

5/20 (7)

**Christine Joyce**

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**From:** Steve Ledoux  
**Sent:** Monday, April 22, 2013 10:04 AM  
**To:** Christine Joyce  
**Subject:** FW: NEW FINES FOR DOG BYLAW VIOLATIONS

For future agenda

Steven L Ledoux  
Town Manager  
472 Main Street  
Acton, MA 01720  
Telephone (978) 929-6611

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

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**From:** Mary deAlderete  
**Sent:** Tuesday, April 16, 2013 4:24 PM  
**To:** Steve Ledoux  
**Cc:** Eva Szkaradek; Katelyn Huffman; Nina Pickering Cook  
**Subject:** FW: NEW FINES FOR DOG BYLAW VIOLATIONS

Dear Steve,

As you can see below, we are trying to find out whether or not the BOS has voted to increase the fines.

If it hasn't yet, please let us know when it will be coming up on the agenda.

Please let us know at your earliest convenience.

Best regards,

Mary de Alderete  
Asst. Town Clerk

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**From:** Nina Pickering Cook [<mailto:npickeringcook@AndersonKreiger.com>]  
**Sent:** Tuesday, April 16, 2013 12:52 PM  
**To:** Mary deAlderete  
**Cc:** Eva Szkaradek; Katelyn Huffman; 'Tack Palmer'; Steve Ledoux  
**Subject:** RE: NEW FINES FOR DOG BYLAW VIOLATIONS

Mary:

If it's for licensing violations the fines must be at least \$50 per State Law. These should be set by the BOS, no? I thought this was on their agenda at some point...

Nina

## Christine Joyce

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**From:** Mary deAlderete  
**Sent:** Monday, April 22, 2013 10:15 AM  
**To:** Christine Joyce  
**Subject:** RE: NEW FINES FOR DOG BYLAW VIOLATIONS  
**Attachments:** Excerpt Art 39.doc

Christine,

As voted by Town Meeting (Article Attached) the BOS have to vote on the \$50.00 fee.

Best,

Mary de Alderete  
Asst. Town Clerk

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**From:** Christine Joyce  
**Sent:** Monday, April 22, 2013 10:09 AM  
**To:** Mary deAlderete; Eva Szkaradek  
**Cc:** Steve Ledoux  
**Subject:** FW: NEW FINES FOR DOG BYLAW VIOLATIONS

We don't seem to have any materials on this subject, please send original request for review by BOS

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**Sent:** Monday, April 22, 2013 10:04 AM  
**To:** Christine Joyce  
**Subject:** FW: NEW FINES FOR DOG BYLAW VIOLATIONS

For future agenda

Steven L Ledoux  
Town Manager  
472 Main Street  
Acton, MA 01720  
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Mary de Alderete  
Asst. Town Clerk

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**To:** Mary deAlderete  
**Cc:** Eva Szkaradek; Katelyn Huffman; 'Tack Palmer'; Steve Ledoux  
**Subject:** RE: NEW FINES FOR DOG BYLAW VIOLATIONS

Mary:

If it's for licensing violations the fines must be at least \$50 per State Law. These should be set by the BOS, no? I thought this was on their agenda at some point...

Nina

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**From:** Mary deAlderete [<mailto:mdealderete@acton-ma.gov>]  
**Sent:** Tuesday, April 16, 2013 12:20 PM  
**To:** Nina Pickering Cook  
**Cc:** Eva Szkaradek; Katelyn Huffman; 'Tack Palmer'  
**Subject:** FW: NEW FINES FOR DOG BYLAW VIOLATIONS

Hi Nina,

Just wanted to check in with you regarding the fine...please let me know if Tack should be charging the old fee of \$25.00.

Best,

Mary de Alderete  
Asst. Town Clerk

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**From:** Tack Palmer [<mailto:kenltack@comcast.net>]  
**Sent:** Tuesday, April 16, 2013 10:11 AM  
**To:** Mary deAlderete  
**Subject:** RE: NEW FINES FOR DOG BYLAW VIOLATIONS

Thanks that's fine  
I have been issuing bylaw violations under the new fee of \$50.00  
Please let me know if I should stop using the new fee

Tack

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**From:** Mary deAlderete [<mailto:mdealderete@acton-ma.gov>]  
**Sent:** Tuesday, April 16, 2013 9:07 AM  
**To:** 'Tack Palmer'

**Cc:** Eva Szkaradek; Katelyn Huffman  
**Subject:** RE: NEW FINES FOR DOG BYLAW VIOLATIONS

Hi Tack,

While I have attached the article from Town Meeting, it is my understanding that we can not act on it until the Attorney General "accepts" our Town Meeting information. I have cc'd Eva on this email for further clarification.

Best regards,

Mary de Alderete  
Asst. Town Clerk

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**From:** Tack Palmer [<mailto:kenltack@comcast.net>]  
**Sent:** Friday, April 12, 2013 5:45 PM  
**To:** Mary deAlderete  
**Subject:** NEW FINES FOR DOG BYLAW VIOLATIONS

Hi Mary,

Could you send me a copy of the newly worded dog bylaws E23,E24 with the new fine of \$50 worded into it.

