

2014
TOWN OF SHARON



SPECIAL TOWN MEETING WARRANT

With Report and Recommendations of the Finance Committee

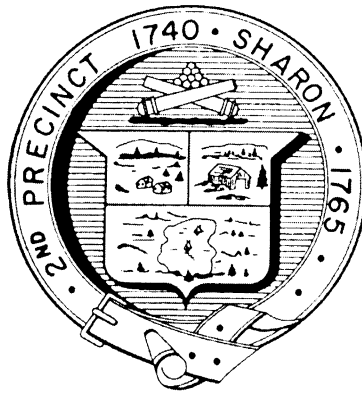
SPECIAL TOWN MEETING
MONDAY, NOVEMBER 17, 2014
7:00 P.M.

Sharon High School
Arthur E. Collins Auditorium
181 Pond Street

PLEASE BRING THIS REPORT TO THE MEETING

Registered voters of Sharon planning to attend this meeting needing an ASL (American Sign Language) interpreter are urged to call the Selectmen's Office at 781-784-1500 ext. 1208

YOU MUST BE A REGISTERED VOTER TO PARTICIPATE IN THIS MEETING



OPEN WARRANT MEETING

Monday, November 10, 2014

8:00 P.M.

**Sharon High School Library (2nd floor)
181 Pond Street**

INFORMAL DISCUSSION OF WARRANT ARTICLES

**SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

Norfolk, ss.

To either Constable of the Town of Sharon, Greeting:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sharon qualified to vote in elections and Town affairs to meet at the Arthur E. Collins Auditorium at the Sharon High School on Pond Street in said Sharon on Monday, the 17th of November 2014, at 7:00 P.M., and there to act on the following articles:

ARTICLE 1

To see if the Town will vote to transfer \$7,660.00 from Treasurer Budget 00011451-511000 to Accounting Budget 00011351-511000, or take any other action relative thereto.

FINANCE DIRECTOR

ARTICLE 2

To see if the Town will raise and appropriate or transfer from available funds a sum of money to be expended by the Board of Selectmen for the acquisition by purchase, gift or eminent domain under Massachusetts General Laws Chapter 79, for general municipal purposes, including without limitation, the fee in the following parcel of land or portions thereof:

A certain parcel of land, containing 20,181 square feet of land, known and numbered as 175 Pond Street, shown as Map 81, Parcel 123 on the Sharon Assessors Map and as more particularly identified as in deeds recorded in the Norfolk Registry of Deeds in Book 50660, Page 308, and Land Court Document No. 338611, Certificate No. 96737;

or as the same may be more particularly described, and to raise and appropriate a sum of money for the cost of demolition and removal of all or a portion of the buildings and structures on the property;

and to determine whether this appropriation shall be raised by taxation, by borrowing pursuant to Chapter 44, Sections 7 and/or 8 of the General Laws;

and to authorize the Selectmen to take all actions necessary and to execute such documents as they deem necessary to accomplish the foregoing; or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 3

To see if the Town will vote to transfer \$769,453.92 from Exempt Standing Building- Middle School Project (31003994) to Exempt Standing Building -Public Safety Building project (31003999-621500), or take any other action relative thereto.

FINANCE DIRECTOR

ARTICLE 4

To see if the Town will vote to re-appropriate the sum of \$25,000 approved at the Annual Town Meeting to be used by the Public Library as follows:

To authorize the Board of Library Trustees of the Sharon Public Library to proceed with a feasibility study to examine the options for expanding and renovating its current library building, or building a new facility.

Or take any other action relative thereto.

BOARD OF LIBRARY TRUSTEES

ARTICLE 5

To see if the Town will vote to raise and appropriate or appropriate from available funds or by borrowing a sum of money for the purpose of purchasing a portable radios and related equipment for the fire department or act in relation thereto.

