

# **Town of Sunderland By Law**

## **Chapter 130, DOGS**

[HISTORY: Adopted by the Town of Sunderland as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

Peace and good order -- See Ch. 89.

Nuisances -- See Ch. 166.

ARTICLE I, Animal Control [Adopted 4-28-1994 ATM, Art. 28EN; amended in its entirety 4-25-2014 ATM, Art. 14]

### **§ 130-1. Purpose.**

The town requires that all dog owners keep their dogs under control at all time for the purpose of:

- A. Protecting people and animals from injury.
- B. Protecting property from damage.
- C. Preventing dog-related nuisances.

Under control shall mean the dog is within the real property limits of its owner or keeper or on the premises of another person with the knowledge and express permission of such person, or secured by a leash, lead, or under the direct control of the owner or keeper.

### **§ 130-2. Administration.**

- A. The Board of Selectmen 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 Massachusetts General Laws, Chapter 140, section 157, the Board of Selectmen shall be the Hearing Authority.

### **§ 130-3. License requirements; fees.**

- A. The registering, numbering, description and licensing, pursuant to the provisions of Chapter 140 of the Massachusetts General Laws of all dogs and all kennels in the Town of Sunderland shall be conducted in the office of the Town Clerk.
- B. The licensing fees for dogs and kennels shall be as follows:
  - Dogs: Intact \$15.00; Spayed/Neutered \$10.00
  - Kennels: per dog as set forth above.
- C. Whoever violates Sections 137, 137A, 137B, or 138 of Chapter 140 of the General Laws and/or the provisions of this section shall be assessed a penalty of \$50 pursuant of MGL c. 140, § 141.
- D. The fees collected shall be deposited into the general fund.

#### **§ 130-4. Nonconforming dogs.**

Any owner or keeper who allows his/her dog to do any of the following is in violation of this chapter:

- A. Run at large or go beyond the confines of his or her property unless the animal is held firmly on a leash.
- B. Bite, bark, howl or in any other manner disturb the peace or quiet of any neighborhood or endanger the safety of any person.
- C. Run at large or unmuzzled in violation of any order of the Board of Selectmen or of the Dog Officer.
- D. Worry, kill, maim or otherwise injure another's fowl, livestock or domestic animal.
- E. Chase another's vehicle, person or bicycle on any way open to public travel.
- F. Be unlicensed or untagged in violation of state law.
- G. Failure to remove waste.

(1) Each person who owns, keeps or controls a dog with the Town shall remove and dispose of any feces left by such dog on any sidewalk, street, park or other public areas or on any private property which is not owned or occupied by such person.

(2) No person who owns, keeps or controls a dog within the Town shall permit such dog to be on any sidewalk, street, park or other public area unless such dog is accompanied by a person carrying a device, which is suitable for picking up and containing feces unexposed to such person and to the general public.

(3) For the purposes of Subsection G(1), feces may only be disposed of at a place suitable and regularly reserved for the disposal of human feces or otherwise designated as appropriate by the Board of Health.

(4) Subsection G(1) through (3), inclusive, shall not apply to a dog accompanying any handicapped person, who due to a handicap, is physically unable to comply with the requirements of such paragraphs.

#### **§ 130-5. Complaints; confinement; release or destruction.**

A. Any person may complain to the Dog Officer of a violation of the preceding sections. On receipt of such a complaint, the Officer shall investigate and may order the owner or keeper of the dog to restrain or muzzle the dog as the Officer deems necessary.

B. The Dog Officer may pick up nonconforming dogs as described in § 130-3. If by license or other means the owner of a dog can be identified, the Dog Officer may return the dog to the owner and issue a citation. Or he/she may confine the dog to the Town Pound for not more than ten (10) days.

C. If a veterinarian certifies that a dog is seriously injured or ill, the dog may be euthanized before the ten (10) days is over.

D. No dog shall be released until is licensed and all kennel fees and penalties are paid.

E. Any dog not claimed after ten (10) days may become the property of a local nonprofit dog protection organization to be placed for adoption or euthanized.

F. Notwithstanding the above, any person may make a written complaint to the selectmen that any dog owned or kept within the Town is a Nuisance Dog or a Dangerous Dog, as those terms are defined in M.G.L. Chapter 140, Section 136A. The Board of Selectmen shall investigate or cause to be investigated such complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a Nuisance Dog or a Dangerous Dog, and shall make such order concerning the restraint or disposal of such dog as provided in M.G.L. c.140,

Section 157. Violations of such orders shall be subject to the enforcement provisions of M.G.L. Chapter 140, Section 157 and 157A, which, upon conviction, may include: for a first offense, 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. [Amended 4-24-2015 ATM, Art. 22]

**§ 130-6. Violations and penalties.**

Penalties for violation of any section of this chapter shall be twenty-five dollars (\$25.00) for the first offense and forty dollars (\$40.00) for each subsequent offense in the calendar year. Each day a violation exists shall constitute a separate violation. This bylaw may be enforced through any means available in law or in equity, including anon-criminal disposition in accordance with G.L. c.40, § 21D and § 1-1 of the Code of the Town Sunderland.

ARTICLE II, Policies and Violation Fees [Adopted by the Board of Selectmen 7-26-2004; 4-25-2014 ATM, Art. 14]

**§ 130-7. Dog bylaw policies and violation fees.** [Amended 4-27-2012 ATM, Art. 23]

The Board of Selectmen is hereby authorized to adopt rules or regulations concerning the keeping and conduct of dogs, including the imposition of fines for violations thereof, which fines shall be determined by the Board of Selectmen annually and shall be kept on file in the office of the Town Clerk.