



**Animal Control Advisory Board**  
**TOWN OF BELCHERTOWN**

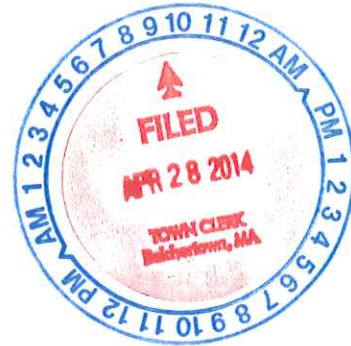
Lawrence Memorial Hall  
2 Jabish Street, P.O. Box 670  
Belchertown, Massachusetts 01007

Date: April 23, 2014

Time: Meeting Convened 6:02 pm  
Meeting Adjourned 6:38 pm  
Place: Town Hall, Selectmen's Room

Present:

Brian Breveleri, Board Member  
Carol Kasabian, Board Member  
Marlene Layman, Board Member  
Nicole Miner, Chairperson & Secretary  
Audrey Safford, Board Member  
Anna Fenton, Animal Control Officer  
Janet Lipscomb, Animal Control Officer



Only order of business to respond to the hearing of March 26, 2014 in which the complaint of the Bishops of 53 Metacomet Street for multiple incidents of running at large, excessive barking, and failure to clean up excrement against the two canines belonging to Dara & Peter Zierlein of 51 Metacomet Street was presented.

The Board found it difficult to issue sanctions against the Zierleins at this time due to lack of evidence and the Zierlein's refusal to attend a re-hearing.

As a result it was decided that the Board would write a letter to both parties stating its expectations for behavior going forward (enclosed).

This matter has been closed. In the event that the Bishop's can provide substantiated evidence, the Board will reconsider hearing their complaints.

No subsequent meeting was scheduled. Meeting adjourned at 6:38 pm.

Prepared by Nicole A. Miner, Secretary & Chair



**Animal Control Advisory Board**  
**TOWN OF BELCHERTOWN**

Lawrence Memorial Hall  
2 Jabish Street, P.O. Box 670  
Belchertown, Massachusetts 01007

April 24, 2014

Mr. & Mrs. Peter Zierlein  
51 Metacomet Street  
Belchertown, MA 01007

Mr. & Mrs. Steven Bishop  
53 Metacomet Street  
Belchertown, MA 01007

Dear Parties:

The Animal Control Advisory Board (ACAB) met on April 23, 2014 to discuss a resolution to the written complaints issued by the Bishop party in reference to the Zierlein party. After much discussion and review of all documentation provided, ACAB has decided to issue a written decision to both parties as indicated below:

**To Mr. & Mrs. Peter Zierlein:**

ACAB is of the opinion that you require a formal reminder regarding the animal control bylaws in the Town of Belchertown. ACAB expects that you follow the bylaws and conduct yourselves with reasonable behavior. It is important that you be mindful of your neighbors and respectful of the close quarters in which you reside.

In reviewing the documentation relevant to the complaint (i.e. court orders, police logs, etc.), ACAB found your past behavior to be inappropriate and un-neighborly. Furthermore, this Board finds that you have been extremely uncooperative to our requests for resolution and your poor behavior has been noted. However, due to the lack of evidence accompanied with the Bishop party's complaint, we cannot impose sanctions against you at this time.

Enclosed, please find a copy of the town bylaws pursuant to animal control. If at any time a neighboring party (including the Bishop party) can provide ample evidence that you have violated the bylaws, ACAB will impose fines and strongly consider a restraint order upon your animals. If a restraint order is issued and one subsequent bylaw is violated, your animals will be removed from your home.

Although all of the bylaws must be adhered to, we urge that you pay specific attention to the areas regarding:

- §15-6 (B) Running at large
- §15-6 (D) To bark excessively
- §15-8 Removal of dog waste

**To Mr. & Mrs. Steven Bishop:**

Due to a lack of evidence in proving your written complaints, ACAB is unable to assist you with relief at this time.

