



# ANIMAL LAWS AND REGULATIONS IN MASSACHUSETTS

**ACO CORE COMPETENCIES**

# Core Training Guide

- In an effort to reduce waste and save paper the Core Competencies Slides, MA lawbook, and handouts are available online on our ACO Resources page.
- Each ACO has 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

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

“Dog Officers”

Kennel Licenses

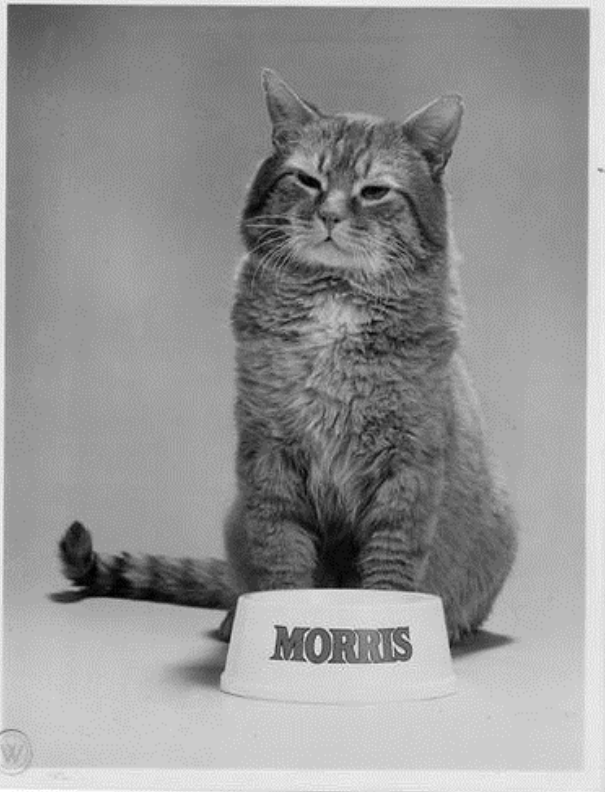
Dog Licenses - \$2  
Male/\$5 Female  
(unless spayed)

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

County  
Commissioner  
oversight



# Subsequent Notable Amendments



**1967 Noncriminal Citations**

**Required Vaccines for Cats (1993)**

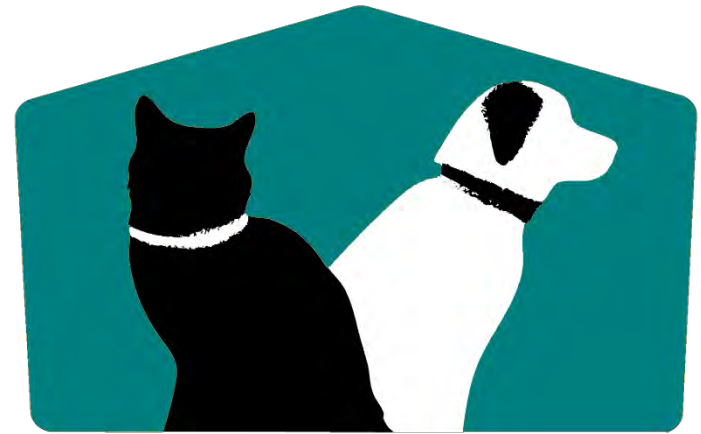
**Chapter 193 of the Acts of 2012**

**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 Protecting Animal Welfare and Safety

## (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.

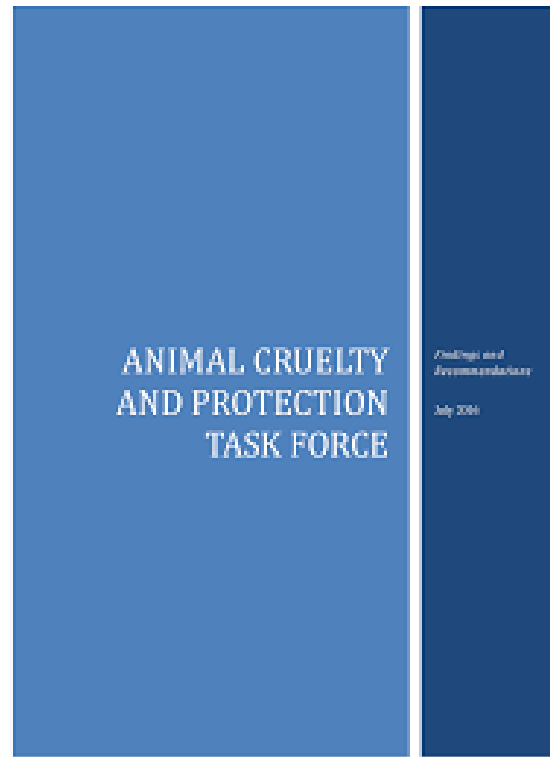


Honoring Puppy Doe, a female pit bull who was euthanized in August 31, 2013 because of the extensive injuries she suffered from her abuser.

# PAWS II

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





# Acts of 2024

- Ollie's Law: Signed into Law 9/20/24 updated and added to Chapter 140 kennel licensing laws and gives MDAR authority to write rules and regulations for kennels.

# Acts of 2024 additional changes

**Traveling Animal Law: prohibits the use of elephants, big cats, primates, giraffes and bears in traveling exhibits and shows.**

**Prevent Abuse and Exploitation: adds to animal cruelty definitions and reporting guidance**

**Prohibits the sale of kittens and puppies under 8 weeks of age.**

**Prohibits feline declawing unless for a therapeutic purpose.**

**Prohibits selling or offering cats and dogs in on roadsides, outdoor markets, parking lots etc.**





MDAR  
MASSACHUSETTS DEPARTMENT  
OF AGRICULTURE  
AND FORESTRY RESOURCES

line 33F

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC HEALTH

MASSACHUSETTS  
ANIMAL FUND

# MGL CHAPTER 140 AND ANIMAL CONTROL LAWS

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

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

# Municipal Requirements



- Municipality must **annually** designate an animal control officer.
- Names, contact info and date of hire must be submitted annually or immediately upon hire to MDAR
  - ACO designation forms are emailed to ACO supervisors at the end of December and are due back by February 1<sup>st</sup>.
- The municipality (mayor or board of selectmen) must **annually** issue a warrant to the ACO for duties, animal confinement and records. MGL Chapter 140 Sec. 151A & Sec. 153

# Municipal Requirements

- Municipality must have or contract with a sanitary and humane kennel as a holding space for dogs. This information must be reported to MDAR.
- **Must submit kennel licensing information annually starting in 2025!**
- Municipalities must annually nominate an animal inspector for approval by MDAR



# Dog Licenses – Section 137

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

\*Dogs in a licensed kennel and owned by the kennel licensee are exempt (2024)



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.



