

B. Animal Control

Section 1. Purpose

The purpose of this by-law is to control animals, to prevent injury to property, persons and animals and to provide for the elimination of nuisance acts of dogs.

Section 2. Administration

The Board of Selectmen shall annually appoint an Animal Control Officer and may appoint assistants who shall be responsible for the enforcement of this bylaw.

Section 3. Nuisance Dogs

No person owning, harboring or having custody of a dog shall permit such dog to be or cause a public nuisance. Public nuisance shall include, but not be limited to, making repeated and prolonged excessive noise, chasing or otherwise molesting people, attacking people or other animals, chasing vehicles and trespassing on private or public land in such a manner as to cause damage.

Section 4. Prohibited Areas

No person owning, harboring or having custody or control of a dog shall allow such dog to enter or remain upon any cemetery grounds at any time, upon any public school property between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday during the school year and any special sessions, or upon any public beach from June 1st to September 15th. This section, however, shall not prohibit a trained guide dog accompanying a person with visual impairment.

Section 5. Control of Animals

No person owning or keeping a dog in Rockport shall permit such dog at any time to run at large in town, unless in an area or at a time exempted from this section by order of the Animal Control Officer for the Town of Rockport which order shall first be approved by the Board of Selectmen. Each time a dog licensed or unlicensed is at large shall constitute a separate violation under this section. Dogs under law enforcement auspices shall be exempt.

As used in this section the term 'at large' shall mean that a dog is off the premises of the owner and keeper and not on a leash or, except in the downtown district of Rockport, under direct voice control. For purposes of this section the downtown district is that area encompassed by the shoreline from King Street southerly to High Street, then to Parker Street, then to Railroad Avenue to King Street and King Street to the shoreline; within this area dogs can only be on a leash. The owner or keeper must accompany the dog and must have a leash in possession at all times. (Amended ATM 3/18/2000)

Section 6. Fecal Deposits

The person owning, harboring or having custody or control of a dog shall remove and dispose of (in a suitable container) any feces left by such dog on any beach,

sidewalk or street, in any park or other public place or on any private property neither owned nor occupied by said person.

Section 7. Dogs in Season

Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

Section 8. Dog Tags

All dogs shall wear a collar or similar device with the current dog tags (license) attached.

Section 9. Notice or Violation

The Animal Control Officer shall issue a notice of violation of this by-law. The violation notice shall be given to the owner or person harboring or having control or custody of the dog that violated this by-law.

Section 10. Penalties (changed FTM 9/11/2006)

Any person who violates any provision in section 3-7 of this by-law shall be punished by a fine as follows: First Offense - \$25.00; Second Offense \$50.00; Third Offense - \$100.00; Fourth and Subsequent Offenses - \$200.00 each. The violation of any other provision in this by-law or in Sections 136A through 174B, inclusive, of Chapter 140 of the General Laws shall be punished by a fine not greater than \$100.00 for each offense.

Section 11. Pick-up of Offending Dogs

Any dog found to be in violation of this by-law and not under the immediate control of its owner or any other person may be picked up by the Animal Control Officer and either returned to the owner or deposited in a dog pound or similar facility. The owner shall be required to pay (in addition to any applicable fine) a pick up fee of \$20.00 and also shall be responsible for all costs of maintaining and keeping the animal at the dog pound or similar facility.

Section 12. Application of Statute

The provisions of General Laws Chapter 140, Sections 136A to 174B, inclusive, as from time to time amended, shall apply within the Town of Rockport and shall govern the control/and licensing of dogs, except as modified herein and by Section 147A in said Chapter 140.

Section 13. Forms and Tags

Dog license forms, dog tags, kennel license forms and kennel dog tags shall be provided by the Town.

Section 14. Fees

The annual fee for every license shall be as follows:

Sterilized male dog or spayed female \$10.00

Male or female dog (not neutered)	\$16.00
Kennel license (four or more but less than 10 dogs)	\$40.00
Kennel license (10 or more dogs)	\$60.00

Section 15. County Fees

All fees and costs designated as paid by the County, in said sections 136A to 174B, inclusive, shall be paid by the Town.

Section 16. Use of Fees

All fees received hereunder shall be paid into the treasury of the Town for its use.