

Title 6

ANIMALS

Chapters:

- 6.04 Dogs and Other Animals**
- 6.08 Migratory Waterfowl**

Chapter 6.04

DOGS AND OTHER ANIMALS

Sections:

- 6.04.010 Purpose.
- 6.04.020 Definitions.
- 6.04.030 Dog license required.
- 6.04.040 Late licensing.
- 6.04.050 Dog license surcharge.
- 6.04.060 Leashing required.
- 6.04.070 Animal nuisances designated.
- 6.04.080 Quarantining of dogs that bite.
- 6.04.090 Dogs running at large—Impoundment and reclamation.
- 6.04.100 Complaint against unresponsive owner or keeper.
- 6.04.110 Dogs—Rabies vaccination required.
- 6.04.120 Wearing of rabies tag required.
- 6.04.130 Dog feces.
- 6.04.140 Confinement of female dogs in heat.
- 6.04.150 Termination of ownership—Notification.
- 6.04.160 Disposal of dead animals.
- 6.04.170 Feeding wild animals.
- 6.04.180 Violation—Penalty.
- 6.04.190 Displaying Nondomesticated Animals for Entertainment.

6.04.010 Purpose.

The purpose of this bylaw is to protect the health, safety and welfare of all the inhabitants who frequent and live in the town. It is further the purpose of this bylaw to prevent the needless health hazards caused by dog bites and dog feces upon public and private properties. (Prior code § 63-1)

6.04.020 Definitions.

As used in this bylaw the following terms shall mean:

“Animal control officer” means any person or persons appointed by the board of selectmen as the animal control officer under the provisions of Chapter 140, Sections 151 and 151A of the General Laws to carry out the provisions of this bylaw.

“Animal shelter” means any premises designated by the board of selectmen for the purpose of impounding and caring for animals held under authority of this bylaw.

“Keeper” means any person keeping or harboring dogs within the town.

“Leash” means chain or line no longer than ten (10) feet long.

“Owner” means any person issued a license in accordance with the provisions of Chapter 140, Section 137 of the General Laws of the commonwealth for a dog owned or kept within the town.

“Person” means any individual, partnership, company or corporation, association, trust or similar organization.

Restraint. A dog shall be deemed to be under restraint if on the premises of its owner or keeper in a way that it may not leave the premises without its owner or keeper; if outside the premises of the owner or keeper, is accompanied by a person who shall have the dog under control by holding it firmly on a leash or otherwise at close physical restraint. (Prior code § 63-2)

6.04.030 Dog license required.

No person shall own or harbor a dog in the town, which dog is not duly licensed as required by law. (Prior code § 63-7)

6.04.040 Late licensing.

There shall be assessed a fine of fifteen dollars (\$15.00) for each year missed with respect to any dog that is not licensed within the licensing period, which extends from mid-April through the end of June. This fine shall be in addition to the penalties provided in Section 6.04.170.¹ (ATM 5-14-2002 Art. 29; ATM 5-3-1995 Art. 17; prior code § 63-8)

6.04.050 Dog license surcharge.

A surcharge of one dollar (\$1.00) will be added to the annual fee for licensing dogs. (Prior code § 63-9)

¹ Editor’s Note: Former § 6.04.170 was renumbered as § 6.04.180; ATM 5-15-2001 by Art. 51.

6.04.060 Leashing required.

The owner or keeper of any dog or dogs shall at all times keep such dog or dogs on a leash or otherwise at close physical restraint while in the physical limits of the town. (Prior code § 63-4)

6.04.070 Animal nuisances designated.

An owner shall exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive or untimely barking, molesting passerby, chasing vehicles, habitually attacking people or other domestic animals, trespassing upon school grounds, or trespassing upon public or private property, or in such manner as to damage property, shall be deemed a nuisance. (Prior code § 63-5)

