



TOWN OF LANCASTER, MASSACHUSETTS ANIMAL CONTROL BYLAW

SECTION 1. Definitions

As used in this bylaw the following terms mean:

Abused Animal: 1) Any animal which is mistreated, beaten, tormented or teased, or 2) is deprived of water or food or shelter, or 3) is kept under unsanitary conditions, or 4) abandoned, or 5) is trained for fighting other animals.

Animal: For the purpose of this bylaw, animal shall mean any type of animal.

Animal Control Officer: The person or persons designated to enforce this bylaw.

Animal Establishment: Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel, or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities; facilities operated by government agencies, or licensed animal dealers regulated by the federal government.

Animal Shelter: Facility designated or recognized by the Town of Lancaster for the purpose of impounding and caring for animals.

At Large: Any animal shall be deemed to be at large when off the property of the owner and not under restraint.

Humane Manner: Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Kennel: An establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats, (hereinafter referred to as "animals" for the purpose of this bylaw) on a single premise for commercial purposes. A veterinary hospital shall not be deemed a kennel, nor shall it be entitled to be so licensed, under this article.

Kennel License: An annual license permitting a kennel to operate within the Town which shall be issued to a kennel which has demonstrated compliance with the requirements of this By-Law

Licensing Authority: The town clerk of the Town of Lancaster or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this bylaw.

Neutered: Rendered permanently incapable of reproduction.

Nuisance: An animal shall be considered a nuisance if it: causes a disturbance by excessive barking or other noisemaking; or chases vehicles, including bicycles; or molests, attacks, or interferes with persons or other domestic animals.



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Owner: A person (or in the event of a minor, the legal guardian) having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.

Person: Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet Shop: An establishment engaged in the business of buying or selling, at retail, animals for profit-making purposes.

Public Areas: Public areas shall include, but not be limited to: Town Beach, Town Green, Commons, Parks, Playing Fields, School Property, Greenways, Town Buildings & Grounds, Cemeteries, Public Ways and Walks.

Restraint: An animal shall be considered under restraint if it is within the real property limits of its owner or keeper or on the premises of another person with the knowledge and express permission of such person, or secured by a leash, lead, or under the direct control of the owner.

SECTION 2. Licensing and Rabies Vaccination

(a) Except as provided in Section 3, no person shall own, keep, or harbor any dog six (6) months of age or over within the Town of Lancaster unless such dog is vaccinated and licensed. Dogs between six and twelve months of age at the time of the initial vaccination must be revaccinated twelve (12) months after the initial vaccination and every three (3) years thereafter. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter.

(b) All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians, as well as Massachusetts state law.

(c) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

(d) Application for a license must be made within 30 days after obtaining a dog over six months of age, except that this requirement will not apply to a non-resident keeping a dog within the Town of Lancaster for no longer than 60 days. The licensing period is the calendar year.

Application for a dog license shall be made to the town clerk and shall include the name and address of the owner and the name, breed, color, age, and sex of the dog. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

(e) The licensing period shall be for one calendar year. License renewal may be applied for within 60 days prior to the expiration date and must be completed by March 31 or within 30 days of establishing residence.



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(f) A license shall be issued after payment of a fee. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a delinquent fee. The Animal Control Commission will set fees annually.

(g) License fees shall be waived for dogs serving the disabled or government-owned dogs used for law enforcement. All other licensing provisions shall apply.

(h) Upon acceptance of the license application and fee, the town clerk shall issue a durable license tag including an identifying number, year of issuance, city, county, and state. Both rabies and license tags must be attached to the collar of the dog. Tags must be worn at all times and are not transferable. The town clerk shall maintain a record of all licenses issued, and such records shall be available to the animal control officer.

SECTION 3. Kennel Regulations

No person shall operate a kennel within the Town without first obtaining a kennel license from the Animal Control Commission in accordance with the provisions of this By-Law and all applicable state and local laws. The following requirements shall at all times apply to a kennel:

(a) The location and operation of the kennel shall be appropriate for housing the number of animals allowable under this By-Law and will not be detrimental to the health and safety of the animals or persons;

(b) The kennel shall be operated in a safe, sanitary and humane manner;

(c) The kennel shall not keep more than 25 animals on the premises at any time, (animals which are on the premises for grooming but not for overnight boarding, for medical or surgical treatment or observation, or for boarding for recovery from medical or surgical treatment or observation shall not be counted in this number);

(d) The kennel shall not contract with security dog firms or other businesses to board on the premises protection or security dogs or protection or security dogs in training, other than a security dog kept on the premises for the kennel's own security purposes;

(e) Under the provisions of this bylaw, no permit fee shall be required of any animal shelter holding federal non-profit status. All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the town clerk within 60 days, whereupon reclassification and appropriate adjustment of the permit fee shall be made.

