



Town of North Andover
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Carla Dawne Warren,
Town Clerk

June 10, 2024

TO WHOM IT MAY CONCERN:

This is to certify that at the first and only session of the Annual Town Meeting of the Inhabitants of the Town of North Andover held on May 14, 2024, the following Article and VOTE was taken thereon, to wit:

Article 5: Amend General Bylaw Chapter 60. Animal Control. UNANIMOUS VOTE to amend Chapter 60 by making the following amendments through the use of identifying text whereby strikethrough signifies deletion, and underlined text addition. In instances where an existing provision was either moved to a new section or appears reordered, such changes are not identified:

Chapter 60. Animal Control. Dogs and Other Animals

§ 60-1. Authority and intent:

Pursuant to the authority set forth in MGL c. 140, § 136A to 174E, the following bylaw is enacted for the regulation of dogs, cats and/or other domestic or for wild animals in the Town of North Andover.

§ 60-2. Definitions:

As used in this bylaw, the following words shall, unless the context clearly requires otherwise, have the following meanings:

ANIMAL CONTROL OFFICER

A person appointed by the Select Board in accordance with the provisions of MGL c. 140, § 151 and 151A.

ANIMAL RESCUE ORGANIZATION



A not-for-profit organization incorporated under state law that has tax-exempt status under

Section 501(c)(3) of the United States Internal Revenue Code; that is registered with the

Massachusetts Department of Agricultural Resources, if required, and whose mission and

practice is, in whole or in significant part, the rescue and placement of dogs, cats, guinea pigs,

or rabbits into permanent homes. The term “animal rescue organization “does not include any person or entity that:

1. Breeds animals;
2. Is located on the same premises as a person that breeds animals;
3. Obtains, in exchange for payment or compensation, animals from a person that breeds animals; or
4. Facilitates the sale of animals that were obtained, in exchange for payment or
5. compensation, from a person that breeds animals.

ANIMAL INSPECTOR

A local agent of the Massachusetts Bureau of Animal Health and is appointed by the Select Board in accordance with the provisions of MGL c. 129 §15.

PUBLIC ANIMAL CONTROL AGENCY or SHELTER

A facility operated by a governmental entity, for the purpose of impounding seized,

stray, homeless, abandoned, unwanted, or surrendered animals, or a facility operated

for the same purposes under a written contract with a governmental entity.

DESTRUCTION

An order by the hearing authority that a ~~vicious~~ dangerous dog be destroyed in accordance with MGL c. 140, § 136A to 174E. ~~and the Massachusetts Society for the Prevention of Cruelty of Animals guidelines.~~

KEEPER

A person, business, corporation, entity or society, other than the owner, having possession of a dog.

KENNEL



A pack or collection of dogs on a single premises, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel.

KENNEL LICENSE

A special license issued to a kennel, which allows payment of a single fee covering all dogs in the kennel; with the kennel license, the kennel owner receives a special kennel tag for each dog in the kennel.

LICENSE

A dog's registration, evidenced by a tag issued annually by the Town Clerk to the owner of each dog residing in North Andover and worn by the dog securely fixed to its collar or harness.

LICENSE TRANSFER

The registration issued to a dog already licensed in another United States jurisdiction, after the dog moves into the Town of North Andover.

LICENSED PERIOD

An annual period from January 1 through December 31.

MUZZLING

Using a device that fits over a dog's mouth and prevents it from biting, but that does not cause any injury or interfere with the vision or respiration of the dog that wears it.

NUISANCE DOG

A dog that:

1. By excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity;
2. By excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or
3. Has threatened or attacked livestock, a domestic animal or a person, but such threat was not a grossly disproportionate reaction under all the circumstance.

PERMANENT RESTRAINT

An order issued by the hearing authority, requiring a dangerous dog's keeper or owner to restrain it.

RESTRAINT



Limiting, restricting, or keeping an animal under control by means of a physical barrier (i.e., a leash, substantial chain or line, visible or invisible fence).

RUNNING AT LARGE

A dog is running at large if it is not on the private property of its keeper or owner, or on private property with the express permission of that property's owner, or on a leash.

CONFINEMENT

Any person owning, possessing, or controlling a dog in the Town of North Andover shall not allow or permit said dog to be confined, as defined by MGL c. 140 § 174E.

TEMPORARY RESTRAINT

An order issued by the Animal Control Officer under § 60-9, requiring the dog's keeper or owner to restrain a nuisance dog or suspected vicious dog for 30 days.

CAT

Any member of the species *Felis catus*.

DOG

Any member of the species *Canis familiaris*.

GUINEA PIG

Any member of the species *Cavia Porcellus*.

OFFER FOR SALE

To advertise or otherwise proffer a dog, cat, guinea pig, or rabbit for acceptance by another person or entity.

PERSON

An individual, corporation, partnership, association, or any other entity.

PET SHOP

A retail establishment where animals are sold or offered for sale as pets that is required to be licensed pursuant to MGL c. 129, § 39A and 330 CMR 12.00. A person who only sells or otherwise transfers the offspring of animals the person has bred on their residential premises shall not be considered a "pet shop" for purposes of this section.

RABBIT

Any member of the species *Oryctolagus cuniculus domesticus*.

SELL



To exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer animals.

DANGEROUS DOG

As defined in MGL c. 140, § 136A, a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal. Any word or term defined in MGL c. 140, § 136A, and not otherwise defined here, is incorporated by reference.

DANGEROUS ANIMALS

For the purpose of § 60-8, the term means and includes any wild mammal, reptile, fowl, or a species which is not naturally tame or gentle, but is of the wild nature or disposition and which, because of its size and/or breeding, vicious nature or the characteristics which would constitute a danger or threat to human life or property if not kept or maintained in a safe manner or in a secured environment.

Classification of Dangerous Animals: Includes, but is not limited to the following:

- All poisonous animals and arachnids
- Constrictor snakes greater than 36"
- Fighting birds
- Piranhas
- Sharks

SERVICE ANIMAL

A dog that is trained to performs specific work or tasks to help mitigate the symptoms or limitations of a disability.