To see if the Town will vote to reallocate \$38,362.86 from Article 13F, for the purchase of additional departmental equipment, of the May 7, 2012 Annual Town Meeting to purchase portable radios and related equipment for the fire department, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 6

To see if the Town will vote to hear and act upon the recommendations of the Community Preservation Committee as follows: That the following amounts be appropriated or reserved from Fiscal Year 2015 Community Preservation Fund Revenues, unless otherwise specified, for

Fiscal Year 2015 Community Preservation purposes with each item considered a separate appropriation:

That the Town raise and appropriate the sum of \$47,500 as shown in the breakdown below:

Historic – Window & Roof Replacement	FY15 Annual Estimated Revenues
21 South Pleasant Street	\$45,000

(To appropriate, as recommended by the Community Preservation Committee, for replacement of windows and roof at the South Pleasant Street School Family Housing Development, located at 21 South Pleasant Street, for historic purposes under the Community Preservation Act and to appropriate from Community Housing Fund Balance the sum of \$45,000 to the Housing Authority for such purposes.)

Historic – Carnegie Library	FY15 Annual Estimated Revenues
Window Repair	\$2,500

(To appropriate, as recommended by the Community Preservation Committee, for window repair and rehabilitation, including windows grills, at the Carnegie Library, for historic purposes under the Community Preservation Act and to appropriate from FY2015 Annual Estimated Revenues the sum of \$2,500 to the Public Library for such purposes. Such appropriation shall supplement the appropriation made by vote under Article 21 of the May 5, 2014 Annual Town Meeting.)

Or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 7

To see if the Town of Sharon will approve the establishment of a Stabilization Fund according to Massachusetts General Laws c. 71, §16 G ½ for the Southeastern Regional Vocational Technical School District, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 8

To see if the Town will vote to amend Article 17, Regulation of Dogs, of the General Bylaws by deleting the existing Article 17 in its entirety and replacing it with the following new Article 17 entitled “Animal Control By-Law”:

Article 17. Animal Control By-Law

Section 1. Purpose

The purpose of this By-Law is to achieve the objectives of the animal control enabling legislation, as amended, contained in Chapter 140, Sections 136A-174E, of the Massachusetts General Laws, which includes the regulation of domesticated animals within the borders of the Town of Sharon, Massachusetts, the licensing of dogs, and the establishment of fines for violation of this By-Law.

Section 2. Applicability

This By-Law shall apply to all dogs owned by or kept by residents of the Town of Sharon: all dogs harbored or kept in the Town of Sharon, and all dogs physically within the Town of Sharon, whether on public or private property and regardless of whether ownership can be determined. This By-Law also shall apply to all residents of the Town of Sharon who bring or harbor one or more dogs within the Town of Sharon.

Section 3. Definitions

Animal Control Officer: An appointed officer authorized to enforce sections 136A to 174E, inclusive.

At Large: A dog off the premises of its owner or keeper and not under the control of a person capable of preventing the dog from being a threat to public safety, biting other domestic animals or being a public nuisance.

Attack: Aggressive physical contact initiated by an animal.

Commercial boarding or training kennel: An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under Massachusetts General Laws Chapter 129, Section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Dangerous dog: A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

Hearing authority: The Board of Selectmen of the Town of Sharon.

Keeper: A person, business, corporation, entity or society, other than the owner, having possession of a dog.

Kennel: A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

Licensing authority: The clerk of any municipality.

Livestock or fowl: A fowl or other animal kept or propagated by the owner for food or as a means of livelihood, deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that "livestock or fowl" shall not include a dog, cat or other pet.

Nuisance dog: A dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

Personal kennel: A pack or collection of more than four (4) dogs, three (3) months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.

