

CHAPTER 14
Control of Domestic Animals

14.1 General Guidelines:

- 14.1.1 The rules and regulations contained here-in are intended to guide those persons who own or keep domestic animals with-in the Town of Holland in their role as responsible pet owners
- 14.1.2 The Town of Holland hereby accepts the provisions of Section 19 of Chapter 193 of the Acts of 2012, in order to enact by-laws and ordinances relative to the Regulation of dogs.
Approved as Amended May 26, 2015
- 14.1.3 Enforcement of violations of the regulations contained here-in shall be issued by the Animal Control Officer(s) or any Police Officer, by way of issuing a warning, a monetary fine, or by filing a criminal complaint at the District Court when applicable (M G L c. 40 s. 21D)

14.2 Definitions

- 14.2.1 "Animal control officer", an appointed officer, authorized to enforce M G.L. c. 140 s. 136A to 174E, inclusive, and as outlined in Holland Police Department job description number 1 02B (M.G.L. c 140 s, 136A)
- 14.2.2 "Attack", aggressive physical contact initiated by an animal. (M.G.L. c 140 s. 136A)
- 14.2.3 "Dangerous dog", a dog that either (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person or a domestic or owned animal (M G L. c 140 s 136A)
- 14.2.4 "Domestic animal", an animal designated as domestic by regulations promulgated by the department of fish and game in accordance with 321 CMR 9 02 (M G L c 140 s 136A)
- 14.2.5 "Hearing authority", the select board of the Town of Holland. (M.G.L. c 140 s 136A)
- 14.2.6 "Keeper", a person, business, corporation, entity or society, other than the owner, having possession of a dog. (M.G.L. c 140 s. 136A)
- 14.2.7 "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 (M. G.L. c 140 s 136A)
- 14.2.8 "License period", the period of time for which a municipal licensing authority prescribes the validity of a dog license, including the date of issuance of the license through the date on which the license expires, inclusive (M.G.L. c 140 s 136A)
- 14.2.9 "Licensing authority", the clerk of the Town of Holland (M G L c 140 s 136A)
- 14.2.10 "Nuisance dog", a dog that:
 - (i) by excessive barking or other disturbance, is a source of annoyance to sick person

- residing in the vicinity; or
- (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or
- (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances (M G L c 140 s 136A)

14.2.11 "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 or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing 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 a personal kennel shall not sell trade, barter or distribute a dog not bred from its personally-owned dog; 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 for profit. (M.G.L. c. 140 s 136A)XXI

Section 14.3 Requirements/Prohibitions;

14.3.1 The owner or keeper of a dog, cat or ferret that is (6) months of age or older, which is kept in the Town of Holland, shall cause such a dog, cat or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine, and shall cause such dog, cat or ferret to be revaccinated at intervals recommended by the manufacturer. Unvaccinated dogs, cats or ferrets acquired or moved into the commonwealth shall be vaccinated with-in (30) days after the acquisition or arrival of such animal into the commonwealth, or upon reaching the age of 6 months, whichever last occurs (MGL c 140 s 145B)

14.3.2 The owner or keeper of a dog over the age of (6) months, which is kept in the Town of Holland, shall obtain a license for such dog The license shall be granted upon the condition that the dog shall be controlled and restrained from killing, chasing or harassing livestock or fowl. Such license shall be processed in the Office of The Town Clerk and shall contain an effective license period from July 1st - June 30th . (M.G.L. c. 140 s 137)

14.3.3 The licensing authority shall not grant a license for a dog unless the owner of the dog provides the licensing authority with a veterinarian's certification that the dog has been vaccinated, certification that such dog is exempt from the vaccination, or a notarized letter from the veterinarian that either of these certifications was issued relative to such dog (M G L c 140 s. 137)

14.3.4 The owner or keeper of a licensed dog shall keep affixed around the dog's neck or body, a collar or harness of leather or other suitable material, to which the dog license tag issued by the clerk shall be securely attached The tag shall have inscribed upon it the dog's license number, the name of the city or town issuing the license and the year of issue If the tag becomes lost, the owner or keeper of the dog shall immediately secure a substitute tag from the licensing authority at a cost to be determined, and the fee for the substitute shall, if received by the town clerk,

be retained by the clerk unless otherwise provided by law This section shall not apply to a person to whom a valid kennel license has been issued.
(M.G.L. c. 140, § 137)

