



Watertown Town Council

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ELECTED OFFICIALS:

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President

Caroline Bays,
Councilor At Large

Anthony J. Donato,
Councilor At Large

Susan G. Falkoff,
Councilor At Large

Anthony Palomba,
Councilor At Large

Angeline B. Kounelis,
District A Councilor

Lisa J. Feltner,
District B Councilor

Kenneth M. Woodland,
District D Councilor

ORDINANCE # 79

O-2018 - 79

ANIMAL CONTROL ORDINANCE

WHEREAS, Title IX, Chapter 91, Animals, of the Watertown Code of Ordinances addresses the keeping and management of dogs, cats, and other animals in the interest of protecting public health and safety as well as the health and safety of the subject animals; and

WHEREAS, the provisions of G.L. c. 140, §§136A through 174FE and associated regulations of the Commonwealth of Massachusetts relative to the keeping of dogs and other animals have been revised to better address public health and safety; and

WHEREAS, it has been determined to revise the Watertown Animal Control Ordinance to be consistent with the provisions of the laws of the Commonwealth and to address issues of public health and safety in the best interest of the Town.

NOW THEREFORE BE IT ORDAINED by the Town Council of the City Known as the Town of Watertown that Title IX, Chapter 91, Animals, of the Watertown Code of Ordinances, is hereby amended by deleting the language thereof in its entirety and inserting in its place the following language:

CHAPTER 91: ANIMALS

§91.01 - INTRODUCTION

Acting under Massachusetts General Law and pursuant to Chapter 140, Section 136A through 174FE inclusive and under any other applicable laws and regulations, the City of Watertown, known as the Town of Watertown, hereby adopts this ordinance in the interest of protecting the health and safety of its citizens, dogs, cats and wildlife.

§91.02 - DEFINITIONS

ANIMAL CONTROL AGENT: Any duly authorized employee or agent of the Town of Watertown who may enforce the provisions of the Watertown Animal Control Ordinance.

ANIMAL CONTROL OFFICER: An appointed, duly authorized employee of the Town of Watertown whose primary responsibility is to enforce the provisions of the Watertown Animal Control Ordinance and Massachusetts General Law Chapter 140, Sections 136A-174FE inclusive.

ANIMALS: All mammals, fowl and reptiles, except human beings.

AT LARGE: Off the premises of the owner or keeper and not under the control of the owner or keeper either by leash, cord, chain or otherwise.

DANGEROUS CAT: a cat that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

DANGEROUS DOG: a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

DOMESTIC ANIMALS: An animal that has been domesticated by humans so as to live and breed in a tame condition and depends on humankind for survival; any animal listed in 321 Commonwealth of Massachusetts Regulations (CMR) 9.02(3), except as provided in 321 CMR 9.02(2)(d).

FERAL CAT: A domestic cat who has been born and raised without contact to humans, or a domestic cat who has not had contact with humans for a significant period of time and has become un-socialized to humans; a Feral Cat is fearful of humans, may depend on humans for survival by means of a caretaker who provides food and a shelter, and is not likely to ever become an indoor cat.

IMPOUND: Take into the custody of the Animal Control Officer or Animal Control Agent.

INDOOR CAT: A domestic cat that lives in a dwelling or home, has a litter box, food, shelter, etc. provided by the keeper or owners and is never allowed outdoors; an Indoor Cat is dependent on humans for survival.

KEEPER OR OWNER: Any person owning, possessing, controlling, harboring or having custody of an animal.

LEASH: A restraint which shall be of an appropriate length and made of a sturdy, unfrayed material suitable to allow the dog owner or keeper to maintain control over the dog. A leash is used to restrain the dog when upon the streets, sidewalk or any public areas or to restrain the dog from entering these said areas.

NUISANCE DOG: A dog that:

- (1) By excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or
- (2) By excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or
- (3) Has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

OUTDOOR CAT: A domestic cat that lives in a dwelling or home, has a litter box, food, shelter, etc. provided by the keeper or owner, but is also allowed outdoors for any length of time during the day; an Outdoor Cat is dependent on humans for survival.

