

## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on February 27, 2015 notified and warned the inhabitants of the Town of Reading, qualified to vote in Town elections and Town affairs, to meet at the place and at the time specified by posting attested copies of this Town Meeting Warrant in the following public places within the Town of Reading:

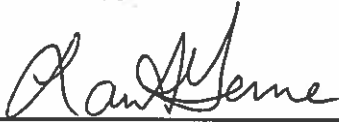
Precinct 1     J. Warren Killam School, 333 Charles Street  
Precinct 2     Reading Police Station, 15 Union Street  
Precinct 3     Reading Municipal Light Department, 230 Ash Street  
Precinct 4     Joshua Eaton School, 365 Summer Avenue  
Precinct 5     Walter S. Parker Middle School, 45 Temple Street  
Precinct 6     Barrows School, 16 Edgemont Avenue  
Precinct 7     Birch Meadow School, 27 Arthur B Lord Drive  
Precinct 8     Wood End School, 85 Sunset Rock Lane  
Town Hall, 16 Lowell Street

The date of posting being not less than fourteen (14) days prior to April 27, 2015, the date set for Town Meeting in this Warrant.

I also caused a posting of this Warrant to be published on the Town of Reading website on February 27, 2015.

  
\_\_\_\_\_  
Tonya Amico, Constable

A true copy Attest:

  
\_\_\_\_\_  
Laura Gemme, Town Clerk

# TOWN WARRANT



## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

To any of the Constables of the Town of Reading, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Reading, qualified to vote in the Local Elections and Town affairs, to meet in the following place designated for the eight precincts in said Town, namely:

**Precincts 1, 2, 3, 4, 5, 6, 7 and 8**  
**Reading Memorial High School, Hawkes Field House, Oakland Road**

TUESDAY, the SEVENTH DAY OF APRIL, A.D., 2015  
from 7:00 a.m. to 8:00 p.m. to act on the following Articles, viz:

**ARTICLE 1** To elect by ballot the following Town Officers:

A Moderator for one year;  
One member of the Board of Selectmen for three years;  
One member of the Board of Selectmen for one year;  
One member of the Board of Assessors for three years;  
Two members of the Board of Library Trustees for three years;  
Two members of the Municipal Light Board for three years;  
Two members of the School Committee for three years;  
One member of the School Committee for one year; and  
Sixty Seven Town Meeting Members shall be elected to represent each of the following precincts:

Precinct 1 Eight members for three years;  
Precinct 2 Eight members for three years;  
Precinct 3 Eight members for three years;  
One member for two years;  
Precinct 4 Eight members for three years;  
Precinct 5 Eight members for three years;  
Precinct 6 Eight members for three years;  
Precinct 7 Eight members for three years;  
One member for two years;  
Precinct 8 Eight members for three years; and  
One member for one year.

and to vote on the following question:

**Question 1: CHARTER**

Shall this Town approve the Charter Amendment proposed by the Town Meeting, as summarized below?

The proposed Charter Amendment retains the representative town meeting form of government. Proposed changes include updates to conform more closely to existing state law; to reflect current municipal practice; and to simplify, clarify and modernize language. The proposed Amendment also includes several technical corrections.

Major changes include:

- Finance Committee term limits would be amended to exclude any partial terms served by a Committee member that are less than two years.
- The Board of Assessors would be changed from an elected board to an appointed board. The number and term of members would remain the same, but the Board of Selectmen would be responsible for appointing the Board of Assessors.
- The Town Manager would be responsible for appointing the Town Appraiser, subject to confirmation by the Board of Assessors.
- A new Charter Review Committee would be created and charged with reviewing the Charter every 10 years.
- The power to create new boards or committees for specific purposes would be extended to all elected boards and committees. Currently, only the Board of Selectmen has this authority.
- A new section would be added to authorize associate membership on appointed boards and committees.
- Town Counsel appointment would be changed from annually to "at will."
- Budget deadlines for the Town Manager and School Committee would be amended to reflect current practice.
- Procedures would be included to clarify the removal process of members of appointed boards and committees.

Because certain types of Charter changes are beyond the power of Town Meeting and the local voters, implementation of the Town Meeting's proposals requires two separate processes. Those sections that may be sent to the local voters by Town Meeting are included in this Question. Those sections that are beyond the power of Town Meeting to recommend to the voters are being sent to the State Legislature in a request for a Special Act and are not included in this Question.