ACAB also contends that your behavior has been inappropriate and un-neighborly.

The Board strongly encourages you to compile proof in the form of clearly presented video or photographs of the Zierlein animals in violation of the bylaws. Until you are able to do so, we have closed your case and will not hear further complaints that are not substantiated with visible proof.

Regards,

A handwritten signature in black ink, appearing to read 'Nicole Miner', with a long horizontal flourish extending to the right.

Nicole Miner, Chairperson  
Animal Control Advisory Board

CC:

Office of the Belchertown Selectmen  
Anna Fenton, Animal Control Officer

Town of Belchertown, MA  
Thursday, April 24, 2014

## Chapter 15. ANIMALS

**[HISTORY: Adopted by the Town Meeting of the Town of Belchertown as indicated in article histories. Amendments noted where applicable.]**

### Article I. Dog Control

**[Adopted 5-13-1985 ATM by Art. 20 (Art. 11 of the 1985 Compendium of Bylaws); amended in its entirety 5-11-2009 ATM by Art. 18]**

#### § 15-1. Purpose.

It shall be the duty of every owner or keeper of any dog to exercise reasonable care and take all necessary steps to comply with this article, including licensing and keeping his or her dogs under control at all times to protect other people, property, and animals from injury or damage which might result from his or her animal's behavior. If the owner or keeper of any dog is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this article are complied with.

#### § 15-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**ANIMAL CONTROL OFFICER**

The person or persons appointed by the Board of Selectmen to enforce this article.

**FOSTER OWNER**

Any person harboring a dog under a nonprofit rescue group or charitable organization for no more than a year.

**KEEPER**

Any person, corporation or society, other than the owner, harboring or having in his possession any dog (MGL c. 140, § 136A).

**KENNEL**

See definition(s) in § 15-5, below.

**LICENSE PERIOD**

The time between January 1 and the following December 31, both dates inclusive.

**OWNER**

Any person who licenses a dog or keeps a dog for 30 days or longer. For the purposes of this article, the parent or guardian of a minor who owns or keeps a dog shall be considered the dog's owner or keeper.

**RESIDENCE**

Within the boundaries of the land where the owner sleeps.

**SERVICE DOG**

A dog trained in service of a person with a disability.

**SHELTER**

The public Animal Control facility for the Town of Belchertown.

**§ 15-3. Establishment of Animal Control Advisory Board.**

The Board of Selectman shall appoint an Animal Control Advisory Board.

- A. The Board shall consist of seven members, each serving for two years. Three members on the initial Board shall be appointed to one-year terms to stagger appointments. A majority of the members shall hear each case.
- B. Board members shall be appointed by the Board of Selectman and may include:
  - (1) A dog breeder.
  - (2) A dog trainer.
  - (3) A veterinarian.
  - (4) A non pet owner from the community.
  - (5) A medical professional specializing in emergency medicine.
- C. The Board shall have the authority to conduct hearings with regard to assigning fines or other penalties for violations of this article, specifying means of confinement, requiring confiscation of dogs and inspection of premises, arbitrating neighborhood disputes regarding dog nuisances, and other remedies, as described in Subsection **D**, below. A majority of members shall constitute a quorum to conduct a hearing.
- D. After a hearing is held, the Board may impose reasonable conditions on the owner or keeper of the dog, including, but not limited to, the following: requiring the owner or keeper to participate in dog training classes, responsible ownership sessions, or animal husbandry classes conducted by the state Department of Agriculture or a local organization representing responsible animal owners.
- E. Decisions of the Board may be appealed to the Board of Selectman.

