

City Ordinances

Title 6

Animals

Chapter 6.04

ANIMAL CONTROL

6.04.010 Definitions.

As used in this chapter, the following terms shall have the following meaning:

A. "Advisory and Hearing Committee" means a committee to be known as the animal advisory and hearing committee. The advisory and hearing committee shall be composed of five (5) members; the city clerk or designee; the chief of police or designee; the president of the city council or designee; the president of the Springfield Kennel Club or designee, and a resident of the city as appointed by the mayor or designee. All members shall be a resident of the city. Committee members will elect a chairperson and such other officers as they may deem necessary and shall meet at least monthly or as needed. Duties of the committee shall be to:

1. Study, review and issue written reports on issues dealing with dogs or other animals in the city;
2. Make recommendations to the mayor and the city council for the improvement of ordinances of the city as they relate to dogs and other animals in the city; and
3. Hold hearings to determine whether a dog or other animal is vicious or potentially vicious in the city, and to review orders to destroy.

B. "Animal" means any live, vertebrate creature, domestic or wild, excluding humans.

C. "Animal-domestic" means any dog, cat, horse, cow, sheep, goat, pig or domestic fowl, or any other similar animal commonly harbored in a home or at a residence, not limited to, but including rabbits, guinea pigs, ferrets, hamsters, reptiles.

D. "Animal-wild" means any raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or other similar warm-blooded animal wild by nature, or poisonous reptiles, normally found in the wild.

E. "Animal Control Center" means any facility or shelter operated by or for the city, including the Thomas J. O'Connor Animal Control Center or its successor, or operated by a humane society, for the purpose of impounding or caring for animals held under the authority of this chapter or laws of the Commonwealth of Massachusetts.

F. "Animal Control Officer" means any person designated by the city to enforce this chapter including but not limited to police officers, special police officers, chief animal control officer, domestic or wildlife animal control officers, health and human services department officers, animal inspector, and agents of the Thomas J. O'Connor Animal Control Center or its successor.

G. "Animal exhibition" means any display, other than circuses, containing one or more animals which are exposed to public view for entertainment, instruction or advertisement, excluding state and county fairs, livestock shows, rodeos, purebred dog and pedigreed cat shows, obedience trials and competitions, field trials, and any other fairs and exhibitions intended to advance agricultural arts and sciences.

H. "Auction" means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. The term does not apply to isolated sales of individual animals by owners.

I. "Chief Animal Control Officer" means the city, through the mayor or his/her designee shall appoint a chief animal control officer and/or shall delegate such responsibility and authority of the chief animal control officer to the animal control center, or like facility, whose primary responsibilities shall include the enforcement and implementation of this ordinance or any rules and regulations promulgated there under. The chief animal control officer shall coordinate and administer the activities involving the animal control program in accordance with any goals, policies, and procedures established by the Springfield City Council or Department of Health and Human Services as the circumstances dictate, and shall be under the direction and supervision of the city clerk or the mayor.

J. "Circus" means a commercial variety show featuring animal acts for public entertainment.

K. "Commercial animal establishment" means any pet shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

L. "Dealer" means any person who, for compensation or profit, buys for resale any animals, whether alive or dead, for research, experimentation, testing, or exhibition (except as an exhibitor as herein defined) or for use as pets.

M. "Feral" means an animal that exists in an untamed state or that has returned to an untamed state and is no longer considered domesticated.

N. "Grooming shop" means a commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

O. "Guard dogs" means dogs which meet the provisions of Chapter 129, Section 39B of the General Laws.

P. "Kennel" means any premises wherein any person, partnership or corporation engages in the business of boarding; breeding; buying; letting for hire; training for a fee; selling dogs or cats; engages in training dogs for guard or sentry purposes; or a place where four (4) or more cats or dogs or other combination of four (4) such animals are kept, whether by owners of the animals or by other persons, with or without compensation.

Q. "Licensing authority" means the city clerk or his/her designee as provided by the General Laws of the Commonwealth of Massachusetts.

R. "Owner" means any person, firm, corporation, organization, or department owning, keeping, having an interest in, or having care, custody, or control of or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for ten (10) consecutive days or more. If the owner of an animal is a minor, the parent or guardian of said minor shall be considered the owner.

S. "Performing animal exhibition" means any spectacle, display, act, exhibit, or event other than circuses, in which performing animals are used.

T. "Pet shop" means any person, partnership or corporation, whether operated separately or in connection with any other business enterprise except for a licensed kennel, that buys, sells, or boards any species of animals.

U. "Physical restraint" means muzzled and on a leash not to exceed six (6) feet and controlled by a person over the age 18 physically capable of controlling such dog. The muzzle must not cause injury to the dog but must prevent it from biting any person or animal.

V. "Potentially vicious animal" means any dog or other animal that displays the following propensity, tendency, or disposition:

1. When unprovoked, inflicts bite(s) on human or domestic animals on public or private property;

2. When unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property in an apparent attitude of attack; or
3. To attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

W. "Public nuisance" means any animal which:

1. Molests or threatens passersby or passing vehicles;
2. Threatens or attacks other animals;
3. Trespasses on school grounds or private property;
4. Is repeatedly at large three or more times, as documented by the Animal Control Officer, within a consecutive twelve month period;
5. Damages private or public property;
6. Barks, whines, howls, or makes any noise natural to its species in an excessive, continuous, or untimely fashion so as to disturb the peace;
7. Creates excessive offensive odor.

