

TOWN OF ERVING

DOG BYLAW

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TOWN OF ERVING

DOG BYLAW

SECTION I Statement of Purpose.

Erving's dogs and their owners enhance the character of the Town, and the Town seeks to encourage responsible dog ownership and behavior to the extent that they do not interfere with the reasonable expectations of residents and visitors for safety, appropriate health standards, and enjoyment of peace and quiet in public and private areas. This bylaw seeks to balance the interests of dog owners and their dogs with the interests of all Town inhabitants. These regulations are intended to guide those persons owning or keeping dogs within the Town of Erving in their role as responsible pet owners. Although it is hoped these regulations will act as an educational tool, it must also be understood that enforcement of same is necessary to protect the rights and safety of the public.

SECTION II Effective Implementation Of This Bylaw.

This bylaw shall go into effect on January 1, 2008. Until said date, all current statutes and bylaws shall remain in effect.

SECTION III Reference to Massachusetts General Laws.

The provisions of Massachusetts General Laws (herein after referred to as MGL), Chapter 140, Sections 136A through 174D inclusive as may be amended from time to time and except as modified herein, are incorporated into this bylaw relating to the regulation of dogs.

SECTION IV Definitions.

Unless otherwise set out in this bylaw, any term defined in MGL Chapter 140, Section 136A shall have the same meaning in this bylaw, and is expressly incorporated herein.

ANIMAL CONTROL OFFICER: A person or firm appointed to enforce the provisions of this bylaw.

COMMERCIAL KENNEL: One pack or collection of three (3) or more dogs on a single premise, maintained for breeding, boarding, sale, training, hunting or other purposes for a fee, and including any shop where dogs are sold.

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DOG: Any animal of the canine species, both male and female.

LICENSE PERIOD: The time between January 1st and the following December 31st, both dates inclusive.

LICENSING BOARD: The Board of Selectmen of the Town of Erving.

HOBBY KENNEL LICENSE: A license issued for the keeping of several dogs over the age of six months in a single private residence.

OWNER or KEEPER: Any person or persons, individual, partnership, company, firm, association or corporation owning or keeping, or who or which has in his or its possession, for 7 consecutive days in any calendar year, a dog or any other animal, licensed or unlicensed, and cannot show to the satisfaction of the Animal Control Officer that such animal was sold, has died, or has been given away or otherwise disposed of. Further, if the owner or keeper of a dog or other animal is a minor, the parent or guardian of such minor shall be held liable for any violation of this chapter.

SECTION V Animal Control Officer.

The Board of Selectmen shall annually appoint in the month of May an Animal Control Officer under the provisions of MGL Chapter 140, Sections 151 and 151A to carry out the provisions of this bylaw, and perform such other duties and responsibilities as may, from time to time, be determined.

The Animal Control Officer shall seek out, catch and confine any dogs within the Town that are found on public property, or on private property where said dog is trespassing and the owner or person in control of such property wants the dog removed, if said dog is in violation of any Section of this bylaw.

The Animal Control Officer shall investigate complaints of unlicensed dogs and shall, upon satisfactory evidence obtained or observed by the Animal Control Officer, issue warnings and fines to the owner or keeper of such dogs, subject to non-criminal disposition as provided in MGL Chapter 140, Section 173A. Owners cited for failure to license a dog which otherwise must be licensed under this bylaw, shall obtain a license forthwith and pay any late licensing fee; unlicensed dogs may also be impounded by the Animal Control Officer and owners shall pay all the charges associated with impoundment.

It shall be the duty of the Animal Control Officer to keep accurate and detailed records of the impoundment and disposition of all dogs held in custody; a monthly telephone log of all calls regarding dogs; all bite cases reported and the investigation of same, and to submit quarterly reports to the Board of Selectmen, with a copy to the Town Clerk. (MGL Chapter 140, Section 152)

SECTION VI Dog Fund.

A special dog fund account is hereby created by the Town of Erving. Said fund shall be used as a depository for all monies collected as fees, fines, charges, penalties and other like monies imposed under this bylaw. Funds may be appropriated from this fund to make purchases necessary to administer this bylaw and to pay any expenses relating to this bylaw or for any other costs that Chapter 140 MGL requires to be paid. Receipts allocated to this fund shall be deposited in a special account by the Town Treasurer.

SECTION VII Vaccination Requirement.

