

Article X – Animal Control

In addition to the requirements set forth in this by-law, the licensing, keeping and control of animals shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited to the provisions of G.L. c. 140, §§ 136A to 174E, inclusive.

The Board of Selectmen shall annually appoint an Animal Control Officer who shall be sworn in by the Town Clerk.

The licensing period for Annual dog and kennel licenses, as required by G.L. c.140, §§137 and 137A, shall be January 1st through December 30th. When licensing a dog for the first time, proof of spay or neutering should be presented in order to be eligible for neutered or spayed license fee. There will be a late fee per dog for licensing after March 31st in the year of issue.

The annual fee for individual dog and kennel licenses shall be as follows:

- a. Individual Dog, Fixed..... \$ 10.00
- b. Individual Dog, Intact..... \$ 15.00
- c. Kennel, 2-8 dogs..... \$ 60.00
- d. Kennel, 9 or more dogs..... \$100.00
- e. Late Fee..... \$ 25.00

No person shall permit any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town of Phillipston, including but not limited to - public ways, school grounds, recreation areas, and cemeteries, unless the dog is properly restrained. A dog is under restraint for purposes of this by-law if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog, and the dog is held firmly on a leash of not more than six (6) feet.

Unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any Police Officer of the Town of Phillipston, and impounded pursuant to G.L. c.140, §§151A and 167.

If such dog so impounded has upon it the name and address of the owner thereof, or if the name of said owner is otherwise known, then the Animal Control Officer shall notify said owner prior to making the dog available for adoption or euthanization. In addition to the payment of any fines assessed pursuant to this bylaw, the owner of any dog so impounded may reclaim such dog upon the payment of the sum of \$15.00 (fifteen dollars) per day for each day or portion thereof that the dog is in the custody of the Animal Control Officer. The daily impound fee shall be \$25.00 (twenty five dollars) per day or portion thereof if the dog is not wearing identification and/or is not spayed or neutered. However, if the dog is not licensed, then before release to any person, a license as required by the Town of Phillipston shall be secured.

Nothing in this by-law shall be deemed to prohibit the use of dogs for hunting, sporting or working purposes as long as said dogs are properly supervised.

This by-law shall not apply to Police dogs, which is defined as a dog that is trained specifically to assist and is used by Police and similar law enforcement personnel at their work.

The sums collected pursuant to the provisions of this Article shall be accounted for, and paid to the Town Treasurer. However, under the provisions of the State Law, the Animal Control Officer shall be entitled to all fees paid to him for the care of impounded dogs by the owners thereof.

The Animal Control Officer or any Police Officer of the Town of Phillipston shall be empowered to enforce provisions of this by-law.

In addition to the remedies set forth herein and in G.L. c.140, §§136A to 174E, inclusive, or any other applicable provision of the law, this by-law may be enforced through any lawful means in law or in equity, including but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any person who violates any provision of this by-law shall be subject to the following penalties:

- a. First Offense..... \$ 50.00 fine
- b. Second Offense..... \$100.00 fine
- c. Third Offense..... \$150.00 fine
- d. Fourth and Subsequent Offense... ..\$200.00 fine

Subsequent offenses shall be determined as offenses occurring within two (2) years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If there is more than one violation in a day, each violation shall constitute a separate offense.

Amended 5/7/14