(f) The kennel shall at all times keep and maintain on its premises accurate records of the identities of all animals kept on the premises and the number of animals on the premises on each day;

SECTION 4. Issuance and Revocation of Kennel Licenses

(a) Application



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The Town Clerk shall provide a kennel license application, in a form prescribed by the Town Clerk, which shall be completed by any person seeking a kennel license or renewal thereof. The application shall include a statement that the applicant acknowledges receipt of a copy of this By-Law and agrees to comply with all applicable provisions.

(b) License Renewal Application

Any application for a renewal of a kennel license must be submitted to the Town Clerk not later than November 1st of each year.

(c) Inspection and Report

Upon receipt of a completed application, the Town Clerk shall so notify the Animal Control Officer who shall forthwith conduct an inspection of the applicant's kennel. Upon receipt of the kennel inspector's report, the Town Clerk shall submit the completed application and such report to the Animal Control Commission for its consideration and review.

(d) Review by Animal Control Commission

Upon its review of the kennel application and inspection report, the Animal Control Commission shall determine whether the kennel is in compliance with the requirements of this By-Law, and if so, shall issue a kennel license to the applicant; or, if the kennel is found to not be in compliance with the requirements of this By-Law, the Commission shall deny the application and state the reasons therefore.

(e) Inspections

Upon receipt by the Town Clerk of a completed kennel license application or renewal application, the Animal Control Officer shall forthwith inspect the applicant's kennel and submit a report to the Town Clerk which shall indicate whether or not the kennel meets all of the applicable requirements. Kennels shall be subject to periodic inspections by the Animal Control Officer at the request of the Animal Control Commission. If, in the judgment of the Commission, the kennel is not in compliance with all applicable requirements of this By-Law, the Commission may by order revoke or suspend the kennel license.

(f) Re-Inspection

In the event a kennel license application or renewal application is denied, the applicant may request a re-inspection to demonstrate to the Animal Control Officer that it has brought the kennel into compliance with the requirements of this By-Law. The Animal Control Officer shall then, as soon as is practicable, re-inspect the kennel and report his/her findings to the Animal Control Commission which shall, within a reasonable time, review the application. The applicant will be assessed a re-inspection fee.

(g) Kennel License Review Hearings



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Any residents over the age of 18 may file a complaint with the Animal Control Commission setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more animals at a kennel maintained in the Town, because of the excessive barking or vicious disposition of said animals or other conditions connected with such kennel constituting a public nuisance. Within seven days after the filing of a residents' complaint, the Animal Control Commission shall give notice to all parties in interest of a public hearing to be held within fourteen days after the date of such notice. Within seven business days after the public hearing, the Animal Control Commission shall make an order either dismissing the petition, revoking or suspending the kennel license, or otherwise regulating the kennel.

(h) Inspection and Review After Suspension In the event a kennel license is suspended, upon the expiration of such suspension period and after the license holder has reasonably demonstrated to the Animal Control Officer that it has brought the kennel into compliance with the requirements of this By-Law or otherwise acted in accordance with an order of the Animal Control Commission, the Animal Control Officer shall then, as soon as is practicable, re-inspect the kennel and report his/her findings to the Animal Control Commission which shall, within a reasonable time, review the application. The applicant will be assessed a re-inspection fee

(i) Appeal to District Court

Pursuant to the provisions of Chapter 140, Section 137C of the General Laws, if the Animal Control Commission issues an order suspending or revoking a license, the kennel license holder may, within ten days after the entry of such order, bring a petition in the local district court praying that such order be reviewed by the court.

(j) Fees

The Animal Control Commission is authorized to establish reasonable fees for original kennel license applications and annual renewal applications. These fees shall be set by the Animal Control Commission annually.

(k) Severability

The invalidity of any part or parts of this By-Law shall not affect the validity of the remaining parts.

SECTION 5. Owner Responsibility

It shall be the duty of every owner of an animal, or anyone having an animal in their possession or custody, to exercise reasonable care and to take all necessary steps and precautions to prevent any animal from being a nuisance and to protect people, property, and animals from injuries or damage which might result from their animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity. In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this bylaw are complied with.

(a) While ON Property:



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It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor, or custodian, or the real property limits of another person with the knowledge and express permission of the owner of such property. Suggested methods to restrain an animal include the following: it is securely and humanely enclosed within a house, building, fence, pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition – and such enclosure be securely locked at any time the animal is left unattended; it is securely and humanely restrained by chain, cable and trolley or other tether of sufficient strength to prevent escape; or it is on a leash and under control of a competent person, or is off leash and is obedient to that person's commands and that person is present with the animal any time it is not on a leash.

