

**TITLE 6**

**ANIMAL CONTROL**

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**I. REGULATION OF CONDUCT - DOGS**

6-1 Authority and Purpose

This Article is adopted pursuant to the authority of M.G.L. c.140, §§136A to 137A, inclusive, and any other relevant statutes and regulations promulgated pursuant thereto. The purpose of this Article is to establish regulations for the keeping of dogs in the City of Woburn. The definitions of all words and terms used herein shall be as set forth in M.G.L. c.140, §§136A to 137A.

## 6-2 Restraint of Dogs (leash law)

The owner, keeper, or person otherwise in control of a dog shall not suffer or allow it to run at large in any of the streets or public places in the City, or upon the premises of any person other than the owner or keeper, unless the owner or occupant of such premises grants permission. Under no circumstances shall a dog, even on a leash, be on private property of another, unless specific permission has been granted. No dog shall be permitted in any public street or place within the City unless it is effectively restrained by a chain or leash not exceeding eight (8) feet in length.

## 6-3 Impoundment

Included within his/her authority to impound a dog, the Animal Control Officer has the authority to impound a dog found running at large in violation of Section 6-2. The Animal Control Officer, upon apprehending any dog, shall make a complete registry, entering the breed, color and sex of such dog, its license number, and the name and address of the owner, if known. If the owner of an impounded dog is known, such owner shall be given notice of the impounding. Such owner may reclaim the dog upon payment of a \$100 administrative fee, together with any unpaid license fees, late fees, and fines, as well as the reasonable costs incurred by the City for impounding and maintaining the dog.

## 6-4 Removal and Proper Disposal of Dog Feces

The owner, keeper or person otherwise in control of a dog shall immediately pick up and properly dispose of any feces left by such dog on any street, sidewalk, or other public area, or on any private property that is not owned or occupied by such person. Any person who takes a dog onto a street, sidewalk, or other public place shall carry a container, tool, implement or other device to be used for picking up and containing dog feces and the person shall dispose of said dog feces in a designated receptacle or otherwise properly. The provisions of this section shall not apply to a person who employs a "service dog" as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

## 6-5 Prohibited Behavior

The owner, keeper, or person otherwise in control of a dog shall not cause or permit a dog:

- a. To be unrestrained as required by Section 6-2;
- b. To be unlicensed when a license is required by law.
- c. To be without current license and rabies vaccination tags when off the owner's property.

- d. To bite, physically injure, assault or threaten any person, without legally-recognized justification or provocation.
- e. To bite or physically injure any domestic animal, without legally recognized justification or provocation.
- f. To chase any motorist, bicyclist, or pedestrian on any public way, street, or sidewalk or in any public place.
- g. To be off the property where the dog resides, if subject to a confinement order.
- h. To be off the property where the dog resides, unmuzzled, if subject to a muzzle order.
- i. To disturb the peace and quiet enjoyment of any residential neighborhood by continuous or repeated barking, yelping, howling, or whining, without legal justification.
- j. To be present on school or cemetery property.

#### 6-6 Confinement or Muzzling

The Chief of Police or his designee may order a dog confined to the premises where it resides or to other premises or to be muzzled when off said premises if he finds, after a hearing that the dog has:

- a. Bitten, physically injured or assaulted any person, without legally recognized justification or provocation.
- b. Bitten or physically injured any domestic animal, without legally recognized justification or provocation.
- c. Chased any motorist, bicyclist or pedestrian on any public way, street, or sidewalk or in any public place on at least two occasions.

Said order may be in addition to or in lieu of any fine authorized by Section 6-7.

Nothing in this section shall preclude the Chief of Police from utilizing the procedure contained in M.G.L. c. 140, §57, as amended by Chapter 193 of the Legislative Acts of 2012, to determine that a dog is a nuisance dog or a dangerous dog and from employing one or another of the remedies specified in that statute.

#### 6-7 Penalties and Enforcement

The owner, keeper and/or person otherwise in control of a dog shall be subject to a fine for each violation of this title as follows:

- 1. For a violation of Section 6-5(d) or (e):
  - a. First offense: \$100
  - b. Second offense: \$200
  - c. Third and subsequent offense: \$300

2. For all other violations of Section 6-5:
  - a. First offense: \$ 50
  - b. Second offense: \$100
  - c. Third and subsequent offense: \$150

3. For a violation of Section 6-4:
  - a. First offense in any calendar year: \$25.00
  - b. Second offense in any calendar year: \$50.00
  - c. Third and subsequent offense in a calendar year \$75.00

In the case of a continuing offense, each day shall constitute a separate violation.

(amended 10/25/2013)

#### 6-8 Unpaid Tickets – Municipal Charges Lien

The ACO shall maintain a record of all tickets issued which remain unpaid, and submit a quarterly report thereof to the Treasurer/Collector for inclusion in the list of municipal charges liens in accordance with Title 3, Article IV, Section 3-24 and Article VI of the Woburn Municipal Code.