X. "Restraint" means any leash, lead, or other physical restraint. Dogs must be on a leash not more than six (6) feet long, except in cases where the dog is under voice control of a person and that person has a leash in his possession and except when the dog is confined in a fenced in area or pen.

Y. "Secure enclosure" means a secure enclosure shall be a minimum of five (5) feet wide, ten (10) feet long, and a minimum of six (6) feet in height above the grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with necessary steel supporting posts. To prevent escape of the animal, the floor shall be at least three (3) inches of poured concrete with the bottom edge of said fencing embedded in the concrete or extending at least one (1) foot below grade. The gate must be of the same material as the fencing, fit closely and be securely locked or otherwise deemed secured by the animal control center. The owner shall post the secure enclosure with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property. The primary enclosure must be locked at all times when the dog is unattended by either the owner or a competent custodian eighteen (18) years of age or older. The enclosure must contain and provide protection from the elements for the dog or other animals mentioned before and shall comply with Massachusetts General Laws, Chapter 272, section 77 (Cruelty to Animals).

Z. "Serious bodily injury" means bodily injury which involves substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member or organ.

AA. "Stray" means any animal that is found to be at-large, whether lost by its owner or otherwise, or that is on the common areas of apartments, condominiums, trailer parks, or other multi-residential properties, streets, alleys, thoroughfares or roadways, and that does not have an identification tag and for which there is no identifiable owner. However, if the City establishes a program for the maintenance of feral cats, feral cats may be treated as 'other than stray'.

BB. "Veterinary hospital or clinic" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries of animals.

CC. "Vicious animal" means any animal that has:

1. When unprovoked, inflicts substantial bodily harm on a human being on public or private property;
2. When unprovoked, kills a domestic animal while off the owner's property; or
3. Been found to be potentially vicious, and after the owner has notice that the animal is potentially vicious, the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.
4. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting. Guard dogs are excepted from this provision.

DD. "Wildlife Control Officer" means any person designated by the city to handle and control issues dealing with wild animals or any dangerous rabid or potentially rabid animal.

EE. "Zoological Park" means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more of non-domestic animals operated by any person, partnership or corporation or any governmental agency in accordance with Massachusetts General laws. (Added 04/02/2007)

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6.04.020 Licensing and rabies vaccination.

A. 1. Any person owning, keeping, harboring, or having custody of any dog over six (6) months of age within this city must have the dog vaccinated for rabies and obtain a license as provided in this chapter.

2. Any person owning, keeping, harboring, or having custody of any cat over six (6) months of age within this city must have the cat vaccinated for rabies.

B. 1. Application for licenses shall be made to the licensing authority which shall include the name and address of the applicant; description of the animal; proof of rabies vaccination or proof of rabies vaccination exemption; proof of insurance (for a vicious dog or potentially vicious dog); and the appropriate fee.

2. A dog or cat is exempt from rabies vaccination if a veterinarian has examined the animal and has certified in writing that vaccinating the animal at that time would endanger the animal's health because of its age, infirmity, disability, illness or other medical considerations. An animal exempt under this provision must be vaccinated as soon as its health allows.

C. If not revoked, licenses for the keeping of dogs shall be for a period of one (1) year. The licensing period shall begin April 1st and shall run for one (1) year. Reapplication for license may be made thirty (30) days prior to and up to thirty (30) days after April 1st. Any person owning, keeping, harboring, or having custody of any dog over six (6) months of age within this city who fails to license the dog by April 30th of each year shall pay late fee of five dollars (\$5.00) per month on the first of each month that the dog is not registered as provided in this chapter.

D. Application for a license must be made within thirty (30) days after obtaining a dog over six (6) months of age. This requirement will not apply to a nonresident keeping a dog within the city for less than sixty (60) days. (See Chapter 140, Section 146: Licenses Valid Throughout State, of the General Laws.)

E. License fees shall not be required for Seeing-Eye dogs or governmental police dogs. Application shall be made, however, to the licensing authority and tags issued by the authority must be worn. No fee shall be charged for a license for a dog owned by a person aged 70 years or over. (General Laws Chapter 140, Section 139)

F. Upon acceptance of the application and license fee, the licensing authority shall issue a durable tag or identification collar stamped with an identifying number and year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.

G. Dogs must wear identification tags at all times.

H. The licensing authority shall maintain records of the identifying numbers of all tags issued, and shall make this record available to the public.

I. Persons who fail to obtain a license as required within the time period specified in this chapter may be subject to a fine of fifty dollars (\$50).

J. A license shall be issued after payment of the applicable fee for each:

1. Unneutered/unspayed dog, twenty dollars (\$20);

2. Neutered/spayed dog, five dollars (\$5).

3. Dog that has been declared vicious, or potentially vicious, (\$50).

K. A duplicate license may be obtained upon payment of a two dollar (\$2) replacement fee.

L. No person may use any license for any dog other than for the dog for which it was issued.

M. All permitted sources of animals, including animal shelters, animal rescue organizations, pet shops, professional breeders, and veterinarians, operating within the city of Springfield, shall notify the proper licensing authority upon the transfer of ownership of any animal. The city clerk may authorize these permitted sources to register dogs and remit the fees to the city clerk's office within five (5) days thereafter.

N. All permitted sources administering anti-rabic vaccines to dogs or cats, including animal shelters, animal rescue organizations, pet shops, professional breeders and veterinarians, operating within the city of Springfield, must notify the proper licensing authority upon administering the anti-rabic vaccine to any such animal. (Added 04/02/2007)

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6.04.030 Permits for commercial animal establishments.

