

**ARTICLE 10. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI**  
**SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN**

To see if the Town will vote to amend **Article VI – Permits Licenses and Public Demeanor**, Section 16 of the General Bylaws relating to dangerous and nuisance dogs, as follows:

**Delete Chapter B, Article VI, Section 16, which reads:** “Section 16. The Dog Officer, or any other law enforcement officer, upon investigation if he finds that a dog is of a vicious nature or disposition and/or habitually chases, attacks motorists, cyclists, or persons, may order the owner or keeper of said dog to restrain said dog from running at large outside the premises of its owner or keeper, for a period of up to sixty days duration. (Added/Effective 6/20/1975)”

**And replace it with:** “**Section 16.** The Animal Control Officer, or any other law enforcement officer, upon investigation, believing that a dog is dangerous or a nuisance as defined by M.G.L. c. 140, s. 136A, may order the owner or keeper of said dog temporarily to restrain said dog from running at large outside the premises of its owner or keeper for a period of thirty (30) days or until such time as a hearing pursuant to section 17 below occurs, whichever is sooner. Upon issuance of said order, the Animal Control Officer shall immediately file a complaint in writing to the Board of Selectmen alleging that a dog owned or kept in the Town is a nuisance or dangerous dog.”

Or take any action relative thereto.

\_\_\_ **Approved** \_\_\_ **Disapproved**

**Finance Committee Recommends:**

**Comments: [Please note this comment relates to Sections 16 thru 19]**

This amendment updates current bylaws concerning dangerous and nuisance dogs, sought for compliance with new state law and to implement better tools for protecting the health and safety of the community concerning dangerous dogs. The changes establish a clearer due-process for handling these cases. The current fine of \$10 is changed to first, second, and third offenses at \$100, \$200, and \$300; the increasing penalties are a better deterrent, but the new fines are lower than the maximum fines allowed in state law. A provision for banishing problem dogs to another town is removed; state law now prohibits this practice.

**ARTICLE 11. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI**  
**SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN**

To see if the Town will vote to amend **Article VI – Permits Licenses and Public Demeanor**, Section 17 of the General Bylaws relating to dangerous and nuisance dogs, as follows:

**Delete Chapter B, Article VI, Section 17, which reads:** “Section 17. Said order shall be in writing and delivered in hand or by registered mail to said owner or keeper. Said order may be appealed by the owner or keeper to the Board of Selectmen, for hearing and review, by filing a claim of appeal within ten (10) days of the receipt of said order. (Added/Effective 6/20/1975)”

**And replace it with:** “**Section 17.** The Board of Selectmen shall cause a complaint issued by the Animal Control Officer as provided in section 16 herein, or any other written complaints that a dog is a dangerous or nuisance dog, to be investigated. Evidence shall be taken at a public hearing of the Board of Selectmen for a determination. Based on credible evidence and testimony, the Board of Selectmen may (a) dismiss the complaint; (b) deem the dog a nuisance dog consistent with the definition of said dog as set forth in M.G.L. c. 140, s. 136A; or (c) deem the dog a dangerous dog consistent with the definition of said dog as set forth in M.G.L. c. 140, s. 136A.”

Or take any action relative thereto.

Approved  Disapproved

**Finance Committee Recommends:**

**Comments:** See Article 12 Comments for Section 17

**ARTICLE 12. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI**  
**SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN**

To see if the Town will vote to amend **Article VI – Permits Licenses and Public Demeanor**, Section 18 of the General Bylaws relating to dangerous and nuisance dogs, as follows:

**Delete Chapter B, Article VI, Section 18, which reads:** “Section 18. The Board of Selectmen may, after hearing, affirm, reduce or rescind said order. Failure to comply with the order shall result in a fine of ten dollars (\$10.00). Each day of said failure shall constitute a separate offense. (Added/Effective 6/20/1975)”

**And replace it with:** “**Section 18.** Penalties may be imposed as prescribed in M.G.L c. 140, s. 157, up to and including euthanasia and/or issuing a fine to the owner of the dog or dog(s) in the amount of one-hundred dollars (\$100) for the first offense, two-hundred dollars (\$200) for the second offense, and three-hundred dollars (\$300) for subsequent offenses. Each day of said failure shall constitute a separate offense. No banishment orders may issue.”