Section 4. Licensing.

a. Licenses shall be required for any dog over six (6) months of age in accordance with Massachusetts General Laws Chapter 140, Section 137 and are valid for a one year period commencing on January 1st and expiring on December 31st of each year. The annual fee for every dog license except as otherwise provided by law shall be twenty dollars (\$20.00) for a male or female dog, unless a certificate of a registered veterinarian who performed the operation that such dog has been spayed or neutered and has thereby been deprived of the power of propagation has been shown to the Town Clerk, in which case the fee shall be fifteen dollars (\$15.00). A copy of such certificate of spaying or neutering on file in the office of any city or town clerk within the Commonwealth may be accepted as evidence that such operation has been performed. If the Town Clerk is satisfied that the certificate of the veterinarian cannot be obtained, he/she may accept in lieu thereof a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that he/she has examined such dog and that it appears to have been, and in his/her opinion, has been spayed or neutered and thereby deprived of the power of propagation.

b. A licensing authority shall not grant a license for a dog unless the owner of the dog provides the licensing authority with a veterinarian's certification that the dog has been vaccinated for rabies, certification that such dog is exempt from the rabies vaccination requirement under Massachusetts General Laws Chapter 140, Section 145B, or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog.

c. The license shall be granted upon condition that the dog shall be controlled and restrained from killing, chasing or harassing livestock or fowl.

d. No license fee shall be charged for a license for a service animal as defined by the Americans with Disabilities Act.

e. No dog license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal of the dog.

f. Should any owner or keeper of a dog fail to license his/her dog before May 31st, the owner shall pay a late fee of fifty dollars (\$50.00), in addition to the license fee. In accordance with Article 11 of the General By-Laws of the Town of Sharon, a non-criminal disposition penalty will be imposed in the amount of twenty-five (\$25.00) dollars for any owner of a dog who fails to comply with the licensing of their dog on or before June 30th of any year; said fee is to be paid in addition to the late fee and license fee. The owner of any dog impounded because of failure to license according to this By-Law, may claim such dog upon the reimbursement to the Animal Control Officer of the expense incurred for maintaining such dog according to the following fee schedule:

(i). Payment of any Kennel charges incurred for the period of the dog's impoundment.

(ii). Twenty-five (\$25) for initial handling and pick-up of the dog. Prior to its release, the owner of said dog shall obtain a license from the Town Clerk.

g. The owner or keeper of a licensed dog shall keep affixed around the dog's neck or body, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. The tag shall have inscribed upon it the dog's license number, the name of the city or town issuing the license and the year of issue. If the tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority at a cost to be determined by the city or town and the fee for the substitute shall, if received by a city or town clerk, be retained by the clerk unless otherwise provided by law.

h. Every person maintaining a kennel shall obtain a kennel license in accordance with M.G.L. Chapter 140, Section 137A.

i. The fee for every kennel license shall, except as otherwise provided, be thirty-five dollars (\$35.00) for no more than four dogs over the age of three months; sixty dollars (\$60.00) if more than four but no more than ten dogs over the age of three months; and one hundred and twenty-five (\$125.00) dollars if more than ten dogs over the age of three months are kept therein. An owner or keeper of a Personal Kennel may elect to secure a kennel license in lieu of licensing each individual dog.

j. In the case of an applicant for initial licensure, a licensing authority shall not issue a kennel license until a kennel has passed inspection by the Animal Control Officer.

k. Whoever violates M.G.L. Chapter 140, section 137, 137A, 137 B or 138 shall be assessed a penalty of fifty dollars (\$50.00).

l. Any funds collected pursuant to the provisions of this by-law, shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

Section 5. Public Nuisance

No person shall own or keep in the Town any dog which by biting, excessive barking, howling, or being at large or in any other manner becomes a public nuisance. Any unsprayed female dog in season shall be deemed a public nuisance when not confined indoors by the owner thereof, or housed in a veterinarian hospital or registered clinic.

Section 6. Penalty

Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or Selectmen issued pursuant to this chapter shall be punished by a fine of one hundred dollars (\$100.00), with a right to appeal to the District Court pursuant to M.G.L. Chapter 140, Section 157.

