



ANIMAL LAWS AND REGULATIONS IN MASSACHUSETTS

ACO CORE COMPETENCIES

2023 Training Guide

- In an effort to reduce waste and save paper the Core Competencies Slides, MA lawbook, and handouts are now available online on our ACO Resources page.
- Each ACO does have a training guide, please complete the activities as we train, and use these answers to complete the open book testing.
- **Please take this time to look over the study guide and fill in “My Answers” on page 4**



ACO Core Competencies Training Guide



Course Objectives

At the end of these sessions, you will be able to:

- Discuss the sections in the current MGL that contain the majority of ACO duties and responsibilities.
- Identify the registration and licensing requirements for dogs.
- Discuss the requirements for Kennel licenses.
- identify rabies vaccination requirements.
- Discuss the identification of nuisance/dangerous dogs and the correct steps in dog control.
- Discuss the importance of the tethering and confinement MGL.
- Discuss chapter 272 animal cruelty laws and investigations.
- Know the roles of Animal Inspectors (AIs) and why cooperation with ACOs is essential.
- Know reporting requirements and complete an intake report.
- Understand an ACOs responsibility and restrictions in responding to wildlife situations.
- Gain basic animal handling knowledge.
- Learn about preparing for emergency situations.
- Learn de-escalation techniques.
- Write a clear and concise standard incident report.



HISTORY OF ANIMAL CONTROL IN MASSACHUSETTS

1797: Dog Licensing Established in Massachusetts

420

ACTS, 1797.— CHAPTER 53.

1797. — Chapter 53.

[January Session, ch. 21.]

AN ACT TO LESSEN THE DANGEROUS EVILS OF CANINE MADNESS AND OTHER INJURIES OCCASIONED BY DOGS.

Preamble.

Whereas many and distressing evils have taken place in various parts of this Commonwealth from Canine Madness, and other injuries occasioned by Dogs:

Owners of dogs
to inform
Assessors.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same, That it shall be the duty of every Person in this Commonwealth who is, or may be the owner or keeper of a Dog, or the Parent, Guardian, Master or Mistress of any Minor or Servant, who is or may be the owner or keeper of a dog, on or before the first day of April next, and afterwards, on or before the first day of May, in each following year, to certify to the assessors of the Town, district, or Plantation, where he, or she may live, the number of dogs by him or her owned or kept, or owned or kept by his or her ward or Servant. And to cause Dogs, so kept, from and after the said first day of April, to wear a Collar of some kind, with the name of the owner and town or place of residence, at large, legible on the same collar.*

To provide
collars.



Meanwhile in Mass.

1797: The Dangerous Evils of Canine Madness

- This was 25 years before Louis Pasteur was born
 - Pasteur's work helped establish the link between germs and disease
 - Pasteur was working with rabies vaccinations in 1885
- This was 62 years before the original animal cruelty law was passed (1859)
- This was 114 years before the animal inspector position existed (1911), focusing on disease control
- Public safety was recognized as an issue, even though no one really understood the cause



1934: “Modern Day” Dog Laws



ACTS, 1934. — CHAP. 320.

401

AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS *Chap. 320*
AND TO THE PAYMENT OF DAMAGES CAUSED BY DOGS.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty of the General Laws is hereby amended by inserting after section one hundred and thirty-six, as appearing in the Tercentenary Edition, the following new section under the title “DOGS”: —
Section 136A. The following words and phrases as used in sections one hundred and thirty-seven to one hundred and seventy-five, inclusive, unless the context otherwise requires, shall have the following meanings:

G. L. (Ter. Ed.), 140, new section 136A, added.

Certain terms defined.

“Director”, the director of the division of accounts of the department of corporations and taxation.

“Dog fund”, the fees, fines and reimbursements collected in connection with the licensing of dogs and the enforcement of said sections.

“Dog officer”, any officer appointed under said sections to enforce the laws relating to dogs.

1934 Version of Dog Laws

Chapter 140 –
sections 136A-175 –
many are the same as
today

“Dog Officers”

Kennel Licenses

Dog Licenses - \$2
Male/\$5 Female
(unless spayed)

Strays must be
detained in a suitable
location and kept in
sanitary conditions

County
Commissioner
oversight

1967 Amendments

Chap. 627. AN ACT PROVIDING FOR THE NONCRIMINAL DISPOSITION OF COMPLAINTS FOR THE VIOLATION OF CITY AND TOWN DOG CONTROL LAWS.

Be it enacted, etc., as follows:

Chapter 140 of the General Laws is hereby amended by inserting after section 173 the following section: —

Section 173A. Whenever a complaint is sought in a district court for a violation of an ordinance or by-law, made under the provisions of section one hundred and seventy-three, the clerk shall send a written notice to the person complained against stating that such a complaint has been sought and will issue unless such person appears before such clerk and confesses the offense either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice the fine provided herein. If it is the first offense subject to this section committed by such person within a calendar year, the clerk shall dismiss the charge without the payment of any fine; if it is the second offense so committed in such city or town in the calendar year the payment to the clerk of a fine of two dollars shall operate as a final disposition of the case; if it is the third offense so committed in such city or town in a calendar year payment of a fine of five dollars shall operate as a final disposition of the case; and if it is the fourth or subsequent offense so committed in such city or town in the calendar year the payment of a fine of ten dollars shall operate as a final disposition of the case. Such payment shall be made only by postal note, money order or check.



01-020

Subsequent Notable Amendments

Increased fines

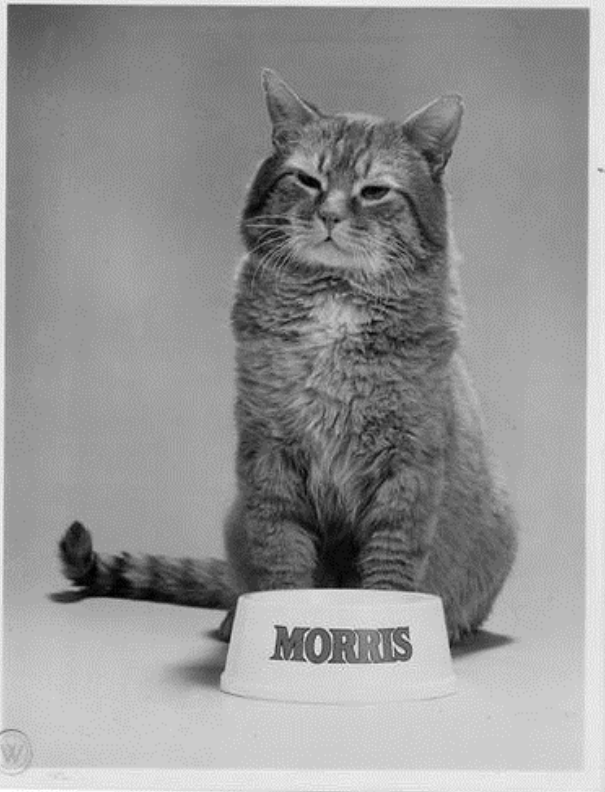
Required Vaccines for Cats (1993)

Chapter 193 of the Acts of 2012

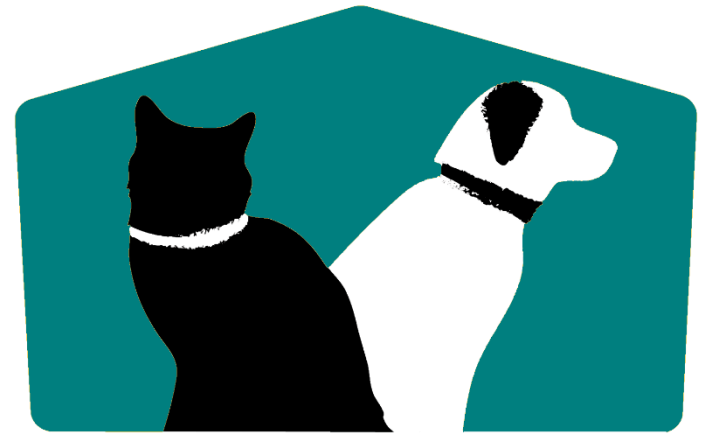
PAWS Act of 2014

M.G.L. Chapter 140, Section 174F

PAWS II Act of 2018



Chapter 193 of the Acts of 2012



**Replaced references
to County
government with
MDAR**

**Eliminated
County Dog Fund**

**Increased fees
and fines**

**Changed Dog
Officer to Animal
Control Officer**

**Requires ACOs to
inspect kennels
prior to licensing
or renewals**

**Added ferrets to
the vaccination
law**

**Euthanasia only
by barbiturates
(AVMA
guidelines)**

**Dropped the 10-
day hold to 7 days**

**Rewrote the
Dangerous Dog
Law**

**Added the
Tethering Law**

**Extended
Protection Orders
for people to
their pets**

**Established the
Mass Animal
Fund**

PAWS

(PAWS) Acts of 2014

- Increased penalties for animal cruelty
- Required Veterinarians to report suspected animal cruelty
- Created Task Force to consider future protections for animals and ways to strengthen MA cruelty laws.

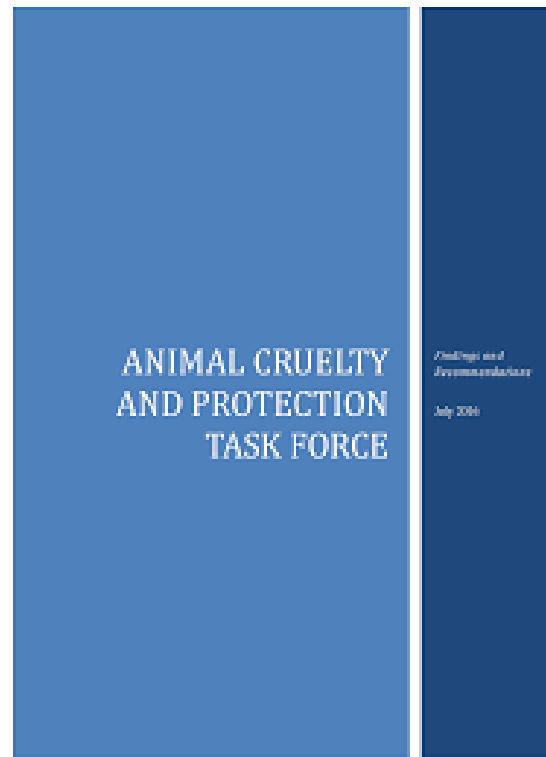


Honoring Puppy Doe, a female pit bull who was euthanized in August 31, 2013 because of the extensive injuries she suffered from her abuser.

