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8.8 **Animal Control**

Pursuant to the authority set forth in ~~M.G.L.MGL~~ Chapter 140, Sections 136A-~~137E174E~~, inclusive, and any other relevant statutes and regulations issued pursuant thereto, the following ~~bylaw is enacted~~requirements are adopted for the regulation of dogs in the Town of Reading.

8.8.1 **Definitions**

~~As used in this bylaw~~The definitions of words and terms set forth in MGL. Chapter 140 Section 136A are incorporated into Section 8.8 and shall be applicable to the interpretation thereof. In addition, unless the context clearly indicates otherwise, the following words and terms, as used in Section 8.8, shall have the following meanings:

8.8.1.1 **Animal Control Appeals Committee (ACAC)**

The "Hearing Authority," as that term is defined in ~~M.G.L.MGL~~ Chapter 140, Section 136A, charged with the responsibility of handling dog complaints for the Town of Reading, pursuant to ~~M.G.L.MGL~~ Chapter 140, Section 157.

8.8.1.2 **Animal Control Officer (ACO)**

A person appointed by the Town Manager who is authorized to enforce this Bylaw and ~~M.G.L.MGL~~ Chapter 140, Sections 136A-174E, ~~inclusive~~.

8.8.1.3 **~~Dangerous Dog~~**

~~A dog that either; (a) without justification, attacks a person or domestic animal causing physical injury or death; or (b) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.~~

~~8.8.1.34~~ **Effective Voice Control**

~~To~~An animal shall be deemed to be "under effective voice control, ~~the animal must be~~ if it is within the owner's or keeper's sight ~~and,~~ the owner or keeper ~~must be~~s carrying a leash, and the animal ~~must refrain~~refrains from illegal activities.

~~8.8.1.45~~ **Euthanize**

~~An order by the Animal Control Appeals Committee (ACAC) that a dangerous dog be euthanized in accordance with M.G.L. Chapter 140 and the American Veterinary Medical Association Guidelines on Euthanasia.~~

~~8.8.1.56~~ **Keeper**

~~A person, business, corporation, entity or society, other than the owner, having possession of a dog.~~

~~8.8.1.67~~ Kennel

~~Four or more dogs, six months of age or older, kept on a single property, whether for breeding, boarding, sale, training, hunting, companionship or any other purpose. "Kennel" includes commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.~~

~~8.8.1.8~~ Kennel License

~~A special license issued to a kennel, which allows payment of a single fee covering all dogs in the kennel; with the kennel license, the kennel owner receives a special kennel tag for each dog in the kennel.~~

~~8.8.1.9~~ License

~~A dog's registration, evidenced by a tag issued annually by the Town Clerk to the owner or keeper of each dog residing in Reading and worn by the dog securely fixed to its collar or harness.~~

~~8.8.1.10~~ License Transfer

~~The registration issued to a dog already licensed in another U.S. jurisdiction, after the dog moves into the Town of Reading.~~

~~8.8.1.11~~ License Period

~~An annual period, from January 1 through December 31.~~

~~8.8.1.12~~ Muzzling

~~Using a device that fits over a dog's mouth and prevents it from biting, but that does not cause any injury or interfere with the vision or respiration of the dog that wears it.~~

~~8.8.1.13~~ Nuisance Dog

~~A dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.~~

~~8.8.1.14 Permanent Restraint~~

~~An order issued by the Animal Control Appeals Committee under Section 8.8.5.3 requiring a dangerous dog's keeper to restrain it.~~

~~8.8.1.15 Restraint~~

~~Limiting, restricting, or keeping an animal under control by means of a physical barrier (e.g., a leash, substantial chain or line, visible or invisible fence).~~

~~8.8.1.16 Running at Large~~

~~A dog is running at large if it is not on the private property of its owner or keeper, or on private property with the express permission of that property's owner, or on a leash, or under effective voice control (i.e., within the owner's or keeper's sight and the owner or keeper is carrying a leash).~~

~~8.8.1.17 Temporary Confinement Order~~

~~An order issued by the ACO pursuant to Section 8.8.4.4 authorizing or requiring the temporary housing of an animal.~~

