



## TOWN OF WEBSTER

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This is to certify that the following article was acted on at the Annual Town Meeting held on May 13, 2019. The meeting started at 6:10 p.m. and there was a quorum present...

### ARTICLE 19. AMEND TOWN BYLAW CH. 313 ANIMALS

To see if the Town will vote to amend Town Bylaw Ch. 313 by amending Sec 313-7 and adding Sections 313-1 and 313-9 through 313-13 and renumber sections by deleting the text shown with a ~~strikethrough~~, and inserting the text shown in *italics* as follows, or take any action relative thereto:

A motion was made to dispense with the reading of the article. The motion received a YES voice vote and the Moderator moved on to discussion of the article.

#### ***313-1: LICENSING***

*All dogs shall be duly licensed as required by law on or before April 30<sup>th</sup> of every calendar year.*

#### **313-7 (amended to 313-8) Impoundment costs/*Release*.**

- ~~A. The owner or custodian of any animal(s) impounded in a Town owned or designated animal impound facility shall be liable to pay for the cost of impoundment at a minimum rate of five dollars (\$5) per day, plus the cost of food and care. These charges may be increased by the Board of Selectmen but in no event shall the total facility charges be greater than 10 calendar days, per incident, of charges for Webster residents.~~
- ~~B. A special rate may be set up by the Board of Selectmen for animals impounded whose owners or custodians are not residents of the Town of Webster.~~
- ~~C. Additional rates or charges for animal control services may be imposed by the Board of Selectmen and/or Town Administrator.~~

- A. *Any animal picked up by animal control is subject to a \$20.00 pick up fee. Pound fees will be incurred at a rate of \$10.00 per day. Owner may reclaim dog or cat by reimbursing the animal control officer for expenses, fines, fees, and charges per Massachusetts General Law Chapter 140 Section 151A (a) by money order or bank check in the full amount of expenses, fines, fees and charges incurred by animal control made payable to Town of Webster Animal Control. Proper documentation of current rabies vaccination and proof of current licensing are required prior to release of impounded animal. Any animal not vaccinated for rabies as required by Massachusetts General Laws Chapter 140/Section 140, 137, and 145B shall be vaccinated for rabies at the owner's expense by a licensed vet arranged for by the animal control officer/animal inspector and if not licensed, shall be licensed prior to release.*
- B. *Any animal requested to be picked up by animal control by police department or other first responder for the animal's temporary safety and well being, will be held for seven days at the animal shelter. The owner/keeper shall be responsible for making arrangements to reclaim the animal within seven days of the animal's arrival at the shelter unless other arrangements are made with animal control.*
- C. *Any animal not reclaimed by an owner/keeper within seven (7) days of being taken into possession by animal control shall be deemed to be abandoned and subject to be vetted, spayed or neutered, and placed up for adoption. If the animal is deemed to be unadoptable due to behavioral issues, animal control reserves the right to euthanize the animal. The animal may be transferred to another shelter or rescue for adoption.*

### ***Section 313-9 Rabies***

- A. *All dogs and cats owned by a resident of the Town of Webster shall be properly vaccinated in accordance with Massachusetts General Laws Chapter 145B. Unvaccinated dogs and cats acquired or moved into the Town of Webster shall be vaccinated within 30 days or upon reaching the age of six (6) months, whichever comes first.*
- B. *Those dog owners found in violation of the rabies requirement of Massachusetts General Laws, Chapter 140, Section 145 (B), shall, at the owner's expense, have their dogs properly vaccinated by a licensed veterinarian within ten (10) days of said violations and will receive a fine of \$25.00 for first offense.*
- C. *Any animal that is quarantined and requires vaccination shall be vaccinated at the owner's expense. Notification of such*

*vaccination shall be sent to the Animal Inspector within ten (10) days of said vaccination.*

- D. Any dog or cat that is under quarantine for biting or scratching a person or another animal, shall be quarantined for the required period of time set forth by the Animal Inspector and/or Massachusetts Department of Agriculture at the owner's home unless the animal is deemed to be unvaccinated at which time the dog or cat would be required to be humanely euthanized and tested for rabies, or confined in an approved, adequate boarding facility for a period of not less than ten (10) days. An animal is deemed to be unvaccinated if the animal never received a vaccination for rabies.*
- E. Any veterinarian bills incurred for vaccinating or preparing any animal for rabies testing shall be at the owner's expense.*
- F. Any owner or keeper moving an animal subject to quarantine shall notify the Animal Inspector and Board of Health Director in writing prior to the animal being moved, subject to approval. The names, address, and phone number(s) as to where the animal is being moved to must be identified in the written notification.*
- G. Any owner or keeper of any animal in The Town of Webster who has received a written notice of quarantine and does not comply with said order, or if the quarantined animal is found outside the approved enclosure of its owner or keeper and not under his/her immediate control and/or care, shall be subject to an immediate order to be euthanized or ordered to be housed at an approved boarding facility at the owner or keeper's expense.*