EMOTIONAL SUPPORT ANIMAL (ESA)

An animal that does not take specific actions to mitigate the symptoms/limitations of a disability, but still provides comfort and support to a person who has a disability-related need.

§ 60-3. Animal Control Officer: (Note: this section originally appeared as § 60-4)

1. Appointment: The Select Board of ~~Selectmen~~ shall appoint an Animal Control Officer (~~ANIMAL CONTROL OFFICER~~) under the provisions of MGL c. 140, §§ 151 and 151A to carry out the provisions of this bylaw and to perform such other duties and responsibilities as the Select Board or its designee may determine and shall also attend to all complaints or other matters related to animals within the Town of North Andover.



2. Duties: The ~~ACO~~ Animal Control Officer's duties shall include but not be limited to the following:
 - a) Enforcement of the Town of North Andover Animal Control Bylaw and relevant state laws and regulations.
 - b) Explanation of bylaw violations.
 - c) Notification to the owner of unlicensed dogs.
 - d) Issuance of temporary restraint orders.
 - e) Issuance of an order of confinement.

3. ~~Issuance of temporary restraint orders. The ANIMAL CONTROL OFFICER shall issue an order of temporary restraint to the keeper of any animal that is a nuisance or that is awaiting a decision under § 60-6 as to whether it is vicious. An order of temporary restraint is an order that the animal must be confined to its keeper's or owner's property when not on a six foot or shorter leash or a dog may be ordered to be sheltered at a local kennel or veterinarian facility at the animal owner's expense; muzzling will be at the ANIMAL CONTROL OFFICER's discretion. It shall be in force for no more than 30 days unless the ANIMAL CONTROL OFFICER renews it in writing for subsequent thirty day periods. The ANIMAL CONTROL OFFICER shall rescind or stop renewing the order when, in the ANIMAL CONTROL OFFICER's judgment, restraint is no longer required. The animal's keeper or owner can petition the hearing authority under § 60-5B to rescind the order for temporary restraint.~~

4. ~~Issuance of an order of confinement. The ANIMAL CONTROL OFFICER may make arrangements for the temporary housing of any animal that is to be confined under the provisions of this bylaw. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, and shall be at the animal owner's expense.~~

5. ~~Complaint Resolution-Record Keeping:~~ The Animal Control Officer shall keep accurate, detailed records of the confinement and disposition of all animals held in custody and of all bite cases reported, and the result of investigations of the same in the manner prescribed under MGL c. 140, §151A. ~~The ANIMAL CONTROL OFFICER shall maintain a telephone log of all calls regarding animals and submit a monthly report summarizing the log to the hearing authority. The Animal Control Officer shall maintain a log of calls regarding animals. The Animal Control Officer shall forward a copy of the intake records to the town clerk within 30 days. Copies of the record shall be kept for two (2) years in the office of the Town Clerk.~~

§ 60-4. Dog license, kennel license and fees: (Note: this section originally appeared as § 60-3)



1. ~~Four or Fewer Dogs~~ Dog(s) License:

1. ~~License and vaccination requirements.~~ All dogs six months and older, while residing in the Town of North Andover, must have a license from the Town Clerk. To obtain or renew the license, each dog owner must annually present proof of a current rabies vaccination. When a veterinarian determines that a rabies vaccination is inadvisable, the owner may present a veterinarian's certificate exempting an old or sick dog from vaccination for a stated period of time.
2. New dogs: Within 30 days of acquiring a dog six months of age or older, each dog owner in North Andover must present proof of that dog's current rabies vaccination and obtain a license and dog tag from the Town Clerk.
3. New puppies: Within six months of a puppy being born, each dog owner in North Andover must present proof of that puppy's current rabies vaccination and obtain a license and dog tag from the Town Clerk.
4. New residents: A new resident who owns a dog six months of age or older must license it within 30 days after moving into North Andover. The Town Clerk will issue each dog a transfer license upon the owner's surrender of a current license from another United States jurisdiction and proof of current rabies vaccination. The transfer license is valid until the next regular licensing period.
5. Lost tags and replacement tags: Dog owners must replace a lost tag within three business days of the loss, by obtaining a replacement tag from the Town Clerk.
6. Tag exemptions for dog events and medical reasons:
 - a. A dog, while actually participating in an official dog sporting or dog fancy event (if the event sponsors do not allow participants to wear tags), is exempt from the requirement that its license tag be affixed to its collar, provided its keeper has the tag at the event and available for inspection by the Animal Control Officer.
 - b. When a veterinarian determines that a dog cannot wear a collar for medical reasons, the dog is exempt from wearing a tag until it recovers, from the requirement that its license tag be affixed to its collar, provided its keeper has the tag in his or her possession and available for inspection by the ACO Animal Control Officer.
7. Annual renewal. Dog owners must renew each dog license annually. The annual licensing period runs from January 1 through December 31.



8. License due date and late fee. The application form for obtaining, renewing or transferring a license shall be available to each household no later than December 31 each year. Dog owners must return forms and fees to the Clerk by March 1 (or the first business day thereafter, if March 1 falls on Friday, Saturday, Sunday or legal holiday). Any license renewed after this date is overdue, and the owner must pay a late fee as determined by the Board of Select Board in addition to the license renewal fee, The overdue license fee and the late fee may be added to the owner's tax bill or may be recovered through the imposition of a municipal charges lien on any property standing in the name of the dog owner, pursuant to MGL c. 40, §58.
9. License fees. The fees for licensing each dog shall be determined by the Board of Select Board. The fees shall differentiate between neutered or spayed dogs, and non-neutered or non-spayed dogs. The fee for neutered or spayed dogs shall be less than the fee for non-neutered or non-spayed dogs.
10. Penalty: The owner, keeper and/or person otherwise in control of a dog shall be subject to a fine established by the Select Board.