**MEDICAL EXEMPT**  
**Considered**  
**Unvaccinated if**  
**exposed to rabies**

# 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



# **Ollie's Law**

## Timeline



**Bill signed 9/20/2024**

**Ollie's Law takes effect 12/19/2024**

**Advisory Committee Formed 3/19/2025**

**Municipalities must submit first annual kennel list to MDAR 6/1/2025**

**MDAR reports to legislature 7/1/2025**

**Regulations must be completed by 6/2026**

**Advisory Committee Sunsets 12/31/2026**



## **Ollie's Law** Information Page

- MDAR has created a webpage where they will post resources and any updates
- The website can be found at:

[www.mass.gov/info-details/ollies-law-information](http://www.mass.gov/info-details/ollies-law-information)

# Kennel Licenses (Updated 9/20/24!)

## Chapter 140 Sec. 137A

**\*NEW in 2025\***

**Municipalities must annually (by Jun1st) report to MDAR a list of all licensed kennels and their addresses**

- Kennel licenses are issued by the municipal licensing authority
  - Municipality determines licensing period
  - On license, the licensing authority must specify:
    - type of kennel license
    - maximum number of animals



# Kennel Definitions

## Chapter 140 sec. 136A



**"Kennel"**, a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

- **Note:** Animal control facilities, pet shops, groomers (only holding for grooming purposes) or veterinarians (only holding for medical treatment) are not considered "kennels" for licensing purposes.

**"Licensee"** a person who owns and maintains a kennel that has received a kennel license from the relevant licensing authority

# Kennel Licenses

## Chapter 140 Sec. 137A

### Personal kennel license needed

#### MORE than 4 dogs on the property

- Breeder (hobby or individual)
- Foster home
- Foster dogs must also be individually licensed if over 6 months and kept for more than 30 days



\*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
- **\*NEW\* (Acts of 2024) Kennel tags are no longer required, instead any dog over 6 months of age (not owned by the kennel licensee) must be individually licensed.**



# Kennel Inspections – Section 137C

## **Inspections MUST be conducted by an ACO before initial licensing, and UPON renewal**

- ACO must give a passing Kennel Inspection Report to the licensing authority prior to issue.

Kennel inspections shall be performed as needed **(at least annually)** by the ACO, but if there is a conflict of interest or ACO is unavailable the following municipal employees may inspect (for non-licensing purposes):

- Selectman
- Mayor
- Police Chief
- Police Commissioner (Boston)
- Town Manager

# Kennel Inspections

**For NOW** 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: \_\_\_\_\_ Page 1 of \_\_\_\_\_

Kennel license number: \_\_\_\_\_  
Inspection date: \_\_\_\_\_

**1. Kennel information:**

Kennel name: \_\_\_\_\_  
Kennel owner: \_\_\_\_\_  
Kennel address: \_\_\_\_\_  
Kennel phone: \_\_\_\_\_  
Kennel veterinarian and address: \_\_\_\_\_

Number of dogs over 6 months old on premise: \_\_\_\_\_  
Maximum number of dogs allowed for this license: \_\_\_\_\_

**2. Licensing status:**

Kennel license status: New ☐ Renewed ☐ Expired ☐ Unlicensed ☐  
Kennel type: Personal ☐ Commercial ☐ Daycare ☐ Training ☐ Boarding ☐ Veterinary ☐  
Check all that apply  
Protection Dogs ☐ Shelter/Rescue ☐ Animals for Sale ☐ Breeder (parents on-site) ☐ Other \_\_\_\_\_  
If kennel license has not been renewed, why not? \_\_\_\_\_

**3. Housing:**

Dog Housing: Crates ☐ Kennel ☐ Free Range ☐ Other \_\_\_\_\_

**4. Conditions:** Please explain any No answers on page 2.

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"/>

**5. Comments:**

Approved ☐ Not approved ☐ Reinspect on or after: \_\_\_\_\_

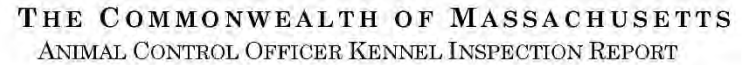
ACO's name: \_\_\_\_\_ Report received by: \_\_\_\_\_  
ACO's Signature: \_\_\_\_\_ Signature of Recipient: \_\_\_\_\_



# 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 \_\_\_\_

Report received by: \_\_\_\_\_  
Signature of recipient: \_\_\_\_\_  
ACO's name: \_\_\_\_\_  
ACO's Signature: \_\_\_\_\_

A black dog, possibly a Labrador Retriever, is looking out from behind the metal bars of a cage. 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 a dark rectangular opening.

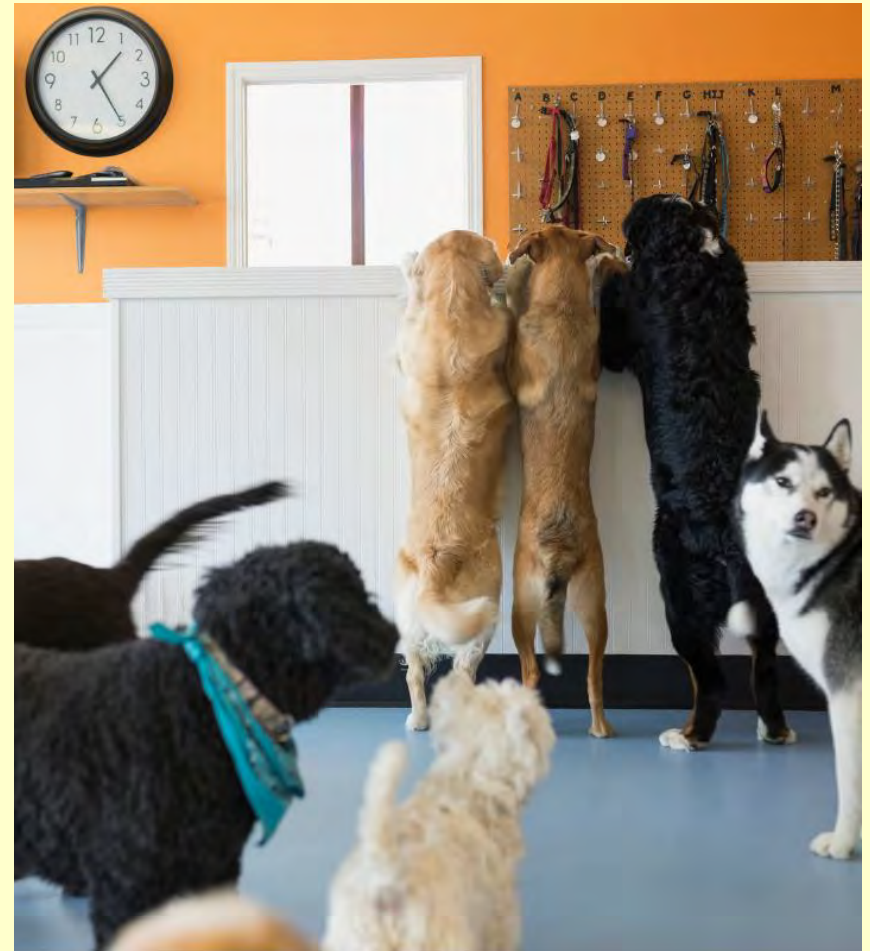
## Kennel License Fines

- 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)