Whoever is the owner of a dog or cat six months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine approved by the Department of Public Health, and shall cause such dog or cat to be revaccinated at intervals recommended by the vaccine's manufacturer. Said owner shall produce a veterinarian's certificate that such dog or cat has been so vaccinated setting forth the date of such vaccination and the duration of immunity; or a notarized letter from a veterinarian that a certification was issued. (MGL Chapter 140, Section 145B)

Unvaccinated dogs and cats acquired or brought into the Town shall be vaccinated within thirty days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later.

Dogs and cats with lapsed vaccinations shall be re-vaccinated in accordance with rules and regulations adopted and promulgated by the Department of Public Health.

SECTION VIII Licensing Requirements.

Every dog six (6) months old or older kept in the Town of Erving shall be duly registered, numbered, described and licensed. Every person who becomes owner or keeper of such a dog shall, within thirty (30) days of its becoming six (6) months old or thirty days of becoming its owner or keeper, whichever shall last occur, shall obtain a license for said animal. (MGL Chapter 140 Sections 137 and 139)

Any owner or keeper of several dogs may acquire a hobby kennel license.

Each pet household and commercial kennel shall be available to inspection by the Animal Control Officer, a natural resources officer, fish and game warden, police officer, or building inspector or the Board of Health. (MGL Chapter 140, Section 137C)

In addition to any other information required for a dog license, an applicant must provide the Town Clerk with the applicant's name, address, and phone number. An owner or

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keeper of a dog who refuses to answer or answers falsely to persons directed or authorized to collect the required information shall be punished by a fine established by the Licensing Board. (MGL Chapter 140, Section 150)

The registering, numbering, describing and licensing of a dog shall be done by the Town Clerk on a form prescribed and supplied by the Town Clerk, and shall be subject to the conditions expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock, fowls or wildlife. (MGL Chapter 140, Section 137)

No license fee shall be refunded, in whole or in part, for any reason. (MGL Chapter 140, Section 139)

The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable materials, to which shall be securely attached a tag on a form prescribed by and distributed by the Town Clerk when a license is issued. Such tag shall state "Town of Erving," the year of issue and tag number. The Town Clerk shall maintain a record of the identifying numbers. (MGL Chapter 140, Section 137)

If any such tag is lost the owner shall secure a substitute tag issued by the Town Clerk. (MGL Chapter 140, Section 137)

The Town Clerk shall not grant any license until and unless a current rabies vaccination certificate for the animal to be licensed has been presented. (MGL Chapter 140, Section 137)

A transfer license from another location in Massachusetts shall be granted upon application provided that adequate proof is presented to the Town Clerk at the time of application. Such application shall occur within thirty (30) days of establishing residency within the Town of Erving. (MGL Chapter 140, Section 146)

SECTION IX Commercial and Hobby Kennel Registration and Fees.

Commercial kennels must be fully licensed pursuant to the provisions of MGL Chapter 140, Section 137A.

Prior to issuing commercial or hobby kennel licenses, written approval from the Special Permit Granting Authority must be provided stating said kennel is in conformity to the Erving Zoning Bylaw.

The Kennel License Period shall be the same as for individual licensing.

Any person maintaining a kennel as defined herein, upon application shall be issued a kennel license. Prior to the issuance of a kennel license, the Animal Control Officer or

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Animal Inspector or Board of Health may inspect the proposed facilities to insure they comply with any rules and regulations of the Board of Health as they may relate to kennels. (MGL Chapter 140, Section 137C)

The Town Clerk shall, upon application and without charge, issue a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals. (MGL Chapter 140, Section 137A)

Petitions or complaints against any kennel shall be filed with the Board of Selectmen. The Board, or their Designee, shall have investigatory powers over any such petitions or complaints. Said investigation shall be conducted within seven days after the filing of such petition or complaint, and notice given to all parties of interest of a public hearing to be held before the Board of Selectmen within twenty-one (21) days after the date of such notice. After such public hearing the Board may make an order either revoking or suspending such kennel license or otherwise regulating such kennel, or dismissing said petition. Within ten days after receipt of such order, the holder of such license may bring a petition in the district court as outlined in MGL Chapter 140 Section 137C. Any person maintaining a kennel after the license has been revoked, or while such license is suspended shall be punished as set forth in the penalty provision of this bylaw.

Kennel owners/operators shall be subject to Section X (Failure to License) of this bylaw.

