

**CITY OF LAWRENCE
PUBLIC HEARING
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 as follows:

BY DELETING Section 6.04.160 of the Municipal Code (Dangerous and Vicious Dogs):

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. There shall be a total ban of dangerous and vicious dogs from anywhere within the city except that a dangerous and vicious dog which has been owned, kept, and properly registered within the city limits prior to the enactment of the ordinance codified in this chapter by a resident may be maintained on the private property owned or controlled by said resident owner, provided that said owner complies with the provisions contained in this chapter for the registration of said dogs. While on said private property of its owner, the dangerous or vicious dog must be restrained in a secure area so that the dangerous or vicious dog cannot gain access to public areas. Restraint of a dangerous or vicious dog in a secure area shall mean that the dangerous or vicious dog shall be kept exclusively upon the owner's own premises in an enclosed and locked pen with a top and sides at least six feet in height. The dangerous or vicious dog shall not be enclosed in such a manner that it may go or reach beyond the property line.

C. While on the owner's property, a dangerous or vicious dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five feet by ten feet and must have secure sides and a secure top and shall be at least six feet in height. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog.

D. The owner or keeper shall display a sign on his or her premises facing out from all sides of the premises warning that there is a dangerous or vicious dog on the property. This sign should be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning children who cannot read of the presence of a dangerous dog.

E. A dangerous dog may be off the owner's premises if it is muzzled and restrained by an approved lead or chain not exceeding three feet in length and is under the control of an adult, able-bodied person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

F. 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.

G. An owner may transport a dangerous or vicious dog within the city limits for medical or veterinary care provided said animal is properly restrained by being both muzzled and leashed, with the leash not to exceed a length of three feet.

H. The owner of any dangerous or vicious dog, if said animal is found on property not owned or controlled by its owner, or not restrained in a secure area per subsections B. and C., shall be subject to a fine of \$50.00 for the first offense and a fine of \$100.00 for each subsequent offense, and said animal shall be forever banned from within the limits of the City of Lawrence.

I. Owners of dangerous or vicious dogs found within the city and not properly registered shall be subject to a fine of \$50.00, and said animal shall be forever banned from with the limits of the city.

J. Each day there exists a violation of any of the provisions of this section shall constitute and be punishable as a separate offense.

K. Any dog for which the animal control officer of the city or county has a verified report of having attacked or bitten any person shall be considered a dangerous or vicious dog. A copy of any such report shall be forwarded to the city clerk for filing and such dog shall not be reregistered in the city unless the owner is in full compliance with this chapter.

L. 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.

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

AND INSERTING IN ITS PLACE AND STEAD the following new Section 6.04.160 of the Municipal Code (Dangerous and Vicious Dogs):

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.

BY DELETING Definition (5) in Section 6.04.010 of the Municipal Code (Definitions):

Dangerous dog means:

5. Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack;

AND INSERTING IN ITS PLACE AND STEAD the following new definition (5) in Section 6.04.010 of the Municipal Code (Definitions):

Dangerous dog means:

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;

BY DELETING Section 6.04.040 (H) of the Municipal Code (Registration and Licenses):

H. Persons who fail to obtain a license as required within the time period specified in this chapter will be fined \$25.00. Each day said violation continues shall be deemed to be a separate offense.

AND INSERTING IN ITS PLACE AND STEAD the following new Section 6.04.040 (H) of the Municipal Code (Registration and Licenses):

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.

BY DELETING Section 6.04.120 of the Municipal Code (Rabies vaccination):

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 \$50.00. Each day in which that statute is violated shall constitute a separate offense.

AND INSERTING IN ITS PLACE AND STEAD the following new Section 6.04.120 of the Municipal Code (Rabies vaccination):

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.

BY DELETING Section 6.04.150 (B) of the Municipal Code (Biting and attacking dogs):

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 \$50.00 for each day of said violation.

AND INSERTING IN ITS PLACE AND STEAD the following new Section 6.04.150 (B) of the Municipal Code (Biting and attacking dogs):

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.

BY DELETING Section 6.04.170 of the Municipal Code (Registration of dangerous dogs):

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.

BY DELETING Section 6.04.180 of the Municipal Code (Filing of affidavit on suspicion of unregistered dangerous or vicious dogs):

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 as a dangerous dog pursuant to this chapter. 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 of the alleged dangerous dog, which notice shall include the requirement that the owner shall bring the alleged dangerous 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.

AND INSERTING IN ITS PLACE AND STEAD the following new Section 6.04.180 of the Municipal Code (Filing of affidavit on suspicion of unregistered dangerous or vicious dogs):

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.

BY DELETING Section 6.04.190 (G) of the Municipal Code (Restraint of dogs within city):

G. Every vicious and dangerous animal shall be confined by the owner within a building or secure enclosure, and shall be securely muzzled or caged whenever off the premises of its owner.

BY DELETING Section 6.04.200 (B) of the Municipal Code (Dogs on school premises):

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 \$50.00 for each day of violation.

AND INSERTING IN ITS PLACE AND STEAD the following new Section 6.04.200 (B) of the Municipal Code (Dogs on school premises):

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.

BY DELETING Section 6.04.230 (B) of the Municipal Code (Apprehension and impoundment):

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 may be returned to its owner only upon proof of registration as a dangerous dog. 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.

AND INSERTING IN ITS PLACE AND STEAD the following new Section 6.04.230 (B) of the Municipal Code (Apprehension and impoundment):

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.

BY DELETING Section 6.04.240 (D) of the Municipal Code (Impoundment and violation notice, fees and citations):

D. An owner reclaiming an impounded or quarantined dog shall pay an administrative fee of \$25.00, plus a board fee of \$25.00 for the first day and \$10.00 for each subsequent day the animal has been impounded.

AND INSERTING IN ITS PLACE AND STEAD the following new Section 6.04.240 (D) of the Municipal Code Code (Impoundment and violation notice, fees and citations):

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.

BY DELETING Section 6.04.240 (G) of the Municipal Code (Impoundment and violation notice, fees and citations):

G. If a citation is issued, a penalty of \$25.00 for the first offense and \$50.00 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.

AND INSERTING IN ITS PLACE AND STEAD the following new Section 6.04.240 (G) of the Municipal Code Code (Impoundment and violation notice, fees and citations):

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.

BY DELETING Section 6.04.290 (A) of the Municipal Code (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 \$25.00.
2. The penalty for the second violation of an ordinance that has been violated previously shall be \$35.00.
3. The penalty for the third or subsequent violation of an ordinance that has been violated two or more times shall be \$50.00.

AND INSERTING IN ITS PLACE AND STEAD the following new Section 6.04.290 (A) of the Municipal Code (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.

Attest: William J. Maloney, City Clerk

**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
