



Office of the Town Clerk

Town of Chelmsford
50 Billerica Road
Chelmsford, MA 01824
978 250 5205
www.townofchelmsford.us

Onorina Z. Maloney, CMMC/CMC
Town Clerk

Thaddeus J. Soulé
Assistant Town Clerk

CERTIFICATE OF VOTE
ARTICLE 20
2014 SPRING ANNUAL TOWN MEETING
Third and Final Session – MONDAY, MAY 5, 2014

I, Onorina Z. Maloney, Town Clerk of Chelmsford, Massachusetts do hereby certify the following vote taken under Article 20 at the third and final session of the April 28, 2014 Spring Annual Town Meeting held at the Chelmsford Senior Center 75 Groton Road, North Chelmsford. The meeting was called to order at 7:30 pm by Moderator Jon H. Kurland. There were 118 Town Meeting Representatives in attendance which satisfied the quorum of 82.

ARTICLE 20. I move that the Town amend Chapter 11, “Animals” of the Code of the Town of Chelmsford for the purposes of revising the following sections: 11-3, “Registration and license”; 11-5, “License Fees”; 11-13, “Reward for killing dog”; 11-18, “Violations and penalties”; and 11-20 “List of dog owners”, by deleting them in their entirety and inserting the following language:

§ 11-3 Registration and license.

[Amended 11-30-1987 STM by Art. 13]

- A. A person who at the commencement of a license period is, or who during any license period becomes, the owner or keeper of a dog six months old or over which is not duly licensed, and the owner or keeper of a dog when it becomes six months old during a license period, shall cause it to be registered, numbered, described and licensed until the end of such license period, and the owner or keeper of a dog so registered, numbered, described and licensed during any license period, in order to own or keep such dog after the beginning of the succeeding license period, shall, before the beginning thereof, cause it to be registered, numbered, described and licensed for such period. The registering, numbering, describing and licensing of a dog shall be done in the office of the Town Clerk on a form prescribed and supplied by the Town Clerk and shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing livestock or fowls.

- (1) The Town Clerk shall not grant such license for any dog unless the owner thereof provides the Town Clerk with either a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of M.G.L. c. 140, § 145B or has been certified exempt from such provision as outlined in M.G.L. c. 140, § 137 or a notarized letter from a veterinarian that a certificate was issued.
- (2) The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material to which shall be securely attached a tag in a form prescribed by and issued by the Town Clerk when a license is issued. Such tag shall state the following: Town of Chelmsford,

year of issue and tag number. If any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the Town Clerk at a cost of \$2. This subsection shall not apply where it is otherwise provided by law, nor shall it apply to a person having a kennel license.

- B. The provisions of M.G.L. c. 140, § 138 shall be expressly incorporated under this article.
- C. A license duly recorded shall be valid throughout the commonwealth, except that, in the case of the permanent moving of a dog into the Town, the owner or keeper thereof shall, within 30 days after such moving, present the original license and tag of such dog to the Town Clerk, and said Town Clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of \$2. The provisions of this article relative to the form and furnishing of licenses and tags shall apply to licenses and tags issued under this subsection.

§ 11-5 License fees.

- A. License fees for dogs and kennels shall be set by a majority vote of the voters present at a Town Meeting.
- B. The license fee for a spayed or neutered dog shall be less than the license fee for an intact dog. Upon application for a license, the Town Clerk shall require a certificate from the veterinarian who spayed or neutered the dog as proof that the dog is spayed or neutered; provided, however, that if the Town Clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the Town Clerk may instead accept a receipt of a bill from the veterinarian who performed such procedure or 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, which appears to have been spayed or neutered and incapable of propagation.
- C. To determine the amount of the license fee for a kennel, a dog under the age of six months shall not be counted in the number of dogs kept in a kennel.
- D. No fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.
- E. No license fee or portion thereof shall be refunded because of the subsequent death, loss, spaying or removal from the commonwealth or other disposal of the dog, nor shall a license fee or portion thereof paid by mistake be paid or recovered after it has been paid over to the Town.
- F. All fees shall be increased by \$5 on the first day of the second month following the commencement of the required License Period and by an additional \$5 on the first day of each succeeding month up to June 30 each year.
- G. In addition to all other sums due and owing for any license fee hereunder, a person who applies for a license hereunder shall be obligated to pay all prior amounts of license fees and citations determined to be due and owing by the Town Clerk pursuant to this article for past periods in which said person was obligated to obtain a license. It shall be a violation of this article to fail to pay any said sum due hereunder. This remedy shall be cumulative.
- H. The following fees shall apply for licenses issued under Chapter 11:

Dog License	Fee
Intact male or female dog	\$20.00
Spayed or neutered dog	\$15.00
Kennel License	Fee
Domestic charitable corporation kennel	\$0
Commercial boarding or training kennel	\$350.00
Commercial breeder kennel	\$350.00
Personal kennel	
(1) 4 dogs or less	\$85.00
(2) 5 dogs	\$100.00
(3) 6 - 10 dogs	\$150.00
(4) 11 - 25 dogs	\$250.00
Veterinary kennel	\$300.00

§ 11-13(Reserved)

§ 11-18 Violations and penalties.

[Amended 10-16-2006 ATM by Art. 14]

The following penalties shall apply for violations of Chapter 11. Any person who violates this section shall be subject to payment of the following fines:

Section	Violation	Penalty
11-3	Non-current dog license	\$50.00
11-3A(1)	Non-current rabies vaccination	\$25.00
11-3A(2)	Not wearing tag	\$50.00
11-4D	Failure to maintain kennel in sanitary and humane manner	\$50.00
11-7-2	Barking dog	\$25.00
11-7-3	Failure to remove animal waste	\$10.00
	First offense in a calendar year	\$50.00
	Second offense in a calendar year	\$75.00
	Third and subsequent offenses in a calendar year	\$125.00
11-7-1	Running at large	
	(1) Informal disposition process:	
	(a) First offense in a calendar year	\$50.00
	(b) Second offense in a calendar year	\$75.00
	(c) Third and subsequent offenses in a calendar year	\$125.00
	(2) Non-criminal disposition	
	(a) First offense in a calendar year	\$75.00
	(b) Second offense in a calendar year	\$150.00
	(c) Third and subsequent offenses in a calendar year	\$200.00
	All other sections of Article 11	\$100.00

Each day a violation exists shall constitute a separate offense.

§ 11-20 List of dog owners.

Persons authorized or directed by MGL c. 51, § 4 or by any special law to make lists of persons three years of age or older shall make a list of all dogs owned by the inhabitants of the Town at the time of making lists required under such section and return the same in duplicate to the Town Clerk on or before April 1. An owner or keeper of a dog who refuses to answer or answers falsely to persons directed or authorized to make a list of owners of dogs shall be punished by a fine of not less than \$20.

; or act in relation thereto.

SUBMITTED BY: **Town Manager**

Finance Committee: no recommendation on Article 20

Board of Selectmen: unanimously recommends Article 20

Elizabeth Logan, Precinct 3, moved to amend Section 11-7-3 as follows:

11-7-3	Failure to remove animal waste	\$10.00
	First offense in a calendar year	\$50.00
	Second offense in a calendar year	\$75.00
	Third and subsequent offenses in a calendar year	\$125.00

The electronic voting devices registered the following votes on the amendment:

YES: 115 NO: 23 ABST: 2

Amendment carries

The electronic voting devices registered the following votes on the main motion under Article 20, as amended:

YES: 136 NO: 4 ABST: 2

Main motion under Article 20, as amended, carries

A true copy attest:



Onorina Z. Maloney