## General Bylaw Chapter 17

## Town of Tyringham Dog Control Bylaw

### 17.1 Purpose

The purpose of this bylaw is the protection of people, animals, and property from injury, disease, and damage by dogs, including dog-related nuisances.

### 17.2 Definitions

**Animal Control Officer (ACO):** The person or persons appointed by the Select Board to enforce this article. The ACO must meet the requirements of certification by Massachusetts General Laws [MGL] Ch. 193 s. 51 of the Acts of 201*2*.

**Owner:** Any person who licenses a dog or keeps a dog for 30 days or longer. For the purposes of this article, the parent or guardian of a minor who owns or keeps a dog shall be considered the dog's owner or keeper.

**Keeper:** Any person, other than the owner, harboring or having in their possession any dog (MGL Ch. 140, s. 136A).

[**R**](https://ecode360.com/9050098#9050098)**esidence:** Within the boundaries of the land where the owner sleeps.

[**Service Dog**](https://ecode360.com/9050099#9050099)**:** A dog individually trained to do work in service of a person with a disability.

**Restrained:** Under the owner’s/keeper’s control either by leash or voice command. Dogs are considered to be unrestrained if they are in the custody of a minor.

**Minor:** A person under the age of 7 years.

### 17.3 Restraint & Control of Dogs

All dog owners/keepers are required to keep their dogs restrained when off their residence at all times. A first-offense violation shall be subject to a written citation from the ACO. A second-offense violation shall be subject to a penalty of $50. A third or subsequent violation shall be subject to a penalty of $100. A dog may for the purpose of sporting events and farm work be exempt while actually performing its work. Sporting events include but are not limited to hunting, field trials, and scent work.

### 17.4 Dog Fouling & Waste Removal

Any owner/keeper shall be subject to the below penalties if their dog shall be found to have defecated on private property (other than their own), on a public way, or on public lands without removal of fecal material.

A first-offense violation shall be subject to a written citation from the ACO. A second-offense violation shall be subject to a penalty of $50. A third or subsequent violation shall be subject to a penalty of $100.

### 17.5 Nuisance & Aggressive Behavior

Any owner/keeper of any dog who shall be found to exhibit nuisance or aggressive behavior off their residence shall be subject to the following penalties: A first-offense violation shall be subject to a penalty of $50. A second-offense violation shall be subject to a penalty of $100. A third or subsequent violation shall be subject to a penalty of $300.

Nuisance and aggressive behaviors include but are not limited to:

1. Chasing a pedestrian, bicycle, or any other vehicle.
2. Worrying, teasing, threatening, or injuring livestock, fowl, or pets.
3. Biting or threatening to bite another person or animal.

For the law of the commonwealth as to nuisance or dangerous dogs, see Mass Gen Law Ch. 140 s. 157.

For the law of the commonwealth as to damage caused by a dog to either the body or property of a person, see MGL Ch. 140 s. 155.

### 17.6 Penalties & Non-Criminal Disposition/Disclaimer Clause

All penalties set forth herein before shall be paid to the Town Clerk within twenty-one (21) days of notice of the offense. These bylaws shall be enforced by the Select Board through the ACO or Police Officer of the Town of Tyringham and shall be administered by MGL Ch. 40, s. 21D, on a non-criminal disposition. Nothing contained within these bylaws shall limit or restrict any enforcement officer to seek criminal disposition of any violation of state or federal law.