A. No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this chapter.

B. The city shall promulgate regulations for the issuance of permits, and shall include requirements for humane care of all animals and for compliance with the provisions of this chapter and other applicable laws. The city may amend such regulations from time to time as is deemed desirable for public health and welfare and for the protection of animals.

C. Upon showing by an applicant for a permit that he/she/it is willing and able to comply with the regulations promulgated by the city, a permit shall be issued upon payment of the applicable fee.

D. The permit period shall begin with April 1st and shall run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to and up to thirty (30) days after April 1st. Application for permit to establish a new commercial animal establishment under the provisions of this chapter may be made at any time. Any person, partnership, or corporation operating a commercial animal establishment

within this city who fails to license said facility/facilities) by April 30th of each year shall pay late fee of one hundred dollars (\$100.00) per month on the first of each month that the facility/facilities is/are not registered as provided in this chapter.

E.If there is a change of ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a twenty-five dollar (\$25) transfer fee; provided, however, that the new owner must comply with subsection C of this section.

F. Annual permits shall be issued upon payment of the applicable fee after inspection by the proper authority for each:

1. Kennel authorized to house less than ten (10) dogs, fifty dollars (\$50);
2. Kennel authorized to house ten (10) or more, but less than fifty (50) dogs, one hundred dollars (\$100);
3. Kennel authorized to house fifty (50) or more dogs, one and fifty hundred dollars (\$150);
4. Zoological park, one hundred dollars (\$100);
5. Circus, one hundred and fifty dollars (\$150);
6. Performing animal exhibition, one hundred dollars; (\$100).
7. Grooming shop, fifty dollars (\$50).

G. Every facility at a different address regulated by this chapter shall be considered a separate enterprise, and requires an individual permit.

H. Operators of kennels for the breeding of dogs may elect to license such animals individually.

I. Failure to obtain a permit before opening any facility covered in this chapter shall result in a fine of up to two hundred dollars (\$200).

J. Any commercial animal establishment which has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made. (Added 04/02/2007)

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6.04.040 License and permit issuance, suspension and revocation.

A. The city or licensing authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this chapter, the regulations promulgated by the city or any law governing the protection and keeping of animals.

B. Any person whose permit or license is revoked shall, within ten (10) days thereafter, be responsible for the placement or humane disposal of all animals owned, kept or harbored and no part of the permit or license fee shall be refunded. Failure to place or humanely dispose of any animal, kept, or harbored shall result in a fine of up to two hundred dollars (\$200).

C. It shall be a condition of the issuance of any permit or license that an animal control officer, be permitted to inspect all animals and the premises where animals are kept at any reasonable time with reasonable notice. If permission for such inspections is refused, such permit or license of the refusing owner may be suspended or revoked by the licensing authority.

D.If the applicant has withheld or falsified any information of the application, the licensing authority to refuse to issue a permit or license.

E.Any person who has been convicted of cruelty to animals may not be issued a permit or license to operate a commercial animal establishment for a period of two (2) years.

F.Any person having been denied a license or permit may reapply after conditions have been corrected upon which denial was based. Each reapplication shall be accompanied by a twenty-five dollar (\$25) fee.

G.Massachusetts General Laws C. 140 § 137C, as amended provides for inspection of kennels; revocation, suspension and reinstatement of licenses; and nuisance procedures:

The mayor or the police commissioner, or a dog officer within his jurisdiction, may at any time inspect or cause to be inspected any kennel and if, in their or his judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, the police commissioner [or his/her designee], shall by order revoke or suspend, and in case of suspension may reinstate, such license. Upon the petition of twenty-five citizens, filed with the mayor or with the police commissioner, setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs at a kennel maintained in such city, because of the excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance, said mayor, or police commissioner [or their designee], as the case may be, within seven days after the filing of such petition, shall give notice to all parties in interest of a public hearing to be held within fourteen days after the date of such notice. Within seven days after such public hearing said mayor police commissioner [or their designee], shall make an order either revoking or suspending such kennel license or otherwise regulating said kennel, or dismissing said petition. Written notice of any order under this section revoking, suspending or reinstating a license shall be mailed forthwith to the officer issuing such license and to the holder of such license. Within ten days after such order the holder of such license may bring a petition in the district court within the judicial district of which such kennel is maintained, addressed to the justice of the court, praying that the order may be reviewed by the court, and, after such notice to the officer or officers involved as the court may deem necessary, it shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. The decision of the court shall be final and conclusive upon the parties. Any person maintaining a kennel after the license therefore has been so revoked, or while such license is so suspended, shall be punished by a fine of not more than fifty dollars.

Massachusetts General Laws C. 140 § 137C.

(Added 04/02/2007)

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6.04.050 Restraint and control of animals--public nuisance--Barking dogs.

A. All animals, with the exception of sterilized cats, shall be kept under restraint, as defined in this chapter.

B. Every owner shall exercise proper care and control of his animals to prevent them from becoming a public nuisance.

C. Every intact (reproductively whole) animal over the age of six (6) months found to be at-large will be cited a penalty of one hundred dollars (\$100).