#### 6-9 Non-Waiver of Statutory Remedies

The provisions of this title are intended to be in addition to and not in lieu of those contained in M.G.L. c.140, §§136A, et seq., as amended by Chapter 193 of Legislative Acts of 2012; nothing contained in this title shall deprive the City from employing the remedies provided in those sections, including but not limited to disposition of a dog found to be a dangerous dog or nuisance dog, as provided in §157 of c.140, as amended.

To the maximum extent possible, the provisions of this title shall be deemed to be consistent with and/or supplemental to those contained in M.G.L. c.140, as provided in §§173 and 173A, as amended.

#### 6-10 License Period

Any person owning, harboring or having custody (keeper) or control of a dog shall license said dog annually for the period beginning January 1 of each year. Renewal of licenses must be obtained by March 15th of the following year. If a dog remains unlicensed after March 15, the owner shall be fined the sum of \$15.00 in addition to the original license fee.

6-11 License required; rabies vaccination.

The owner or keeper of a dog six months old or over shall cause it to be registered, numbered, described and licensed with the City Clerk. Proof of rabies vaccination shall be shown at the time of issuing the license.

6-12 License fees

Fees for licenses shall, except as otherwise provided, be as follows:

A. The fee for every dog license shall be:

Ten dollars (\$10.00) for every spayed or neutered dog.

Fifteen dollars (\$15.00) for every intact (unspayed or unneutered) dog.

There shall be no licensing fee for “service dogs” as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

Proof of spaying or neutering shall be shown at the time of licensing.

B. A license duly recorded shall be valid throughout the Commonwealth, except that in the case of the permanent moving of a dog into the City, the owner or keeper thereof shall, within thirty days after such moving, present the original license and tag issued by another city or town in the Commonwealth to the City Clerk and the said City Clerk shall take up the same and issue to such owner or keeper a transfer license and a tag for such dog upon payment of two dollars. The provisions of this Article relative to the form and furnishing of licenses and tags shall apply to licenses and tags issued under this paragraph. (added 4/23/2015)

6-13 Charge for lost tags

The charge for replacing lost dog tags shall be \$3.

6-14 Kennel licenses; fees

The fee for each kennel license shall be as follows:

Forty dollars (\$40.00) for kennels with 4 dogs or less;

Eighty dollars (\$80.00) for kennels with 5 – 10 dogs;

One hundred fifty dollars (\$150.00) for kennels with 11 dogs or more, but not more than 25 dogs;

Two hundred fifty dollars (\$250.00) for kennels with 26 dogs or more.

(amended 3/22/2013)

6-15 Kennel Inspections

Regular kennel inspections shall be conducted no less than twice each year by the Animal Control Officer.

6-16 Collection and Disposition of Fees

The City Clerk shall issue dog licenses and tags and collect the appropriate fees and turn all moneys over to the Treasurer/Collector on a weekly basis.

6-17. Adoption Requirements and Conditions

A dog which has been kept by the Animal Control Officer for seven (7) days and remains unclaimed shall become available for adoption. A dog adopted from a pound or shelter may be sold for not less than \$25.00. Monies so received shall be paid forthwith to the Treasurer/Collector. A condition of sale, before delivery of any dog so sold, shall require the purchaser to license the dog and certify in writing the intention to spay or neuter the animal within ninety (90) days.

6-18. Penalty and Enforcement

The Police Chief and his designee, including the Animal Control Officer, and any Woburn Police Officer shall have authority to enforce the provisions of this title. Any alleged violation of this ordinance may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent in accordance with M.G.L. c.40, §21D.

**II. MISCELLANEOUS ANIMAL REGULATIONS**

6-19 Feeding or baiting of migratory waterfowl

- A. No person, except the Director of the Division of Fisheries and Wildlife, or his agent, designee, as authorized pursuant to Chapter 131 of the General Laws, shall feed or bait any WATERFOWL or of the family of Anatidae (including, but not restricted to ducks, geese and swans) at any place within the City of Woburn. As used in this paragraph, "feeding" and "baiting" shall mean 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.

- B. Nothing in this ordinance shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Marine Fisheries and Wildlife, by a farmer as defined in M.G.L. c.128, §1A on property owned or leased by him, or the feeding of waterfowl or other birds by propagators licensed under M.G.L. c.131, §23 when such waterfowl or other birds are confined in such a manner as may be required pursuant to said §23 and any Rules and Regulations issued under authority thereof; or the feeding by any person or his agents, invitees or licenses of waterfowl lawfully kept as a pet by that person.
- C. Notwithstanding any of the above, the Director of the Division of Fisheries and Wildlife, or his agent, designee, may authorize the emergency feeding of waterfowl and other birds when, in his 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 City Council thereof by first class mail.

#### 6-20 Penalty and Enforcement

Any person who violates any provision of this ordinance shall be subject to a fine of Five Dollars (\$5.00) for each offense thereof. The Police Chief and his designee, including the Animal Control Officer, or any Woburn Police Officer shall have authority to enforce the provisions of this article. Any alleged violation of this ordinance may, in the sole discretion of the enforcing agent, be made the subject matter of noncriminal disposition proceedings commenced by such agent in accordance with M.G.L. c.40, §21D.

(amended 12/20/2012)

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