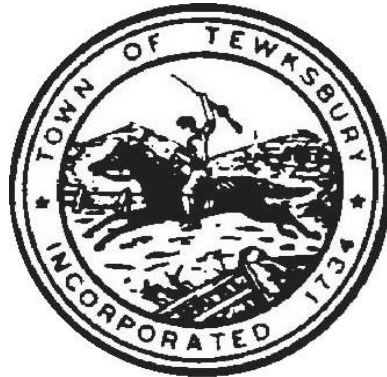


*Town of Tewksbury
Commonwealth of Massachusetts*



*Laws Relating to Dogs
Adopted May 1997
Amended 1999, 2004, 2007, 2009, 2013, 2019*

*Denise Graffeo
Town Clerk
Town Hall
1009 Main Street
Tewksbury, MA 01876
978-640-4355*

Chapter 6.04

DOGS

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6.04.005 Purpose.

These Bylaws are intended to guide those persons owning or keeping dogs within the Town of Tewksbury in their role as responsible pet owners. Although it is hoped these regulations will act as an educational tool, it must be understood that the enforcement of this bylaw is necessary to protect the rights and safety of the public. (Art. 21, ATM 1997)

6.04.010 Reference to Massachusetts general laws.

Any reference to a "Section" in this Bylaw shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated. (Art. 21, ATM 1997)

6.04.020 Definitions.

Unless otherwise set out in this Bylaw, any term defined in Chapter 140, Section 136A, Massachusetts General Laws, shall have the same meaning in this Bylaw, and shall be expressly incorporated herein.

“Animal control officer”, an appointed officer authorized to enforce sections 136A to 174D, inclusive. (Art. 37, ATM 2013)

“Animal shelter”, Any premises designated for the purpose of impounding and caring for animals held under authority of this bylaw.

“At large”, At large shall mean on or off the premises of the owner, and not under the control of the owner or authorized escort either by leash, cord, chain or otherwise.

“Enclosed area”, A portion of the owner’s property which is secured by fencing in such a manner that the dog, once inside the area cannot exit of its own accord. The Animal Control Officer, after an inspection of the area, will determine if the enclosed area is suitable or not.

“Kennel”, a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

- **“Commercial boarding or training kennel”**, an establishment used for boarding, holding, overnight stays or training of animals that are not the property of the owner of such establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of such animal; provided, however, that this definition shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a facility which does not provide overnight boarding for animals but does provide dog grooming, dog training, supervised playtime of dogs or dog walking with not more than 12 dogs on a single premises or individuals who temporarily, and not in the normal course of business, board or care for animals owned by others.
- **“Commercial breeder kennel”**, an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or for exchange to wholesalers, brokers or pet shops in return for consideration.
- **“Domestic charitable corporation kennel”**, a facility operated, owned or maintained by a domestic charitable corporation registered with the department, or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purpose while providing veterinary treatment and care.
- **“Personal kennel”**, a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed, use in legal sporting activity or other personal reasons; provided, further, that selling, trading, bartering or the distribution of such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided, further, that personal kennels shall not sell, trade, barter or distribute any dogs not bred from their personally owned dogs; and provided, further, that dogs temporarily housed at a

personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not made for the purpose of profiting thereby.

- “Veterinary kennel”, a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that this definition shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment, observation, or will do so, only for the period of time needed to accomplish the needed veterinary care. (Art. 37, ATM 2013)

“Licensing Authority”, As provided by the Massachusetts General Laws (MGL) is the Town Clerk. (Art. 37, ATM 2013)

“License Period”, The license period shall be from January 1 of each year to December 31 of the same year.

“Livestock or Fowl”, Animals or fowl kept or propagated by the owner for food or as a means of livelihood; also and deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the Department of Fisheries, Wildlife and Environmental Law Enforcement to be wild and kept by, or under a permit from, said department in proper houses or suitable enclosed yards. Such phrase shall not include dogs, cats and other pets.

“Owner”, Owner shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog owned or kept in the Town.

“Person”, An individual, partnership, company or corporation.

“Restraint”, A dog shall be deemed to be under “restraint” if it is on the premises of the owner accompanied by a person who shall have the dog under control; or is in a suitably enclosed area; or if outside the premises of the owner, is accompanied by a person who shall have the dog under control by holding it firmly on a leash no greater than six (6) feet in length.

