

DOG CONTROL BYLAW

A. Underlying Philosophy:

All citizens are entitled to fully enjoy their property and the public ways and lands. Those citizens who own or keep dogs are entitled to enjoy their animals, but only to the extent that such animals do not unreasonably impinge upon the activities of other persons.

B. Bylaw:

No person owning or keeping any dog in the Town of Boxborough shall permit the animal to go at large to the injury or nuisance of others or to constitute a nuisance or danger in any other way. Any dog shall be deemed at large if said dog is outside the boundaries of the property of its owner or keeper and not under the direct care and control of a person demonstrating the ability to properly care and control the animal.

C. Responsibility for Enforcement:

Responsibility for enforcing the bylaw and the provisions of the General Laws concerning dogs in Chapter 140 is vested with the Animal Control Officer – Dogs and Cats, any police officer of the Town of Boxborough, in an emergency, or any other person so appointed by the Board of Selectmen. In addition to any powers or authority granted under Chapter 140 of the General Laws, in order to carry out this responsibility effectively they are empowered to:

1. Consider all complaints that the bylaw or other provisions of the General Laws relating to dogs have been violated;
2. Catch and impound dogs, order dogs muzzled or restrained, dispose of dogs in accordance with applicable provisions of Chapter 140 of the General Laws, issue citations for violations of the bylaw, or take such other actions as shall be necessary to enforce the bylaw and the provisions of the General Laws, including filing a complaint with the selectmen pursuant to M.G.L. Chapter 140, Section 157.
3. Any person may make a written complaint to the selectmen that any dog owned or kept within the Town of Boxborough is a Nuisance Dog or a Dangerous Dog, as those terms are defined in M.G.L. Chapter 140, Section 157. The Board of Selectmen shall investigate or cause to be investigated such complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a Nuisance Dog or a Dangerous Dog, and shall make such order concerning the restraint or disposal of such dog as provided in M.G.L. c.140, Section 157. Violations of such orders shall be subject to the enforcement provisions of M.G.L. Chapter 140, Section 157 and 157A, Section D of this bylaw and/or any other remedy available at law or equity.

D. Fines

In accordance with M.G.L. Chapter 140, Section 173A, and M.G.L. Chapter 40, Section 21D, Non-Criminal Disposition Fines may be used to enforce this bylaw. The Animal Control Officer – Dogs and Cats, any police officer of the Town of Boxborough or any other person so appointed by the Board of Selectmen may issue notices of violation of bylaw. The fines for such violations, per dog, shall be as follows:

First offense:	Written warning, no fine
Second offense:	Fifty Dollars (\$50.00)

Third offense: Sixty Dollars (\$60.00)
Subsequent offenses: One Hundred Dollars (\$100.00) for each offense.

Fines shall be paid to the Town of Boxborough before redemption of the dog, if impounded, or within twenty-one (21) days of issuance of the imposed fine when impoundment has not occurred. An owner or keeper of any dog so impounded for violation of this bylaw shall, in addition to any applicable fees and penalties, pay the Animal Control Officer – Dogs and Cats a boarding charge of not less than forty dollars (\$40.00) per day while such animal is impounded, nor more than the actual cost for the boarding and care of such animal in any commercial kennel or animal hospital.

The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

E. Violation Abatement or Good Behavior Abatement

After a period of three (3) years from the date of the last violation, any subsequent offenses will be treated as new offenses under Section D.

Adopted by Annual Town Meeting:	May 12, 1997
Approved by Attorney General:	August 4, 1997
Amended by Annual Town Meeting:	May 11, 2010
Approved by Attorney General:	August 19, 2010
Amended by Annual Town Meeting:	May 14, 2013
Approved by Attorney General:	September 16, 2013