

**CITY OF LAWRENCE
DOC. 38/2010**

Be it ordained that The City Council for the City of Lawrence hereby amends the Revised Ordinances for the City of Lawrence, MA by **ADDING/AMENDING/DELETING** certain **Sections of Ch. 6.04 of the Municipal Code (Animal Control)** as referenced herein and hereby removes the prior version of Chapter 6.04 and replaces it with the following text of Chapter 6.04 (Animal Control) to be inserted in its place and stead:

Title 6

ANIMALS

Chapter 6.04 Animal Control

- 6.04.010 Definitions.**
- 6.04.020 Adoption of regulations.**
- 6.04.030 Enforcement authority.**
- 6.04.040 Registration and licenses.**
- 6.04.050 Issuance of license or permit.**
- 6.04.060 Determination of license fees.**
- 6.04.070 Establishment of other animal control fees.**
- 6.04.080 Adoption fee.**
- 6.04.090 Sterilization of adopted animal--Deposit.**
- 6.04.100 Nuisance animals prohibited.**
- 6.04.110 Orders issued upon receipt of complaint.**
- 6.04.120 Rabies vaccination.**
- 6.04.130 Animal waste.**
- 6.04.140 Neglect--Abuse.**
- 6.04.150 Biting and attacking dogs.**
- 6.04.160 Dangerous and vicious dogs.**
- 6.04.170 Registration of dangerous dogs.**
- 6.04.180 Filing of affidavit on suspicion of unregistered dangerous or vicious dogs.**
- 6.04.190 Restraint of dogs within city.**
- 6.04.200 Dogs on school premises.**
- 6.04.210 Confinement of dog in estrus cycle.**
- 6.04.220 Confinement by animal control officer.**
- 6.04.230 Apprehension and impoundment.**
- 6.04.240 Impoundment and violation notice, fees and citations.**
- 6.04.250 Kennels--Permit required.**
- 6.04.260 Violations--Additional penalties.**
- 6.04.270 Interference with enforcement authorities.**
- 6.04.280 Penalties.**
- 6.04.290 Processing violations.**
- 6.04.300 District court complaints.**

Chapter 6.04

ANIMAL CONTROL

6.04.010 Definitions.

As used in this chapter, the following terms shall mean:

At large means off the premises of the owner, and not under the control of the owner or a member of his or her immediate family either by leash, or cord, chain or otherwise.

Dangerous dog means:

1. Any dog which, according to the records of the appropriate authority, has inflicted severe injury on a human being without provocation on public or private property;
2. Any dog which, according to the records of the appropriate authority, has killed a domestic animal without provocation while off the owner's property;
3. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
4. Any dog owned or harbored on property known for drug trafficking or gang activity;
5. Any dog which, when unprovoked, attacks a human being or a domestic animal on two or more occasions without provocation, chases or approaches a person upon the streets, sidewalks or any public property in a menacing fashion or apparent attitude of attack;
6. Any dog with known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals;
7. Any dog which, on three separate occasions within a 12-month period, has been observed being unrestrained or uncontrolled off its owner's premises as documented by the records of the animal control officer for being unrestrained or uncontrolled off its owner's premises.

Dog means both male and female.

Kennel means any premises wherein any person, partnership or corporation engages in the business of boarding, breeding, buying, selling for hire, training for a fee, selling dogs, or engages in training dogs for guard or sentry purposes; or every pack or collection of more than three dogs, three months old or over, owned or kept on a single premises irrespective of the purpose for which they are maintained.

Licensing authority means the city clerk, as provided by the General Laws of the commonwealth.

Nuisance animal means any animal which:

1. Moles **passersby or passing vehicles, including bicycles;**
2. Attacks other animals;
3. Trespasses on school grounds;
4. Is at large in violation of this chapter;
5. Damages private or public property;
6. Barks, whines, or howls and disturbs the peace and tranquility of an area;
7. Bites or attacks any persons.

Owner means any person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for 48 hours.

Restraint means a leash not more than six feet long, or a fenced-in area or pen as provided in this chapter.

Untagged animal. An animal is considered to be untagged if a valid license tag is not attached to a collar which is kept on the animal.

(Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010]; Ord. dated 7/2/96 (part): prior code § 20A-1.1)

6.04.020 Adoption of regulations.

A. The city accepts and adopts section 147A of chapter 140 of the General Laws of Massachusetts. All money received from licenses or recovered as fines, fees or penalties under any ordinance contained in this Code shall be paid to the City of Lawrence and shall not be paid over to Essex County. Should any such moneys be paid to any entity other than to the treasury of the City of Lawrence, the city treasurer shall have the right, and the obligation, to recover said moneys.

B. Any and all functions relating to the regulation of animals pursuant to any ordinance contained in this Code or to sections 137 to 174D, inclusive, of chapter 140 of the Massachusetts General Laws shall not be performed by the county, on behalf of the City of Lawrence, but shall be performed by the animal control officer of the City of Lawrence on behalf of the city.

C. Any and all costs which would otherwise be paid out of the county dog fund shall hereinafter be borne by the city.

(Ord. dated 7/2/96 (part): prior code § 20A-1)

6.04.030 Enforcement authority.

The animal control officer shall enforce all laws relative to animal control. The animal control officer shall have the full power of the law with regard to such enforcement. No one shall interfere with the animal control officer while in the performance of his or her duties. This section shall not preclude the enforcement of this chapter by an officer other than the animal control officer who is validly empowered to do so.

(Ord. dated 7/2/96 (part): prior code § 20A-4)

6.04.040 Registration and licenses.

The requirements for the registration and licensing of dogs within the city limits shall be as provided in section 137 of chapter 140 of the General Laws of Massachusetts.

- A. Any person owning, keeping, harboring, or having custody of any dog over three months of age within this city must obtain a license as provided in this chapter.**
- B. Application for licenses shall be made to the licensing authority, which shall include the name and address of the applicant, description of the animal and the appropriate fee.**
- C. If not revoked, licenses for the keeping of dogs shall be for a period of one year. The licensing period shall begin April 1 and shall run for one year. Reapplication for a license may be made 30 days prior to and up to 30 days after April 1.**
- D. Application for a license must be made within 30 days after obtaining a dog over three months of age. This requirement will not apply to a nonresident keeping a dog within the city for less than 60 days.**
- E. Upon acceptance of the application and license fee, the licensing authority shall issue a durable tag or identification collar stamped with an identifying number and year of issuance. The tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.**
- F. Dogs must wear identification tags at all times.**
- G. The licensing authority shall maintain records of the identifying numbers of all tags issued, and shall make this record available to the public.**
- H. Persons who fail to obtain a license as required within the time period specified in this chapter will be fined \$50.00. Each day said violation continues shall be deemed to be a separate offense.**
- I. A license shall be issued after payment of the applicable fee:**
 - 1. For each unneutered male dog \$ 50.00**

2. For each neutered male dog 15.00
3. For each unspayed female dog 50.00
4. For each spayed female dog 15.00

J. A duplicate license may be obtained upon payment of a \$2.00 replacement fee.

K. No person may use any license for any dog other than for the dog for which it was issued.

L. No person shall keep or control more than three dogs on a single premises.

(Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010]; fees amended: 5-20-11 [Doc. 50/2011]; Ord. dated Ord. dated 7/2/96 (part): prior code § 20A-2)

6.04.050 Issuance of license or permit.

A. It shall be a condition of the issuance of any permit or license that the city or designated agents, or any special police officer appointed under Massachusetts General Laws chapter 127, section 10, or the inspector of animals appointed under Massachusetts General Laws chapter 129, sections 15 and 16, be permitted to inspect all animals and the premises where animals are kept at any time, and if permission for such inspections are refused, the agent shall seek a search warrant to enter and inspect the property.

B. If the applicant has withheld or falsified any information of the application, the licensing authority shall refuse to issue a permit or license.

C. Any person having been denied a license or permit may reapply after conditions have been corrected upon which denial was based. Each reapplication shall be accompanied by a \$10.00 fee.
(Ord. dated 7/2/96 (part): prior code § 20A-2.1)

6.04.060 Determination of license fees.

A. The fee for every license shall, except as otherwise provided, be \$50.00, unless a certificate of a registered veterinarian who performed the operation stating that said female dog has been spayed or that said male dog has been neutered, and that said male or female dog has thereby been deprived of the power of propagation, has been shown to the city clerk, in which case the fee shall be \$15.00. If the city clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the city clerk may accept in lieu thereof a statement signed under the penalties of perjury by a veterinarian registered and practicing in the commonwealth, describing the dog and stating that the veterinarian has examined such dog and that it appears to have been, and in his or her opinion has been, spayed or neutered and thereby deprived of the power of propagation, or a receipt of a bill from the veterinarian who performed the operation that spayed or neutered such dog. A certified copy of such certificate on file in the office of any city or town clerk within the commonwealth may be accepted as evidence that such operation has been performed.

B. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person, deaf person, or handicapped person; provided, that such dog is certified as being so trained and is actually in the service of such a person. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying, or removal from the commonwealth or other disposal of the dog.

C. No fee shall be charged for a license for a dog aged 12 years or older.

D. No fee shall be charged for a dog whose owner is aged 65 years or older.

(fees amended: 5-20-11 [Doc. 50/2011]); Ord. dated 7/2/96 (part): prior code § 20A-3)

6.04.070 Establishment of other animal control fees.

The city council shall establish the fees for boarding and pickup and other fees attendant to animal control within the city. The animal control officer shall make, keep and maintain systems of records or forms which fully and correctly disclose: the date and location of each apprehension; a description of each animal; if tagged, the name and address of owners of such animal; length of confinement if any; amount of fees and fines assessed; amount of payment if any; new owner, if any, and date of sale or transfer; and, if the animal is destroyed, the date and method of destruction and the name of the person who executed the animal.

(Ord. dated 7/2/96 (part): prior code § 20A-3A)

6.04.080 Adoption fee.

Any person whom the animal control officer allows to adopt a dog or cat shall pay the requisite fees as established by the animal control officer. The animal control officer shall keep an account of all adoption fees received and shall pay over such sums to the city treasurer.

(Ord. dated 7/2/96 (part): prior code § 20A-10)

6.04.090 Sterilization of adopted animal--Deposit.

No unclaimed dog shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized and a deposit of at least \$35.00 must be paid at the time of adoption, \$25.00 to be refunded after proof of sterilization.

(Ord. dated 7/2/96 (part): prior code § 20A-14.1)

6.04.100 Nuisance animals prohibited.

No person who owns or keeps an animal shall allow such animal to become a nuisance by reason of vicious disposition, being a dangerous animal, excessive barking, or other disturbance, or that by such barking or other disturbance is a source of annoyance to any such person. Animal behavior which constitutes a nuisance includes, but is not limited to, the following:

- A. Molesting passersby or passing vehicles (including bicycles);
- B. Attacking persons or domestic animals, trespassing on school grounds or other public property, repeated and consistent instances of wandering unrestrained, damaging public or private property, barking, whining or howling in an excessive, continuous, or untimely fashion.

(Ord. dated 7/2/96 (part): prior code § 20A-6)

6.04.110 Orders issued upon receipt of complaint.

The chief of police shall issue any orders pursuant to General Laws, chapter 140, section 157, within three working days of receipt of a written complaint filed thereunder. Any such orders shall remain in full effect pending any requested review or appeal.

(Ord. dated 7/2/96 (part): prior code § 20A-7)

6.04.120 Rabies vaccination.

Whoever owns or keeps a dog shall comply with Massachusetts General Laws chapter 140 section 145B. Anyone who violates that statute shall be fined \$100.00. Each day in which that statute is violated shall constitute a separate offense.

(Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010]; (Editorially amended during 2000 codification; Ord. dated 7/2/96: prior code § 20A-14)

6.04.130 Animal waste.

A. The owner of every dog shall be responsible for the removal of any fecal matter deposited by the owner's animal(s) on his or her property, public walks, recreation areas or private property. "Owner" includes person(s) who possess or control the dog.

B. The owner or person(s) who possess or control the dog when appearing with the dog on any public walk, street, recreation area or private property shall possess the means of removal of any fecal matter left by such dog.

C. For purposes of this regulation, the means of removal shall include any tool, implement or other device carried for the purpose of picking up and containing such fecal matter. Disposal shall be accomplished by transporting such fecal matter to a place suitable and regularly reserved for the disposal of human fecal matter, specifically reserved for disposal of dog fecal matter, or otherwise designated as appropriate by the director of public health.

D. When any domestic animal dies, its owner shall cause the animal to be removed to an animal rendering company or buried within 72 hours of the death of the animal.

