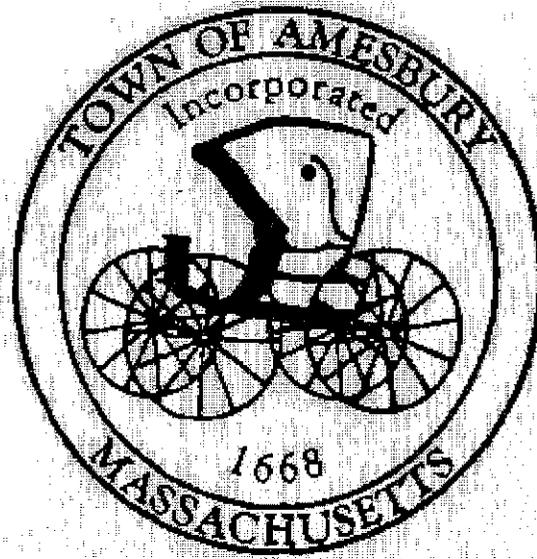


TOWN OF AMESBURY

Massachusetts



BY-LAWS

and Miscellaneous Regulations

1990 Recompile

**with revisions through
2006**

25.5 Rabies Vaccination

When applying for a license the applicant must show proof of rabies vaccination by a veterinarian certificate dated within the last three years, if the dog is six months of age or over, as required by Massachusetts General Laws, Chapter 140, Section 145B and any subsequent amendments thereto.

25.6 Nuisance – Public Safety

No person shall own or keep within the Town any dog which by biting, barking, howling, or in any other manner disturbs the peace and quiet of any neighborhood or endangers the safety of any person or domesticated animal or farm animal.

25.7 Dogs running at Large

No person owning or keeping a dog in the Town shall allow such dog to roam at large upon the land of another, except if it be on the premises of another person with the knowledge and permission of such other person, nor allow such dog to roam at large on any portion of the public highway.

Such owner or keeper of a dog in the Town which is not on the premises of the owner upon the premises of another person with the knowledge and permission of such other person, shall restrain such dog by chain or leash not exceeding six (6) feet in length.

Nothing in this section shall be construed to limit or prohibit the use of hunting dogs during the open hunting season or the training of hunting dogs or the holding of field trials for hunting dogs.

25.8 Enforcement of Section 25.7

Any dog found running at large will be placed in a suitable pound and will not be released to its owner until a pick up charge of ten dollars (\$10.00) for the first pick up; twenty-five dollars (\$25.00) for the second pick up; and thirty dollars (\$30.00) for each subsequent pick up; and a daily boarding fee of ten dollars (\$10.00) has been paid to the Town. Any owner or keeper of a dog who permits the same to run at large in violation of this by-law shall be fined ten dollars (\$10.00) for the first offense within a year, and twenty-five dollars (\$25.00) for each subsequent offense within the same year.

25.9 Complaint of Nuisance

If any person shall make a complaint in writing to the Animal Control Officer (Dog Officer) that any dog owner or harbored within his jurisdiction a nuisance by reason of vicious disposition or excessive barking or other disturbances, the disposition or excessive barking or other disturbances, 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 Municipal Council of his findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complain under oath, the Municipal Council

may make such an 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 Municipal Council to issue their order following receipt of the report of the Animal Control Officer. If the Municipal Council fail to act during the period of the interim order, upon expiration of the period the interim order automatically is vacated.

25.10 Authority to Restrain

The Animal Control Officer (Dog 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) having bitten any person;
- b) if found at large or unmuzzled, as the case may be, while 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, maimed or otherwise damaged any other domesticated animal;
- e) for chasing any vehicle upon any public way or way open to public travel in the town;
- f) for any violation of section six (6) or seven (7) of this by-law;

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

25.11 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 bylaw may file a request in writing with the Animal Control Officer that the restraining order be vacated, or that the dog be released. After investigation by the Animal Control Officer, such officer may vacate such order or release such dog, if the order or restraint was imposed by him. If the order or restraint was imposed by the Municipal Council, the Animal Control Officer shall submit a written report of his investigation, with his recommendations, to the Municipal Council who may vacate the order.

25.12 Animal Control Officer Authorization

In addition to any other statutory authority in Massachusetts General Laws, Chapter 140, The Animal Control Officer may enter a complaint before the Board of Municipal Council for the purpose of obtaining an order with respect to the control or disposition of a dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in this by-law.

25.13 Disposition of Collected Fees and Fines

All fees and/or fines collected in relation to the control of dogs within the Town of Amesbury, unless controlled by law, shall be deposited with the Treasurer of the Town and deposited as part of the general fund.

25.14 Transfer of Control or Ownership Within Town of Amesbury

The owner of any dog that is sold or given away, or whose custody is otherwise transferred, to any other resident of the Town, shall provide said resident with a copy of all medical records, licenses and the like for said dog.

Any resident of the town who buys or accepts custody of any dog previously registered in the Town, shall notify the Town Clerk within thirty (30) days of said transfer.

25.15 Un-spayed Female Dogs

The owner of any un-spayed and unleashed female dog found to be roaming at large in season (heat) off the premises of the owner or keeper shall be subject to a penalty fee of fifty dollars (\$50) for each offense.

25.16 Animal Wastes

- a) Each person who owns, keeps or controls a dog within the town shall remove and dispose of any feces left by such dog on any sidewalk, street, park or other public area, or on any private property which is not owned or occupied by such person.
- b) 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.
- d) This section shall not apply to a dog accompanying any handicapped person who, by reason of a handicap, is physically unable to comply with the requirements of such sections.

25.17 Livestock and Farm Animal Controls

No person shall knowingly permit any horses, cattle, swine, sheep, goats, poultry or other livestock under his care to feed by the roadside, or to roam at large upon the land of another, except if it be on the premises of another person with the knowledge and permission of such other person, nor allow such animal to roam at large on any portion of any public highway.

25.18 Severability

If any section of this by-law is invalid, unenforceable, changed by law or regulation or declared invalid by order, decree or judgment of a court of competent jurisdiction for any reason, that decision shall not affect any other section of this by-law which shall remain in full force and effect and the by-law shall be construed as if such invalid provisions had not been inserted or as if the new law or regulation had been incorporated herein.