# Chapter 140 Section 174G (Acts of 2024)

- Gives MDAR the authority to write/enforce rules and regulations for commercial boarding and training kennels by June 2026.
- Commissioner selected Advisory Committee meeting regularly to give input to MDAR as regulations are developed.



# Chapter 140 Section 174G (Acts of 2024)

- Requires that injuries to animals or people at a commercial boarding or training kennel be reported to licensing authority.
  - Investigations of injuries will be by done by the licensing authority or MDAR



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

# 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?

# Injury Reporting

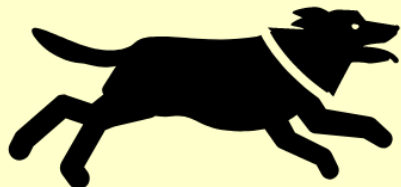
- MDAR created a Form for Injury Reporting
- This form should be submitted to the licensing authority
- The licensing authority then should assign who investigates

<p><b>Under MGL Chapter 140 Section 174G</b> all injuries to animals and/or people that occur on the premise of a commercial boarding kennel or training facility must be reported to the licensing authority. The licensing authority shall investigate all complaints. <b>Please submit this form through your local Town Clerk and Animal Control Officer</b></p>		<p>Municipality: _____ Date Submitted: _____ Documents attached: _____</p>	
<h2>Kennel Injury Reporting Form</h2>			
<p><b>Person Submitting Report:</b> <input type="checkbox"/> Please check if you wish to remain anonymous.</p>			
Name: _____	Address: _____	Phone: _____	
Email: _____	Association with kennel: <input type="checkbox"/> Owner <input type="checkbox"/> Employee <input type="checkbox"/> Client <input type="checkbox"/> Other		
<p><b>Kennel Information:</b></p>			
Name of kennel/organization: _____			
Address: _____		City/Town: _____	
Owner name: _____		Phone: _____	Email: _____
<p><b>Injury Information:</b> <input type="checkbox"/> Dog Injury <input type="checkbox"/> Human Injury <input type="checkbox"/> Other: _____</p>			
<p>Please describe the injury/incident:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>			
<p>Was medical attention received? <input type="checkbox"/> No <input type="checkbox"/> Yes If so, for who? _____</p>			
<p>Where was the medical attention received? _____</p>			
<p><b>ACO Investigation Information:</b></p>			
<p>Kennel Licensing Status: <input type="checkbox"/> Current <input type="checkbox"/> Expired <input type="checkbox"/> Revoked/Suspended Date: _____ <input type="checkbox"/> Unlicensed</p>			
<p>Inspection Needed <input type="checkbox"/> No <input type="checkbox"/> Yes Violation Found: <input type="checkbox"/> No <input type="checkbox"/> Yes</p>			
<p>Actions Taken: _____</p> <p>_____</p> <p>_____</p>			
<p>Receiving Authority Title: _____</p>			
<p>Receiving Authority Signature _____</p>			<p>Date _____</p>

# ACO Duties and Responsibilities

## MGL Chapter 140 Sections 151 and 151A

- Catch and confine dogs not collared or tagged (1934 language)  
Modern interpretation through at- large or leash bylaws= catch and confine loose or stray dogs.
- ACO must actively seek out the owner
- 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 for all animals handled



# Types of Animal Intakes

Stray dogs

Law enforcement  
seizures

Public safety  
matters

Other stray  
domestic animals  
animals?

Abandoned  
animals?

Owner  
surrenders?

What are some of the times when a shelter/rescue should ideally be taking in an animal verses animal control?





## 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

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



# Municipal Holding Considerations



- Holding locations must be reported to MDAR annually and must be available for inspection when requested.
- Municipal animals should be separated from any other animals on property since vaccine/health status is often unknown.
- If animals are being held anywhere besides a municipal facility, holding contracts should be obtained.
- Animal holding/adoption fees collected must be reported to the town treasurer and should be listed on animal intake forms.

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

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

Rabies vaccination given by: \_\_\_\_\_ Name of Veterinarian \_\_\_\_\_  
On \_\_\_\_\_ Date \_\_\_\_\_ Rabies vaccination expires on: \_\_\_\_\_ Date \_\_\_\_\_

### 5. Euthanasia:

Animal was destroyed on \_\_\_\_\_ Date \_\_\_\_\_ using \_\_\_\_\_ 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
- Contact police department
- Contact nearby veterinary hospitals
- Contact nearby ACOs or police departments

**City of Boston**

**Animal Care and Control**  
26 Mahler Road, Roslindale  
617-635-1800  
[animalcontrol@boston.gov](mailto:animalcontrol@boston.gov)



**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
  - Received custody form

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.

Let's take a minute  
and review guide  
pages 5

## Training Guide Pause

### Stray Animals- *What's the Primary Goal?*

Options (Municipality and ACO) if animal is unclaimed after hold period.

Option 1- Adoption	<ul style="list-style-type: none"><li>• Potential for liability</li><li>• Behavior and health status must be assessed.</li><li>• Can apply for MAF voucher to spay/neuter</li></ul>	What are some other considerations?
Option 2 - Transfer the Animal to a licensed shelter/rescue	<ul style="list-style-type: none"><li>• Check list of licensed shelter/rescues at Mass.gov</li><li>• CANNOT Transfer to a research facility, broker, or a pet shop</li></ul>	Considerations?
Option 3 - Euthanasia	<ul style="list-style-type: none"><li>• by a vet or under vet supervision, gunshot only allowed in true emergency situations.</li><li>• Barbiturates are the only acceptable means in non-emergency situations</li></ul>	Considerations?

# 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)

# GROUP DISCUSSION

- What is the key difference between an abandoned animal and a stray?