Or take any action relative thereto.

Approved  Disapproved

**Finance Committee Recommends:**

**Comments:** See Article 12 Comments for Section 18

**ARTICLE 13. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI**  
**SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN**

To see if the Town will vote to amend **Article VI – Permits Licenses and Public Demeanor**, Section 19 of the General Bylaws relating to dangerous and nuisance dogs, as follows:

**Delete Chapter B, Article VI, Section 19, which reads:** “Upon a second and subsequent order involving the same dog, the Board may order, in lieu of a fine, that the dog be permanently confined or removed from the Town of Rehoboth. (Added/Effective 6/20/1975)”

**And replace it with:** “**Section 19.** Within ten (10) days after an order issued under sections 16-18 inclusive, the parties may pursue appeals pursuant to M.G.L. c. 140, s. 157, as appropriate. Such appeals are to the District Court, which will review the charges at trial; the decision of the court is final. The District Court may issue orders for the confinement and control of the dog during the appeal process. Sections 16-18 inclusive may be enforced through noncriminal disposition proceedings commenced in accordance with M.G.L. c. 40, s. 21D.”

Or take any other action relative thereto.

Approved  Disapproved

**Finance Committee Recommends:**

**Comments:** See Article 12 Comments for Section 19

**ARTICLE 14: AMENDMENT TO GENERAL BYLAWS CHAPTER B ARTICLE VI**  
**SUBMITTED BY: BOARD OF SELECTMEN**

To see if the Town will vote to authorize the re-numbering of current Section 21. of the General Bylaws under **CHAPTER B, Article VI – Permits Licenses and Public Demeanor** to Section 29, which will

allow the following Article 15 to be number Section 21 instead of 21A, or take any other action relative thereto.

\_\_\_ **Approved** \_\_\_ **Disapproved**

**Finance Committee Recommends:**

**Comments:** The re-numbering of Section 21A will permit all the animal bylaws to run consecutively in Article VI of Chapter B; this is basically a housekeeping article.

**ARTICLE 15. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI**  
**SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN**

To see if the Town will vote to amend Chapter B, **Article VI – Permits Licenses and Public Demeanor Section 21A**, re-numbered to **Article VI – Permits Licenses and Public Demeanor** [per approval of Article 14] relating to rabies vaccinations for dogs and cats, as follows:

By striking the following from Section 21A:

“a fine of twenty-five dollars for first offense, fifty dollars for a second offense and seventy-five dollars for a third offense.”

And replacing it with the following language as Section 21:

“the maximum fine established pursuant to M.G.L. c. 140, s. 145B, as may be amended from time to time, for each separate offense.”

Or take any other action relative thereto.

\_\_\_ **Approved** \_\_\_ **Disapproved**

**Finance Committee Recommends:**

**Comments:** This change imposes the maximum fine in state law for an offense, replacing the overly-complex scale now in the bylaw; that maximum is \$100. The amendment uses current state law to protect public health and safety by streamlining the penalties for failure to vaccinate for rabies. Rabies is always fatal and must be controlled.

**ARTICLE 16. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI**  
**SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN**

To see if the Town will vote to amend Chapter B, **Article VI – Permits Licenses and Public Demeanor**, Section 22 relating to the amounts charged for licensing of kennels and the categories for numbers of dogs, as follows:

By striking the following from Section 22, under Kennel License Fees:

“1 to 4 dogs	\$25
5 to 10 dogs	\$45
11 to 25 dogs or more	\$75”

And replacing with the following:

“1 to 10 dogs on license	\$50
11 to 25 dogs on license	\$100
26 or more dogs on license	\$150”

**Approved**      **Disapproved**

**Finance Committee Recommends:**

**Comments:** This amendment changes the categories and moderately increases fees. It also clarifies that the fee is for the number of dogs stated on the kennel license. Kennel fee charges have become increasingly out of kilter with those for individual dogs. For example, licensing five unaltered dogs would cost \$100, at \$20 each; the kennel charge remains moderate compared to that. The recommended fees are consistent with those of neighboring communities and help defray the town's costs of inspecting and recording these kennels. Fees for licensing individual dogs are not being changed.

