



TOWN OF TRURO

P.O. Box 2030, Truro MA 02666

Tel: (508) 349-7004 Fax: (508) 349-5505

POLICY MEMORANDUM #40

Date: April 3, 2007; rev 9/13/2022

** This policy was revised at the September 13, 2022 Select Board meeting solely to reflect the titles used in the Town Charter for the Town Manager and Select Board and to modify language to be gender neutral. No changes were made to the content of the Policy at that meeting.*

Subject: **ANIMAL CONTROL**

I. PURPOSE

The purpose of animal control is to encourage the safe, humane treatment of animals, to establish and foster responsible animal ownership, to effectively control the spread of contagious disease, and to maintain a safe environment for both animals and people.

II DEFINITIONS

The following words, for purposes of this policy, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

ADEQUATE SHELTER – A structure that is large enough for the animal, whether it is livestock or pet, to stand naturally, turn around and lie down inside of the structure without being exposed to the elements of weather. The roof and walls of the structure shall be waterproof and windproof. Bedding must be kept dry and changed regularly to preserve insulating qualities. During cold weather a moveable flap shall be placed over the entrance to a dog shelter to preserve the dog's body heat. Adequate shelter from the sun may be provided by a tarpaulin placed in a manner to provide deep shade and allow air to pass through for ventilation.

ANIMAL CONTROL OFFICER – One or more Town employees assigned to perform the duties outlined in this policy.

DANGEROUS OR VICIOUS – Any dog which has a verifiable record of inflicting injury on a human being without provocation; or (b) has killed a domestic animal without provocation; or (c) any dog owned or harbored primarily, or in part, for the purpose of fighting or any animal trained for fighting.

FARM ANIMAL OR LIVESTOCK – Any poultry, ungulate, species of cattle, sheep, swine, goats, llamas, equine, or other fur-bearing animal which are raised for commercial or subsistence purposes.

KENNEL, BREEDING – Any premises where between one and four dogs are owned, kept or

harbored for the purpose of breeding; provided, however, that no more than four dogs 12 weeks of age or older may remain on the premises at one time.

KENNEL, COMMERCIAL – any premises maintained for the boarding, breeding, grooming or training of dogs, or where five or more dogs over the age of six months are kept.

KENNEL, RESIDENTIAL – Any premises where four dogs over the age of six months are owned, kept, harbored, or temporarily cared for.

LICENSING PERIOD – The time between January 1 and the following December 31, both dates inclusive.

OWNER - any person who individually, or jointly, owns or keeps an animal within the Town of Truro.

POTENTIALLY DANGEROUS – Any dog which, when unprovoked, chases or approaches a person upon the public ways or on any public or private property, other than the animal's own premise, in a menacing fashion or in apparent attitude of attack; or any dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

III. DOG LICENSE AND TAG

- A. The owner of a dog kept within the Town of Truro shall cause that dog to be licensed when it attains the age of six months, and annually thereafter. Such license shall be in a form prescribed by the Town Clerk.
- B. No license may be issued unless the owner of a dog provides proof of rabies vaccination. Proof may be in the form of a certificate or letter issued by a veterinarian stating the dog has been vaccinated in accordance with the then current regulations of the Massachusetts Department of Public Health. In the case of a neutered or spayed dog, a letter or a certificate from a veterinarian, stating that neutering has occurred, is required.
- C. A licensing form shall be provided by the Town Clerk, which shall include the name of the owner or keeper of the dog, the address in Truro where the animal is kept, the name of the dog, the age, the breed, the color and any other identifying characteristics. There shall be one form for each dog owned. The Town Clerk shall record the license and issue a registration number and tag for each dog.
- D. The owner shall keep a copy of the dog license in his or her residence in a readily accessible place. The dog shall wear around its neck or body a collar or harness to which is securely attached the tag issued for that animal.
- E. Substitute or replacement tags: In the case of lost, defaced or destroyed tags, a substitute tag may be obtained from the Town Clerk
- F. The owner of any dog shall provide proof of licensing upon request of the Animal Control Officer, police officers, health agents, Shellfish constable, Harbormaster or other Town

officer or employee designated by the Select Board.

- G. No dog license shall be issued to any person who has been convicted of cruelty to animals as defined in MGL c.272, chapter 77, 80A, 94 or 95.
- H. All dogs residing in the Town of Truro shall be licensed. The fee for each dog license shall be set by the Select Board. No fee shall be charged for a dog specially trained to lead or serve a blind, deaf, or handicapped person upon presentation to the Town Clerk of a certificate of such training.
- I. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Town of Truro or another disposal of said dog.

IV. VACINATION OF DOGS AGAINST RABIES

- A. The owner of a dog six months of age, or older, housed or kept within the Town of Truro shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine approved by the Massachusetts Department of Public Health. Any unvaccinated dog acquired or moved into the Town shall be vaccinated within 30 days after the acquisition or arrival into Truro, or upon reaching the age of 6 months, whichever occurs last. The owner shall procure a veterinarian's certification that such dog has been vaccinated and setting forth the date of such of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued.
- B. The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog to a collar of suitable material to be worn by the dog at all times.