2. ~~More than Four~~ dogs Kennel License:

1. Anyone who owns or boards more than four dogs within the Town of North Andover must apply for and obtain a kennel license from the Town Clerk. (This requirement shall not apply to medical boarding by a licensed veterinarian practicing in the Town of North Andover.) To obtain or renew the license, the kennel licensee who is also the owner of the dogs must present proof of current rabies vaccinations for each dog older than six months in the kennel. Kennel licensees who offer temporary boarding services must obtain valid proof that each dog in the kennel that is older than six months has received a current rabies vaccination, which proof must be maintained in accordance with Subsection [A](#) of this section.
2. New dogs and new puppies: The kennel licensee who is also the owner of the dogs must report to the Town Clerk each new dog in the kennel within 30 days of its acquisition, show proof of current vaccination.
3. Inspection process: Before the Town Clerk can issue the kennel license, the Health Division Animal Inspector must inspect the proposed kennel, file a report on the inspection, and favorably recommend that the kennel meets all of the following requirements:
 - a. The location of the kennel is appropriate for housing multiple dogs.



must return forms and fees to the Town Clerk by January 15 (or the first business day thereafter, if the 15th falls on Friday, Saturday, Sunday or legal holiday). Failure to pay on time will result in a late fee due in addition to the license fee. The overdue license fee and the late fee may be added to the licensee's tax bill or may be recovered through the imposition of a municipal charges lien on any property standing in the name of the kennel licensee, pursuant to MGL c. 40, § 58. Nothing in this bylaw shall prevent or abrogate the Board of Health's authority to license and inspect kennels in the Town of North Andover.

9. Fees: The fees for licensing each kennel shall be established by the ~~Board of Selectmen~~ Select Board.

§ 60-5. Vaccination against rabies:

1. Each owner or keeper of a dog, cat or ferret that is 6 months of age or older shall cause such dog, cat or ferret to be vaccinated against rabies by a licensed veterinarian.
2. When a veterinarian determines that a rabies vaccination is inadvisable, the owner may present a veterinarian's certificate exempting an old or sick dog from vaccination for a stated period of time.
3. Penalty: The owner, keeper and/or person otherwise in control of a dog, cat or ferret shall be subject to a fine for each violation of this chapter as established by the Select Board.

§ 60-6. Prohibited Conduct of Animals:

A. Running at large:

1. When not on the private property of its keeper or owner, or on private property with ~~express~~ written permission of the property's owner, a dog must be restrained by being kept on a leash not exceeding six feet in length.
 - a. Under this subsection the use of Voice Control and/or Electronic Collars do not qualify as a restraint or a leash.
 - b. The owner, keeper and/or person otherwise in control of a dog are required to physically be holding and/or securing said leash to their person.
2. Chasing: No animal keeper or owner shall allow a dog(s) to chase a person, motor-powered vehicle, human-powered vehicle, or animal drawing or carrying a person.
3. ~~Public gatherings; leash control only. Animals shall be prohibited at public gatherings permitted by the Town Manager or Town Manager's designee unless specifically allowed. Unless prohibited by the Board of Selectmen for any particular gathering, an animal may be at any other public~~



~~gathering not otherwise specified in this bylaw only if it is on six foot or shorter leash, and the owner or keeper of the animal shall not allow it to act in violation of this bylaw or other applicable law.~~

4. No owner or person having the care of any horses, goats, sheep, swine, chickens, cattle and other large animals shall allow said animal to be at large or to graze or pasture in any street or way or on any public land or to remain upon any sidewalk.

B. Endangering Safety:

1. No animal keeper or owner shall allow its animal to bite, menace or threaten, all without provocation, so as to endanger the safety of any person. This subsection is not meant to preclude an animal from acting as a watchdog on its keeper's or owner's property.

C. Disturbing the Peace:

1. No animal keeper or owner shall allow the animal to disturb the peace of any neighborhood by making excessive noise without provocation. Noise is excessive, if it is uninterrupted barking, yelping, whining, screeching, howling or in any other manner for a period of time exceeding 15 10 minutes between the hours of 6:00am and 10:00pm.
2. No animal keeper or owner shall allow the animal to disturb the peace of the neighborhood by making noise in the open, outside of any building repetitively without provocation at any time during the nighttime hours of 10:00pm and 6:00am.
3. This subsection is not meant to preclude a dog from acting as a watchdog on its keeper's or owner's property.

D. Dog Litter:

1. Every dog keeper or owner is responsible for expeditiously removing any dog feces the dog deposits anywhere except on its keeper's or owner's private property or on other private property with the property owner's permission.
2. Duty to possess means of removal. No person who owns, possesses or controls a dog shall appear with such dog on any sidewalk, street, park, or other public area without a means of removal of any feces left by such dog. Furthermore, no person who owns, possesses or controls such dog shall appear on any private property neither owned nor occupied by said person without the means of removal of any feces left by such dog.
3. Method of removal and disposal. For the purposes of this section, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or to the general public. Disposal shall be accomplished by



transporting such feces to a place suitable and regularly reserved for the disposal of canine feces.

4. This provision does not apply to any assistance dog or service dog while it is performing its duties.

E. Nuisance Dog:

1. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
2. By excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity.
3. By excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or
4. Has threatened or attacked livestock, a domestic animal, or a person, but such threat was not a grossly disproportionate reaction under all the circumstance.
5. Any dog which damages private or public property.

F. Female dogs in heat:

1. Every female dog in heat shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding.

G. Prohibited Areas for Dogs.

1. School grounds: No owner, keeper or other person having the care, possession or custody of any dog or dogs shall allow or permit any such dog or dogs, whether leashed or unleashed, to enter or go upon any school grounds, without written permission from school principal.
2. Athletic Fields/Playground: No person owning, keeping, or handling a dog within the Town of North Andover shall allow such dog(s) to trespass within an athletic field or town owned playground.
 - a. Athletic fields shall be defined under this subsection as any field designed and used for outdoor team games or practice, whether those fields are under the control of the Town or School District.
3. Exception for assistance animals (service animals): This Subsection G(1) & (2) does not apply to any properly trained assistance animal or service animal while performing its duties.
4. Lake Cochichewick and Stevens Pond: No animal is allowed to enter into the water or upon the ice of the lake is prohibited.