**§ 15-4. Licensing procedure.**

- A. Any dog over three months of age may be licensed. As soon as a dog becomes six months of age, the owner shall license it with the Town Clerk by:
  - (1) Providing the owner's name and address and a brief description of the dog;
  - (2) Presenting a certificate of vaccination against rabies;
  - (3) Paying the license fee; and
  - (4) Attaching a Town tag to the dog's collar.
- B. No license shall be issued unless the owner has filed with the Town Clerk a valid certificate of vaccination against rabies showing the vaccination date, the expiration date and signed by a veterinarian. The Town Clerk shall record the date of expiration of each license.
- C. The licensing period shall begin January 1 and shall run for one year. Renewal applications shall be made between December 1 and January 30.
- D. Application for a license must be made within 30 days after obtaining a dog six months of age or older.
- E. No license fees shall be required for service dogs or service dogs in training or foster dogs as defined in § 15-2 for a not-for-profit organization. No license fee shall also be required

for dogs under the care of a not-for-profit rescue organization located within the Town of Belchertown as long as such organization is registered with the Commonwealth of Massachusetts as a not-for-profit rescue organization. Application shall be made with proof of foster contract from registered not-for-profit, or proof of not-for-profit status, however, to the Town Clerk who shall issue the license, which the owner shall cause to be worn by the dog,

**[Amended 5-14-2012 ATM by Art. 17]**

- F. The Town Clerk shall maintain records of the identifying numbers of all licenses issued and shall make this record available to the public.
- G. No person shall be issued a license during a period of two years from the date of his/her being found guilty or penalized for cruelty to animals. Any license already issued must be surrendered immediately following the conviction/penalty upon demand of the Town Clerk (MGL c. 140, § 137D).
- H. No fee received for a license or tag made void under this section shall be refunded to the holder thereof (MGL c. 140, § 137D).

## § 15-5. Kennel licensing.

- A. For the health, safety and well-being of dogs are that are kept/maintained in groups and to ensure that such groups do not pose a nuisance or health problem for neighbors, the Town or dog owners, the following definitions of different types of kennels apply:
  - (1) PERSONAL KENNEL — One pack or collection of more than four dogs which are six months old or over, owned or kept by a person on a single premises, under one ownership, for private personal use. Breeding of personally owned dogs may take place for the purpose of improving the breed, exhibiting, showing, use in sporting activity or other personal reasons, provided that selling, trading, bartering or the distribution of 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. Dogs temporarily housed at a personal kennel in conjunction with an animal shelter or registered nonprofit agency may be sold, traded, bartered or distributed as long as the transfer is not made for the purpose of making a profit. Personal kennel licenses shall be obtained through the Town Clerk, who shall issue a license for each qualified dog.
  - (2) COMMERCIAL BOARDING KENNEL — A kennel or establishment, other than an animal shelter or animal control facility, used for overnight boarding, holding, or stays for a fee or consideration. This does not include dogs owned by the operator, grooming facilities holding dogs solely for the purpose of grooming and not overnight boarding, time-limited training or obedience training programs, day-care services, breeders who board intact males or females for a period of time for the sole purpose of breeding, individuals who temporarily, and not in the normal course of business, board or care for animals owned by others, or a licensed pet shop.
  - (3) COMMERCIAL BREEDER KENNEL — An establishment engaged in the business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in return for consideration.
  - (4) DOMESTIC CHARITABLE CORPORATION KENNEL — A facility operated, owned, or maintained by a domestic charitable corporation registered with the town, or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of

animals. A domestic charitable corporation kennel includes a veterinary hospital or clinic operated by a licensed veterinarian, which operates for the above purpose in addition to providing medical treatment and care.