PAWS II

(PAWS II) Acts of 2018 was signed by the Governor on Aug 9th, 2018

- Increased fines and enforcement options for many animal control laws
- Requires property owners to check for abandoned animals
- Prohibits the drowning of animals
- Provides options for animal fighting victims
- Adds ACOs to the list of mandatory reporters for elder abuse, child abuse, and abuse of disabled.
- Updates animal sexual abuse laws.



PAWS II
Acts of 2018
contains many of
the
recommendations
from the Cruelty
Task Force Report.



Acts of 2022

- Beagle Law: requires research animals to have an adoption option if placeable.
- Nero's Law: allows transportation and care of injured K9 officers (police dogs) by first responders





MGL CHAPTER 140 AND ANIMAL CONTROL LAWS

**Massachusetts
General Laws (MGL)
Chapter 140, Sections
136A-174F**

**Training Guide
pages 4-6**



- Registration and Licensing
- Violations of Statutes and By-Laws/Ordinances
- Rabies Vaccination and Public Health
- Animal Control Officer Duties & Training
- Nuisance/Dangerous Dogs; Dog Control
- Research Institutions Using Dogs or Cats
- Motor Vehicle Confinement in Heat or Cold

Dog Licenses – Section 137

- All dogs 6 months or older
- Requires proof of current rabies vaccine
- License tag must be worn



Individual dog licensing is a function of the Town or City Clerk, but it is an incredibly important tool for the ACO.

Why?

Licensing Requirements

- Tag must be inscribed:
 - dog's license number
 - name of the city or town
 - year of issue
- The licensing list should be easily searchable, maintained by the licensing authority and should contain:
 - License number & status
 - Rabies vaccination expiration
 - Description of animal
 - Owner/keeper address & contact info





Rabies Vaccinations

Required for all dogs, cats, and ferrets under MGL Chapter 140 section 145B

Penalty not more than \$100 fine

Medical exemption

- Signed by a Massachusetts veterinarian
- Immune mediated disease
 - Stimulation of the immune system causes a severe reaction
- Anaphylaxis
 - Allergic reaction, which can cause death within minutes

Medical Exemption

- A medical exemption for a rabies vaccination can be utilized for licensing purposes.
- However, exemptions should not be taken lightly since an animal exposed to rabies with a medical exemption will be considered **unvaccinated** for quarantine purposes once any previous rabies vaccine has expired.



License Fees Chapter 140 Se c. 139

License fees
are
determined by
municipalities,
with the
following
considerations

Fees for dogs
spayed/neutered
SHALL BE LESS
than for intact
dogs.

NO FEE shall be
charged for a
service dog
defined by the
ADA.

A municipality
MAY waive the
fee for a dog
owned by senior
70 years old or
older.

Acquiring New Dog & Moving – Sec. 138 + 146

- A newly acquired dog is 6 months of age or older, an owner has 30 days to see the Clerk for a license (same for people moving)
- If the dog is under 6 months, an owner has until the time the dog reaches 6 months of age
- Foster dogs must be licensed individually by the foster care giver (keeper), if the foster parent has the dog(s) for 30 days or more



Group Discussion

Responsible pet owners don't let their dogs go outside naked...

Give YOUR DOG SOME **BLING** WITH A 2021 DOG LICENSE TAG

Why should you license your dog?



1. **It gets them home.** A license tag from your town on your dog's collar is often the quickest ticket back to you if your dog gets lost.

2. **It shows love.** A license tag shows that you not only love your pet, but that you are looking out for the other animals in your community, since proof of a rabies vaccination is required.

3. **It's easy.** Just ask your town clerk or animal control officer how to get one.

4. **It's the law.** Massachusetts wants to ensure the health and safety of our animals, so it is a law that all dogs 6 months and older are licensed.

What are some ways you can increase licensing compliance in your municipality?



Kennel Licenses

Chapter 140 Sec. 137A

Personal kennel license needed

- 5 or more dogs on the property
- Breeder (hobby or individual)
- Foster home



*Dogs under 3 months of age don't count

Kennel Licenses

Chapter 140 Sec. 137A

Commercial kennel license needed

- Boarding or training, including daycare
- Breeders – commercial
- Charitable corporations (shelters / rescues)- **No licensing fee**
- Veterinarians holding animals beyond medical necessity



Kennel Inspections – Section 137C

Inspections MUST be conducted before initial licensing, and UPON renewal

ACOs are responsible for kennel inspections for licensing and renewal.

- Kennel inspection report should be given to licensing authority.

Kennel inspections (for non-licensing purposes) should be performed by the ACO, but if there is a conflict of interest or ACO is unavailable the following municipal employees may inspect:

- selectman
- mayor
- police chief
- police commissioner (Boston)

Kennel Inspections

The standard set in the statute is

“maintained in a sanitary and humane manner”

- Sanitary Condition(s). The state of Facilities, Primary Housing Enclosures, and associated equipment having been Cleaned and Disinfected as often as necessary to be free of, at a minimum, urine, feces, and noxious odors.

Kennel inspections

- *municipalities can add further clarification into bylaws
 - Looking for adequate shelter, fresh food and clean water
 - Waste is managed appropriately; no buildup of feces or urine
 - Adequate ventilation with no excessive odors
 - Adequate temperature between 55°- 85°F
 - Cages, enclosures or other housing is in good repair
 - No sharp edges
 - Functional latches



Kennel Inspection Report

Town Clerks should refer to the kennel inspection's number of dogs allowed on license.

**Kennel capacity
is determined
by the
inspecting ACO.**



THE COMMONWEALTH OF MASSACHUSETTS ANIMAL CONTROL OFFICER KENNEL INSPECTION REPORT

City or Town of: _____
Kennel license number: _____
Inspection date: _____

Page 1 of _____

1. Kennel information:

Kennel name: _____
Kennel owner: _____
Kennel address: _____
Kennel phone: _____

Kennel veterinarian and address: _____

Number of dogs over 6 months old on premise: _____

Number of dogs allowed for this license: _____

2. Licensing status:

Kennel license status: New ☐ Renewed ☐ Expired ☐ Unlicensed ☐
Kennel type: Commercial ☐ Doggie Daycare ☐ Personal ☐ Other _____
If kennel license has not been renewed, why not? _____

3. Housing:

Dog Housing Crates ☐ Kennel ☐ Free Range ☐ Other _____

4. Conditions:

A. Dogs are housed in a humane manner:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
B. Dogs are able to stand, lie down and turn around freely:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
C. Kennel is kept at an ambient temperature (between 55 and 85 degrees Fahrenheit)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
D. Kennel is maintained in a sanitary manner:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
E. The kennel has adequate lighting:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
F. Dogs have access to clean, fresh food and water:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
G. Dogs have adequate exercise space:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
H. Veterinary and other records available:	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Please explain any No answers on page 2.

5. Comments:

Approved ☐ Not approved ☐ Reinspect on or after: ☐ _____

ACOs name: _____ Report received by: _____

ACO's Signature: _____ Signature of Recipient: _____

White Copy – Office / Yellow Copy – ACO / Pink Copy – Kennel Owner



Kennel Capacity

- All kennel licenses issued should contain a number for the maximum number of dogs allowed
 - This number should never be written in a way that doesn't set a limit. For example: do not include "more than 50"
 - ACOs should set the kennel capacity while considering space, staff, animal welfare and emergency plans

- Page 2 is new. It gives an area to write in any problems/concerns discovered
- <http://massanimalfund.com/animal-control-laws/>



Page ____ of ____

[illegible]

ACO's Signature: _____

A black dog, possibly a Labrador Retriever, is looking out from behind metal cage bars. The dog's face is partially obscured by the vertical bars, and its eyes are looking directly at the camera. The background is a wooden wall with some dark rectangular openings.

Kennel License Fines

- In the Acts of 2018 fines were added in section 137C
 - \$500 for a first offense
 - Not more than \$1,000 for a second or subsequent offense

*(Approved by Governor on August 9th, 2018)

Violations - section 141

Violations may be issued under state laws

- Section has a specific penalty built in
- Penalty section applies to a group of previous sections

Violations may be issued under by-laws or ordinances

- Penalties may be set by the municipality
- Penalties may exceed the penalties set in statute, but may not be less than those prescribed

ACO Duties and Responsibilities

- Sections 151 and 151A
 - Catch and confine dogs not collared or tagged
 - Must be held for a minimum of 7 days to give the owner an opportunity to claim the dog
 - Length of hold may be longer depending on by-law or ordinance
 - Confined in a place suitable for the detention and care of dogs, and in sanitary condition
 - Fill out an intake form
 - ACO must actively seek out the owner



ACO Holding Facilities

- **ACO must hold animals in a safe and sanitary location:**
 - **Municipal shelter**
 - **A Massachusetts facility that holds an active kennel license**
 - **Registered Shelter/Rescue**
 - **Veterinary Office**
 - **Private boarding facility**

Kennel Inspections

- Municipal owned shelters do not need a kennel license, but MDAR recommends that they get inspections done on a regular basis.



MDAR Animal Intake Form



THE COMMONWEALTH OF MASSACHUSETTS ANIMAL CONTROL OFFICER ANIMAL INTAKE REPORT

Animal Control Officers shall
report on this form prior to
receiving compensation

City or Town of: _____

Date: _____

Animal Type: Dog ☐ Cat ☐ Other: _____

1. To City or Town Treasurer, I report that I have caught, confined and disposed of an animal as set forth below:

Breed type (Specify) _____ Approx Age: _____ Sex: _____

Description _____ Date and Time caught: _____

Where Caught: _____ Tattoo/Microchip: _____ Tag#: _____

Scanner used: _____ I confined this animal at: _____ for a period of _____ days.