H. Violation and penalties for § 60-6:



1. Penalty: The owner, keeper and/or person otherwise in control of a dog or any other animal as described in this article shall be subject to a fine for each violation within subsection A-G as established by the Select Board.

§ 60-7. Animal Welfare:

A. Confining Animals in a Motor Vehicle:

1. Any person owning, possessing, or controlling an animal in the Town of North Andover shall not allow or permit said animal to be confined inside of a stationary or parked motor vehicle in a manner that would reasonably be expected to threaten the health of the animal due to exposure to extreme heat or cold. The process of removing an animal from a motor vehicle will be defined by MGL c. 140, § 174F. A violation of this section shall be punished by a fine established by the Commonwealth.
 - a. Nothing in this section shall preclude prosecution under MGL c. 272, § 77.
2. No person shall transport an animal in the back of a motor vehicle in a space intended for a load on the vehicle on a public way unless such space is enclosed or the animal is protected by a secured container or cage or the animal is otherwise protected in a manner which will prevent the animal from being thrown or from falling or jumping from the vehicle.
 - a. Whoever violates the provisions of this section shall be punished by a fine established by the Commonwealth.

B. Chaining or tethering dog to stationary objects and confinement:

1. Any person owning, possessing or controlling a dog in the Town of North Andover shall not allow or permit said dog to be chained, tethered or confined, as defined by MGL c. 140 § 174E. A violation of this subsection shall be punished by a fine established by the Commonwealth and be subject to impoundment of the dog in a local holding facility at the owner's, keeper's or guardian's expense pending compliance with this section, or loss of ownership of the dog.

C. Animal Quarantine Order:

1. Any person owning, possessing, or controlling an animal in the Town of North Andover that has been issued a Quarantine Order by the Animal Inspector shall adhere to the following:
 1. The animal shall be securely confined and kept from contact with any other animals.
 2. Dogs may be taken out for walks while being kept on a leash not exceeding six feet in length.
 3. Dog(s) under quarantine may only be walked, while being under the control of an individual older than the age of eighteen (18).
 4. Animals are prohibited from attending Daycare Facilities or visiting Pet Stores, until the quarantine order is released.



5. No person shall kill, or cause to be killed any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove from the town limits without permission from the Animal Inspector.
 6. Additional restrictions may be ordered by the Animal Inspector. A written notice or order will be served to the person owning, possessing, or controlling of said animal with additional restrictions noted.
2. A violation of this subsection shall be punished by a fine established by the Select Board and be subject to impoundment of the quarantined animal in a local holding facility at the owner's, keeper's or guardian's expense pending the release of quarantine. Nothing in this section shall preclude prosecution under MGL c. 129 and 330 CMR 10.00.
- D. Motor vehicle; striking, injuring or killing dogs or cats:
1. Any person operating a motor vehicle that strikes and injures or kills a dog or cat shall forthwith report such an accident to the owner or custodian of said dog or cat or to a North Andover Police Officer and/or Animal Control Officer.
 2. Nothing in this section shall preclude a civil cause of action including, but not limited to medical expenses, by the aggrieved party.
 3. Nothing in this section shall preclude prosecution under MGL c. 272, § 80H.
- E. Failure to check and release animals from traps:
1. Pursuant to MGL c. 131, § 37, gives property owners the right to use lawful means to destroy wildlife in the act of causing damage or threatening personal safety.
 2. The use of a Have a Heart trap and/or other humane traps requires the trap to be visited by the owner of the trap or his/her designee. Each time the trap(s) are checked, all trapped animals shall be removed. Failure to check and release trapped animal(s) in a reasonable amount of time, and not exceeding twenty-four (24) hours in the area of where trapped or euthanized in a humane manner and later disposed of as defined in Massachusetts General Law.
 3. No person(s) shall relocate healthy or sick wildlife within the Town of North Andover.
 4. If the trap owner, person in control of the trap or a designee fails to comply with this section, the trap owner, person in control of the trap or a designee shall be subject to a civil penalty established by the Select Board.
- F. Putting an animal to death by drowning and/or other means:
1. Whoever puts an animal (domestic or wild) to death by drowning and/or decompression chamber within the Town of North Andover shall be punished by a fine established by the Commonwealth. Nothing in this section shall preclude prosecution under MGL c. 272, § 80E1/2, § 80E1/2 and § 77.



G. Inspection of vacated property for presence of abandoned animals:

1. Not more than three (3) days after a property owner, or a lessor, or a person in control of the property knew or should have known that a property has been vacated as a result of summary process, mortgage foreclosure, termination of tenancy, abandonment or other removal or exclusion of a tenant from the premises. The property owner, lessor, person in control of the property or a designee shall inspect the property for the presence of abandoned animals.
2. If the property owner, lessor, person in control of the property or a designee encounters an abandoned animal under this section, the property owner, lessor, person in control of the property or a designee shall immediately notify the North Andover Animal Control Officer and/or a North Andover Police Officer or other authorized agent set forth by the Chief of Police of the presence and condition of the animal.
3. The animal shall not be removed by the property owner, lessor, person in control of the property or a designee from the property and/or unit, unless immediate emergency medical care is needed by a licensed veterinarian.
4. The property owner, lessor, person in control of the property or designee who encounters an abandoned animal pursuant to this section shall not be considered the owner, possessor or person having the charge or custody of the animal under section 77 of chapter 272.
5. For the purposes of this section, an animal shall be considered abandoned if it is found on or in a property vacated as a result of summary process, mortgage foreclosure, termination of tenancy, abandonment or other removal or exclusion of a tenant from the premises.
6. If the property owner, lessor, person in control of the property or a designee fails to comply with this section, the lessor, person in control of the property or property owner shall be subject to a civil penalty established by the Select Board.
7. Animals impounded in accordance to this subsection shall be taken by the North Andover Animal Control Officer and/or a North Andover Police Officer or other authorized agent set forth by the Chief of Police, transported and held at an animal shelter and/or contracted holding facility and cared for in a humane manner.
8. Disposition of animal will be determined by § 60-14 and/or in addition to any other penalty provided by MGL c.272.