Thanks  
Tack



TOWN CLERK

TOWN OF ACTON  
472 MAIN STREET  
ACTON, MASSACHUSETTS, 01720  
TELEPHONE (978) 929-6620  
FAX (978) 929-6340  
[clerk@acton-ma.gov](mailto:clerk@acton-ma.gov)

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ABSTRACT OF THE ANNUAL TOWN MEETING HELD  
MONDAY, APRIL 1, 2013, 7:00 P.M.  
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM  
WITH ADJOURNED SESSIONS HELD APRIL 2, 2013  
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING  
APRIL 1, 2013 – 457, APRIL 2, 2013 – 401 AND APRIL 3, 2013 - 180

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**ARTICLE 39 \* AMEND TOWN BYLAWS – ANIMAL CONTROL**  
(Majority vote)

To see if the Town will vote to amend Sections E22 through E25 and portions of E45 of Chapter E of the General Bylaws of the Town to read as follows (with the remainder of existing E45 of Chapter E covered by the ellipses before and after the subparagraph concerning Chapter E - Sections E22, E23, E24, E25 to remain unchanged):

**E22. through E25. Animal Control Bylaw**

**E22** No person shall own or keep a dog, six months or older, within the Town unless a license for such dog is obtained from the Town Clerk. No person shall maintain a kennel within the Town unless a license for such kennel is obtained from the Town Clerk. No kennel may obtain a license from the Town Clerk until such kennel has passed an inspection by the Animal Control Officer. The license period is the time frame between January 1st and the following December 31st, inclusive. The fee for each such license will be determined by the Board of Selectmen in a public meeting.

**E23** Any person who is the owner or keeper of a dog or a kennel in the Town of Acton and who fails to license said dog or kennel within the time required by Chapter 140, Sections 137 and 137A of the General Laws shall be subject to a penalty of fifty dollars (\$50.00) to be collected as provided by law.

**E24** No person owning or keeping any animal in the Town of Acton shall permit the animal to go at large to the injury or nuisance of others. In addition, a dog should not go outside the boundaries of the property of its owner or keeper unless under the complete and effective control of said owner or keeper by means of a leash or otherwise.

**E25** Owners or keepers of animals in violation of the foregoing section shall, after a hearing, be subject to fines or other remedies permitted by Chapter 140 of the General Laws as determined by the Board of Selectmen.

**E45. Non-Criminal Disposition**

Any bylaw of the Town of Acton or regulation of any town officer, board or department, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws. Enforcing person as used in this bylaw shall mean any regular police officer with respect to any offense; the Building Commissioner, Zoning Enforcement Officer, Health Director, Fire Chief, or Deputy Chief, Conservation Administrator, DPW Director, Highway Superintendent, Engineering Administrator, Animal Control Officer and any such other official as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one (1) official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Without intending to limit the generality of the foregoing, it is the intention of this bylaw that the following bylaws, rules and regulations are to be included within the scope of this bylaw and that the specific penalties as listed here shall apply in such cases.

...

Chapter E - Sections E22, E23, E24, E25 - Animal Control Bylaw; enforcing person - Animal Control Officer - Fine \$25.00, except \$50.00 for violation of Section E23.

...

or take any other action relative thereto.

*[Note: Changes to these Sections are reflected below by strikethrough for deletions and underline for additions:*

**E22. through E25. ~~Dog Licenses~~/Animal Control Bylaw**

**E22** *No person shall own or keep a dog, six months or older, within the Town unless a license for such dog is obtained from the Town Clerk. No person shall maintain a kennel within the Town unless a license for such kennel is obtained from the Town Clerk. No kennel may obtain a license from the Town Clerk until such kennel has passed an inspection by the Animal Control Officer. The license period is the time frame between January 1st and the following December 31st, inclusive. The fee for each such ~~a~~-license will be determined by the Board of Selectmen in a public meeting.*

**E23** *Any person who is the owner or keeper of a dog or a kennel in the Town of Acton and who fails to license said dog or kennel within the time required by Chapter 140, Section 137 and 137A of the General Laws shall be subject to a penalty of ~~twenty-five~~fifty dollars (~~\$50~~25.00) to be collected as provided by law.*

**E24** *No person owning or keeping any animal in the Town of Acton shall permit the animal to go at large to the injury or nuisance of others. ~~In addition, a dog should not go~~*

outside the boundaries of the property of its owner or keeper unless under the complete and effective control of said owner or keeper by means of a leash or otherwise.

E25 Owners or keepers of animals in violation of the foregoing section shall, after a hearing, be subject to fines or other remedies permitted by Chapter 140 of the General Laws, ~~which shall be~~ determined by the Board of Selectmen. "

**E45. Non-Criminal Disposition**

Any bylaw of the Town of Acton or regulation of any town officer, board or department, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws. Enforcing person as used in this bylaw shall mean any regular police officer with respect to any offense; the Building Commissioner, Zoning Enforcement Officer, Health Director, Fire Chief, or Deputy Chief, Conservation Administrator, DPW Director, Highway Superintendent, Engineering Administrator, Animal Control Officer and any such other official as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one (1) official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Without intending to limit the generality of the foregoing, it is the intention of this bylaw that the following bylaws, rules and regulations are to be included within the scope of this bylaw and that the specific penalties as listed here shall apply in such cases.

...

Chapter E - Sections E22, 23, 24, 25 - ~~Dog Licenses/Animal Control Bylaw; enforcing person - Dog-Animal Control Officer - Fine \$25-,~~ except \$50.00 for violation of Section E23.00.]

**MOTION:** Dr. Harting-Barrat moves that the Town adopt the general bylaw amendments as set forth in the Article.

**CONSENT MOTION CARRIES UNANIMOUSLY**