Yes \_\_\_\_\_ No \_\_\_\_\_

and to meet at the Reading Memorial High School, 62 Oakland Road, in said Reading on

**MONDAY, the TWENTY-SEVENTH DAY of APRIL A.D., 2015**

at seven-thirty o'clock in the evening, at which time and place the following Articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with the provisions of the Reading Home Rule Charter.

**ARTICLE 2** To hear and act on the reports of the Board of Selectmen, School Committee, Library Trustees, Municipal Light Board, Finance Committee, Bylaw Committee, Town Manager, Town Accountant and any other Town Official, Board or Committee.

Board of Selectmen

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**ARTICLE 3** To choose all other necessary Town Officers and Boards or Committees and determine what instructions shall be given Town Officers and Boards or Committees, and to see what sum the Town will vote to appropriate by borrowing or transfer from available funds, or otherwise, for the purpose of funding Town Officers and Boards or Committees to carry out the instructions given to them, or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 4** To see if the Town will vote to amend the FY 2015-25 Capital Improvements Program as provided for in Section 7-7 of the Reading Home Rule Charter and as previously amended, or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 5** To see if the Town will vote to amend the Town's Operating Budget for the Fiscal Year commencing July 1, 2014, as adopted under Article 14 of the Annual Town Meeting of April 28, 2014 and amended under Article 8 of the Special Town Meeting of September 29, 2014, further amended under Article 4 of the Special Town Meeting of January 5, 2015 and further amended under Article 6 of the Special Town Meeting of February 23, 2015; and to see if the Town will vote to raise and appropriate, borrow or transfer from available funds, or otherwise provide a sum or sums of money to be added to the amounts appropriated under said Article, as amended, for the operation of the Town and its government, or take any other action with respect thereto.

Finance Committee

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**ARTICLE 6** To see if the Town will vote to transfer funds received from the Commonwealth of Massachusetts, pursuant to Section 9 of Chapter 40R of the *Massachusetts General Laws*, in payment for development within the Town's Smart Growth Zoning Districts from Free Cash into the Smart Growth Stabilization Fund, or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 7** To see what sum the Town will appropriate to the irrevocable trust for "Other Post-Employment Benefits Liabilities" or take any action with respect thereto.

Board of Selectmen

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**ARTICLE 8** To see if the Town will vote to accept the provisions of Section 1 of Chapter 90I of the *Massachusetts General Laws*, to allow the Town to participate in the Complete Streets Certification Program, and to apply for and receive grants pursuant to said program; or take any action with respect thereto.

Board of Selectmen

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**ARTICLE 9** To hear the report of the Board of Selectmen relative to the laying out and the widening and relocation of the following named streets under the provisions of Chapter 82 of the *Massachusetts General Laws*; and to see if the Town will vote to accept such streets as and for public ways and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any land or interest in land necessary for such laying out, and act on all manners relating thereto:

Cory Lane	from Zachary Lane to dead end
Nugent Lane	from Pearl Street to dead end
Pondview Lane	from Fairchild Drive to dead end
Dividence Road	from Franklin Street to Zachary Lane

or take any other action relative thereto.

Board of Selectmen

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**ARTICLE 10** To see if the Town will to authorize the Town Manager to enter into a contract or contracts for the acceptance, processing or disposal of its municipal solid waste, including any extension, renewal or option under an existing contract, for a term in excess of three years, upon such terms and conditions determined by the Town Manager to be in the best interests of the Town; or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 11** To see if the Town will vote to amend Section 8.8 Animal Control of the General Bylaw in the following manner:

**8.8 Animal Control**

Pursuant to the authority set forth in M.G.L. Chapter 140, Sections 136A-137E, inclusive, and any other relevant statutes and regulations issued pursuant thereto 147A, the following bylaw is enacted for the regulation of dogs in the Town of Reading.

**8.8.1 Definitions**

As used in this bylaw, the following words and terms 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. Chapter 140, Section 136A, charged with the responsibility of handling dog complaints, pursuant to M.G.L. Chapter 140, Section 157.

**8.8.1.2 Animal Control Officer (ACO)**

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

**8.8.1.23 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 be under effective voice control, the animal must be within the owner's or keeper's sight and the owner or keeper must be carrying a leash and the animal must refrain 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. Any person having charge of an animal within the Town of Reading, including but not limited to the animal's owner, dog walkers, dog sitters, members of the animal owner's household or family.

**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.

**8.8.1.78 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.

**8.8.1.89 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.

**8.8.1.910 License Transfer**

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

**8.8.1.1011 License Period**

An annual period, from January 1 through December 31.