~~8.8.1.18 Temporary Restraint Order~~

~~An order issued by the ACO under Section 8.8.4.3 requiring the dog's owner or keeper to restrain a nuisance dog or suspected dangerous dog for thirty (30) days. An invisible fence will not be considered a temporary restraint for a suspected dangerous dog.~~

~~8.8.1.19 Other Meanings~~

~~Any word or term defined in M.G.L. Chapter 140 Section 136A and not otherwise defined here, is incorporated by reference.~~

8.8.2 ~~Vaccination, Licensing and Fees~~

8.8.2.1 ~~Three or fewer dogs~~

License and ~~vaccination requirements~~ **Vaccination Requirements**

~~All In accordance with MGL Chapter 140 Section 137, the owner or keeper of a dog(s) six months and of age or older, while residing in the Town of Reading, must have shall obtain a license for the dog from the Town Clerk, which shall be affixed to the dog's collar. To obtain or renew the license, each dog owner or keeper must shall annually present proof of a current rabies vaccination. When a veterinarian determines that vaccination is inadvisable, the owner or keeper may present a veterinarian's certificate exempting an old or sick dog from vaccination for a stated period of time or a certification of exemption from the vaccination requirement, pursuant to MGL Chapter 140 Sections 137(b) and 145B.~~

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8.8.2.1.1 New Dogs and Puppies

Within thirty (30) days of either (a) acquiring a dog six (6) months of age or older or (b) a puppy's six-month birthday, each dog owner or keeper in Reading must shall present proof of that dog's current rabies vaccination and obtain a license and dog tag from the Town Clerk.

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New Puppies

~~Within six (6) months of a puppy being born, each dog owner or keeper in Reading must present proof of that puppy's current rabies vaccination and obtain a license and dog tag from the Town Clerk.~~

New Residents

~~A new resident who owns a dog six (6) months of age or older must license it within thirty (30) days after moving into Reading. The Town Clerk will issue each dog a transfer license upon the owner's or keeper's surrender of a current license from another U.S. jurisdiction and proof of current rabies vaccination. The transfer license is valid until the next regular licensing period.~~

8.8.2.1.2 Lost Tags and Replacement Tags

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Dog owners and keepers ~~must~~shall replace a lost tag within three (3) business days of the loss, by obtaining a replacement tag from the Town Clerk.

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8.8.2.1.3 Tag Exemptions

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~~A dog while~~While actually participating in an official dog sporting or dog fancy event, ~~a dog may,~~ if the event sponsors do not allow participants to wear tags, ~~is,~~ be exempt from the requirement of section 8.8.2.1 that its license tag be affixed to its collar, ~~;~~ provided ~~its~~, however, that the dog owner or keeper ~~has~~shall have the tag at the event and available for inspection by the ACO.

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8.8.2.1.4 Tag Exemptions for Medical Reasons

~~During any period when~~ a veterinarian ~~determines~~has ~~determined~~ that a dog cannot wear a collar for medical reasons, the dog ~~is~~shall be exempt from ~~wearing a tag until it recovers, from~~ the requirement of section 8.8.2.1 that its license tag be affixed to its collar, ~~;~~ provided, however, that its owner or keeper ~~has~~shall have the tag in his or her possession and available for inspection by the ACO.

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8.8.2.1.5 Annual Renewal

Dog owners and keepers ~~must~~shall renew each dog license annually. The annual licensing period runs from January 1 through December 31.

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8.8.2.1.6 License due Date and Late Fee

~~The application form~~Application forms for obtaining, renewing or transferring a license shall be made available to ~~each household~~annually no later than December 31 each year. Dog owners and keepers ~~must~~shall return forms and fees to the Town Clerk by March 31 ~~(or the, if such date is not a business day, by the first business day thereafter, if March 31 falls on Friday, Saturday, Sunday or legal holiday).~~. Any license renewed after this date ~~is~~shall be deemed overdue, and the owner or keeper ~~must~~shall be required to pay a late fee as determined by the ~~Board of Selectmen~~Town Meeting in addition to the license renewal fee. The ~~overdue~~license fee and the late fee may be ~~added to the owner's or keeper's tax bill or may be recovered~~secured through the imposition of a municipal charges lien on any property standing in the name of the dog owner or keeper, pursuant to M.G.L. MGL Chapter 40 Section 58.

