

ANIMAL CONTROL BY-LAWS

SECTION 22. Any person applying to the Town Clerk for a Dog License under the statutes of the Commonwealth of Massachusetts is required to show proof that all local bylaws and regulatory requirements have been complied with prior to the issuance of said license.

Applicants for Kennel Licenses shall complete and submit the Town's Permit/License form. Kennel inspections shall be required in accordance with MGL Ch. 140-sec. 137A.

SECTION 23. LEICESTER DOG CONTROL BY-LAW REGULATIONS

1. **Purpose:** The provisions of the By-Law will enable the Town to establish its own Dog Fund relative to regulations in accordance with MGL Ch. 140 DOG LAWS and the Town of Leicester General By-Laws.

2. No person owning or keeping a dog in the Town, shall allow such dog to run at large and/or at any time be unlicensed, uncollared and untagged, or become a nuisance to others, within the Town limits.

3. An Owner/Keeper of a dog in the Town, must effectively restrain such dog, on owner's property or with the knowledge and permission of such property's owner.

4. An Owner/Keeper of a dog in the Town must effectively confine, such dog to owner's property or with the knowledge and permission of such property's owner.

5. An Owner/Keeper of a dog must physically restrain such dog while accompanied by person responsible for said dog(s), within or on a public way, street, or property of the Town of Leicester, or respectfully on the property of others.

6. An Owner/Keeper of a dog shall not allow such dog(s) to cause to be a nuisance, by reason of vicious disposition or excessive barking or other disturbance and/or annoyance in conjunction with Town By-Law Chapter 9, Section 18.

7. The registering, numbering, description and licensing, pursuant to the provisions of Chapter 140 of the General Laws, of all dogs kept in the Town and of all dog kennels maintained in the Town shall be conducted in the office of the Town Clerk. Kennels will be inspected by the Animal Control Department annually.

8. The fees for the services prescribed in section 7 shall be as prescribed by Chapter 140 of the General Laws, except that the annual fees for licenses for dogs shall be:

INDIVIDUAL DOGS/PRIVATE KENNELS ¹		COMMERCIAL KENNEL LICENSE
Male	\$ 20.00	\$100.00 ANNUALLY
Female	20.00	
Neutered Male	10.00	
Spayed Female	10.00	
Substitute Tag	1.00	
Transfer License	1.00	

¹The number of dogs is limited to six (6) in some zoning districts, in accordance with the Leicester Zoning Bylaws. (Dog fees amended @ ATM 5/09)(Commercial Kennel License 5/11)

9. An additional fee of Twenty-five dollars (\$25.00) shall be charged to each owner or keeper of a dog six months (6) old or over who fails to license said dog on or before June 1 of any year, or after the age of six months, and where proof of ownership is beyond thirty (30) days. The fees so collected shall be deposited into the Town Dog Fund.

10. All unspayed female dogs shall during the 21 day heat period be confined in the owner's domicile or boarded in a kennel. A Fifty dollar (\$50.00) fine will be imposed on owner/keeper of any such dog running at large during that heat period.

11. **DOGFUND** - All money received for the services prescribed herein as well as monies recovered under fines for violations of Chapter 140 of the General Laws and the Town of Leicester General By-Laws shall be deposited in the Town Treasury in a special fund to be known as the Dog Fund, separate from all other monies of the Town. The money in the Dog Fund shall be expended at the direction of the Selectmen without further appropriation for the payment of costs and expenses imposed on the Town by (a) Section 151B of said Chapter 140 for emergency

care, treatment or disposal by registered veterinarians of dogs and cats injured on ways, and (b) Section 161 of said Chapter 140 for damage to livestock and fowl by dogs and for appraising the amount of such damage, pending the location of the owner(s) of the offending dog (s), at which time reimbursement will be made to the Dog Fund, provided that the liability of the Town for such damage shall not exceed the amount of one thousand dollars on account of each occurrence out of which such damage arises. Any amount of money in excess in the Dog Fund shall be distributed for the educational and/or upgrading of the department, pursuant to the findings of the Board of Selectmen.

12. Each known owner or keeper of a dog which has done damage to livestock or fowls shall be jointly and/or severally liable to make restitution to the injured party.

13. At any time Owner/Keeper, allows said dog(s) to cause harm, damage, or nuisance to any person, property, or other animals such dog will be in violation of the provisions of this section.

VIOLATION:

14. Violations of the By-Law will result in impoundment of animal by the Animal Control Officer. Said animal shall be released upon the remittance of a valid license and payment to the Town of Leicester, of a pick-up fee of Ten dollars (\$10.00), plus normal boarding fees. Violator will also receive penalties in accordance with applicable Town Dog Control By-Laws and Massachusetts General Law, Chapter 140.

PENALTY:

15. Any Owner/Keeper found in violation of any part of the provisions of this By-Law shall be fined by means of citation as follows:

- 1st Offense within 12 month period Written Warning
- 2nd Offense within 12 month period \$25.00
- 3rd Offense within 12 month period \$35.00
- 4th Offense within 12 month period \$50.00
- 5th and subsequent offenses within 24 month period....Forfeiture of license with approval of the Board of Selectmen.

Said fines to be paid to Town Clerk's Office upon citation by Animal Control Officer.

Fines collected shall be deposited into the **Town of Leicester DOG FUND.**

DEFINITION OF TERMS:

CONFINE - To limit in area, effectively restricted to private property, by means of fence, pen or other devise or structure.

DOG FUND - The fees, fines and reimbursements collected in connection with licensing of dogs and the enforcement of said sections.

FULL CONTROL - Dog(s) will respond to the command, order or signal of the owner or keeper responsible for the dog.

KEEPER - Any person or society, other than the owner harboring or having in his possession any dog(s).

KENNEL, COMMERCIAL - The owning, boarding or housing of dogs three months old or over for the purpose of breeding, grooming, boarding, sale, training, or any other use which is considered to be part of a commercial business, whether or not operating for profit.

KENNEL, PRIVATE: The keeping of more than three (3) dogs three months old or over owned or kept by a person on a single premise for the private use of the owner for show, hunting, or domestic pets and not for the purpose of breeding, grooming or any other use which is considered to be part of a commercial business.

NUISANCE - Any dog shall be considered a public nuisance when such dog is found to be not under control of the owner/keeper, poses a threat to public safety, cause disturbance via barking/howling.

OWNER - Shall mean any person or persons, firm, corporation, or association owning or keeping a dog(s).

PHYSICALLY RESTRAIN - To deprive of freedom, to limit or restrict by means of leash, harness or lead in compliance with humane requirements.

RESTRAIN - To deprive of freedom, to limit or restrict.