

CHAPTER XIV. CANINE CONTROL

Section 1. Purpose

The Town requires that all dog owners keep their dogs under control at all times for the purpose of protecting people and animals from injury, protecting property from damage, and preventing dog-related nuisances.

Section 2. Definitions

- A. Dog Officer - the person or persons appointed by the Selectmen or agents of a dog control facility contracting with the Town of Granby to enforce this by-law.
- B. Owner - any person who licenses a dog or keeps a dog for thirty (30) days or longer.
- C. Residence - within the boundaries of the land where the owner sleeps.
- D. Guard dog - dogs which meet the provisions of Chapter 129, Section 39B of Mass. General Laws.

Section 3. Licensing

- A. Any dog over three (3) months may be licensed. As soon as a dog becomes six (6) months, the owner shall license it with the Town Clerk providing:
 - 1. The owner's name and address
 - 2. A brief description of the dog
 - 3. A certificate of vaccination against rabies
 - 4. The license fee
 - 5. A spay or neuter certificate if applicable

- B. No license shall be issued unless the owner has recorded a valid certificate of vaccination against rabies, which shows the vaccination date and the expiration date and is signed by a veterinarian. The Clerk shall record the date of expiration. A town tag shall be attached to the dog's collar.

- C. The licensing period shall begin April 1st and shall run for one (1) year. Renewal applications shall be made between March 1st and April 30th.

- D. Application for a license must be made within thirty (30) days after obtaining a dog six (6) months or older. The Selectmen shall establish a schedule of fees for the licensing of dogs within the town.

- E. No license fees shall be required for Seeing Eye or Hearing Ear dogs. Application shall be made, however, to the Town Clerk and tags issued and worn.

- F. The Town Clerk shall maintain records of the identifying numbers of all tags issued and shall make this record available to the public.

- G. Failure to license a dog within the licensing period shall subject the owner to a late license fee/fine of \$25.00 payable in addition to any other applicable fees or fines.

Section 4. Kennel Licensing

- A. Any owner with four (4) or more dogs over the age of six (6) months may choose to obtain a kennel license. Kennel licenses shall be available in two categories: 1) Hobby Kennel - one which is maintained for breeding dogs for show or sport or which sells dogs from less than four (4) litters per year, and 2) Commercial Kennel - one which grooms, boards, or trains dogs and/or which sells more than four (4) litters per year. Kennel license fees shall vary according to the maximum number of dogs kept and whether it is a Hobby or Commercial facility. The Selectmen shall establish a schedule of fees for kennel licenses.
- B. Kennel licensing dates shall be the same as for individual licensing.
- C. All commercial kennels must maintain conditions that meet minimum State and Federal regulations concerning animal care and welfare. It shall be a condition of the issuance of a commercial kennel license that the Dog Officer, upon twenty-four hours notice, may be permitted to inspect all dogs and premises where dogs are kept in accordance with State regulations.
- D. No kennel license fees shall be charged for a non-profit animal protection organization. Application, however, shall be made to the Town Clerk and kennel tags must be worn by dogs in the custody of the organization.

Section 5. Non-conforming dogs

Any owner who allows his/her dog to do or be any of the following will be considered in violation of this by-law:

- A. Unlicensed - a dog, six (6) months or older, which is unlicensed or not relicensed by April 30 each year.
- B. Run at Large - to go beyond the boundaries of the owner's property unless the dog is:
 - 1. In sight and under voice command

2. Does not trespass on residential property. Dogs in the act of training, working, hunting, or guarding are excepted.
- C. Chase - a pedestrian, bicycle, or any other vehicle.
 - D. Bark - excessively during the day, or to bark between ten (10) p.m. and eight (8) a.m. so disturbing the reasonable quiet of the neighborhood.
 - E. Worry livestock - to worry, injure, or kill another's livestock, fowl or pet.
 - F. Vicious - a dog that menaces, attacks, or bites a person without provocation.

Section 6. Inhumane Treatment of Dogs

All owners are expected to treat their dogs in a humane and caring manner. Owners who do not maintain minimum standards of feeding, watering, and housing are in violation of this by-law.

Section 7. Removal of Dog Waste

A dog owner shall be responsible for the removal of any fecal material deposited by his/her dog on public sidewalks, public recreation areas, school property, public properties, and private residential property.

Section 8. Informal Complaint

- A. Any person may by telephone or letter inform the Dog Officer of any violation by:
 1. Identifying him/herself
 2. Describing the dog in detail.

- B. The Dog Officer shall make a log of all information received, but the identity of the complainant shall be strictly confidential with the Dog Officer.