“Veterinary hospital”, An establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals. (Art. 26, ATM 2004; Art. 21, ATM 1997)

6.04.030 Registration – Licenses.

The owner or keeper of any dog over the age of 6 months shall obtain a license for the dog. The registering, numbering, describing and licensing of a dog shall be conducted in the Office of the Town Clerk. The license shall be subject to the condition expressed in the license that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing live stock or fowl. (Art 37, ATM 2013)

Dogs must wear identification tags, attached to the collar, at all times when off the premises of the owner. The Town Clerk shall maintain a record of the identifying numbers and shall make this record available to the public. No person shall keep more than four (4) dogs, over the age of six (6) months, at any single family residence within the Town. (Art. 21, ATM 1997)

6.04.040 Vaccination against rabies.

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 Section 145B (CH.140,MGL) or has been certified exempt from such provision as outlined in Section 137 or 137A. (CH.140,MGL)

Vaccinated animals shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Massachusetts Department of Public Health.

(Art. 21, ATM 1997)

6.04.050 Dog tag.

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: (a) Town of Tewksbury, (b) year of issue, and (c) 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 five (\$5.00) dollars.

The provision of Section 138 (change of owner and out of state/country), Section 138A (commercial sale) and Section 146 (license valid throughout Commonwealth) of (CH.140, MGL) shall be expressly incorporated herewith and shall henceforth apply under this Bylaw.

(Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.060 License fees Late fees – Penalties.

The fee is \$15.00 for a dog license, \$20.00 if the dog has not been spayed or neutered, payable on January 1.

Late Fees: If your dog is not licensed by March 15th, an additional Late Fee of \$5.00 will be assessed.

If your dog is not licensed by July 1st, an additional Late Fee of \$10.00 will be assessed.

	January 1 st - March 15 th	March 16 th – July 1 st	July 2 nd – December 31 st
Spayed or Neutered	\$15	\$20	\$30
Not Spayed or Neutered	\$20	\$25	\$35

The license fee for a spayed or neutered dog shall be less than the license fee of 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 city or town clerk is satisfied that the certificate of the veterinarian who spayed or neutered the dog cannot be obtained, the 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. (Art. 37, ATM 2013)

Except as provided by Section 138 (CH.140, MGL) a person applying for a license hereunder shall be obligated to pay all outstanding fees related to the dog in question previously required by this bylaw.

Determination of licensing eligibility, dogs not required to be licensed, or refunding license fees shall be determined as set out in Section 139, (CH.140, MGL).

Any dog, impounded by the Animal Control Officer or others duly authorized, which is not wearing a tag indicating a current rabies vaccination, shall be vaccinated by a licensed veterinarian. The owner shall be required to pay such cost. (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.070 Kennel license – Fees.

Any person maintaining a kennel shall have a kennel license.

Any person who meets the requirement of the Town Zoning By-Laws relating to kennels and the provisions of Section 137A, (CH.140, MGL) may apply for a license to operate from the Town Clerk on a form prescribed and supplied by the Town Clerk upon payment of the required fee. In the case of an applicant for initial licensure, and in the case of an applicant for license renewal, a licensing authority shall not issue a kennel license until a kennel has passed inspection by the Animal Control Officer. (Art. 37, ATM 2013)

Domestic charitable organizations incorporated exclusively to protect animals from cruelty, neglect or abuse, or for relief of suffering among animals may be issued a kennel license without charge provided the above requirements have likewise been met.

The provisions of Section 137B, (CH.140, MGL) (Sale of dogs by Kennels regulated) shall be expressly incorporated into this bylaw. The Board of Health, its designee, or the Animal Control Officer may at any time inspect, or cause a kennel to be inspected. If their judgment is that the facility is not being maintained in a sanitary and humane manner or that records are not being legally kept, a petition shall be filed with the Hearing Officer setting forth the facts.

Within seven (7) days of receiving such a petition, or a similar complaint by twenty-five (25) citizens alleging they are aggrieved or annoyed to an unreasonable extent by one (1) or more dogs in a kennel because of excessive barking or the vicious disposition of said dogs, or other conditions at such kennel which they claim constitute a public nuisance, the Hearing Officer shall notify all interested parties of a public hearing, the date of which shall be within fourteen (14) days of the original filing date. No longer than seven (7) days thereafter the Hearing Officer shall issue one of the following orders:

- (a) Revoke/suspend its license or otherwise regulate such kennel;
- (b) Dismiss the petition(s).