**8.8.1.1112 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.

**8.8.1.1213 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~~An animal that repeatedly violates Section 8.8.3 of this bylaw.~~

**8.8.1.1314 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.

**8.8.1.1415 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).

**8.8.1.1516 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).

**8.8.1.1617 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.

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**8.8.1.18 Temporary Restraint Order**

An order issued by the ACO under Section 8.8.4.3-2 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. ~~1719~~ 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**

All dogs six months and older, while residing in the Town of Reading, must have a license from the Town Clerk. To obtain or renew the license, each dog owner or keeper must 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.

#### **New Dogs**

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

#### **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.

#### **Lost Tags and Replacement Tags**

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

#### **Tag exemptions for dog events and medical reasons:**

- A dog while actually participating in an official dog sporting or dog fancy event (if the event sponsors do not allow participants to wear tags) is exempt from the requirement that its license tag be affixed to its collar, provided its owner or keeper has the tag at the event and available for inspection by the ACO.
- When a veterinarian determines that a dog cannot wear a collar for medical reasons, the dog is exempt from wearing a tag until it recovers, from the requirement that its license tag be affixed to its collar, provided its owner or keeper has the tag in his or her possession and available for inspection by the ACO.

#### **Annual Renewal**



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

**License due Date and Late Fee**

The application form for obtaining, renewing or transferring a license shall be available to each household no later than December 31 each year. Dog owners and keepers must return forms and fees to the Clerk by March 31 (or the first business day thereafter, if March 31 falls on Friday, Saturday, Sunday or legal holiday). Any license renewed after this date is overdue, and the owner or keeper must pay a late fee as determined by the Board of Selectmen 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 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. Chapter 40 Section 58.

**License Fees**

The 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 neutered or spayed dogs shall be less than the fee for non-neutered or non-spayed dogs. There is no fee for a dog license for service dogs as defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee shall be charged for a license for a dog owned by a person aged 70 years or over.

**8.8.2.2 Four or more dogs**

**License and Vaccination Requirements**

Anyone who owns or boards four or more dogs within the Town of Reading must apply for and obtain a kennel license from the Town Clerk. (This requirement shall not apply to medical boarding by any licensed veterinarian practicing in the Town of Reading.) To obtain or renew the license, the kennel licensee who is also the owner or keeper of the dogs must 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 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 vaccination which proof must be maintained in accordance with 8.8.2.1 bullet one herein.

**New Dogs and New Puppies**

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

**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.

#### **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.

#### **Annual Renewal**

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

#### **License Due Date**

Kennel license renewal forms will be sent to each licensed kennel no later than December 1 each year. Kennel licensees must return forms and fees to the Town Clerk by January 15 (or the first business day thereafter, if the 15th falls on Friday, Saturday, Sunday or legal holiday). Failure to pay on time will result in a late fee, due 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 through the imposition of a municipal charges lien on any property standing in the name of the kennel licensee, pursuant to M.G.L. 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.

**Fees**

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

**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.

**8.8.3 Conduct of Animals****8.8.3.1 Endangering Safety**

No animal owner or keeper shall allow its 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.

**8.8.3.2 Disturbing the Peace**

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 be on a leash or may be under effective voice control in locations noted below. To be under effective voice control, the animal must be within the owner's or keeper's sight and the owner or keeper must be carrying a leash.

**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 Public Gatherings - Leash Control Only**

An animal 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 from illegal activities.

#### **8.8.3.7 School Grounds**

Animals are not allowed during school - leash control only at other times. Unless the school Principal gives permission in advance, no animal 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 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 remains within a vehicle.

#### **8.8.3.8 Exception for Assistance Animals (service animals)**

Section 8.8.3.4 does not apply to any properly trained assistance animal or service animal while performing its duties.

#### **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 responsible for expeditiously removing any dog feces the dog deposits anywhere except on its owner's or keeper's private property, 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. Chapter 140 Sections 151 and 151A to carry out the provisions of this bylaw and to perform such other duties and responsibilities as the Town Manager or his designee may determine.

#### **8.8.4.2 Duties**

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

- Enforcement of the Town of Reading Animal Control bylaw and relevant State regulations.
- Explanation of bylaw violations.
- Notification to the owner or keeper of unlicensed dogs.

#### **8.8.4.3 Issuance of Temporary Restraint Orders**

The ACO shall issue a ~~an order of~~ Temporary Restraint Order to the owner or keeper of any animal that is a nuisance or that is awaiting a decision under Section 8.8.6 as to whether it is dangerous. ~~An order of~~ 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 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 ~~order of~~ Temporary Restraint Order.