SECTION X Failure to License.

The owner who fails to license a dog on or before February 15th of each year shall be fined in accordance with Section 21 of this bylaw. Payment of the fine under this Section is made to the Town Clerk at the time of licensing, unless, after a hearing before the Town Clerk, such fine is waived.

Any owner of a dog who fails to license a dog for a previous year, shall pay a fine to the Town Clerk at the time of licensing for the new year. Said fine shall be as stated in Section 21 of this bylaw.

SECTION XI Liability for Dogs.

Whoever suffers any loss by the worrying, maiming or killing of his live stock or fowl by a dog, which is outside the premises of the owners or keepers, may inform the Board of Selectmen, which shall investigate the damages done, determine whether the same was inflicted by a dog, and determine what part of the damages are to be paid by the Town. The Board of Selectmen shall then notify the Town Treasurer to make payment of that

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sum from available funds received by the Dog Fund; provided, however, no owner shall be reimbursed if, at the time of the loss, the owner was in violation of this bylaw. (MGL Chapter 140, Section 161)

Whoever suffers loss by the worrying, killing or maiming of his livestock or fowl by dogs shall inform the Animal Control Officer, or other authorized agent, who shall forthwith proceed to the scene to view the damage, who shall determine if the damage was done in fact by dogs and, if so, appraise the amount of damage if it does not exceed one-hundred dollars (\$100.00). (MGL Chapter 140, Section 161)

If in the opinion of the aforementioned agent of the town, the damage exceeds one-hundred (\$100.00) dollars, the damage shall be appraised on oath by three persons, one of whom shall be this agent of the town, one shall be appointed by the person alleged to have suffered the loss and the third appointed by these two. (MGL Chapter 140, Section 161)

Said appraisers shall consider and include in such damages the number and kind of animals damaged, the extent of the damage and the approximate weight of the killed animals. The appraisers will also note in their report whether or not any animals were sent for medical treatment in an effort to save them, the number and kind of such animals. Such report shall be filed in the office of the Board of Selectmen within ten days of said appraisal. The Board of Selectmen may require the appraisers to provide any additional information that they deem appropriate. The appraisal will be reviewed and submitted for payment as deemed appropriate. (MGL Chapter 140, Section 161)

Reimbursement may be denied or limited in accordance with MGL Chapter 140, Section 161A.

The owner of a dog which has done damage to livestock or fowls shall be liable in tort to the Town for all damages so done and in which the Town has been requested to pay as provided by MGL Chapter 140 or by this bylaw. Such action may be brought by the Board of Selectmen or any officer of the town designated by the Board to do so. In the event that the owner or keeper of such dog known to have done damage to livestock or fowl refuses to pay upon the order of the Selectmen, the Selectmen shall enter or cause to be entered a complaint in the District Court for the enforcement of the order.

The owner or keeper of any animal injured or killed by a motor vehicle shall be responsible for the cost of all rescue response, emergency care, treatment and/or disposal of said animal.

SECTION XII Non-Criminal Disposition of Violation.

Violations of any provision of this bylaw, or of any duly adopted and filed rules and regulations of the Board of Health for animal control, may be processed pursuant to MGL

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Chapter 40, Section 21D. Fines for violations shall be assessed according to the schedule listed in Section 21 hereunder.

If the owner of a dog fails to respond to a citation within twenty-one days, the Animal Control Officer shall forward a copy of the citation to the District Court where it shall be handled under the provisions of MGL Chapter 40, Section 21D.

Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Animal Control Officer, members of the Board of Health when so designated by the Board of Health, any person having police powers, or other person so designated by the Board of Selectmen shall have enforcement powers under this paragraph.

Each day or part thereof of violation of any provision of this bylaw or such rules and regulations, whether such violation is continuous or intermittent, shall constitute a separate and succeeding offense.

SECTION XIII Criminal Disposition.

Any person who violates any provision of this chapter, or of any duly adopted and filed rule and regulation of the Board of Health for animal control, shall be fined, if convicted, according to the schedule listed in Section 21 hereunder.

Each day or part thereof of violation of any provision of this chapter, or such rules and regulations, whether such violation is continuous or intermittent, shall constitute a separate and succeeding offense.

SECTION XIV Dog Waste Disposal.