## **Abandoned Animal Guidance**

MDAR worked with peers from Animal Control, ARL, MSPCA, BWRA, ACOAM, and the Northwestern DA office to create a guidance document about how to handle abandoned animal cases and what are the best practices to reach owners.

## ANIMAL CONTROL ANIMAL CLAIM NOTICE

Municipality: \_\_\_\_\_ Animal Control Officer (ACO): \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Owner/Keeper Information: ☐ Owner ☐ Other \_\_\_\_\_

Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

### Alternate Person(s) Given the Authority to Claim Animal Information:

*It is the owner's responsibility to notify additional person(s) authorized to claim animal and **claim must be made by date on this notice.***

Alternate 1 Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Alternate 2 Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Animal Information: ☐ Dog ☐ Cat ☐ Other \_\_\_\_\_

Animal Name: \_\_\_\_\_ Sex: \_\_\_\_\_ Approx. Age: \_\_\_\_\_

Breed/ Description: \_\_\_\_\_ ID Number: \_\_\_\_\_

The animal listed above is being held under municipal care at the animal control's holding facility located at :

(Holding Address) \_\_\_\_\_.

Contact (ACO) \_\_\_\_\_ at (Phone) \_\_\_\_\_ to claim your animal.

Owner is liable for all fees that may accumulate while the animal is under municipal care.

Proof of rabies vaccination ( if applicable) and licensing (if applicable) should be presented at the time of claim.

The animal was brought into care on \_\_\_\_/\_\_\_\_/\_\_\_\_, and must be claimed by \_\_\_\_/\_\_\_\_/\_\_\_\_

I UNDERSTAND THAT THIS ANIMAL MUST BE CLAIMED BY ME OR AN AUTHORIZED ALTERNATE PERSON (LISTED ABOVE) BY \_\_\_\_/\_\_\_\_/\_\_\_\_ OR IT WILL BE CONSIDERED ABANDONED AND WILL BECOME PROPERTY OF THE MUNICIPALITY. AT THAT TIME, THE MUNICIPALITY WILL HAVE THE DISCRETION TO ADOPT OUT, TRANSFER TO A LICENSED SHELTER/RESCUE, OR HUMANELY EUTHANIZE THE ANIMAL.

Owner Signature \_\_\_\_\_ Date: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ ACO: \_\_\_\_\_ Date: \_\_\_\_\_

☐ Owner refused to sign ☐ Owner unable to sign \_\_\_\_\_ ☐ Owner given copy in hand ☐ Mail

# Abandoned Animal Guidance

- ACOs need to receive approval from their municipality and respective legal counsel before implementing protocols.
- An Animal Claim Form (10-day letter) may be utilized in many scenarios.

# Abandoned Animal Guidance

- Involuntary Abandonments
  - Arrest of their owner for a non-animal related criminal offense
  - An owner's medical emergency such as death or hospitalization due to a physical or mental condition
  - Involuntary commitment through the Court for alcohol or substance use
- Try to get the Animal Claim Notice signed at the time of arrest or hospitalization.



# Abandoned Animal Guidance

**If a signed Animal Claim Notice CAN NOT be obtained at the time of intake.**



Send a cover letter and an Animal Claim Notice to the owner's last known location through certified mail AND regular mail.

If the owner is hospitalized or incarcerated, send notice to the owner's case manager, or legal counsel. An ADA in the Court where the non-animal related criminal case is pending should be able to assist in contacting legal counsel.

If the owner is deceased, reach out to the police department to obtain information on next of kin and send a cover letter and an Animal Claim Notice through certified mail AND regular mail.

If the owner has special circumstances, consider longer term options for housing the animal such as foster homes, safe pet programs, or emergency shelters (for disasters), etc. If long term housing options are available, make sure to state the terms and conditions in the letter.

If the owner chooses to surrender the animal instead of claiming, have them sign and date a surrender form.

# Abandoned Animal Guidance

- Voluntary Abandonments

- A domestic animal enters ACO care after being found:

- at the time of an eviction foreclosure
    - as a stray;
    - after being left somewhere such as a boarding facility or public space;
    - or is left at a veterinary hospital.

- The ACO should work to get plans in place before an incident happens.



# Abandoned Animal Guidance

Try prevention first!

- Talk to local housing authorities, and landlords and encourage them to have tenants with pets reach out for assistance before an eviction date.
- Keep a list of licensed shelter/rescues, boarding facilities, pet friendly housing and veterinarians for residents to contact.



# Abandoned Animal Guidance

## Steps to take if prevention fails.

If the owner is present at time of eviction, try to get an Animal Claim Notice or a Surrender Form signed.

If the owner is local, an Animal Claim Notice can also be posted on the door of their dwelling. A picture of the posted notice should be taken and documented in a report.

If the animal is left at a boarding or daycare facility, the ACO should be notified of the abandonment. Boarding and daycare facilities should have care contracts in place with owners. ACOs are not required to take in the animals..

If the animal is left at a veterinary hospital, the ACO should be notified of the abandonment, but is not required to take these animals into ACO care, since vets follow their own statute for abandonments MGL C.112 Sec. 59A

Let's take a minute  
and review guide  
page 5

## Training Guide Pause

### Stray Animals- *What's the Primary Goal?*

Options (Municipality and ACO) if animal is unclaimed after hold period.

Option 1- Adoption	<ul style="list-style-type: none"><li>• Potential for liability</li><li>• Behavior and health status must be assessed.</li><li>• Can apply for MAF voucher to spay/neuter</li></ul>	What are some other considerations?
Option 2 - Transfer the Animal to a licensed shelter/rescue	<ul style="list-style-type: none"><li>• Check list of licensed shelter/rescues at Mass.gov</li><li>• CANNOT Transfer to a research facility, broker, or a pet shop</li></ul>	Considerations?
Option 3 - Euthanasia	<ul style="list-style-type: none"><li>• by a vet or under vet supervision, gunshot only allowed in true emergency situations.</li><li>• Barbiturates are the only acceptable means in non-emergency situations</li></ul>	Considerations?

