

# LUNENBURG POLICE DEPARTMENT

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## I. Purpose

The purpose of this policy is to establish guidelines for members of the police department, dispatchers and the Animal Control Officer when dealing with animal control related calls for service, and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances.

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## II. Definitions

1. **Adoption...** The delivery of a cat or dog to a person 18 years of age or older for the purpose of taking care of the dog or cat as a pet.
2. **Animal Control Officer (ACO)...** the officer appointed by the Board of Selectmen under the provisions of MGL c. 140, §§ 151 and 151A to carry out the provisions of this policy.
3. **Attack...** Aggressive physical contact initiated by an animal.
4. **Dangerous Dog...** 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.
5. **Domestic Animal...** An animal designated as domestic by regulations promulgated by the department of fish and game.
6. **Euthanize...** To take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.
7. **Keeper...** A person, business, corporation, entity or society, other than the owner, having possession of an animal.
8. **Kennel...** A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.
9. **Licensing Authority...** The Clerk of the Town of Lunenburg.
10. **Livestock or Fowl...** Fowl or other animal kept or propagated by the owner for food or as a means of livelihood, deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that "livestock or fowl" shall not include a dog, cat or other pet.
11. **Nuisance Dog...** A dog that: by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.
12. **Personal Kennel...** A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of

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improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.<sup>i</sup>

13. **PAC Agent...** Problem Animal Control Agent is a person licensed by the state who is the only individual who may work with problem wildlife.

## III. Animal Control Officer Scope of Service & Responsibilities

1. The Animal Control Officer, (ACO) shall perform all duties in accordance with the provisions of G.L. c. 140, §§ 136A to 174E inclusive, related regulations, and Article IX, §§ 1A to 1C of the Town of Lunenburg By Laws as amended;
2. Municipal Animal Inspector. As Municipal Animal Inspector, the ACO shall personally perform all duties required under G.L. c. 129 and Massachusetts Department of Agricultural Resources regulations *as amended*;
3. The ACO shall apprehend animals where appropriate to enforce animal licensing requirements, animal control laws, and *to protect persons and property from domestic and wild animals*;
4. Investigate any vicious or nuisance animal complaints and:
  - a) Animal abandonment;
  - b) Lost animals;
  - c) Sick and injured wild animals threatening the safety of the public;
  - d) Dogs and cats at large.
5. Attempt to identify the owners of stray dogs by the use of Town issued dog tags, Rabies vaccination tags, personal tags, collar identification, placard tags, scanning for microchips, or other any other means available;
6. Assist the public with locating lost dogs and cats;
7. Remove, or facilitate the removal of animal carcass from Town areas. (Private property is the responsibility of the home owner).
8. Investigate sick and injured wild animal. *If determined to be sick (rabid etc. with no animal or human contact the animal is to be humanely euthanized. If injured depending species and severity of injury transport to tufts wildlife clinic or humanely euthanized. If animal or human contact is made with a sick animal via proximity, bite or scratch rabies protocol to be followed. If animal is available (Dead on Arrival*

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*(DOA), or alive) for rabies testing it is to be prepared, packaged and delivered to the rabies testing facility for confirmation of a positive or negative. Quarantines as needed for domestics if not available depending on the domestic animal's rabies status. (Quarantines are to be issued by animal inspector. (Beneficial for the ACO to be the animal inspector as well). If wild animal is determined to be healthy it is left alone. If the wild animal is a nuisance for a homeowner it is their responsibility to have private company come trap or remove or follow mass laws on protecting private property.*

9. Investigate animal neglect and abuse cases. *If laws are found to be broken MSPCA and Boston animal rescue league are contacted to take action. If the animal is in immediate danger, e.g., locked in hot car or being physically abused at that moment, Animal Control with a police officer can arrest, if appropriate, and take the animal immediately. (Once a person is arrested by local police the animal becomes evidence unless turned over by owner or until case is closed. Order is usually placed for a no contact with any animal on the accused, so care has to be provided for the animal by the town until case is done).*
10. Transport of injured stray domestic animals to an emergency facility.

## IV. Sworn Member Responsibility

The primary responsibility for animal related calls for service will be with the on duty ACO, although sworn members of the police department will still be responsible to investigate complaints of animal cruelty, assist the ACO when necessary, and respond to any animal related calls for service when the ACO is off duty or not immediately available. Sworn members shall familiarize themselves with all applicable Town By Laws and Massachusetts General Laws related to Animals.