SERVICE ANIMAL: In accordance with the Americans with Disabilities Act (ADA) 28 Code of Federal Regulations Part 36.104, any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service Animals must be harnessed, leashed or tethered, unless these devices interfere with the Service Animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls. Service animals are allowed to accompany people with disabilities in all areas where public is allowed to go. Other species of animals, whether wild or domestic animals, trained or untrained, are not service animals for the purpose of this definition. Dogs whose sole function is to provide comfort, emotional support, well-being or companionship do not qualify as service animals under the ADA.

STRAY CAT: A domestic cat who is socialized to humans who has lived as a pet in a domestic home but has been abandoned, lost, or has left its domestic home; a Stray Cat is dependent on humans for survival.

TOWN: The City known as the Town of Watertown, Massachusetts.

UNCONFINED: Not securely confined indoors, or in a securely enclosed and locked pen or dog run area on the premises of the owner or keeper.

WATERTOWN POLICE OFFICER: Any duly authorized employee of the Watertown Police Department who may enforce the provisions of the Watertown Animal Control Ordinance.

WILD ANIMAL: Any animal not kept as a domesticated animal and is indigenous to this area of the State, including but not limited to coyotes, raccoons, beavers, wild turkey, skunks, opossums, fishers, squirrels, chipmunks, rodents, and more.

§91.03 - DOG LICENSING

(A) **ANNUAL DOG LICENSING FEE:** No person shall own or keep a dog, six months of age or older, within the Town unless an annual license for such dog is obtained from the Town Clerk. The fee for such a license shall be \$10.00 for each dog. The licensing period shall be from January 1st through December 31st. The license fee for each dog owned or kept by persons who are aged 60 or older shall be \$5.00. The provisions of this Ordinance shall not apply to veterinary establishments that are subject to kennel licensing. Pursuant to MGL Ch. 140, section 139(c), no licensing fee shall be charged for a Service Animal.

(B) **RABIES VACCINATION:** No dog shall be licensed unless a valid rabies vaccination certificate is presented to the Town Clerk at the time of licensing. All dogs shall be vaccinated against rabies in accordance with MGL Ch. 140 section 145B.

(C) **ADDITIONAL REQUIREMENTS:** No dog six months of age or older shall be licensed unless there is presented to the Town Clerk at the time of licensing either:

- (1) proof that the dog has been spayed or neutered, or
- (2) a statement signed by a veterinarian stating a reason why spaying or neutering has been delayed, or
- (3) a statement signed by the owner or keeper of the dog that a decision has been made not to spay or neuter the dog, or

(4) a statement signed by a veterinarian or the animal control officer that the animal appears to have been spayed or neutered in the past

(D) BREEDER'S LICENSE: An annual breeder's license shall be obtained for any dog with respect to which a statement is presented that a decision has been made not to spay or neuter. The fee for such a breeder's license shall be \$25.00 for each dog and such fee shall be in addition to the fee imposed pursuant to this Ordinance, Section 91.03 (A).

(E) NUMBER OF LICENSED DOGS: Not more than three dogs over six months of age shall be kept in a household. Any variance to this number of licensed animals must first be approved by the Board of Health.

(F) LICENSE TAGS: All dogs shall display a dog license on their collar. The dog owner and/or keeper shall present the dog license tag when request is made by the Animal Control Officer, Animal Control Agent, or Police Officer. Dogs not displaying dog licenses are subject to impoundment until licensure is attained.

§91.04 - RESTRAINT OF DOGS

Any person owning or keeping a dog shall not suffer or allow it to run at large in any of the streets or public ways, or places in the Town, or upon the premises of anyone other than the owner or keeper, unless the owner or occupant of such premises grants permission. Under no circumstances shall a dog, even on a leash, be allowed on private property, unless specific permission has been granted. No dog shall be permitted in any public place or street within the Town of Watertown unless it is effectively restrained by a chain or leash, except at a Town designated dog park pursuant to Section 91.09 (E) of this chapter.

§91.05 - Restricted Areas

RESTRICTED AREAS:

(1) No dog shall be allowed on school property, in cemeteries, or in public parks maintained by the Town. Service Animals are exempt from this provision.

(2) Notwithstanding the provisions of Section 91.05 (1) above, dogs on leashes shall be permitted on marked or paved walking paths on Whitney Hill Park, Saltonstall Park, Arsenal Park, Linear Park, Filippello Park, Howe Park and the park behind 552 Main Street, exclusive of athletic tracks and tot lot surfaces.