- (5) VETERINARY KENNEL — A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care. This shall not apply to a hospital or clinic used solely to house dogs that have undergone veterinary treatment, observation, or are waiting for such treatment only for the period of time needed to accomplish the needed veterinary care.
- B. Issuance of a commercial boarding kennel, commercial breeder kennel, domestic charitable corporation kennel or veterinary kennel license shall be contingent upon inspection and approval by the Animal Control Officer to ensure that basic standards of cleanliness and proper care and confinement of said dogs exist on the premises. The name and address of the owner of each dog kept in these types of kennels, if other than the person maintaining the kennel, and a veterinarian's verification that each dog six months of age or older is currently vaccinated against rabies, shall be kept on file at the kennel and available for inspection by the Animal Control Officer or any other authorized persons.
- C. All kennel license fees shall be set by the Board of Selectmen and it shall, upon application, issue without charge a domestic charitable corporation kennel license to any domestic charitable corporation which qualifies. The license period for a kennel license shall be from January 1 to December 31, inclusive. The processes and forms by which to apply for all types of kennels, except the personal kennel license, shall be issued by the Board of Selectmen in consultation with the Animal Control Advisory Board.
- D. The Animal Control Officer may, at any reasonable time, inspect any kennel or premises for which a kennel license has been issued.
- E. If the Animal Control Officer, after inspection, determines that the kennel or premises that are the subject of a kennel license are not kept in a sanitary or humane condition, or if records are not kept as required by law, the Animal Control Advisory Board may, by order after hearing, revoke or suspend such license. If a license has been revoked or suspended, the license may be reinstated after inspection and in accordance with the procedure set forth below.
- F. Within seven days after such public hearing, said Animal Advisory Control Board shall make an order either revoking or suspending such kennel license, or otherwise regulating said kennel or premises, or dismissing said petition.
- G. The holder of such license or other person who is the subject of an order may appeal to the Board of Selectmen or petition the District Court for relief in accordance with MGL c. 140, § 137C.
- H. Any person maintaining a personal or commercial kennel after the license has been so revoked, or while such license is so suspended, may be punished by a penalty for each day in violation of said revocation or suspension. In addition to any other legal remedies that may be available, the Animal Control Officer or other designated enforcing person may enforce these penalties.

## § 15-6. Violations.

Any owner or keeper who fails to comply with any of the following shall be in violation of this article:

A. Unlicensed dog: a dog, six months or older, which is unlicensed or not relicensed by January 30 each year.

- \* B. Running at large: to go beyond the boundaries of the owner's or keeper's property unless the dog is in sight and under voice command and does not trespass on private property. Dogs in the act of training, working, hunting, or guarding are excepted.

Exception: All dogs shall be confined within a vehicle in an appropriate, safe manner that prevents escape, or secured by a leash or lead no longer than six feet in length, and under the control of a responsible person while on any public street, road, highway, or parking area where motor vehicles are present. Furthermore, all dogs shall be secured by a leash or lead no longer than six feet in length and under the control of a responsible person while walking on any public sidewalk or way; or attending any outdoor function or event within the Town that is open to the public and for which dogs in attendance are allowed. Dogs that are participating or exhibiting in that function are excepted.

C. To chase a pedestrian, bicycle or any other vehicle.

- \* D. To bark excessively: a dog that causes a disturbance that interferes with a person's reasonable right to peace or privacy by barking, yelping, whining, howling, growling or otherwise repeatedly making noise for an extended period at any time of the day or night. Noise generated by dogs utilized in the production of crops, livestock or poultry is not subject to this excessive barking section.

E. Worriyng livestock: to worry, tease, threaten, injure or kill another's livestock, fowl or pet.

F. Vicious dog: a dog that attacks, bites or injures human beings, pets, companion animals or livestock or which, because of temperament, conditioning, or training has a known propensity to attack, bite or injure human beings, pets, companion animals or livestock. No dog may be declared vicious if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime, except as may be provided for in MGL c. 140, § 155. The definition shall not be construed to include dogs that are part of a governmental organization or a trained guard dog in performance of its duties. A trained guard dog is one that comes from a reputable, licensed training facility as defined by MGL c. 129, § 39B.