Section 7. Complaint of Nuisance

a. If any person shall make a complaint, pursuant to Massachusetts General Laws Chapter 140, Section 157, in writing to the Animal Control Officer or Board of Selectmen that any dog owned or harbored within the Town is a nuisance dog or is a dangerous dog, the Animal Control Officer shall investigate such complaint and submit written report to the Board of Selectmen, acting as the hearing authority, of his findings and recommendations, together with the written complaint.

b. 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 allow the Board of Selectmen to issue their order following receipt of the report of the Animal Control Officer.

c. Any dog may be restrained or muzzled pursuant to an interim order of the Animal Control Officer for any of the following reasons:

- i. For having bitten any person.
- ii. If found at large or unmuzzled, as the case may be, while an order for restraint of such dog is in effect.
- iii. If found in a school, schoolyard or public recreation area.
- iv. For having killed or maimed or otherwise damaged any other domesticated animal.
- v. For chasing any vehicle upon a public way or way open to public travel in the Town.
- vi. For any violation of this section relating to dogs.

Upon restraining or muzzling, or issuing any order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Board of Selectmen a report of his action and the reasons therefore. If the Board of Selectmen fails to act during the period of the interim order, upon expiration of the period, the interim order shall be automatically vacated.

d. Such investigation shall include notice to the owner and a hearing with an examination under oath of the complainant to determine whether the dog is a nuisance or is a dangerous dog. Based on the credible evidence and testimony presented at the public hearing, the Board of Selectmen shall, if the dog is complained of as a nuisance dog, either: (1) dismiss the complaint; or (2) deem such dog a nuisance dog. Or, if the dog is complained of as being a dangerous dog, either: (1) dismiss the complaint; (2) deem the dog is a nuisance dog; or (3) deem such dog a dangerous dog. If the Board of Selectmen deem a dog as a nuisance dog or a dangerous dog, the Board of Selectmen may order remedial action in accordance with Massachusetts General Laws Chapter 140, Section 157.

e. The owner or keeper of any dog that has been issued an order under this Section may file an appeal in accordance with Massachusetts General Laws Chapter 140, Section 157(d).

Section 8. Tethering

In accordance with the requirements of M.G.L. Section 174E, no person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than twenty-four (24) consecutive hours.

Section 9. Mandatory Leash Law

No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash or is under the control of its owner or keeper or agent of either. As used in this section, the term "control" shall include but not be limited to oral or visual commands to which the dog is obedient. Dogs running at large and not under restraint will be caught and confined for a period of up to seven days, and the known owner or keeper will be forthwith notified. Said dog shall not be released to that known owner or keeper, until a pick-up charge of twenty dollars (\$20.00) per dog shall have been paid to the Town of Sharon for services rendered in addition to a per day boarding fee which is determined by the shelter for the care and keep of each dog impounded.

Section 10. Emergency Treatment

Section 151B. A veterinarian registered under section 55 or 56A of chapter 112 who renders emergency care or treatment to, or who euthanizes, 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 city or town in which the injury occurred in an amount not to exceed \$250 for such care, treatment or euthanization; provided, however, such emergency care, treatment or euthanization shall be rendered for the purpose of maintaining life, stabilizing the animal or alleviating suffering until the owner or keeper of the dog or cat is identified or for 24 hours, whichever is sooner. A veterinarian who renders such emergency care or treatment to a dog or cat or euthanizes a dog or cat shall notify the municipal

animal control officer and the animal control officer shall assume control of the dog or cat or the remains of the dog or cat.

Section 11. Penalty-Violations of Article

In addition to the remedies set forth herein, other than as provided in Sections 4 and 6, this By-Law may be enforced by noncriminal disposition as provided in M.G.L. Chapter 40, Section 21D. For the purposes of this By-Law, the Animal Control Officer and all Sharon Police Officers, shall be designated enforcing persons. Each day on which any violation of this By-Law occurs shall be deemed to be a separate offense subject to the following penalties:

First Offense.....	\$25.00
Second Offense.....	\$50.00
Each Subsequent Offense.....	\$100.00

The issuance of a penalty or non-criminal disposition shall not preclude the Town from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this By-Law.

Section 12. Severability

Should any portion, section or provision of this By-Law be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion or provision of this By-Law.

