

TOWN OF CARLISLE

Section 14.6 Animal Control Bylaw

14.6.0 Purpose

Pursuant to the authority set forth in Chapter 140, Sections 136A through 174E of the General Laws and any other relevant statutes and regulations issues pursuant thereto, the following requirements are adopted for the regulation of dogs within the Town of Carlisle.

14.6.1 Definition of Terms

The definitions of words and terms set forth in Chapter 140, Section 136A of the General Laws are incorporated into this Section 14.6, Animal Control Bylaw, and shall be applicable to the interpretation thereof. In addition, unless context clearly indicates otherwise, the following words and terms, as used in this bylaw, shall have the following meanings:

14.6.1.1 DOGS: All animals of the canine species, both males and females, and of any age.

14.6.1.2 DOG UNDER CONTROL: A dog that is (1) physically controlled by a person by means of a leash, cord or chain held by the person, or (2) a dog that is contained within a physical or electric fence; or (3) a dog that is at all times within sight of their person, is actively monitored by that person, and that at all times immediately responds to a recall command by their person.

14.6.1.3 RUNNING AT LARGE: A dog is running at large if it is not on the private property of its owner or keeper, or on private property with the express permission of that property's owner, or is otherwise not a Dog Under Control as defined above.

14.6.2 Responsibility of Dog Owner or Keeper

14.6.2.1 No dog owner or keeper shall permit the dog to become or remain a nuisance dog or a dangerous dog, as those terms are defined and used in Chapter 140 Sections 136A and 157 of the General Laws.

14.6.2.2 Every dog owner or keeper shall be responsible for expeditiously removing any feces that the dog deposits anywhere except on its owner's or keeper's private property, or on other private property with the property owner's permission.

14.6.2.3 The owner or keeper shall annually license his/her dog in accordance with Section 14.6.3 of this bylaw.

14.6.2.4 Control Provisions

An owner or keeper of a dog within the territorial limits of the Town of Carlisle shall not allow such a dog to be Running at Large. When outside of the boundaries of the premises of the owner/keeper or the premises of another person with their express knowledge and permission, the owner/keeper or their duly authorized agent of said dog shall ensure that the dog is a Dog Under Control using one of the methods described in Section 14.6.1.2 of this bylaw.

14.6.3 Licenses

14.6.3.1 In accordance with Chapter 140, Section 137 of the General Laws, the owner or keeper of a dog within the town shall cause the dog to be initially licensed when it attains the age of six months and annually thereafter. Proof of a currently valid rabies vaccination shall be required prior to the issuance of any license.

14.6.3.2 The annual licensing date shall be January 1st of any year.

14.6.3.3 The Town Clerk shall, pursuant to Chapter 40, Section 22F of the General Laws, from time to time fix reasonable annual fees to be charged for the issuance of licenses for dogs. At the adoption of these bylaws, the annual licensing fee shall be fixed at \$15 for a spayed/neutered dog and \$20 for an intact dog. These fees shall not be increased without a majority vote of the voters present at a town meeting.

14.6.3.4 The Town Clerk shall, pursuant to Chapter 40, Section 22F of the General Laws, from time to time fix reasonable annual fees to be charged for the issuance of licenses for kennels.

14.6.3.5 The Town Clerk shall be responsible for the issuance of all licenses related to this bylaw.

14.6.3.6 Any person who is the owner or keeper of a dog in the Town of Carlisle, and who fails to license said dog by April 1st of any year, shall be subject to a late fee of twenty-five dollars (\$25.00) to be payable, in addition to the license fee. The license fee and the late fee(s) may be secured through the imposition of a municipal charges lien on any property standing in the name of the dog owner or keeper, pursuant to Chapter 40, Section 58 of the General Laws.

