

**CHAPTER XVII**  
**DOGS**  
**Adopted - A.T.M. 5/4/90**

Section 1. Dog owners are required to restrain their dogs when they are not on the owners property. Hunting dogs when being used for hunting or training shall be exempt.

Section 2. Muzzling dogs.

Any owner or keeper of a dog may be ordered to muzzle said dog by a duly appointed animal control officer for either of the following reasons:

- (a) For having bitten, injured or physically molested any person;
- (b) For having physically injured any domestic animal.

This order shall remain in effect until removed by the officer after having been satisfied that the dog is unlikely to repeat its offense. Such decision by the officer to remove the said order shall not be unreasonably withheld.

Section 3. Impounding, release and disposition of dogs.

- (a) Animal control officers may cause a dog to be impounded for any one the following causes:
  - (1) If found without a license when a license is required. (MGL Chapter 140, Section 137).
  - (2) If found unrestrained as set forth in Section 1 above.
  - (3) For violation of a muzzling order as provided for in Section 2 of this By-Law or as provided under MGL Chapter 140, Section 167, as amended.
  - (4) For having bitten, injured or physically molested any person.
  - (5) For having bitten or injured any domestic animal.
- (b) Not later than two (2) days after the impounding of any dog by the animal control officer, the owner or keeper shall be notified, or if the owner or keeper of the dog is unknown, or, after reasonable efforts, is not contacted, written notice shall then be posted for ten (10) consecutive days in the location for the posting of notices in the Town Hall, which notice shall describe the dog and the place and time of taking. Dogs impounded and unclaimed by the owner or keeper after such ten-day period shall be disposed of in accordance with the provisions of MGL Chapter 140, Section 151A. Prior to the end of said ten-day period the owner or keeper may obtain the release of any dog impounded hereunder as follows:

- (1) In the case of a violation of Section 3(a)(1), upon obtaining a license as required by law.
  - (2) In addition to compliance with subparagraph (1) of this section, all pound fees, fines, notification costs, if any, must be paid before the dog is released.
  - (3) A person who owns or keeps a dog, and who has received such notice that the dog has been impounded by the animal control officer, and does not within ten (10) days claim said dog at the pound, shall be punished by a fine of no more than Seventy-Five Dollars (\$75.00). The owner or keeper shall be described as a person who has in his possession, for eleven (11) consecutive days in any calendar year, a dog licensed or unlicensed, and cannot show to the satisfaction of the animal control officer that such dog was sold, killed, given away or otherwise disposed of. Amended A.T.M. 5/4/01.
- (c) The pound fee shall be Twenty Dollars (\$20.00) per day for each day or fraction thereof a dog is impounded. Amended A.T.M. 5/4/01.

Section 4. Additional violations and fines.

Any person who violates the provisions of Section 1 through 3 of this By-Law, and the owner or keeper of any dog who intentionally allows any such dog to cause a nuisance by barking, howling or otherwise, shall pay the fines as stated below in accordance with MGL Chapter 140, Section 173A.

- (a) First offense within a calendar year - Five Dollars (\$5.00)
- (b) Second offense within a calendar year - Ten Dollars (\$10.00)
- (c) Third offense within a calendar year - Twenty Dollars (\$20.00)
- (d) Fourth and subsequent offense within a calendar year - Forty Dollars (\$40.00)

Section 5. License requirements; fees and exceptions.

Every dog in the Town must be fully licensed annually, and the fees for which shall be in accordance with the following:

- (a) The license fee for a dog that has not been spayed or neutered is Fifteen Dollars (\$15.00). Amended A.T.M. 5/4/01.
- (b) The license fee for a dog that has been spayed or neutered is Ten Dollars (\$10.00). Amended A.T.M. 5/4/01. A registered veterinarian's certificate, or reasonable facsimile of same, as proof of spaying or neutering is required.
- (c) No license fee shall be charged for a dog specially trained to lead or serve a blind person or to hear for or serve a deaf person. Certification of such training and service is required.
- (d) No license fee shall be refunded in whole or in part for any reason.

- (e) Late fee. Annual licenses are to be renewed by May 15. A late fee of Ten Dollars (\$10.00) per dog will be charged for any late renewals for a license. Amended A.T.M. 5/4/01.

Section 6. Kennels; license requirements and fees.

- (a) License required. Every kennel in operation in the Town must be licensed, MGL Chapter 140, Section 137A.
- (b) Renewal of license. Persons seeking a license renewal must present their previous license, all others must present certification from the building inspectors showing that all applicable requirements have been met.
- (c) Fees:
  - (1) For a kennel which holds four (4) or less dogs, the fee shall be Twenty-Five Dollars (\$25.00).
  - (2) For a kennel which holds more than four (4) but less than ten (10) dogs, the fee shall be Fifty Dollars (\$50.00).
  - (3) For a kennel which holds more than ten (10) dogs, the fee shall be Seventy-Five Dollars (\$75.00).

Section 7. Collection of fines.

The collection of fines shall be as follows:

- (a) All fines due under Section 4 shall be paid within twenty-one (21) days to the office of the Town Clerk of the Town of Lenox.
- (b) Any person who disputes a fine shall be entitled to a hearing before a hearing officer; the hearing officer shall have the power to dismiss the complaint upon just cause; upon dismissal the hearing officer shall note the reason upon the record.
- (c) Any fine not paid within twenty-one (21) days, or not dismissed by a hearing officer, shall be collected by an action in the district court department of the trial court.
- (d) Hearing officers shall be appointed by the animal control officer.

Section 8. The Board of Selectmen shall annually on May 1<sup>st</sup> designate one or more animal control officers in accordance with MGL Chapter 140, Section 165. Amended A.T.M. 5/04/90.

Section 9. Removal of Dog Litter.

- A. If any dog shall defecate upon any property or area, as hereinafter defined, then the owner, keeper and person then walking or otherwise in charge of said dog shall immediately remove or cause to be removed from said property or area all feces so deposited by said dog. Unless said feces are removed, the owner, keeper and the person then walking or otherwise in charge of said dog (or if said owner, keeper or person shall be a minor, then the parent or guardian) shall each be deemed to have committed a punishable offense.

- B. As used in this section the following terms shall have the meanings indicated:  
PROPERTY or AREA - Any public property or the common areas of any privately owned property or any private property owned or occupied by any person or persons who are not members of the family of the owner or keeper of or the person then walking or otherwise in charge of the dog.
- C. The provision of this By-Law shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.
- D. The commission of any offense punishable under this section shall be punishable by a fine not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars(\$100.00).
- E. Whoever violates any provisions of this By-Law may be penalized by a noncriminal disposition as provided in General Laws Chapter 40, Section 21D. S.T.M. 10/18/91.