When an ACO is not on duty, sworn members may be responsible for responding to and completing any animal related call for service, including but not limited to: enforcement of local or state laws, writing incident reports and/or impounding animals

Officers may contain animals in the back seat of a patrol car if the animal can safely be detained without causing injury to an officer or the vehicle.

Detained animals that cannot be immediately returned to their owners shall be transported to the designated impound facility.

Due to the hazards of handling animals without proper equipment, responding members generally should not attempt to capture or pick up any animal without having the necessary equipment available.

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## Examples of when sworn members may need to consider acting immediately if no ACO is immediately available to respond:

- a) When there is a threat to public safety;
- b) When an animal has bitten someone, *(members should take measures to confine the animal to prevent further injury)*;
- c) When an animal is a traffic hazard;
- d) When the owner/handler has been arrested and there is no other alternative placement for the animal;
- e) When the animal is gravely disabled;
- f) When an animal has been abused.

## V. Animal Cruelty Complaints

### Procedure

ACO shall report any animal abuse/cruelty to animal complaints to the police immediately and shall:

- a) Secure the scene whenever possible and if safe to do so;
- b) Preserve any available evidence;
- c) Generate an incident number;
- d) Complete a preliminary report;
- e) Facilitate veterinary care if applicable;
- f) Assist with the investigation and any follow-up if necessary.

## VI. Stray Animals

Stray dogs are generally the only domesticated animals that the Animal Control Officer will find it necessary respond to. In most cases stray dogs should be considered lost. The Town of Lunenburg does not have a leash law but rather a Dog Restraint Law.

*Lunenburg Town By Law Article IX Section 1-A DOG RESTRAINT: No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed to become a public nuisance within the town at any time. It shall be the duty of the Dog Officer to apprehend any dog which he/she has reason to believe to be a public nuisance and to impound such dog in a suitable place and to order the owner thereof to restrain such dog.*

### Definitions:

- 1) *Dog... All animals of canine species, both male and female.*
- 2) *Owner... Any person or persons, firm, association or corporation owning, keeping or harboring a dog as herein defined.*

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## 3) *Public Nuisance...*

- a) *Any dog shall be deemed a public nuisance when attacking persons or domestic animals while such dog is on property other than that of the dog owner;*
- b) *When destroying property;*
- c) *When on a public school grounds and not under restraint;*
- d) *When it persistently chases moving vehicles*
- e) *When it persistently and continuously barks or howls;*
- f) *When it is permitted to run at large and unrestrained on property other than its owners;*
- g) *Any unsprayed female dog in season shall be deemed a public nuisance when not confined indoors or housed in a veterinary hospital or registered kennel.<sup>ii</sup>*

*Each time one of the above nuisances exists shall constitute a separate offense.*

## **Procedure (Dispatch/Call taker)**

- 1) Acquire a description of the stray dog:
  - a) Approximate size and weight;
  - b) Sex;
  - c) Age;
  - d) Breed;
  - e) Color patterns;
  - f) Number of colors;
  - g) Coat length and texture;
  - h) Tail, ears, nose, eye color;
  - i) Tattoos; (*Tattoos can be found on the stomach, inside ears, upper inside legs, and can be anything from numbers and words to a design*).
  - j) Collars and tags; (*Collars can be one of several types such as invisible/electric fence, no bark, choker, or flea. Describe color and material, and if the fastener is made of metal, plastic or Velcro. Tags are usually owner, rabies, license, pet registry types; describe tag type and information on each*).<sup>iii</sup>

*Note: The Lunenburg Dog Tag Report contains information which includes the owner's name, address, telephone number, description of the dog, the dog's name, rabies date, etc.*

- 2) Identify the Complainant/caller;
  - a) Name, *first last middle initial*.
  - b) Address
  - c) Phone number, home, cell or both
  - d) Date of birth
  - e) Social Security number. (*SSN is needed to properly generate information in the records management system*).

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- 3) Ascertain the dog's physical condition and behavior;
  - a) Is the dog aggressive;
  - b) Is the dog fighting with other dogs; *(Could be a female in heat having fights over potential mates or dominance issues).*
  - c) Is the dog in danger e.g. *running in the road, eating garbage, fighting with another dog, or pursuing a cat or wild animal?*
  - d) Is the dog exhibiting unhealthy symptoms such as, excessive drinking of water, coughing, excessive drooling or panting;
  - e) Does the complainant/caller possess a female dog in the estrus or proestrus period that may be attracting male dogs?
  
