



# TOWN OF ORLEANS

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OFFICE OF  
TOWN CLERK

The following is a certified copy of **Article #37** and the **"DOINGS"** thereof from the **Annual Town Meeting** of May 9, 2005.

## **ARTICLE 37. AMEND GENERAL BYLAW – CHAPTER 85 ANIMAL CONTROL**

To see if the Town will vote to amend the General Bylaws, Chapter 85 of the Orleans Code, by deleting Chapter 85 in its entirety and by inserting in place thereof a new Chapter 85 as follows:

### Chapter 85, Animal Control Bylaw

#### 85-1 Purpose

The purpose of this Bylaw is to insure the humane treatment and control of animals and to promote a safe environment for humans.

#### 85-2 Restraint of Dogs

It shall be unlawful for the owner, keeper, or person responsible for any dog to permit it to be at large upon premises other than those where it is lawfully kept, except with the permission of the landowner. For the purpose of this bylaw the term "at large" shall mean "off a leash without an electronic collar".

It shall be unlawful for the owner, keeper, or person responsible for any dog to permit it to be on any public property which has been closed to dogs by the municipal agency with care, custody and control over such property.

#### 85-3 Waste Removal

All animal owners, keepers or persons having control of an animal are responsible for immediately removing and disposing of in a sanitary manner all solid wastes produced by said animal on any property, other than the property of the animal owner.

#### 85-4 Rabies and Inoculation of Dogs and Cats

It shall be unlawful for the owner or keeper of any dog or cat more than four (4) months old to fail to inoculate it against rabies. Dogs and cats must also be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the Massachusetts Department of Public Health.

#### 85-5 Licensing of Dogs

The registration, numerical listing, description and licensing of dogs shall be conducted in the office of the Town Clerk. Licenses are due March 1<sup>st</sup> of each year.

It shall be unlawful for the owner or keeper of any dog more than six (6) months old to fail to obtain a dog license and keep it securely affixed to the dog's collar or harness at all times.

It shall be unlawful to own or keep more than three (3) dogs on a single premise unless a kennel permit has also been obtained from the Town Clerk.

#### 85-6 Fees

##### A. License Fees/Late Fees

##### a. The fees for dog licenses are as follows:

- i. Spayed and neutered dogs Six (\$6) Dollars.
- ii. Non-spayed, Non-neutered dogs Twelve (\$12.00) Dollars.
- iii. Kennels
  1. Not more than four dogs, Ten (\$10.00) Dollars
  2. More than four but not more than ten dogs, Twenty-five (\$25.00) Dollars.
  3. More than ten dogs, Fifty (\$50.00) Dollars.
- iv. A \$5.00 late fee will be assessed for licenses obtained after March 1<sup>st</sup>; and, a \$25.00 dollar late fine will be assessed for licenses obtained after June 1<sup>st</sup> in addition to the license fee and late fee.

##### B. Disposition of Licensing Fees.

All money received from the issuance of dog licenses by the Town or recovered as fines or penalties under the provisions of G.L. c. 140 relating to dogs, shall be paid into the treasury of the Town and shall not thereafter be paid over to the treasury of Barnstable County.

#### 85-7 Violations, Enforcement, Penalties

A. The Board of Selectmen, Town Administrator, Park Department, Conservation Commission, Board of Health, Police Department, Harbormaster, and such other individuals as may be designated by the Board of Selectmen may enforce this Bylaw.

B. Violations of this Bylaw will be subject to the provisions of G.L. c. 40, §21D, regarding non-criminal dispositions as adopted by the Town of Orleans.

C. Any person who violates the provisions of this Bylaw will be subject to the following actions for each offense:

1. A fine of twenty-five (\$25) for the first offense.
2. A fine of fifty dollars (\$50) for the second offense and for any subsequent offenses.

#### 85-8 Severability

If any section or provision of this Bylaw shall be deemed invalid, the validity or enforcement of any other section or provision of this Bylaw shall not be affected.

(Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #37 as printed in the warrant and the General Bylaw be so amended.

Mrs. Susan Christie, Board of Health, made the following motion:

**MOTION:** To amend Article #37 by striking in its entirety, the first paragraph of 85-2 Restraint of Dogs and inserting the following language:

"All dogs shall be restrained or under the control of a responsible person at all times while off the premises of its owner."

Mr. Harry Mirick made the following motion:

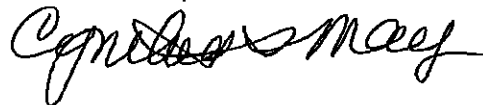
**MOTION:** To call the question (4/5 Vote Required).

**ACTION:** Vote to cut off debate and call the question. Voted, standing vote carries by the necessary four-fifths majority. YES = 398 NO = 4

**ACTION:** Vote to amend Article #37. Voted, standing vote carries by the necessary majority. YES = 220 NO = 140

**ACTION:** Vote on Article #37 as amended. Voted, voice vote carries by the necessary majority.

A TRUE COPY, ATTEST:

A handwritten signature in black ink, appearing to read "Cynthia S. May". The signature is written in a cursive style with a large initial "C" and a long, sweeping tail.

Cynthia S. May, Town Clerk