**8.8.4.4 Issuance of an ~~Order of~~ Temporary Confinement Order**

The ACO may make arrangements for the temporary housing of any animal that is to be confined under the provisions of this bylaw and may issue an Temporary Confinement Order 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 owner's or keeper's expense.

**8.8.4.5 Complaint Resolution**

The ACO 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.

**8.8.4.6 Recordkeeping**

The ACO shall keep accurate, detailed records of the confinement and disposition of all animals 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 regarding animals 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 of three Reading residents, none of whom can be employees of the Town, appointed to three-year overlapping terms by the Board of Selectmen. The ACAC will 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**

When the ACO has investigated a complaint regarding an animal's behavior and has issued ~~a finding or an order of~~ 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 decision~~ 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 ~~an~~ 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 Penalties**

#### **8.8.8.1 Fines**

Any animal 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 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, not exceeding Three Hundred (\$300) Dollars per day for every day of the violation.

#### **8.8.8.2 Reimbursement of Costs**

If the Animal Control Officer confines a dog and the animal owner or keeper does not pay all fees directly to the kennel or veterinary clinic, then the dog's owner or keeper must 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 obtain a license and pay any applicable late fee before the dog can be released.

**8.8.8.3 Penalties for Violating 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.

**8.8.9 Miscellaneous**

**8.8.9.1 Enforcement**

In addition to any other means of enforcement, the provisions of this bylaw 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. 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.

~~**8.8.9.2 Incorporation of State Law**~~

~~The provisions of M.G.L. Chapter 140 Sections 136A through 156 and 158 through 174D, inclusive, as may be amended from time to time and except as modified herein, are hereby incorporated into this bylaw.~~

or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 12** To see if the Town will vote to amend the General Bylaw by inserting a new Section 3.3.1.6 as follows:

**3.3.1.6 Appointment of Associate Members**

The Board of Selectmen shall be authorized to appoint associate members to any board, committee or commission for which it is the appointing authority.

or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 13** To see if the Town will vote to amend Section 2.1.6 of the General Bylaw by adding the words "but not more than twenty-eight (28) days" thereto so that said Section 2.1.6 will read as follows:

**2.1.6 Posting of the Warrant**

The Board of Selectmen shall give notice of the Annual, Subsequent or any Special Town Meeting at least fourteen (14) days but not more than **twenty-eight (28) days** prior to the time of holding said meeting by causing an attested copy of the warrant calling the same to be posted in one (1) or more public places in each precinct of the Town, and causing such attested copy to be



published in a local newspaper or providing in a manner such as electronic submission, holding for pickup, or mailing an attested copy of said warrant to each Town Meeting Member.

or take any other action with respect thereto.

By Petition

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**ARTICLE 14** To see if the Town will vote to authorize the Board of Selectmen to enter into a lease for a term not to exceed ten years, with the additional authority to extend the lease at its conclusion for a single additional term not to exceed ten years, allowing the use of Town land located at Auburn Street, in the Town of Reading, more particularly shown on Reading Tax Assessor's Map 114 as Lots 12, 25 and 26, to the winner of a competitive bid and to any additional winning co-locator bidders, selected pursuant to Chapter 30B of the *Massachusetts General Laws*, for the purpose of constructing, maintaining and operating a wireless telecommunication facility thereon subject to the grant of any special permit therefor as may be necessary; or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 15** To see if the Town will vote to authorize the Board of Selectmen to sell, exchange, or dispose of, various items of Town tangible property, upon such terms and conditions as they may determine; or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 16** To see what sum the Town will raise by borrowing or transfer from available funds, or otherwise, and appropriate for the purpose of making extraordinary repairs and/or replacement of sanitary sewer collection systems, including the costs of consulting services, audits, plans, documents, cost estimates, bidding services and all related expenses incidental thereto and necessary in connection therewith, said sum to be expended by and under the direction of the Town Manager; and to see if the Town will authorize the Board of Selectmen, Town Manager, or any other agency of the Town, to apply for a grant or grants, to be used to defray the cost of all, or any part of, said sanitary sewer improvements; and to authorize the Town Manager to enter into any and all contracts and agreements as may be necessary to carry out the purposes of this Article, or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 17** To see if the Town will vote to raise the sum of Two Million (\$2,000,000.00) dollars by borrowing for the purpose of constructing a Cemetery garage and related facilities, including site preparation, construction, originally equipping and furnishing said facilities and all other costs incidental thereto including the costs of architectural, engineering and construction services, inspection and costs of financing in connection therewith; and to

authorize the Facilities Department and or the Town Manager to proceed and enter into any and all contracts and agreements necessary therefore and incidental thereto, including without limitation, contracts for architectural, engineering and construction services and to do all other acts and things necessary and proper for carrying out the provisions of this vote.