- 4) Determine if the complainant/caller has ever seen the dog before:
  - a) When and where was the dog seen;
  - b) Home many times has the dog been seen;
  - c) When was the last time the dog has been seen?
  
- 5) Determine if the complainant/caller has possession of the dog.
  
- 6) If the complainant/caller has possession of the dog:
  - a) Ask the complainant/caller to keep possession of the dog until the ACO or police arrive, **if willing, and if the dog poses no danger to the complainant/caller or anyone else.**
  
- 7) If the complainant/caller is observing the animal and does not have the dog in possession:
  - a) Ask the complainant/caller to keep the dog in view and update dispatch should the dog wander off.
  
- 8) Dispatch shall generate a **CAD and an Incident number.**

## Response (ACO/Officer)

- 1) The ACO, or a Police Officer, if the ACO is not immediately available, shall respond to the report of a stray dog.
- 2) The ACO or officer shall, if possible, take possession of, or capture the stray dog upon arrival. *(If the ACO is not immediately available, the responding officer will take possession of, or capture the stray dog if reasonably safe for both the animal and the officer to do so, with respect to the availability of containment resources, and the proper tools and equipment).*

*The officer may use the patrol car to transport the dog if no other resources are available, if the dog can be transported safely, and if the transport can be done without incurring damage to the patrol car.*



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- 3) The ACO or police officer will make every effort to identify the dog and its owner upon arrival to the complainant/caller's location. The ACO and/or officer should consider the following for identification purposes:
  - a) Collars, e.g. invisible electric fence collar, no bark, choker, flea;
  - b) Tattoos, (*Locations include, stomach, inside ears, upper inside legs*);
  - c) Local dog tag report, (*Includes the street name of number of the owner, the dog owner's phone number, description of the dog, rabies tag number etc.*);
  - d) Micro Chips.
  - e) Canvassing the area for someone who may be able to identify the dog and owner.

Note: In many cases if you take the dog for a walk (on a secure leash) throughout the area in which it was found he/she may lead you back to its home.

- 4) If the owner of the dog is identified and located or if an owner is claiming a stray dog as their own:
  - a) The owner must provide evidence of ownership such as a bill of purchase, pictures that document ownership over time (i.e. puppy thru adult pictures), proof of rabies or licensing, and/or medical records.
  - b) An Incident report shall note the owner's name, address, date of birth, social security number, telephone number and the date of return.
- 5) If the owner of the dog cannot be immediately identified or located:
  - a) The dog shall be Impounded and transported to the designated impound/shelter facility.
  - b) The ACO shall make further attempts to identify and locate the owner of the dog, including but not limited to:
    - i. Having the dog scanned for a microchip;
    - ii. Photographing the dog;
    - iii. Creating "Found Dog" posters to be hung in the area where the dog went missing, and to be advertised in public places with heavy foot traffic, social media, e.g. Facebook, twitter, Craig's list<sup>iv</sup>, at least two local newspapers, on Missing Dogs Mass web site<sup>v</sup>, and Missing Pet Partnership<sup>vi</sup>.
    - iv. Notifying/distributing posters to ACO officials in nearby communities, local veterinarian practices, animal shelters, and humane societies; (*if the dog has not been claimed within 3 days expand your contacts to towns/cities in a 25 mile radius*).<sup>vii</sup>
- 6) If after seven (7) days, the dog has not been claimed by an owner, the ACO may make arrangements for the dog to be placed at a shelter for adoption:
- 7) **The ACO shall complete an Incident Report.**

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## VII. Dog turned in by a second party

### Response (ACO/Police)

- 1) Dogs turned in by a second party will be treated in the same manner as stray or lost.
  - a) If turned in at the Public Safety building the dog shall be turned over to the ACO; If the ACO is unavailable the dog may be transported to the designated impound/shelter facility. *The officer may use the patrol car to transport the dog if no other resources are available, if the dog can be transported safely, and if the transport can be done without incurring damage to the patrol car.*
  - b) The ACO shall attempt to identify the dog and make reasonable efforts to identify and locate the owner as outlined in section VI in this policy.
  - c) The ACO shall complete an Incident Report.

## VIII. Animal Bite Reports

Note: The Animal Control Officer is also the appointed Municipal Animal Inspector nominated under M.G. L., c. 129 and approved by the Department of Food and Agriculture's Bureau of Animal Health.