1.The owner of the dog or cat shall have the option of paying this one hundred dollar (\$100) fine or, in the alternative, the owner may, within ten (10) days of the violation, have the dog or cat spayed or neutered. If the owner elects to have the dog or cat spayed or neutered, the owner shall present proof of same to the city clerk upon payment of the fine. The city clerk, upon receipt of proof that the dog or cat has been spayed or neutered, shall deduct the one hundred dollar (\$100) additional fine from the total fine amount. Proof requires written verification by the veterinarian who performed the sterilization that the dog or cat has been sterilized.

2.If a reproductively whole animal is found to be at-large on three (3) occasions, as documented by an animal control officer, the animal shall be surgically sterilized and micro chipped before returning to the owner. The owner shall bear all costs associated with this service and the one hundred dollar (\$100) fine shall be imposed.

3.The Chief Animal Control officer may waive the sterilization requirement if he/she finds that the animal's health may be endangered by the sterilization procedure (examples include an old animal or an animal in poor health).

D.Every vicious animal and potentially vicious animal, as determined by the city, after a hearing, shall be confined by the owner within a building or secure enclosure, and shall be securely muzzled and physically restrained or caged whenever off the premises of its owner.

E.It shall be unlawful for any owner to keep, harbor or maintain on or off their premises any vicious or potentially vicious animal unless such animal is within the owner's house, in a secure enclosure, on physical restraint or unless such animal is under the control of a law enforcement officer on or about their official duties. Any domestic animal found in violation hereof shall be immediately impounded.

F. It shall be unlawful for any person owning, keeping, harboring, or possessing any cats, rabbits, horses, goats, llama, buffalos, hogs, sheep, cattle, or other animals, chickens, ducks, geese or any other birds or poultry to permit the same to go at large any time within the limits of the city, to the damage or annoyance of any of the residents of the city. The keeping of wild animals must meet all requirements of Massachusetts and federal laws.

G. Barking dogs. No person owning, keeping or otherwise responsible for a dog shall allow or permit said dog to annoy another person's reasonable right to peace or privacy by making loud or continuous noise, where such noise is plainly audible at a distance of one hundred fifty (150) feet from the building, premises, vehicle or conveyance housing said dog, or such noise is continuous in excess of ten (10) minutes. The fact that such noise is plainly audible at said distance or continuous in excess of ten (10) minutes shall be prima facie evidence of a violation. (Added 04/02/2007)

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6.04.060 Impoundment and violation notice.

A. Any animal found at large or determined to be a public nuisance by a police officer, wildlife or animal control officer shall be taken by the police, animal control officer or wild life control officer and impounded and confined in a humane manner.

B. Unclaimed impounded animals or nuisance animals must be kept for not less than ten (10) days, after which if not reclaimed, adopted or released for adoption. If not reclaimed, adopted or released for adoption after a reasonable length of time, as determined by the animal control authorities involved, the domestic or nuisance animals shall be humanely euthanized. The city shall not be liable for any disposition of such animals in accordance with this ordinance.

C.If by a license tag or by other means the owner of the impounded animal can be identified, the animal control officer involved, immediately upon impoundment, or as soon as practical thereafter, shall attempt to notify the owner by telephone or by prepaid certified mail.

D.An owner reclaiming an impounded dog shall pay an administrative fee of thirty dollars (\$30), plus ten dollars (\$10) for each day the animal has been impounded. Except as otherwise provided in this chapter, the owner of any impounded animal may redeem the animal, upon payment to the city of the following:

1. an impound fee for each animal redeemed;
2. a boarding fee per animal, per day;
3. all outstanding fines, except for any fine of which a timely appeal is pending;
4. all veterinary charges, drug and other medical expenses;
5. the cost of sterilization or a sterilization deposit, as applicable;
6. the cost of rabies vaccinations, if applicable; and
7. the cost of license and registration
8. the cost of microchip implantation and registration, if applicable. At the request of the owner, the animal control center shall provide an itemized list of charges.

E.Any animal not reclaimed by its owner within ten (10) days, or any lesser minimum period permitted by the General Laws of the Commonwealth, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized.

F.Minimal emergency medical care means.

1. Any sick or injured animal found at large within the city may be taken to any veterinarian for minimal emergency care or euthanasia; in which case the veterinarian shall notify the animal control center or animal control officer immediately.
2. If the owner of such animal can be identified, the animal control officer shall attempt to notify the owner immediately or as soon as practical thereafter. In any case, such owner shall be liable for any expenses incurred with respect to such animal.
3. If the owner of such animal cannot be identified within twenty-four (24) hours, the animal shall become the property of the impounding authority. If, during the initial twenty-four (24) hour period, it is recommended, in writing, by a veterinarian that the animal is in such pain and has no reasonable hope of recovery, the animal may be humanely euthanized. The city shall not be liable for any expense with respect to such animal at any time unless, expressly authorized by the city or its agents.
4. If after minimal emergency care such animal can be safely impounded, the animal control officer may impound such animal subject to disposition in accordance with this ordinance.

G.Animal control officers, of the city shall be empowered to issue citations to the owners of animals for violations of this chapter and to otherwise enforce this chapter.

H. 1. If a citation is issued, a penalty of twenty-five dollars (\$25) for the first offense, fifty dollars (\$50) for the second offense, and one hundred dollars (\$100) for the third and subsequent offenses within the licensing period will be paid to any agency designated by the city within seventy-two (72) hours in full satisfaction of the assessed penalty.

