

TOWN OF STOW
STOW, MASSACHUSETTS



ANIMAL CONTROL BYLAW
ARTICLE 6. SECTION 7
OF
STOW GENERAL BYLAWS

Adopted June 12, 1996
Amended October 28, 2013

STOW GENERAL BYLAWS - EXCERPT
Amended at October 28, 2013, Special Town Meeting

ARTICLE 6. POLICE REGULATIONS
SECTION 7. Animal Control

a. Definitions

Adoption: The delivery of a cat, dog, or other animal to any person eighteen (18) years of age or older for the purpose of harboring the animal as a pet.

Animal Control Officer: Any officer appointed by the Board of Health to enforce this bylaw and sections 136A to 174E, inclusive.

Animal Shelter: Any facility or kennel operated by a humane society, the town, or its authorized agents for the purpose of impounding animals under the authority of this bylaw or state law for care, confinement, return to owner, adoption, or euthanasia.

At Large: Any dog shall be deemed to be at large when it is off the premises of its owner or keeper, and not under the direct control of a person demonstrating the ability to properly control the dog.

Attack: Aggressive physical contact initiated by an animal.

Commercial Boarding or Training Kennel: An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others. G.L. c.140 ss136A

Commercial Breeder Kennel: An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

Dangerous Dog: A dog that either;
without justification, attacks a person or domestic animal causing physical injury or death

OR

behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

Hearing Authority: The person(s) charged with the responsibility of handling dog complaints in a town or city.

Keeper: Any person, corporation or society, other than the owner, harboring or having in his possession any dog.

Kennel: One pack or collection of dogs on a single premises, whether maintained overnight for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained overnight, but excluding daytime only services such as dog grooming, dog training, supervised playtime and dog walking with no more than twelve dogs on a single premises.

License Period: January first (1st) to December thirty-first (31st) of the same year.

Livestock or Fowl: Animals or fowl kept or propagated by the owner for food or as means of livelihood; also deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other birds, and quadrupeds determined by the Department of Fisheries and Wildlife and Environmental Law Enforcement to be wild, and kept by or under a permit from said department(s) in proper housing and/or suitably enclosed yards. Such definition shall not include dogs, cats or other pets.

Nuisance Dog: A dog that:

by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity;

OR

by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment;

OR

has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

Owner: Any person, partnership or corporation having dominion or title of one or more animals.

Personal Kennel: a pack or collection of more than 4 dogs, 3 months or older, owned or kept under single ownership, for private personal use; provided however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a

personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

Shelter: a public animal control facility operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

Veterinary Kennel: a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that “veterinary kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary care.

b. 1. Individual Licenses and Tags

A. License for dog over 6 months

The owner or keeper of a dog over the age of 6 months shall obtain a license for the dog. The Stow Town Clerk shall register, number, describe and license the dog.

Penalty: A violation of G.L.sections 137, 137A, 137B or 138 shall be assessed a penalty of not less than \$50.00 which shall be paid to the town wherein the violation occurs. G.L.c. 140 & 137

The licensing authority, Stow Town Clerk, shall not grant a license for a dog unless the owner of the dog provides a veterinarian’s certificate proving the dog has been vaccinated according to section 145B.

Penalty: A violation of G.L. sections 137, 137A, 137B or 138 shall be assessed a penalty of not less than \$50.00. A violation of sections 137, 137A, 137B, or 138 shall be assessed a penalty of not less than \$50.00 which shall be paid to the town wherein the violation occurs.

The owner or keeper of a licensed dog shall keep affixed around the dog’s neck or body, a collar or harness of leather or other suitable material to which a tag shall be securely attached. The tag shall have inscribed upon it the dog’s license number, the name of the city or town issuing the license and the year of issue. If said tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority at a cost to be determined by the city or town and the fee shall be retained by the clerk unless otherwise provided by law. **This section shall not apply to a person to whom a valid kennel license has been issued.**

B. G.L.c.140, s. & 139 License Fees

The license fee for a spayed or neutered dog shall be LESS than the license fee for an intact dog. The fee shall be determined by a city or town; provided however, that no fee shall be increased without a majority vote of the voters present at a Town Meeting.

The Town Clerk shall require a certificate from the veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered.

No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

b. 2. Commercial Kennel License

A kennel maintained as a business for the boarding, grooming, breeding or sale of dogs shall be subject to the provisions of the Zoning Bylaw, Section 3.2.2.5. Upon approval of the Zoning Board of Appeals, a commercial kennel license may then be obtained upon written application to the Town Clerk. The fee for such kennel license shall be thirty-five dollars (\$35.00) for no more than four (4) dogs, sixty dollars (\$60.00) for five (5) to ten (10) dogs, and one hundred dollars (\$100.00) for more than ten (10) dogs. Each kennel shall be available for inspection by the Animal Control Officer, a police officer or the Stow Board of Health at any time to ascertain compliance with all state, county and local laws and bylaws. The late fee for a kennel license is 2.5 times the license fee.