### Procedure

#### Animal has been identified

- 1) All complaints, whereby a visible bites or scratches from a dog or cat are evident, shall be investigated by the ACO/Municipal Animal Inspector;
- 2) The ACO shall make reasonable efforts to determine if the animal has or may have been exposed to a rabid animal.
- 3) If the owner/custodian of the animal is known the ACO shall instruct the owner/custodian, **in writing**, to:
  - a) Properly confine and restrain the animal on their premises for a period of ten (10) days; *(the animal cannot be let outside for any reason unless restrained with a leash by an adult or under the direct supervision of an adult).*
  - b) Provide the name of the animal's veterinarian and any documentation relative to Rabies vaccination/immunization.
  - c) Promptly notify the ACO and the Veterinarian should the health of the animal change, if the animal presents unusual behavior or any symptoms of rabies or if the animal dies during the ten day period. <sup>viii</sup>

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- 4) If the dog cannot be properly and safely confined on the owner's premises then the ACO/Animal Inspector shall impound and quarantine the dog at the designated impound facility.
- 5) The ACO shall make every reasonable effort to obtain immunization records to determine if the animal has been properly vaccinated.
- 6) The ACO shall notify the victim of the dog bite should the dog present any signs or symptoms of rabies.
- 7) If during the ten day quarantine period the animal displays symptoms compatible with Rabies, the animal shall be euthanized immediately, and sent for rabies testing.
- 8) Samples from the euthanized animal, or any animal that dies from any cause during the quarantine period, shall be properly submitted for rabies testing as described in 330 CMR 10.09.
- 9) If the test results are positive, the ACO shall notify the Massachusetts Department of Public Health, Division of Epidemiology, and the bite victim.
- 10) Duplicate copies of the, "Notice of Exposure," quarantine notice must be sent to the Division of Animal health within 30 days.

NOTE: A CAD number and Incident number shall be generated in all such cases. A report shall be completed by the ACO.

## **Animal which has not been identified**

- 1) Animal must be assumed to be rabid;
- 2) Animal inspector shall notify the Massachusetts Department of Public Health, Division of Epidemiology;
- 3) ACO shall make a reasonable effort to obtain a description of the animal and location where the animal was last seen.
- 4) The ACO shall attempt to locate and identify the animal.

NOTE: Domestic Animals other than dogs or cats biting humans should be handled on a case by case basis.

Any non-domestic animal biting human needs to be reported to the Department of Public Health.

Protocol for ferrets is similar, but notification must be made to the Division of Fisheries and Wildlife.

Dogs or cats under 10-day quarantine cannot be vaccinated.<sup>ix</sup>

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## IX. Deceased Domestic Animals

### Guideline

Transporting living animals with dead animals in the same compartment should be avoided... Additionally, the disposal of dead animals should meet public health standards, codes, or statutes.

The general lack of sanitation associated with transporting dead animals poses a threat to living animals. Disease contamination is of primary concern.

Owned dead animals should be transported by their owners. Laboratory sample animals should be transported by the ACO in a designated compartment that is isolated from other compartments. Dead animal disposal can include cremation facilities, landfill burial, or rendering.<sup>x</sup>

At no time shall any deceased animal be placed in a patrol vehicle. Deceased animals requiring immediate removal shall only be done by the ACO.

### Procedure

- 1) The ACO shall remove deceased domestic animals, in most cases, dogs and cats, under the following conditions:
  - a) The ACO is called to the scene of an animal struck by a motor vehicle;
  - b) The animal is killed by another animal and found on the property of someone other than its owner.
- 2) The ACO shall place the deceased animal in a plastic bag and transport it back to the designated impound/shelter facility.
- 3) The ACO shall make an attempt to identify the owner of the deceased animal.
- 4) The ACO shall preserve the deceased animal in a proper freezing unit for future burial or cremation.
- 5) If the owner of the animal is located the ACO shall make arrangements to have the animal returned to its owner or facilitate burial or cremation of the animal for the owner.
- 6) If the owner is located, he or she will be responsible for any costs associated with burial or cremation.

NOTE: The ACO currently contracts with Angel View Pet Cemetery in Middleboro, Massachusetts to cremate un-claimed deceased animals.

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## X. Wild Animals

### Guideline

Animal Control Officers may not legally handle wildlife unless the animals are sick, injured or present a threat to public health or safety.