V. KENNEL LICENSES, INSPECTION, AND REGULATION; REVOCATION OR SUSPENSION: HEARING

- 1. The Town Clerk shall not issue a residential breeding, residential kennel or commercial kennel license or certificate unless the owner or keeper provides the Town Clerk with a veterinarian's certificate of vaccination verifying that each dog six months of age or older is currently vaccinated against rabies.
- 2. Issuance of a residential breeding, residential kennel or commercial kennel license shall be contingent upon inspection and approval by the Animal Control Officer to ensure that basic standards of cleanliness and proper care and confinement of said dogs exist on the premises. The name and address of the owner of each dog kept in any kennel, if other than the person maintaining the kennel, and a veterinarian's certificate verifying that each dog six months of age or older is currently vaccinated against rabies shall be kept on file thereafter and available for inspection by the Animal Control Officer or any authorized persons.
- 3. The Animal Control Officer, police officer, health agent or any agent authorized by the Town may at any time inspect any kennel or premises for which residential breeding, residential kennel or commercial kennel license has been issued.
- 4. If the Animal Control Officer, or other authorized agent, after inspection, determines that the kennel or premises that are the subject of a kennel license are not kept in a sanitary or humane

condition, or if records are not kept as required by law, the Select Board may, by order after hearing, revoke or suspend of such a license. If a license has been revoked or suspended, the license may be reinstated after inspection, only following a public hearing before the Board of Selectmen and upon its determination that re-issuance of said license shall result in compliance with all applicable requirements of this policy and the General Laws of the Commonwealth of Massachusetts.

VI. FAILURE TO PROVIDE ADEQUATE ANIMAL SHELTER

- A. Any person owning, keeping, or otherwise responsible for any animal, whether companion, pet, farm animal or livestock who confines that animal by tethering, fencing, or other means, and such confinement exposes the animal to the elements for a unreasonable amount of time depending on condition, shall provide the animal access to adequate shelter from the elements of weather such as rain, cold or sun. Potable water must be available to the animal at all times.
- B. Sufficient fresh food of a type consistent with the dietary requirements and age of the species shall be offered to each animal on a daily basis, or at common intervals appropriate to a species and age of the animal(s).
- C. Should the Animal Control Officer observe animals exhibiting signs of nutritional diseases including, but not limited to, rickets, emaciation or hypovitaminosis, said Officer shall report such observation to the MSPCA, The Boston Animal Rescue League, and Department of Agricultural Resources, Bureau of Animal Health.

VII. LEASHING, RESTRAINING AND WASTE REMOVAL

- A. Any person owning, keeping, or being responsible for a dog shall not allow nor permit said dog to run at large on any of the streets or public places in the Town of Truro or upon any private property, unless the owner or lawful occupant of such property grants permission therefore.
- B. No dog shall be allowed or permitted in any public place or street within the Town unless it is effectively restrained and controlled by a chain or other form of leash that is sufficient to hold the dog, or unless it is under the immediate and effective voice control of a handler, or unless it is within and confined to a motor vehicle. Animals are not allowed on Town Beaches from 9am to 6pm from June 15 to Labor Day.
- C. All dog owners, keepers or persons having control of a dog are responsible for immediately removing and disposing of, in a sanitary manner, all solid wastes produced by said dog on any property, other than the property of the dog owner.

VII. BARKING AND OTHER NOISE CAUSED BY ANIMALS

No person owning, keeping, or otherwise responsible for a dog or other animal shall allow or permit said animal to annoy another person's reasonable right to peace or privacy by making loud or continuing noise, where such noise is plainly audible at a distance of 100 feet from the building, premises, vehicle, or other means of conveyance or housing of said dog, or where such noise is continuing for 15 minutes. The fact that such noise is plainly audible at said distance, or continuing in excess of 15 minutes, shall be prima facie evidence of violation.

This section shall also apply to residential breeding, residential kennels or commercial kennels.

VIII. COMPLAINT AND HEARING

A. If any person shall make complaint in writing to the Animal Control Officer, the Police Department or the Select Board that any animals owned or harbored within the Town is a nuisance by reason of dangerous or vicious disposition or by excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any person residing in the Town, or that any kennel is a source of annoyance or nuisance, the Animal Control Officer may conduct a hearing and investigate or cause to be investigated such complaint. The Animal Control Officer may conduct a hearing within 21 days of the complaint, and if so, shall give written notice to the owner or keeper of the dog, the complaining party, and other persons as the Selectmen, Health Agent, Police, or the Animal Control Officer shall determine, of a public hearing to be held within 14 days of said notice.

B. Said notice shall also be posted with the Town Clerk at least 48 hours prior to such hearing. The Hearing shall include an examination on oath of the complaining party and such other parties as the Animal Control Officer, or Police, or Select Board shall deem appropriate. Within 14 days after such public hearing, said Animal Control officer shall make a recommendation for disposition of the case to the Selectmen. The Selectmen must approve such disposition.

IX. VIOLATIONS AND PENALTIES

Any person who violates any provision of this bylaw shall be subject to the following penalties, in addition to any other available penalty or law or in equity:

First offense: written warning

Second: \$50.00

Third and subsequent offenses: \$100.00

Subsequent offenses: \$200.00



Kristen Reed, Chair



Robert Weinstein, Vice-Chair



John Dundas, Clerk



Susan Areson



Stephanie Rein
Select Board
Town of Truro