

ARTICLE XIII: ANIMAL REGULATIONS

SECTION 1. Responsibility of Animal Owners

No owner or person having the care of any sheep, goats, swine, oxen, cows, horses or other grazing animals or fowl, shall permit or suffer the same to go at large or to graze on any street, way, common, square or other public place within the Town; nor permit any such animal to go upon any sidewalk therein except for the purpose of crossing the same. (3/16/36)

SECTION 2. Disturbing Noises from Animals

No person shall keep any bird, fowl, or other animal which by barks, howls or other noises disturbs the peace and quietness of any resident of the Town. (3/16/36)

SECTION 3. Dog Regulations

A. Definitions

- 1) Dog: Shall mean all animals of the canine species, both male and female.
- 2) Owner or Keeper: Shall mean any person or persons, firm, association or corporation keeping or harboring a dog.
- 3) At large: Any dog shall be deemed to be at large when it is off the premises of its owner or keeper and not under the care and control of a person demonstrating the ability to control the dog.
- 4) Care and Control: A dog shall be considered in care and control while on the premises of its owner or keeper or if the dog is on the premises of another person with knowledge and expressed permission of such other person. A dog under voice command or leashed shall be considered in the care and control of a person only if said person is competent to prevent the dog from becoming a threat to public safety.
- 5) Restraint: To limit, restrict, and keep in control by means of a leash, or by confinement within a building or a fenced barrier from which the dog cannot escape. The main purpose being to restrict the dog within specific boundaries.
- 6) Animal Control Officer: Shall be that person or persons appointed by the Selectmen to enforce this bylaw.

B. Public Nuisance

A dog shall be deemed a public nuisance for any of the following reasons (but not limited to):

- 1) If such a dog is found to be at large;
- 2) If such dog shall persistently and prolongedly bark or howl;
- 3) If found without wearing a license and a vaccine tag as required by Section B of

this bylaw;

- 4) If found in a schoolyard, public or private recreation area, store, or shopping area except that a "seeing eye" dog (or other certified assistance dog) under the care and control of its owner shall be deemed to be exempt from this provision;
- 5) For having bitten or attacked any person;
- 6) For having killed or maimed or otherwise damaged any wild or domestic animal;
- 7) For chasing a domesticated animal, pedestrian, or vehicle on a way to which the public has a right to access within the Town;
- 8) For damaging or destroying property that does not belong to its owner or keeper;
- 9) Except that a police dog acting in the line of duty shall not be considered a public nuisance;
- 10) Except that a dog being used as a so-called "hunting dog," which is being supervised as such by a person demonstrating the ability to control such dog so that it will not be a threat to public safety, shall not be considered a public nuisance;

C. License and Tags

- 1) Any owner or keeper of a dog six months of age or older shall, beginning January 1 cause the dog to be registered, numbered, described, and licensed with the Town Clerk in accordance with the laws of the Commonwealth of Massachusetts. The license shall be valid until the following December 31st.
- 2) As a prerequisite to such licensing, the owner or keeper of the dog must present evidence to the Town Clerk that the dog, if six months of age or older, shall have a current vaccination against rabies, and proof of spaying or neutering, if applicable. The fee for such a license shall be as established in Section H of this bylaw.
- 3) Should any owner of a dog previously licensed in the Town of Norfolk, fail to re-license his/her dog before March 1, the owner shall pay a late fee of \$50.00.
- 4) The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness to which shall be securely attached:
 - a) The tag evidencing current rabies inoculation; and
 - b) The license issued by the Town Clerk of Norfolk for the current license period.
- 5) No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided that the Division of the Blind certified that such dog is so trained and actually in the services of a blind person. The same shall apply to a certified service dog.

D. Control of Dogs

- 1) No owner or keeper of any dog shall at any time permit his/her dog, licensed or unlicensed, to become a public nuisance within the Town of Norfolk. Any owner found in violation of any provision of this bylaw shall be fined for each offense as established in Section H. of this bylaw, after receiving written notice under Section 1 of this bylaw. (10/22/02)
- 2) Dog excretions on either public or private property must be removed and disposed of immediately by the owner(s) or keeper(s) of the dog or the person(s) under whose care and control the owners have placed the dog. In any event, if this section is violated, the dog shall be deemed to be a public nuisance and such violation shall be considered a violation by the owner(s) or keeper(s) of the dog subject to a non-criminal fine listed in Section 3H. (10/22/02)
- 3) Impoundment by Animal Control Officer: It shall be the duty of the Animal Control Officer to apprehend any dog found at large in any street or public place within the Town of Norfolk in violation of any of the provisions of this bylaw and to impound such dog. The Animal Control Officer upon receiving any such dog shall make a complete registry entering the breed color and sex of such dog and whether licensed. The owner of the dog, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog so impounded may claim such dog upon the reimbursement to the Animal Control Officer the expenses for maintaining said dog while impounded in addition to the fines established in Section H. of this bylaw. Prior to its release, any dog that is at least six (6) months of age must have proof of current rabies inoculation shall have a proper license from the Town Clerk and be properly tagged.

E. Disposition of Unclaimed Dogs

Any dog which has been impounded and has not been redeemed by the owner within ten (10) days shall be disposed of as provided by Chapter 140, Section 151A of the General Laws of the Commonwealth of Massachusetts and any amendment thereto.

F. Restraint by Order of the Animal Control Officer

- 1) If any person shall make a complaint in writing to the Animal Control Officer or the Town that any dog within his jurisdiction is a public nuisance, the Animal Control Officer shall investigate such complaint and may restrain or muzzle or issue an interim order to restrain or muzzle for a period not to exceed fourteen (14) days. The Animal Control Officer may take similar action, without written complaint, should he/she become aware that any dog is a public nuisance.
- 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 the 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.

G. Appeal

- 1) The owner or keeper of any dog that has been ordered restrained or muzzled under this bylaw may, within seven (7) days after such an order of restraint, file a request in writing with the Animal Control Officer that the restraining order be vacated, or released. Requests shall be filed by the Animal Control Officer with the District Court Clerk who shall schedule a hearing pursuant to Massachusetts General Laws, Chapter 140, Section 173A, as amended.
- 2) The Animal Control Office may file a complaint with the District Court Clerk if the owner or keeper of any dog under a permanent restraint order continues to be a public nuisance, or has failed to pay fines within 30 days after receiving written notice under Section H of this bylaw.
- 3) The decision of the Court shall be final and conclusive on all parties. (8/01/00)

H. Fees and Fines:

- 1) Failure to re-license dog by March 1\$ 50
- 2) Non-Criminal Disposition:
 - a) Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended.
- 3) Enforcement Agent: Animal Control Officer
- 4) Fines for Violation of this bylaw:

First Offense	Warning
Second Offense.....	\$ 30
Succeeding Offenses	\$ 50 for each offense (9/1 /93)