G. Unvaccinated dog: a dog without proof of current rabies vaccination on file with the Town Clerk.

H. Violation of quarantine: to allow a dog to run at large during the dates of a mandated quarantine following the possibility of exposure to rabies, as indicated by a veterinarian or the Animal Inspector or Board of Health. "Quarantine" is defined by state law as maintenance of a domestic animal in an escape-proof, solid-walled building with a roof, approved by the Animal Inspector of the municipality. The animal may be leash walked by an adult.

I. Order to restrain: allowing a dog to continue to run at large or continue behavior which has been determined to violate this article by the Animal Control Advisory Board in a prior hearing.



J. Untagged dog: a dog found to be without a collar and attached valid Town license.

### § 15-7. Inhumane treatment.

A. All owners and keepers are expected to treat their dogs in a humane and caring manner. owners and keepers who do not maintain minimum standards of feeding, watering and housing are in violation of this article. Any owner or keeper who fails to provide adequate drink, food, space, shelter, sanitary conditions, necessary veterinary care, and/or who causes unnecessary suffering of any dog, shall be deemed in violation of this article. For the purposes of determining if the owner or keeper has so failed to treat his or her dogs in a humane and caring manner, the following definitions shall apply:

- (1) "Proper drink" means clear, drinkable water in adequate supply.
- (2) "Proper food" means food which shall be wholesome, palatable, free from contamination, provided in sufficient quantity and which is species-appropriate and offered daily.
- (3) "Proper space" means an area sufficient to enable a dog to stand to its full height, turn around, lie down and make normal postural adjustments. Space and provision for exercise must be appropriate and sufficient.
- (4) "Proper shelter" means access to shelter that provides protection from weather, i.e., sun, wind, precipitation or other inclement weather conditions, and shelter that is maintained in a clean and sanitary condition free from extreme odor.
- (5) "Necessary veterinary care" means veterinary medical attention appropriate to the circumstances whenever a dog is known or reasonably suspected to have suffered an injury, whether accidental or deliberate, or which exhibits signs of disease process such as shock; temperature fluctuation; tremors; swelling; broken bones; open wounds; inability to eat or drink; blistering; irregular or abnormal breathing; partial or total paralysis; abnormal discharge or bleeding; mange; or other health problems.

B. It shall be unlawful to leave a dog unattended in a parked vehicle without proper ventilation to prevent the dog from suffering physical distress.

C. It shall be unlawful to transport dogs riding unsecured in the back of pickup or other trucks.

D. Any Animal Control Officer or other officer empowered to act by law may impound any dog that is not being treated humanely, as defined by this article.

### \* § 15-8. Removal of dog waste.

Any owner or keeper shall be responsible for the removal of any fecal material deposited by his/her dog on public ways, private property, public sidewalks, public recreation areas, school property, other public property and the Town Common.

### § 15-9. Informal complaint.

A. Any resident may, verbally or in writing, inform the Animal Control Officer of any violation by describing the dog in detail. The dog owner against whom the complaint is filed may be notified by the Animal Control Officer of the nature of the informal complaint.

B. The Animal Control Officer shall make a log of all informal complaints received.

### § 15-10. Formal complaint.

- A. Complaint forms shall be readily available from the Animal Control Officer, the Board of Selectmen's office and the police station. Any person may file this form at the office of the Animal Control Officer or the Board of Selectmen or by mailing it to the Animal Control Officer, Town Hall, P.O. Box 670, 2 Jabish Street, Belchertown, MA 01007.
- B. Within seven days of receiving a formal complaint, the Animal Control Officer shall make a report stating the progress of the investigation to the complainant.
- C. If the complainant remains unsatisfied with the report, he/she may refile the complaint with the Animal Control Advisory Board. A formal hearing may be called. After any hearing, the decision of the Animal Control Advisory Board may be appealed to the Board of Selectmen.
- D. An appeal to the District Court of any order of the Board of Selectmen or Animal Control Advisory Board to remove or destroy a dog shall automatically stay such order until the District Court issues a decision with regard to the order. The owner or keeper of a dog subject to an appealed order of removal or destruction shall be required to restrain the dog during the pendency of the appeal. "Restraint" shall include the following: the owner or keeper shall maintain the dog in a safe manner, to include keeping the dog on a leash at all times, keeping the dog inside of the owner's or keeper's house, except as necessary for the dog to relieve itself, and keeping the dog on the property of the owner or keeper, and/or such other conditions as the Board of Selectmen or Animal Control Officer or Animal Control Advisory Board shall require to protect the public safety.
- E. A violation of an order of restraint arising from an appeal of an order to remove or destroy a vicious dog shall result in the immediate impoundment of the dog until such time as the District Court issues a decision with regard to the order, or until such earlier time as the Board of Selectmen may determine after a hearing.