The Hearing Officer shall forthwith mail a copy of his/her decision to the license holder, and file copies with the Town Clerk and Animal Control Officer. Within ten (10) days thereafter the licensee may appeal an adverse decision to the District Court. A person who continues to operate a kennel after its license has been revoked or suspended shall be punished as set forth elsewhere in this bylaw. The provision of Section 137D (CH.140, MGL, Cruelty to Animals) shall be expressly incorporated under this bylaw.

Kennels shall be limited to a total of fifteen (15) dogs to be maintained on said premises. It shall be a violation of this bylaw to have any dogs on said premises over and above said number.

Kennel License/Fees:	
Five (5) dogs or less	\$50.00
Ten (10) dogs or less	\$100.00
Fifteen (15) dogs or less	\$150.00
Over sixteen dogs	Prohibited

Said fees are subject to all other conditions set forth in Section 139 (CH.140, MGL). (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.080 Animal Control Officer.

The Town Manager shall appoint an Animal Control Officer and as many Assistant Animal Control Officers as he/she determines necessary to enforce this bylaw and, said individual(s) shall enforce this bylaw and perform such other duties as the Town Manager may determine.

The Animal Control Officer shall seek out, catch and confine all dogs within the Town that have not been licensed within sixty (60) days of the time the dog is required to be licensed under this bylaw; and shall seek out, catch and confine any dogs within the Town that are found on public property, or on private property where said dog is trespassing and the owner or person in control of such property wants the dog removed, said dog being in violation of this requirement of this bylaw; and shall seek out, catch and confine any dog within the Town when said dog was cited for a violation of any provision of this bylaw, and the owner or keeper has failed, within twenty-one (21) days, to avail him/herself to the provision of this bylaw, or within twenty-one (21) days of a determination by the court under the provision of Chapter 1.08, General Penalty, Town by laws, that any sums are due and has failed to pay said sums.

Any owner or keeper of any dog who refuses to turn over any dog to the Animal Control Officer upon demand, said seeking out, catching or confinement authorized in the above paragraph shall be punished by a fine of one hundred and fifty (\$150.00) dollars. Each day that said violation continues shall constitute a separate offense.

No person shall interfere with, hinder, molest or abuse an Animal Control Officer in the exercise of such responsibilities. The provisions of Section 151 and 151A (CH.140,MGL) regarding euthanization and/or transfer of any dogs shall apply and are expressly incorporated in this bylaw. No Animal Control Officer shall be a licensed animal dealer registered with the United States Department of Agriculture, and no Animal Control Officer, either privately or in the course of carrying out his/her official assignments as an agent for this Town, or shall any other agent of the Town, give, sell, or turn over any animal which may come into custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates the provisions of this paragraph shall be punished as provided in Section 151 (CH.140,MGL).

Duties of Officers. Each police officer, Animal Control Officer or Assistant Animal Control Officer to whom such authority is issued shall, on the first week of every month, make returns to the Director of Public Health and shall state in said returns the number of dogs which he/she has

caught, confined or euthanized, or made available for adoption, the names of the owners or keepers thereof and whether all unlicensed dogs in the Town have been caught, confined euthanized, or adopted, and the names of persons against whom complaints have been made under the provision of Chapter 140, MGL, and this bylaw relating to dogs, and whether complaints have been entered against all of the persons who have failed to comply therewith since the previous report. (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.090 Hearing Officer.

The Town Manager shall appoint a Hearing Officer who shall act on his/her behalf of all matters pertaining to the enforcement of this bylaw and the settling of any disputes between dog owner/keeper, the Town or its residents. (Art. 21, ATM 1997)

6.04.100 Leash law.

No owner or keeper of any dog shall permit such dog to run at large at any time. The provisions of this section shall not be intended to apply to dogs participating in any dog show, nor to seeing eye dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under the control of aiding the deaf.

Restraint of Dogs. No person shall own, keep or harbor in the Town, within the confines of the owner's property (meaning owned, rented or leased), any dog which is left unattended and is not leashed or otherwise restrained or, if outside the premises of the owner (meaning owned, rented or leased), any dog which is not held firmly on a leash no greater than six (6) feet in length by a person who shall have control of such dog. This regulation shall not apply to a dog accompanying a person who, by reason of his/her disability, is physically unable to comply with the requirements of this bylaw or to any individual who utilizes a seeing-eye guide dog.

