

TOWN OF BRAINTREE

IN COUNCIL

ORDER NO: 10 038

DATE: March 31, 2010

ORDERED: Mayor

TITLE 6, CHAPTER 6: ANIMALS

HIS HONOR, MAYOR SULLIVAN HAS SUBMITTED TO THE BRAINTREE TOWN COUNCIL THE MUNICIPAL CODE, TITLE 6, CHAPTER 6 ORDINANCE FOR THE TOWN OF BRAINTREE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT A NEW ORDINANCE, TITLE 6, CHAPTER 6-100 DOGS AND OTHER ANIMALS GENERALLY BE ESTABLISHED WITH THE TOWN'S MUNICIPAL CODE.

Chapter 6-100 Dogs and Other Animals

(Former By-law Chapter 6.04)

SECTION 6.100.010 Purpose

The purpose of this Ordinance is to protect the health, safety and welfare of all the inhabitants who frequent and live in the town. It is further the purpose of this ordinance to prevent the needless health hazards caused by dog bites and dog feces upon public and private properties. (Prior code § 63-1)

SECTION 6.100.020 Definitions

As used in this Ordinance the following terms shall have the following meanings:

- A. **Animal control officer:** any person or persons appointed by the Mayor as the animal control officer under the provisions of Chapter 140, Sections 151 and 151A of the General Laws to carry out the provisions of this ordinance.
- B. **Animal shelter:** any premises designated by the Mayor for the purpose of impounding and caring for animals held under authority of this ordinance.
- C. **Keeper:** any person keeping or harboring dogs or other domesticated animals within the town.

- D. Leash: chain or line no longer than six (6) feet long.
- E. Owner: any person issued a license in accordance with the provisions of Chapter 140, Section 137 of the General Laws of the Commonwealth for a dog owned or kept within the town.
- F. Person: any individual, partnership, company or corporation, association, trust or similar organization.
- G. Restraint: A dog shall be deemed to be under restraint if on the premises of its owner or keeper in a way that it may not leave the premises without its owner or keeper, such as confined by fence, leash, runner, or other form of restraint; if outside the premises of the owner or keeper, is accompanied by a person who shall have the dog under control by holding it firmly on a leash. (Prior code § 63-2)

SECTION 6.100.030 Dog License Required

No person shall own or harbor a dog in the town, which dog is not duly licensed as required by law. The fee for said licenses shall be established by the Town Clerk.(Prior code § 63-7)

SECTION 6.100.040 Late Licensing

There shall be assessed a fine of fifty dollars (\$50.00) for each year missed with respect to any dog that is not licensed within the licensing period, which extends from mid-April through the end of June. This fine shall be in addition to the penalties provided in Section 6.100.180. (ATM 5-14-2002 Art. 29; ATM 5-3-1995 Art. 17; prior code § 63-8)

SECTION 6.100.060 Leashing Required

The owner or keeper of any dog or dogs shall at all times keep such dog or dogs under restraint while in the physical limits of the Town. (Prior code § 63-4)

SECTION 6.100.070 Animal Nuisances Designated

An owner shall exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive or untimely barking, molesting passersby, chasing vehicles, habitually attacking people or other domestic animals, trespassing upon school grounds, or trespassing upon public or private property, or in such manner as to damage property, shall be deemed a nuisance. (Prior code § 63-5)

SECTION 6.100.080 Quarantining Dogs that Bite or Diseased Animals

Any dog which bites a person or any domesticated animal, which, upon inspection, appears to be affected with a contagious disease, shall be quarantined for not less than ten (10) days but not more than twenty (20) days in accordance with General Laws Chapter 129, Sections 21, 22 and 24. If the inspector of animals requests other confinement, the owner shall surrender the animal for the quarantine period. The second dog bite that takes place is sufficient reason for the inspector of animals to request other confinement. The owner of any dog or animal so quarantined shall pay any charges associated with the care and custody of the dog or animal

quarantined. Whoever is the owner or keeper of a dog found guilty of biting a person shall be punished by a fine in accordance with the penalties of Section 6.100.180. (Prior code § 63-6)

