



TOWN OF WESTWOOD

COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Dorothy A. Powers M.C. E.M.C.

Town Clerk

Justice of the Peace

Notary Public

To Whom It May Concern:

I hereby certify the following action taken under Article 24 of the Warrant for the Annual Town Meeting held on May 6, 2024:

ARTICLE 24 – General Bylaw Amendment Chapter 184 [Animals] Clarify Terms and Modify Fines

The Finance and Warrant Commission recommended and the Town voted by a 2/3 vote declared by the Moderator using electronic voting (**1681-YES;39-NO**) Article to approve certain amendments to the Westwood General Bylaw Chapter 184 [Animals] to clarify various terms used throughout Chapter 184, and to modify fines prescribed in Chapter 184 for compliance with applicable state law, so that the amended Chapter 184 reads as follows, or take any other action in relation thereto:

Chapter 184 Animals

Article I Animal Control

§ 184-1 **Definitions.**

§ 184-2 **Complaints.**

§ 184-3 **Penalties.**

§ 184-4 **Violations.**

§ 184-5 **Control of dogs in oestrus cycle.**

§ 184-6 **Control of dogs.**

§ 184-7 **Enforcing officer.**

§ 184-8 **Validity.**

§ 184-9 **Enforcement.**

§ 184-10 **Licensing; dogs worrying, maiming or killing livestock.**

Article I Animal Control

§ 184-1 Definitions.

The following terms shall have the meanings herein given:

AT LARGE

Means unaccompanied by a responsible person.

ANIMAL CONTROL OFFICER

Means that person appointed by the Town Administrator or otherwise serving in the capacity of Animal Control Officer (shall mean in their absence or unavailability the Chief of Police/designee) for the Town of Westwood.

OESTRUS CYCLE

Means the technical term for the common expression "in heat."

OUT OF CONTROL

Means accompanied by a person not exerting the proper supervision.

RESTRAINED

Means being kept leashed when outside the bounds, or fenced within the bounds of the property of the owner or keeper.

§ 184-2 Complaints.

If any person shall make a complaint in writing (Note: A supply of forms which may be used for this purpose shall be available from the Town Clerk, Animal Control Officer, or police station.) and under oath to the Animal Control Officer of Westwood that any dog has committed a violation of any of the provisions listed in § **184-4**, the Animal Control Officer shall investigate

such complaint and after finding such violation shall cause such dog to be impounded or restrained and cause the owner or keeper of such dog to receive a written warning or pay a penalty as set forth in § 184-3. The Animal Control Officer shall keep a written record of each such investigation and shall provide a copy thereof to the owner or keeper of the dog and the complainant.

§ 184-3 Penalties.

The penalty imposed upon an owner or keeper of a dog which has committed a violation of any of the provisions listed in § 184-4 shall be \$50 for the first offense, \$100 for the second offense \$300 for the third offense, and \$500 for the fourth offense and for each subsequent offense.

§ 184-4 Violations.

- A.** The Animal Control Officer shall cause penalties to be invoked for any of the following reasons:
- (1)** If found without a license, collar, or tag as required by MGL c. 140.
 - (2)** If found at large when in the oestrus cycle, or if creating a nuisance.
 - (3)** No dog shall be permitted to be unrestrained while in or near any school yard, public park, public playground, public cemetery, or public or school recreational field or facility. Further, no person shall permit a dog under that person's control to defecate on any school yard, public park, public playground, public cemetery, or public or school recreational field or facility or any public property abutting thereto. Further, no dog shall be permitted to be at large or out of control of a responsible person in any other public area not designated within this subsection.
 - (4)** If found at large or not in control of dog's owner.
 - (5)** For having bitten, injured, or physically harmed any person or domestic animal; or having caused any person to be fearful for their safety by chasing, worrying, snapping, or otherwise frightening said person.
 - (6)** For chasing any vehicle or bicycle on a public way or way open to public traffic.
 - (7)** If the dog is found to bark, howl, or in any other manner to basically disturb the quiet of any person.
 - (8)** For having disturbed, spilled, or otherwise upset rubbish or trash.
 - (9)** For having littered, defecated, or caused damage to the property of any person (except for the property of the owner/keeper of the dog).
 - (10)** If found at large or out of control after having been ordered restrained by the Animal Control Officer.
- B.** An impounded dog or domestic animal shall be released to its owner or keeper upon payment of the penalty as described in § 184-3 and upon payment of the pound fees as provided for in MGL c. 140. The following conditions, if applicable, shall also apply:
- (1)** In the case of a dog impounded under Subsection **A(1)** above, upon the obtaining of a license as required by law.
 - (2)** Except as hereinafter provided in § 184-5, in the case of a dog impounded under Subsection **A(2)** above, upon the agreement of the owner or keeper to undertake such restrictions or controls of the animal to prevent violations of Subsection **A(2)** as the Animal Control Officer shall reasonably require.
- C.** Dogs impounded and unclaimed by the owner or keeper within seven days may be put up for adoption or euthanized in accordance with the MGL c. 140, § 151A.
- D.** For purposes of Subsection **C** above, no dog shall be obtained for the purpose of scientific experimentation, investigation, or instruction as discussed in MGL c. 140, § 151.

