

## **Chapter 82**

### **DOGS AND OTHER ANIMALS**

#### **ARTICLE I Animals**

**§ 82-1. Running at large.**

#### **ARTICLE II Nuisances by Dogs**

**§ 82-2. Disturbances.**

**§ 82-2.1. Leash law.**

**§ 82-3. (Reserved).**

#### **ARTICLE III Regulation of Dogs**

**§ 82-4. Adoption of statutory provisions.**

**§ 82-5. Authority of town to enforce.**

**§ 82-6. License fees.**

**§ 82-7. License requirements.**

**[HISTORY: Art. I adopted as Art. 15, Section 2, of the revised bylaws of Halifax; Art. II adopted as Art. 15, Section 7, of the revised bylaws of Halifax; Art. III, adopted 12-4-1995, Special Town Meeting, Art. 41. Amendments noted where applicable.]**

#### **ARTICLE I Animals**

**[Adopted as Art. 15, Section 2, of the revised bylaws of Halifax]**

**§ 82-1. Running at large.**

No person who owns or has charge of any horse, grazing beast, swine or poultry shall suffer or permit such animal to run at large or while at pasture to be so tethered that it can, within the limits of its tether, go upon the travelled part of any street or upon any sidewalk.

ARTICLE II  
Nuisances by Dogs  
[Adopted as Art. 15, Section 7, of the revised bylaws of Halifax]

§ 82-2. Disturbances.

No person shall own or keep in this town any dog which, by barking, howling or in any other manner, disturbs the quiet of any person.

§ 82-2.1. Leash law. [Added 5-14-1986 ATM, Article 45]

- A. No dog shall be upon the lands or ways of the town unless such dog is secured by a suitable leash or lead, one (1) end of which shall be secured in a manner as to restrain the animal, the other end of which shall be held by the owner or keeper of such dog or such other persons as may be authorized thereby; nor shall any owner or keeper of a dog permit such dog to be upon the land of anyone other than such owner or keeper unless such dog is restrained as hereinbefore described, except by the express permission of the owner or person in possession of such land.
- B. Any dog upon any land or way of the town or upon such private land except under the conditions provided in Subsection A shall be subject to apprehension and confinement by the Town Animal Control Officer<sup>1</sup>.
- C. Such dogs as may be confined under the provisions of Subsection B of this section shall be returned to the owner or keeper thereof upon payment to the Animal Control Officer of the per-day fee for the care of such dog, such per-day fee to be determined and set by the Board of Selectmen. The Animal Control Officer, upon taking such dog into custody, shall, as soon as practicable thereafter, identify the owner or keeper thereof, and, if practical, advise such owner or keeper by telephone communication of the whereabouts for the dog and the provisions for return of such dog. Notwithstanding such telephone notice the Animal Control Officer shall, within twenty-four (24) hour of identification, notify the owner or keeper of such dog, by prepaid postal card, of the whereabouts of such dog and the provisions for return of such dog to such owner or keeper. [Amended 12-44-1995, STM, Art. 42]
- D. Should the Animal Control Officer be unable, after reasonable investigation, to determine the identity of such owner or keeper within ten (10) days of apprehension or if the owner or keeper of such dog shall fail to claim such dog and pay such charges as may be due for care of such dog within ten (10) days of the mailing of the required notice, Sundays and holidays excluded, such dog shall be disposed of by the Animal Control Officer in such manner as provided by MGL c. 140, § 151A.

---

<sup>1</sup> Editor's Note: The title "Dog Officer" was amended to "Animal Control Officer" 05-13-2013 ATM, Art. 59.

- E. Penalties for violation of this Article are twenty-five dollars (\$25.) for the first offense, second violation within six (6) months, thirty-five dollars (\$35.); third or more violations within six (6) months of first violation, fifty dollars (\$50). Any violation which results in personal injury or property damage in excess of twenty-five dollars (\$25.): a fine of fifty dollars (\$50.).
- F. Any owner or keeper aggrieved by a penalty established by the Animal Control Officer shall have a right to appeal to the Board of Selectmen, which is hereby authorized to sustain, modify or vacate the determination of penalty by the Animal Control Officer. Any sums paid by such owner or keeper by which the original determination is modified or vacated shall be refunded to the payor thereof. Such appeals shall be made in writing and delivered to the Town Clerk within fifteen (15) days of delivery of the original notification of penalty. Any such appeal shall be heard by the Board of Selectmen within thirty (30) days of receipt thereof by the Town Clerk. Notice of the time and place of such hearing shall be given, in writing, by first class mail, addressed to the appellant at the address provided in such appeal, posted no less than seven (7) days before said hearing. Such funds as may be collected by the Animal Control Officer in the enforcement of this Article shall be delivered to the town treasury as soon as practicable after receipt thereof.
- G. These penalties are provided for in addition to those provided for under MGL c. 140, § 173A. This section shall be enforceable by the original acceptance.
- H. If the Animal Control Officer determines that a dog is in its oestrus cycle or in heat, is attracting other dogs and such attraction is causing damage or disturbance to any neighborhood, the Animal Control Officer shall order, in writing, the owner or keeper of such dog to confine the dog for the duration of its oestrus cycle. If the Animal Control Officer determines that such owner or keeper is not complying with such order, the Animal Control Officer shall impound said dog for the duration of its oestrus cycle at the expense of the owner or keeper.

§ 82-3. (Reserved).<sup>2</sup>

ARTICLE III<sup>3</sup>  
**Regulations of Dogs**  
[Adopted 12-4-1995 STM, Art. 41]

§ 82-4. **Adoption of statutory provisions.**

The provisions of MGL.

---

<sup>2</sup> Editor's Note: Former § 82-3, Violations and penalties, was repealed 12-4-1995 STM, Art. 41.

<sup>3</sup> Editor's Note: Former Art. III, Licensing of Dogs, adopted 5-13-1981 ATM, Art. 18, was repealed 12-4-1995 STM, Art. 41

- A. Chapter 140, §§ 136A through 174D, inclusive, except as modified herein, are incorporated into this article relating to the regulation of dogs, including but not limited to dog licensing, establishing dog fees, disposition of fees, appointment of dog officers, kennel licensing and kennel regulations, procedure for the investigation of the reimbursement for damage caused by dogs, restraining of dogs and establishing penalties for breach thereof.

**§ 82-5. Authority of Town to enforce.**

Authority vested under the provisions of MGL c. 140, §§ 137 through 174D, inclusive, shall vest in the Town, its Board of Selectmen, Town Treasurer and Town Clerk.

**§ 82-6. License fees. [Amended 5-8-2006, ATM, Art. 48]**

A. Dog licenses:

- (1) Neutered male/spayed female: \$10
- (2) Male/female: \$15

B. Kennel licenses (A non-commercial license, this does not permit an owner to board, breed or sell the dogs):

- (1) Five to nine dogs: \$90
- (2) Ten dogs or more: \$175

C. Kennel permits for boarding, breeding and selling dogs must be obtained through the Zoning Board of Appeals.

**§ 82-7. License requirements. [Amended 5-8-2006, ATM, Art. 49]**

A. All dogs from the age of six months or older shall be licensed with the Town Clerk on July 1 of each year. By September 1 of each year, the Town Clerk shall cause a notice to be sent to the owner or keeper of record of any unlicensed dog.

- (1) September 1: An additional late fee of \$5 will be incurred.
- (2) September 15: An additional fine of \$25 will be incurred.
- (3) November 1: a court citation of \$25 will be issued in addition to all other outstanding fees.

B. This article may be enforced by the Animal Control Officer or any police officer in the Town.