(3) Notwithstanding the provisions of Section 91.05 (1) and 91.05 (2), dogs shall be permitted inside Town designated dog parks pursuant to Section 91.09 (E) of this chapter.

§91.06 - REMOVAL OF DOG WASTE

(A) REMOVAL OF DOG WASTE FROM PUBLIC AND PRIVATE PROPERTY: Each person who owns or keeps a dog within the Town, shall immediately remove and dispose of any feces left by such dog on any sidewalk, planting strip, street, park or other public area, or on any private property which is not owned or occupied by such person. Any such dog is to be accompanied by a person carrying a device which is suitable for picking up and containing feces, unexposed to such person and to the general public.

(B) METHOD OF DOG WASTE DISPOSAL: Dog waste or feces may only be disposed of in a sanitary manner. Dog waste shall not be disposed of in catch basins.

(C) EXEMPTIONS TO THE REMOVAL OF DOG WASTES: Section 91.06 (A) and 91.06 (B) shall not apply to a Service Animal accompanying any individual with a disability, who, by reason of a disability, is physically unable to comply with the requirements of said sections.

§91.07 - IMPOUNDMENT

(A) NOTICE OF IMPOUNDMENT:

(1) It shall be the duty of any Animal Control Officer or his/her designee to apprehend any dog found running at large and/or any unlicensed dog in any street or public place within the Town and to impound such dog in the place provided therefore.

(2) The owner or keeper of any dog so impounded may reclaim such dog within 7 days and upon payment of the license fee, if unpaid, all outstanding citations, boarding fees for each day the dog was held, all veterinary costs, and all other associated costs as applicable.

(B) UNCLAIMED DOGS: The Animal Control Officer shall make reasonable efforts to determine the identity of the owner or keeper of any dog. If any dog is impounded pursuant to this chapter and its owner and/or keeper cannot be identified within seven days, the dog may be put up for adoption or humanely euthanized, provided that the Animal Control Officer determines that all reasonable efforts have been made to locate the owner and/or keeper and there are no reasonable alternatives to such action.

§91.08 - CATS

(A) CAT LICENSING FEE: No person shall own or keep a cat, six months of age or older, within the Town unless an annual license for such cat is obtained from the Town Clerk. The fee for such a license shall be \$10.00 for each cat. The licensing fee for each cat owned or kept by persons who are aged 60 or older shall be \$5.00.

(B) NUMBER OF LICENSED CATS: Not more than five cats over six months of age shall be kept in a household. Any variance to this number of licensed animals must first be approved by the Board of Health. The provisions of this Ordinance shall not apply to veterinary establishments that are subject to kennel licensing.

(C) RABIES VACCINATION: No cat shall be licensed unless a valid rabies vaccination certificate is presented to the Town Clerk at the time of licensing. All cats shall be vaccinated against rabies in accordance with MGL Ch. 140 section 145B.

(D) OUTDOOR CAT REQUIREMENTS:

(1) All cats allowed or found outdoors for any length of time shall be outfitted with a microchip. All cats allowed outdoors shall be spayed or neutered. Any cat found at large that cannot be immediately identified shall be deemed a stray.

(2) Exemptions - This section shall not apply to a cat with a high likelihood of suffering serious bodily harm or death if spayed, neutered, or microchipped, due to age or infirmity. The owner or

custodian must obtain written confirmation of this fact from a Massachusetts Licensed Veterinarian. If the cat is able to be safely spayed, neutered, or microchipped at a later date, that date must be stated in the written confirmation.

(E) STRAY CATS:

Any rescue group, humane society or other person or organization picking up stray cats shall notify the Animal Control Officer with all relevant information of each cat and the location found.

(F) FERAL CATS:

Any person or organization that traps and releases feral cats shall report such activity to the Animal Control Officer including information of description and numbers of cats trapped and name of caretaker. The caretaker is expected to take full responsibility for the duration of the cat's life. All feral cats shall be ear tipped. All feral cats shall be spayed or neutered.

(G) DANGEROUS CATS:

The Animal Control Officer may at any time issue an order of confinement for any cat deemed a Dangerous Cat.

§91.09 - MISCELLANEOUS

(A) ANIMAL BITE PROCEDURE: All bites by dogs, cats or other domestic animals or wild or exotic animals shall be reported to the Health Department and the Animal Control Officer as soon as possible by the person bitten or by the owner or keeper of the animal, or both.

