

**TOWN OF STOW
STOW, MASSACHUSETTS**



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

**Adopted June 12, 1996
Amended May 6, 2008**

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: Every non-human species of animal, both domestic and wild, living or deceased.

Animal Control Officer: Any officer appointed by the Board of Health to enforce this bylaw.

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.

Commercial Kennel: A kennel maintained as a business established for, or to include, the boarding, grooming, breeding, or sale of dogs.

Dangerous/Vicious Dog: Any dog that attacks, bites, injures, or kills humans or domestic animals without provocation; or which, because of temperament, conditioning or training, has a known propensity to attack, bite, injure or kill humans or domestic animals. The term "dangerous/vicious dog" shall mean and include, but is not limited to, any dog that:

1. Molests and/or intimidates pedestrians or passersby;
2. Has bitten and/or attacked any person;
3. Has bitten, attacked or killed other domestic animals;
4. Has been found by the Board of Health, after notice to its owner or keeper and a public hearing to be a dangerous/vicious dog by virtue of being a menace to public health, safety or welfare.

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

Kennel: More than three (3) dogs six (6) months or age or older on a single private premise.

License Period: The time between January first of any year to December thirty-first of the same year, both dates inclusive.

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.

Owner: Any person, partnership or corporation in whom is vested the ownership, dominion or title of one or more animals.

Public Nuisance: Any dog that unreasonably annoys humans, endangers the life or health of other animals or person(s), or substantially interferes with the rights of citizens, other than its owner(s), to the enjoyment of life or property. The term "public nuisance" shall mean and include, but is not limited to any dog that:

1. Is found at large;
2. Damages the property of anyone other than its owner or keeper;
3. Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbances or discomfit to neighbors or others in close proximity to the premises where the dog is kept or harbored;
4. Is found off the owner's property and not wearing a current tag.

b. 1. Individual Licenses and Tags

A person residing in the town of Stow who at the beginning of the license period is, or who during a license period becomes, the owner or keeper of a dog six (6) months old or over, will cause the dog to be licensed within thirty (30) days. The Town Clerk shall issue dog licenses and tags on a form. The Town shall permit licensing through the mail.

Any owner or keeper of a dog who moves into the town of Stow, and has a valid current dog license from another municipality in the Commonwealth of Massachusetts shall within thirty (30) days obtain a dog license upon the forfeiture of the old license and a fee of one dollar (\$1.00).

On the license form the Town Clerk shall record the name, address and telephone number of the owner or keeper of the dog and the name, breed, color, gender and age of the dog. Each tag issued will be valid for the specific animal described on the form and is not transferable. The tag will include the license number, the phrase "Town of Stow" and the year of issue.

The owner or keeper of a dog shall cause each dog, when off the premises of such owner or keeper, to wear around its neck or body a collar or harness to which he/she shall securely attach the license tag. In the event of loss of tag, a substitute tag will be issued by the Town Clerk for a fee of two dollars (\$2.00).

The Town Clerk shall not issue a license for any dog unless the owner or keeper provides

the Town Clerk with a veterinarian's certificate verifying the dog is currently vaccinated against rabies.

The fee for each dog licensed shall be ten dollars (\$10.00), either male or female, neutered or spayed. The Town Clerk shall charge a late fee of twenty-five dollars (\$25.00) for every dog license issued after the fifteenth of April as defined in the General Bylaws Article 3, Section 10.

Upon presentation to the Town Clerk of a certificate of training, no fee shall be charged for a dog specially trained and used to assist, lead or serve a physically or mentally challenged person.

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 and Cats Against Rabies

Under Section 145B of Chapter 150 of the Massachusetts General Laws, the owner or keeper of a dog or cat six (6) months of age or older shall cause the dog or cat to be properly vaccinated against rabies by a licensed veterinarian. Upon vaccination the veterinarian shall issue a tag, which shall show the year the vaccination was given, a rabies tag number, and the name of the veterinary clinic or hospital. The owner/keeper of unvaccinated dogs or cats 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 fifty dollars (\$50.00), 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 or any dog that is a public nuisance. Such animal shall be held at an authorized animal shelter, 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, dangerous or a public nuisance. Such fines shall not be more than twenty-five dollars (\$25.00) for the first offense, nor more than fifty dollars (\$50.00) for the second offense, and not more than the maximum allowed by law for subsequent offense(s).

f. Boarding Fees

An owner or keeper of any dog so impounded for violation of this bylaw shall, in addition to any applicable fees and penalties, pay to the Town of Stow a pick up fee of ten dollars (\$10.00) per dog and fifteen dollars (\$15.00) per day while such dog is impounded, nor more than the actual cost to the Town of Stow for the boarding and care of such animal in any commercial kennel or animal hospital.

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

h. Vicious or Barking Dogs; Other Applicable Sections of General Laws

The provisions of Massachusetts General Laws Chapter 140, Sections 157 and 158 shall be applicable to vicious or barking dogs and all other applicable sections of Chapter 140 or other sections of the General Laws or rules and regulations adopted there under 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 sixty dollars (\$60.00) 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, whichever is sooner. 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)