Board of Cemetery Trustees

**ARTICLE 18** To see if the Town will vote to approve an Affordable Housing Trust Fund Allocation Plan pursuant to Chapter 140 of the Acts of 2001 entitled "AN ACT AUTHORIZING THE TOWN OF READING TO ESTABLISH AN AFFORDABLE HOUSING TRUST FUND", or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 19** To see if the Town will vote to authorize revolving funds for certain Town Departments under Section 53E ½ of Chapter 44 of the *Massachusetts General Laws* for the fiscal year beginning July 1, 2015 with the receipts, as specified, credited to each fund; the purposes, as listed, for which each fund may be spent, the maximum amount that may be spent from each fund for the fiscal year, and the disposition of the balance of each fund at fiscal year end.

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Conservation Commission Consulting Fees	Conservation Commission	Fees as provided for in Reading General Bylaws Section 5.7, Wetlands Protection	Consulting and engineering services for the review of designs and engineering work for the protection of wetlands.	\$25,000	Available for expenditure next year
Inspection Revolving Fund	Town Manager	Building, Plumbing, Wiring, Gas and other permits for the Oaktree, Addison-Wesley/Pearson and Johnson Woods developments	Legal, oversight and inspection, plan review, initial property appraisals and appeals, Public Services general management, curb sidewalks and pedestrian safety improvements, records archiving and other project related costs.	\$200,000	Available for expenditure next year
Public Health Clinics and Services	Board of Health	Clinic fees, charges and third party reimbursements	Materials and costs associated with clinics and public health programs	\$25,000	Available for expenditure next year

Library Materials Replacement	Library Director and Trustees	Charges for lost or damaged Library materials	Acquire Library materials to replace lost or damaged items	\$15,000	Available for expenditure next year
Mattera Cabin Operating	Recreation Administrator	Rental Fees	Utilities and all other maintenance and operating expenses	\$10,000	Available for expenditure next year
Town Forest	Director of Public Works upon the recommendation of the Town Forest Committee	Sale of timber; fees for use of the Town Forest	Planning and Improvements to the Town Forest	\$10,000	Available for expenditure next year

or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 20** To see if the Town will vote to determine how much money the Town will appropriate by borrowing, or from the tax levy, or transfer from available funds, or otherwise, for the operation of the Town and its government for Fiscal Year 2016 - beginning July 1, 2015, or take any other action with respect thereto.

Finance Committee

**ARTICLE 21** To see what sum the Town will vote to appropriate by borrowing, whether in anticipation of reimbursement from the State under Section 6 of Chapter 44 of the *Massachusetts General Laws*, or pursuant to any other enabling authority or from the tax levy, or transfer from available funds, or otherwise, for highway projects in accordance with Chapter 90 of the *Massachusetts General Laws*, or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 22** To see if the Town will vote, pursuant to Section 2-6 of the Reading Home Rule Charter, to declare the seats of certain Town Meeting Members to be vacant and remove certain described persons from their position as Town Meeting Members for failure to take the oath of office within 30 days following the notice of election or for failure to attend one-half or more of the Town Meeting sessions during the previous year, or take any other action with respect thereto.

Board of Selectmen

and you are directed to serve this Warrant by posting an attested copy thereof in at least one (1) public place in each precinct of the Town not less than fourteen (14) days prior to April 27, 2015, or providing in a manner such as electronic submission, holding for pickup or mailing, an attested copy of said Warrant to each Town Meeting Member.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for said meeting.

Given under our hands this 24<sup>th</sup> day of FEBRUARY, 2015.

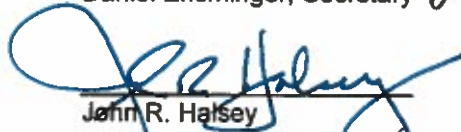
John Arena, Chairman



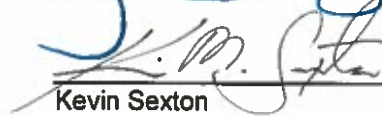
Marsie K. West, Vice Chairman



Daniel Ensminger, Secretary



John R. Halsey



Kevin Sexton



Tonya Amico, Constable

SELECTMEN OF READING