2.Any owner found to be in violation of any provision of this chapter that involves an at-large dog or cat shall be assessed an additional fine of one hundred dollars (\$100) if the dog or cat has not been spayed or neutered. The owner of such dog or cat shall have the option of paying this additional One Hundred Dollar fine or, in the alternative, the owner may, within ten (10) days of the violation, have the dog or cat spayed or neutered. If the owner elects to have the dog or cat spayed or neutered, the owner shall present proof of same to the city clerk upon payment of the fine. The city clerk, upon receipt of proof that the dog or cat has been spayed or neutered, shall deduct the one hundred dollar (\$100) additional fine from the total fine amount. Proof requires written verification by the veterinarian who performed the sterilization that the dog or cat has been sterilized. The Chief Animal Control officer may waive the sterilization requirement if he/she finds that the animal's health may be endangered by the spay or neuter procedure (examples include an old animal or an animal in poor health).

3.In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a clerk-magistrate, and upon conviction of a violation of this chapter, the owner shall be punished as provided in Section 6.04.170

I.The city shall review automatically, all licenses issued to animal owners against whom three (3) or more violations of this chapter have been assessed in a twelve (12) month period. (Added 04/02/2007)

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6.04.070 Sterilization

No unclaimed dog shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized and a deposit of at least thirty-five dollars (\$35) must be paid at the time of adoption, twenty-five dollars (\$25) to be refunded after proof of sterilization. (Added 04/02/2007)

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6.04.080 Animal care.

The minimum standards of animal care must meet all requirements of state and federal laws.

A.Every owner shall provide his animals with good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and provide humane care and treatment.

B.No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cock fight, or bullfight, or any other combat between animals or between animals and humans.

C.No owner of an animal shall abandon such animal.

D.Chickens or ducklings younger than eight (8) weeks of age shall not be sold by any person in quantities of less than twenty-five (25).

E.No person shall give away any live animal, reptile, fish, or bird as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter, any place of amusement; or offer any vertebrate as an incentive to enter into any business agreement wherein the offer was for the purpose of attracting trade.

F.No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by an animal, provided that it shall not be unlawful for a person to expose to his own property common rat poison mixed only with vegetable substances.

G.The animal control officer, a health and human services employee, or any humane officer or police officer may initiate before a district court judge a search warrant for any premises upon a showing of probable cause to believe that a violation of any provision of this chapter is occurring or has occurred within a reasonable time thereon; and take charge of and impound the animals or fowl involved in such violations. The matter of disposition of any such animal shall be determined by a district court judge.

H.No person shall transport into the city to sell, or to offer for sale, give away, adopt or trade within the city, any dog or cat that is less than eight weeks of age. (Added 04/02/2007)

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6.04.090 Advisory and Hearing Committee.

A. There is established in the city a committee to be known as the dog advisory committee hereinafter the "Advisory and Hearing Committee".

B.The Advisory and Hearing Committee shall be composed of five (5) members; the city clerk or designee; the chief of police or designee; the president of the city council or designee; the president of the Springfield Kennel Club or designee, and a resident of the city as appointed by the mayor or designee. All members shall be a resident of the city.

C.The members of the advisory and hearing committee shall elect one (1) member as a chairperson and such other officers as they may deem necessary.

D.The advisory and hearing committee shall have the right and duty to:

1.To meet monthly or at such times as the chairperson or a majority of the committee deems necessary.

2.To study, review and issue written reports on issues dealing with dogs or other animals in the city.

3.To make recommendations to the mayor and the city council for the improvement of ordinances of the city as they relate to dogs and other animals in the city.

4. Hold hearings to determine whether a dog or other animal is vicious or potentially vicious in the city, and to review orders to destroy. (See Section 6.04.100 below)

(Added 04/02/2007)

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6.04.100 Vicious dog or other animal--Hearing procedures and penalties.

A. To consider declaring a dog or other animal vicious or potentially vicious, an animal control officer of the city may initiate a special hearing before the advisory and hearing committee to consider any evidence collected and take charge of and impound the animal. The animal control center shall notify the owner of the dog by certified letter, or sheriff's department hand delivery of such special hearing and the owner may attend and have an opportunity to be heard. At this special hearing the advisory and hearing committee will determine whether to declare such dog or other animal vicious or potentially vicious. If the dog or other animal is declared vicious or potentially vicious the city clerk shall notify the abutter next door and across the street by regular mail and in the classified section of the local newspaper (i.e., animals: dogs and cats section) of such finding at the owner's sole expense. If a dog or other animal owned by a resident of the city of Springfield has been found to be vicious, the ownership of the dog cannot be transferred. No dog or other animal shall be declared vicious or potentially vicious if the threat, injury or damage was sustained by a person committing a crime, or was provoked, teased, or tormented by a person or other animal.

B. 1. If the dog or other animal is designated as vicious or potentially vicious, the owner will have a two (2) week period in which to have a secure enclosure constructed to house the dog or other animal when it is in the owner's yard. During such period, the dog or other animal will be publicly impounded, at an animal shelter or a private veterinary hospital within the city of Springfield until the secure enclosure is constructed before the dog or other animal is released. If the owner chooses not to build the dog or other animal a secure enclosure or if said dog or other animal is found on a property not owned or controlled by its owner or not restrained in the secure area, an order that the dog or other animal be euthanized will be issued by the advisory and hearing committee. The effectiveness of the secure enclosure shall be subject to periodic inspections by such officer, as deemed necessary. The fee for said inspection shall be seventy-five dollars (\$75). If the owner is found violating the secure enclosure requirements, immediate public impoundment of the dog(s) or other animal(s) shall be taken by the Animal Control Center during the time the violation continues to exist, the owner shall bear all cost(s) for such public impoundment. The said fine for such violation shall be two hundred dollars (\$200) per day or part of the day the violation is allowed to exist.

