

# City of Easthampton, Massachusetts City Ordinance

## CHAPTER 11. DOGS

### **Sec. 11-1. License required.**

Any owner or keeper of a dog six (6) months of age or older in the City of Easthampton shall cause that dog to be licensed as required by Massachusetts General Laws Chapter 140 commencing on April 1st of each year.

### **Sec. 11-2. License fee.**

As of April 1, 1990 and thereafter, the fee for licenses under Section 11.1 shall be as follows:

Neutered Male Dogs	\$ 5.00
Spayed Female Dogs	\$ 5.00
Unneutered Male Dogs	\$10.00
Unspayed Female Dogs	\$10.00

#### **Kennel License**

Not more than 4 Dogs	\$25.00
Not more than 10 Dogs	\$50.00
More than 10 Dogs	\$100.00

- **State Law Reference** - Authority of the city to charge license fee M.G.L Chapter 40, Section 22.

No fee shall be charged for a license for a dog specifically trained to lead or serve a blind person or a deaf person provided that the Division of Blind or Deaf certifies that such dog is so trained and actually in the service of a blind or deaf person. No fee shall be charged for a license for a dog specifically trained for, and in service as, a Police Department K-9, provided that the Chief of the Police Department or Station Commander certifies that such dog is so trained and actually in the service of a Police Department.

No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the City of Easthampton, the Commonwealth of Massachusetts or other disposal of the dog.

Unless otherwise provided by ordinance, the City Clerk shall be entitled to retain, for his/her personal use, a fee for each license issued under this section. Said fee shall be commensurate with that as authorized in M.G.L. Chapter 140, Section 147 and amendments thereto.

### **Sec. 11-3. 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.

**Sec. 11-4. Nuisance - Public Safety.**

- a. No person shall own or keep within the City 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 or farm animal. No person shall permit a dog owned or kept by him to perform its natural body functions on public property or the property of other than that of the dog's owner or keeper without the approval of said property owner.
- b. Violation of this section shall be subject to a twenty-five dollar fine for the first offense and a fifty-dollar fine for the second and subsequent offenses during one calendar year, payable to the City of Easthampton.

**Sec. 11-5. Dogs running at large.**

- a. No person owning, keeping, or having possession, custody, or control of any dog in the city shall allow such dog to stray, run or roam at large upon public property or 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 any public highway. Such owner or keeper of a dog in the city which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person, shall restrain such dog by a 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.
- b. The unauthorized presence of any dog on the land of any person other than the owner or keeper of such dog or on the premises of any school, when such dog is not restrained as mentioned above shall be prima facie evidence of a violation of this section.
- c. Violation of this section shall be subject to a twenty-five dollar fine for the first offense and a fifty-dollar fine for the second and subsequent offenses during one calendar year, payable to the City of Easthampton.

**Sec. 11-6. Dogs in cemeteries.**

- a. No person owning or keeping a dog in the city shall allow such dog to come upon the property of any city cemetery, unless such dog is kept within a motor vehicle while the motor vehicle is on cemetery.
- b. The presence of any dog, leashed or unleashed, on the land of any city cemetery shall be prima facie evidence of a violation of this section. **Cross reference** - Chpt. 8, Art. VI.
- c. Violation of this section shall be subject to a twenty-five dollar fine for the first offense and a fifty-dollar fine for the second and subsequent offenses during one calendar year, payable to the City of Easthampton.

### **Sec. 11-7. Complaint of nuisance.**

If any person shall make a complaint in writing to the Animal Control Officer (Dog Officer) that any dog owned or harbored within his jurisdictions a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Animal Control Officer (Dog Officer) shall investigate such complaint, which may include an examination under oath of the complainant, and submit a written report to the Chief of Police of his findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Chief of Police may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The Animal Control Officer (Dog 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 Chief of Police to issue their order following receipt of the report of the Dog Officer. If the Chief of Police fails to act during the period of the interim order, upon expiration of the period the interim order automatically is vacated.

### **Sec. 11-8. Animal Control Officer 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) For 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 or 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 city
- f) For any violation of Section 11-4.

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

### **Sec. 11-9. 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 (Dog Officer) that the restraining order be vacated, or that the dog be released, and after investigation by the Animal Control Officer (Dog Officer) such Officer may vacate such order or release such dog, if the order or restraint was imposed by him. If the order was imposed by the Chief of Police, the Animal Control Officer (Dog Officer) shall submit a written report of his investigation, with his recommendations, to the Mayor, who may vacate the order.

**Sec. 11-10. Dog Officer/Animal Control Officer authorization.**

In addition to any other statutory authority contained in Massachusetts General Laws, Chapter 140, the Animal Control Officer (Dog Officer) may enter a complaint before the Mayor 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 ordinance.

**Sec. 11-11. Municipal animal shelter.**

The city shall maintain, operate or lease, subject to appropriation, a municipal animal shelter for the purpose of providing temporary shelter for animals in the care and custody of the Animal Control Officer (Dog Officer).

The Animal Control Officer shall determine from time to time the per diem rate to be charged for the keeping of animals within the municipal animal shelter. At no time shall the per diem rate be lower than \$4.00. Authorization is granted for an increase of per diem rate by the amount of \$2.00, over and above the established rate, to be charged to owners of dogs who fail to pick up their dog within twenty four hours of notification of its detention at the facility.

**Sec. 11-12. Pick-up fee.**

The Animal Control Officer shall determine from time to time a pick-up fee to be charged to the owner or keeper of any unleashed dog found to be roaming at large off the premises of the owner or keeper. The pick-up fee shall be in addition to, and not in substitution of, any fine levied under Section 11-15 and/or Section 11-16. Said pick-up fee shall be paid to the Animal Control Officer, along with any other applicable kennel fees, prior to said dog being released to the owner or keeper.

**Sec. 11-13. Sale of dogs.**

A dog adopted from the municipal animal shelter, which has been kept for ten (10) days by the Animal Control Officer (Dog Officer) may be sold for not less than ten (\$10) dollars nor more than fifty (\$50) dollars. The provisions of Massachusetts General Laws, Chapter 140, Section 139A regarding the neutering of dogs or cats at animal shelters shall be complied with.

**Sec. 11-14. Disposition of collected fees and fines.**

All fees and/or fines collected in relation to the control of dogs within the City of Easthampton, unless otherwise approved by the City Council or controlled by law, shall be deposited with the Treasurer of the city and deposited as part of the general fund.

**Sec. 11-15. Penalties; Unlicensed dogs.**

In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog or dogs which is not licensed on or before June 1st. in any year shall be subject to a fine of \$50.00 in addition to the license fee upon the complaint of the Animal Control Officer (Dog Officer).

**Sec. 11-16. Penalties; Roaming dogs.**

The owner of any unspayed 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 \$50.00, for each offense, payable to the City of Easthampton.

**Sec. 11-17. Penalties.**

The Animal Control Officer (Dog Officer) is hereby authorized to seek a complaint in a court of competent jurisdiction against the owner or keeper of have violated any provisions of Chapter 11.