Massachusetts General Law, Chapter 131, Section 37, gives property owners the right to use lawful means to destroy wildlife **in the act** of causing damage or threatening personal safety. Landowners may only destroy wildlife actually causing damage or posing immediate threats. **No one may randomly destroy wildlife simply because it is on their property.** It is also illegal for anyone, (including PAC agents), to live-trap a problem animal and relocate it for release on other public or private property.<sup>xi</sup>

The ACO/Police may encourage property owners to remove food, garbage, pet food and grain, and block access to sheds, attics, chimneys and gardens to discourage wild animals from moving in. Property owner should also be encouraged to consult Mass Wildlife's [Living with Wildlife](#) fact sheet series or contact Mass Wildlife personnel for technical advice.

### Procedure

- 1) The ACO, or if not available, a police officer, shall respond to calls for service regarding wildlife when that wildlife has been reported to be:
  - a) Sick, diseased or injured such that its ability to escape capture is physically impaired or absent;
  - b) Creating an immediate threat to public health or safety without Police or Animal Control officer intervention.
- 2) If the ACO or Police Officer finds that the animal is not sick or injured, and no public safety threats exists, the property owner should be referred to a Problem Animal Control Agent, (PAC).
- 3) If an immediate public threat exist the ACO, will remove the animal to a safe place and euthanize it if cessation of life will illuminate further suffering or preserve the safety of the public.
- 4) If the ACO or Police Officer deems it necessary to remove a wild animal to a safe place or to destroy a wild animal on site, utilizing a firearm, it will be done in accordance with police department policy on the use of force, section IV subsection C (3). (*Officers may use deadly force to euthanize an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured when the officer reasonably believes that deadly force can be used without harm to the officer or others*).

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*The Division of Fisheries and Wildlife allows any state or municipal police officer to immediately kill raccoons, bats, skunks, foxes, or woodchucks that are displaying behavior that causes such officer to reasonably conclude that such animal is rabid. (Police officers should be reminded that if the animal is to be tested for rabies, the brain must be kept intact.) The intent of this is to allow the abovementioned officials to kill wild animals under certain specific circumstances, not to place the responsibility with them. Police officers have no local authority to help landowners with raccoons or other wild animals that are causing property damage.*

*The Division of Fisheries and Wildlife will allow dog or animal control officers, or any municipal staff member operating in an official capacity, or a designated individual formally appointed in writing by a community's board of health, to immediately kill bats, raccoons, skunks, foxes, or woodchucks that display behavior that causes such officer to reasonably conclude that such animals are rabid. The intent of this policy is to allow animal control officials to kill wild animals under certain specific circumstances, but not to assign to them this responsibility.*

*NOTE: Nocturnal animals, like raccoons, may be active during the daytime and not be ill. Wildlife seen during daylight should not be randomly destroyed under the suspicion of rabies. Police officers and other officials mentioned above do not have any legal ability to destroy any wild animal other than described above.*

*Dog officers or animal control officers can only assist landowners incurring property damage if they (municipal employees) are authorized by permit from the Division to do so, pursuant to 321 CMR 2.14. The Division of Fisheries and Wildlife will allow canine or animal control officers or an employee of the highway department as appointed by the Local Board of Health, to remove automobile killed wildlife from roads and highways for testing or for sanitary disposal to eliminate a road hazard.*

## **XI. Deceased Wild Animals**

- 1) Deceased Large Game animals on public property, such as deer or moose should be referred to the Massachusetts Department of Fish & Game. In the event that the Mass. Dept. of Fish & Game permits the removal, or cannot respond in a reasonable amount of time, the animal may be offered for salvage in accordance with 321 CMR 2.04, (Code of Massachusetts Regulations), or removed by the Lunenburg Public Works Department for proper sanitary disposal.
- 2) Deceased wild animals on public roadways may be offered for salvage in accordance with M.G.L. c. 131 § 22A and 321 CMR 2.04, (Code of Massachusetts regulations), or removed by the Lunenburg Department of Public works for proper sanitary disposal to eliminate a road hazard.
- 3) **At no time shall any deceased animal be placed in a patrol vehicle.**

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## XII Injured Animals

### Policy

When any injured domestic animal, (generally dogs and cats), is brought to the attention of the ACO, or if not available, a police officer, all reasonable attempts shall be made to contact the owner or a responsible handler to determine a course of action and financial responsibility/liability. In all such circumstances the welfare of the animal should take priority.