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8.8.2.1.7 License Fees

~~The fees~~Fees for licensing each dog shall be determined by the Board of Selectmen. ~~The fees shall differentiate between neutered or spayed dogs, and non-neutered or non-spayed dogs. The fee for Town Meeting; provided, however, that the fee for~~ neutered or spayed dogs shall be less than the fee for non-neutered or non-spayed dogs. ~~There is no fee for a~~No dog license fee shall be charged for any service ~~dogs~~dog as defined by the Americans with Disabilities Act or regulations ~~promulgated~~issued thereunder. ~~No fee shall be charged; or~~ for a license for a dog owned by a person ~~aged~~70 years of age or older.

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8.8.2.2 Kennel Licenses

No person may own or ever

~~8.8.2.2 Four or more dogs~~

License and Vaccination Requirements

~~Anyone who owns or boards~~board four or more dogs within the Town of Reading ~~must apply for and obtain a kennel license without first obtaining a Kennel License from the Town Clerk. (This, in accordance with MGL Chapter 140 Section 137A; provided, however, that this~~ requirement shall not apply to medical boarding by any licensed veterinarian practicing in the Town of Reading.~~).~~ To obtain or renew ~~thesuch kennel~~ license, the ~~kennel licensee who is also the owner or keeper of the dogs~~ must shall:

(a) ~~present~~ Present proof of current rabies vaccinations for each dog older than six months in the kennel. ~~When it is off the kennel property, each dog in the kennel must wear or a kennel tag, issued by the Town Clerk, affixed to its collar or harness. Kennel licensees who offer temporary boarding services must obtain valid proof that each dog in the kennel that is older than 6 months has received a current rabies certification of exemption from the vaccination which proof must be maintained in accordance with 8.8.2.1 bullet one herein. requirement, pursuant to MGL Chapter 140 Sections 137(b) and 145B; and~~

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(b) Pass an inspection by the Animal Control Officer pursuant to MGL Chapter 140 Sections 137A and 137C.

8.8.2.2.1 New Dogs and New Puppies

~~The~~A kennel licensee who is also the owner or keeper of ~~the dogs~~ must shall report to the Town Clerk each new dog in the kennel within thirty (30) days of its acquisition; shall show proof of current vaccination; and shall obtain a kennel tag for that dog. The kennel licensee must shall show proof of current vaccination and obtain a tag for each puppy when it reaches six months old.

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Inspection Process

~~Before the Town Clerk can issue the kennel license, the Health Division Animal Inspector must inspect the proposed kennel, file a report on the inspection, and favorably recommend that the kennel meets all the following requirements:~~

- ~~• The location of the kennel is appropriate for housing multiple dogs.~~
- ~~• The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.~~

- ~~• The area provided for housing, feeding, and exercising dogs is no closer than twenty (20) feet to any lot line.~~
- ~~• The area provided for housing, feeding, and exercising dogs is no closer than fifty (50) feet to any existing dwelling on an abutting lot.~~
- ~~• The kennel will be operated in a safe, sanitary and humane condition.~~
- ~~• Records of the numbers and identities of the dogs are properly kept.~~
- ~~• The operation of the kennel will be consistent with the health and safety of the dogs and of the neighbors.~~

8.8.2.2.2 Periodic Inspections

~~Before a kennel license is renewed, and at any time they believe it necessary, the ACO and/or the Health Division may inspect any kennel. If the ACO or the Health Division determine that the kennel is not being maintained in a safe, sanitary and humane condition, or if the kennel records on the numbers and identities of the dogs are not properly kept, the ACO will report the violations to the Animal Control Appeals Committee (ACAC) for a hearing on whether to impose fines or revoke the kennel license.~~