- 14.3.5 No person owning or keeping a domestic animal in the Town of Holland shall allow such domestic animal to move freely outside the confines of the property owner or another person with the knowledge and consent of such owner
- 14.3.6 Any dog, whether licensed or unlicensed, shall be effectively restrained by a leash or other suitable device and accompanied by a suitable person, when in or upon, any way, public street or property with-in the Town of Holland
- 14.3.7 Any person may file a complaint that a dog owned or kept in the Town of Holland is a nuisance or dangerous; provided that the reason for such complaint is in accordance with the parameters outlined with-in the laws of the Commonwealth. Such complaint shall be filed in writing to the hearing authority and the hearing authority shall investigate or cause the investigation of the complaint, to include examination under oath of the complainant at a public hearing to determine whether the dog is a nuisance or dangerous (M G L c 140 s 157)
- 14.3.8 Any dog which habitually barks or howls in a manner that is disturbing to citizens between the hours of 11:00 PM to 7:00 AM shall be declared as a nuisance dog
- 14.3.9 A person maintaining a kennel shall obtain a kennel license. An owner or keeper of less than 4 dogs, 3 months older or older, who does not maintain a kennel may elect to secure a kennel license in lieu of licensing the dogs under section 137 and shall be subject to this section, sections 137B and 137C and so much of section 141 as it relates to violations of this section to the same extent as though the owner or keeper were maintaining a kennel. In the case of an applicant for initial licensure and in the case of applicant for license renewal, a licensing authority shall not issue a kennel license until a kennel has passed inspection by an Animal Control Officer Such license shall be processed in the Office of The Town Clerk and shall contain an effective license period from July 1st - June 30th
(M.G.L. c 140 s 137A)
- 14.3.10 Any domestic animal found to be moving freely in violation of Section 14.3, subsection (14.3.5) as outlined above, may be caught and confined by an Animal Control Officer or other officer authorized to do so, or returned to the owner or keeper of record forthwith. The Animal Control Officer, or authorized agent, shall attempt to notify the owner or keeper if such person is known. The owner or keeper shall have a period of time, not to exceed (7) days, with-in which to recover said animal Return of the animal to the owner/keeper shall be dependent upon admission of ownership or the keeping of said animal, and assumption of responsibility by the owner or keeper If a confined dog is unlicensed, a current license shall be obtained prior to release of such dog. All impound fees shall be paid prior to release of any confined dog or other domestic animal.

Section 14.4 Exemptions

- 14.4.1 This section shall not be construed to limit or prohibit the use of hunting dogs during the hunting season or the conducting of field trials for hunting dogs,

provided that such dog has the legal right to engage in such activity at the location the activity is being conducted, or to the training or use of police canine dogs.

Section 14.5 Fees and Fines

- 14.5.1 The fee for a dog license as outlined in section III, subsection (b) of this Bylaw shall be \$10.00 for each dog which is spayed or neutered and \$20.00 for each dog which is not spayed or neutered, with the exception of a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder, or for a dog owned by a person aged 70 years or over, in which no fee shall be charged. (M.G.L. c 140, s. 139)
- 14.5.2 The fee for a kennel license as outlined in section III, sub-section (i) of this Bylaw shall be not less than \$40.00, with the exception of a license issued to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse or for the relief of suffering, in which no fee shall be charged. (M.G.L. c. 40, s 137A)
- 14.5.3 Violators of M.G.L. c. 140 s 137, 137A, 137B and 138 shall be assessed a penalty of \$50.00 (M.G.L. c. 140 s. 141)
- 14.5.4 Violators of M.G.L. c. 140, s. 145B shall be assessed a penalty of up to \$100.00
- 14.5.5 In addition to fees charged for medical or other care costs for properly licenses dogs of any other domestic animals that are confined, there shall be an impound fee of \$25.00, plus an additional boarding fee of \$25.00 for each day the animal is confined. The owner/keeper of any dog which is unlicensed at time of impound shall be charged an impound fee of \$35.00, plus an additional boarding fee of \$35.00 for each day that the animal is confined.
- 14.5.6 Payment for all fees and fines shall be submitted by way of cash, or check or money order made out to the Town of Holland.
- 14.5.7 The licensing fees outlined in sub-section (a) and (b) contained here-in shall become effective for those licenses which are issued for the Fiscal Year 2015.

Approved as amended November 20, 2013