§ 60-8. Limit on number of Dogs, Cats and/or other Animals:

1. No person and/or combination of occupants of a residential address shall keep more than four (4) dogs over the age of six months at any residence without complying with the requirements of the North Andover Kennel License and obtaining a kennel license as defined herein.
 - a. Note See Chapter 60-3B, Kennel License



2. Any person(s) keeping of cats within the Town of North Andover shall keep no more than four (4) cats over the age of four months in any building or on any premises, of which he/she may be the owner, tenant or occupant.
3. Additional restrictions on the number of companion animals may be imposed by the Animal Control Officer, Health Agent and/or his or her designee if, after an investigation of a dwelling or property, it is revealed the living conditions are not healthy and these conditions are the result of an overcrowding of animals in said dwelling or property.
 - a. An appeal of the above restriction may be made in writing to the Chief of Police within 10 business days after issuance of the restriction(s) and a final decision shall be rendered by the hearing authority designated in § 60-13 of this article.
4. It shall be unlawful for any person to keep, maintain, or have in their possession or under their control, within the Town of North Andover, any wild or dangerous animal, reptile, or carnivorous wild animal or other animal of vicious or dangerous propensities.
 - a. This provision does not apply to any person(s) licensed under Massachusetts Regulation 321 CMR 2.12.
5. Any person who violates the provisions of this section shall receive a written warning, issued by the Animal Control Officer, Health Agent and/or his or her designee for the first offense, and for each subsequent offense shall be liable for payment of a fine established by the Select Board for each day in violation of this section, which shall be paid to the Town Clerk.
 - a. A reasonable amount of time will be allowed for proper placement of animals into alternate care before fines are imposed.

§ 60-9. Feeding of Wild Animals, Wildlife, and Birds:

1. Feeding of wild animals and/or wildlife is prohibited:
 - a. No person shall feed, bait, or in any manner provide access to food to any wild animal and/or wildlife within the Town of North Andover on lands either publicly or privately owned, except as permitted by §60-9(2).
 - b. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor food sources or attractant after being advised by the Town to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including but not limited to bird feeders.
 - c. The prohibitions of this section shall not apply to naturally growing shrubs, live crops, plants, flowers, vegetation, gardens, or trees.
 - d. Penalty: The property owner, keeper and/or person otherwise in control of the residence/property shall be subject to a fine as established by the Select Board.
2. Feeding of backyard birds permitted on private property:



- a. The feeding of backyard birds shall be permitted on private property subject to the condition that birds shall only be fed from bird feeders.

§ 60-10. Vicious Dangerous Dog; violations and penalties:

1. Declaring a dog ~~vicious~~ dangerous, any dog that, without provocation, bites a human being or kills or maims a domestic animal without provocation may be declared ~~vicious~~ dangerous by the hearing authority. An exception may be made for a puppy (animal under six months old) that draws blood, or for a dog that attacks or bites an unaccompanied domestic animal on the dogs Keeper's property.

~~Procedure for declaring a vicious dog. Upon the written complaint of the ANIMAL CONTROL OFFICER, any other public safety agent, or upon the written complaint of any person, the hearing authority shall hold a public hearing, after which it will determine whether it should declare a dog vicious and, if so declared, what remedy is appropriate.~~

2. The Chief of Police, or his designee, upon written complaint from the Animal Control Officer, any other public safety agent, or upon a written complaint of any person may determine that a dog is a "dangerous dog" within the meaning of this section and, as a result thereof, require compliance by the owner of such dangerous dog of the provisions herein listed.

- a. Definition: Based on the following that dog is dangerous:

1. Any dog that has bitten or attacked any person or has attempted to bite or attack any person. A dog shall be deemed to be attempting to attack if it is restrained by a leash, fence or other means and it is clear from the dog's excited actions that only the presence of the leash, fence, or other means of restraint is preventing the dog from making an immediate attack; or
2. Any dog with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise threaten the safety of domestic animals, or any dog which attacks a human being or domestic animal on one or more occasions without provocation and without justification; or
3. Any dog, whether leashed or not, which, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
4. Any dog owned or harbored primarily or in the part for the purpose of dog fighting or any dog trained for dog fighting; or
5. Any dog owned or harbored on property known for drug trafficking or gang activity and shows an aggressive temperament;
or



- b. The determination that a dog is dangerous under this section shall be in the discretion of the Chief of Police and/or the Animal Control Officer, and the Chief of Police and/or Animal Control Officer shall notify the owner(s).
3. Exceptions where dog shall not be considered ~~vicious~~ dangerous:
1. A human being who, at the time the injury was sustained, was committing criminal trespass or other tort upon premises occupied by the owner of the dog, or tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.
 2. A domestic animal, which, at the time the injury was sustained, was tormenting, abusing or assaulting the dog.
 3. The dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault.
 4. The actions of the dog under consideration occurred under official duties as a military, correctional, or law enforcement dog.
 5. The person's skin was not broken.
 6. In the discretion of the Chief of Police, or his designee, the dog acted in reaction to pain or injury or was protecting itself, its kennel, or its offspring.

~~The person who was bitten was willfully trespassing, committing a crime, or attempting to commit a crime on the premises occupied by the dog's keeper or owner.~~

~~The dog was being teased, tormented, abused, or assaulted by the injured person or animal prior to attacking or biting.~~

~~The dog was protecting or defending a human being in its immediate vicinity from attack or assault.~~

4. Duties of owner when dog is determined to be dangerous.
- a. Outdoor confinement:
1. While on the owner's property, a dangerous or vicious dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must be at least 10 feet from the property line, must have a minimum dimension of five feet by 10 feet, and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog. The Animal Control Officer shall verify compliance with this section by an on-site inspection and, if necessary, shall require the owner to further secure said structure.