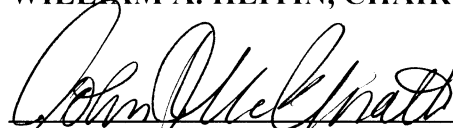
Or take any other action relative thereto.

ANIMAL CONTROL OFFICER

And you are directed to serve this Warrant by posting attested copies of the same in accordance with the Town By-Laws. Hereof fail not, and make due return of this Warrant with your doings thereon, at the time and place of meeting aforesaid.

Given under our hands this 14th day of October, A.D., 2014


WILLIAM A. HEITIN, CHAIR


JOHN J. MCGRATH, CLERK


WALTER B. ROACH, JR.

BOARD OF SELECTMEN
SHARON, MASSACHUSETTS

A True Copy: JOSEPH S. BERNSTEIN, Constable
Sharon, Massachusetts
Dated: October 14, 2014

Article 17: Regulation of Dogs

~~SECTION 1. Licenses shall be required in accordance with Massachusetts General Laws Chapter 140, Section 139 and are valid for a one year period commencing on January 1st and expiring on December 31st of each year. The annual fee for every dog license, except as otherwise provided by the law, shall be \$20 for a male dog and \$20 for a female dog, unless a certificate of registered veterinarian has been shown to the Town Clerk indicating that such male or female dog has been spayed or neutered, in which case the fees shall be \$15.~~

~~SECTION 1A. The fee for kennel licenses shall be thirty-five dollars (\$35.00) if no more than four dogs over the age of three months are kept in said kennel; sixty dollars (\$60.00) if more than four but no more than ten dogs over the age of three months are kept therein; and one hundred and twenty-five dollars (\$125.00) if more than ten dogs over the age of three months are kept therein.~~

~~SECTION 2. Disturbing the peace: No person shall own or keep in the town any dog which by biting, excessive barking, howling or in any other manner disturbs the quiet of the public.~~

~~SECTION 2A. Mandatory Leash Law: No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash or is under the control of its owner or keeper or the agent of either. As used in this section the term "control" shall include but not be limited to oral or visual commands to which the dog is obedient. Dogs running at large and not under restraint will be caught and confined for a period of up to ten days, and the owner or keeper will be forthwith notified. Said dog shall not be released to that owner or keeper, until a pick-up charge of twenty dollars (\$20.00) per dog shall have been paid to the Town of Sharon for services rendered in addition to a per day boarding fee which is determined by the shelter for the care and keep of each dog impounded.~~

~~SECTION 3. Complaint of nuisance: If any person shall make a complaint in writing to the Animal Control Officer that any dog owned or harbored within his/her jurisdiction 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 Selectmen of his/her findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complainant under oath, the 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 Selectmen to issue their order following receipt of the report of the Animal Control Officer. If the Selectmen fail to act during the period of the interim order, upon expiration of the period the interim order automatically is vacated.~~

~~SECTION 4. The Animal Control Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed fourteen (14) days, any dog for any of the following reasons:~~

~~a. for having bitten any person;~~

~~b. if found at large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect;~~

~~c. if found in a school, schoolyard or public recreational area;~~

~~d. for having killed or maimed or otherwise damaged any other domesticated animal;~~

~~e. for chasing any vehicle upon any public way or way open to public travel in the town;~~

~~f. for any violation of Section 2.~~

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

~~SECTION 5. Appeal of restraint or muzzling: The owner or keeper of any dog that has been ordered to be restrained or muzzled or has been restrained under this article, may file a request in writing with the Animal Control Officer that the restraining order be vacated, or that the dog be released, and after investigation by the Animal Control Officer such Officer may vacate such order or release such dog, if the order or restraint was imposed by him/her. If the order was imposed by the Selectmen, the Animal Control Officer shall submit a written report of his/her investigation, with his/her recommendations, to the Selectmen, who may vacate the order.~~

~~SECTION 6. Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or Selectmen issued pursuant to this article shall be punishable by a fine of one hundred dollars (\$100.00).~~