2. Returned to owner:

Redeemed by owner on _____ Date _____ Owner Name _____

Owner Address: _____

Owner exhibited LICENSE NUMBER: _____ in the city or town of: _____

Owner paid \$ _____ for care and custody @ \$ _____ per day for _____ days.

3. Animal was adopted/transferred to:

Name: _____ Address: _____ Phone: _____

Purchaser secured a LICENSE NUMBER _____ in the city or town of: _____

On _____ and he/she paid an adoption fee of \$ _____ that was transmitted to the Town Treasurer.
Date

4. Rabies vaccination information: (Attach copy of rabies certificate to this form)

Rabies vaccination given by: _____ Name of Veterinarian

On _____ Rabies vaccination expires on: _____
Date Date

5. Euthanasia:

Animal was destroyed on _____ using _____
Date Method of Euthanasia

By _____ Name and address of veterinarian

6. Payment:

On account of this animal there is due me for care and custody _____ days @ \$ _____ per day, \$ _____

Signed under the pains and penalties of perjury _____, Animal Control Officer

White Copy - Animal Control / Blue Copy— Dog Owner / Pink Copy - City/town Treasurer / Yellow Copy - City/Town Clerk

You can find a downloadable copy of the MDAR Animal Intake Form on the Mass Animal Fund website under the FOR ACOs Tab.

This form meets the reporting requirements under MGL Chapter 140 section 151A

*if filled out completely.

<https://www.mass.gov/info-details/aco-resources>

ACO Duties and Responsibilities

ACO must actively seek out the owner

- Check for a microchip, tattoo, or other ID
- Check the licensing list for dogs with similar descriptions



ACO Duties and Responsibilities

Other searching suggestions

- Post dog's information on social media/website/flyers
- Contact police department
- Contact nearby veterinary hospitals

**City of Boston**

Animal Care and Control
26 Mahler Road, Roslindale
617-635-1800
animalcontrol@boston.gov

DO YOU recognize Me?

Breed: Yorkshire Terrier/Border Terrier Mix
Sex: Male
Age: 2-4 years
Color: Brown
Found: 8/26/18
Location:
Falcon Street, East Boston



"Rusty" A#057760
(name and number assigned for ID purposes)

Please contact us if this is your dog or you believe you know where this dog came from.

ACO Duties and Responsibilities

- If owner is known and does not come forward during the hold period, the dog is still owned
- To place the ACO would need to obtain:
 - Owner surrender
 - Court awarded custody

Discussion:

What steps have you taken to get in touch with a known owner?



Unclaimed Animals No Owner Found in 7 Days

- Municipality must decide what to do
 - Three options
 1. Adopt the animal out
 - Municipality must recognize potential for liability
 - Must first assess the behavior of the animal
 - Must first assess the health status of the animal



Unclaimed Animals No Owner Found in 7 Days

Municipality must decide what to do

2. Transfer the animal to a registered shelter/rescue

- Must first assess the behavior of the animal
- Must first assess the health status of the animal

(Animal CAN NOT be transferred to a research facility.)



Unclaimed Animals

No Owner Found in 7 Days

Municipality must decide what to do

3. Euthanasia may happen by a vet or under supervision

MGL Chapter 140
Section 151A and 174A
address acceptable
euthanasia methods
for cats and dogs.

Administration of
barbiturates is the
ONLY acceptable
means in
*non-emergency
circumstances

*Gunshot is mentioned in 151A, but **ONLY** acceptable in
emergency situations.



GROUP DISCUSSION

Do you know what your Return to Owner rate is for dogs? How about for cats?

How does your municipality handle dogs unclaimed after the mandatory 7-day hold?



Missing Dog!!
South Attleboro MA



Pitbull X
Male
"Empire"
2.5 yrs/80 lbs
Dark Gray & White
1-7-18

**Washington St/Rosewood
Ave/Barrows St**
845-793-0189
www.missingdogsmass.com or visit us on Facebook



Statutes, By-laws / Ordinances

Enforcement of Violations

- Statutes with penalties can be enforced through the District Court system
- Municipalities that establish by-laws (towns) or ordinances (cities) that mirror the state statutes can issue citations payable directly to the municipality (sec 173 and 173A)
 - Local regulations may include additional provisions
 - Regulations cannot be inconsistent with statutes
 - Can't order a dangerous dog out of town
 - Can't allow 6 dogs without a kennel license

Statutes, By-laws / Ordinances

Enforcement of Violations

Acts of 2018 changes to section 173A

removed time frame
for recurring violations

\$50 for first offense

\$100 for second
offense

\$300 for third offense

\$500 for fourth and
subsequent offense
and an order may be
given for spay/neuter

Municipality may
provide alternate
schedule of fines

Provide alternate
schedule of fines , but
not lower than stated

Bylaw update Example

- § 104-23 Incorporation of statutory provisions.
- Except as specifically modified in this article, the provisions of the applicable sections of MGL c. 140 shall be incorporated into and apply to this article, as well as any other section of Massachusetts General Laws referenced herein.

GROUP DISCUSSION



What by-laws or ordinances does your municipality enforce the most?

How do these by-laws or ordinances expand on state laws and regulations?

Let's take a minute
and review guide
pages 4, 5, & 6

Training Guide Pause

All dogs require licenses when they reach what age?

To get a license all dogs need proof of what?

If a six-month or older dog is acquired, the owner has how many days to obtain a license?

What animals must be vaccinated for rabies?

If a municipality doesn't have its own shelter, where can they hold their animals?

Under the MGLs what are three things that could lower a license fee?

When determining kennel capacity for licensing, what things should you take into consideration?

Which of the following are valid reasons for a veterinarian to issue an exemption for the rabies shot?

- a. Immune mediated disease
- b. Owners don't believe in vaccinations.
- c. Anaphylaxis - severe allergic reaction
- d. Animal is fractious at the time of the exam

Foster parents must license a dog individually if they have the dog for _____ days or more

(True or False?) Dogs must have a license, but it is not necessary for them to wear it in public.

A Kennel license is required if they are _____ or more dogs over 3 mo. on the property.

What is the maximum fine for an unvaccinated dog, cat, or ferret?

Let's take a minute
and review guide
pages 4, 5, & 6

Training Guide Pause

UNCLAIMED ANIMALS--NO OWNER FOUND AFTER 7 DAYS

Options (Municipality and ACO)

Option 1- Adoption

- Potential for liability
- Behavior and health status must be assessed.
- Can apply for MAF voucher to spay/neuter

Option 2 - Transfer the Animal to registered shelter/rescue

- Check list of registered shelter/rescues at Mass.gov
- CANNOT Transfer to a research facility, broker, or a pet shop

Option 3 - Euthanasia

- by a vet or under vet supervision, gunshot only allowed in true emergency situations.
- Barbiturates are the only acceptable means in non-emergency situations

Let's take a minute
and review guide
pages 4, 5, & 6

Training Guide Pause

BY-LAWS / ORDINANCES What can a municipal by-law NOT DO?

ACO ROLES AND RESPONSIBILITIES

<input type="checkbox"/>	Conduct kennel inspections for licensing purposes, for personal, and commercial kennels
<input type="checkbox"/>	Issue dog and kennel licenses
<input type="checkbox"/>	Adjust license fees
<input type="checkbox"/>	Catch and confine stray dogs
<input type="checkbox"/>	Complete intake form for any animals taken into custody
<input type="checkbox"/>	Ensure municipal animals are held in a safe and sanitary location
<input type="checkbox"/>	Actively seek the owner for stray dogs; check for microchip, tattoo, or other ID; check the licensing lists for dogs with a similar description
<input type="checkbox"/>	Enforce dog licensing
<input type="checkbox"/>	Take in animals from outside municipality for adoptions/placements
<input type="checkbox"/>	Issue rabies quarantines
<input type="checkbox"/>	Investigate dangerous/nuisance dog complaints
<input type="checkbox"/>	Determine and set maximum number of dogs allowed on a kennel license

Nuisance/Dangerous Dogs – Sec. 157

Training Guide page 7

- Anyone may file a written complaint regarding a nuisance or dangerous dog
 - This includes the ACO
- The hearing authority (Selectmen/Mayor/etc.) must hold a hearing
 - Dog may be deemed dangerous or a nuisance



Nuisance/ Dangerous Dogs – Sec. 157

If a recent bite has happened, make sure you wait to start dangerous dog proceedings until after the rabies quarantine has been legally issued.

WHY?



Nuisance/Dangerous Dogs – Sec. 157



- Hearing authority will issue an order to resolve the problems caused by a nuisance dog
- Hearing authority has a menu of options to choose from while issuing an order to resolve the problems caused by a dangerous dog
- Orders are good throughout the state
- Orders cannot ban a dog from the municipality
- Change of ownership

\$500-\$1000 fines for violations of the hearing authority's order

The dog is subject to seizure

- Warrant will have to be issued by the court unless the owner surrenders the dog
- You cannot enter private property to seize a dog without a warrant and police assistance

Violations of Nuisance or Dangerous Dog Orders

MGL Chapter 140 sec 157A Dangerous and Nuisance Dogs

Let's take a minute
and review guide
page 7

Training Guide Pause

Complaints	Who can issue a complaint and who should it be issued to?	
Hearings	Does the municipality have to have a hearing if one is requested?	What is needed before the Hearing?
Options	What are the three rulings that can be given by the hearing authority?	
Orders	How does what can be ordered for a nuisance dog differ from orders for a dangerous dog?	
Change of Location	What happens if a dangerous dog moves to another MA town?	What about out of state?
Change of Ownership	What needs to be done for a dangerous dog to be rehomed?	
Penalties	What are they?	What would the ACO need to have to seize the dog?

If a nuisance or dangerous dog hearing is requested, what steps should the ACO take?

