

ARTICLE 22

DOG CONTROL BYLAW

SECTION 1. LICENSE FEES

The annual fee for every dog license and kennel license shall be set by January 1st of each year by the Board of Selectmen. No fee shall be charged for a license for a dog especially trained to lead or serve a blind person; provided, that the Division of the Blind certifies that such dog is so trained and actually in the services of a blind person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying, or removal from the Commonwealth, or other disposal of the dog, nor shall any license fee or part thereof paid by mistake be paid or recovered back after it has been paid over to the Town Treasurer.

All kennels shall be subject to routine inspections by the Board of Health and Animal Control Officer as deemed necessary.

Kennel Licenses:

- a. Four dogs or less shall be issued by the Town Clerk.
- b. Ten dogs or less for non-commercial use shall have the facility approved the by Health Agent and the Animal Control Officer before issuance.
- c. Ten dogs or less for commercial use shall have the facility approved by the Health Agent and the Animal Control Officer before issuance.
- d. Ten dogs or more for either commercial or non-commercial purposes shall have the facility approved by the Health Agent and the Animal Control Officer before issuance.

SECTION 2. DISTURBING THE PEACE

No person shall own or keep in the Town any dog which by biting, excessive barking, howling or in any other manner disturbs the quiet of the public or creates a public nuisance.

SECTION 3. COMPLAINT OF NUISANCE

If any person shall make a complaint in writing to the Animal Control Officer that any dog owned or harbored within his jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Animal Control Officer shall investigate such complaint, which may include an examination under oath of the complainant, and submit a written report to the Selectmen of his findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Selectmen may make such order concerning the restraint; muzzling or disposal of such dog as may be deemed necessary. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Selectmen to issue their order following receipt of the report of the Animal Control Officer. If the Selectmen fail to act during the period of the interim order, upon expiration of the period of the interim order automatically is vacated.

SECTION 4. RESTRAINTS OR MUZZLING

The Animal Control Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed fourteen (14) days, any dog for any of the following reasons:

- a. For having bitten or threatened any person.

- b. If found at large or unmuzzled, as the case may be, which an order for the restraint of such dog is in effect.
- c. If found in a school, schoolyard or public recreational area.
- d. For having killed or maimed or otherwise damaged any domestic animal.
- e. For chasing any vehicles (including bicycles) upon any public way or way open to public travel in Town.
- f. For any violation of Section 2.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Selectmen a report of his action and the reasons thereof. Upon receipt of such report, the Selectmen may make such order concerning the restraint; muzzling or disposal of such dog as may be deemed necessary. If the Selectmen fail to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order is automatically vacated.

SECTION 5 . APPEAL OF RESTRAINT OR MUZZLING

The owner or keeper of any dog that has been ordered to be restrained or muzzled or has been restrained under this article, may file a request in writing with the Animal Control Officer that the restraining be vacated, or that the dog be released; and after investigation by the Animal Control Officer such officer may vacate such order or release the dog if the order or restraint was imposed by him. If the order was imposed by the Selectmen, the Animal Control Officer shall submit a written report of his investigation with his recommendations to the Selectmen who may vacate such order.

SECTION 6. FAILURE TO COMPLY

Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or Selectmen issued pursuant to this article shall be punishable by a fine of twenty-five (\$25.00) dollars.

SECTION 7. UNLICENSED DOGS

Any dog within the limits of the Town unlicensed or not wearing a valid license tag shall be impounded by the Animal Control Officer and not released until the Pound fees, in accordance with the General Laws, Pickup Fees, Late Licensing Fee (if applicable), are paid and current license obtained from the Town Clerk. The Board of Selectmen shall annually set reasonable Pickup and Pound Fees. Any dog not claimed within seven (7) days will become the property of the Town and will be disposed of by the Animal Control Officer by whatever humane means are available.

SECTION 8. ANIMAL CONTROL OFFICER

The Selectmen shall appoint an Animal Control Officer to enforce this bylaw. In the event of the absence of the Animal Control Officer, the Police Department shall make suitable provisions for impounding dogs and strays. The Town shall provide such equipment and means as deemed necessary by the Board of Selectmen for proper enforcement.

SECTION 9. LEASHING OF DOGS

Restraint –

1. No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the Town of Berkley or allow it upon the premises of

anyone other than the owner or keeper of such dog without permission of the owner or occupant of such premises.

2. No dog shall be permitted in any street or public place within the Town of Berkley unless it is effectively restrained as above defined by a chain or leash.

Defecation or urination by dogs –

1. No person owning or keeping a dog shall permit it to defecate or urinate within the boundaries of any municipally owned playground, part or open space to which the public has access, unless expressly permitted in specially designated areas.

2. No person owning or keeping a dog shall permit it to defecate or urinate upon any street or sidewalk, provided, however, that defecation will not be in violation of this subsection if removed immediately thereafter.

3. No person owning or keeping a dog shall permit it to defecate or urinate on privately owned premises other than the premises of the owner or keeper without the knowledge and consent of the owner or persons in possession of such premises.

4. In any prosecution under this section, the presence of such dog which is unleashed upon the premises other than the premises of the owner or keeper of such dog, shall be prima facie evidence that such knowledge and consent of said owner or person in possession of said premises was not had.

The penalties for violation of any portion of this section shall be in the amount provided by applicable town by-law.