~~SECTION 7. Vaccination: It shall be unlawful for the owner of any dog over the age of six months to keep or maintain such dog unless it shall have been vaccinated by a licensed veterinarian with antirabies vaccine within two years, or within the period of immunity as certified by said veterinarian, preceding the date on which such dog is kept or maintained.~~

~~SECTION 8. Violation of this by-law other than is provided in Section 6 shall be punished by a fine of twenty-five dollars (\$25.) for a first offense, fifty dollars (\$50.) for a second offense, and one hundred dollars (\$100) for a third and subsequent offense.~~

~~SECTION 9. In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog which is not licensed on or before May 31st in any year shall be subject to a "late fee" so-called, of twenty-five (\$25.), said fee to be paid in addition to the license fee for all dogs licensed on or after May 31st of any year. The owner of any unspayed and unleashed female dog found by the Animal Control Officer roaming at large in season (heat) off the premises of the owner or keeper shall be subject to a fine of twenty-five dollars (\$25.). In~~

~~accordance with Article 11 of the General By-Laws of the Town of Sharon, a non-criminal disposition penalty will be imposed in the amount of twenty-five dollars (\$25) for any owner of a dog who fails to comply with the licensing of their dog on or before June 30th of any year: said fee is to be paid in addition to the late fee and license fee.~~

ARTICLE – ANIMAL CONTROL

To see if the Town will vote to amend Article 17, Regulation of Dogs, of the General Bylaws by deleting the existing Article 17 in its entirety and replacing it with the following new Article 17 entitled “Animal Control By-Law”:

Article 17. Animal Control By-Law

Section 1. Purpose

The purpose of this By-Law is to achieve the objectives of the animal control enabling legislation, as amended, contained in Chapter 140, Sections 136A-174E, of the Massachusetts General Laws, which includes the regulation of domesticated animals within the borders of the Town of Sharon, Massachusetts, the licensing of dogs, and the establishment of fines for violation of this By-Law.

Section 2. Applicability

This By-Law shall apply to all dogs owned by or kept by residents of the Town of Sharon: all dogs harbored or kept in the Town of Sharon, and all dogs physically within the Town of Sharon, whether on public or private property and regardless of whether ownership can be determined. This By-Law also shall apply to all residents of the Town of Sharon who bring or harbor one or more dogs within the Town of Sharon.

Section 3. Definitions

Animal Control Officer: An appointed officer authorized to enforce sections 136A to 174E, inclusive.

At Large: A dog off the premises of its owner or keeper and not under the control of a person capable of preventing the dog from being a threat to public safety, biting other domestic animals or being a public nuisance.

Attack: Aggressive physical contact initiated by an animal.

Commercial boarding or training kennel: An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under Massachusetts General Laws Chapter 129, Section 39A, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Dangerous dog: A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe

poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

Hearing authority: The Board of Selectmen of the Town of Sharon.

Keeper: A person, business, corporation, entity or society, other than the owner, having possession of a dog.

Kennel: A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

Licensing authority: The clerk of any municipality.

Livestock or fowl: A fowl or other animal kept or propagated by the owner for food or as a means of livelihood, deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that "livestock or fowl" shall not include a dog, cat or other pet.

Nuisance dog: A dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

Personal kennel: A pack or collection of more than four (4) dogs, three (3) months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the Department of Agricultural Resources, may be sold, traded, bartered or distributed if the transfer is not for profit.

Section 4. Licensing.

a. Licenses shall be required for any dog over six (6) months of age in accordance with Massachusetts General Laws Chapter 140, Section 137 and are valid for a one year period commencing on January 1st and expiring on December 31st of each year. The annual fee for every dog license except as otherwise provided by law shall be twenty dollars (\$20.00) for a male or female dog, unless a certificate of a registered veterinarian who performed the operation that such dog has been spayed or neutered and has thereby been deprived of the power of propagation has been shown to the Town Clerk, in which case the fee shall be fifteen dollars (\$15.00). A copy of such certificate of

spaying or neutering on file in the office of any city or town clerk within the Commonwealth may be accepted as evidence that such operation has been performed. If the Town Clerk is satisfied that the certificate of the veterinarian cannot be obtained, he/she may accept in lieu thereof a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that he/she has examined such dog and that it appears to have been, and in his/her opinion, has been spayed or neutered and thereby deprived of the power of propagation.