Section 174E – Tethering Law

Training Guide page 8



Will review all subsections, but of most importance:

- **Section 174E(f)(1):**

“No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering... for the purpose of this subsection, “cruel conditions and inhumane chaining or tethering” shall include, but not be limited to, the following conditions:

(1) Filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog’s physical or emotional health”

Importance of the Law

Allows punishment for offenses in situations where the abuse or neglect does not rise to a felony level

Allows officers to build a stronger case in court by showing a history of lower-level offenses

Allows officers to address common issues in animal control

Section 174E(a)

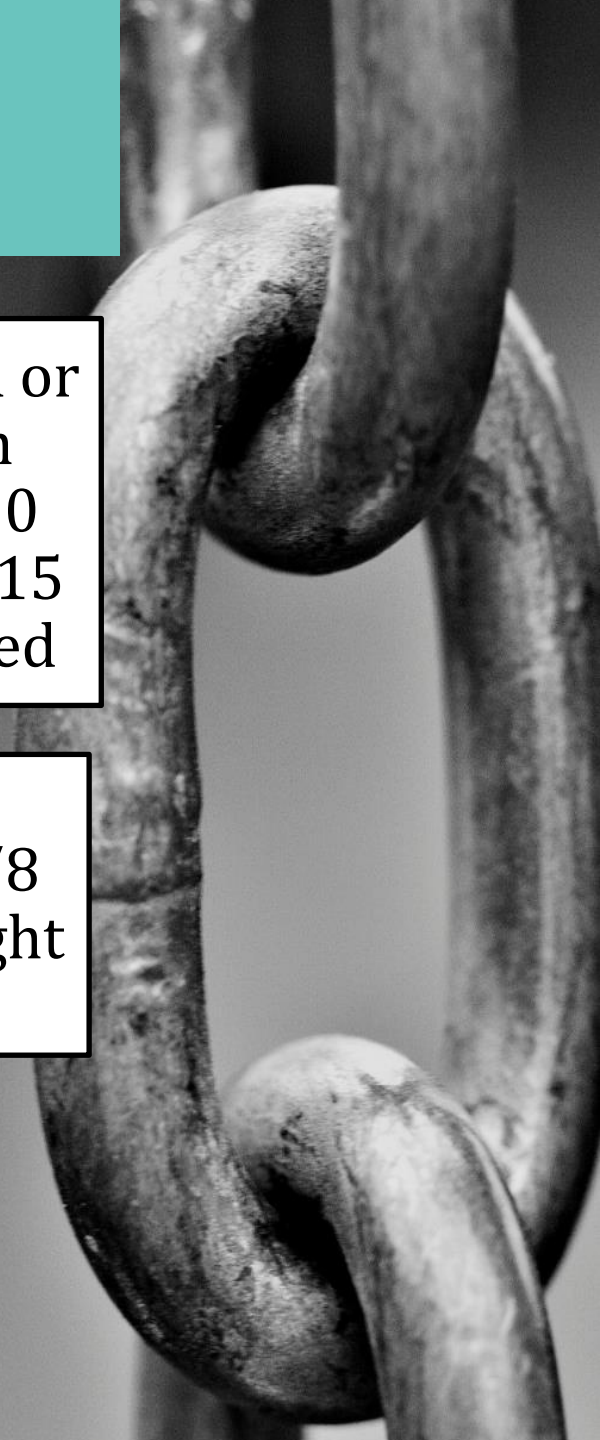
Dog be tethered or chained for no more than 5 hours in a 24-hour period

Cannot be tethered or chained between 10:00 PM and 6:00 AM for more than 15 minutes unattended

Tether/chains must be designed for dogs

Not more than 1/8 of dog's body weight

Dog must be older than 6 months of age





Section 174E(b)

Pen or enclosure must be no less than 100 sq. ft.

Must have a minimum height adequate to secure the dog

Dog must have the ability to run safely

Only one dog is allowed on each cable run

Section 174E(b)

- A dog's tether or chain must be at least 10' in length
- A cable must be mounted at least 4' high but no more than 7' above ground level
- Length of the tether from the cable run to the dog's collar or harness must allow for continuous access to clean water and adequate shelter at all times
- Properly fitting harness/collar; no choke or pinch collar







Section 174E(c)



Adequate shelter allows a dog to be dry/protected from elements

- Enclosed 3 sides, roof and solid floor
- 4th side must block entry of weather elements
- Allow dog entry/exit
- Small enough to retain dog's body heat
- Large enough to stand, lie down, and turn comfortably
- Structurally sound and in good repair
- Clean bedding
- Adequate drainage



Section 174E(d)

- No dog can be tethered outside when a weather advisory, warning, or watch has been issued
- No dog can be tethered outside for more than 15 minutes under conditions including:
 - Extreme heat/cold
 - Wind, rain, snow, or hail which pose an adverse risk to the health or safety of the dog based on the dog's breed, age, and/or physical condition





Section 174E(e)

- Exemptions for outdoor confinement
 - Camping or recreational area
 - Shepherding or herding livestock





Section 174E(f)

- “Cruel conditions and inhumane chaining or tethering” including, but not limited to:
 - Filthy/dirty confinement conditions
 - Taunting/threatening a confined dog
 - Subjecting a dog to dangerous conditions

174E Fines

First offense: Written warning or punished by a fine of not more than \$50



Second offense: Punished by a fine of not more than \$200



Third offense: Punished by a fine of not more than \$500 and be subject to the impoundment of the dog in a local shelter at the owner's, keeper's, or guardian's expense pending compliance with this section, or loss of ownership of the dog

Let's take a minute
and review guide
page 8

Training Guide Pause

MGL CHAPTER 140 SECTION 174E - TETHERING LAW

Key Section

(f) No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or the tethering at any time. For the purposes of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, **but not be limited to**, the following conditions:

- (1) filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
- (2) taunting, prodding, hitting, harassing, threatening, or otherwise harming a tethered or confined dog; and
- (3) subjecting a dog to dangerous conditions, including attacks by other animals.


What are some scenarios that could be cited under the tethering and confinement law?

Importance of this law	• Allows punishment for offenses in situations where the abuse or neglect does not rise to a felony level.
	• Allows officers to build a stronger case in court by showing a history of lower-level offenses.
	• Allows officers to address common issues in animal control.

What are some of the tethering restrictions listed?

What is required for adequate outdoor enclosures?

What are the requirements for shelter?

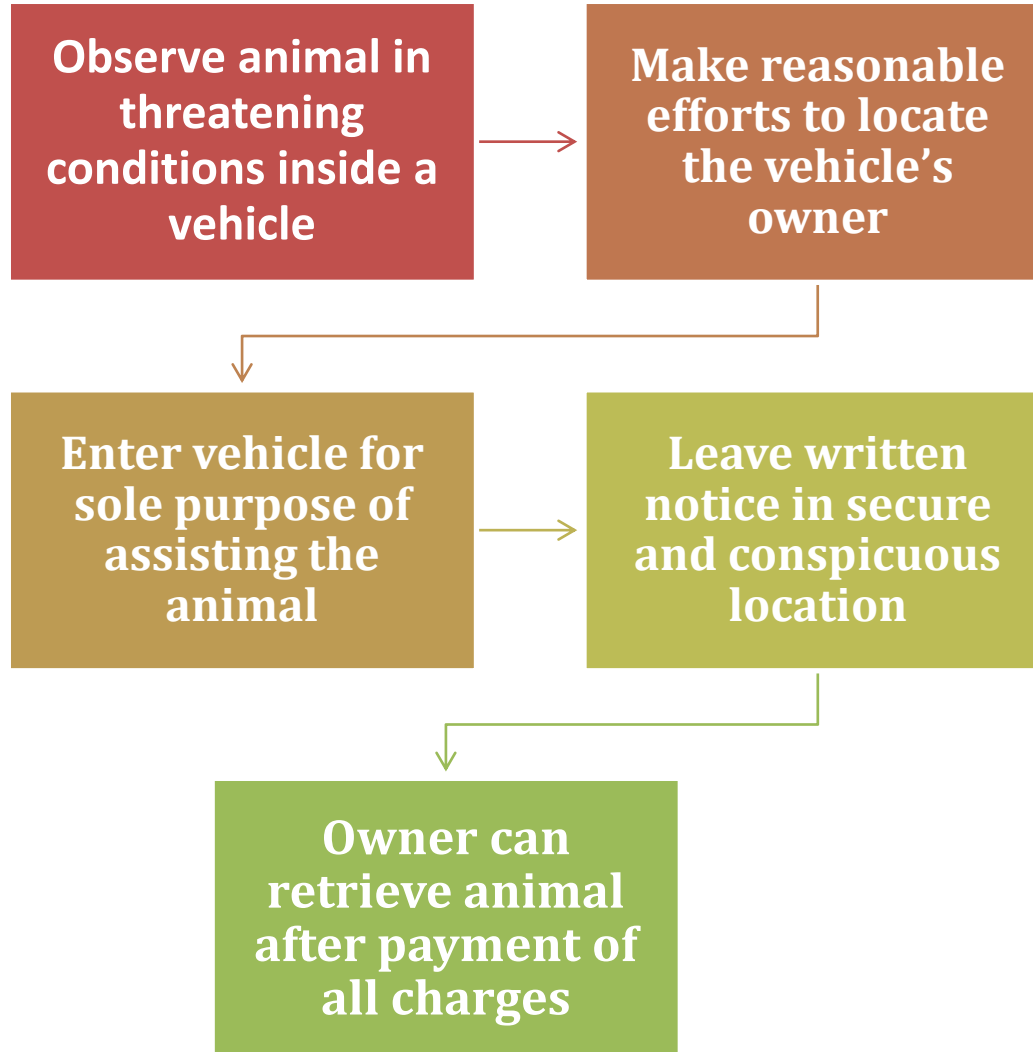
A close-up photograph of a brown dog, possibly a Weimaraner, looking out of a car window. The dog's head is resting on the window sill, and its eyes are looking out towards the left. The background outside the window is blurred, showing a bright, overexposed area.