# 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

# 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

SAMPLE NONCRIMINAL MUNICIPAL CITATION FORM  
FOR USE PURSUANT TO G.L. c. 40, § 21D  
APPROVED BY THE CHIEF JUSTICE OF THE DISTRICT COURT DEPARTMENT  
EFFECTIVE MARCH 21, 1991

CITY [or TOWN] OF [Name] NOTICE OF VIOLATION OF CITY ORDINANCE [or TOWN BY-LAW], RULE OR REGULATION	
DATE OF NOTICE	NOTICE NO.
NAME OF OFFENDER	
ADDRESS OF OFFENDER	
CITY, STATE, ZIP CODE	DOB OF OFFENDER
MV OPERATOR LICENSE NO.	MV/MB REGISTRATION NO.
OFFENSE (s)	
DATE & TIME OF VIOLATION	
LOCATION OF VIOLATION	
SIGNATURE OF ENFORCING PERSON	ENFORCING DEPT.
I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION x	
<input type="checkbox"/> Unable to obtain signature of offender. Date Mailed _____	
THE NONCRIMINAL FINE FOR THIS OFFENSE IS \$ _____.	
<b>YOU HAVE THE FOLLOWING ALTERNATIVES IN THIS MATTER:</b>	
<i>Either option (1) or option (2) will operate as a final disposition, with no resulting criminal record.</i>	
(1) You may <b>pay</b> the above noncriminal fine, either by appearing in person or through an authorized agent, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to: [City or Town Clerk] [Address].	
(2) You may <b>contest</b> this matter by making a written request for a noncriminal hearing before a court magistrate WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to: Clerk-Magistrate, [Name] District Court [Address] Attn: 21D Noncriminal hearings.	
(3) If you do not pay the noncriminal fine or request a hearing within 21 days, or if you do not appear for the hearing or pay any fine determined to be due, a criminal complaint may be issued against you.	
<input type="checkbox"/> I elect Option (1) above, confess the violation charged, and enclose payment by check, money order or postal note in the amount of \$ _____. I have written the number of this notice on my check, money order or postal note, or enclosed a copy of this notice.	
<input type="checkbox"/> I elect Option (2) above and request a noncriminal hearing on this matter. I have enclosed a copy of this notice and my name and current address.	
Signature _____	

# Municipal Citation Example

A citation template can be found on mass.gov

Search “municipal notice of violation example”

Mass.gov also has public instructions for how to pay a citation and information on appeals.

Search “dog control violation”



# 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?

# 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

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

## 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
- 4<sup>th</sup> 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 environmental 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	• <b>Allows punishment for offenses in situations where the abuse or neglect does not rise to a felony level.</b>
	• <b>Allows officers to build a stronger case in court by showing a history of lower-level offenses.</b>
	• <b>Allows officers to address common issues in animal control.</b>

What are some of the tethering restrictions listed?

What is required for adequate outdoor enclosures?

What are the requirements for shelter?

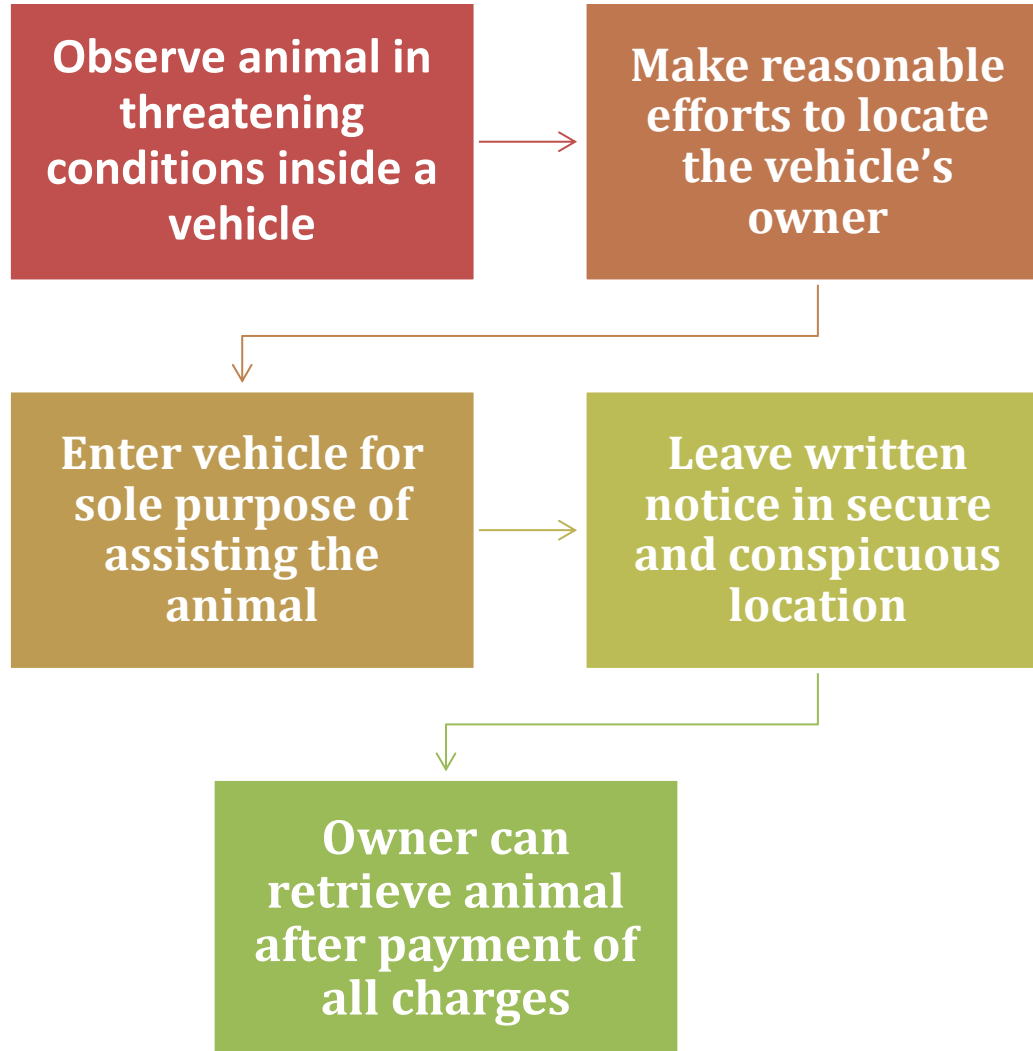
A close-up photograph of a brown dog, possibly a Weimaraner, looking out of a car window. The dog's head is resting on the window sill, and its eyes are looking out towards the left. The background outside the window is blurred, showing a bright, overcast sky and some indistinct shapes.

