

SPECIAL TOWN MEETING

NOVEMBER 17, 2014

Pursuant to the provisions of the warrant of October 14, 2014, the inhabitants of the town of Sharon qualified to vote in Town affairs met at the Arthur E. Collins Auditorium at 7:00 P.M.

The meeting was called to order by Moderator David L. Yas. The Moderator said that in the absence of any objection he would assume that there was unanimous consent to waive the reading of the call and return of the warrant by Town Clerk Marlene B. Chused. There was no objection to this request.

The Moderator said that in the absence of any objection he would assume there was unanimous consent to allow the following non-voters to address the meeting: Richard Gelerman, Lisa Whelan, Cindy Amara, Cindy Doherty, Eric Hooper, Peter O'Cain, Mark Mazur, Norma Simons Fitzgerald, Timothy Farmer, Ken Wertz, Greg Meister, Amanda Lavasseur, Diane Malcolmson, Lee Ann Amend, Fred Turkington and Alicia McOsker.

VOTED UNANIMOUSLY: That whenever at this Town Meeting a majority or two thirds vote is required by statute, by-law or rule of procedure, a count need not be taken, or recorded by the clerk but may be publicly declared by the moderator. If a vote so declared is immediately questioned by seven or more voters, the count shall be taken, and the vote shall be recorded by the clerk; provided, however, that if the vote is unanimous, a count need not be taken and the clerk shall record the vote as unanimous.

VOTED UNANIMOUSLY: That the meeting adjourn at 11:00 P.M. or at the close of the Article then under discussion and to reconvene on Wednesday evening, November 19, 2014, at the Arthur E. Collins Auditorium at 7:00 P.M.

ARTICLE 1.

VOTED UNANIMOUSLY: That the Town transfer \$7,660.00 from Treasurer Budget 00011451-511000 to Accounting Budget 00011351-511000.

ARTICLE 2.

VOTED: That the Town raise and appropriate the sum of \$370,000 to be expended by the Board of Selectmen for the acquisition by purchase, 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;

and for the cost of demolition and removal of all or a portion of the buildings and structures on the property;

and further that, upon the demolition and removal of all or a portion of the buildings and structures on the property, which demolition and removal shall be confirmed to have been completed by the Town Administrator, at which point it has been determined that such property will no longer be needed for general municipal purposes, that the care, custody, management and control of the property be transferred from the Board of Selectmen for general municipal purposes to the School Committee for school purposes.

and authorize the Selectmen to take all actions necessary and to execute such documents as they deem necessary to accomplish the foregoing. **2/3 VOTE DECLARED BY MODERATOR.**

ARTICLE 3.

VOTED: That the Town transfer \$769,453.92 from Exempt Standing Building- Middle School Project (31003994) to Exempt Standing Building -Public Safety Building project (31003999-621500).

ARTICLE 4.

VOTED UNANIMOUSLY: That the Town 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.

ARTICLE 5.

VOTED UNANIMOUSLY: That the Town appropriate \$80,362.36 for the purchase of portable radios and related equipment for the fire department; \$38,362.86 from prior article 13F of the May 7, 2012 ATM and \$42,000 to come from Ambulance Reserve Account (27000231-590000).

ARTICLE 6.

VOTED: That the Town 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:

\$45,000.00 for Historic for window and roof replacement at 21 South Pleasant Street from Community Housing Fund Balance .

\$2,500.00 for Historic for window repair at the Carnegie Library from FY15 Annual Estimated Revenues.

ARTICLE 7.

VOTED: That action under Article 7 be indefinitely postponed. (Seeking establishment of a Stabilization Fund for the Southeastern Regional Vocational Technical School District.) **A standing vote. Votes in the affirmative 50 votes in the negative 47.**

ARTICLE 8.

MOTION: That the Town amend Article 17, Regulation of Dogs, of the General By-laws by deleting the existing Article 17 in its entirety and replacing it with the following new Article 17 entitled "Animal Control By-Law" exactly as printed on pages 7 to 13 of this Special Town Meeting Warrant except for the deletion of the words "or take any other action relative thereto."

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.

MOTION TO AMEND: By striking the word "shelter" and replacing with Board of Selectmen. **NOT CARRIED.**

MOTION TO AMEND: By adding the following new Section 13 after Section 12, as printed in the warrant, as follows:

Section 13. Other Animals

Whoever having the charge of custody of any member of the animal kingdom, including, but not limited to, any mammal, bird, reptile or amphibian, other than a dog, willfully suffers or permits them to enter or remain on or pass over the land of another, shall be subject to fines in accordance with Section 11. The Animal Control Officer may apprehend any animal found in violation and impound such animal in a suitable place. Any such pick-up fees, impoundment fees, veterinarian fees and/or boarding rates herein shall apply in regards to the enforcement of this section. **NOT CARRIED.**

VOTED UNANIMOUSLY: That the Town amend Article 17, Regulation of Dogs, of the General By-laws by deleting the existing Article

17 in its entirety and replacing it with the following new Article 17 entitled "Animal Control By-Law" exactly as printed on pages 7 to 13 of this Special Town Meeting Warrant except for the deletion of the words "or take any other action relative thereto."

Article 17. Animal Control By-Law

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Section 2. Applicability

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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.

VOTED UNANIMOUSLY: That this Special Town Meeting be dissolved
at 8:45 P.M.

Attendance: 117