§ 184-5 Control of dogs in oestrus cycle.

If the Animal Control Officer determines that a dog in the oestrus cycle is attracting other dogs to the area, which conditions cause disturbances on or damage to neighboring property or public areas, the Animal Control Officer may impound the dog for the duration of the oestrus cycle, releasing it thereafter to the owner or keeper upon payment of penalties, if applicable, and upon payment of pound fees; as an alternative, the Animal Control Officer may require that the owner, or keeper, place and keep such a dog, while in such cycle, in a kennel or remove it from the area so that the nuisance is abated.

§ 184-6 Control of dogs.

- A.** Restraint of dogs. In addition to and not in limitation of any other remedies or penalties, the Animal Control Officer shall order the owner or keeper of a dog to restrain a dog for violation of any of the provisions listed in § 184-4A. After a period of no less than 21 days, the Animal Control Officer may, at their discretion, remove an order of restraint if the owner or keeper of the dog satisfies them that the dog is unlikely to repeat the offense.
- B.** Permanent restraining or muzzling of dogs. If any person shall make a complaint in writing (Note: A supply of forms which may be used for this purpose shall be available from the Town Clerk, Animal Control Officer, or police station.) to the Animal Control Officer of Westwood that any dog is a nuisance by reason of vicious disposition, or by repeated violations of any of the provisions listed in § 184-4A which are contrary to the safety and welfare of the community. The Animal Control Officer shall investigate such complaint, which may include an examination on oath of the complainant, the owner or keeper and witnesses, and upon finding that such dog is a nuisance as hereinbefore set forth shall order such dog to be permanently restrained and/or muzzled.

§ 184-7 **Enforcing officer.**

This bylaw shall be enforced the Animal Control Officer of Westwood and/or others who may be appointed from time to time by the Select Board of Westwood for such purpose.

§ 184-8 **Validity.**

- A. The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.
- B. This bylaw is not intended to derogate or limit any powers, rights, or obligations set forth in MGL c. 140 but is in addition thereto.

§ 184-9 **Enforcement.**

In addition to the foregoing and not in limitation thereof, the Animal Control Officer shall impound any dog found at large.

§ 184-10 **Licensing; dogs worrying, maiming or killing livestock.**

- A. No person shall own or keep a dog in the Town of Westwood which is not duly licensed as required by the provisions of MGL c. 140, § 137. The registering, numbering, describing and licensing of dogs shall be conducted in the office of the Town Clerk of said Town. Any person who no longer owns a dog shall notify the Town Clerk immediately.
- B. When license fees for dogs are due in January of each year and the dog is a spayed female or neutered male, the spaying or neutering certificate must be presented at the time of license application. All rabies shot certificates must be shown before a new license can be issued.
- C. Notwithstanding the provisions of MGL c. 140, § 139 or any other provision of law to the contrary, the annual fees charged for the issuance of licenses for dogs shall be established by the Town Clerk in accordance with the provisions of MGL c. 40, § 22F. No license fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Town or other disposal of said dog.
 - (1) Effective January 1, 2011, the term of any license issued by the Town Clerk shall be for the period of January 1 to December 31. The Town may impose a late fee in accordance with the provisions of MGL c. 40, § 22F, to be paid by the owners who license said dog or dogs after April 1 of any given year.
 - (2) Effective January 1, 2018 any person 70 years of age or older, upon proof of age, shall be exempt from the annual fee for one dog, per household, per year. The owner of a kennel license, age 70 years of age or older, shall be excluded from this exemption. Dogs must still be licensed on or before March 31 of any given year per Town Bylaws § 184-10C(1).
- D. Notwithstanding the provisions of MGL c. 140, § 147 or any other provision of law to the contrary, all money received from the issuance of dog licenses by the Town of Westwood, or recovered as fines or penalties by said Town under the provisions of MGL c. 140 or by vote of the Town under Article 38 of the warrant for the 1981 Annual Town Meeting relating to dogs, shall be paid into the treasury of said Town and shall not thereafter be paid over by the Town Treasurer to Norfolk County.
- E. Notwithstanding the provisions of MGL c. 140, § 160 or any other provision of law to the contrary, whoever suffers loss by the worrying, maiming or killing of their livestock or fowl by dogs, outside the premises of the owners or keepers of such dogs, shall, after investigation as provided in MGL c. 140, § 161, be paid from the treasury of said Town.

Witness my hand and seal of the Town of Westwood this 7th day of May, 2024

Attest:



**Dorothy A. Powers, MMC, CMMC
Westwood Town Clerk**

****Pending Attorney General Approval**