Each person who owns, possesses or controls a dog walking in any area within the Town other than his/her own private property is responsible for the removal and proper sanitary disposal of any feces left by the dog on any location within town. Unless said feces are removed, the owner, keeper and the person then walking or otherwise in charge of said animal (or if the owner, keeper or person shall be under the age of 18, then the parent or guardian) shall be deemed to have committed a punishable offense.

The provisions of this Section shall not apply to a guide animal, hearing animal or service animal while actually engaged in the performance of its trained duties with a disabled person.

The commission of any offense punishable under this Section shall be punishable by a fine as provided in Section 21.

SECTION XV Disturbing the Peace.

No person shall own or keep in the Town any dog, whether licensed or unlicensed, which bites, barks, howls or in any other manner disturbs the public peace, or endangers the safety of any person, domesticated animal or farm animal.

SECTION XVI Complaint of Nuisance.

If any person shall make a complaint in writing to the Animal Control Officer that any dog owned or harbored within the Town is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Animal Control Officer shall investigate such complaint, which may include an examination under oath of the complainant and submit a written report to the Board of Selectmen (copy to the Town Clerk) of his findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the Board of Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. The Animal Control Officer, after investigation, may issue an interim order that such dog be restrained or muzzled for a period not to exceed fourteen (14) days to enable the Board of Selectmen to issue its order following receipt of the report of the Animal Control Officer. If the Board of Selectmen fails to act during the period of the interim order, upon expiration of the period the order is automatically vacated. (MGL Chapter 140, Section 157)

The owner or keeper of any dog who intentionally allows said dog to cause a nuisance by barking or howling shall be punished by a fine as provided in Section XXI.

SECTION XVII Dogs Required To Be Leashed.

Dog owners, keepers and persons otherwise in charge are required to physically restrain their dogs by leash when they are not on the owner's property, except if it be on the premises of another person with the knowledge and permission of such other person. In any prosecution hereunder the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

The following are excepted and excluded from the provisions of this Section:

1. The Board of Selectmen may designate times and places on public park property where dogs may be exercised or trained while under the control and supervision of their masters.
2. Any dog(s) when the same are under the supervision and control of their trainer, owners or keepers and engaged in a sporting event or hunting and not otherwise prohibited by law.

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3. Any working dogs, such as police dogs, farm dogs, service and therapy dogs, hunting dogs, or watch dogs, shall be allowed to perform their necessary duties with the proper restraint and control as may be required by its master or person or persons in whose charge the dog is assigned.

This Section shall not apply to property owned and/or controlled by the Commonwealth of Massachusetts where a separate set of rules and regulations applies.

Whoever being the owner, keeper or person in charge of said dog(s) fails to keep his dog(s) physically restrained by leash shall be punishable by a fine as provided in Section 21 for each individual dog in each individual offense.

SECTION XVIII Order To Restrain Or Muzzle.

The Animal Control Officer, or a police officer, may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed fourteen days, for any dog for any of the following reasons:

1. if found at-large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect;
2. for having bitten any person;
3. if found in a school, school yard, or public recreational area;
4. for having killed or maimed or otherwise damaged any other domesticated animal, including livestock and fowl;
5. for chasing any vehicle upon a public way or ways open to public travel in the Town; or,
6. for any violation of Sections XV, XVI or XVII supra

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Board of Selectmen (copy to Town Clerk) a report of his/her action and the reason therefore. Upon receipt of such report the Board may make such order concerning the restraining, muzzling or disposal of said dog as may be deemed necessary. If the Board fails to act upon report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order automatically is vacated.

A Police Officer or Animal Control Officer can kill a dog ordered to have been restrained if such dog is found outside of its enclosure and not under the immediate control of its owner or keeper; and, if a dog ordered to be restrained shall wound any person or wound or kill any animal, the owner or keeper of such dog shall be liable in tort to the person injured thereby in treble the amount of the damages sustained. (MGL Chapter 140, Sections 158 and 159)

SECTION XIX Appeal.

The owner or keeper of any dog that has been ordered to be restrained, muzzled or disposed of under this bylaw may, within ten (10) days after such an order is issued, bring petition in the District Court requesting that such order be reviewed by the Court and the Court shall review such action, hear witnesses and reaffirm or reverse the order of the Board of Selectmen. The decision of the Court shall be final and conclusive on both parties.

SECTION XX Impoundment.

It shall be the duty of the Animal Control Officer to investigate complaints concerning any dogs which are alleged to be in violation of this bylaw and to apprehend any dog found by him to be a public nuisance and to impound such dog in a suitable place or to order the owner thereof to restrain said dog.