SECTION 6.100.090 Dogs Running At Large -Impoundment and Reclamation

Dogs running at large will be impounded. If the owner is known, notice shall be given within three days to such owner. If the owner is unknown, disposition of a dog shall be as provided under General Laws, Chapter 140, Section 151A. The owner or keeper of any dog so impounded, may reclaim such dog upon payment of the dog license fee, if it is then unpaid, and upon payment of the following maintenance and administrative charges:

- A. Current boarding rate as allowed under Chapter 140, Section 151A for each day dog is held in the pound;
- B. A ten (\$10.00) dollar administrative charge for a licensed dog wearing its license tag and a fifty (\$50.00) dollar administrative charge for an unlicensed dog or for a licensed dog not wearing its license tag, receipts therefrom shall be turned over to the Town Treasurer/Collector. (Prior code § 63-10)

SECTION 6.100.100 Complaint Against Unresponsive Owner or Keeper

In addition to any other statutory authority contained in General Laws, Chapter 140, the animal control officer may enter a complaint before the Mayor for the purpose of obtaining an order with respect to the control or disposition of dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in the ordinance. (Prior code § 63-11)

SECTION 6.100.110 Dogs - Rabies Vaccination Required

Whoever is the owner or keeper of a dog six months of age or older shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. Unvaccinated dogs acquired or brought into the Commonwealth shall be vaccinated within thirty (30) days after acquisition or entry into the Commonwealth or upon reaching the age of six months, whichever comes later. Vaccinated dogs shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Department of Public Health. (Prior code § 63-12)

SECTION 6.100.120 Wearing of Rabies Tag Required

Wearing of rabies tag is required of all dogs six months of age or older that has been vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. (Prior code § 63-13)

SECTION 6.100.130 Dog Feces

No person who owns or harbors a dog within the Town shall allow such dog to defecate on private property other than that of its owner or keeper, or on a public sidewalk, or on other public areas. If a dog defecates on property other than that of the owner or keeper, the owner of the dog shall be responsible for the immediate removal of the feces. (Prior code § 63-14)

SECTION 6.100.140 Confinement of Female Dogs in Heat

Every female dog in heat (season) shall be confined in a building or secure enclosure in such a manner that such female dogs cannot come into contact with another animal except for planned breeding. (Prior code § 63-15)

SECTION 6.100.150 Termination of Ownership - Notification

Any person who no longer owns or harbors a dog in the Town shall notify the Town Clerk immediately. (Prior code § 63-16)

SECTION 6.100.160 Disposal of Dead Animals

Disposal of household pets, such as dogs and cats and other domesticated animals, that have died, and the ownership of which can be established, is the sole responsibility of the owner and must be disposed of in accordance with the General Laws of the Commonwealth.(Prior code § 63-17)

SECTION 6.100.170 Feeding Wild Animals

No person shall feed any wild animals, including without limitation raccoons, homeless dogs or cats, except birds through freestanding bird feeders or bird feeders attached to a private residence, or except as provided herein. The Health Department may issue permits for the establishment of feral cat feeding stations for the feeding of homeless cats on property in areas which are located at least 200 feet from any residence, church, school, business, or other structure for human habitation, as well as 200 feet from any park, playground, parking lot, or other open area used or intended for use by the public, provided that the owner of the property on which the feral cat feeding station is located grants written permission from the Health Department and/or its agents, Braintree Police Officers, and Braintree Animal Control Officers to enter upon the property for the purpose of inspecting and monitoring such feral cat feeding station. (ATM 5-15-2001 Art. 51 (part))

SECTION 6.100.180 Violation - Penalty

The Animal Control Officer is authorized to seek a complaint against the owner or keeper of a dog or other domesticated animals, or other person who violates the provisions of this Ordinance, for which the following penalties shall be imposed:

First offense: \$50.00

Second offense: \$75.00

Third offense: \$100.00

For each subsequent offense a fine of one hundred dollars (\$100) shall be imposed for each offense so committed in the same calendar year. The Braintree Police Department is also authorized to enforce the provisions of this Ordinance. (ATM 5-15-2001 Art. 51 (part); ATM 5-14-1996 Arts. 21, 22; prior code § 63-3)

SECTION 6.100.190 Displaying Non-domesticated Animals for Entertainment

No living non-domesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or similar entities on property by the Town of Braintree, or Town-owned property under lease, or on private property. As used in this paragraph, "displayed" shall include, but is not limited to, animal acts, performances, and competition. (ATM 5-16-2001 Art. 62)

YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

Passed in Council: December 7, 2010
Presented to Mayor: December 8, 2010
A True Copy, Attest:

December 15, 2010

Date Approved



Joseph F. Powers, Town Clerk



Joseph C. Sullivan, Mayor



TOWN OF BRAINTREE

IN COUNCIL

ORDER NO: 10 038

DATE: March 31, 2010

ORDERED: Mayor

TITLE 6, CHAPTER 6: ANIMALS

HIS HONOR, MAYOR SULLIVAN HAS SUBMITTED TO THE BRAINTREE TOWN COUNCIL THE MUNICIPAL CODE, TITLE 6, CHAPTER 6 ORDINANCE FOR THE TOWN OF BRAINTREE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT A NEW ORDINANCE, TITLE 6, CHAPTER 6-200 MIGRATORY WATERFOWL GENERALLY BE ESTABLISHED WITH THE TOWN'S MUNICIPAL CODE.

Chapter 6-200 - MIGRATORY WATERFOWL

SECTION 6.200.010 Feeding and Baiting

As used in this Ordinance, "feeding and baiting" means the placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled, shucked or unshucked corn, wheat, or other grain, bread, salt, or any other feed or nutritive substances, in any manner or form, so as to constitute for such birds a lure, attraction or enticement to, on or over any such areas where such feed items have been placed, exposed, deposited, distributed or scattered. (STM 5-4-92 Art. 9 (part))(Prior code Ch. 64 (part))

SECTION 6.200.020 Feeding or Baiting of Migratory Waterfowl Prohibited

No person, except the Director of the Division of Fisheries and Wildlife or his agent or designee, as authorized pursuant to Chapter 131 of the General Laws, shall feed or bait any waterfowl of the family Anatidae (including, but not restricted to ducks, geese, gulls and swans) on any property within or abutting Sunset Lake, the Braintree Municipal Golf Course, or any other Town park, waterfront, school or recreational property. (STM 5-4-92 Art. 9 (part))(Prior code Ch. 64 (part))

SECTION 6.200.030 Construal of Provisions

Nothing in this Ordinance shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, or the feeding by any person or his agents, invitees or licensees of waterfowl lawfully kept as a pet by that person. (STM 5-4-92 Art. 9 (part) (Prior code Ch. 64 (part))

SECTION 6.200.040 Emergency Feeding

Notwithstanding any of the above, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when in his/her opinion, such action is necessary in order to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The director may authorize such action by such means as he deems necessary and expedient, but such means shall include the immediate notification of the Mayor thereof by first-class mail. (STM 5-4-92 Art. 9 (part))(Prior code Ch. 64 (part))

SECTION 6.200.050 Violation - Penalty

Any person who violates any provision of this Ordinance shall be subject to a fine of fifty dollars (\$50.00) for each offense thereof. Violations of this Ordinance may be enforced pursuant to Chapter 1.08 of the Town Ordinances. This Ordinance may be enforced by police officers, the animal control officer, agents of the Health Department, environmental police officers and other enforcement officers of the Division of Law Enforcement, and by Deputy Environmental Police Officers. (STM 5-4-92 Art. 9 (part))(Prior code Ch. 64 (part))

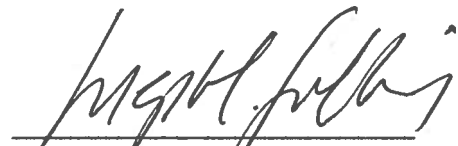
YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan
ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

Passed in Council: December 7, 2010
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DECEMBER, 15, 2010
Date Approved



Joseph F. Powers, Town Clerk



Joseph C. Sullivan, Mayor

TOWN OF BRAINTREE

IN COUNCIL

ORDER NO: 10 038 /10 039 / 10 040 / 10 041

DATE: March 31, 2010

ORDERED: Mayor

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRAINTREE THAT ALL BY-LAWS UNDER TITLE 6, 7, 8 AND 9, AS APPROVED BY TOWN MEETING THROUGH DECEMBER 31, 2007 AND AS SUBSEQUENTLY APPROVED BY THE ATTORNEY GENERAL AND PRINTED IN THE GENERAL BY-LAWS OF THE TOWN THROUGH SEPTEMBER 2008 BE REPEALED.

YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

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