Leash Law:	
1st Offense:	\$50.00
2nd Offense:	\$100.00
3rd Offense:	\$300.00
Each Subsequent Offense:	\$500.00

Unrestrained dogs may be taken by the Animal Control Officer or police and impounded in an animal shelter, and there confined in a humane manner. If the dog can be identified, the Animal Control Officer shall notify the owner of the impoundment. Impounded dogs shall be kept for seven (7) days unless reclaimed by their owner. Dogs not claimed within ten seven (7) or not placed in suitable homes may be placed in a recognized non-profit animal shelter that meets MSPCA standards for future adoption. In addition to or in lieu of impounding a dog found at large, the Animal Control Officer or police officer shall issue to the known owner of such dog a notice of the bylaw violation. Dogs being conveyed in a vehicle or boat shall be deemed to be under the personal control of the owner/keeper or custodian thereof. This bylaw shall not apply to dogs commonly known to be used for hunting, tracking or advanced obedience training purposes during any period said dogs are being used for such activity. Any dog being used for advanced obedience training shall have written proof of an AKC obedience certificate and be under total supervision, within fifty (50) feet, of a trainer or owner. (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 32, ATM 2009) (Art. 37, ATM 2013)

6.04.110 Public nuisances.

Every owner or keeper of a dog shall exercise proper care and control of his/her dog so as to prevent said dogs from becoming a public nuisance. It shall be deemed a public nuisance if any dog should trespass upon private or public property and deposit feces thereon, unless immediately removed by the owner or keeper of said dog. Every Owner or keeper of said dog, who allows a dog in their control or possession to continuously bark for more than ten (10) consecutive minutes shall be deemed a PUBLIC NUISANCE.

Female Dogs in Heat. Every female dog in heat shall be confined in a building or secured enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding. The Animal Control Officer shall have the power to enforce a regulation to eliminate what he/she may deem to be a nuisance. Penalty for the violation of this section shall be:

1st Offense:	\$50.00
2nd Offense:	\$100.00
3rd Offense:	\$300.00
Each Subsequent Offense:	\$500.00

Noise, Disturbances, Chasing Vehicles, Trespassing, etc. No owner or keeper shall fail to exercise proper care and control of his/her dog to prevent said dog from becoming a public nuisance. Barking frequently or for continued duration or making sounds which create a noise disturbance across a residential real property boundary, molesting passersby, chasing vehicles, attacking people or other domestic animals, trespassing on school grounds or trespassing on private property in such a manner to damage property shall be deemed a nuisance. Penalty for the violation of this section shall be:

1st Offense:	\$50.00
2nd Offense:	\$100.00
3rd Offense:	\$300.00
Each Subsequent Offense:	\$500.00

Quarantine of Dog That Bites. The dog owner or keeper shall immediately, and within twenty-four (24) hours, notify the Board of Health if the dog bites a person.

A dog that bites a person shall be quarantined for ten (10) days if ordered by the Animal Inspector. During quarantine, the dog shall be securely confined and kept from contact with any other animal. At the discretion of the Animal Inspector the quarantine may be on the premises of the owner. If the Animal Inspector requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall at his/her own expense place it in a facility approved by the Animal inspector.

If said dog is in violation of one (1) or more of the following: unlicensed, unrestrained or is not currently vaccinated with anti-rabies vaccine, the owner shall surrender the animal for the quarantine period to a veterinary hospital at the owner or keeper's expense.

Animals Suspected of Being Rabid. No police officer or other person shall euthanize or cause to be euthanized any animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian or Animal Inspector diagnoses rabies in an animal in quarantine, then the animal shall be humanely euthanized and the head of such animal sent to a laboratory for pathological examination and confirmation of diagnosis.

Anti-Rabic Vaccine and Treatment. The Board of Health shall, upon application, furnish free of charge to any Town resident who has been exposed to rabies, or may have been so exposed, anti-rabic vaccine and anti-rabic treatment, in accordance with rules and regulations which the Massachusetts Department of Public Health is authorized to make. Any resident shall have the right to select his/her own physician, who shall be paid by the Town at a rate established by the Board of Health and the fact that a physician is a member of the Board of Health shall not disqualify him/her from being so selected and from being paid by the Town for his/her services. Reimbursement for the cost of furnishing vaccine and treatment shall be made from the Dog Fund.