b. A licensing authority shall not grant a license for a dog unless the owner of the dog provides the licensing authority with a veterinarian's certification that the dog has been vaccinated for rabies, certification that such dog is exempt from the rabies vaccination requirement under Massachusetts General Laws Chapter 140, Section 145B, or a notarized letter from a veterinarian that either of these certifications was issued relative to such dog.

c. The license shall be granted upon condition that the dog shall be controlled and restrained from killing, chasing or harassing livestock or fowl.

d. No license fee shall be charged for a license for a service animal as defined by the Americans with Disabilities Act.

e. No dog license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth or other disposal of the dog.

f. Should any owner or keeper of a dog fail to license his/her dog before May 31st, the owner shall pay a late fee of fifty dollars (\$50.00), in addition to the license fee. In accordance with Article 11 of the General By-Laws of the Town of Sharon, a non-criminal disposition penalty will be imposed in the amount of twenty-five (\$25.00) dollars for any owner of a dog who fails to comply with the licensing of their dog on or before June 30th of any year; said fee is to be paid in addition to the late fee and license fee. The owner of any dog impounded because of failure to license according to this By-Law, may claim such dog upon the reimbursement to the Animal Control Officer of the expense incurred for maintaining such dog according to the following fee schedule:

(i). Payment of any Kennel charges incurred for the period of the dog's impoundment.

(ii). Twenty-five (\$25) for initial handling and pick-up of the dog. Prior to its release, the owner of said dog shall obtain a license from the Town Clerk.

g. The owner or keeper of a licensed dog shall keep affixed around the dog's neck or body, a collar or harness of leather or other suitable material, to which a tag shall be securely attached. The tag shall have inscribed upon it the dog's license number, the name of the city or town issuing the license and the year of issue. If the tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority at a cost to be determined by the city or town and the fee for the substitute shall, if received by a city or town clerk, be retained by the clerk unless otherwise provided by law.

h. Every person maintaining a kennel shall obtain a kennel license in accordance with M.G.L. Chapter 140, Section 137A.

i. The fee for every kennel license shall, except as otherwise provided, be thirty-five dollars (\$35.00) for no more than four dogs over the age of three months; sixty dollars (\$60.00) if more than four but no more than ten dogs over the age of three months; and one hundred and twenty-five (\$125.00) dollars if more than ten dogs over the age of three months are kept therein. An owner or keeper of a Personal Kennel may elect to secure a kennel license in lieu of licensing each individual dog.

j. In the case of an applicant for initial licensure, a licensing authority shall not issue a kennel license until a kennel has passed inspection by the Animal Control Officer.

k. Whoever violates M.G.L. Chapter 140, section 137, 137A, 137 B or 138 shall be assessed a penalty of fifty dollars (\$50.00).

l. Any funds collected pursuant to the provisions of this by-law, shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

Section 5. Public Nuisance

No person shall own or keep in the Town any dog which by biting, excessive barking, howling, or being at large or in any other manner becomes a public nuisance. Any unspayed female dog in season shall be deemed a public nuisance when not confined indoors by the owner thereof, or housed in a veterinarian hospital or registered clinic.

Section 6. Penalty

Any owner or keeper of a dog who shall fail to comply with any order of the Animal Control Officer or Selectmen issued pursuant to this chapter shall be punished by a fine of one hundred dollars (\$100.00), with a right to appeal to the District Court pursuant to M.G.L. Chapter 140, Section 157.