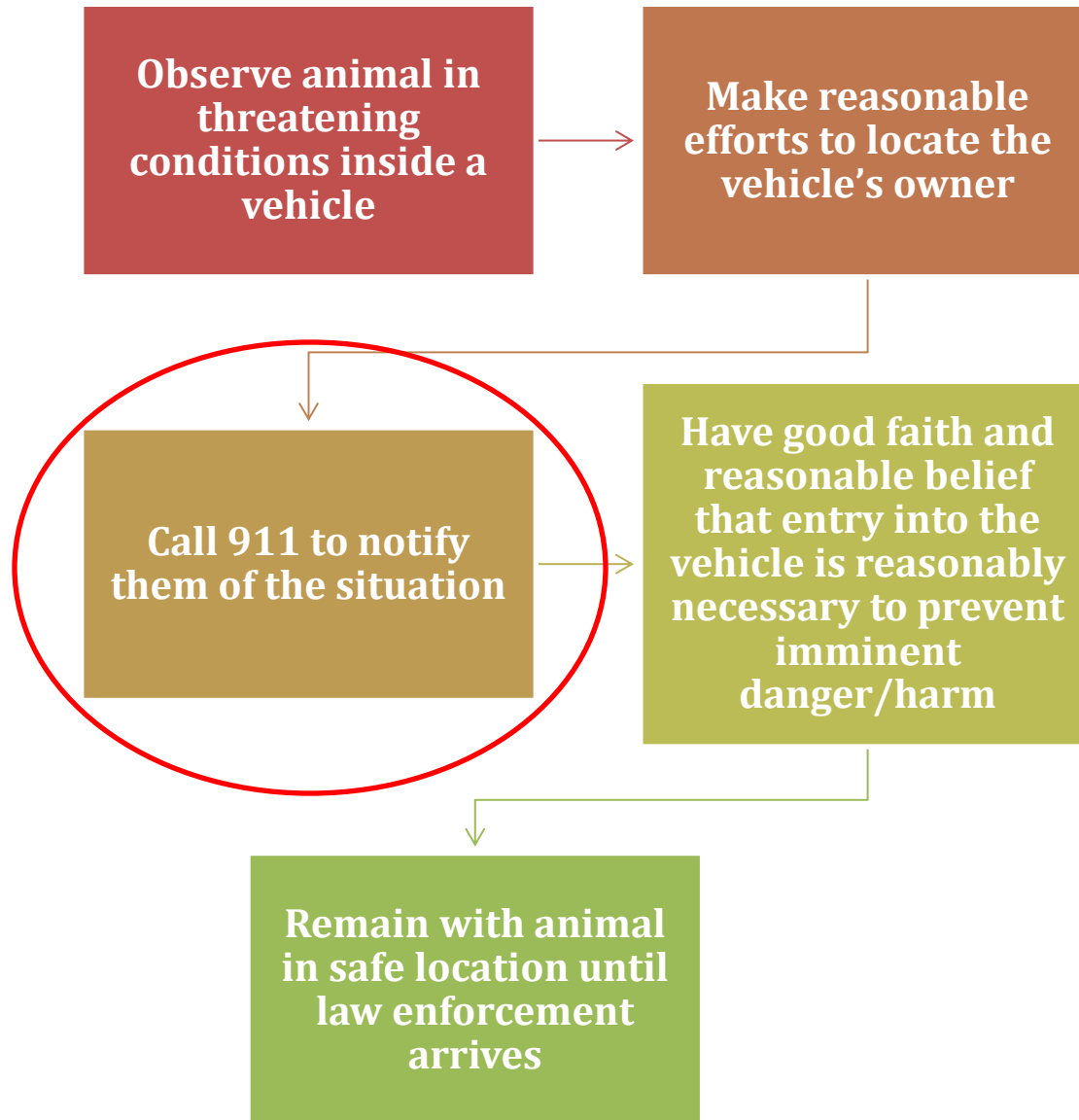
## Section 174F – Vehicle Confinement

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*



## 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 in 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](http://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.*

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# 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



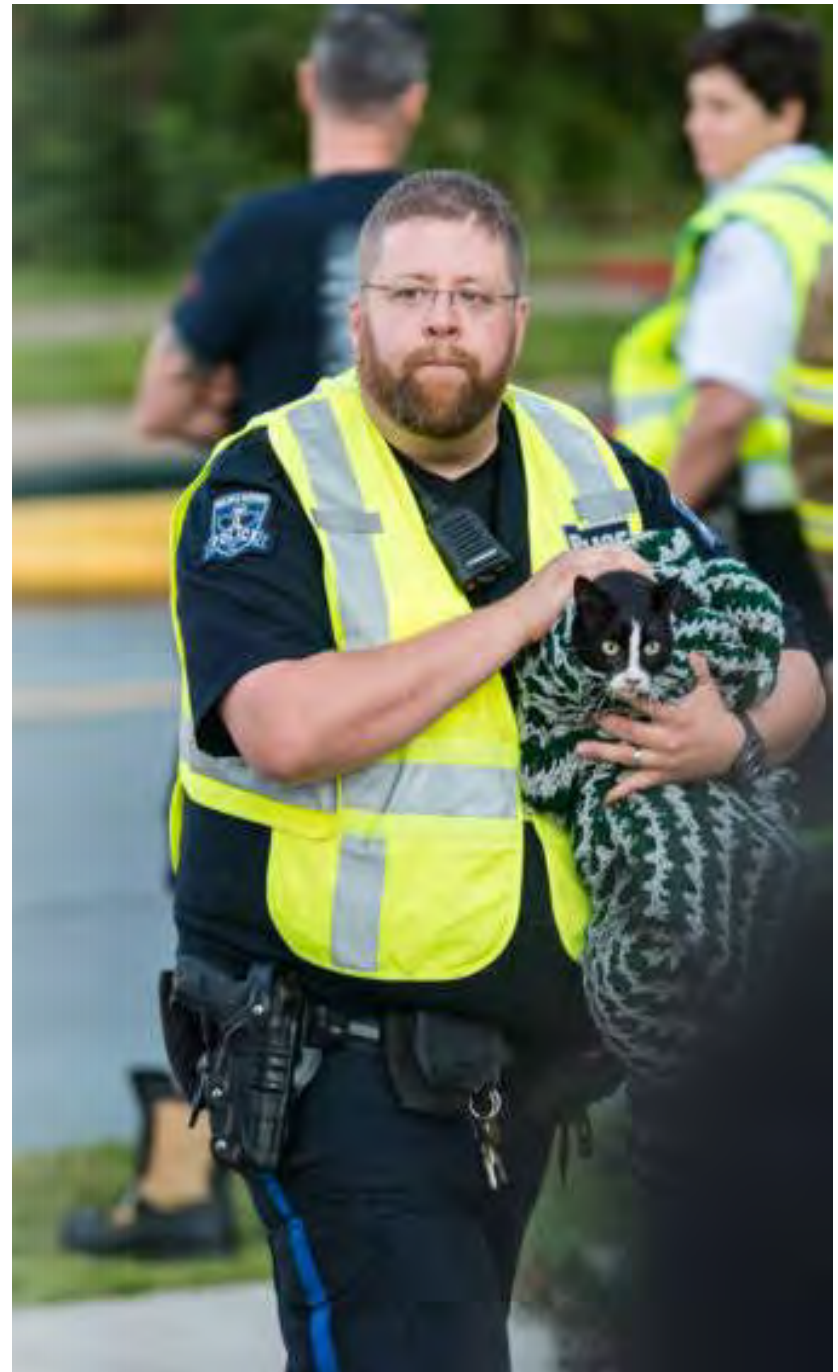
**Shelter:** Clean, of sufficient size for the animal, and provides adequate protection from the weather



**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

Label all items with the date, time, location, and case number

## Educate

Before you leave, try to educate the individual

- Many people are unaware that they have done something wrong
- Provide them with possible solutions to help prevent another incident

## Follow up

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 shows you that the owner has been negligent or cruel?