(B) MOTOR VEHICLE OPERATOR RESPONSIBILITY: The operator of a motor vehicle that strikes, injures, or kills any animal within the Town shall report such incident to the pet's owner or keeper, custodian or to a Watertown Police Officer.

(C) FEEDING OF WILD ANIMALS: No person within the Town shall feed any wild animals, including without limitation, ducks, geese and raccoons, or any homeless dogs or cats, except birds fed within the confines of his /her private property, provided that no threat to public health or safety is thereby created. Persons feeding their own domestic animals shall do so only in a sheltered space inaccessible to wild or roaming animals. This Section, 91.09 (C), shall not apply to the feeding of homeless dogs or cats if done in a sheltered place inaccessible to wild or roaming animals with the express purpose of befriending the dog or cat in order to have it vaccinated, spayed, neutered and ultimately adopted.

(D) WILD AND EXOTIC ANIMALS: No person within the Town shall possess, maintain, propagate, cultivate or deal with wild or exotic animals within the meaning of Chapter 131, Section 23, of the Massachusetts General Laws unless notice thereof has been filed with the Board of Health and all permits required by said Section 23 or otherwise have been obtained.

(E) TOWN DOG PARKS

(1) Owners and/or Keepers using a Town Dog Park must adhere to posted Dog Park Rules referenced on Town website and posted at each Town Dog Park.

(2) Dog Park Rules are enforced under the provisions of this Ordinance. Any change in Dog Park Rules shall be communicated to the Town Council.

(F) NUISANCE AND DANGEROUS DOGS: In accordance with the provisions of Chapter 140, Section 157 of the Massachusetts General Laws, any person may file written complaint to the Board of Health that a dog owned or kept in the Town is a nuisance or a dangerous dog. The Board of Health who has been appointed as the Hearing Authority shall process the complaint, hold a public hearing and make decision on the written complaint.

(G) GENERAL PROHIBITION: No person shall own or keep in the Town any dog, cat or other household pet which by biting, barking, howling, scratching or crying, or in any other manner, disturbs the peace and quiet of any neighborhood, destroys private property or endangers the safety of any person.

§91.10 - ENFORCEMENT OF THE ANIMAL CONTROL ORDINANCE

(A) CRIMINAL COMPLAINT: Any person who violates any provision of this Ordinance may be penalized by indictment or on complaint brought in district court. Each day on which any violation or offense continues shall be deemed to be a separate violation or offense.

(B) NONCRIMINAL DISPOSITION: Whoever violates any provision of this Ordinance, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21D. Each day on which any violation exists shall be deemed to be a separate offense.

Penalty: \$ 50.00 for first offense

\$ 100.00 for second offense

\$ 200.00 for third offense and thereafter

(C) ENFORCING PERSONS: Animal Control Officer, Animal Control Agent or any Watertown Police Officer.

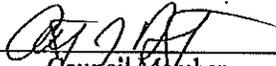
Any violations of this Ordinance that occur within Town parks or recreation areas are also enforceable by the Director of Parks and Recreation and/or his/her designee.

(D) OTHER: Any person who violates any provision of this Ordinance is also subject, at the discretion of the Animal Control Officer, Animal Control Agent or Watertown Police Officer to any other legal or equitable enforcement remedy available.

§91.11 - ANIMAL CONTROL FUND

All monies collected under the provisions of this ordinance, other than monies collected as penalties referenced in Section 91.10 (B), shall be deposited in a revolving fund to be known as the Animal Control Fund, established pursuant to the provisions of MGL Ch. 44, section 53E1/2. This revolving fund shall be accounted for separately from all other monies in the Town, and expenditures may be made from the revolving fund without further appropriation. The Director of Public Health with the approval of the Town Manager shall be authorized to expend money from the Animal Control Fund, with such expenditures to be used only for programs and activities within the jurisdiction and authority of the Animal Control Program. The Animal Control Fund shall be established not later than the beginning of the fiscal year in which the fund shall begin. The limit on the total amount that may be

expended from the Animal Control Fund shall be determined by Town Council on or before July 1 of each year.



Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Ordinance was adopted by a roll call vote of 9 for, 0 against, 0 present on September 25, 2018



Marilyn W. Pronovost, Council Clerk



Mark S. Sideris, Council President