(Ord. dated 7/2/96 (part): prior code § 20A-12)

6.04.140 Neglect--Abuse.

A. No owner or keeper of an animal shall subject animal to less than adequate care or unsafe or unsanitary conditions. Any person who violates this section shall be subject to fine, and shall be liable for all fees and expenses paid to protect, care for, rehabilitate, or euthanize such animal.

B. Any person who abuses an animal shall be subject to fine, and shall be liable for all fees and expenses resulting from such abuse.

(Ord. dated 7/2/96 (part): prior code § 20A-13)

6.04.150 Biting and attacking dogs.

A. *Notice to owner.* Any person, after receiving written notice that the dog owned or controlled by them has attacked and/or bitten, or caused injury or otherwise endangered the safety of any person(s) or domestic animal(s) within the city to such a manner as to be deemed a menace, nuisance, and a threat by the animal control officer or such other enforcement authority as may be designated by the city council, and after receiving a subsequent written notice of a repetition or continuance of such act or acts, shall not be permitted to keep such dog within the city limits. In each instance, such written notice(s) shall be reasonably definite and informative to the owner or person controlling the dog(s) as to person, time, place and manner of the incident or disturbance to have occurred.

B. *Penalty.* Any owner or person in control of a dog who fails to comply with the provisions of subsection A of this section shall be punished by a fine of \$100.00 for each day of said violation.

(Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010]; Ord. dated 7/2/96 (part): prior code § 20A-14.3)

6.04.160 Dangerous and vicious dogs.

A. A "dangerous or vicious" dog as the term is used in this section means any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or any dog which attacks a human being or a domestic animal on two or more occasions without provocation and shall include the definition of dangerous dog in section 6.04.010

B. Any dog that has been identified either by the Animal Control Officer as a dangerous dog, or falls under the definition of "dangerous dog" as stated in section 6.04.010 shall be banned from anywhere within the City of Lawrence.

C. The provisions of this chapter regarding dangerous and vicious dogs shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.

D. Compliance with the requirements of this section shall not be a defense to an order of disposal of a vicious dog pursuant to Massachusetts General Laws chapter 140, section 157.

E. All notice and hearing procedures will be carried out in conformance with Massachusetts General Laws, chapter 140.

(Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010]; Ord. dated 7/2/96 (part): prior code § 20A-14.2)

6.04.170 - Registration of dangerous dogs.

All owners of dangerous dogs shall, on or before November 1, 1996, and annually thereafter on or before April 1 of each year, register their dog and provide a current color photograph of the dog with the city clerk's office and pay the registration fee required by ordinance. At the time of registration, each owner of any dangerous dog kept within the city limits of the City of Lawrence shall provide to the city clerk's office proof of liability insurance in the amount of at least \$100,000.00 for any acts of property damage or liability incurred by virtue of injury inflicted by such dog. Such insurance shall name the city as coinsured solely for the purpose of notice of cancellation of the policy. Said license shall indicate that the dog is a dangerous dog.

(Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010]; Ord. dated 7/2/96 (part): prior code § 20A-14.6)

6.04.180 Filing of affidavit on suspicion of unregistered dangerous or vicious dogs.

Any person having knowledge which he or she believes constitutes probable cause to believe that another is harboring, keeping or maintaining a dangerous or vicious dog which is not registered with and licensed by the city in accordance with this chapter shall file with the police department or the animal control officer a sworn affidavit setting forth the basis on which they believe the animal to be a dangerous dog, the name and address of the owner of the dog, and a description of the dog. The police department or the animal control officer shall, upon a receipt of such affidavit, inquire of the city clerk if the dog is currently registered. If the dog is not registered, the city clerk shall notify the police department of this fact and the police department shall serve notice upon the owner, which notice shall include the requirement that the owner shall bring the dog to the veterinarian stated in the aforementioned notice for inspection to determine whether this dog is a dangerous dog by definition as set forth in this chapter.

(Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010]; Ord. dated 7/2/96 (part): prior code § 20A-14.5)

6.04.190 Restraint of dogs within city.

A. No person who owns or harbors a dog shall allow such dog to be in any public place, upon any public way, or in any place to which the public has access as invitees or licensees, inclusive of all city-owned property and properties under the authority of the Commonwealth of Massachusetts that are situated in the City of Lawrence, unless such dog is accompanied by a person of adequate age and discretion properly to control its actions and such dog is restrained by a lead or chain of less than six feet that is of suitable proportion and strength to the dog being restrained.