# 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 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?

Let's take a minute  
and review guide  
page 12

## Training Guide Pause

### Paws II-Criminal Violations

Who MUST report animal abuse?	Who MAY report animal abuse?
What other types of abuse are ACOs mandatory reporters of?	Do you know who to contact?



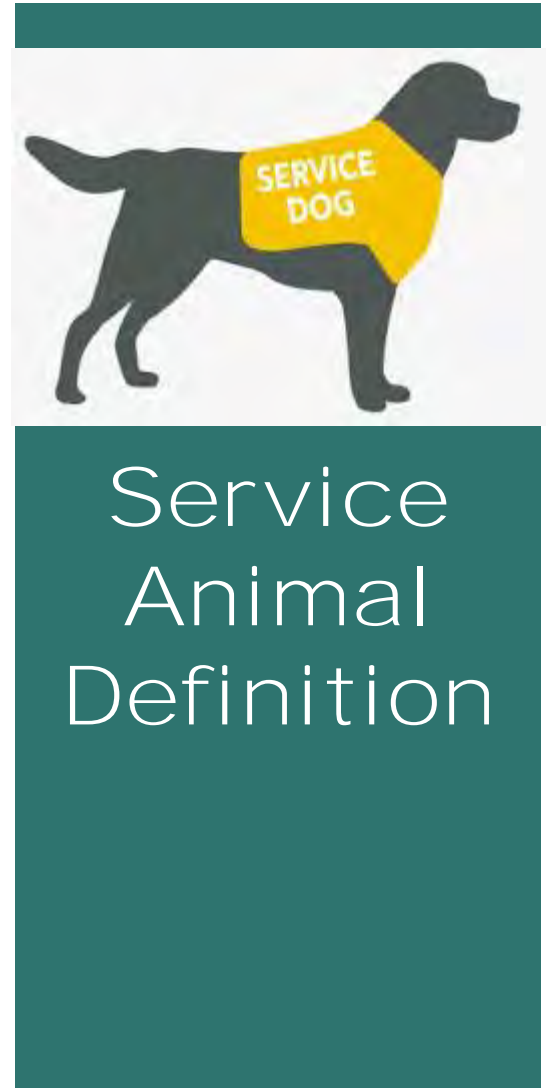
line 33F



# 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?

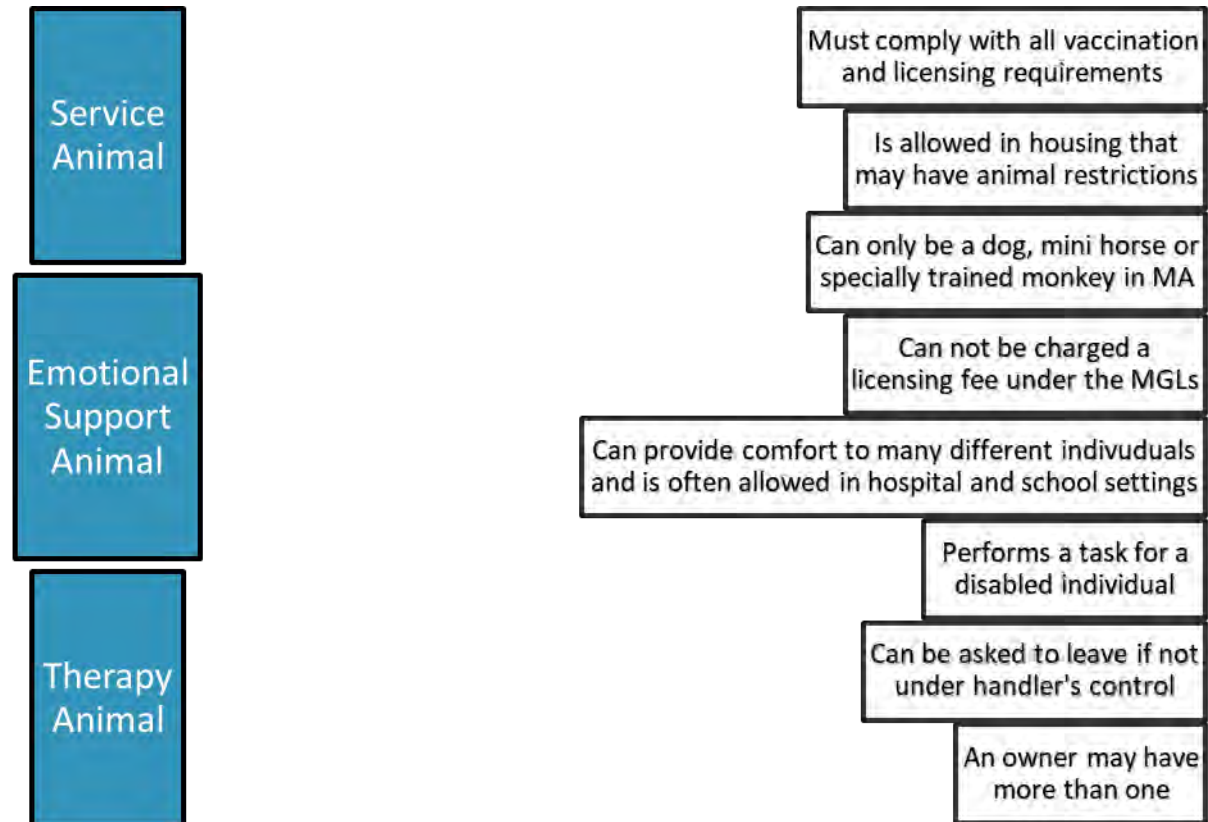
Is the animal required because of a disability?

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.



