

By Mr. Webber, a petition (accompanied by bill, Senate, No. 876) of Peter C. Webber for legislation to further regulate complaints as to a dangerous dog. The Judiciary.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

### AN ACT FURTHER REGULATING COMPLAINTS AS TO A DANGEROUS DOG.

*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 157 of chapter 140 of the General Laws, as most recently  
2 amended by chapter 455 of the acts of 1985, is hereby further  
3 amended by striking the first paragraph and inserting in place  
4 thereof the following paragraph: —

5 If any person shall make a complaint in writing to the selectmen  
6 of a town, the mayor or chief of police of a city, or the county  
7 commissioners, that any dog owned or harbored within his or their  
8 jurisdiction is a nuisance by reason of vicious disposition or  
9 excessive barking or other disturbance, or that any such dog by  
10 such barking or other disturbance is a source of annoyance to any  
11 sick person residing in the vicinity such selectmen, mayor, chief  
12 of police, or county commissioners shall investigate, or cause to  
13 be investigated such complaint, including an examination on oath  
14 of the complaintant, and may make such order concerning the  
15 restraint or disposal of such dog as may be deemed necessary.  
16 Within ten days after such order the owner or keeper of such dog  
17 may bring a petition in the district court within the judicial district  
18 of which the dog is owned or kept, addressed to the justice of the  
19 court, praying that the order may be reviewed by the court, or  
20 magistrate thereof, and after such notice to the officer or officers  
21 involved as the magistrate may deem necessary the magistrate  
22 shall review such action, hear the witnesses and affirm such order  
23 unless it shall appear that it was made without proper cause or  
24 in bad faith, in which case such order shall be reversed. Any party

25 shall have the right to request a de novo hearing on the petition  
26 before a justice of a court. The decision of the court shall be final  
27 and conclusive upon the parties. Any person owning or harboring  
28 such dog who shall fail to comply with any order of the selectmen,  
29 mayor, chief of police, county commissioners or district court, as  
30 the case may be shall be punished by a fine of not more than  
31 seventy-five dollars for the first offense and not more than one  
32 hundred dollars for a second or subsequent offense, or by  
33 imprisonment for not more than thirty days for the first offense  
34 and not more than sixty days for a second or subsequent offense,  
35 or both. If a dog which the selectmen of a town, the mayor or  
36 chief of police of a city, the county commissioners, or, upon  
37 review, a district court shall have ordered to be restrained shall  
38 continue to be a nuisance by reason of vicious disposition or  
39 excessive barking or other disturbance, the owner or keeper of  
40 such dog shall be liable in tort to the person who made complaint  
41 pursuant to the first sentence of this section in an amount to be  
42 determined by the court.