Section 9. Formal Complaint

- A. Complaint forms shall be readily available from the Dog Officer, the Selectmen's Office, and the Police Department. Any resident may file this form at any of the above points or by mailing it to the Board of Selectmen, Kellogg Hall, 250 State Street, Granby MA 01033.
- B. Within seven (7) days of receiving a complaint form, the Dog Officer shall make a progress report to the complainant.
- C. If the complainant remains unsatisfied he/she may refile the complaint with the Selectmen. A formal hearing may be called.
- D. Confidentiality ends once a formal complaint is filed.

Section 10. Citations

- A. The Dog Officer, acting upon a personal knowledge of a non-conforming dog, may serve a citation, having the force of law, on the owner. It shall describe the dog's conduct, cite the violation, and secure the enforcement by these means:
 - 1. Warning - a warning shall state a deadline for compliance and other steps of enforcement, as necessary.
 - 2. Restraint - the owner may be ordered to restrain the dog in a specific manner. If the owner fails to comply, the Dog Officer may impound the dog for adoption or euthanasia.
 - 3. Fine - a fine may be levied to the maximum of \$25.00 for the first offense and \$50.00 for each subsequent offense to be paid to the Town Clerk. Each day of a continuing offense shall be considered a separate offense.

- B. The owner shall comply with the citation by:
 - 1. Satisfying the Dog Officer by complying with the warning or restraint order and/or
 - 2. Paying a fine within ten (10) days to the Town Clerk.
- C. Town Police Officers may issue citations for violations of this by-law.
- D. The owner has the right of appeal to the Selectmen within ten (10) days of the citation's issue.
- E. Filing an appeal suspends a fine or restitution but not a restraint order.

Section 11. Selectmen's Hearing and Order

- A. The Dog Officer or a resident may file a complaint and call for a hearing. All parties shall be served with a written notice prior to the scheduled hearing. In the case of an emergency, determined by the Chairman of the Board of Selectmen, the hearing may be held as soon as notice is delivered.
- B. The complainant shall testify under oath.. Other witnesses and the defendant may testify, under oath. The Selectmen shall issue a written decision within seven (7) days to all parties concerned.
- C. The Selectmen may order enforcement by the means stated in Section 10, Citations and Section 14, License Revocation.
- D. The Selectmen may appoint a hearing officer or panel to exercise these powers.
- E. A defendant has the right of appeal to the District Court in accordance with Mass. General Laws Chapter 140, Section 157. An appeal shall be made within ten (10) days of the postmark on the notice of the decision.

Section 12. District Court

The Town may enforce this by-law by filing a criminal complaint in the District Court if a dog owner fails to comply with a citation or order and fails to appeal according to Section 10 and 11 of the by-law.

Section 13. Impoundment and Release

- A. The Dog Officer may pick up any non-conforming dog as described in Section 5.
- B. If, by license tag or other means, the owner of an impounded dog can be identified, the Dog Officer shall return the dog to the owner and issue a citation or he/she may take the dog to the Town's pound and confine it in a humane manner.
- C. Impounded dogs shall be kept for ten (10) days unless claimed by the owner.
- D. If a veterinarian determines that a dog is seriously ill or injured, the dog may be euthanized before the ten days is over.
- E. No dog shall be released until all fines and fees are paid. Fees may include:
 - 1. Pick up charge
 - 2. Board per day
 - 3. Vaccination fees
 - 4. License fees
 - 5. Leash law violation fee, and any other charges which may be charged by the impoundment of the dog. Fines shall be paid in accordance with the Selectmen's schedule of fines.
- F. Any dog not claimed after ten (10) days may become the property of the facility being operated as the town's pound or a local non-profit dog protection organization to be placed for adoption in a suitable home or humanely euthanized.

Section 14. License Revocation

- A. The Selectmen may revoke a license if any person fails to comply with this by-law or any law governing the protection and keeping of dogs.
- B. The Selectmen shall review automatically all licenses to dog owners against whom three (3) or more violations of this by-law have been assessed in the twelve (12) month licensing period.
- C. Any owner whose license is revoked shall, within ten (10) days thereafter, be responsible for the placement or humane disposal of the offending dog and no part of the license fee shall be refunded.

Section 15. Damages by Unclaimed Dogs

The Town shall compensate a livestock owner, at fair market value, for damages caused by unclaimed dogs if the livestock owner's dog is licensed.

All claims for damages must be inspected by the Dog Officer, a member of the Board of Selectmen, and/or a Police Officer within twenty-four hours of said damages. Claim must be submitted, in writing, stating the nature of the claim, the breed of animal, and the date and location of the incident.

Section 16. Severability Clause

In the event that a clause of this by-law is found to be in violation of State law, that clause shall be severable and the remainder of the by-law shall continue in full effect.