B. Under no circumstances shall a person who owns or keeps a dog allow such dog on any private property, unless specific permission has been granted by the owner of said property.

C. Any person who owns or keeps a dog shall exercise sufficient care and control over such dog to prevent it from becoming a public nuisance.

D. All dogs shall be kept under restraint, as defined in this chapter, at all times.

E. Every owner shall exercise proper care and control of his/her animals to prevent them from becoming a nuisance.

F. Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

G. (Deleted by Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010]; (Restraint of dogs within city); Prior Ord. dated 7/2/96 (part): prior code § 20A-5)

6.04.200 Dogs on school premises.

A. The owner or keeper of any dog shall not allow his dog to be upon any school grounds between the hours of 8:00 a.m. to 4:00 p.m. on any day that such schools are in session.

B. Any owner or keeper of a dog who fails to comply with the provisions of this section shall be punished by a fine of \$100.00 for each day of violation.

(Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010]; Ord. dated 7/2/96 (part): prior code § 20A-14.4)

6.04.210 Confinement of dog in estrus cycle.

A. Any dog in her estrus cycle, even though confined to the property of her owner or keeper, that is attracting other dogs to her area and thereby causing disturbance on or damage to a neighboring property or public area, may be impounded and confined by the dog officer for the duration of such dog's estrus cycle, or the dog officer may require that such dog be kept in a commercial or boarding kennel during such time.

B. Any dog that has been so confined by the animal control officer shall not be released until all pound fees, pickup fees, and other attendant fees are paid in full to the satisfaction of the animal control officer.

(Ord. dated 7/2/96 (part): prior code § 20A-11)

6.04.220 Confinement by animal control officer.

A. The animal control officer shall confine all unrestrained dogs and cats, nuisance animals, and all dogs within the city which have not been licensed, collared or harnessed, and tagged.

B. The animal control officer shall confine any animal found to be without adequate care, or found in unsanitary or unsafe conditions, or that has been abused, abandoned or neglected. Any such animal shall be confined for a period of not less than three days, except that, in the discretion of the animal control officer, such animal may be released or disposed of at an earlier time. Cats may be euthanized at any time at the discretion of the animal control officer, provided that is done in a humane manner.

C. Any animal that has been so confined shall not be released until all pound fees, pickup fees, and any other attendant fees and fines are paid in full to the satisfaction of the animal control officer, and

any dog is duly licensed, collared or harnessed, and tagged.
(Ord. dated 10/15/96; Ord. dated 7/2/96 (part): prior code § 20A-8)

6.04.230 Apprehension and impoundment.

A. It shall be the duty of the animal control officer to apprehend and impound any unlicensed dogs. When the dog is impounded by the city, the owner reclaiming the dog shall be required to pay all fines and charges owed to the city before the dog is released.

B. It shall be the duty of the animal control officer to apprehend any dangerous dogs running at large. Any dangerous dog found running at large shall be impounded and the owner notified. After proper hearing, said dog shall be forever banned from the city. The animal control officer may shoot a dog if the dog attacks the officer or approaches the officer in a menacing fashion so that the officer believes that the dog is about to attack. (Amended by Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010])

C. In any event, when a dog is impounded, the impounding authority shall give notice to the owners of the impoundment and advise the owners whether and under what circumstances the dog may be redeemed. The owner of any animal impounded, confined or destroyed pursuant to the terms of this chapter shall be responsible for all costs of such confinement, impoundment or destruction.

(Ord. dated 7/2/96 (part): prior code § 20A-14.7)

6.04.240 Impoundment and violation notice, fees and citations.

A. Unrestrained dogs and nuisance animals shall be taken by the animal control officer and impounded or quarantined.

B. Impounded or quarantined dogs shall be kept for not less than ten days, or any lesser minimum period permitted by the Massachusetts General Laws of the Commonwealth, unless claimed by the owner within that period.

C. If, by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall return the animal to the owner and issue a citation, or impound the dog and immediately notify the owner by telephone or mail.

