

CHAPTER XXIII

CANINE CONTROL BY-LAW

23-1 PREAMBLE.

23-1.1 Purpose. The purpose of the Topsfield Canine Regulation By-Law, hereinafter called the "By-Law", is to:

- a. Establish a Town-wide program to register dogs owned by Topsfield residents.
- b. Establish fees for the registration of dogs and to set fines for violations of the By-Law.
- c. Establish rules and regulations for the control of dog complaints caused by nuisance.
- d. Authorize a Town Agent to enforce the provisions of the "By-Law".

23-1.2 Authority. The "By-Law" has been adopted pursuant to the provisions of GLc 140 ~ 147A.

23-2 PROCEDURE.

23-2.1 Registration of Dogs. Notwithstanding the provisions of GLc 140 ~ 137 or any other provision of law to the contrary, the registering, numbering, describing and licensing of dogs kept in the Town shall be conducted in the Office of the Town Clerk.

23-2.2 Manner of Display. The owner or keeper of a dog registered in Topsfield shall cause it to wear around its neck or body, a collar or harness to which shall be securely attached a tag in a form as prescribed by the Town Clerk and available at the Town Clerk's office.

23-2.3 Fees Established. Notwithstanding the provisions of Section 139 of Chapter 140 or any other provision of law to the contrary, the annual fees to be charged by the Town for the issuance of licenses for all dogs six (6) months old or older, shall be:

All Dogs Neutered or Spayed (male or female)	Fifteen (\$15.00) dollars, per registered dog
All Dogs Not Neutered or Spayed (male or female)	Twenty (\$20.00) dollars, per registered dog
Kennel (four (4) or more dogs)	Two hundred (\$200.00) dollars, maximum fifty (50) tags.

Any owner or keeper of a dog, owned or kept in Topsfield as of January 1 of each year, who fails to register that dog on or before January 31 of each year shall pay a late fee of twenty-five (\$25.00) dollars in addition to any other fees provided for in this By-Law, for each such dog not registered in accordance with the provisions of this section.

In the event any dog over six (6) months old becomes owned or kept in Topsfield after January 1 of each year, the owner or keeper shall register such dog within thirty (30) days of the date the dog became so owned or kept, or pay the late fee as provided for in this section.

No dog shall be licensed for the current year until all fees and fines from the previous year have been paid.

23-2.4 Fees to Be Paid into Town Treasury. Notwithstanding the provisions of Section 147 of said Chapter 140 or any other provision of law to the contrary, all money received from the issuance of dog licenses by the Town, or recovered as fines or penalties by the Town under the provisions of Chapter 140 relating to dogs, shall be paid into the treasury of the Town and shall not thereafter be paid over by the Town Treasurer to Essex County.

23-2.5 Damages Paid from Town Treasury. Notwithstanding the provisions of Section 147 of said Chapter 140 or any other provision of law to the contrary, whoever suffers loss by the worrying, maiming

or killing of his livestock or fowl by dogs outside the premises of the owners or keepers of such dogs, shall, after investigation as provided in Section 161 of Chapter 140, be paid from the Town Treasury as provided in Section 161 of Chapter 140.

23-3 DOG COMPLAINTS FOR NUISANCE.

23-3.1 Definition of Nuisance. Animal behavior which constitutes a nuisance includes, but is not limited to, the following: molesting passerby or passing vehicles (including bicycles), attacking persons or domestic animals, trespassing on school grounds or other public property, damaging public or private property, barking, whining, or howling in an excessive, continuous, or untimely fashion.

23-3.2 Duties and Powers of Animal Control Officer. The Animal Control Officer shall attend to all complaints, and other matters pertaining to dogs, and shall take whatever legal action is authorized by law. The Animal Control Officer shall be empowered to enforce this By-Law and no person shall interfere with or hinder, molest or abuse any Animal Control Officer in the exercise of such powers.

23-3.3 Abandoned and Abused Dogs. 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 not less than three (3) days.

23-3.4 Impounded Dogs. Impounded dogs shall be kept for ten (10) days unless reclaimed by their owners. Dogs not claimed by their owners within ten (10) days or placed in suitable new homes, may be humanely euthanized by the Animal Control Officer or by an agency delegated by him to exercise that authority.

23-3.5 Quarantined Dogs. Any dog which bites a person shall be quarantined for ten (10) days if ordered by the Animal Control Officer. During quarantine, the dog shall be securely confined and kept from contact with any other animals. At the discretion of the Animal Control Officer, the quarantine may be on the premises of the owner. If the Animal Control Officer requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at his own expense, place it in a veterinary hospital.

23-3.6 Female Dogs in Heat. If the Animal Control Officer determines that a female animal, in heat, even when confined to the property of the owner or keeper, is attracting other animals to the area, which condition causes disturbance or damage to neighboring property or public areas, the Animal Control Officer may require the owner or keeper to place and keep the animal while in heat in a kennel or to remove it from the area so that the nuisance is abated.

23-3.7 Uncontrolled Dogs. The Animal Control Officer is authorized to require owners or keepers of dogs to prevent such dogs from running at large in schools, school playgrounds, parks or public recreational areas. The Animal Control Officer is further authorized to require owners or keepers of dogs to restrain their dogs from running at large when it has been determined by the Animal Control Officer that the dog is an annoyance, is dangerous, is known to cause damage in the neighborhood, or further is on the property of an owner who does not wish the dog on his or her property.

23-3.8 Barking Dogs. If the Animal Control Officer determines that an animal is a nuisance due to excessive barking, whining or howling in a continuous or untimely fashion, the Animal Control Officer is authorized to order the owner or keeper to house the animal.

23-3.9 Fee and Fine Enforcement. All pound fees, pickup fees and fines including the licensing fee shall be paid by the owner or keeper before release of the dog or dogs.

23-3.10 Pick-Up Fees. The owner of any stray dog picked up by the Animal Control Officer shall be charged a twenty-five (\$25.00) dollar fee.

23-3.11 Appeal of Order. The owner or keeper of a dog, about which the Animal Control Officer has issued an order, under the above sections of the By-Law, who wishes to appeal the order, may make such an appeal in writing to the Board of Selectmen within ten (10) days of the issuance of the order. In the event of such an appeal the Board of Selectmen will hold a public hearing.

23-4 ENFORCEMENT; PENALTY.

23-4.1 Violation; Fines. Any person violating any provision of the By-Law, other than those provisions of subsection 23-2.3 relating to the deadline for registering dogs, shall be deemed guilty of a misdemeanor and shall be punished by a fine of twenty-five (\$25.00) dollars for the first offense and fifty (\$50.00) dollars for each subsequent offense. If any violation be continuing, each day's violation shall be deemed a separate violation. Complaints will be sought in District Court according to GLc 140 ~ 173A. Under the provisions of this By-Law, the Town Clerk is authorized to accept payment of fines for violations, sought in the District Court.

23-4.2 Enforcement Officer. The Animal Control Officer and/or Police are hereby authorized to issue a Notice of Violation to an owner or keeper who has violated any provision of the By-Law.

23-4.3 Enforcement Authority. Notwithstanding the provisions of this By-Law, all other aspects of Chapter 140, Sections 135A through 175 shall still be in effect.

(Art. 10, 11/17/87; Art.46, 5/2/90; Art. 25, 5/6/92); Art. 41, 5/4/93; Art. 52, 5/7/96; Art. 25, 5/6/2008; Art. 46, 5/7/13; Art. 37, 5/6/14)