

By Mr. Lynch of Barnstable (by request), petition of Dorothy Checchi O'Brien for legislation to further regulate the impoundment of lost or stray dogs. Counties.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Nine.

AN ACT FURTHER REGULATING THE IMPOUNDMENT OF LOST OR STRAY DOGS.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

1 SECTION 1. Chapter 49A of the General Laws is hereby
2 amended by striking out Sections 1, 2A, 2b, 3A, 3B, 3C, 4, 5, 6, 7, 8,
3 9, 10.

1 SECTION. Chapter 140 of the General Laws is hereby
2 amended by striking out section 151A, as most recently amended
3 by section 2 of said chapter 289 of the acts of 1976, and inserting in
4 place thereof the following section: —

5 *Section 151A.* In the several cities and towns of the several
6 counties, except Suffolk county, the mayor or selectmen shall
7 annually within ten days after June first issue a warrant to such dog
8 officer or officers directing him or them to seek out, catch and
9 confine all dogs within the city or town which then have not been
10 licensed, collared or harnessed, and tagged, as required by this
11 chapter, and to enter and prosecute a complaint for failure to
12 comply with the provisions of this chapter against the owners or
13 keepers thereof, if known, and to humanely kill or cause to be
14 humanely killed each such dog which after being detained by or for
15 him or them for a period of ten days shall not then have been
16 licensed, collared or harnessed, and tagged; provided, that at the
17 end of ten days such dog officer may sell any male or any spayed

18 female dog, or any unspayed female dog if the purchaser promises
19 in writing to have the dog spayed in a reasonable length of time, not
20 found to be diseased, for a sum not less than three dollars and shall
21 keep an account of all moneys received by him from such sales, and
22 shall forthwith pay over such sums to the town treasurer who shall
23 forward all such money to the county treasurer in the same manner
24 as dog license money as provided in section one hundred and
25 forty-seven. Such dog officer shall require the purchaser to procure
26 a license and tag for such dog from the clerk of the town where the
27 dog is to be kept within a week of the purchase of such dog, and
28 proper identification, such as a driver's license. Dogs confined
29 under authority of this section shall be confined in a place suitable
30 for the detention and care of dogs, and kept in a sanitary condition,
31 providing adequate shelter for the comfort of animals and facilities
32 for isolation of puppies up to twelve weeks of age. Cages and runs
33 must provide adequate comfort to animals, must not be over-
34 crowded, must keep the animals dry and clean while providing
35 clean food and water. No female animal in season shall be placed in
36 a pen with male animals, while animals housed in groups should be
37 compatible, no more than three adult dogs may be housed in one
38 cage. All cages and runs must be disinfected at least once per day.
39 There should be adequate ventilation in the summer and heat
40 provided in the winter. Or, they may be placed in the care of the
41 holder of a kennel license or of a domestic charitable corporation
42 incorporated exclusively for the purpose of protecting animals
43 from cruelty, neglect or abuse. The county commissioners from
44 time to time, and at least twice a year, shall cause all such places to
45 be inspected and shall make necessary orders in relation thereto. A
46 dog officer having custody of a confined dog shall be allowed the
47 sum of two dollars per day for the care of such dog, payable by the
48 owner or keeper thereof, if known, otherwise from the dog fund.

49 In the cities and towns of Suffolk county, the mayor or selectmen
50 shall annually within seven days after June first issue a warrant to
51 such dog officer or officers directing him or them to seek out, catch
52 and confine all dogs within the city or town which then have not
53 been licensed, collared or harnessed, and tagged, as required by
54 this chapter, and to enter and prosecute a complaint for failure to

55 comply with the provisions of this chapter against the owners or
56 keepers thereof, if known, and to humanely kill or cause to be
57 humanely killed each such dog which after being detained by or for
58 him or them for a period of seven days shall not then have been
59 licensed, collared or harnessed, and tagged; provided, that at the
60 end of seven days such dog officer may sell any male or any spayed
61 female dog, or any unspayed female dog if the purchaser promises
62 in writing to have the dog spayed in a reasonable length of time, not
63 found to be diseased, for a sum not less than three dollars and shall
64 keep an account of all moneys received by him from such sales, and
65 shall forthwith pay over such sums to the town treasurer who shall
66 forward all such money to the county treasurer in the same manner
67 as dog license money as provided in section one hundred and
68 forty-seven. Such dog officer shall require the purchaser to procure
69 a license and tag for such dog from the clerk of the town where the
70 dog is to be kept within a week of the purchase of such dog, and
71 proper identification, such as a driver's license. Dogs confined
72 under authority of this section shall be confined in a place suitable
73 for the detention and care of dogs, and kept in a sanitary condition,
74 providing adequate shelter for the comfort of animals and facilities
75 for isolation of puppies up to twelve weeks of age. Cages and runs
76 must provide adequate comfort to animals, must not be over-
77 crowded, must keep the animals dry and clean while providing
78 clean food and water. No female animal in season shall be placed in
79 a pen with male animals, while animals housed in groups should be
80 compatible, no more than three adult dogs may be housed in one
81 cage. All cages and runs must be disinfected at least once per day.
82 There should be adequate ventilation in the summer and heat
83 provided in the winter. Or, they may be placed in the care of the
84 holder of a kennel license or of a domestic charitable corporation
85 incorporated exclusively for the purpose of protecting animals
86 from cruelty, neglect or abuse. The county commissioners from
87 time to time, and at least twice a year, shall cause all such places to
88 be inspected and shall make necessary orders in relation thereto. A
89 dog officer having custody of a confined dog shall be allowed the
90 sum of two dollars per day for the care of such dog, payable by the
91 owner or keeper thereof, if known, otherwise from the dog fund.