(b) While OFF Property or At Large:

It shall be the duty of every owner of any animal or anyone having an animal in their possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owners, possessors or custodian. For the purpose of this section, an animal is deemed under control when; it is securely confined within a vehicle, parked or in motion; it is properly confined within a secure enclosure with permission of the owner of the property where the enclosure is located; it is securely restrained by a leash or other device held by a competent person. The animal owner, possessor, or custodian is required to immediately remove any solid waste left by their animal(s) on public or private property beyond their real property limits.

(c) Abandonment or Abuse of Animals:

It shall be unlawful for anyone to knowingly abandon or abuse any domesticated animal. Each person who does abandon or abuse knowingly, or willingly permits this abandonment or abuse or aids in the abandonment or abuse of any domesticated animal shall be reported to the proper authority.

(d) Penalties for Violation and Repeat Offenders:

Any person violating the terms of this section or rules and regulations promulgated pursuant thereto shall be subject to fines as described in the schedule of fees set by the Animal Control Commission.

SECTION 6. Impoundment

(a) Any animal found in violation of Section 5 shall be impounded by the animal control officer in an animal shelter and confined in a humane manner. Immediately upon impounding an animal, the animal control officer shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Animals not claimed by their owners within a period of 10 days shall become the property of the Town of Lancaster.

(b) When an animal is found in violation of Section 5 and the animal control officer verifies its ownership, the appropriate officer may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

(c) In the event that the animal control officer finds dogs or cats to be suffering, he/she shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when deemed necessary by a licensed veterinarian, to prevent



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further suffering. Return to the owner may be withheld until the owner shall have made full payment for all expenses so incurred.

(d) Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

SECTION 7. Redemption

(a) Any animal impounded may be redeemed by the owner thereof within 10 days upon payment of an impoundment fee. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or license fees.

(b) Any animal confined for rabies quarantine involving a bite to a human may be redeemed by the owner upon release by the animal inspector. Any animal confined for rabies quarantine (for reason other than a human bite), evidence, or other purpose may be redeemed by the owner upon release by the animal inspector or the animal control officer.

(c) No animal required to be licensed or vaccinated under this bylaw may be redeemed until provisions for such licensing have been fulfilled.

SECTION 8. Animal Control Commission

An Animal Control Commission ("Commission") is hereby established.

This Commission shall be charged with evaluating animal control problems by collecting necessary data, hearing expert opinion, holding public hearings, and other activities in order to make recommendations to resolve such problems. The Commission will provide support in the recruitment, hiring, and training of the Animal Control Officer. The Commission may also promulgate appropriate rules and regulations for the care and control of animals and facilities covered by the bylaw, and prepare budgets for animal control activities.

If matters brought before the Commission are not satisfactorily resolved, the Commission may recommend the issue be brought to the Board of Selectmen for further review and action.

The Commission shall consist of not less than five nor more than seven members who shall be appointed by the Board of Selectmen. Membership should include a cross section of the community and include individuals with professional knowledge pertinent to the member's responsibilities, (i.e., an attorney, veterinarian, police officer, humane society representative, etc.).

When the Commission is first established, the terms of the members shall be for such length, not exceeding three years, and so arranged that the terms of approximately one third of the members will expire each year, and their successors shall be appointed for terms of three years each.

Any member of the Commission may be removed for cause after a public hearing.



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A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment.

SECTION 9. Severability

If any section, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these sections.

SECTION 10. Safety Clause

The Town of Lancaster hereby finds, determines and declares that this bylaw is necessary for the immediate preservation of the public health, safety and welfare of the Town of Lancaster and the inhabitants thereof.

SECTION 11. Citations

Whoever violates any provision of this Bylaw may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D, and as enforced by the Animal Control Officers and assigned agents. If noncriminal disposition is elected, then any person who violates any provision of this Bylaw shall be subject to a penalty of \$50 for the first offense; \$150 for the second offense, and \$300 for the third and any subsequent offense. Each day or portion thereof shall constitute a separate offense. If more than one violation of this bylaw exists, each such violation shall constitute a separate offense.

Whoever violates any provision of this Bylaw may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

History --

Amendment to Animal Control Bylaw adopted under Article 21 of the May 5, 2003 Annual Town Meeting and rescinded two Dog Control Bylaws adopted under Article 30 of the March 6, 1972 Annual Town Meeting and Article 22 of the May 6, 1985 Annual Town Meeting. Further amended under Article 6 of the October 24, 2005 Special Town Meeting, amending Sections 3 & 4 on Kennels and adding a so-called "pooper scooper" law under Section 5(b).