**ARTICLE 17. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI**  
**SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN**

To see if the Town will vote to amend Chapter B, **Article VI – Permits Licenses and Public Demeanor, Section 22A** relating to licensing of dog kennels to incorporate new state law that permits owners to request a kennel for fewer than 5 dogs, as follows:

Amend Section 22A by inserting the following language after “Section 136A” in the first sentence, “or a Kennel, as elected by owner (less than 5 dogs), as defined by M.G.L. c. 140, s. 137A,”

so that the whole will read as follows:

Section 22A. All persons seeking to maintain a Personal Kennel (more than 4 dogs), as defined by Massachusetts General Laws Part I, Title XX, c. 140, s. 136A, or a Kennel, as elected by owner (less than 5 dogs), as defined by M.G.L. c. 140, s. 137A, shall first obtain a license therefor from the Board of Selectmen.

     **Approved**      **Disapproved**

**Finance Committee Recommends:**

**Comments:** This amendment accomplishes minor housekeeping to comply with new state law that now allows people to apply for a kennel if they own fewer than 5 dogs. That possibility is not included in the wording of the current bylaw.

**ARTICLE 18. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI** \*\*\*\*\*  
**SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN**

To see if the Town will vote to amend Chapter B, **Article VI – Permits Licenses and Public Demeanor**, relating to penalties associated with licensing of dogs and of dog kennels, as follows:

By adding the following new Section 22B:

Section 22B: Whoever violates the provisions of Sections 22 or 22A of this bylaw shall be punished by the minimum mandatory fine established pursuant to M.G.L. c.140 s. 141, as may be amended from time to time, and shall also pay the administrative late fee set forth in section 22 above. This fine will be imposed to the owner of the dog or dog(s) or operator of the kennel after the end of the town's announced 60-day grace period and will be imposed again every additional week that the dog(s) or kennel remains unlicensed.

     **Approved**      **Disapproved**

**Finance Committee Recommends:**

**Comments:** Rehoboth is required to follow state law, which establishes a mandatory fine for violations of both individual and kennel licensing requirements. The deterrent of a fine protects public safety and health through rabies vaccinations and the licensing of dogs. This bylaw imposes the *minimum* fine, which is now \$50, and automatically follows changes in the amount set by the law.

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**And replace it with:** “**Section 16.** The Animal Control Officer, or any other law enforcement officer, upon investigation, believing that a dog is dangerous or a nuisance as defined by M.G.L. c. 140, s. 136A, may order the owner or keeper of said dog temporarily to restrain said dog from running at large outside the premises of its owner or keeper for a period of thirty (30) days or until such time as a hearing pursuant to section 17 below occurs, whichever is sooner. Upon issuance of said order, the Animal Control Officer shall immediately file a complaint in writing to the Board of Selectmen alleging that a dog owned or kept in the Town is a nuisance or dangerous dog.”

Or take any action relative thereto.

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**Comments: [Please note this comment relates to Sections 16 thru 19]**

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Or take any action relative thereto.

**ARTICLE 19. AMENDMENT TO GENERAL BYLAWS CHAPTER B, ARTICLE VI**  
**SUBMITTED BY: ANIMAL ADVISORY COMMITTEE and BOARD OF SELECTMEN**

To see if the Town will vote to amend Chapter B, Article VI – Permits Licenses and Public Demeanor, relating to the keeping of dogs, as follows:

By adding the following new Section 22C:

Section 22C. Nothing in sections 16-22A shall deprive the Town from employing the remedies and imposing penalties as provided in Massachusetts General Laws relating to the treatment of dogs, including but not limited to M.G.L. c. 140, sections 174E and 174F.

     **Approved**      **Disapproved**

**Finance Committee Recommends:**

**Comments:** Chapter 140, section 174E in new state law contains many specific requirements for how people must treat dogs, covering such matters as tethering, shelter, feeding, and protection. Adding this to our by-laws informs town residents of the new provisions. Section 174F protects animals in hot or cold closed cars. The Animal Control program conducts community education to help people avoid unintended violations. The law uses warnings before requiring fines, and the fees increase for repeat offenses.