14.6.4 Commercial Dog Walkers

14.6.4.1 Except in accordance with an annual permit issued by the Board of Selectmen or its designee, no person shall act as a Commercial Dog Walker in the Town of Carlisle. For purposes of this section, a Commercial Dog Walker shall mean a person engaged in the business of exercising or handling dogs owned by another using public land, and who receives compensation for this work. Provided, however, that this definition shall exclude elementary, middle, high school and college students who are Carlisle residents providing

dog walking services for a fee, but such persons shall be prohibited from exercising or handling more than two dogs simultaneously. The permit issued under the authority of this section shall be non-transferable and the fee therefor shall be non-refundable. The fee for such permit shall be established by the Board of Selectmen.

- 14.6.4.2 The permit issued under this section shall be comprised of two parts, a permit which the Commercial Dog Walker shall carry upon his or her person, and a placard that shall be displayed in the Commercial Dog Walker's vehicle. The permit shall state the number of dogs that the Commercial Dog Walker is licensed to walk at any one time, provided, however, that such number shall not exceed five dogs. Permits shall not be granted under this section unless the Commercial Dog Walker agrees that he/she shall indemnify and hold harmless the Town of Carlisle from any and all loss, liability, damage or cost incurred related to the permit holder's activities or the activities of dogs under his/her care. No more than three commercial dog walker licenses will be issued to any one dog walking business.
- 14.6.4.3 In addition to any conditions imposed by the Board of Selectmen for use of a commercial dog walker permit, the following conditions shall apply:
 - 14.6.4.3.1 All dog waste shall be cleaned up and properly disposed of.
 - 14.6.4.3.2 All dogs walked shall wear a current license and rabies tag. If the dog is too young to be licensed, the Commercial Dog Walker shall provide, at the request of an enforcing authority, proof of vaccinations.
 - 14.6.4.3.3 The Commercial Dog Walker shall carry one leash for each dog being walked.
 - 14.6.4.3.4 Each coupler leash used by an owner or walker shall count as multiple leashes based on the number of clips attached to the dog collars.
 - 14.6.4.3.5 All requirements of Sections 14.6.2.1, 14.6.2.2, and 14.6.2.4 shall apply to Commercial Dog Walkers.
- 14.6.4.4 The Board of Selectmen may adopt, and periodically amend, rules and regulations to effectuate the purposes of this Section 14.6.4 of the Animal Control Bylaw. Failure of the Board of Selectmen to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Section 14.6.4 of the Animal Control Bylaw.

14.6.5 Violations and Penalties

- 14.6.5.1 The failure of the owner or keeper of any dog or pet to comply with this bylaw or with any order of the Animal Control Officer or the Board of Selectmen shall be a violation of this bylaw.
- 14.6.5.2 The failure of the owner or keeper of any dog to comply with the registration and license requirements provided in this Section 14.6 of the bylaws and in

Chapter 140, Sections 136A through 174E of the General Laws shall be a violation of this bylaw.

14.6.5.3 The failure of a Commercial Dog Walker to comply with the requirements of Section 14.6.4 shall be a violation of this bylaw. In addition to any other remedy provided herein, the Board of Selectmen, or its designee, may for cause suspend for a period of time or revoke a permit issued under Section 14.6.4 following a hearing.

14.6.5.4 In addition to any other remedy provided by law, this Section 14.6 of the bylaws may be enforced by the Animal Control Officer, or any police officer of the Town, or the Board of Selectmen, through any means available in law or equity, including but not limited to criminal indictment in accordance with Chapter 40, Section 21 of the General Laws, noncriminal disposition in accordance with Chapter 40, Section 21D of the General Laws and Section 1.4.2 of these bylaws entitled “Non-criminal Disposition”, and, in instances of a violation of a nuisance dog or dangerous dog order issued pursuant to Chapter 140, Section 157 of the General Laws, in accordance with Chapter 140, Section 157A of the General Laws, as may be amended from time to time.

14.6.5.4.1 When enforced in accordance with Chapter 40, Section 21 of the General Laws, the maximum penalty shall be \$300 and each day a violation exists shall constitute a separate violation.

14.6.5.4.2 When enforced by the Animal Control Officer or the police officer of the town through non-criminal disposition, the penalties shall be as follows:

First Offense:	\$50
Second Offense:	\$150
Third and subsequent offense:	\$300

14.6.5.4.3 Violation of Nuisance Dog or Dangerous Dog Order.

An owner or keeper of a dog who fails to comply with an order of the Selectmen or district court issued pursuant to Chapter 140, Section 157A of the General Laws shall be punished as provided in that statute.

