

Section 15. **Dogs**

(a) **NO DOGS AT LARGE:** No person owning, harboring, or having custody and control of a dog shall permit such dog to be at large in the Town of Swampscott, elsewhere than on the premises of the owner, except it be on the premises of another person with the knowledge and assent of such other person .

(b) **DUTY TO CONTROL OR RESTRAIN:** Any dog elsewhere shall at all times (24 hours a day) be controlled or restrained by any chain or leash and be under the direct control and supervision of its owner or his designee.

(c) **DOGS ON PUBLIC BEACHES:** Dogs are allowed on public beaches for the purpose of exercise and play only between October 1 and May 20 and the following restrictions apply; Dogs must be accompanied by the owner/keeper at all times. Dogs must be leashed to and from the high water mark. From the high water mark to the water's edge dogs may be off the leash, but under direct control and supervision of the owner/keeper. The pooper/scooper by-law will apply to the water's edge. Seeing eye and hearing assist dogs are exempt. The owner/keeper will be responsible for the behavior and actions of the dog. Public safety and the safety and well being of other dogs will be observed at all times. Harassment of wildlife is forbidden. Any dog deemed a nuisance, safety or health hazard by the Animal Control Officer will be barred from all public beaches. Any owner/keeper who willfully returns a dog to any public beach for any purpose that has been previously barred will be fined by the Animal Control Officer. Fines established for violation of this by-law are as follows: first offense, \$25.00; second and subsequent offense, \$50.00. Signs shall be erected on all public beaches of the Town of Swampscott stating "NO DOGS ALLOWED ON BEACHES BETWEEN MAY 20 AND OCTOBER 1"

(d) **DUTY TO DISPOSE:** It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street, park, public areas or private property of another.

(e) **DUTY TO POSSESS MEANS OF REMOVAL:** No person who owns, possess or controls such dog shall appear with such dog on any sidewalk, street, park, public area or private property of another without the means of removal of any feces left by such dog.

(f) **METHOD OF REMOVAL AND DISPOSAL:** For the purposes of this regulation the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces or specifically reserved for the disposal of canine feces, and so disposing of said feces.

**Article V, section 15 continued**

(g) **FINES FOR VIOLATION:** Fines for violations of this by-law, in accordance with Massachusetts General Laws Chapter 140, is \$50.00 per offense. (2000)

(h) **EXEMPTION:** This regulation shall not apply to a guide dog accompanying a handicapped person.

(i) **SEVERABILITY:** The provisions of this section are severable and if any of the provisions of this section shall be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(j) **EXCESSIVE BARKING:** It shall be unlawful for any dog owner to allow excessive, complaint provoking barking on the part of the dog. Violations of this by-law shall subject the dog owner to a \$25.00 for the first offense and a fine of \$50.00 for each subsequent offense.

(k) **DOG LICENSING FEES:** Notwithstanding the provisions of MGLA Chapter 140, Section 137 or any other provision of law to the contrary, the annual fees to be charged by the Town of Swampscott for the issuance of licenses for dogs shall be:

Neutered males or spayed females.....	\$10.00
Male or females .....	\$25.00
Kennel License .....	\$50.00 (2000)

Further, should any owner or keeper of a dog fail to license that dog before December 31 (or the first business day after December 31), that owner or keeper shall pay a late fee of \$5.00 before obtaining said license, excepting a dog brought into Town as provided in Section 138 of Chapter 140, MGLA. (5/89) (Amended 5/04)

(l) **FINES FOR PICKING UP AND TRANSPORTING UNLICENSED DOGS;** A fine of \$50.00 per day is established for any owner of an unlicensed dog not accompanied by the owner that has to be picked up by the Animal Control Officer and transported to the animal hospital and/or kennel. (5/93)