

BYLAWS OF THE TOWN OF WINCHENDON

SECTION 16.7: HISTORIC DISTRICT ACT

Following a determination that the building is significant and preferably preserved, the Commission may recommend to town meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic District Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District act, Massachusetts General Laws Chapter 40C. If any of the provisions of this bylaw do so conflict, that act shall prevail.

SECTION 16.8: SEVERABILITY

In case any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect. (adopted May 18, 2009)

ARTICLE 17

ANIMAL CONTROL BYLAW

SECTION 17.1: PASTURING OF CATTLE OR OTHER ANIMALS ON STREETS OR WAYS

No person shall pasture any cattle, goat or other animal upon any street or public way in said town, either with or without a keeper, except within the limits of such way adjoining his own premises, and field drivers are instructed to enforce this bylaw.

SECTION 17.2: DOGS

A. DEFINITION OF TERMS

- (1) "Dogs" shall mean all animals of the canine species, both male and female.
- (2) "Owner" shall mean any person or persons, firm, association or corporation owning, keeping, or harboring a dog as herein defined.
- (3) "Keeper" shall mean any person, corporation or society, other than the owner, harboring or having in his possession any dog.
- (4) "Run at large" shall mean free to wander on public or private ways at will, or on the property of another.

B. LICENSING

- (1) Beginning on January 1, 1994, all owners or keepers of dogs six months of age or older shall license said dogs at the office of the town clerk.
- (2) All owners or keepers of dogs shall produce proof of up-to-date rabies vaccination before such a license can be issued.
- (3) The Board of Health shall establish and may update from time to time fees for licensing of dogs and of kennels, and may establish fines for late licensing.

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(4) The yearly sums collected pursuant to the provisions of the previous section shall be accounted for and paid to the Town Treasurer. (Rev. 6/95)

(5) Dog license fees shall be paid to the Town Clerk by April 1 of each calendar year. Any dog license paid after the deadline shall pay a late licensing penalty of five (dollars) in addition to the cost of the license. (Rev. 6/95)

C. PERMITTING A DOG TO RUN AT LARGE

(1) No owner or keeper of a dog shall permit such dog, whether licensed or unlicensed, to run at large within the Town of Winchendon, except that a dog may, for the purpose of sporting events, (such as hunting, field trials or training purposes) or for agricultural assistance, or while working as a canine guard of a mercantile, commercial, or industrial establishment, be exempt from the restraining order during such period of time as the dog is actually engaged in the event, sport, agricultural function, or guard work.

(2) Dogs may be taken from the owner's premises provided that such dogs are on a leash or under the control of the owner or keeper.

(3) It shall be a violation of this bylaw for any person who owns, possesses or controls a dog to fail to remove and dispose of any feces left by his/her dog on any sidewalk, street, or publicly owned property or property of another.

D. IMPOUNDING

It shall be the duty of the Animal Control Officer, duly appointed, to apprehend any dog found unrestrained and running at large, and to impound such dog in a suitable place or to order the owner or keeper thereof to restrain said dog.

E. NOTICE TO OWNER AND RELEASE

If such dog so impounded has upon it the name and address of the owner thereof, or if the name of said owner is otherwise known, then the Animal Control Officer shall immediately notify the owner but if the owner is not known, then no notice shall be necessary. The owner of any dog so impounded may reclaim such dog upon payment of the sum of ten dollars (\$10.00) for the first reclaiming, and twenty-five dollars (\$25.00) for the second, and subsequent reclaiming, or as determined by the Board of Health, provided, however, if the dog is not licensed that before release to any person, license as required by the Town of Winchendon be secured.

F. DISPOSITION OF FUNDS

The sums collected pursuant to the provisions of this bylaw shall be accounted for and paid to the Town Treasurer; however, under the provisions of the State Law, the Animal Control Officer shall be entitled to all fees paid to him for the care of impounded dogs by the owners thereof.

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G. DISPOSITION OF UNCLAIMED DOGS

Any dog which has been impounded and has not been redeemed by the owner within ten (10) days shall be disposed of as provided by Section 151A, Chapter 140 of the General Laws of the Commonwealth of Massachusetts and any amendments thereto, provided that the description of the dog was published in a local paper at least three (3) days before the scheduled date of destruction by the local dog officer. (Rev. 6/95)

H. ENFORCEMENT

The Animal Control Officer or Officers duly appointed shall enforce the provisions of this bylaw relating to dogs, and shall attend to all complaints or other matters pertaining to dogs in the Town of Winchendon.

I. ALTERNATIVE PROCEDURES UNDER GENERAL LAWS, Ch.140, SEC.173A

Notwithstanding any provisions of the General Laws to the contrary, any Animal Control Officer who takes cognizance of a violation of

- (1) This Bylaw
- (2) Failure to license dogs pursuant to General Laws, Chapter 14, Section 137; failure to acquire kennel license pursuant to General Laws, Chapter 140, Section 137A.
- (3) Failure to vaccinate against rabies pursuant to General Laws, Chapter 140, Section 145B.

May issue or mail a Notice of Complaint of Violation of Municipal Dog Control Law to the owner or keeper of such dog or dogs, and if the owner or keeper of such dog or dogs is a minor, the parent or guardian of such minor shall be liable for any violation of the bylaw.

J. PROCEDURE

The procedure set forth above shall also include the provisions of paragraphs 2-4 of General Laws, Chapter 140, Section 173A as amended.

K. PENALTY

Any owner or keeper found in violation of any of the provisions of this bylaw shall be subject to a fine of not more than twenty-five dollars (\$25.00). Further, if the owner or keeper of a dog be a minor, the parent or guardian of such minor shall be held liable for any violation of this bylaw.