6.04.080 Quarantining of dogs that bite.

Any dog which bites a person shall be quarantined for not less than ten (10) days but not more than twenty (20) days in accordance with Chapter 129, General Laws Section 21, Section 22 and Section 24. If the inspector of animals requests other confinement, the owner shall surrender the animal for the quarantine period. The second dog bite that takes place off the property of the owner or keeper is sufficient reason for the inspector of animals to request other confinement. The owner of any dog so quarantined shall pay five dollars (\$5.00) per day for care and custody of dog quarantined. Whoever is the owner or keeper of a dog found guilty of biting a person shall be punished by a fine in accordance with the penalties of Section 6.04.170. (Prior code § 63-6)

6.04.090 Dogs running at large—Impoundment and reclamation.

Dogs running at large will be impounded. If the owner is known, notice shall be given within three days to such owner. If the owner is unknown, disposition of a dog shall be as provided under Massachusetts General Laws, Chapter 140, Section 151A. The owner or keeper of any dog so impounded, may reclaim such dog upon payment of the dog license fee, if it is then unpaid, and upon payment of the following maintenance and administrative charges:

A. Current boarding rate as allowed under Chapter 140, Section 151A for each day dog is held in the pound;

B. Ten (\$10.00) dollar administrative charge for a licensed dog wearing its license tag and a fifteen (\$15.00) dollar administrative charge for an unlicensed dog or for a licensed dog not wearing its license tag, receipts therefrom shall be turned over to the town treasurer. (Prior code § 63-10)

6.04.100 Complaint against unresponsive owner or keeper.

In addition to any other statutory authority contained in Massachusetts General Laws, Chapter 140, the animal control officer may, with the approval of the board of selectmen, enter a

complaint before the board of selectmen for the purpose of obtaining an order with respect to the control or disposition of dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in the bylaw. (Prior code § 63-11)

6.04.110 Dogs—Rabies vaccination required.

Whoever is the owner or keeper of a dog six months of age or older shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. Unvaccinated dogs acquired or brought into the commonwealth shall be vaccinated within thirty (30) days after acquisition or entry into the commonwealth or upon reaching the age of six months, whichever comes later. Vaccinated dogs shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Department of Public Health. (Prior code § 63-12)

6.04.120 Wearing of rabies tag required.

Wearing of rabies tag is required of all dogs six months of age or older that has been vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. (Prior code § 63-13)

6.04.130 Dog feces.

No person who owns or harbors a dog within the town shall allow such dog to defecate on private property other than that of its owner or keeper, or on a public sidewalk, or on other public areas. If a dog defecates on property other than that of the owner or keeper, the owner of the dog shall be responsible for the immediate removal of the feces. (Prior code § 63-14)

6.04.140 Confinement of female dogs in heat.

Every female dog in heat (season) shall be confined in a building or secure enclosure in such a manner that such female dogs cannot come into contact with another animal except for planned breeding. The owner or keeper of a female dog in (season) heat shall notify animal control officer in writing of the approximate length of time the female dog will be in (season) heat so that the animal control officer may be aware of a possible disturbance or annoyance to the neighborhood by its attraction of other dogs. (Prior code § 63-15)

6.04.150 Termination of ownership—Notification.

Any person who no longer owns or harbors a dog in the town shall notify the town clerk immediately. (Prior code § 63-16)

6.04.160 Disposal of dead animals.

Disposal of household pets, such as dogs and cats that have died, and the ownership of which can be established, is the sole responsibility of the owner. In the event that the owner prefers to have the animal cremated by the dispenser of dead animals, he must be prepared to pay a fee to the town for this service. The amount of the fee is normally based on the size of the animal and shall be set by the board of health. (Prior code § 63-17)