Kennel Review Hearings

~~Within seven (7) business days after receiving the ACO's report of violations, the ACAC will notify all interested parties of a public hearing to be held within fourteen (14) days after the notice date. Within seven (7) business days after the public hearing, the ACAC shall either revoke the kennel license, suspend the kennel license, order compliance, or otherwise regulate the kennel.~~

Penalties

~~Any person maintaining a kennel after the kennel license has been denied revoked or suspended will be subject to the penalties in Section 8.8.7 of this bylaw.~~

The Town may perform an inspection of any kennel at any time pursuant to MGL Chapter 140 Section 137C.

8.8.2.2.3 Annual Renewal

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Each kennel licensee ~~must~~shall renew the ~~kennel~~ license annually ~~at the Town Clerk's Office.~~ The annual licensing period runs from January 1 to December 31.

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8.8.2.2.4 License Due Date

~~Kennel license renewal forms will be sent to each licensed kennel.~~Application forms for obtaining, renewing or transferring a kennel license shall be made available annually no later than December 1 each year. Kennel licensees ~~must~~shall return forms and fees to the Town Clerk by January 15 ~~(or, if such date is not a business day, by the first business day thereafter, if the 15th falls on Friday, Saturday, Sunday or legal holiday).~~ Failure. Any kennel license renewed after this date shall be deemed overdue, and the owner or keeper shall be required to pay ~~on time will result in a late fee, due as determined by the Town Meeting~~ in addition to the license fee. The overdue license fee and the late fee may be ~~added to the licensee's tax bill or may be recovered~~secured through the imposition of a municipal charges lien on any property standing in the name of the kennel licensee, pursuant to ~~M.G.L., MGL~~ Chapter 40 Section 58. ~~Nothing in this bylaw shall prevent or abrogate the Board of Health's authority to license and inspect kennels in the Town of Reading.~~

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8.8.2.2.5 Fees

The fees for licensing each kennel shall be established by the Board of Selectmen.

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Incorporation

~~The following provisions of M.G.L. Chapter 140 are expressly incorporated herein: Section 137B – Sale or other delivery of unlicensed dog by kennel licensee; Section 137D – Licensee convicted of violation of statutes relating to offenses against animals; and Section 138A – Importation of dogs and cats for commercial resale, etc.~~

8.8.2.2.6 Penalties

~~Any person maintaining a kennel after the kennel license therefor has been denied, revoked or suspended shall be subject to the penalties set forth in Section 8.8.6.~~

8.8.3 Conduct of AnimalsDogs

8.8.3.1 Endangering SafetyNuisance and Dangerous Behavior

~~No animal owner or keeper shall allow it's animal to bite, menace or threaten, all without provocation, so as to endanger the safety of any person, domestic animal or livestock provided such threat or attack was not a grossly disproportionate reaction under all the circumstances. This section is not meant to preclude an animal from acting as a watchdog on its owner's or keeper's property.~~

No dog owner or keeper shall permit the dog to become or remain a nuisance dog or a dangerous dog, as those terms are defined and used in MGL Chapter 140 Sections 136A and 157.

8.8.3.2 ~~Disturbing the Peace~~ Leash Law

~~No animal owner or keeper shall allow the animal to disturb the peace of any neighborhood by making excessive noise without provocation. Noise is excessive if it is uninterrupted barking, yelping, whining, or howling, causing damage or other interference that a reasonable person would find disruptive to one's quiet and peaceful enjoyment for a period of time exceeding 15 minutes. Or, by excessive barking or other disturbance, which is a source of annoyance to a sick person residing in the vicinity. This section is not meant to preclude a dog from acting as a watchdog on its owner's or keeper's property.~~

~~8.8.3.3 Damaging Property~~

~~No animal owner or keeper shall allow the animal to damage public or private property or realty.~~

~~8.8.3.4 Running at Large~~

~~When not on the private property of its owner or keeper, or on private property with the express permission of that property's owner, an animal must a dog shall be on a leash ~~or~~; provided, however, that it may be under effective voice control in locations noted below. To be under effective voice control, the animal must be when within the ~~owner's or keeper's sight and the owner or keeper must be carrying a leash~~ Town Forest or on conservation lands.~~

