

ARTICLE 9
Animal Control

Section 1. Definition of Terms

As used in this by-law, context otherwise indicates:

- A. “Dog” shall mean all animals of canine species both male and female.
- B. “Owner” shall mean any person or persons, firm, corporation or association owning, keeping or harboring a dog as herein defined.
- C. “Public Nuisance” – any dog shall be considered a public nuisance when such dog is found to be not on premises of the owner of such dog or on the premises of another person except if such dog is under restraint and control of a person competent to restrain and control said dog so that it will not be a threat to public safety. The mere muzzling of such shall not satisfy the requirements of this law.
- D. “Excessive Barking” – any dog shall be considered a public nuisance when the owner or person responsible allows said dog to annoy another person’s reasonable right to peace and quiet by continuous barking in excess of twenty (20) minutes. (Added 5/9/2002 Art.16)
- E. “Disposal of Animal Waste” – any dog shall be considered a public nuisance when the owner or person responsible fails to remove and dispose of any feces made, at the time made, by said dog on any property not owned or occupied by the owner or person responsible. (Added 5/9/2002 Art.16)
- F. “Rabies Vaccination” – any dog or cat shall be considered a public nuisance when the owner or person responsible fails to cause such dog or cat, six months of age or older, to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine, according to manufacturer’s directions, and shall cause such dog or cat to be revaccinated at intervals recommended by the manufacturer, the vaccination tag shall be secured by the owner or person responsible to the collar or harness to be worn by the dog or cat; provided, however, that the owner of a cat may choose not to affix a tag to his/her cat, but shall have the tag available for inspection. (Added 5/19/2003 Art. 20)

Section 2. Dog as a Public Nuisance

No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed, to become a public nuisance within the Town of Spencer at any time.

Section 3. Impounding

It shall be the duty of the Animal Control Officer to investigate complaints concerning any dogs which are alleged to be in violation of this by-law and to apprehend any dog found by him/her to be a public nuisance and impound such dog in a suitable place or to order the owner thereof to restrain said dog.

Section 4. Notice to Owner and Redemption

The owner of any dog so impounded may reclaim such dog upon the reimbursement to the Town of expenses for maintaining said dog while impounded according to the following schedule:

- 1. First Offense \$20.00
- 2. Second Offense \$25.00
- 3. Third Offense \$30.00
- 4. Fourth Offense \$35.00
- 5. Subsequent Offenses \$50.00

(Fines increased 5/4/2000 Art. 36)

Section 5. Penalty

Any owner found in violation of any part of the provisions of the by-law shall be subject to a non-criminal violation according to the following schedule:

- 1. First Offense \$20.00
- 2. Second Offense \$25.00
- 3. Third Offense \$30.00
- 4. Fourth Offense \$35.00
- 5. Subsequent Offenses \$50.00

(Fines increased 5/4/2000 Art.36)

Said fines to be paid to the Town within 21 days of receipt of a non-criminal violation by the Animal Control Officer.

Section 6. Disposition of Funds

Such funds collected pursuant to this by-law shall be accounted for and paid over to the Town at such a time and in such a manner as may be designated by the Town Treasurer to be deposited in the Town Treasury to become part of the Town’s General Fund. (Amended 5/4/2000 Art. 36)

Section 7. Late License Fee

An additional fee of \$15.00 shall be charged to each dog owner who fails to license his/her dog on or before June 30th of any year. Any owner who fails to license his/her dog upon demand of the Town Clerk thereafter shall be subject to an additional fee of \$25.00. (Amended 5/4/2000 Art. 36)

Section 8. Board Rate

The daily boarding rate for impoundment of dogs shall be \$8.00 per day. (Amended 5/4/2000 Art. 36)

Section 9. Appeal (Added 5/4/2000 Art.36)

The owner of a dog may appeal a violation to the Town Administrator or designee by filing a written request for review within ten (10) days after receipt of a non-criminal violation notice.

The Town Administrator or designee shall conduct a hearing and render a written decision within 30 days. The decision shall be final.

Section 10. Kennel License (Added 5/10/2001 Art.13)

Any person who owns or keeps more than three dogs, three months old or over, on a single premise, irrespective of the purpose for which they are maintained, without a valid kennel license issued by the Town Clerk, shall be subject to a \$100 fine.

Section 11. Other Animals (Added 11/17/2005 Art. 13)

Whoever having the charge or custody of any member of the animal kingdom, including, but not limited to, any mammal, bird, reptile or amphibian, other than a dog, willfully suffers or permits them to enter or remain on or pass over the land of another, shall be subject to a fine in accordance with Section 5. The Animal Control Officer may apprehend any animal found in violation and impound such animal in a suitable place. Impoundment Fees in Section 4 and Boarding Rates in Section 8 shall apply in regards to the enforcement of this section.