6.04.170 Feeding wild animals.

No person shall feed any wild animals, including without limitation raccoons, homeless dogs or cats, except birds through freestanding bird feeders or bird feeders attached to a private residence, or except as provided herein. The Board of Health may issue permits for the establishment of feral cat feeding stations for the feeding of homeless cats on property in areas which are located at least 200 feet from any residence, church, school, business, or other structure for human habitation, as well as 200 feet from any park, playground, parking lot, or other open area used or intended for use by the public, provided that the owner of the property on which the feral cat feeding station is located grants written permission for the Board of Health and/or its agents, Braintree Police officers, and Braintree Animal Control Officers to enter upon the property for the purpose of inspecting and monitoring such feral cat feeding station. (ATM 5-15-2001 Art. 51 (part))

6.04.180 Violation—Penalty.

The Animal Control Officer is authorized to seek a complaint against the owner or keeper of a dog, or other person who violates the provisions of this bylaw, for which the following penalties shall be imposed:

- First offense: \$25.00.
- Second offense: \$35.00.
- Third offense: \$50.00.

For each subsequent offense a fine of fifty dollars shall be imposed for each offense so committed in the same calendar year. The Braintree Police Department is also authorized to enforce the provisions of this bylaw. (ATM 5-15-2001 Art. 51 (part); ATM 5-14-1996 Arts. 21, 22; prior code § 63-3)

6.04.190 Displaying Nondomesticated Animals for Entertainment.

No living nondomesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or similar entities on property by the Town of Braintree, or Town-owned property under lease, or on private property. As used in this paragraph, "displayed" shall include, but is not limited to, animal acts and performances, and competition. (ATM 5-16-2001 Art. 62)

Chapter 6.08

MIGRATORY WATERFOWL

Sections:

- 6.08.010 Feeding and baiting defined.**
- 6.08.020 Feeding or baiting of migratory waterfowl prohibited.**
- 6.08.030 Construal of provisions.**
- 6.08.040 Emergency feeding.**
- 6.08.050 Violation—Penalty.**

6.08.010 Feeding and baiting defined.

“Feeding and baiting” means the placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled, shucked or unshucked corn, wheat, or other grain, bread, salt, or any other feed or nutritive substances, in any manner or form, so as to constitute for such birds a lure, attraction or enticement to, on or over any such areas where such feed items have been placed, exposed, deposited, distributed or scattered. (STM 5-4-92 Art. 9 (part): prior code Ch. 64 (part))

6.08.020 Feeding or baiting of migratory waterfowl prohibited.

No person, except the Director of the Division of Fisheries and Wildlife or his agent or designee, as authorized pursuant to Chapter 131 of the Massachusetts General Laws, shall feed or bait any waterfowl of the family Anatidae (including, but not restricted to ducks, geese, gulls and swans) on any property within or abutting Sunset Lake and the Braintree Municipal Golf Course. (STM 5-4-92 Art. 9 (part): prior code Ch. 64 (part))

6.08.030 Construal of provisions.

Nothing in this bylaw shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Marine Fisheries and Wildlife, or the feeding by any person or his agents, invitees or licensees of waterfowl lawfully kept as a pet by that person. (STM 5-4-92 Art. 9 (part): prior code Ch. 64 (part))

6.08.040 Emergency feeding.

Notwithstanding any of the above, the director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when in his/her opinion, such action is necessary in order to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The director may authorize such

action by such means as he deems necessary and expedient, but such means shall include the immediate notification of the selectmen and the board of parks and playgrounds commissioners thereof by first-class mail. (STM 5-4-92 Art. 9 (part): prior code Ch. 64 (part))

6.08.050 Violation—Penalty.

Any person who violates any provision of this bylaw shall be subject to a fine of fifty dollars (\$50.00) for each offense thereof. Violations of this bylaw may be enforced pursuant to Ch. 1.08 of the Braintree Bylaws. This bylaw may be enforced by police officers, the Braintree animal control officer, agents of the board of health, environmental police officers and other enforcement officers of the Division of Law Enforcement, and by Deputy Environmental Police Officers. (STM 5-4-92 Art. 9 (part): prior code Ch. 64 (part))