

WARWICK DOG CONTROL BY-LAW

Pursuant to the provisions of Chapter 140, Section 167, of the Massachusetts General Laws, the Board of Selectmen of the Town of Warwick has enacted the following order:

- 1. Control of Dogs.** No person who owns, keeps or has possession, charge or custody of any dog shall cause or allow the dog to stray, run or be at large in or upon any public way, park, schoolyard or other public property, or in or upon any private property of another without the consent of the owner, tenant or lawful occupant of such private property, unless the dog is at all times under the restraint and control of its owner, keeper or possessor.
- 2. Dangerous Dogs.** No person who owns, keeps or has possession, charge or custody of any dog shall cause or allow the dog, while in or upon any public way, park, schoolyard or other public property, or in or upon any private property of another without the consent of the owner, tenant or lawful occupant of such private property, to harass, attack, bite or otherwise endanger the safety of any person or domestic animal.
- 3. Authority of Dog Officer.** Any dog found to be in violation of this By-Law may be seized and confined by the Dog Officer, who shall make diligent efforts to promptly identify and notify the owner, keeper or possessor of the dog. The owner, keeper or possessor of the dog shall have seven days from the date of his or her receipt of notice to reclaim the dog from the Dog Officer. In order to reclaim the dog, the owner, keeper or possessor shall verify that he or she is the person responsible for the dog and shall pay any fees due to the Town with regard to the dog, including but not limited to the fees set forth in the following Article.
- 4. Unclaimed Dogs.** The Dog Officer shall confine and keep an unclaimed dog for a minimum of ten days after the date of seizure, or a minimum of seven days after the date of giving notice to the dog's owner, keeper or possessor, whichever period expires last. If the Dog Officer, after diligent efforts, is not able to identify and notify the owner, keeper or possessor of the dog, or if no person has come forward to reclaim the dog, and if the minimum period of confinement has expired, the Dog Officer may give or deliver the dog to a shelter operated by the Society for the Prevention of Cruelty to Animals or some other similar organization, or to a person willing and able to keep and care for the dog, provided that no dog shall be given or delivered to any organization or person who, in the judgment of the Dog Officer, is reasonably likely to allow the dog to be used for vivisection, animal experimentation or other purposes which the Dog Officer determines to be inhumane. If the dog officer is not able, after diligent efforts, to give or deliver the dog pursuant to the provisions of this Article, the Dog Officer may pursue any other remedy permitted by law.

WARWICK DOG CONTROL BY-LAW (CONTINUED)

5. **Fees.** The owner, keeper or possessor of any dog seized and/or confined by the Dog Officer pursuant to the provisions of the By-Law shall pay a fee to the Town in the amount of \$10.00, plus \$3.00 per day for each day of confinement, or in the maximum amount now or hereafter provided by law. Fees collected pursuant to this Article shall be held by the Town in a designated account and disbursed to pay for the costs of care and maintenance of confined dogs and other expenses of the Dog Officer. If the dog is not licensed and is required by law to be licensed, the owner, keeper or possessor of the dog shall, in addition, obtain a license for the dog and pay the statutory fee therefor.


6. **Penalties.** In addition to the assessment of fees described in the preceding paragraph, a violation of this By-Law shall be punished by a fine of \$25.00 for the first offense and \$50.00 for any second or subsequent offense by the same owner, keeper or possessor. Each day or incident of violation may be considered a separate offense. The Dog Officer may, at his or her discretion, waive the penalty for the first offense set forth in this Article.

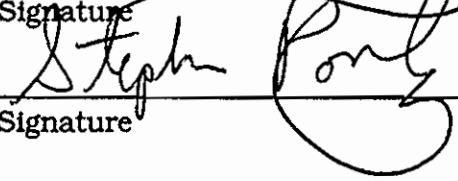
7. **Liability.** Nothing in this By-Law shall be interpreted to establish any liability on the part of either the Dog Officer or the Town for any act performed pursuant to the provisions of this By-Law or any failure to take any action permitted by this By-Law.

8. **Severability.** If any provision of this By-Law, or any application thereof, shall be determined to be invalid, unenforceable or void, the remainder of this By-Law, and any other application thereof, shall remain in full force and effect so long as the purposes of this By-Law are not thereby negated or vitiated.

9. **Exceptions.** This By-Law shall not apply to a dog kept for the purpose of assisting a blind person, or a dog kept for rescue or law enforcement purposes, so long as the dog is engaged in the performance of its official duties.

Adopted by the Board of Selectmen of the Town of Warwick on August ⁹ 2, 1999:



Signature


Signature

Signature