1 SECTION 3. Said chapter 140 is hereby further amended by
2 striking out section 153, as most recently amended by section 3 of
3 said chapter 289 of the acts of 1976, and inserting in place thereof
4 the following section: —

5 *Section 153.* In the several cities and towns of the several coun-
6 ties, except Suffolk County, such warrant may be in the following
7 form: —

8 COMMONWEALTH OF MASSACHUSETTS

9 (Seal)

10 , ss.

11 *To* , *constable of the city (or town) of*

12 In the name of the commonwealth of Massachusetts, you are
13 hereby required to proceed forthwith to seek out, catch and confine
14 all dogs within said city (or town) not duly licensed, collared or
15 harnessed, and tagged, according to the provisions of chapter one
16 hundred and forty of the General Laws, and you are further
17 required to make and enter complaint against the owner or keeper
18 of every such dog, and to humanely kill or cause to be humanely
19 killed each such dog which, after being detained for a period of ten
20 days, shall not then have been duly licensed, collared or harnessed,
21 and tagged; except that any male or any spayed female dog, or any
22 unspayed female dog if the purchaser promises in writing to have
23 the dog spayed in a reasonable length of time, and not found to be
24 diseased, may be sold for not less than three dollars, and you shall
25 keep an account of any such sale and forthwith pay over the
26 money to the town treasurer. You shall require the purchaser to
27 procure a license and tag for such dog from the clerk of the town
28 where the dog is to be kept within a week of the purchase of such
29 dog, and proper identification, such as a driver's license, in accord-
30 ance with the provisions of section one hundred and thirty-seven.
31 of chapter one hundred and forty of the General Laws.

32 Hereof fail not, and make due return of this warrant with your
33 doings therein, on or before the first day of October next, on or

34 before the first day of January next, and on or before the first day
35 of April next, and at the expiration of your term of office, stating
36 the number of dogs caught, confined and/or killed, or sold and the
37 names of the owners or keepers thereof, and whether all unlicensed
38 dogs in said city (or town) have been caught, confined and/or
39 killed, or sold and the names of persons against whom complaints
40 have been made under the provisions of said chapter one hundred
41 and forty, and whether complaints have been made and entered
42 against all the persons who have failed to comply with the provi-
43 sions of said chapter one hundred and forty.

44 Given under my hand and seal at _____ aforesaid
45 the _____ day of _____ in the year nineteen
46 hundred and _____

47 Mayor of (or Chairman of the Selectmen of)

48 In the cities and towns of Suffolk county such warrant may be in
49 the following form: —

50 COMMONWEALTH OF MASSACHUSETTS

51 (Seal)

52 , ss

53 To _____, constable of the city (or town) of

54 In the name of the commonwealth of Massachusetts, you are
55 hereby required to proceed forthwith to seek out, catch and confine
56 all dogs within said city (or town) not duly licensed, collared or
57 harnessed, and tagged, according to the provisions of chapter one
58 hundred and forty of the General Laws, and you are further
59 required to make and enter complaint against the owner or keeper
60 of every such dog, and to humanely kill, or cause to be humanely
61 killed each such dog which, after being detained for a period of
62 seven days, shall not then have been duly licensed, collared or
63 harnessed, and tagged; except that any male or any spayed female

64 dog, or any unspayed female dog, if the purchaser promises in
65 writing to have the dog spayed in a reasonable length of time, and
66 not found to be diseased, may be sold for not less than three
67 dollars, and you shall keep an account of any such sale and
68 forthwith pay over the money to the town treasurer. You shall
69 require the purchaser to procure a license and tag for such dog
70 from the clerk of the town where the dog is to be kept within a week
71 of the purchase of such dog, and proper identification, such as a
72 driver's license, in accordance with the provisions of section one
73 hundred and thirty-seven of chapter one hundred and forty of the
74 General Laws.

75 Hereof fail not, and make due return of this warrant with your
76 doings therein, on or before, the first day of October next, on or
77 before the first day of January next, and on or before the first day
78 of April next, and at the expiration of your term of office, stating
79 the number of dogs caught, confined and/or killed, or sold and the
80 names of the owners or keepers thereof, and whether all unlicensed
81 dogs in said city (or town) have been caught, confined and/or
82 killed, or sold and the names of persons against whom complaints
83 have been made under the provisions of said chapter one hundred
84 and forty, and whether complaints have been made and entered
85 against all the persons who have failed to comply with the provi-
86 sions of said chapter one hundred and forty.

87 Given under my hand and seal at _____ aforesaid
88 the _____ day of _____ in the year nineteen
89 hundred and _____

90 Mayor of (or Chairman of the Selectmen of)