The Town Clerk shall issue a kennel license without charge to any charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering animals.

A veterinary clinic within the Town of Stow shall not be considered a commercial kennel unless it contains an area for grooming or selling of dogs or for boarding of dogs for other than medical purpose.

Any person or corporation maintaining a kennel for thirty (30) days without a proper license shall be in violation of this provision.

b. 3. Kennel License

Every person maintaining a kennel shall have a kennel license. (Chapter 140, Section 137A Kennel Licenses, Mass. General Laws) The late fee for a kennel license is 2.5 times the license fee. The fee for such kennel license shall be thirty-five dollars (\$35.00) for no more than four (4) dogs, sixty dollars (\$60.00) for five (5) to ten (10) dogs, and one hundred dollars (\$100.00) for more than ten (10) dogs.

c. Vaccination of Dogs, Cats, and Ferrets Against Rabies

Pursuant to Section 145B of Chapter 140 of the Massachusetts General Laws, the owner or keeper of a dog, cat, or ferret six (6) months of age or older shall cause the dog, cat, or ferret to be properly vaccinated against rabies by a licensed veterinarian. Upon vaccination, the veterinarian shall issue a vaccination certificate, which shall show the name of the owner, the animal that received the vaccination, the date the

vaccination was given, when the next vaccination is due, a rabies tag number, and the name of the veterinary clinic or hospital. The owner/keeper of unvaccinated dogs, cats, or ferrets living in or brought into the Town of Stow shall be punished by a fine to be determined by the Animal Control Officer of not more than one-hundred dollars (\$100.00), which shall be paid to the Town of Stow.

d. Enforcement/Impoundment

It shall be the duty of the Animal Control Officer, or any other person appointed by the Board of Health, to cite and/or impound any dog found running at large. Such animal shall be held at an authorized animal shelter and returned to owner, adopted, or euthanized as described in Chapter 140, Section 151A of the Massachusetts General Laws. The Officer that so impounds any animal shall keep a record of each animal so impounded which shall contain the following information: breed, color and sex of the animal, distinctive markings or characteristics of the animal; name and address of the owner (if known) along with the license number; the final disposition of the animal, the name, address, phone number of any person adopting such dog; and if destroyed, method and name of technician who administered euthanasia. Such records shall be kept by the Animal Control Officer for a period of twelve (12) months from date of impoundment. A copy shall be forwarded to the Board of Health upon disposition of the animal, and the Board of Health shall retain copies as provided by law.

e. Violations/Penalties

The Animal Control Officer, any police officer of the Town of Stow, or any other person so appointed by the Board of Health, may impose a fine upon the owner or keeper of a dog so found to be at large, unlicensed, or unvaccinated against rabies.

f. Boarding Fees

An owner or keeper of any dog so impounded for violation of this bylaw shall pay to the Town of Stow a pick up fee and boarding fees while such dog is impounded.

g. Redemption of Dogs

The owner or keeper of a dog so impounded may claim the dog as provided by law upon the occurrence of the following:

1. The owner or keeper presents a valid dog license and certificate of rabies vaccination;
2. The owner or keeper pays all boarding and other fees;
3. The owner or keeper gives his/her name and address;
4. If the dog does not have a current rabies vaccination, the owner or keeper must present a receipt from a licensed veterinarian showing prepayment of a rabies vaccination;

5. If the dog is unlicensed, the owner must secure or pay for a license before redemption.

h. Nuisance or Dangerous; Other Applicable Sections of General Laws

The provisions of Massachusetts General Laws Chapter 140, Sections 157 and 158 shall be applicable to nuisance or dangerous dogs and all other applicable sections of Chapter 140 or other sections of the General Laws or rules and regulations adopted thereunder pertaining to dogs, or to any animals as may be regulated by law, shall apply and be enforceable by the Town, as if said sections were fully set forth herein.

i. Emergency Fees for Dogs and Cats Injured on Public Ways

Any veterinarian who renders emergency care or treatment to, or disposes of any dog or cat injured on any public way in the Town of Stow shall receive payment of costs from the owner of such dog or cat, if known or, if not known, shall receive the sum of two-hundred and fifty dollars (\$250.00) from the Town of Stow for such care, treatment and/or disposal.

Care, treatment and/or disposal shall be for the purpose of maintaining life, stabilizing the animal or alleviating pain or suffering until the owner of such dog or cat is identified, or for a period of twenty-four (24) hours. Any veterinarian who renders such emergency care or treatment to, or euthanizes or disposes of such dog or cat shall notify the Animal Control Officer of Stow and, upon notification, the Animal Control Officer shall assume control of such dog or cat.

(Section 7 adopted 6/12/96; amended 5/6/2008; amended 10/28/2013)

A True Copy. Attest.

Linda E. Hathaway, Stow Town Clerk