~~8.8.3.5 Voice Control in Place of Leash Control Allowed~~

~~A dog shall be under voice control when within the Town Forest or on Conservation lands.~~

~~8.8.3.6~~ 2.1 Public Gatherings - Leash Control Only

~~An animal~~ Except as otherwise specified in Section 8.8, a dog may be at any public gathering ~~not otherwise specified in this bylaw only~~ if it is on a six-foot or shorter leash and ~~the animal must refrain~~ refrains from illegal activities.

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8.8.3.72.2 School Grounds

~~Animals are not allowed during school — leash control only at other times.~~ Unless the ~~school~~School Principal gives permission in advance, no ~~animal~~dog may be on school grounds from thirty (30) minutes before classes begin until thirty (30) minutes after classes end. At all other times, the ~~animal~~dog may be on school grounds only if it is on a six-foot or shorter leash. ~~An animal is not violating this prohibition if it or~~ remains within a vehicle.

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8.8.3.82.3 Exception for Assistance Animals (service animals)

The provisions of this Section 8.8.3.4 ~~does~~2 shall not apply to any properly trained assistance animal or service animal while performing its duties.

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8.8.3.9 Chasing

~~No animal owner or keeper shall allow the animal to chase a person, motor-powered vehicle, human-powered vehicle, or animal drawing or carrying a person.~~

8.8.3.10 Dog Litter

Every dog owner or keeper ~~is~~shall be responsible for expeditiously removing any ~~dog~~feces ~~that~~ the dog deposits anywhere except on its owner's or keeper's private property, ~~or~~ on other private property with the property owner's permission. ~~This provision does not apply to any assistance dog or service dog while it is performing its duties.~~

8.8.4 Animal Control Officer

8.8.4.1 Appointment

The Town Manager shall appoint an ~~Animal Control Officer (ACO) under the provisions of M.G.L. pursuant to MGL~~ Chapter 140 Sections 151 and 151A to carry out the provisions of ~~this bylaw~~Section 8.8 and to perform such other duties and responsibilities as the Town Manager or ~~his~~sits designee may determine.

8.8.4.2 Duties

The ACO's duties shall include ~~but not be limited to,~~the following:

- ~~Enforcement~~enforcement of the ~~Town~~provisions of ~~Reading Animal Control bylaw~~Section 8.8 and ~~of MGL Chapter 140 Sections 136A-174E and any relevant Statestate or local~~ regulations.
- ~~Explanation of bylaw violations.~~
- ~~Notification to the owner or keeper of unlicensed dogs.~~

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8.8.4.3 Issuance of Temporary Restraint Orders

The ACO ~~shall~~may issue a Temporary Restraint Order to the owner or keeper of any ~~animal~~dog that is ~~alleged to be~~ a nuisance ~~dog~~ or ~~that a dangerous dog~~ ~~and~~ is awaiting a decision under Section 8.8.6 ~~as to whether it is dangerous-5.2.~~ A Temporary Restraint Order ~~is an order that the animal must~~

~~be confined to its owner's or keeper's property when not on a six (6) foot or shorter leash or may be ordered to be sheltered at a local kennel or veterinarian facility at the animal owner's or keeper's expense; muzzling will be at the ACO's discretion. It shall be in force for no more than thirty (30) days unless the ACO renews it in writing for subsequent thirty (30) day periods. The ACO shall may rescind or stop renewing the order when, in the ACO's judgment, restraint is no longer required. The animal's owner or keeper can petition the Animal Control Appeals Committee (ACAC) under Section 8.8.5.2 to rescind the Temporary Restraint Order. The ACO's order shall expire upon receipt of a decision from the ACAC on the nuisance dog or dangerous dog hearing.~~

8.8.4.4 Issuance of a Temporary Confinement Order

The ACO may make arrangements for the temporary housing of any animal~~dog~~ that ~~is to be confined under the provisions of this bylaw~~requires ~~such temporary housing,~~ and may issue an Order of Temporary Confinement authorizing such temporary housing. The housing may be at local veterinary clinics, or at dog kennels within the Town or neighboring towns, and shall be at the animal~~dog~~ owner's or keeper's expense.

