



**Article: 20**

**Warrant Article Title:**

BYLAW AMENDMENT / CANINE CONTROL

**Warrant Article Text:**

To see if the Town will vote to amend Title VIII, Article 2, Section 4B1 to specify the process to grant a waiver for rabies vaccination and Section 4F3 to waive licensing fees charged to owners 70 years of age and older; or take any action related thereto.

**Requested By:**

the Town Clerk

**Report Excerpt:**

Vote and comment to Town Meeting - Favorable Action (5-0)

The Board voted unanimously for favorable action on this article.

The first of the proposed amendments to the Town's Canine Control bylaw would align the Town's bylaw with existing state law regarding the steps necessary to obtain a waiver from the requirement that any dog six months or older must receive a rabies vaccination. The proposed amendment contains the three very limited circumstances that qualify for a waiver.

The second proposed change would waive the license fee for dog owners seventy years old or over, an action that is dependent upon Town Meeting's approval of Article 35 in this year's Warrant. If Article 35 is approved by Town Meeting, then the second change will be ripe for consideration.

## **Vote Language:**

That the Town does and hereby amend Title VIII, Article 2, Sections 4(B)(1) and 4(F)(3) of the Town's Bylaws, or take any action related thereto, so that the new Sections read:

### Section 4. Licensing

(ART. 25, ATM – 04/27/88)

(ART. 23, ATM – 05/04/2009)

(ART. 13, ATM – 04/29/13)

(ART. 8, ATM – 4/26/21)

(ART. 8, ATM – 04/28/25)

#### A. Licensing Requirement.

1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Arlington shall obtain a license for the dog from the Town Clerk.
2. Annual renewal. Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk. Licenses are issued for the calendar year and must be renewed every year on or before January 1<sup>st</sup>, although there is a grace period established in sub-section F before fines are assessed.\
3. Transfer. Within 30 days of moving into the Town, the owner or keeper of a dog must apply to the Town Clerk for a license.

#### B. Conditions.

1. Rabies vaccination. ~~The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Arlington Board of Health or the Town Clerk in accordance with Section 145B of Chapter 140 of the~~

General Laws. In accordance with M.G.L. ch. 140, section 145B(a), any dog that is 6 months of age or older must be vaccinated against rabies by a licensed veterinarian. The Town Clerk may grant an exemption from this rabies vaccination requirement if, in accordance with section 145B(d), the Town's Board of Health declares one or more of the following: (i) that a dog is medically exempt from such requirement upon the presentation of a veterinarian's certificate stating that because of an infirmity, other physical condition or therapy regimen, said vaccination is not advisable for a certain time or based on certain reasons; (ii) that the dog is in transit; or (iii) that the dog was brought into Massachusetts temporarily for the sole purpose of display in a show or for an exhibition.

2. Control. Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.
3. Previous conviction of animal cruelty. Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in Section 137D of Chapter 140 of the General Laws within the preceding five years.

#### C. License Forms.

1. Symptoms of rabies. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state Department of Public Health.
2. Description of dog. The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

#### D. Tags.

1. Issuance. Along with the license, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Arlington, and the year of issue.
2. Affixed to dog. The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed around the dog's neck or body to which the tag shall be securely attached.
3. Lost tags. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

#### E. Exemptions.

The requirements of this section shall not apply to a dog housed in a research institution.

#### F. Fees. (ART. 10, ATM – 04/23/18)

1. Annual license fees. The annual license fees are as follows:
  - a. female: \$20
  - b. spayed female: \$15
  - c. male: \$20
  - d. neutered male: \$15

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

2. Failure to comply; penalties.

- a. Penalty for failure to comply with licensing requirements.

Failure to comply with this section shall be punishable by a fine of \$25 said fine to be assessed by the Town Clerk as part of the fees paid to license a dog.

Under state law, the Animal Control Officer or other police officer may issue a citation for \$50 to any dog owner without a current license for the animal.

Grace period. Failure to satisfy licensing requirements before the first Thursday following 45 business days of the 1<sup>st</sup> of January each year arises will constitute a failure to comply with licensing requirements.

- b. Additional late fees.

Missed year. An additional \$25 fine shall be applied by the Town Clerk where owners fail to register a dog for an entire calendar year, due upon registration the following calendar year, and the license fee for missed year must be paid in full. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

Multiple penalties. If the owners fail to register a dog for an entire calendar year and apply for a registration outside of the grace period, the fine will consist of the \$25 late fee and the \$25 skipped year fee, due upon registration in the current year.

3. Waiver of fees.

- a. Service animal. No fee shall be charged for the

licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

- b. **No fee shall be charged for a license for a dog owned by a person aged 70 years or over in accordance with M.G.L. c. 140, § 139(c).**

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