Animal control officers or, in their absence, police officers may cause a dog to be impounded for any of the following causes:

1. If found without a license when a license is required;
2. If found unleashed as set forth in Section XVII of this bylaw;
3. For violation of a restraining or muzzling order as provided for in Section XVIII of this bylaw or as provided under MGL Chapter 140, Section 167, as amended;
4. For having bitten, injured or physically molested any person;
5. For having physically injured any domestic animal;
6. To restore peace when the owner or keeper of a dog is otherwise unavailable, unwilling, or physically unable to restrain his dog from causing a nuisance by continuous barking or howling
7. To ensure the safety and well-being of the particular dog.
8. For any violation of this Bylaw

No later than two days after the impounding of any dog the owner or keeper shall be notified, or if the owner or keeper of the dog is unknown or, after reasonable efforts, is not contacted, written notice shall then be posted for ten (10) consecutive days in the location for posting notices in the Town Hall, which notice shall describe the dog and the place and time of taking. Dogs impounded and unclaimed by the owner or keeper after such ten-day period shall be disposed of in accordance with the provisions of MGL Chapter 140, Section 151A.

Prior to the end of said ten day period, the owner or keeper may obtain the release of any dog impounded hereunder by obtaining a license as required by law if the dog is currently not legally licensed, and after paying all pound fees, fines, medical costs and notification costs, if any.

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A person who owns or keeps the dog and who has received such notice that the dog has been impounded and is eligible for immediate release and does not within 10 days claim said dog at the pound shall be punished by a fine as provided in Section 21 to cover the board and disposal of such dog.

Any dog which has been impounded under the provisions of this Bylaw and has not been redeemed by its owner or keeper within ten days may be humanely destroyed by the Animal Control Officer, or placed in custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of these regulations and such other regulations as shall be fixed by the Town of Erving, or shall otherwise be disposed of in accordance with the provisions of MGL Chapter 140, Section 151A, as amended.

Any person who violates the provisions of Section XVIII or this Section shall be punished by a fine as provided in Section XXI.

SECTION XXI Fees (License/Kennel), Penalties and/or Fines.

No fee shall be charged for a license for a dog specially trained to lead or serve a blind or deaf person provided that the Division of the Blind or the Division of the Deaf, as the case may be, certifies that such dog is so trained and actually in the service of a blind or deaf person. Certification of said training must be presented upon application for a dog license. (MGL Chapter 140, Section 139)

License/kennel fees shall be established by the Licensing Board pursuant to MGL Chapter 40, Section 22F, however, the initial fee structure is set by this bylaw as follows, and the Licensing Board may not make changes to the fee structure prior to January 1, 2012. License/kennel fees may not be changed in the middle of a License Period.

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| Neutered Male Dog | \$3.00 |
| Spayed Female Dog | \$3.00 |
| Unneutered Mal Dog | \$3.00 |
| Unspayed Female Dog | \$6.00 |
| Hobby kennel license | \$30.00 |
| Kennel License (up to 4 Dogs) | \$40.00 |
| Kennel License (up to 10 Dogs) | \$75.00 |
| Kennel License (11 or more Dogs) | \$125.00 |
| Replacement Tags | \$1.00 |
| Transfer Tags | \$1.00 |

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Non-criminal disposition. Whoever violates any provision of the Dog Bylaws, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in M.G. L. Chapter 40 Section 21D. The Animal Control Officer, any Police Officer and the Board of Selectmen of the Town are designated as the enforcing persons for non-criminal disposition enforcement of the Dog Bylaws.

Fines for violations of any provision of this bylaw, except where otherwise indicated shall be established by the Licensing Board pursuant to MGL Chapter 40, Section 22F, however, the initial fine structure is set by this bylaw as follows, and the Licensing Board may not make changes to the fine structure prior to January 1, 2012. Citations issued under the then current fine structure are not affected by any new fine structure that the Licensing Board may implement.

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Failure to obtain license: \$25.00 per License Period.

First offense in any twelve (12) month period: \$25.00

Second offense in any twelve (12) month period: \$50.00

Third and each subsequent offense in any twelve (12) month period: \$100.00

Each day of all said violations shall constitute a separate offense

Owners of dogs who receive five (5) or more notices of violation of this bylaw in a two year period shall be subject to a hearing before the Board of Selectmen under the provisions of MGL Chapter 140, Section 157.