Section 174F – Vehicle Confinement

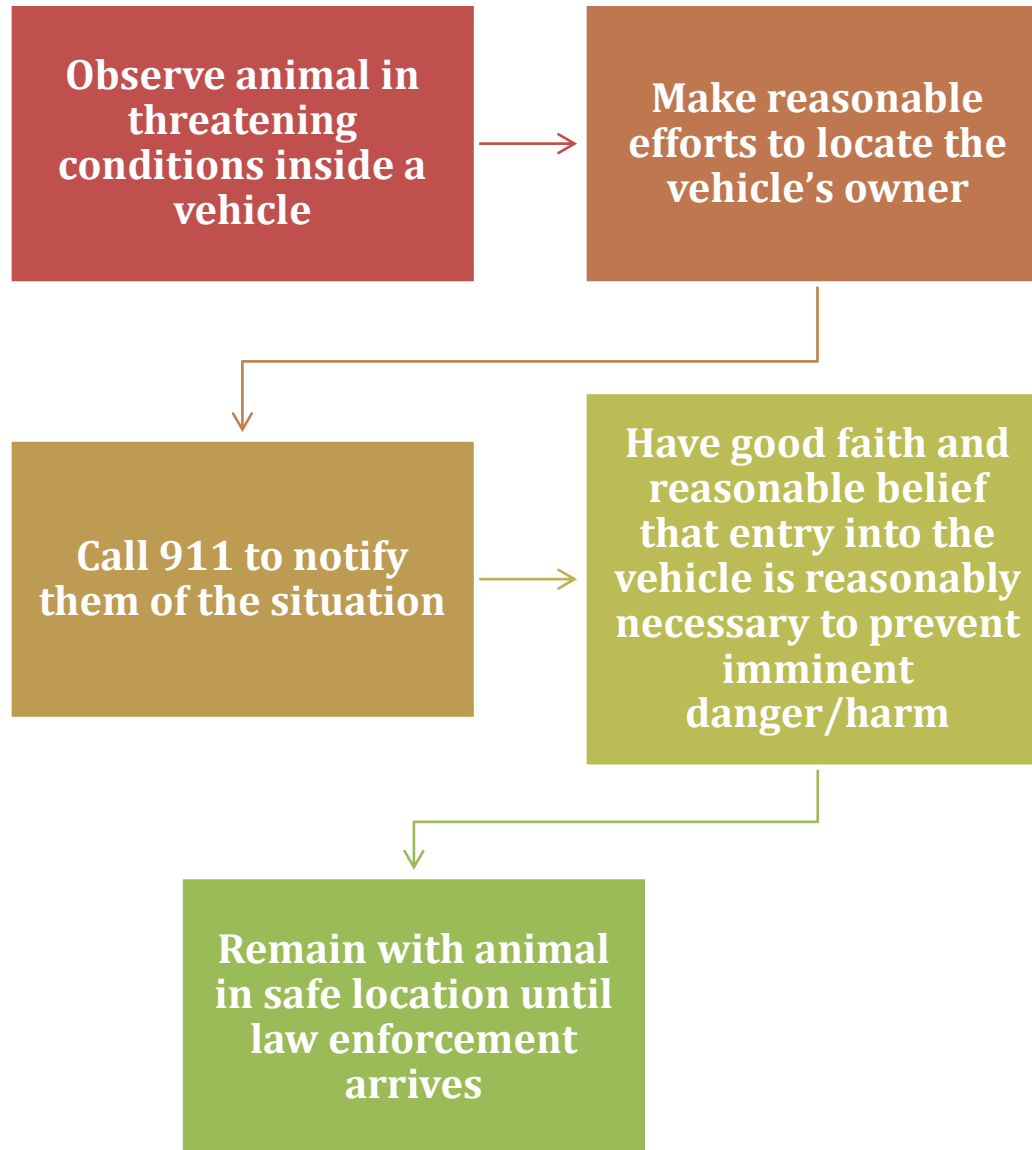
Training Guide page 9

- 174F(a): “A person shall not confine an animal in a motor vehicle in a manner that could reasonably expect to threaten the health of the animal due to exposure to extreme heat or cold.”

Steps for ACOs



Steps for Civilians



174F Fines

First offense: Fine of not more than \$150

A teal-colored arrow pointing downwards, connecting the first offense box to the second offense box.

Second offense: Fine of not more than \$300

A teal-colored arrow pointing downwards, connecting the second offense box to the third offense box.

Third offense: Fine of not more than \$500

GROUP DISCUSSION

Has your municipality
updated bylaws to
include Chapter 140
Section 174F?
Have you started any
education campaigns
you would like to
share?

ANIMAL
RESCUE
LEAGUE
of BOSTON



A champion for animals



When the temperature
goes up, leave your
pet at home.

Too HOT for Spot!

5 TIPS TO KEEP YOUR PET SAFE

ARL's annual safety campaign, "Too Hot for Spot", reminds pet owners about the dangers your pet faces when temperatures begin to rise. Even when the mercury dips below 80 degrees, the threat for heat stroke still exists. Pets don't sweat the way humans do, making them unable to cool their bodies efficiently in the heat.

1. **Prevention is always your best bet.** Whenever possible, leave your pet at home a cool humidity and temperature-regulated room.
2. **If your pet must be outdoors,** find a shady spot with ample air flow to prevent overheating.
3. **Hydration is key,** so keep a bowl of cold water accessible at all times.
4. **Limit exercise to the morning or evening hours** when temperatures are at their coolest.
5. **Never leave your pet alone in a parked car**—even with the air conditioner on or the windows cracked.

Spot an animal in imminent danger or distress?
Contact your local Animal Control Office or Police Department.

For more pet safety tips, visit
www.arlboston.org

MGL CHAPTER 140 SECTION 174F - VEHICLE CONFINEMENT

Let's take a minute
and review guide
page 9

Training Guide Pause

What is the biggest difference between civilian action and ACO/Law enforcement action?

What are Penalties?

What steps should be taken after an animal needs to be removed from a vehicle?

MDAR
MASSACHUSETTS DEPARTMENT
OF AGRICULTURE
AND FORESTRY



line 33F



ANIMAL CRUELTY

Animal Cruelty Statutes

Training Guide page 10

Chap. 96.

AN ACT TO PREVENT CRUELTY TO ANIMALS.

Be it enacted &c., as follows :

Penalty for torturing animal.

SECTION 1. Every person who shall cruelly beat, maim or torture any animal, shall be punished by imprisonment in the county jail, or house of correction, not more than one year, or by a fine, not exceeding one hundred dollars.

Repeal.

SECTION 2. The twenty-second section of the one hundred and thirtieth chapter of the Revised Statutes, is hereby repealed.

Approved March 14, 1859.

What Constitutes Cruelty?



Four basic needs of animals must be met:



Food: Not spoiled and in an amount sufficient to sustain the animal



Drink: Access to clean water of a sufficient amount to sustain the animal



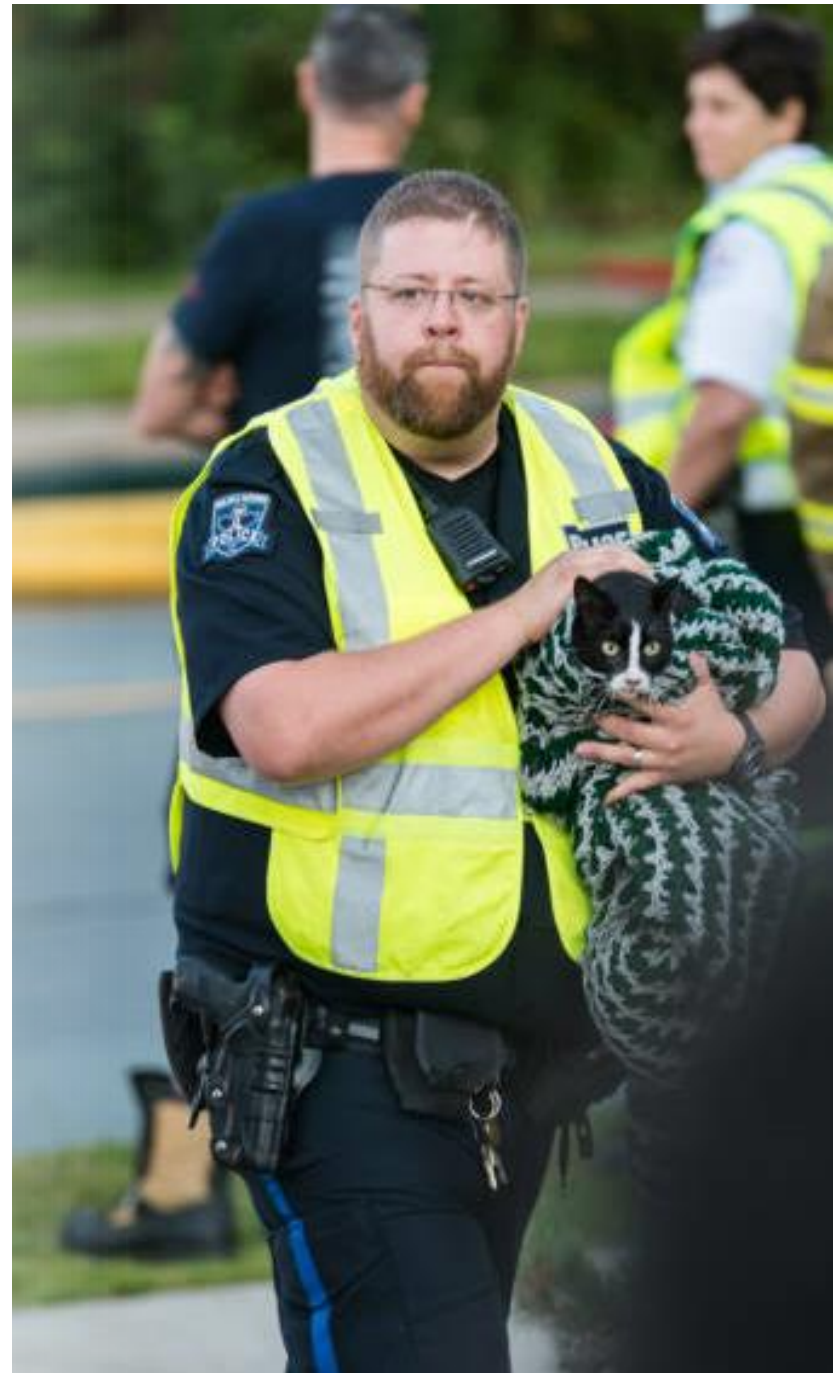
Shelter: Clean, of sufficient size for the animal, and provides adequate protection from the weather



Veterinary Care: Nails not growing into pads, fur not matted and hindering movement

Preventing/Stopping Animal Cruelty

- Some investigations you conduct are to prevent or stop an animal from being treated inhumanely
- This is a matter to bring to the attention of the police in your municipality, the Animal Rescue League of Boston (ARL), or the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA)



Conducting Investigations

Be alert and observant at all times



Look at the animal in question



Ask questions of everyone involved in the incident, Interview each involved person separately. Write down their names, addresses, telephone numbers, dates of birth and their relevance to the case.