2. Once a dog or other animal is designated as vicious or potentially vicious, the animal shall be surgically sterilized and micro chipped before returning to the owner. The owner shall bear all costs associated with this service. All costs of sterilization shall be borne by the owner. Note: This condition has been implemented because historically vicious dog hearings in the city have involved an intact (non-sterilized) dog. Dog bite statistics from the Center for Disease Control indicate that intact dogs bite and/or attack more frequently, and are overall more territorial and aggressive.

3. With regard to a dog or other animal designated as a potentially vicious animal, if there are no additional instances of the dangerous behavior within a 36-month period from the date of designation, the animal shall be removed from the list of potentially vicious animals. The animal may, but is not required to be, removed from the list of potentially dangerous animals prior to the expiration of the 36-month period if the owner or keeper of the animal demonstrates to the advisory and hearing committee at a special hearing that changes in circumstances or measures taken by the owner or keeper, such as training, have mitigated the risk to the public safety.

C. If the owner of a vicious or potentially vicious dog or other animal does not have a secure enclosure constructed during the two (2) week period, the dog or other animal may be destroyed, during the same two (2) week period, unless the owner files an appeal within that two (2) week period with the advisory and hearing committee. If such an appeal is filed, it will be heard within three (3) weeks of the filing of the appeal. The determination by the advisory and hearing committee shall be final and binding subject to appeal only under the provisions of Chapter 30A of the General Laws.

D. Any and all costs for the impounding of the dog involved will be borne by the owner unless determined otherwise by the advisory and hearing committee or court of final appeal. An owner reclaiming a vicious or potentially vicious dog shall pay an administrative fee of thirty dollars (\$30), plus fifteen dollars (\$15) for each day the animal has been impounded. Except as otherwise provided in this chapter, the owner of any impounded animal may redeem the animal, upon payment to the city of the following:

1. an impound fee for each animal redeemed;
2. a boarding fee per animal, per day;
3. all outstanding fines, except for any fine of which a timely appeal is pending;
4. all veterinary charges, drug and other medical expenses;
5. the cost of sterilization, as applicable;
6. the cost of rabies vaccinations, if applicable; and
7. the cost of license and registration
8. the cost of microchip implantation and registration, if applicable. At the request of the owner, the animal control center shall provide an itemized list of charges.

E.If a vicious or potentially vicious dog or other animal bites or attacks a person or other animal, without being teased, tormented or provoked, the dog shall be impounded and quarantined for the proper length of time for rabies observation (usually ten (10) days). Confinement of the animal may be accomplished at an animal shelter, or at a private veterinary hospital within the city of Springfield and any charges incurred shall be the responsibility of the owner. The chief animal control office may, in writing, order the dog or other animal be destroyed, within thirty (30) days of the date of such impoundment. If no appeal is taken by the owner of such animal, the animal shall be destroyed forty-five (45) calendar days from the date of the written order of destruction. An appeal may be taken by the owner to the advisory and hearing committee within thirty (30) days of such order of destruction. Any determination by the advisory and hearing committee shall be final and binding subject to appeal only under the provisions of Chapter 30A of the General Laws.

F.Any costs of impoundment will be borne by the owner absent a contrary decision by the advisory and hearing committee or the courts. This provision shall not apply if the threat, damage or injury was sustained by a person committing a crime, or was provoked by a person cruelly abusing the dog or other animal.

G.Any dog or other animal, whether or not it has been declared vicious or potentially vicious, which attacks a person and thereby caused death or serious bodily injury will be impounded and quarantined for the proper period of time for rabies observation (usually ten (10) days). The chief animal control office must, in writing, order the dog or other animal be destroyed, within thirty (30) days of the date of such impoundment. If no appeal is taken by the owner of such animal, the animal shall be destroyed forty-five (45) calendar days from the date of the written order of destruction. An appeal may be taken by the owner to the advisory and hearing committee within thirty (30) days of such order of destruction. Any determination by the advisory and hearing committee shall be final and binding subject to appeal only under the provisions of Chapter 30A of the General Laws.

H.Any dog or other animal that is impounded pursuant to Chapter 6.04.090 paragraphs E or G, or is declared vicious or potentially vicious, that is ordered released by the chief animal control officer, advisory and hearing committee or a court of competent jurisdiction shall be sterilized and micro-chipped before such release. The microchip shall contain the shelter information, not the owner's. The dog or other animal shall be released only upon payment to the city of the following:

1. an impound fee for each animal redeemed;
2. a boarding fee per animal, per day;
3. all outstanding fines, except for any fine of which a timely appeal is pending;

4. all veterinary charges, drug and other medical expenses;
5. the cost of sterilization, as applicable;
6. the cost of rabies vaccinations, if applicable; and
7. the cost of license and registration
8. the cost of microchip implantation and registration, if applicable. At the request of the owner, the animal control center shall provide an itemized list of charges.

I. This provision shall not apply if the threat, damage, or injury was sustained by a person who was committing a crime, or was provoked by a person cruelly abusing the dog or other animal.

J. An owner may transport a vicious dog or potentially vicious dog or other animal within city limits for medical or veterinary care provided said animal is properly restrained by being both muzzled and leashed, with the leash not to exceed the length of six (6) feet. The animal control officer must be notified of the animal's veterinarian of record.