14.6.6 Animal Control Officer

14.6.6.1 The Board of Selectmen shall appoint an Animal Control Officer pursuant to Chapter 140, Sections 151 and 151A of the General Laws. The Animal Control Officer’s duties shall include the enforcement of the Town of Carlisle’s Animal Control Bylaw, Section 14.6, and all applicable provisions of Chapter 140, Sections 136A through 174E of the General Laws.

14.6.6.2 The Animal Control Officer shall make a written record of and investigate all complaints arising within the Town pertaining to violations of any provision of this bylaw, Section 14.6, or to violations pertaining to Chapter 140,

Sections 136A through 174 of the General Laws and any relevant state or local regulations. The Animal Control Officer shall report his or her findings to the Board of Selectmen.

14.6.6.3 Record Keeping

The Animal Control Officer shall keep accurate, detailed records of the confinement and disposition of all dogs held in custody, all bite cases reported, and the results of investigations. The Animal Control Officer shall maintain a telephone log of all calls received regarding dogs and submit a quarterly report summarizing the log to the Board of Selectmen.

14.6.6.4 Issuance of Temporary Restraint Orders

The Animal Control Officer may issue a Temporary Restraint Order to the owner or keeper of any dog that is alleged to be a nuisance dog or a dangerous dog and is awaiting a decision under Section 14.6.7. A Temporary Restraint Order shall be in force for no more than thirty (30) days unless the Animal Control Officer renews it in writing for subsequent thirty (30) day periods. The Animal Control Officer may rescind or stop renewing the order when, in the Animal Control Officer's judgment, restraint is no longer required. The Animal Control Officer's order shall expire upon receipt of a decision from the Board of Selectmen on the nuisance dog or dangerous dog hearing.

14.6.6.5 Issuance of a Temporary Confinement Order

The Animal Control Officer may make arrangements for the temporary housing of any dog that requires such temporary housing, and may issue an Order of Temporary Confinement authorizing such temporary housing. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, and shall be at the dog owner's or keeper's expense.

14.6.6.6 Impoundment

It shall be the duty of the Animal Control Officer to apprehend any dog found to be in violation of Section 14.6.2.4 of this bylaw and to impound such dog in a suitable place or to order the owner or keeper thereof to restrain such dog.

14.6.6.7 Charges for Confinement and Impounding

If the Animal Control Officer impounds a dog found in violation of Section 14.6.2.4 or issues a Order of Temporary Confinement pursuant to Section 14.6.6.5 and the dog owner or keeper does not pay all fees directly to the kennel, veterinary clinic, or dog boarding facility, then the dog's owner or keeper shall be required to reimburse the Town for any expenses incurred in housing that dog. If the dog has not been licensed as required pursuant to this bylaw, the owner or keeper shall immediately apply to the Town Clerk to obtain a license, submit payment for the license fee, and pay any applicable

late fees, and said dog shall not be released from confinement unless and until the issuance of a valid license, which shall not be unreasonably delayed or withheld.

14.6.6.8 Notice to Owner and Redemption

The Animal Control Officer shall, in matters of impoundment or confinement, impoundment or confinement fees, and redemption of impounded or confined animals, carry out his/her duties in accordance with Chapter 140, Sections 151 and 151A of the General Laws, and any amendments thereto.

14.6.7 Board of Selectmen to Serve as the Hearing Authority

Any person may file a complaint in writing to the Board of Selectmen that a dog owned or kept in the Town is a nuisance dog or a dangerous dog. All such complaints shall be investigated and addressed in accordance with Chapter 140, Section 157 of the General Laws.

14.6.8 Disposition of Funds

The sums collected pursuant to this bylaw shall be accounted for and paid over to the Town Treasurer.

14.6.9 Severability

In the event that the Massachusetts Attorney General or a court of competent jurisdiction deems any provision or section of this bylaw invalid or unenforceable, all other provisions shall remain in full force and effect.