

Town of Mashpee's Dog/Cat Control Regulations

The Town voted to accept the provisions of MGL Chapter 140, Section 147A, which empowered the Town to enact by-laws and ordinances relative to the regulations, control, and disposition of dogs/cats within the Town. Special legislation was also enacted where the Chief of Police of the Town of Mashpee or his designee, shall carry out the powers and duties assigned to the Board of Selectmen with respect to dogs under the provisions of MGL Chapter 140, Section 157.

79-6. Licensing of Dogs; Other Animal Regulations. Duties of owner or keeper.

- A. Who must license. The owner or keeper is responsible for obtaining the license for each dog three (3) months old or older in his possession. He must also cause the dog to wear a collar or harness to which the dog tag has been attached.
- B. Licensing period. The licensing period runs from January 1 through December 31. A license must be obtained as follows:
 - (1) As soon as a dog is obtained or becomes three months old, if obtained at a younger age.
 - (2) On or before the expiration of thirty (30) days following the arrival of the dog in town, if brought from another state or country to the Commonwealth temporarily for the sole purpose of showing at dog shows or exhibitions.
 - (3) Within (30 days after moving into town from another Massachusetts town. If the dog was licensed in the town from which he moved, a transfer license may be obtained.
 - (4) At the beginning of each licensing period as long as the dog is kept in town.
- C. Change of ownership within the town. If the ownership of the dog is changed from one town resident to another, the new owner must forthwith give written notice to the Town Clerk. The Town Clerk shall then change the record of the license of the dog to show the new ownership. A new license certificate or tag does not need to be issued to the new owner during the licensing period in which the change took place. After the expiration of the licensing period, the new owner is responsible for obtaining a new dog license.
- D. Rabies vaccination.
 - (1) The owner or keeper of a dog or cat is responsible for having it vaccinated against rabies. The vaccination must be done by a licensed veterinarian within thirty (30) days after the dog or cat is obtained or at the time it becomes three (3) months old, whichever is later. Dogs and cats must also be revaccinated periodically in accordance with rules and regulations adopted by the Department of Public Health. The owner or keeper must obtain from the veterinarian a vaccination certificate showing the duration of the immunity, or a notarized letter stating that a certificate was issued or a metal rabies tag bearing an expiration date indicating that the certificate is still in effect.
 - (2) The Town Clerk may grant an exemption from the provisions requiring evidence of rabies vaccination if one of the following applies:
 - (a) The dog or cat is less than three (3) months old.
 - (b) The Board of Health has declared the dog or cat exempt for a specified period of time. In this case, the owner or keeper would need to obtain a veterinarian's certificate that inoculation is inadvisable because of infirmity, other physical condition or regimen or therapy and present this certificate to the Board.
 - (c) The dog or cat is in transit or has been brought into the Commonwealth temporarily for the sole purpose of showing in dog/cat shows or exhibitions.

Section 79-5.2 Penalties for failure to license a dog.

Whoever violates 79-6 shall be subject to a fine of twenty-five dollars (\$25) for each offense.

Section 79-5.3 Penalties for failure to vaccinate a dog or cat against rabies.

Whoever violates the provisions of Section 79-6.D. shall be subject to a fine of fifty dollars (\$50) for each offense.

Section 79-5.4 Penalties for failure to answer questions.

If any person falsely answers questions of a police officer or Animal Control Officer pertaining to ownership of a dog or cat, he/she shall be punished by a fine of twenty-five dollars (\$25) for each offense.

CH. 120-2 4.5.1 Excessive noise by dogs.

- A. Any person who is the owner, keeper, or individual having responsibility for a dog shall insure that such a dog is not a nuisance by reason of excessive howling or barking for a duration longer than fifteen minutes any time during the day or night. B.
- B. For the purpose of this by-law "nuisance" shall be defined as "a source of annoyance to sick or convalescing persons residing in the vicinity and disturbing a person or persons' reasonable right to peace or privacy by making loud or continuous noise by barking or howling, which is plainly audible off of the premises."
- C. Whoever violates the provisions of this section shall, upon a first offense in a calendar year, be issued a verbal warning and, upon any subsequent violation within said calendar year will be assessed a fine of fifty dollars (\$50.00).

Article 1, Section 79-5.1 Control of Dogs

No person owning or having care, custody, or control of any dog shall permit such dog to soil or defile or commit any nuisance upon any sidewalk, street, thoroughfare, beach, or wetland, in any public property, or in or upon the property of persons other than the owner or persons having the care, custody, or control of such dog, unless said person picks up any such waste and disposes of same in a sanitary manner. This section shall not apply to physically handicapped persons in sole custody or control of said dog. Penalty for violation of this section shall be twenty-five dollars (\$25.00) per offense.

Article 11, Section 54-7 Dogs on Beaches

No dogs shall be brought upon any said public beaches, nor permitted thereon. The penalty for violation of this section shall be fifty dollars (\$50.00) for each offense.

Article 1, Section 79-1 - 79-5 Restraint of Dogs

No person owning or keeping a dog in the Town of Mashpee shall permit such dog to be kept at large in the Town of Mashpee other than on the premises of the owner or keeper, except if it is on the premises of another person with the knowledge and permission of such other person. Such owner or keeper of a dog in the Town of Mashpee, which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person, shall restrain such dog.

In any prosecution hereunder, the presence of such dog at large upon the 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.

Any dog found to be at large in violation of this section shall be caught and confined by the Animal Control Officer, who shall notify forthwith the licensed owner or keeper of said dog, giving the owner or keeper a period of ten days within which to recover the dog. Return of the dog to the licensed owner or keeper shall be dependent upon admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper.

The Animal Control Officer, having custody of a dog confined under this section, shall be allowed the sum of ten dollars (\$10.00) per day for each day of confinement for the care of such dog, payable by the owner or keeper thereof.

Violation of this section shall be punishable as follows:

- First offense, by a fine of twenty-five dollars (\$25)
- Second offense, by a fine of fifty dollars (\$50)
- Third offense, by a fine of seventy-five dollars (\$75)
- Fourth and each subsequent offense, by a fine of one hundred dollars (\$100)

After the recording of the fourth offense, the Animal Control Officer may request the Chief of Police to hold a hearing pursuant to the provisions of MGL C. 140 S. 157, and to make disposition of the dog in accordance with the provisions of said law.

79-5.1. Nuisances; disposal of waste; exception; penalty

No person owning or having care, custody, or control of any dog shall permit such dog to soil or defile or commit any nuisance upon any sidewalk, street, thoroughfare, beach or wetland, in or upon any public property or in or upon the property of persons other than the owner or persons having the care, custody, or control of such dog, unless said person picks up any such waste and disposes of the same in a sanitary manner. This section shall not apply to physically handicapped persons in sole custody or control of said dog. The penalty for violation of this section shall be twenty-five dollars (\$25) per offense.

MGL C. 140, S. 157 Vicious or Barking Dogs

If a person shall make a complaint in writing to the Chief of Police of a town, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity, such Chief of Police shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, or magistrate thereof, and after such notice to the officer or officers involved as the magistrate shall review action, hear the witnesses, and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. Any party shall have the right to request a de novo hearing on the petition before a justice of the court. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the Chief of Police, or district court, as the case may be, shall be punished by a fine of not more than twenty-five dollars (\$25.00) for the first offense, and not more than one hundred dollars (\$100.00) for the second or subsequent offense. The act of a dog in attacking or biting another dog or other animal may be made the subject of a complaint under the provisions of this section.