K. Any person under whose name a vicious dog or potentially vicious dog or other animal is licensed, shall at all times that he or she possesses the dog or other animal, maintain in full force and effect, a liability insurance policy of at least one hundred thousand dollars (\$100,000) for the benefit of the public safety. A certificate of insurance from the liability insurance company shall be filed with the city clerk's office. The policy shall contain a provision requiring the city of Springfield to be named as an additional insured. The City Clerk, 36 Court Street Springfield, MA 01103 shall be notified of any cancellation, termination or expiration of the liability insurance policy. This insuring requirement shall be a condition of licensing a dog or other animal that has been designated as a vicious dog or potentially vicious dog or other animal.

L. Owners of a vicious dog or potentially vicious dog or other animal found within the city of Springfield and not properly licensed shall be subject to a fine of one hundred dollars (\$100) for each day or part of a day the violation continues.

M. Each day or part of a day there exists a violation of any of the provisions of this ordinance shall constitute and be punishable as a separate offense.

N. Compliance with the requirements of this chapter shall not be a defense to an order of disposal for a vicious dog or a potentially vicious dog or other animal pursuant to Chapter 140, section 157 of the General Laws. (Added 04/02/2007)

Title 6
Animals
Chapter 6.04
Animal Control
6.04.110 Animal Waste.

A. The owner of every dog or other animal or person(s) who possess or control the dog or other animal shall be responsible for the removal of any fecal matter deposited by his animal(s) on public walks, recreation area or private property.

B. The owner or person(s) who possess or control the dog or other animal when appearing with the dog or other animal on any public walk, street, recreation area or private property shall possess the means of removal of any fecal matter left by such dog or other animal.

C. For the purpose of this ordinance, the means of removal shall include any tool, implement or other device carried for the purpose of picking up or containing such fecal matter. Disposal shall be accomplished by transporting such fecal matter to a place suitable and regularly reserved for the disposal of human fecal matter specifically reserved for the disposal of dog or other animal fecal matter or otherwise designated as appropriate by the director of health and human services.

D. Any owner or person(s) who possess or control the dog or other animal who fails to comply with the provisions of this section shall be subject to a non-criminal ticket in the amount of fifty dollars (\$50). Animal control officers, as defined, may enforce this ordinance. (Added 04/02/2007)

Title 6

Animals

Chapter 6.04

Animal Control

6.04.120 Miscellaneous provisions--Wild animals--Animals on school grounds--Swine--Animals on public ways.

A. The keeping of wild animals must meet all requirements of state and federal laws and fish and wildlife laws.

B. No person shall keep or permit to be kept on his premises any wild, wild-hybrid, or vicious animals for display or for exhibition purposes, whether gratuitously or for a fee unless all requirements of state and federal laws and fish and wildlife laws are met. This section shall not be construed to apply to zoological parks, performing wild animal exhibitions or circuses.

C. No person shall keep or permit to be kept on his premises any wild animal or wild-hybrid as a pet unless all requirements of state and federal laws and fish and wildlife laws are met.

D. Performing animal exhibitions must meet all requirements of state and federal laws.

E. So-called "vicious dogs" or "potentially vicious dogs" when said dogs are part of a performing dog show, circus or animal exhibitions that meets all of the requirements of state and federal laws regarding such performances or exhibitions.

F. Notwithstanding any other ordinance, rule or regulation to the contrary, no person either the owner or keeper of a dog or other animal shall allow his dog or other animal to be upon any school grounds between the hours of eight (8:00) a.m. to four (4:00) p.m. on any day that schools are in session or during any athletic event or contest, regardless of the time of day or whether school is in session or not (except for a school team mascot or service dogs).

H. No swine shall be kept or maintained within the limits of the city, except for the purpose of immediate slaughtering by duly licensed slaughterers; provided, however, that this section shall not prohibit the keeping of swine that are fed garbage or other refuse which is obtained solely from the household of the owner or from the same tract of land where such swine are kept.

I. No person shall permit any sheep, goat, swine, mule, ass, horse or neat cattle belonging to him or under his control, to go at large or depasture in any street, lane or alley, or on any common in the city.

J. No person shall permit any goat, sheep, swine, horse, mule, ox or cow, under his care, to go upon any sidewalk in the city, except for the purpose of crossing such sidewalk to go to or from some adjoining enclosure.

K. No person shall permit any horse, cow, swine, goat, or other grazing animal to go at large in any street.

L.Any owner or keeper of an animal who fails to comply with the provisions of this section shall be subject to a non-criminal ticket in the amount of fifty dollars (\$50). Any animal control officer, as defined, may remove the offending animal to a suitable animal shelter and any charges to recover said animal shall be payable by the said owner or keeper. (Added 04/02/2007)

Title 6
Animals
Chapter 6.04
Animal Control

6.04.130 Chief animal control officer and animal control officers.

The city, through the mayor or his/her designee shall appoint a chief animal control officer and animal control officers and/or shall delegate such responsibility and authority to the animal control center, or like facility, whose primary responsibilities shall include the enforcement and implementation of this ordinance or any rules and regulations promulgated there under. The chief animal control officer shall coordinate and administer the activities involving the animal control program in accordance with any goals, policies, and procedures established by the Springfield City Council or Department of Health and Human Services as the circumstances dictate, and shall be under the direction and supervision of the city clerk or the mayor. "Animal Control Officer" means any person designated by the city to enforce this chapter including but not limited to police officers, special police officers, chief animal control officer, domestic or wildlife animal control officers, health and human services department officers, and agents of the Thomas J. O'Connor Animal Control Center or its successor. (Added 04/02/2007)

