

Chapter 5

ANIMALS

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[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 61.

ARTICLE I

General Provisions **[Adopted 1915 ATM, Art. 24]**

§ 5-1. Cattle at large; violations and penalties.

No person shall permit any goat, sheep, swine, horse, cow or other meat cattle belonging to him or her, or under his or her control, to go at large or departure in any of the streets, lanes or avenues of this Town. And any person convicted under the provisions of this section shall be liable to pay a fine not exceeding \$5 for each offense. But this article shall not affect the right to use the land within the limits of the highway adjoining his or her premises.

§ 5-2. Fastening animals to trees.

No person shall fasten any horse or other animal to any tree, or in any of the public streets of this Town as to endanger the same being injured, defaced or destroyed.

ARTICLE II

Dog Control **[Adopted 5-3-1997 ATM, Art. 10]**

§ 5-3. Purpose. [Amended 5-11-2019 ATM by Art. 22]

The Town requires that all dog owners keep their dogs under control at all times for the purpose of protecting people and animals from injury, protecting property from damage and preventing dog-related nuisances. The Town further requires any dog for which one formal complaint has been filed be kept under the owner's/guardian's or keeper's leash control at all times on Town property.

§ 5-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DOG OFFICER — The person or persons appointed by the Select Board members to enforce this article. **[Amended 6-27-2020 ATM by Art. 17]**

GUARD DOG — A dog which meets the provisions of MGL c. 129, § 39B, and the regulations thereunder.

OWNER — Any person who licenses a dog or keeps a dog for 30 days or longer.

RESIDENCE — The area within the boundaries of the land where the owner sleeps.

§ 5-5. Dog licensing.

A. Any dog over three months may be licensed. As soon as the dog becomes six months, the owner shall license it with the Town Clerk providing the owner's name and address; breed, color and age of the dog; certificate of vaccination against rabies; payment of the license fee; and attachment of a Town tag to the dog's collar. No license shall be issued unless the owner has recorded a valid certificate of vaccination against rabies showing vaccination date, vaccination expiration date and signature of a veterinarian. The Clerk shall record the date of vaccination expiration.

B. The licensing period shall begin April 1 and shall run for one year. Renewal applications shall be made between March 15 and May 31.

C. Applications for a license must be made within 30 days after obtaining a dog six months or older.

D. No license fees shall be required for Seeing Eye or hearing ear dogs. However applications for such dogs shall be made to the Town Clerk, and tags issued and worn by such dogs.

E. The Town Clerk shall maintain records of the identifying numbers of all tags issued and shall make this record available to the public.

§ 5-6. Kennel licensing.

A. Any owner with one or more dogs three months old or over may choose to obtain a kennel license. Kennel licenses shall be available in two categories:

(1) Hobby kennel: one which is maintained for breeding dogs for show or sport or which sells dogs from less than four litters per year.

(2) Commercial kennel: one which grooms, boards or trains dogs and/or which sells more than four litters per year. Kennel license fees shall vary according to the number of dogs kept. The fees shall be as set forth in MGL c. 140, § 137A.

B. Commercial kennels shall be subject to the provisions of Chapter 125, Zoning, § 125-12, Home occupations.

C. Commercial kennels must maintain conditions that meet minimum state and federal regulations concerning animal care and welfare. It shall be a condition of the issuance of a commercial kennel license that the Dog Officer, upon 24 hours' notice, may be permitted to inspect all dogs and premises where dogs are kept in accordance with state regulations.

D. Kennel licensing dates shall be the same as for individual licensing.

E. No kennel license fees shall be charged for a nonprofit animal protection organization. A license application, however, shall be made to the Town Clerk by such organizations, and kennel tags issued must be worn by dogs in the custody of the organization.

§ 5-7. Violations enumerated. [Amended 5-11-2019 ATM by Art. 22; 5-14-2022 ATM by Art. 20]

Any owner who allows his/her dog to do any of the following will be considered in violation of this article:

A. Unlicensed dog: a dog six months or older, which is unlicensed or not relicensed by May

31 each year.

- B. Running at large: to go beyond the boundaries of the owner's residence unless the dog is:
 - (1) In sight and immediately responds to voice command and does not trespass on residential property; or
 - (2) Under leash control; however, dogs in the act of training, working or hunting are excepted.
- C. To chase a pedestrian, bicycle or any other vehicle.
- D. To bark excessively during the day or to bark between 10:00 p.m. and 8:00 a.m. so as to disturb the reasonable quiet of the neighborhood.
- E. Worrying livestock: to worry, injure or kill another's livestock, fowl or pet.
- F. Vicious dog: to menace, attack or bite a person without provocation.

§ 5-8. Inhumane treatment of dogs.

All owners are expected to treat their dogs in a humane and caring manner. An owner who subjects a dog to cruel or inhumane treatment prohibited by the General Laws shall be in violation of this article.

§ 5-9. Removal of dog waste.

A dog owner shall be responsible for the removal of any fecal material deposited by his/her dog on public ways, public recreation areas, schools and Town of Pelham property and residential property.

§ 5-10. Informal complaint.

- A. Any resident may by telephone or letter inform the Dog Officer of any violation by identifying him/herself and describing the dog in detail.
- B. The Dog Officer shall make a log of all information received, but the identity of the complainant shall be strictly confidential with the Dog Officer.

§ 5-11. Formal complaint.