If an owner can be located prior to the rescue/care of the animal, the owner should be given the opportunity to transport their own animal for veterinary care.

If the owner cannot provide the transportation, the ACO shall transport the animal on behalf of the owner. The owner of such animal will be responsible for reimbursement of any costs associated with the transportation of the animal.

When all efforts to locate the owner have been exhausted, the ACO shall facilitate veterinary care. The degree of injuries that cannot be financially or adequately addressed for animals whose owners cannot be identified will be decided on a case by case basis with consideration given to the opinion and diagnosis of the attending Veterinarian or Veterinarians and with respect to factors including, but not limited to the following:

- 1) The age of the animal;
- 2) Severity of the injury, e.g. spinal cord, orthopedic injury or amputation, severe blood loss, traumatic head injury;
- 3) Suffering mentally, emotionally or physically with a poor prognosis or protracted painful recovery.

Under no circumstances should an injured animal be allowed to suffer.<sup>xii</sup>

## XIII Public Nuisance Calls

### Policy

The ACO, and/ or Police Officers shall respond to complaints of nuisance animals including but not limited to:

- 1) Dogs that attack people or domestic animals while on property other than that of the dog owner;
- 2) Dogs that persistently chase cars;

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- 3) Dogs that destroy property;
- 4) Dogs that persistently and continuously bark or howl;
- 5) Dogs unrestrained on School property;
- 6) Dogs that are permitted to run at large and unrestrained on property other than its owners;
- 7) Un-spayed female dogs in season that are not confined indoors or house in a veterinary hospital or registered kennel.

Appropriate Enforcement action may be taken by the ACO or a sworn member of the Police Department.

The ACO/Police Officer shall request a CAD number and Incident number for all nuisance animal calls.

In the event a nuisance call cannot be satisfactorily completed by a police officer, an incident report shall be forwarded to the ACO for follow-up prior to the end of the officer's shift.

## XIV Enforcement Actions

### Guideline

The Animal Control officer, or any person empowered to enforce the law, as an alternative to initiating a criminal proceedings, may give to the offender a written notice to appear before the clerk of the district court for any violation of the Lunenburg Town By Law, Article IX, §§1-A to C as amended, in accordance with G.L. c 40, § 21D.

The A.C.O., or anyone empowered to enforce the law, can write a ticket to the offender indicating the offense and the fine amount. The offender can then either, opt to pay the fine to the Town Clerk, or request a non-criminal hearing at the Fitchburg District Court in front of the Clerk Magistrate.

The offender has 21 days after the date of the offense to take either action. If the offender opts to pay the fine then the Town Clerk will notify the court of such payment. If the fine is not paid then the Clerk of the Court will notify the Police Department. The Police Department will, at that point, seek a criminal complaint against the offender.

The ACO shall enforce the provisions of G.L. c. 140, §§ 136A to 174E inclusive and may enter and prosecute complaints for failure to comply with this chapter against the owners and keepers or keepers of such dogs. <sup>xiii</sup>



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## XV Disposition of Unclaimed Domestic Animals

Any dog which has been impounded and has not been reclaimed by the owner within 10 may be turned over to a shelter to be determined by the Animal Control Officer, but no dog shall be turned over to a medical or research center for the purpose of experimentation.

Euthanasia is the last resort of the Lunenburg Animal Control Officer.

## XVI Reporting Requirements

The ACO shall make, keep and maintain records or forms which fully and correctly disclose the following information concerning each animal in ACO custody:

- 1) The date and location of apprehension;
- 2) Description of the animal;
- 3) The place of detainment;
- 4) If tagged, the name and address of the owner;
- 5) The name and address of the new owner, if any, including the date of sale or transfer of animal;
- 6) If the animal is euthanized, the method and date of such euthanasia and the name of the person who euthanized the animal;
- 7) The date, location and description of an animal euthanized by gunshot in case of emergency, the disposition of the animal remains and a description of the situation requiring the gunshot.

The ACO shall request a CAD number and Incident number for the purposes of documenting all such records.