Document Everything. Take photos and video, which can greatly help an investigation and/or court case

Conducting Investigations

Label	Educate	Follow up
Label all items with the date, time, location, and case number	<p>Before you leave, try to educate the individual</p> <ul style="list-style-type: none">• Many people are unaware that they have done something wrong• Provide them with possible solutions to help prevent another incident	Follow up on every investigation you conduct and do what you said you would do

Cruelty Investigations

- Crime Scene
 - Evidentiary chain of custody
 - Tampering or contaminating evidence
 - Illegal search and seizure
- Search Warrant
 - Report writing is critical to constructing a coherent affidavit
 - Issued to and served by sheriffs, deputy sheriffs, constables or police officers



Exigent Circumstances

- There are very few exemptions to the search/seizure warrant requirement
 - Illness or injury that requires immediate veterinary attention to preserve the life of the animal.
- A dead dog chained to a tree is not exempt
 - There is ample opportunity to obtain a warrant



Exigent Circumstances

If you didn't immediately rush
to the veterinarian,
it wasn't exigent circumstances



Request Assistance from Law Enforcement

- Chapter 272, Section 84
 - Sheriffs, deputy sheriffs, constables and police officers SHALL prosecute all violations of sections 77 to 81, inclusive, which come to their notice.

DISCUSSION

Do you recognize cruelty in any of these images? What, in particular, shows you that the owner has been negligent or cruel?











Let's take a minute
and review guide
page 10

Training Guide Pause

CHAPTER 272 - ANIMAL CRUELTY

What are the four basic needs of animals?

- 1.
- 2.
- 3.
- 4.

How do violations of Chapter 140 laws, differ from violations of Chapter 272 laws?

Who has the authority to enforce Chapter 272 sec. 77-81, animal cruelty violations?

List some examples of exigent circumstances?

What should immediately happen for any animal seized under exigency?



line 33F

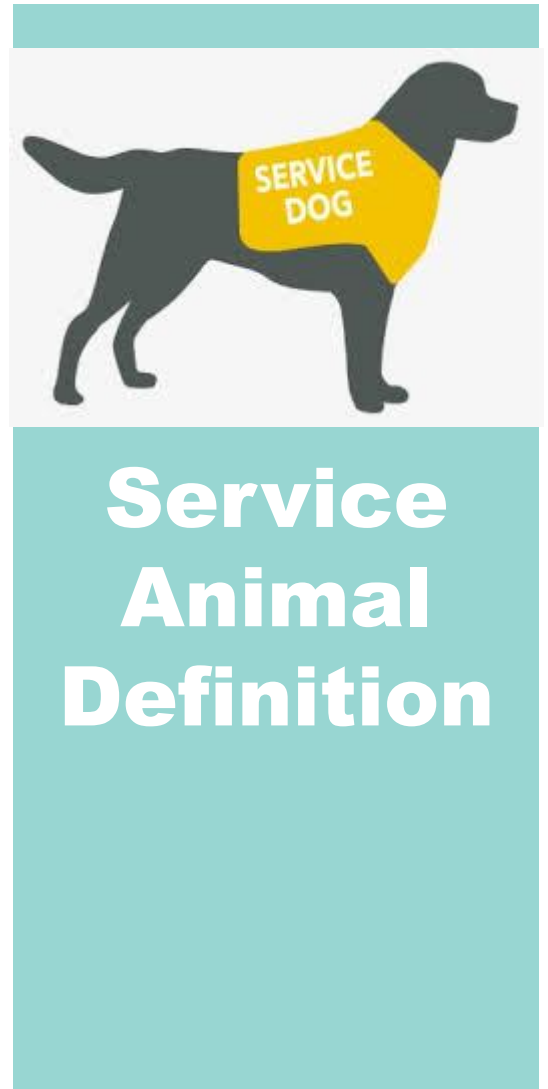


SERVICE ANIMALS

TRAINING GUIDE PAGE 11

A **service animal** means any *dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Emotional support animals, comfort animals, and therapy dogs are NOT service animals under Title II and Title III of the ADA.



*In MA, entities must make reasonable modification in policies to allow individuals with disabilities to use miniature horses if they have been individually trained to do work or perform tasks for individuals with disabilities.

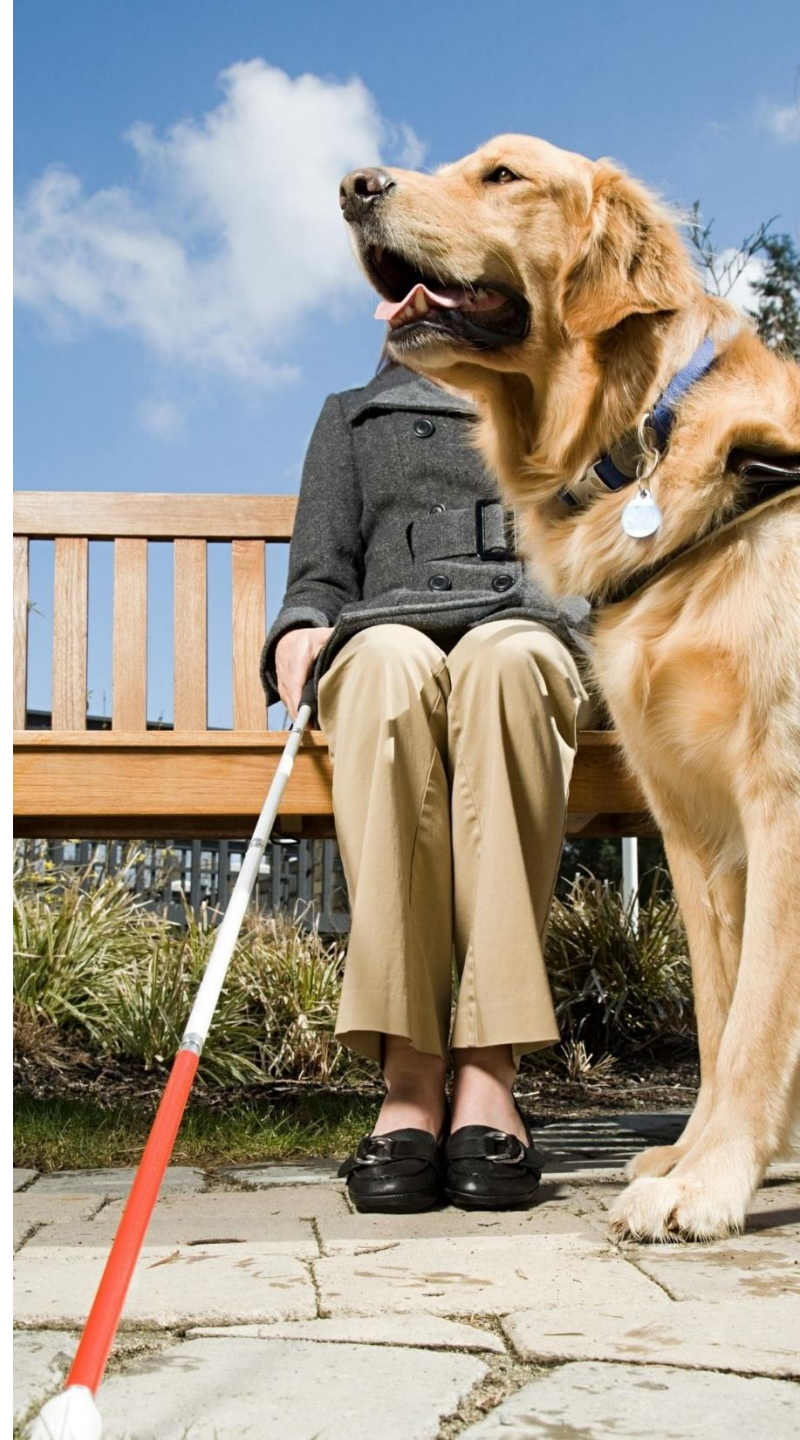
Types of Service Animals

- **Guide Dog/Seeing Eye Dog**
- **SSigDOG**
- **Seizure Response Dog**
- **Hearing or Signal Dog**
- **Psychiatric Service Dog**



Handler's Responsibilities

- Care and supervision of the animal
- Use of harness, leash, or other tether
 - In rare instances, voice control
- Housebreaking
- Vaccination in accordance with state and local laws



Handler's Rights

Service animals must be allowed to accompany the handler to any place in the building or facility where members of the public, program participants, customers, or clients are allowed.

- **Only two questions may be asked:**



What work or task has the animal been trained to perform?