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# 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

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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



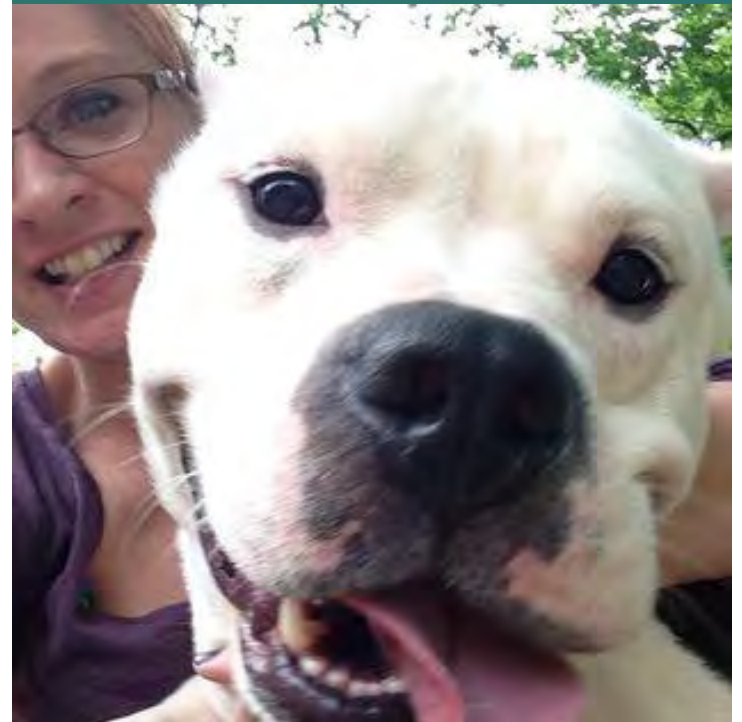
## 330 CMR 12.00 Licensing and Operation of Pet Shops

- 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  
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# Training Guide Pause

## CHAPTER 129 AND MDAR

### Massachusetts Department of Agricultural Resources

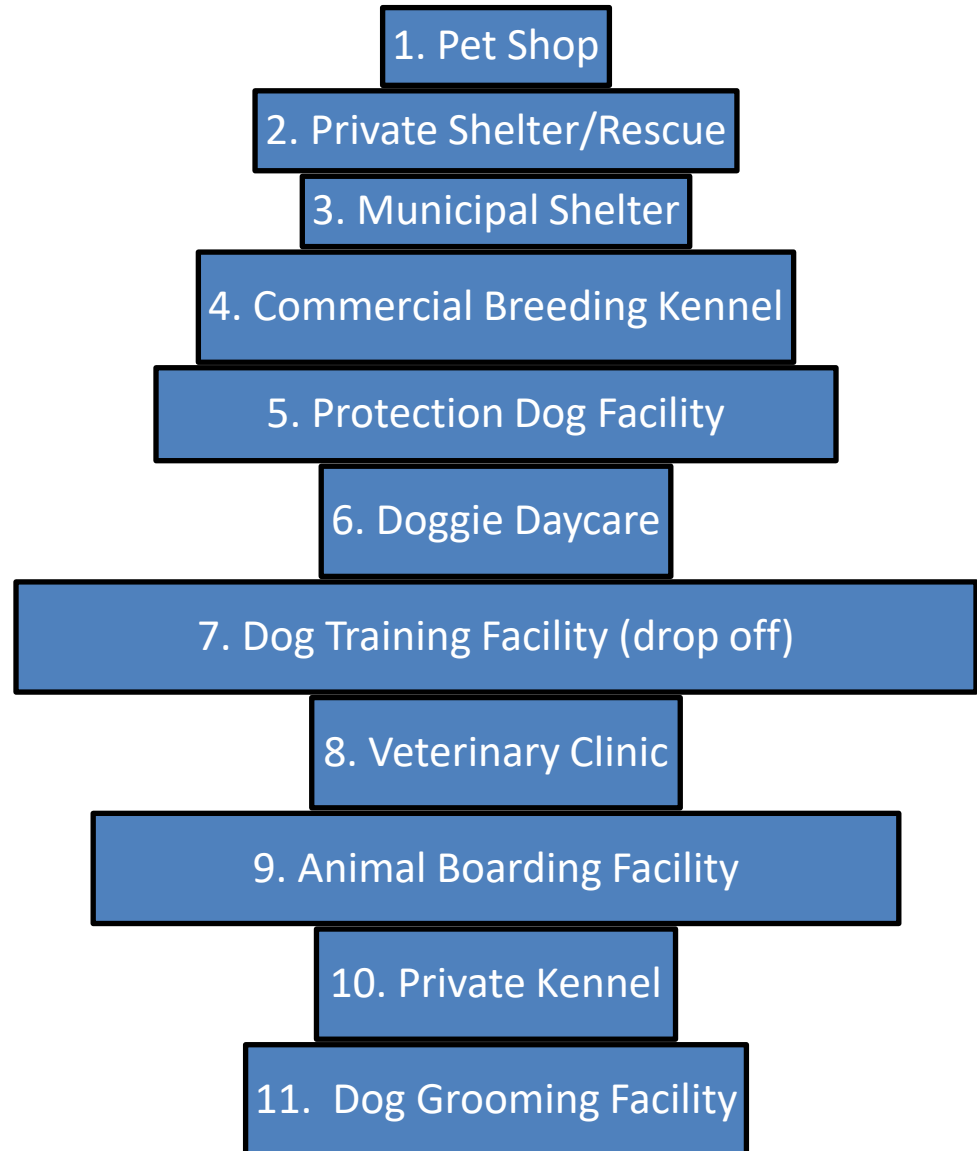
MDAR	The health and safety of the Commonwealth's domestic animals is the Division of Animal Health's primary responsibility.
What are four things MDAR is responsible for?	
Animal Inspector Role	serves as an agent of the Department of Agricultural Resources – MGL Chapter 129 statutes. <b>Can one person be an ACO and AI?</b>
Rabies Circle which tasks are the <b>AIs</b> responsibility	<div>Handles Bite Reports</div> <div>Gives Medical Advice</div> <div>Enforces Rabies Regulations</div> <div>Investigates Dangerous Dogs</div> <div>Conducts Barn Inspections</div> <div>Captures Animal for Testing</div> <div>Issues Quarantine</div> <div>Reports to MDAR</div> <div>Releases Quarantine</div>

Let's take a minute  
and review guide  
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## 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.

- 
1. Pet Shop
  2. Private Shelter/Rescue
  3. Municipal Shelter
  4. Commercial Breeding Kennel
  5. Protection Dog Facility
  6. Doggie Daycare
  7. Dog Training Facility (drop off)
  8. Veterinary Clinic
  9. Animal Boarding Facility
  10. Private Kennel
  11. Dog Grooming Facility

WRAP UP

Questions?