2. The owner or keeper shall display signs on his/her premises facing out from all sides of the premises warning that there is a dangerous or vicious dog on the property. This sign should be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning a child who cannot read of the presence of a dangerous dog.
 3. The owner shall provide notice of the determination that a dog is dangerous to direct abutters of the owner(s) and owners of land directly opposite on any public or private street or way. The owner shall obtain, without charge, a list of such abutters from the Assessor's office. The owner shall then send each such abutter a copy of the notice received pursuant to Subsection 2(a)(b) above by certified mail. A copy of the abutters list received from the Assessor's office shall be provided to the Animal Control Officer, along with the certified mail return receipts.
 4. A dangerous dog may be off the owner's premises if it is muzzled and restrained by an approved lead not exceeding four feet in length and is under the control of an adult (18 years old and higher), able-bodied person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.
- b. Indoor confinement:
1. No dangerous dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
- c. Insurance:
1. The owner or custodian of any dangerous dog shall maintain a policy of insurance in an amount not less than \$100,000 per incident insuring such person against any claim, loss damage, or injury to human beings resulting from the acts of such dog. Such person shall produce evidence of the required insurance, which may include a rider or binder, upon the request of the Chief of Police, or his designee, and/or the Animal Control Officer. This subsection shall not apply to dogs kept by law enforcement agencies.



- d. An owner may transport a dangerous within the Commonwealth for medical or veterinary care, provided that said animal is properly restrained by being both muzzled and leashed, with the leash not to exceed a length of four feet.
5. Enforcement; fines and penalties:
- a. When a dog is deemed to be dangerous, the Chief of Police, or his/her designee, shall order the owner to submit written verification to confirm any or all of the following:
 1. Spay or neutering, the animal is not already altered. The animal will be exempt from such an order if a veterinarian certifies in a written statement that the animal is unfit for alterations because of medical condition(s).
 2. Microchip identification, the mode of which shall be designated by the Animal Control Officer, if the animal is not already microchipped.
 3. Behavior training from an approved trainer as determined by the Animal Control Officer and/or the Chief of Police or his designee. The cost of said training shall be borne by the owner.
 4. A valid rabies vaccination and North Andover Dog License, as required by MGL c.140.
6. Fines; relocation of animal.
- a. The owner of any dangerous dog, if said animal is found on property not owned or controlled by its owner, or not restrained in a secure area per Subsection 4(a), shall be subject to the following:
 1. First offense: a fine of \$200 and a hearing by the Chief of Police, at the Chief's discretion, to determine whether said animal shall be humanely euthanized.
 2. Second or subsequent offense: a fine of \$300, and a mandatory hearing by the Chief of Police to determine whether said animal shall be humanely euthanized.
 - b. Upon relocation of the animal, the owner thereof shall notify the Animal Control Officer of the new location. Said Officer shall then forward all documentation maintained by the Town of North Andover regarding the animal to his/her official counterpart at the new location.
 - c. Owners of dangerous dogs found within the Town of North Andover and not properly registered with Animal Control shall be subject to a fine of \$100. Said animal shall be humanely euthanized unless the owner, within 10 days of said finding, registers said dog in compliance with this article.



- d. Each day there exists a violation of any of the provisions of this article, the same shall constitute and be punishable as a separate offense.
7. Compliance with the requirements of this section shall not be a defense to an order of disposal of a dangerous dog pursuant to MGL c. 140, § 157.
8. All notice and hearing procedures will be carried out in conformance with MGL c. 140, § 157.

§ 60-11. Potentially Dangerous; violations and penalties:

1. The Chief of Police, or his designee, upon written complaint from the Animal Control Officer, any other public safety agent, or upon a written complaint of any person may determine that a dog is a "potentially dangerous dog" within the meaning of this section and, as a result thereof, require compliance by the owner of such potentially dangerous dog of the provisions herein listed.
2. Definition: Based on the following that dog is potentially dangerous:
 - a. "Potentially dangerous dog," as used in this section, shall mean:
 1. Any dog that acts in a highly aggressive manner, when unprovoked, within a fenced yard or enclosure and appears to the Animal Control Officer to be able to jump over or escape. Vocalization or barking, without more, shall not cause a dog to be deemed of a highly aggressive manner.
 2. Any dog owned by a person cited more than twice, in a twelve-month period, for allowing said dog to run at large in any public streets or places in the Town or upon the premises of anyone other than the owner or keeper without said owner's or occupant's permission.
 - b. The determination that a dog is potentially dangerous under this section shall be in the discretion of the Animal Control Officer and/or the Chief of Police, or his designee, who shall notify the owner of any such determination.
3. When a dog is deemed to be potentially dangerous, the Chief of Police, or his/her designee, may order the owner to submit written verification to confirm any or all of the following:
 - a. A dog may be spayed or neutered, if the animal is not already altered. The animal will be exempt from such an order if a veterinarian certifies in a written statement that the animal is unfit for alterations because of medical conditions.
 - b. Microchip identification, the mode of which shall be designated by the Animal Control Officer, if the animal is not already microchipped.
 - c. Behavior training from an approved trainer, as determined by the Animal Control Officer and/or the Chief of Police or his designee. The costs of said training shall be borne by the owner.