Ordering Dogs Muzzled or Restrained. All the provisions of Section 167 (CH.140,MGL) shall be incorporated into this bylaw except that any dog held under the provisions of Section 167 (CH.140,MGL) may not be released until all the requirements of this bylaw, regarding licensing and the fee for care of the animal are complied with. All other provisions of Section 167 (CH.140,MGL) shall be incorporated herein. (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 37, ATM 2007, Art. 32, ATM 2009)

6.04.120 Disposition of dogs.

Any dog confined by the Animal Control Officer, unless picked up by the owner, shall be kept for at least seven (7) days, at which time said dog may be disposed of in a manner approved by the Board of Health, provided that at the end of seven (7) days, the Animal Control Officer may make available for adoption any dog not found to be diseased. Any dog confined by the Animal Control Officer shall not be released to the owner or keeper until the owner produces evidence of a current dog license, The Animal Control Officer shall establish a procedure for the adoption of abandoned dogs and in conjunction with the Director of Public Health set any fees or deposits required. (Art. 37, ATM 2013)

Any fees in this paragraph are to be in addition to fees or lines as specified elsewhere in this bylaw and/or under Massachusetts General Laws. No dog shall be turned over or sold in any manner inconsistent with Section 151 (CH.140,MGL) or disposed of inconsistent with the provisions of Section 151A (CH.140,MGL).

Reclaiming Impounded Dogs. An owner reclaiming an impounded dog shall pay all boarding costs. -In addition, if applicable, veterinary costs plus costs for any required vaccinations as required by MGL c. 140 Section 145 B, if the dog is not up-to-date on its annual vaccinations, as certified by a licensed veterinarian. (Art. 37, ATM 2013)

The provisions of Section 160, and Section 161 (CH.140, MGL) regarding property damage, appraisal and reimbursement are expressly incorporated in this bylaw.

The provisions of Section 171 (CH.140, MGL), liability of damages, are expressly incorporated into this by law. (Art. 26, ATM 2004; Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.130 Disposition Process

The owner or keeper of the dog that receives a citation under this bylaw, may admit to the offense charged by personally or through a duly authorized agent or by mailing to the Town Clerk, said citation along with payment in the amount as authorized under the penalty provisions of this bylaw. Said payment shall be by postal note, money order or personal check. The payment to the Town shall operate as a final disposition of the case. (Art. 21, ATM 1997) (Art. 37, ATM 2013)

6.04.140 Non-Criminal Disposition of Violation.

If any person so notified by citation desires to contest the violation alleged in the citation notice, he/she may avail him/herself to the procedures established in Chapter 1.08, Section 1.08.010, of the Town of Tewksbury Town By-Laws. In either of the above cases, or if the owner or keeper of a dog fails to respond to the citation within twenty-one (21) days, the Town Clerk shall forward a copy of the citation to the District Court where it shall be handled under the provisions of Article 1, Section 2 of the Town By-Laws. (Art. 21, ATM 1997) (Art. 37, ATM 2013)

6.04.150 Bylaw violation.

Proceedings under this section shall not be criminal. If any violation is continuing, each day's violation shall be deemed to be a separate violation. Complaints will be sought in a District Court according to Chapter 140, Section 173A, Massachusetts General Laws.

Enforcement of this section may, in the first instance, be pursued through the provisions of Section 21D, Chapter 40, Massachusetts General Laws, which provides for a non-criminal disposition. The enforcing persons shall be any police officer of the Town and the Animal Control Officer and the Assistant Animal Control Officer.

(Art. 26, ATM 2004; Art. 21, ATM 1997)

6.04.160 Penalty Bylaw violation.

(1) The following penalties, except where otherwise indicated herein, shall be in effect for violations of the provisions of this bylaw: (Art. 37, ATM 2013)

Non-Criminal Disposition through Chapter 1.08, General Penalty Town of Tewksbury, Town By-Laws:	
1st Offense:	\$50.00
2nd Offense:	\$100.00
3rd Offense:	\$300.00
Each Subsequent Offense:	\$500.00

(2) Penalties for violations of any provision of this bylaw, except where otherwise indicated, shall be one hundred (\$100.00) dollars.

(Art. 22, ATM 2000: Art. 21, ATM 1997, Art. 32, ATM 2009)

6.04.170 Dog Fund.

A Dog Fund is hereby created by the Town under the provisions of MGL., Chapter 44, Section 53E, said fund to be used as a depository for all monies collected as fees, fines, charges, penalties and other like monies imposed under this bylaw. It shall be administered by the Treasurer/Collector and may also receive funds from usual municipal financing methods.

Receipts allocated to this fund shall be deposited in a special account by the Treasurer.