8.8.4.5 Complaint ~~Resolution~~ Investigation

The ACO shall make a written record of and shall investigate all ~~written~~ complaints arising within the Town pertaining to violations of ~~this bylaw and try to mediate disputes between Town residents complaining that a dog owned or kept in Town is a nuisance dog or a dangerous dog. Section 8.8 or MGL Chapter 140 Sections 136A-174E and report its findings to the ACAC.~~

8.8.4.6 Recordkeeping

The ACO shall keep accurate, detailed records of the confinement and disposition of all animals~~dogs~~ held in custody ~~and of,~~ all bite cases reported, and the results of investigations ~~of the same.~~ The ACO shall maintain a telephone log of all calls received regarding animals~~dogs~~ and submit a monthly report summarizing the log to the ACAC.

8.8.5 Animal Control Appeals Committee (ACAC)

8.8.5.1 Composition of the ACAC

The Animal Control Appeals Committee ~~is comprised~~shall be composed of three Reading residents, none of whom ~~can~~shall otherwise be employees of the Town, appointed to three-year overlapping terms by the Board of Selectmen. The ACAC ~~will~~shall annually select a member to serve as the Chair. At least one of the three members must be a dog owner.

8.8.5.2 Right to Appeal Nuisance or Dangerous Dog Hearings

~~When the ACO has investigated a complaint regarding an animal's behavior and has issued a Temporary Restraint Order or a Temporary Confinement Order with which either the animal's owner or keeper or the complainant disagrees, then either party may appeal by sending a written request to the Town Clerk within ten (10) business days after issuance of the ACO's decision. Following the Clerk's receipt of a written appeal, the ACAC shall hold a public hearing on the appeal within fourteen (14) days, at which the dog owner or keeper, the complainant, and the ACO must appear.~~

~~8.8.5.3 Findings and Further Appeals~~

~~The ACAC shall vote at the public hearing on whether to uphold, reverse, or modify the ACO's temporary order and shall mail its ruling to the animal owner or keeper, complainant, and ACO within three (3) business days after the public hearing.~~

~~8.8.5.4 Hearings~~

~~The ACAC shall hold public hearings and make decisions on any dangerous dog declaration under Section 8.8.6 or a nuisance dog declaration under Section 8.8.7.~~

~~8.8.5.5 Further Appeals~~

~~An appeal from an order or decision of the ACAC may be made by either the Owner or Keeper or Complainant within 10 days at the Woburn District Court.~~

~~8.8.6 Dangerous Dogs~~

~~8.8.6.1 Declaring a Dog Dangerous~~

~~A dog that either;~~

- ~~• without justification, attacks a person or domestic animal causing physical injury or death; or~~
- ~~• behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal may be declared dangerous by the ACAC. An exception may be made for a puppy (animal under six (6) months old) that draws blood, or for a dog that attacks or bites an unaccompanied domestic animal on the dog owner's or keeper's property.~~

~~8.8.6.2 Procedure for Declaring a Dangerous Dog~~

~~Upon the written complaint of the ACO, any other public safety agent, or upon the petition of individual the Animal Control Appeals Committee (ACAC) shall~~

~~hold a public hearing, after which it will determine whether it should declare a dog dangerous and, if so declared, what remedy is appropriate.~~

8.8.6.3—Exceptions

~~No dog shall be deemed dangerous:~~

- ~~• Solely based upon growling or barking or solely growling and barking;~~
- ~~• Based upon the breed of such dog; or~~
- ~~• If such dog was reacting to another animal or to a person and such dog's reaction was not grossly disproportionate to any of the following circumstances:~~
 - ~~• Such dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;~~
 - ~~• The person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of such dog;~~
 - ~~• The person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking such dog; or~~
 - ~~• At the time of such attack or threat, the person or animal that was attacked or threatened by such dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to a gated, fenced in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.~~