- A. Complaint forms shall be readily available from the Dog Officer, the Select Board's office and the police station. Any resident may file this form at any of the above points or by mailing it to the Dog Officer, 2 South Valley Road, Pelham, MA 01002. **[Amended 6-27-2020 ATM by Art. 17]**
- B. Within seven days of receiving a complaint form, the Dog Officer shall make a progress report to the complainant.
- C. If the complainant remains unsatisfied, he/she may refile the complaint with the Select Board. A formal hearing may be called. **[Amended 6-27-2020 ATM by Art. 17]**
- D. Confidentiality ends once a formal complaint is filed.

§ 5-12. Citations.

The Dog Officer, acting upon personal knowledge of a nonconforming dog, may serve a citation, having the force of law, on the owner. It shall describe the dog's conduct, cite the violation and secure enforcement by these means:

- A. Warning. A warning shall state a deadline for compliance and other steps of enforcement, as necessary.
- B. Restraint. The owner may be ordered to restrain the dog in a specific manner so as to comply with the provisions of this article. If the violation is a failure to license the dog and the owner fails to comply, the Dog Officer may impound the dog for adoption or euthanasia.

§ 5-13. Select Board hearing and order. [Amended 6-27-2020 ATM by Art. 17]

A. The Dog Officer or a resident may file a written complaint with the Select Board members and call for a hearing. The dog's owner and such other parties as the Select Board members may determine shall be served with a written notice prior to the scheduled hearing. In the case of an emergency, determined by the Chair of the Select Board members, the hearing may be held as soon as notice is delivered.

B. The complainant shall testify. Other witnesses and the dog's owner may testify. The Select Board shall issue a written decision, stating its findings of fact and orders within seven days to all parties concerned.

C. The Select Board may order enforcement by the means stated in § 5-12. Citations, and § 5-16, License revocation.

D. The Select Board may appoint a hearing officer or panel to exercise these powers.

E. A dog's owner has the right of appeal to the District Court in accordance with MGL c. 140, § 157. An appeal shall be made within 10 days of the decision.

§ 5-14. Filing of criminal complaint in District Court.

The Town may enforce this article by filing a criminal complaint in the District Court.

§ 5-15. Impoundment and release.

A. The Dog Officer may pick up any unlicensed dog as described in § 5-5.

B. If, by license tag or other means, the owner of an impounded dog can be identified, the Dog Officer shall return the dog to the owner and issue a citation, or the officer may take the dog to the pound and confine it in a humane manner.

C. Impounded dogs shall be kept for 10 days unless claimed by the owner.

D. No dog shall be released until all fees are paid. Fees may include:

- (1) Pick up.
- (2) Keep, per day.
- (3) Kennel immunity shots.

(4) Rabies vaccination.

(5) License.

E. Any dog not claimed after 10 days may become the property of the local nonprofit dog protection organization to be placed for adoption in a suitable home or humanely euthanized.

§ 5-16. License revocation. [Amended 6-27-2020 ATM by Art. 17]

A. Following a hearing for which notice has been given to the owner, the Select Board may revoke a license for failure to comply with this article or any law governing the protection and keeping of dogs.

B. The Select Board shall review automatically all licenses to dog owners against whom three or more violations of this article have been assessed in the twelve-month licensing period.

C. The owner of any dog whose license is revoked shall, within 10 days thereafter, be responsible for the placement or humane disposal of the offending dog, and no part of the license fee shall be refunded.

§ 5-17. Severability.

In the event that a clause of this article is found in violation of state law, that clause shall be severable and the remainder of the article shall continue in full effect.

§ 5-18. Fine schedule. [Amended 5-11-2019 ATM by Art. 24]

Dog Control Bylaw Fine Schedule

	First Offense	Second Offense	Third Offense
Failure to license	\$25	\$50	\$75
Failure to have kennel license	\$25	\$50	\$75
Running at large	\$25	\$50	\$75
Chasing offense	\$25	\$50	\$75
Excessive barking	\$25	\$50	\$75
Removal of dog waste	\$25	\$50	\$75
Worrying domestic animals	\$25	\$50	\$75
Vicious dog	\$25	\$50	\$75
Inhumane treatment	\$50	\$75	\$100

ARTICLE III

Cat Control

[Adopted 5-3-1997 ATM, Art. 11]

§ 5-19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMAL CONTROL OFFICER — Person who serves as a Dog Officer, Board of Health or Animal Inspector.

CAT — Any domesticated species of the feline or cat family.

OWNER — Person who owns a cat for 30 days or longer.

RESIDENCE — The area within the property boundaries where the owner sleeps.

§ 5-20. Cat kennel license.

A. No owner shall keep more than five cats over the age of six months without having first obtained a cat kennel license issued by the Town Clerk. The fee for the license shall be \$5. No license shall be issued unless the owner has presented a valid certification of vaccination against rabies showing:

- (1) Vaccination date.
- (2) Vaccination expiration date.
- (3) Signature of veterinarian.

B. The Town Clerk shall record the date of the rabies vaccination. It shall be a condition of the issuance of the kennel license that the Animal Control Officer, upon 24 hours' notice, shall be permitted to inspect all cats and premises where cats are kept. Upon determination of Health Code violations or inhumane treatment or inhumane living conditions, the Board of Health or Animal Inspector may order the animals removed from the house and kept under conditions set forth by the Board of Health or by the Animal Inspector.

§ 5-21. Violations and penalties.

The fine for violations of this article shall be \$50 per offense. Each day of continuing offense shall be considered a separate offense.