Expenditures may be charged against this fund without prior appropriation, subject to the approval by the Town Clerk, and shall be limited to purposes directly connected to the enforcement of the provisions of the dog bylaw.

Said expenditures, or incurred liabilities, shall not exceed the available balance of the fund at any given time nor the actual amounts deposited to it during the previous fiscal year.

The unexpended balance in this account at the end of each fiscal year shall be deposited into the General Fund.

At the written request of the Town Clerk, to the Auditor, a portion of the unexpended balance shall remain in the Dog Fund, to provide for the purchase of supplies and technical services to maintain the Dog Program.

Any veterinarian registered under the provisions of Section 55 or 56A (Ch.112,MGL) who provided emergency treatment of a dog or cat that is injured on any public way in Tewksbury shall receive (in lieu of payment allowed in Section 151B, CH.140,MGL), payment from the Dog Fund provided by this bylaw. All other provisions of Section 151B (CH.140,MGL) shall be incorporated herein under this bylaw.

The Board of Selectmen shall determine certain salaries or expenses that may not be funded with this fund but must be appropriated through the usual municipal financing procedure, and such determination shall be binding on this administration of this fund by the Treasurer/Collector. (Art. 21, ATM 1997) (Art. 37, ATM 2013)

6.04.180 MASSACHUSETTS GENERAL LAWS INCORPORATED INTO THIS BY-LAW

The provisions of the following Sections of Chapter 140 of Massachusetts General Laws, as may be Amended from time to time, shall be incorporated into and apply to this By-Law as referred to in this article.

Section:

137	Registration and Licenses
137B	Sale of Dogs by Kennels Regulated
137D	No Dog Licenses to Persons Convicted of Cruelty to Animals
138	Licenses
138A	Importation of Dogs & Cats for Resale
139A	Shelters; sale or gift of dog or cat not spayed or neutered
141A	Penalties for failure to license
145B	Rabies Vaccination
147	Issuance of licenses & disposition of fees
147A	By-Laws & Ordinances relative to regulations of dogs
149	Accounts
150	Dog Listing
153	Form of Warrant
155	Liability for Damage to Persons or Property
155A	Indemnification
156	Any Person may Kill Dog, Under Certain Conditions
157	Vicious Dogs
158	Killing of Vicious Dogs
159	Treble Damages for Injuries
160	Bond by Owner or Keeper
161A	No Reimbursement in Certain Cases
162	Reward for Killing or Evidence in Certain Cases
163	Notice to Owner to Kill or Confine Dog
164	Penalty for Failure to Kill or Confine
166	Damaged Parties, Choice of Remedies
168	Penalty for Failure to Muzzle or Restrain
169	Neglect of Duty by any Officer, Penalty
171	Liability of Dog Owner for Damage
173A	Disposition of Complaints for Violation of Dog Control Laws
174	Recovery of Fines and Penalties
174A	Regulating Killing of Dogs
174B	Dogs to be restrained in Certain Rest Areas
174D	Research Institutions

6.04.190 EFFECTIVE IMPLEMENTATION DATE OF THIS BY-LAW

This By-Law shall go into effect on December 31, 1997, and until said date, all areas of Massachusetts General Laws and Chapter 1.08 and Chapter 6.04, Town of Tewksbury By-Laws shall remain in effect.

6.04.200 SEVERABILITY CLAUSE

If any section, subsection, sentence, clause or phrase of this By-Law is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this By-Law. No provision or interpretation of a provision of this By-Law is intended to be either in conflict with or an attempt to change any statutory provision in Chapter 140, Massachusetts General Laws, pertaining to dogs.

	Description	Town Meeting	Attorney General Approved
1	Chapter 6.04 - Dogs	Article 21 – 5/5/1997-ATM	Adopted
2	Dog Fund	Article 21 – 10/5/1999-ATM	1/1/2000
3	Amend Dog Officer to Animal Control Officer	Article 26 – 5/5/2004-ATM	8/19/2004
4	Public Nuisance	Article 37 – 5/9/2007-ATM	9/24/2007
5	Amend Dog Fees & Penalties Clarify Leash Law	Articles 32 – 5/6/2009-ATM Articles 32 – 5/6/2009-ATM	9/8/2009 9/8/2009
6	Definitions (Kennel) Fee Differential for Intact Dogs, Stray Hold Period, Disposition Process	Article 37 – 5/6/2013-ATM	8/14/2013
7	Penalty Bylaw Violation Fees	Article 15 – 10/01/2019 – STM	12/13/2019