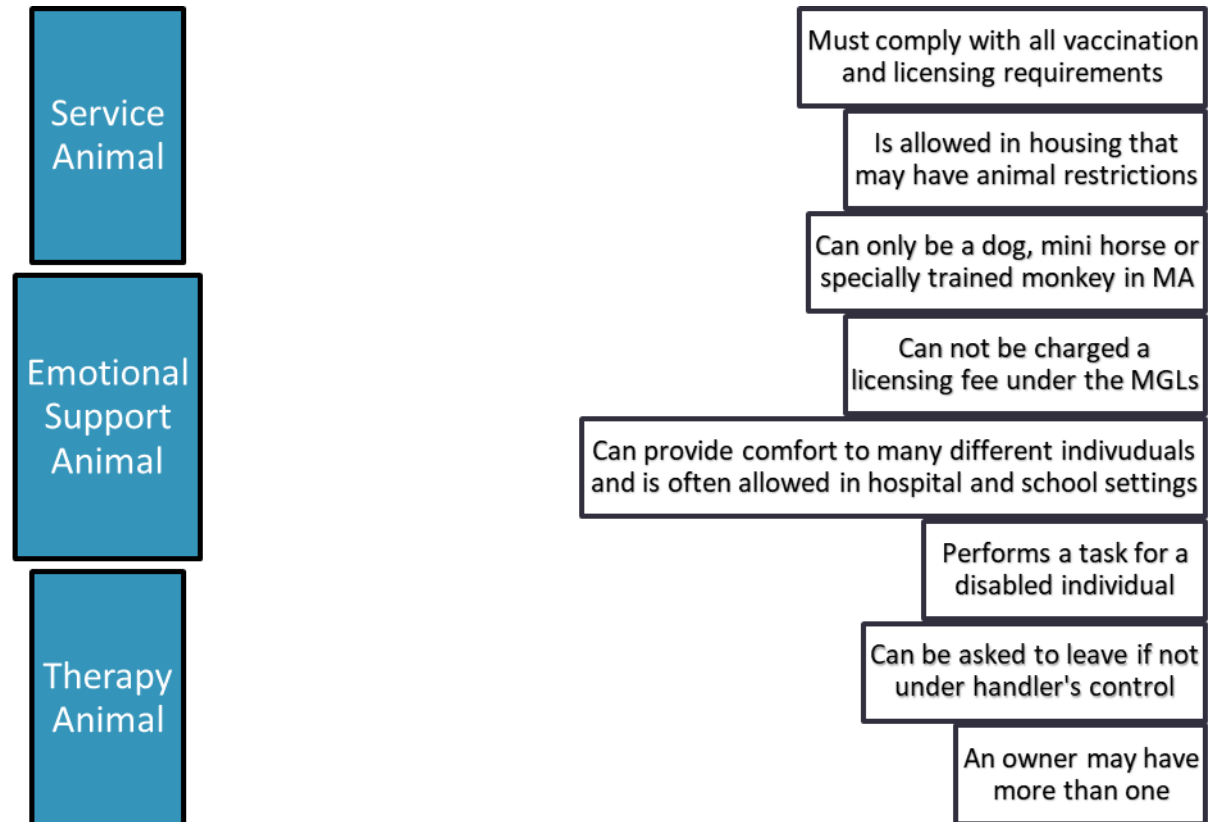
Is the animal required because of a disability?

Let's take a minute
and review guide
page 11

Training Guide Pause

Service Animals

Below are three types of assistance animals, draw a line from the type of assistance animal to the statements that apply



Scenario:

A young man enters a library with a dog. What are the two things that can be asked

1. _____
2. _____

Note: *In MA, entities must make reasonable modification in policies to allow individuals with disabilities to use miniature horses if they have been individually trained to do work or perform tasks for individuals with disabilities.

MDAR
MASSACHUSETTS DEPARTMENT OF
AGRICULTURE
MASSACHUSETTS DEPARTMENT OF
NATURAL RESOURCES



line 33F



OTHER PAWS II CHANGES

Abandoned Animals/ Paws II

Training Guide page 12

- (PAWS II) Acts of 2018 added that property owners, lessors, or designees must check vacated properties for the presence of abandoned animals.



Abandoned Animals/ Paws II

- MGL Chapter 186 Sec. 30 -Rentals need to be checked within 3 days.
- MGL Chapter 239 Sec. 4 -Animals found at the time of eviction
- MGL Chapter 244 Sec. 41 –Foreclosures need to be checked within 3 days

If any animals are found that person shall immediately notify animal control, police officer or other authorized agent of the presence and condition of the animal(s).



Abandoned Animals/ Paws II

- In all 3 cases, the person in control of the property or designee shall not be considered the owner, possessor or person having the charge or custody of the animal under MGL chapter 272 sec. 77.
- The animal shall be considered abandoned if it is found in a vacated property. (steps must still be taken to reach the owner, and custody may need to be awarded through courts)

GROUP DISCUSSION

- How do you handle abandoned animals?
- What is the key difference between an abandoned animal and a stray?
- What steps do you take to try to reach the owner?



Mandatory Abuse Reporting / Paws II

Training Guide page 12

- MGL Chapter 19A Sec. 42, Chapter 19C sec. 14, and Chapter 119 sec. 85 were updated that suspected animal cruelty **MAY** be reported by:
 - Department of Children and Families employees or contractors,
 - Department of Elder Affairs investigators,
 - Disabled Persons Protection Commission investigators

Mandatory Abuse Reporting / Paws II

- MGL Chapter 19A sec. 15, Chapter 19C sec. 1, and MGL Chapter 119 Sec. 85 were amended:
 - Animal Control officers are now **MANDATORY** reporters for suspect cases of child, elder and disabled person's abuse.



Paws II/ Chapter 272 Updates

- Sec 77c : was added to define animal sexual abuse.
- Sec. 79: was updated to expand who/what entities can be charged with certain types of animal cruelty.
- Sec. 80E1/2: was added to prohibit death by drowning and establish penalties.
- Sec. 80H Increased penalties to vehicle operator if they do not report hitting a cat or dog
- Sec. 91 was updated to allow animal fighting victims to be assessed to determine placement options.

Let's take a minute
and review guide
page 12

Training Guide Pause

Paws II-Criminal Violations

What are the three types of housing circumstances that must checked for animals?	
What are the ACO responsibilities for abandoned animals?	

Who MUST report animal abuse?	Who MAY report animal abuse?
ACO responsibilities	



line 33F



CHAPTER 129 AND MDAR

TRAINING GUIDE PAGE 12



**Division of
Animal Health
MDAR**

The health and safety of the Commonwealth's domestic animals is the Division of Animal Health's primary responsibility.

MDAR Functions

Sections of Chapter 129 are enforced at the state level

- Pet shop licensing and inspections
- Interstate animal shipments
- Regulation of private shelters and rescues

Section 2 Orders - Similar to the ACO's powers under Chapter 140, section 174E

- MDAR can issue orders to owners of domestic animals at risk of contracting diseases based on poor living conditions or inadequate care before they become criminal animal cruelty cases

Cooperation Between ACOs and Animal Inspector/MDAR

- Seeking owners of loose or stray livestock or poultry
 - Inspector has a list of properties where such species are kept
- Reportable disease list
 - Certain diseases are reportable to MDAR
 - Concern for diseases in both companion animals and livestock or poultry
- All dog bites and possible rabies exposures must be reported to the Animal Inspector

Reportable Diseases for Dogs/Cats



Brucellosis

Canine Distemper

Canine Influenza

Canine Parvovirus

Feline Calicivirus

Feline Panleukopenia

Leptospirosis

Animal Inspector



- The Animal Inspector serves as an agent of the Department of Agricultural Resources – MGL Chapter 129 statutes
 - Issue quarantines/mainly rabies
 - Conduct annual “barn” inspections

Animal Inspector

- Issue quarantines /mainly rabies
 - Dogs and cats biting people or other animals
 - Domestic animals exposed to wildlife or suspected rabid animals

Discussion: If a quarantine is not issued properly and another incident happens?
Who may be held liable?

Animal Inspector

- Conduct annual “barn” inspections
 - Monitor health status of livestock and poultry
 - Confirm adequate shelter, food and water
 - Ensure property is managed properly
 - Gather animal information for emergency response plans

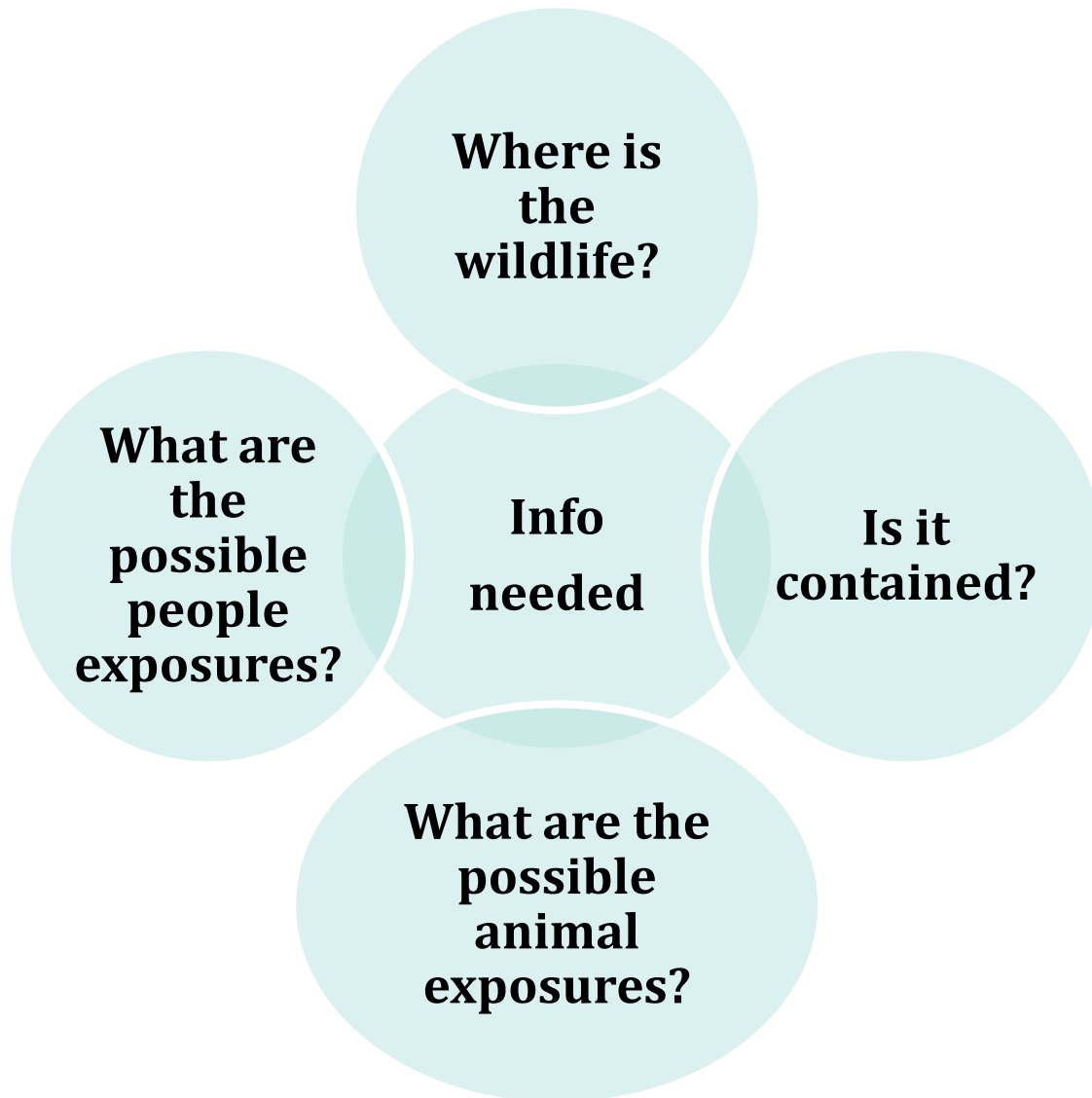


Cooperation Between ACOs and Animal Inspector/MDAR

- For rabies exposure response ACOs need to work closely with AIs
 - AIs issue quarantines, ensure samples are tested, report to MDAR
 - ACOs handle bite reports, investigate dangerous dog situations, and assist in animal capture (if needed) and help ensure samples are tested.