### § 15-11. Citations.

- A. The Animal Control Officer, acting upon a formal complaint and/or two or more informal complaints from separate sources within a twelve-month period may serve a citation, having the force of law, on the owner or keeper. The citation shall describe the dog's conduct, cite the violation and secure enforcement by these means:
  - (1) Warning. A warning shall state a deadline for compliance and other steps of enforcement, as may be applicable.
  - (2) Restraint. The owner or keeper may be ordered to restrain the dog in a specific manner. If the owner or keeper fails to comply, the Animal Control Officer may impound the dog.
  - (3) Penalty. A penalty for violation of this article may be levied to the maximum of \$50 for each offense, except for vicious dogs, for which the maximum penalty is \$100, to be paid to the Town Clerk. Each day of a continuing offense shall be considered a separate violation. The enforcing persons for violation of this article are the Animal Control Officer and any police officer of the Town.
- B. The owner or keeper shall comply with the citation by:
  - (1) Complying with the warning or restraint order; and/or
  - (2) Paying the penalty within 10 days to the Town Clerk, as may be determined by the Animal Control Officer.
- C. Town police officers may issue citations for violations of this article.

- D. The owner or keeper has the right of appeal to the Animal Control Advisory Board within 10 days of the citation's issue. If the owner or keeper requests a hearing before the Animal Control Advisory Board based on a citation issued from informal complaints, the complainant's identity must be revealed and the complainant shall be in attendance at the hearing. After a hearing before the Animal Control Advisory Board, the owner or keeper has the right to appeal to the Board of Selectmen.
- E. Filing an appeal suspends a fine or restitution, but not a restraint order.
- F. Upon the violation of an order of restraint issued by the Animal Control Advisory Board, the dog shall be immediately impounded. If the order of restraint has been appealed to the Board of Selectmen, the dog shall be impounded until such time as the Board of Selectmen makes a decision with regard to the appeal of the order of restraint. If the order of restraint issued by the Board of Selectmen has been appealed to the District Court, the dog shall be impounded until such time as the District Court makes a decision with regard to the appeal of the order of restraint or until such earlier time as the Board of Selectmen may determine after hearing. If the order has not been appealed to the District Court, the dog shall be impounded pending another hearing of the Board of Selectmen.
- G. All impoundment and/or daily fees, as set forth in § 15-14E, incurred during the period of impoundment of a dog under this article, shall be paid by the owner or keeper of the dog.

### § 15-12. Hearings; action by Animal Control Advisory Board; appeals.

- A. The Animal Control Officer or other person may file a complaint and request a hearing by the Animal Control Advisory Board. The owner or keeper, the complainant, and the Animal Control Officer shall be sent written notice at least seven days prior to the scheduled hearing. In the case of an emergency, determined by the Chair of the Animal Control Advisory Board, the hearing may be held before the seven days expires. In that case, the Animal Control Officer shall provide any notice that may be reasonable in the circumstances.
- B. The complainant shall testify. Other witnesses may testify. The Animal Control Advisory Board shall issue a written decision (stating findings of fact and conclusions of law) within seven days of the close of the hearing to the complainant and the owner or keeper. After a hearing before the Animal Control Advisory Board, the owner or keeper may appeal to the Board of Selectmen.
- C. The Animal Control Advisory Board may order enforcement by the means stated in § 15-11, Citations, and § 15-15, License revocation.
- D. The owner or keeper has the right of appeal to the Board of Selectmen and/or District Court in accordance with MGL c. 140, § 157. An appeal shall be made within 10 days of the postmark on the notice of the decision.