D. An owner reclaiming an impounded or quarantined dog shall pay an administrative fee of \$50.00, plus a board fee of \$50.00 for the first day and \$25.00 for each subsequent day the animal has been impounded. (Amended by Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010])

E. Any animal not reclaimed by its owner within ten days, or any lesser minimum period permitted by the Massachusetts General Laws of the Commonwealth, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized.

F. Animal control officers, humane officers, police officers and board of health officials of the city shall be empowered to issue citations to the owners of animals for violations of this chapter and to otherwise enforce this chapter.

G. If a citation is issued, a penalty of \$50.00 for the first offense and \$100.00 for the second and subsequent offenses within the licensing period must be paid within 21 days in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant may be initiated before a magistrate, and upon conviction of a violation of this chapter, the owner shall be punished as provided herein. (Amended by Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010])

H. The city shall revoke all licenses issued to animal owners against whom three or more violations of this chapter have been assessed in a 12-month period.
(Ord. dated 7/2/96 (part): prior code § 20A-9)

6.04.250 Kennels--Permit required.

No person, partnership, corporation, or other organization shall operate a kennel or commercial establishment or animal shelter without first obtaining a permit as provided for in MGL chapter 140.
(Ord. dated 7/2/96 (part): prior code § 20A-14.8)

6.04.260 Violations--Additional penalties.

A separate offense shall be deemed committed on each day during or on which a violation of this chapter occurs or continues. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this chapter.

(Ord. dated 7/2/96 (part): prior code § 20A-14.9)

6.04.270 Interference with enforcement authorities.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by the city authority, or law enforcement officers appointed under chapter 147, section 10 of the Massachusetts General Laws. It shall be a violation of this chapter to interfere with a humane officer, animal control officer or other person(s) designated by the city to enforce this chapter in the performance of their duties.

The animal control officer and police officers, under the authority of MGL chapter 40, section 21D are authorized to issue tickets for violations of this chapter pursuant to the procedures set forth therein.

(Ord. dated 7/2/96 (part): prior code § 20A-14.10)

6.04.280 Penalties.

A. Except as may be specifically provided herein, any person violating any provision of this chapter shall be punished by a fine of not less than \$10.00 nor more than \$200.00.

B. If any violation is continuing, each day's violation shall be deemed a separate violation.

C. Any person found in violation by the chief of police or a court of any part of this chapter

shall have his/her permit or license to own, keep, harbor, or have custody of animals revoked and no new permit or license will be issued.

(Ord. dated 7/2/96 (part): prior code § 20A-15)

6.04.290 Processing violations.

A. In addition to any other remedies provided by law, violations of any section of this chapter may be enforced in the manner provided in MGL chapter 40, section 21D. The following penalties shall apply, except as specifically provided otherwise herein:

1. The penalty for the first violation of a particular ordinance shall be \$50.00.
2. The penalty for the second violation of an ordinance that has been violated previously shall be \$100.00.
3. The penalty for the third or subsequent violation of an ordinance that has been violated two or more times shall be \$100.00.

(Amended by Ord. dated 4-17-12 [Eff. 5-18-12] [Doc. 38/2010])

B. Each day an ordinance is violated shall constitute a separate offense.

C. Prior to releasing a confined animal, the animal control officer may accept payment for any violations enforced under this section.

D. The animal control officer and all police personnel shall be deemed to be enforcing persons for the purpose of this chapter.

(Ord. dated 7/2/96 (part): prior code § 20A-16)

6.04.300 District Court complaints.

The animal control officer may seek a district court complaint for any violation of this chapter. Whenever a complaint is sought in the district court the clerk shall send a written notice to the person complained against stating that such a complaint has been sought and will issue unless such person appears before such clerk confessing the offense and paying the penalty assessed according to this chapter. Where notice was sent and payment was not made as required, a \$15.00 surcharge shall be added to the fine. Such payment shall operate as a final disposition of the case. Such payment shall be made only by postal note, money order, or check. All fines and surcharges paid hereunder shall be forwarded by the clerk to the treasurer of the city.

(Ord. dated 7/2/96 (part): prior code § 20A-17)

ORD#: 2012-08, 09, 10, 11, 12, 13, 14, 15, 16, 17 ,18
and D-5, D-6, D-7, D-8, D-9, D-10, D-11, D-12, D-13, D-14, D-15, D-16, D-17

APPROVED: 04-17-12

EFFECTIVE DATE: 5-18-12
