

## **ARTICLE 33- Annual Town Meeting May 18, 2013**

To see if the Town will vote to adopt the following Animal Control By-Law, in accordance with MGL. Ch. 147A, or take any vote or votes in relation thereto:

Article as amended passed with a vote of 44 yes, and 1 abstention. Amended version below.

### **TOWN OF LEYDEN LEYDEN ANIMAL CONTROL BY-LAW**

#### Section 1.

No dogs in the Town of Leyden shall be allowed to run at large in any of the ways or public places, nor upon the property of someone not its owner or keeper without the permission of the owner or occupant.

No dog shall be allowed in any public place, or any lands, or way within the town unless it is effectively restrained by a chain or leash, or under the direct and positive control of its owner or handler.

Any dog which, by barking, howling, or in any way or manner, disturbs the peace of any person for a prolonged period of time shall be considered a nuisance.

It shall be the duty of the Animal Control Officer to enforce this article of the General By-Laws of the Town. All dogs found running at large or deemed a nuisance within the Town may be impounded, and thereafter, the Animal Control Officer shall make a complete registry of the dog, including the breed, if discernible, color, sex, and identification tag or marks. If the dog is licensed, he shall note the name and address of the owner, and shall send notice, by registered mail, to the owner that the dog has been impounded. If the owner of the dog is unknown, or if the owner does not respond to said notice within two days, written notice of the impounding shall be posted in one or more public buildings of the Town in a conspicuous place.

The provisions of the by-law shall not prohibit the use of hunting dogs for hunting purposes during appropriate hunting seasons. It shall not prohibit the training of hunting or working dogs and shall not prohibit field trials for hunting or working dogs when conducted by a responsible person.

The penalty for the first violation of this section may result in a written warning, or a fine of fifty dollars (\$50.00), at the discretion of the Animal Control Officer. The penalty for each ensuing offense shall be as follows: second offense, \$75.00; third offense, \$100.00; fourth offense, and each additional offense, \$200.00.

The penalty for dogs found running at large that are deemed to be vicious (either through a previous dog bite or by the determination of the Animal Control Officer) will be \$200.00. All penalties will be increased by \$25.00 if the dog is unlicensed. Said penalties shall be imposed on the owner or keeper and shall be cumulative as they relate to the individual owner rather than any specific dog.

#### Section 2.

Restraint of Domestic Livestock: No person who owns, rents, keeps or otherwise has the care, custody or control of any hooved animal or other domestic animal with the exception of dogs and cats shall allow any such animal to run at large or unrestrained in any public way or place to which the public has a right of access. No other animal shall be tied or tethered to graze in such a manner that it may reach any public way or place, or place to which the public has a right access.

The penalty for the first violation of this section may result in a written warning, or a fine of twenty-five dollars (\$25.00), and fifty dollars (\$50.00) for each subsequent offence. It shall be the duty of the Animal Control Officer to enforce this article.

### Section 3.

The Board of Selectmen shall establish fees and charges to support the cost of the Animal Control Program as provided in Chapter 140, Section 147A, Massachusetts General Laws.

### Section 4.

Notwithstanding anything contained herein, dog owners are required to comply with all other Massachusetts General Laws regarding the keeping of dogs. In the event that any provisions or Sections of this by-law are deemed invalid or unenforceable, all other provisions shall remain in force and in effect.