Criminal disposition. The fine for violating any Section of this bylaw shall be an amount not exceeding \$100 for the first offense and not less than \$100 nor more than \$300 for each subsequent offense in any calendar year. Each day of all said violations shall constitute a separate offense

SECTION XXII Severability Clause.

If any part, Section or provision of this bylaw is found to be invalid, the remaining parts, Sections, or provisions of this bylaw shall not be affected thereby.

In the event that a conflict arises between MGL and this bylaw, the terms shall be interpreted liberally in favor of this bylaw.

Nothing contained within this Bylaw shall limit or restrict any enforcement officer's authority to seek criminal prosecution of any violation of State or Federal law.

SECTION XXIII Restrictions on Number of Dogs

No more than four (4) dogs may be kept at any private residence. Persons owning more than four (4) dogs prior to the passage of this Bylaw are permitted to keep such dogs, but may not replace them in excess of the permitted total. This Section shall not be applicable to dogs under the age of six (6) months.

SECTION XXIV Person Convicted of Cruelty to Animals

Any person or persons found guilty of a violation of any provisions of MGL Chapter 272, Sections 77, 80A, 94 or 95 will forfeit the right to own or keep any animal within the Town of Erving and must immediately, upon conviction, surrender all animals in his possession to the Animal Control Officer.

SECTION XXV Emergency Treatment of Dogs and Cats on Public Ways

Any registered veterinarian who renders emergency care of treatment to, or disposes of, a dog or cat that is injured on any way, shall receive payment from the owner of such dog or cat, if known, or if not known, from the Town of Erving Dog Fund in an amount not to exceed one-hundred dollars (\$100.00) for such care, treatment or disposal; provided, however, such emergency care, treatment or disposal shall be for the purpose of maintaining life, stabilizing the animal or alleviating suffering until the owner or keeper of such dog or cat is identified or for a period of twenty-four hours, whichever is sooner. Any veterinarian who renders such emergency care or treatment to, or disposes of, such dog or cat shall notify the Erving Animal Control Officer and, upon notification, such Animal Control Officer shall assume control of such dog or cat.

SECTION XXVI Quarantine of Dogs Suspected of Having Contagious Disease

The Board of Selectmen or their authorized agent, may order any dog which said person has reason to believe is affected with a contagious disease of a serious nature, to be quarantined or isolated for at least ten (10) days upon the premises of the owner or of the person in whose charge it is found, or in such other place as the Board of Selectmen or agent may designate. A dog, which has been quarantined or isolated by order of the Board of Selectmen or their agent, shall, during the continuance of such quarantine or isolation, be deemed to be affected with a contagious disease. The owner or keeper shall be responsible for any fees incurred for any off premise quarantine. Whoever knowingly breaks or authorizes or causes to be broken a quarantine so imposed, or whoever contrary to such order of quarantine or isolation, knowingly removes a dog or authorizes or causes it to be removed from a building, place or enclosure where it is quarantined or isolated, or

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whoever contrary to an order or notice of quarantine, knowingly places or causes or authorizes to be placed any other animals within a building, place or enclosure where a dog is quarantined or in contact therewith, or knowingly causes or authorizes to be concealed, sold, removed or transported, a dog, knowing or having reasonable cause to believe that it is affected with a contagious disease, or whoever knowingly authorizes or permits such dog to go at large within the Town of Erving, shall be punished by a fine of one hundred dollars (\$100.00) for each offense. Any such dog found at large by the Animal Control Officer, or other authorized agent of the Town, shall be captured and confined at the expense of said owner or keeper.

SECTION XXVII Informal Disposition Process

The owner of a dog that receives a citation under this bylaw may, within twenty-one (21) days, confess to the offense charged by delivering personally or through a duly authorized agent or by mailing to the Town Clerk said citation along with payment in the amount as authorized under the penalty provisions of this bylaw. The payment to the Town Clerk shall operate as a final disposition of the case.

If such person, when issued a citation, desires to contest the violation through the informal disposition process, he may, within twenty-one (21) days of said issuance, request a hearing with the Licensing Board, and may present, either in person or by counsel, any evidence he may have to refute the allegation contained in the citation. At such hearing, the Licensing Board shall make a determination as to the facts, and said determination shall be final regarding the informal disposition process.