The ACO shall forward a copy of the record to the Town Clerk within 30 days. Copies of the record shall be kept for two (2) years in officer of the Town Clerk. <sup>xiv</sup>

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## XVII Municipal Animal Inspector qualifications and duties

### Qualifications

*A municipal animal inspector should be reasonably experienced in the care and handling of domestic livestock animals, be generally experienced in their husbandry and be knowledgeable in the handling and care of other domestic animals such as dogs and cats. Knowledge and experience with common "urban wildlife" such as raccoons, skunks and bats that expose domestic animals and come under the jurisdiction of the MA Division of Fisheries and Wildlife will prove beneficial in the collection of specimens for submission to the State Rabies Laboratory.*

*Municipal Animal Inspectors should familiarize themselves with domestic animal import requirements. They should also understand local ordinances (sanitary codes, zoning laws, etc.) which may form part of their duties to their primary nominating body at the municipal level.*

*There are no scholastic, professional (i.e.: Veterinarians) or farm experience requirements for the position of Animal Inspector. A generalized knowledge of domestic animals will prove very useful.*

### Duties

*A. The primary duty of the Animal Inspector has recently become rabies control in the domestic animal population. There are several angles which must be covered to accomplish this.*

- 1. Domestic mammals which come in contact with, or are otherwise exposed to the rabies virus must first be assessed to determine severity of risk. Depending on the vaccination status of the domestic mammal involved, it will be either quarantined or destroyed. Be sure to send in the Notice of Exposure forms that are used for this type of quarantine at least once a month.*
- 2. The Animal Inspector will be contacted by local veterinarians when a client presents an animal which may have had an encounter with a potentially rabid animal. Again, the severity of the situation must be assessed before determining the proper course of action.*
- 3. Any domestic mammal which bites a human or another domestic mammal must be quarantined for a period of ten days to determine the risk of rabies transmission. Be sure to send in the duplicate copies of the Order of Quarantine form at least once a month. If you do not have any animal bites in a six-month period, please send in a letter to that effect.*
- 4. The Animal Inspector must ensure that all animals (wild or domestic) which must be tested for rabies are captured and euthanized. The head must be removed, packaged properly and submitted to the State Rabies Lab for testing. (Any questions, call the Rabies Lab at (617) 983-6385 for copy of protocol.) This is not to say that the Animal*

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*Inspector must perform these tasks personally, but he/she must ensure that they are completed.*

*B. Municipal Animal Inspectors are also responsible for barn inspections. Depending on the city/town, this may be a light task or a lengthy one. Barn inspections are designed to:*

- 1. get a good census of the domestic animal population of the town;*
- 2. be sure that all of the animals appear to be in good health and free from disease, and;*
- 3. observe animal housing and ensure ample food and water are supplied.*

*Permission to inspect any premise upon which animals are kept is assured to Municipal Animal Inspectors under Section 7 of Chapter 129 of the MGL. Visits should be scheduled for normal business hours. If a conflict between the animal owner and the Inspector occurs, the Inspector may have a local police officer accompany him or her. If the problem persists, please call the Division of Animal Health (617) 626-1792, 1795, or 1791.*

*C. The third duty of the Animal Inspector is to check ear tag numbers and date of arrival of cattle from out of state and to report this information on the Animal Inspector's copy of the Cattle and Llama Permit which is furnished to the Animal Inspector by the Department of Agricultural Resources.*

*D. Municipal Animal Inspectors may also be called to assist with other domestic animal disease quarantines in the event of an outbreak.<sup>xv</sup>*

## Resources

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<sup>i</sup> GL 140, § 136A

<sup>ii</sup> Article IX § 1-A of the Lunenburg Town By Laws

<sup>iii</sup> America's National Lost and Found Pet Database CCC overview 1995 Alabama Pet Registry, Inc.

<sup>iv</sup> <http://www.craigslist.org/>

<sup>v</sup> <http://www.missingdogsmass.com/>

<sup>vi</sup> <http://www.missingpetpartnership.org/>

<sup>vii</sup> <http://www.missingdogsmass.com/>

<sup>viii</sup> GL 129, §§ 21, 24 & 330 CMR 10.05

<sup>ix</sup> <http://www.mass.gov/eea/docs/agr/animal-health/rabies-control-program/dogs-and-cats-protocol2.pdf>

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x National Animal Care & Control Association. [www.nacanet.org](http://www.nacanet.org)

xi <http://www.mass.gov/eea/agencies/dfg/dfw/fish-wildlife-plants/pac-agents-districts.html>

xii National Animal Care & Control Association guidelines September 03, 2014

xiii MGL c.140, § 151a

xiv MGL c. 140 § 151a

xv <http://www.mass.gov/eea/agencies/agr/animal-health/municipal-animal-inspectors/municipal-animal-inspectors-qualifications-and-duties-generic.html>