TITLE 6
ANIMALS
Chapter 6.04
ANIMAL CONTROL

6.04.150 Designation of responsibilities.

The mayor, city clerk or police commissioner may appoint designees as the authority to fulfill such responsibilities of the city under this chapter. Notice of such designation shall be filed with the city clerk no less than fifteen (15) days before the effective date of any such designation. The city clerk may in his or her discretion designate an agent or agents for animal licensing.(Added 04/02/2007)

TITLE 6
ANIMALS
Chapter 6.04
ANIMAL CONTROL

6.04.140 Issuance of citations.

Any animal control officer, as defined herein, ia hereby authorized to issue a citation to any individual that, in his/her opinion, is in violation of any section of this chapter. Said fines may be contested to the hearing before a clerk-magistrate of the district court by filing an appeal within twenty-one (21) days of the date of the citation, with the district court. The decision of the clerk-magistrate shall be final and binding although subject to appeal under the provisions of Chapter 30A of the General Laws. (Added 04/02/2007) (as amended 07/22/2010)

TITLE 6
ANIMALS
Chapter 6.04

ANIMAL CONTROL
6.04.160 Enforcement.

The provisions of this chapter shall be enforced by animal control officers, as defined. It shall be a violation of this chapter to interfere with any such person in the performance of their duties, or to take any animal from the person without designated authority. All animal control officers shall verbally and electronically (i.e. fax/e-mail) their report of a violation of this ordinance to the center and the police department who shall be designated as the keeper of records for the purpose of the public records laws.(Added 04/02/2007)

TITLE 6
ANIMALS
Chapter 6.04
ANIMAL CONTROL
6.04.170 Violations--Penalties.

For violations not set forth in the chapter the following penalties shall apply:

A.Criminal disposition. A person who violated a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed three hundred dollars (\$300).

B.Non-criminal disposition. Any person who violates any provision of this chapter may be penalized by a non-criminal disposition as provided for under chapter 1.16.010. The penalty for each violation shall be fifty dollars (\$50) for each day or part of a day during which the violation is committed, continued, or permitted.

C.If any person is found guilty by a court of violating any part of this chapter, his permit to own, keep, harbor, or have custody of animals may be revoked and no new permit may be issued. (Added 04/02/2007)

Title 6
Animals
Chapter 6.08 (Repealed 04/02/2007)
6.08.010 Definitions. (Repealed 04/02/2007)

Title 6
Animals
Chapter 6.08 (Repealed 04/02/2007)
6.08.020 Licensing. (Repealed 04/02/2007)

Title 6
Animals
Chapter 6.08 (Repealed 04/02/2007)
6.08.030 Permits. (Repealed 04/02/2007)

Title 6
Animals

Chapter 6.08 (Repealed 04/02/2007)

6.08.040 License and permit issuance and revocation. (Repealed 04/02/2007)

Title 6

Animals

Chapter 6.08 (Repealed 04/02/2007)

6.08.050 Restraint. (Repealed 04/07/2007)

Title 6

Animals

Chapter 6.08 (Repealed 04/02/2007)

6.08.060 Impoundment and violation notice. (Repealed 04/02/2007)

Title 6

Animals

Chapter 6.08 (Repealed 04/02/2007)

6.08.070 Animal care. (Repealed 04/02/2007)

Title 6

Animals

Chapter 6.08 (Repealed 04/02/2007)

6.08.080 Keeping of wild animals. (Repealed 04/02/2007)

Title 6

Animals

Chapter 6.08 (Repealed 04/02/2007)

6.08.090 Performing animal exhibitions. (Repealed 04/02/2007)

Title 6

Animals

Chapter 6.08 (Repealed 04/02/2007)

6.08.100 Animal waste. (Repealed 04/02/2007)

Title 6

Animals

Chapter 6.08 (Repealed 04/02/2007)

6.08.110 Sterilization. (Repealed 04/02/2007)

Title 6

Animals

Chapter 6.08 (Repealed 04/02/2007)

6.08.120 Enforcement. (Repealed 04/02/2007)

Title 6
Animals
Chapter 6.08 (Repealed 04/02/2007)
6.08.130 Designation of responsibilities. (Repealed 04/02/2007)

Title 6
Animals
Chapter 6.08 (Repealed 04/02/2007)
6.08.140 Violation--Penalty. (Repealed 04/02/2007)

Title 6
Animals
Chapter 6.12 (Repealed 04/02/2007)
6.12.010 Keeping swine within city limits. (Repealed 04/02/2007)

Title 6
Animals
Chapter 6.12 (Repealed 04/02/2007)
6.12.020 Animals at large or depasturing in streets. (Repealed 04/02/2007)

Title 6
Animals
Chapter 6.12 (Repealed 04/02/2007)
6.12.030 Animals on sidewalks. (Repealed 04/02/2007)

Title 6
Animals
Chapter 6.12 (Repealed 04/02/2007)
6.12.040 Grazing animals in street. (Repealed 04/02/2007)

Title 6
Animals
Chapter 6.12 (Repealed 04/02/2007)
6.12.050 Protection of trees, lampposts and hydrants. (Repealed 04/02/2007)