***Section 313-10 Animals Picked Up/Confiscated By Animal Control/Animal Inspector***

- A. Dogs found to be roaming at large will be subjected to be picked up and transported to the animal control shelter for safe keeping till owner can be contacted or owner presents, if unknown.*
- B. Any animal found injured with no immediate known owner will be brought for medical care as deemed necessary. If an owner becomes identified, any and all necessary vet care expenses will be reimbursed to the Town of Webster prior to release back to the owner along with any and all other fines, fees, and charges.*
- C. Any animal showing evidence of being abused, neglected, or abandoned or an animal requiring vet care that is being denied by the owner/keeper of said animal will be brought for medical care as deemed necessary. If an owner becomes identified, any and all necessary vet care expenses will be reimbursed to the Town of Webster prior to release back to the owner along with any and all other fines, fees, and charges.*

- D. Any dog found to be unvaccinated for rabies and/or unlicensed will be vaccinated and/or licensed. If an owner becomes identified, any and all expenses will be reimbursed to the Town of Webster prior to release back to the owner along with any and all other fines, fees, and charges.*
- E. The Animal Control Officer will respond to any animal requested to be picked up by the police department or other first responders to ensure the temporary safety and well being of the animal due to circumstance and situation that poses a threat to the animal's safety and well being.*

### ***Section 313-11 Prohibitions***

- A. Any dog found in a posted area restricting dogs from trespassing, will be subject to a fine. This includes, but is not limited to, Memorial Beach and surrounding area and town owned public parks and property.*
- B. No person owning or keeping a dog shall chain or tether a dog to a stationary object, including but not limited to, a structure, dog house, pole, or tree for longer than twenty-four (24) consecutive hours. Owner/keeper must abide by all other requirements and prohibitions as to restraint, access to clean water, and appropriate shelter and other matters addressed in Massachusetts General Laws Chapter 140 Section 174 (E). As specified in Section 174 (E), any person who violates same shall, for first offense, be issued a written warning or punished by a fine of not more than fifty dollars (\$50.00). For a second offense, be punished by a fine of not more than one hundred dollars (\$100.00) and for a third or subsequent offense, to be punished by a fine of not more than three hundred dollars (\$300.00) and be subject to impoundment of the dog in a local shelter at the owner's or keeper's expense pending compliance with this section, or loss of ownership of the dog.*

### ***Section 313-12 Kennel Licensing***

- A. Any owner or keeper of more than three dogs must acquire a residential kennel license and is subject to a yearly licensing fee of \$50.00.*
- B. Commercial kennels must be fully licensed pursuant to the provisions of Massachusetts General Laws Chapter 140 and subject to Webster Zoning By-Laws at a yearly licensing fee of \$75.00*
- C. Each residential kennel and commercial kennel shall be available by inspection by the Animal Control officer, Animal Inspector, Police Officer, Board of Health Director or Massachusetts Department of Agriculture*

### ***Section 313-13 Violations and Penalties***

*Any owner or keeper found in violation of these bylaws shall be subject to a fine according to the following schedule, unless the fine for a violation is otherwise established by state law.*

- *First offense* \$  
25.00
- *Second offense* \$  
35.00
- *Third offense* \$  
50.00
- *Fourth offense:* \$  
75.00
- *Fifth and each subsequent offense (within a calendar year)*  
\$100.00
- *Failure to vaccinate for rabies:*  
\$50.00
- *Failure to obtain dog license:*  
\$50.00

**Submitted by the Town Administrator**

**Decision:** a motion was made to amend Section 313-1: Licensing, *All dogs shall be duly licensed as required by law on or before April 30<sup>th</sup> of every calendar year.* The amendment would change the date from April 30<sup>th</sup> to August 1<sup>st</sup>.

The second part of the motion to amend would add, except service or support dogs within the meaning of the General Laws of the Commonwealth of Massachusetts, to Section 313-11 Prohibitions so that the section would read:

*Any dog, except service or support dogs within the meaning of the General Laws of the Commonwealth of Massachusetts, found in a posted area restricting dogs from trespassing, will be subject to a fine. This includes, but is not limited to, Memorial Beach and surrounding area and town owned public parks and property.* The moderator moved the vote on the motion to amend. The vote was a Unanimous YES voice vote and the motion was added to the article. The vote was then taken on the article. The vote was Yes 102 and NO 13 and the article was approved as amended