Section 7. Complaint of Nuisance

a. If any person shall make a complaint, pursuant to Massachusetts General Laws Chapter 140, Section 157, in writing to the Animal Control Officer or Board of Selectmen that any dog owned or harbored within the Town is a nuisance dog or is a dangerous dog, the Animal Control Officer shall investigate such complaint and submit written report to the Board of Selectmen, acting as the hearing authority, of his findings and recommendations, together with the written complaint.

b. 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 allow the Board of Selectmen to issue their order following receipt of the report of the Animal Control Officer.

c. Any dog may be restrained or muzzled pursuant to an interim order of the Animal Control Officer for any of the following reasons:

- i. For having bitten any person.
- ii. If found at large or unmuzzled, as the case may be, while an order for restraint of such dog is in effect.
- iii. If found in a school, schoolyard or public recreation area.
- iv. For having killed or maimed or otherwise damaged any other domesticated animal.
- v. For chasing any vehicle upon a public way or way open to public travel in the Town.
- vi. For any violation of this section relating to dogs.

Upon restraining or muzzling, or issuing any order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Board of Selectmen a report of his action and the reasons therefore. If the Board of Selectmen fails to act during the period of the interim order, upon expiration of the period, the interim order shall be automatically vacated.

d. Such investigation shall include notice to the owner and a hearing with an examination under oath of the complainant to determine whether the dog is a nuisance or is a dangerous dog. Based on the credible evidence and testimony presented at the public hearing, the Board of Selectmen shall, if the dog is complained of as a nuisance dog, either: (1) dismiss the complaint; or (2) deem such dog a nuisance dog. Or, if the dog is complained of as being a dangerous dog, either: (1) dismiss the complaint; (2) deem the dog is a nuisance dog; or (3) deem such dog a dangerous dog. If the Board of Selectmen deem a dog as a nuisance dog or a dangerous dog, the Board of Selectmen may order remedial action in accordance with Massachusetts General Laws Chapter 140, Section 157.

e. The owner or keeper of any dog that has been issued an order under this Section may file an appeal in accordance with Massachusetts General Laws Chapter 140, Section 157(d).

Section 8. Tethering

In accordance with the requirements of M.G.L. Section 174E, no person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than twenty-four (24) consecutive hours.

Section 9. Mandatory Leash Law

No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash or is under the control of its owner or keeper or agent of either. As used in this section, the term "control" shall include but not be limited to oral or visual commands to which the dog is obedient. Dogs running at large and not under restraint will be caught and confined for a period of up to seven days, and the known owner or keeper will be forthwith notified. Said dog shall not be released to that known owner or keeper, until a pick-up charge of twenty dollars (\$20.00) per dog shall have been paid to the Town of Sharon for services rendered in addition to a per day boarding fee which is determined by the shelter for the care and keep of each dog impounded.

Section 10. Emergency Treatment

Section 151B. A veterinarian registered under section 55 or 56A of chapter 112 who renders emergency care or treatment to, or who euthanizes, 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 city or town in which the injury occurred in an amount not to exceed \$250 for such care, treatment or euthanization; provided, however, such emergency care, treatment or euthanization shall be rendered for the purpose of maintaining life, stabilizing the animal or alleviating suffering until the owner or keeper of the dog or cat is identified or for 24 hours, whichever is sooner. A veterinarian who renders such emergency care or treatment to a dog or cat or euthanizes a dog or cat shall notify the municipal animal control officer and the animal control officer shall assume control of the dog or cat or the remains of the dog or cat.

Section 11. Penalty-Violations of Article

In addition to the remedies set forth herein, other than as provided in Sections 4 and 6, this By-Law may be enforced by noncriminal disposition as provided in M.G.L. Chapter 40, Section 21D. For the purposes of this By-Law, the Animal Control Officer and all Sharon Police Officers, shall be designated enforcing persons. Each day on which any violation of this By-Law occurs shall be deemed to be a separate offense subject to the following penalties:

First Offense.....	\$25.00
Second Offense.....	\$50.00
Each Subsequent Offense.....	\$100.00

The issuance of a penalty or non-criminal disposition shall not preclude the Town from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this By-Law.

Section 12. Severability

Should any portion, section or provision of this By-Law be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion or provision of this By-Law.

Or take any other action relative thereto.

ANIMAL CONTROL OFFICER