8.8.6.4—Remedies

~~Upon its finding that the dog is dangerous, the ACAC shall order one of the following remedies: permanent restraint or euthanasia in accordance with the American Veterinary Medical Association Guidelines on Euthanasia.~~

- ~~• A Permanent Restraint Order is an order that the dog must at all times while on its owner's or keeper's property be kept within the owner's or keeper's house or a secure enclosure. The secure enclosure shall be a minimum of five (5) feet wide, 10 feet long, and five (5) feet in height, with a horizontal top covering the entire enclosure; shall be constructed of not less than nine (9) gauge chain link fencing; the floor shall be not less than three (3) inches of poured concrete; with the bottom edge of fencing embedded in the concrete; shall be posted with a clearly visible warning sign including a warning symbol; must contain and provide protection from the elements; and shall comply with all applicable building codes and with the Zoning Bylaws of the Town of Reading. In addition, the owner or keeper of the dog shall annually provide proof to the Town Clerk of a liability insurance policy of at least One Hundred Thousand (\$100,000) Dollars for the benefit~~

~~of the public safety; and whenever removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length. A Euthanasia Order is an order to take the life of the dog by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.~~

8.8.7 Nuisance Animal

8.8.7.1 Declaring a Dog to be a Nuisance

~~An animal that repeatedly violates Section 8.8.3 of this bylaw may be declared a nuisance dog by the ACAC.~~

8.8.7.2 Procedure for Declaring a Dog to be a Nuisance

~~Upon the written complaint of the ACO, any other public safety agent, or upon the petition of individual the Animal Control Appeals Committee (ACAC) shall hold a public hearing, after which it will determine whether it should declare a dog to be a nuisance dog. The ACAC may further order that the owner or keeper of such dog take remedial action to ameliorate the cause of the nuisance behavior.~~

~~**8.8.8** Any person may file a complaint in writing to the ACAC that a dog owned or kept in the Town is a nuisance dog or a dangerous dog. All such complaints shall be investigated and addressed in accordance with MGL Chapter 140 Section 157.~~

8.8.6 Penalties

8.8.86.1 Fines

Any ~~animal~~dog owner or keeper who maintains a kennel after the kennel license has been denied, revoked or suspended, or who fails to obtain a kennel license; and any ~~animal~~dog owner or keeper who fails to comply with Section 8.8.3 ~~Conduct of Animals~~ shall be subject to penalties as determined by the ~~Animal Control Appeals Committee~~ACAC, not exceeding Three Hundred (\$300) Dollars per day for every day of the violation.

8.8.86.2 Reimbursement of Costs

If the ~~Animal Control Officer~~ACO confines a dog and the ~~animal~~dog owner or keeper does not pay all fees directly to the kennel or veterinary clinic, then

the dog's owner or keeper ~~must~~shall be required to reimburse the Town ~~of Reading~~ for any expenses incurred in boarding that dog. If the dog has not been licensed, the owner or keeper ~~must~~shall obtain a license and pay any applicable late fee before the dog can be released.

8.8.86.3 Penalties for Violating Temporary Restraint Orders

The ACAC shall determine a schedule of penalties not exceeding Three Hundred (\$300) Dollars per day for each and every violation of ~~restraint orders~~Temporary Restraint Orders.

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8.8.9 Miscellaneous

8.8.6.4 Penalties for Non-Compliance with and Order of the ACAC

An owner or keeper of a dog who fails to comply with an order of the ACAC shall be punished in accordance with MGL Chapter 140 Section 157A.

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8.8.9.16.5 Enforcement

In addition to any other means of enforcement, the provisions of ~~this bylaw~~Section 8.8 and the regulations adopted pursuant thereto may also be enforced by non-criminal disposition in accordance with the provisions of Section 1.8 ~~of this bylaw~~, and ~~M.G.L.~~MGL Chapter 40 Section 21D. The penalty for such violation shall be \$300 for each offense. Each day or part thereof shall constitute a separate offense.