- d. A valid rabies vaccination and North Andover Dog License, as required by MGL c. 140.
 - e. The owner provides adequate security to the premises where the potentially dangerous dog is kept, as specifically described in writing to the owner by the Animal Control Officer. Said owner must comply within 21 days of receiving description. For good cause shown, the Chief of Police may extend this time for up to 60 days.
 - f. After two years of compliance, the dog will not be considered potentially dangerous.
4. Persons responsible: No person under the age of 18 shall own, control or be responsible for a potentially dangerous dog.
 5. Signs: All owners, keepers, or haborers of potentially dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public, using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such dog.
 6. Penalties: After 21 days of being notified that a dog is potentially dangerous, any owner found not in compliance with any of the provisions of this section shall be subject to a fine as established by the Select Board. Each day that the owner is not in compliance shall constitute a separate offense. Failure to so comply after due notice may result in application by the Town for hearing before the Clerk of the District Court and/or any other enforcement measures as further provided in MGL, c. 40, §21D.
 7. Owners of all potentially dangerous dogs who relocate or move to the Town of North Andover from another community shall notify the Animal Control Officer of a description of such dog and said designation. Failure to so notify may result in fine as provided in Subsection 6 above.
 8. Owners of all potentially dangerous dogs who relocate or move from the Town of North Andover to another community shall notify the North Andover Animal Control Officer and the Animal Control Officer of the new community to which the owners are moving, or person having like duties, of a description of such dog and said designation. Failure to so notify may result in fine as provided in § 60-11(6) above.

§ 60-12. Temporary Restraint / Confinement Orders:

1. Issuance of temporary restraint orders. The Animal Control Officer shall issue an order of temporary restraint to the keeper of any animal that is a nuisance or that is awaiting a decision under § 60-10 and/or § 60-11 as to whether it is dangerous, or potentially dangerous vicious. An order of temporary restraint is an order that the animal must be confined to its keeper's or owner's property when not on a six-foot or shorter leash or a dog may be ordered to be sheltered at a local kennel or veterinarian



facility at the animal owner's expense; muzzling will be at the Animal Control Officer's discretion. It shall be in force for no more than 30 days unless the Animal Control Officer renews it in writing for subsequent thirty-day periods. The Animal Control Officer shall rescind or stop renewing the order when, in the Animal Control Officer's judgment, restraint is no longer required. The animal's keeper or owner can petition the hearing authority under §60-13 to rescind the order for temporary restraint.

2. Issuance of an order of confinement. The Animal Control Officer may make arrangements for the temporary housing of any animal that is to be confined under the provisions of this bylaw. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, and shall be at the animal owner's expense.
3. Penalty: The owner, keeper and/or person otherwise in control of said dog(s) listed on the temporary order shall be subject to a fine violation as established by the Select Board.

§ 60-13. Hearing authority; appeals:

1. Hearing authority: The hearing authority shall be the Police Chief or his or her designee; however, the designee shall not be the ~~ANIMAL CONTROL OFFICER~~ Animal Control Officer.
2. Right to appeal: When the ~~ANIMAL CONTROL OFFICER~~ Animal Control Officer has investigated a complaint regarding an animal's behavior and has issued a finding or an order of temporary restraint with which either the animal's keeper or owner or the complainant disagrees, then either party may appeal by sending a written request to the Chief of Police within 10 business days after issuance of the ~~ANIMAL CONTROL OFFICER~~ Animal Control Officer's decision. Following the Chief's receipt of a written appeal, the hearing authority shall hold a hearing on the appeal.
3. Findings and further appeals: The hearing authority shall decide whether to uphold, reverse, or modify the ~~ANIMAL CONTROL OFFICER~~ Animal Control Officer's decision and shall mail its ruling to the animal owner, complainant, and Animal Control Officer.
4. Hearings: The hearing authority shall hold a hearing and make decisions on any ~~vicious~~ dangerous dog declaration under § 60-11 and/or § 60-12.
5. Further appeal: An appeal from a decision of the hearing authority may be made by either the owner or complainant by sending a written request to the Town Clerk



within 10 business days after issuance of the Hearing Authority's decision. Following the Clerk's receipt of a written appeal, the Town shall hold a public hearing on the appeal.

§ 60-14. Impoundment, safe holds, surrenders and violation notice:

1. Unrestrained dogs shall be taken by the police, animal control officers or humane officers and impounded in an animal shelter and/or contracted holding facility and cared for in a humane manner.
2. If the Organization, Rescue and/or person comes into possession of any stray, lost, or other displaced or apparently homeless Animal from anywhere within the Town of North Andover, the Organization, Rescue and/or person shall immediately report this to the North Andover Animal Control Officer and/or North Andover Police Department.
 1. Any such Dog shall be turned over to the North Andover Animal Control and remain in the custody and control of the Animal Control Officer for a minimum hold period, in accordance with M.G.L. c. 140, § 151A.
 2. Failure to turn over said animal, upon request shall be subject to a fine violation as established by the Select Board.
3. Impounded/Unclaimed dogs shall be kept no less than seven days, unless the owner is identified and provides proof of rabies vaccination in the form of a rabies vaccination certificate from a certified veterinarian, the payment of impoundment and boarding fees and the cost relevant to such impoundment.
 - a. A pick-up fee shall be assessed per dog and/or animal that was picked up by the Animal Control Officer or his designee.
4. If, by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone, in-person, or mail.
5. Any dog not reclaimed by its owner within seven days shall become the property of the local government authority or humane society. Dog(s) shall be placed up for adoption in a suitable home, transferred to a local rescue or humanely euthanized, if necessary.
6. Owned Animal Surrender: Any owner or authorized party of a dog, cat and/or companion animal that is need of surrendering said animal to the Animal Control Officer in an event of an uncontrolled circumstance shall sign into a contract acknowledging the following:
 1. All decisions regarding the disposition of the animal(s) are at the sole discretion of the Animal Control Officer and/or his designee.



