the results of investigations. The Animal Control Officer shall maintain a telephone log of all calls received regarding dogs and submit a monthly report summarizing the log to the Select Board.

47.~~98~~. Nuisance or Dangerous Dog Hearings. Any person may file a complaint in writing to the Select Board that a dog owned or kept in the Town is a nuisance dog or a dangerous dog. All such complaints shall be investigated and addressed in accordance with G.L. c. 140 § 157.

#### 47.~~109~~. Violations and Penalties.

- a. The failure of the owner or keeper of any dog or pet to comply with this bylaw or with any order of the Animal Control Officer or the Select Board shall be a violation of this bylaw.
- b. The failure of the owner or keeper of any dog or kennel to comply with the registration and license requirements provided in this Article 47 and in G.L. c. 140, §§ 136A-174~~GE~~ shall be in violation of this bylaw.

- c. In addition to any other remedy provided by law, this Article 47 may be enforced by the Animal Control Officer, or any police officer of the Town, or the Select Board, through any means available in law or equity, including but not limited to criminal indictment in accordance with G.L. c. 40, § 21, noncriminal disposition in accordance with G.L. c. 40, § 21D and Article 52.1, "Non-Criminal Disposition, as may be amended from time to time. When enforced in accordance with G.L. c. 40, § 21, the maximum penalty shall be \$~~300~~500 and each day a violation exists shall constitute a separate violation.
- d. In addition to any other remedy provided by law, the provisions of Section 47.5 of this Article may be enforced by the Licensing Authority in accordance with the provisions of G.L. c. 140, §§ 137A and 137C.
- ed. ———If the Animal Control Officer confines a dog and the dog owner or keeper does not pay all fees directly to the kennel or veterinary clinic, then the dog's owner or keeper shall be required to reimburse the Town for any expenses incurred in boarding that dog. If the dog has not been licensed, the owner or keeper shall obtain a license and pay any applicable fine before the dog can be released.
- fe. An owner or keeper of a dog who fails to comply with an order of the Select Board or district court issued pursuant to G.L. c. 140, § 157A shall be punished as provided in that statute.