

Town of Swampscott

Board of Health

SWAMPSCOTT, MASSACHUSETTS 01907

The Board of Health, with Marianne Hartmann, Chairperson, Emily Cilley & Stephanie Goodman in attendance, along with Jeff Vaughan, Health Director & Linda Paster recording attended its monthly meeting on May 20, 2019 prior to Town Meeting opening at 6:30 pm.

Prior to Town Meeting the Board of Health met briefly at Swampscott High School Cafeteria to prep for articles coming to vote.

Comment: The purpose of this article is to allow the Board of Selectmen and/or the Conservation Commission to negotiate the placement and status of the Blythwood Conservation Restriction on the White Court property as shown on the plan attached as Appendix D

The Board of Selectmen will report on this Article at Town Meeting.

ARTICLE 34 AMENDMENTS TO DOG BYLAW

To see if the Town will vote to amend Article V, Section 15 of the General Bylaws of the Town of Swampscott relative to dogs, by deleting the language shown in strikethrough and inserting the language shown in bold text, as follows:

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. **Violations of this Section of the Bylaw shall be subject to a fine of \$100 per offense.**

(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) **DOGS ON PUBLIC PROPERTY:** For all Town-owned properties not addressed in Section (c) of this Bylaw, the Board of Health may enact regulations relating to dogs on Town-owned land, which may include, but are not limited to, restricting or prohibiting dogs on certain properties at certain times; provided, however, that no such prohibition or restriction shall apply to service animals performing tasks for persons with disabilities as defined in the Americans with Disabilities Act.

(e) **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. **The Board of Health may enact regulations to effectuate the purposes of this Bylaw. Said regulations may include a schedule of fines for implementing this Section. A copy of said regulations shall be filed with the office of the Town Clerk.**

(f) **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.

(g) **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.

(gh) FINES FOR VIOLATION: Unless otherwise specified herein, fines for violations of this by-law, in accordance with Massachusetts General Laws Chapter 140, is \$50.00 per offense. (2000)

(hi) EXEMPTION: This regulation Bylaw shall not apply to a guide dog accompanying a handicapped person service animals performing tasks for persons with disabilities as defined in the Americans with Disabilities Act.

(ij) 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.

(jk) 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.

(kl) 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)

(lm) 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)

, or take any other action relative thereto.

Sponsored by the Town Administrator

Comment: This article seeks to amend the Town's dog bylaw to permit the Board of Health to adopt regulations of dogs on Town-owned property and establish a fee structure for failing to remove and dispose of dog waste.

The Board of Selectmen recommends favorable action on this Article.

ARTICLE 35 REGULATION OF CATS

To see if the Town will vote to amend the Town's General Bylaws by inserting a new bylaw entitled, "Cats," for the purpose of protecting the safety and welfare of the people, cats, companion animals, and wildlife in Swampscott, or act on anything related thereto, and to authorize the Town Clerk to assign appropriate numbering therefor (the full text of the proposed Bylaw is provided in Appendix E), or take any action relative thereto.

ANNUAL TOWN MEETING WARRANT

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It was also decided that Emiley Cilley would speak to the Citizens Petition presented to license and control cats from roaming free.

It was also discussed that an air-quality test was recently run at the Swampscott Middle School gym and Little Theater area including rear stairway. A public records request will be presented

Meeting adjourned in order to attend Town Meeting at 7:00 pm

Recorded by

Linda L Paster