2. The owner or authorized party must authorize the release of all previous records pertaining to the animal(s), including but not limited to medical records.
 3. The understanding that no guarantees regarding the disposition of the animal(s) will be made, nor is there any minimum hold period once the surrender contract is activated.
 4. The surrender contract listed in the provisions of this section is at the sole discretion of the Animal Control Officer and/or his designee. If a contract cannot be activated, the Animal Control Officer will assist the owner or authorized party with other alternatives, such as a local animal rescue or humane society.
7. Safe Hold: Any owner or authorized party of a dog, cat and/or companion animal that is need of temporary housing of said animal(s) in an event of an emergency circumstance shall sign into a contract acknowledging the following:
1. Animal(s) listed in the contract will be held in the care and control of the Animal Control Officer, animal shelter and/or contracted holding facility and cared for in a humane manner.
 2. The owner or authorized party acknowledges that the listed animal(s) must be claimed by the listed date on the on the contract or the animal(s) will be considered abandoned, and the owner or authorized party relinquishes any claim, right, title or interest in said animal(s) and said animals will become property of the Town of North Andover.
 3. The owner or authorized party may authorize the release of said animal(s) to an alternate party listed on said contract. The owner or authorized party understands that it is their responsibility to contact the person(s) that are authorized to claim said animal.
 - a. The owner or authorized party acknowledges that if said person(s) that are authorized to claim said animal(s) declines or fails to claim said animal(s), § 60-14(7.2) is still in effect.
 4. Unclaimed animals shall be placed up for adoption in a suitable home, transferred to a local rescue or humanely euthanized, if necessary.
8. Animal Adoption: The Animal Control Officer may make available for adoption any dog, cat, ferret and/or any other domestic animal found free of disease. The adoption fee established by the Select Board shall be collected and all monies received by the officer for the adoption shall immediately be turned over to the Treasurer's Office. Before delivery of the animal so adopted, the animal control officer shall require the purchaser to show identification and authorizes a CORI background check for all individuals residing within the residence.

§ 60-15. Humane pet stores:



1. Sale of dogs, cats, guinea pigs, or rabbits by pet shops prohibited:
 - a. It shall be unlawful for a pet shop to sell or offer for sale a dog, cat, guinea pig, or rabbit.
 - b. A pet shop may provide space for the display of dogs, cats, guinea pigs, or rabbits available for adoption by a public animal control agency or shelter or an animal rescue organization so long as:
 1. The pet shop receives no part of any fees associated with the display or adoption of the animals and has no ownership interest in any of the animals displayed or made available for adoption; and
 2. The pet shop maintains no ownership interest in any of the animals displayed or made available for adoption; and
 3. The pet shop maintains records sufficient to document the source of each dog, cat, guinea pig, or rabbit the pet shop displays, for at least one year following the date of display. Such records shall be made available, immediately upon request, to any animal control officer or any duly appointed officer or representative of the Town.
2. Enforcement and severability:
 - a. Any pet shop that makes a sale or offer for sale of a dog, cat, guinea pig, or rabbit in violation of § 1(A) shall be fined as established by the Select Board. Each unlawful sale or offer for sale shall constitute a separate violation.
 - b. Any pet shop that makes a provision of space knowingly and in violation of Subsection 1(B) shall be fined as established by the Select Board. Each unlawful provision of space shall constitute a separate violation.
 - c. In addition to any other remedy provided by law, this section may be enforced by police officers and animal control officers through any means available in law or equity, including but not limited to noncriminal disposition in accordance with MGL c. 40, § 21D. The invalidity of any section or provision of this bylaw does not invalidate any other section or provision of it.

§ 60-16. Enforcement; additional remedies; consistency with state law:

1. Enforcement. In addition to any other means of enforcement authorized by law, the provisions of this bylaw and the regulations adopted pursuant thereto may be enforced by noncriminal disposition in accordance with the provisions of this bylaw and MGL c. 40, §21D. The North Andover Police Chief or his designee, including the Animal Control Officer, and any North Andover Police Officer shall have authority to enforce the provisions of this chapter.
2. Orders of the Animal Control Officer and hearing authority. Any orders of confinement, muzzling or disposition issued by the Animal Control Officer or



the hearing authority may be in addition to the fines authorized by this chapter.

3. Non-waiver of statutory remedies. The provisions of this chapter are intended to be in addition to and not in lieu of those contained in MGL c. 140, §136A et seq., as amended by Chapter 193 of Legislative Acts of 2012; nothing contained in this chapter shall deprive the Town from employing the remedies provided in those sections, including but not limited to disposition of a dog found to be a dangerous dog or potentially dangerous dog, as provided in MGL c. 140, §157, as amended. To the maximum extent possible, the provisions of this chapter shall be deemed to be consistent with and/or supplementing those contained in MGL Chapter 140, as provided in MGL c. 140, §136A, et seq., as amended.

§ 60-17. Informal disposition process:

1. The owner, keeper or any person(s) that receives a citation under this article may, within 21 days, confess to the offense charged personally or through a duly authorized agent, or by mailing to the Town Clerk said citation along with payment in the amount as authorized in the listed fine schedule of this article. Said payment, if made through the mail, shall be by postal note, money order or check. The payment to the Town Clerk shall operate as a final disposition of the case, when such payment is actually received by the Town Clerk.
2. If such person when issued a citation desire to contest the violation through the informal disposition process, he/she may, within 21 days of said issuance, request a hearing with the Police Chief, or a hearings officer appointed by said Police Chief, and may present, either in person or by counsel, any evidence he may have to refute the allegation contained in the citation. At such hearing, the Police Chief or hearing officer shall make a determination as to facts of the allegation, and said determination shall be final regarding the informal disposition process.

§ 60-18. Noncriminal disposition:

1. If any person so notified by citation desires to contest the violation alleged in the citation without availing himself of the provisions of the informal process, or desires to contest the decision of the Clerk Magistrate or hearing officer, such person may avail himself of the noncriminal disposition procedures by making a written request for a hearing within twenty-one (21) to the Lawrence District Court.

§ 60-19. Failure to respond:

1. The owner, keeper or any person(s) that receives a citation under this article fails to respond to the citation within 21 days, the Animal Control Officer or



his designee shall forward a copy of the citation, along with a criminal complaint to the Lawrence District Court, where it shall be handled under the provisions of MGL c. 140, § 173A.

Or take any other action relative thereto.

Upon motion made and duly seconded it was VOTED to approve Article 5 as printed in the warrant and displayed on the screen.

VOTE: A majority vote required for passage, the Moderator declared the Motion Passed by a UNANIMOUS vote.

A true record
A T T E S T

Carla Dawne Warren

Carla Dawne Warren
Town Clerk