### § 15-13. Criminal complaint.

The Town may enforce this article by filing an application for a criminal complaint in the District Court if a dog owner or keeper fails to comply with a citation or order and fails to appeal according to §§ 15-11 and 15-12 of this article.

### § 15-14. Impoundment and release.

- A. The Animal Control Officer may pick up any dog that the Animal Control Officer finds to be in violation of this article as provided in § 15-6.
- B. If, by license tag or other means, the owner of an impounded dog can be identified, the Animal Control Officer shall return the dog to the owner and issue a citation or he/she may take the dog to the Town shelter and confine it in a humane manner. However, if the means of identification of the dog is by a tag other than a current license, the Animal Control Officer shall not release the dog until such time as the owner obtains a license from the Town Clerk's office. Dogs discovered to be unlicensed and/or without verifiable or current rabies vaccination shall be impounded until such time as the rabies vaccination is verified or made current by a veterinarian, and the dog is currently licensed by the Town.
- C. Impounded dogs shall be kept for 10 days unless claimed by the owner.
- D. If a veterinarian determines that a dog is seriously ill or injured, and an owner or keeper is not discovered after reasonable efforts, or, if found, the owner or keeper refuses to take custody of or provide the necessary veterinary treatment for said dog, the dog may be euthanized before the 10 days is over. However, if the owner is known or later discovered, and the dog is euthanized, the owner shall be responsible for any outstanding veterinarian bills incurred due to the treatment or euthanization of his/her dog.
- E. No dog shall be released until all fees are paid.
  - (1) Fees may include:
    - (a) Pickup.
    - (b) Keep per day.
    - (c) Rabies vaccination.
    - (d) License.
    - (e) Outstanding veterinarian bills.
  - (2) Daily care and impoundment fees.
    - (a) Daily care: \$30.
    - (b) Impoundment first offense: \$50.
    - (c) Impoundment second offense: \$75.
    - (d) Impoundment third and subsequent offense(s): \$100.
- F. Any dog not claimed after 10 days shall become the property of the Town under the custody of the Animal Control Officer. The dog may then be placed for adoption by the Town, released to a state-approved shelter/rescue for adoption or euthanized as deemed necessary by the Animal Control Officer in consultation with a veterinarian.
- G. Dogs found to be without a current rabies vaccination or current Town license shall be impounded until such time as the rabies or licensing information can be either obtained or verified, or until such time as vaccination or licensing are brought to date as required by this article and Massachusetts General Law (MGL c. 140, § 145B).
- H. The owner of a dog impounded for lack of rabies vaccination or licensing, shall pay for the impoundment fees and any other fees incurred during the time the dog is impounded. Such fees may include, but are not limited to, impoundment fees, daily fees, and veterinarian fees.

### § 15-15. License revocation.

- A. The Animal Control Advisory Board and/or the Board of Selectmen may revoke a license if any person fails to comply with this article or any law governing the protection and keeping of dogs.

- B. The Animal Control Advisory Board and/or the Board of Selectmen shall review all licenses issued to dog owners against whom three or more violations of this article have been found in the previous twelve-month licensing period.
- C. Any owner whose license is revoked shall, within 10 days thereafter, be responsible for the placement or humane disposal of the offending dog, and no part of the license fee shall be refunded.

### **§ 15-16. Severability.**

In the event that a clause of this article is found in violation of state law, that clause shall be severable, and the remainder of the article shall continue in full effect.