Exposure Questions



DO NOT

give medical advice for exposed people beyond basic first aid.

Refer questions to Mass Dept. of Public Health and Epidemiology

Rabies Regulations & Protocol



330 CMR 10.00 revised in
2016

Simplified vaccination protocols and quarantine exposure categories

- Management of dogs & cats exposed to wildlife
- Management of dogs & cats exposed to other animals
- Management of dogs & cats which bite humans

Massachusetts Department of Agricultural Resources



Division of Animal Health

Vaccination Protocols

Any dog, cat or ferret with an exposure gets an immediate booster.

***unless vaccinated within 30 days or they have a medical exemption,**

Any exposed animal with a history of prior vaccination gets 45-day quarantine.

Exposed dogs and cats that have never received a vaccine need 4-month quarantines.

(*and those that won't receive a booster because of a medical exemption)

Group Discussion

Does your municipality offer vaccination clinics to help your residents comply with this law?
Do you know what the compliance rate is for your municipality?



Shelter/Rescue Regulations

330 CMR 30.00 Animal
Rescue and Shelter
Organization
Regulations went into
effect in March of 2020.



Shelter/Rescue Program

- Individuals and organizations involved in the transfer of animals in Massachusetts and that are not licensed as pet shops under MGL Chapter 129 Section 39A must register as shelter/ rescue organizations with MDAR.
- A charitable/nonprofit organization or individual placing animals for purpose of providing for and promoting the welfare, protection and humane treatment of animals.

*Note an individual breeding and selling offspring from their owned animals are not considered a pet shop or shelter/rescue.



Shelter/Rescue Regulations



- Provide standards relating to the importation, handling, and care of animals in connection with their placement.
- Regulations are enforced by MDAR
- ACOs conduct kennel inspections and report issues to MDAR



Shelter/Rescue Regulations

- Kennel inspections and kennel licenses are required for their annual shelter/rescue license
- Municipal facilities are exempt from shelter/rescue regulations, 30.05 can be viewed as minimum standards for animal kenneling.

Pet Shop Definition

- Pet Shop. A place or premises where Animals are kept for the purpose of either wholesale or retail sale, import, export, barter, exchange, or gift.
- For the purposes of 330 CMR 12.00, entities licensed by the Department as a Rescue Organization under 330 CMR 30.00: Animal Rescue and Shelter Organization Regulations shall not be deemed a Pet Shop



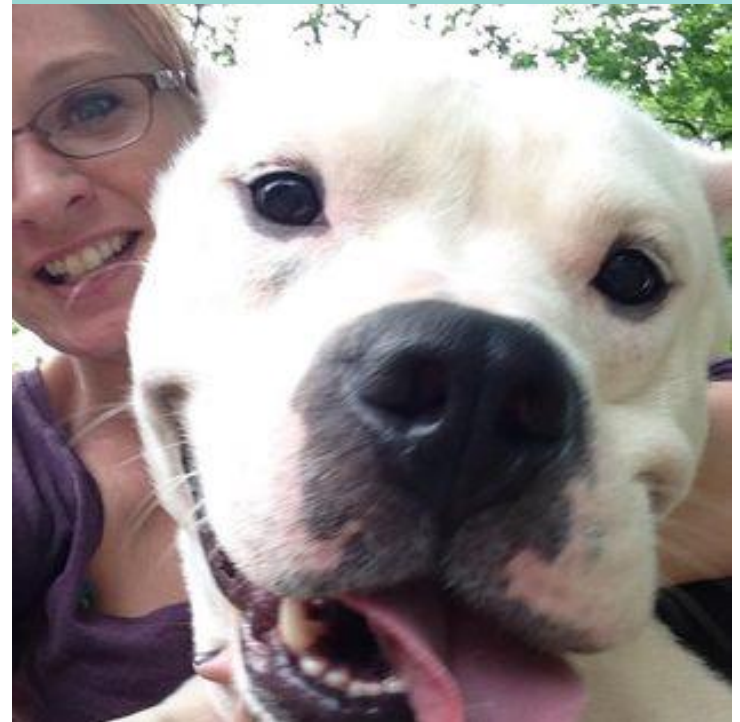
330 CMR 12.00 Licensing and Operation of Pet Shops

- ACOs are NOT responsible for inspecting pet shops in Massachusetts **(no kennel license needed)**
- All complaints or issues should be reported to MDAR's Animal Health Division
- MDAR may ask Animal Inspectors or ACOs to assist in some cases.



- MDAR wants to support ACOs
 - Training and continuing education
 - Mass Animal Fund Spay/Neuter Voucher Program
 - Building Relationships with other resources
 - Environmental Protection
 - Fisheries and Wildlife
 - Environmental Police
- Offering the same level of support as has been provided to Animal Inspectors

Cooperation between ACOs and MDAR



Let's take a minute
and review guide
page 12

Training Guide Pause

CHAPTER 129 AND MDAR

Massachusetts Department of Agricultural Resources

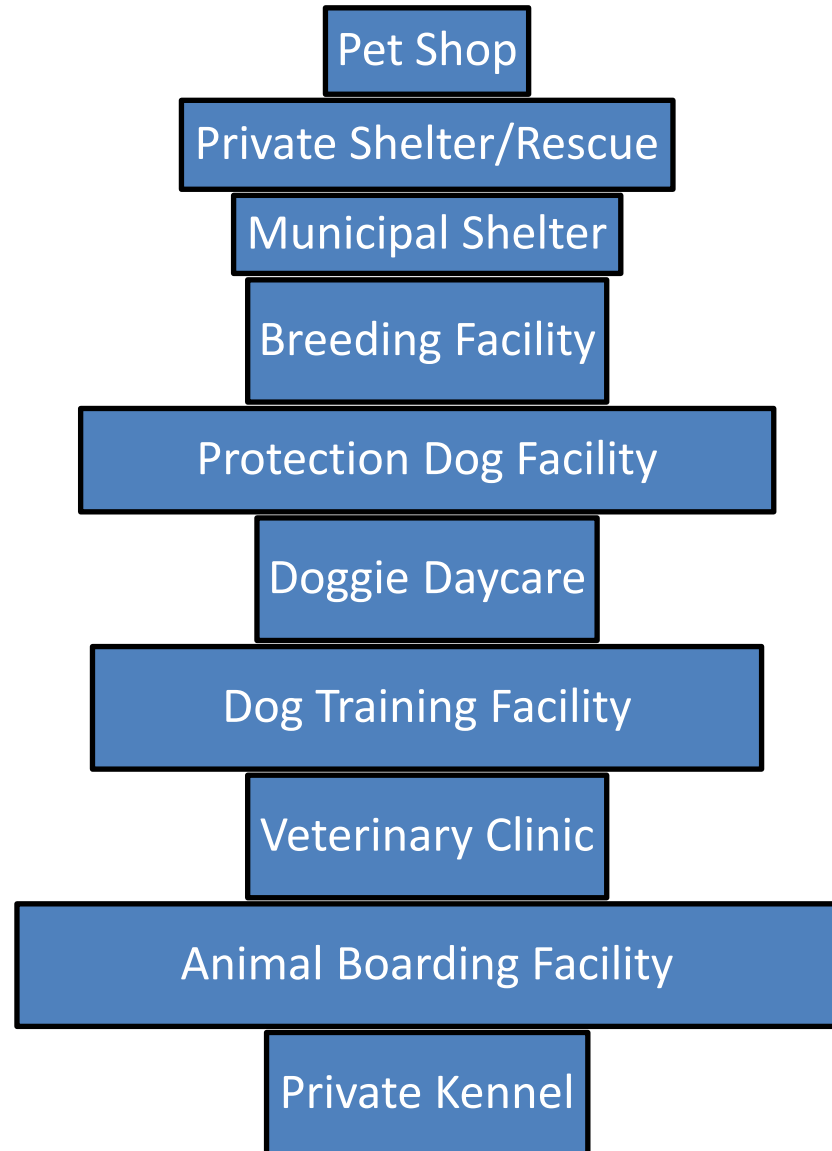
MDAR	The health and safety of the Commonwealth's domestic animals is the Division of Animal Health's primary responsibility.
What are four things MDAR is responsible for?	
Animal Inspector Role	serves as an agent of the Department of Agricultural Resources – MGL Chapter 129 statutes. Can one person be an ACO and AI?
Rabies Circle which tasks are the AIs responsibility	<ul style="list-style-type: none"> Handles Bite Reports Gives Medical Advice Enforces Rabies Regulations Investigates Dangerous Dogs Conducts Barn Inspections Captures Animal for Testing Issues Quarantine Reports to MDAR Releases Quarantine

Let's take a minute
and review guide
page 13

Training Guide Pause

KNOWLEDGE CHECK

Below are types of organizations that hold animals, we will read statements, please tell us which organizations they apply to.



WRAP UP

Questions?