

42. 5 Notice Regarding Solicitation

Any property owner or occupant of any premise within the Town of Bedford may determine that solicitors are not invited on said premise. Provided that said property owner or occupant has made such a determination and posts a notice containing the words "No Solicitation", it shall be a violation of this bylaw for any solicitor to go upon the premise and attempt to solicit said property owner. Said notice must contain letters that are at least one inch in height and must be located and visible near the entrances to any building on said premise.

42. 6 Suspension or Revocation of Registration Certificate

Any such registration certificate may be suspended or revoked by the issuing authority because of any violation by the registrant of this Bylaw or any other Bylaw of the Town or any state or federal law.

42. 7 Suspension or Revocation of Registration Certificate Notification

The Chief of Police shall notify the Selectmen of the suspension or revocation of any registration certificate issued under this Bylaw.

42. 8 Misrepresentation Prohibited

No solicitor may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a home, office or other establishment.

42. 9 Penalties

(a) Any person who commits an unlawful act described in this Bylaw or violates any of the provisions of this Bylaw or carries on the business described in Sections 1 and 2 after his registration is suspended or revoked shall be punished by a fine of \$100.00.

(b) In addition to the procedure for enforcement as set forth in Section 9a above, the provisions of this Bylaw may also be enforced by noncriminal disposition, as provided in Massachusetts General Laws, Chapter 40, Section 21D. The penalty for such violation shall be \$25.00 for the first offense, \$50.00 for the second offense, and \$100.00 for the third and each subsequent offense.

42. 10 Severability

Each provision of this Bylaw shall be deemed independent of all other provisions hereof, and it is further the intention of the Town of Bedford that, if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

42. 11 Street Vendors

Street vendors shall not obstruct sidewalks or streets in the Town. Restrictions may be imposed by the Chief of Police regarding location of such vendors.

ARTICLE 43. DOG REGULATIONS

43.1 Definitions

As used in the bylaw, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) "Vicious Dog" means:

Any dog that has without clear provocation bitten or attacked a human being;
Any dog which has twice or more bitten a human being under any circumstance;

Any dog which has twice or more attacked or bitten any other animal(s) provided that:

- (1) No dog shall be determined to be vicious for inflicting injury or damage on a person committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or teasing, tormenting, abusing or assaulting the dog or committing or attempting to commit a crime. In the same context no dog will be determined to be vicious for inflicting injury or damage on a domestic animal that was teasing, tormenting, abusing or assaulting the dog;
- (2) No dog shall be determined to be vicious for taking action to defend or protect the owner or other person from an attack or assault by another person or animal;
- (3) No dog shall be determined to be vicious if it is protecting or defending (erroneously or otherwise) its young or other animal. The owner will however be held responsible and correspondingly charged, if by negligence or by choice, he allows innocent persons or animals to be injured by a dog known by the owner to be in the situation where said dog would feel threatened.

(b) "Enclosure" for a vicious dog means a fence or other structure suitable to prevent the entry of young children and to securely confine the dog. Such enclosure shall have sides, top and bottom and shall be designed and constructed to prevent the dog from escaping.

(c) "Dog Control Officer" means any person designated by the Town Manager to enforce the requirements of this bylaw. Dog Control shall include all duties of the Dog Officer as listed in MGL and additional duties as specified by the Town Manager.

(d) "Person" means a natural person or any legal entity including but not limited to a corporation, firm, partnership or trust.

(e) "Muzzle" means a device that prevents a dog from biting any person or animal. It may be constructed of strong, soft material or of metal. A muzzle may not interfere with the vision or respiration of the dog that wears it, nor shall it cause any injury to the dog.

(f) "Licensing Authority" means the Office of the Town Clerk or other duly authorized licensing authority.

(g) "Visiting privileges" means the dog and its owner do not permanently reside in a particular neighborhood.

43.2 Registration (Dog Licensing) and Fees

Every dog kept in the Town of Bedford which is three months old or older shall be licensed. The licensing period shall be from June 1 until August 31 annually. A dog license is valid from September 1 to following August 31. Multiple year licenses may be obtained as set forth below.

43.2.1 The Town Clerk shall not grant such license for any dog unless the owner thereof provides the Town Clerk with either a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of Section Four of this Bylaw or has been certified exempt from such provision as outlined in MGL Chapter 140 Section 137 or 137A, or a notarized letter from a veterinarian that a certificate was issued or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material, to which shall be securely attached a tag in a form prescribed by and issued by the Town Clerk when a license is issued.

43.2.2 The provision of MGL Chapter 140 Sections 138 (Notification of change of owner or keeper of licensed dog) and 138A (Importation of dogs and cats for commercial resale) are hereby expressly incorporated herein and violations thereof shall be and constitute violations of this bylaw.

43.2.3 A license duly recorded shall be valid throughout the Commonwealth, except that, in the case of the permanent moving of a dog into the town, the owner or keeper thereof shall, within thirty days after such moving, present the original license and tag of such dog to the Town Clerk and said Town Clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of one dollar. The provisions of this bylaw relative to the form and furnishing of licenses and tags shall apply to licenses and tags issued under this paragraph.

43.2.4 The owner of a dog shall pay a fee to the Town Clerk for licenses, as follows:

Dog License (each dog)	\$15.00
Two Year Dog License	\$18.00
Three Year Dog License	\$25.00
Late Fee for Dog License (up to and including 30 days)	\$5.00
Late Fee for Dog License (31 days or more)	\$25.00
Duplicate Tags	\$1.00
Transfer Tags	\$1.00
Certified Guide Dogs	No Fee
Police K-9 Dogs	No Fee

No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Commonwealth or other disposal of the dog.

43.2.5 In addition to a late fee, if applicable, and as a pre-condition for issuance of any license, an applicant shall be required to pay fees determined by the Town Clerk to be due for previous periods when the applicant's dog was required to be licensed hereunder, but was not so licensed.

43.3 Kennel Licensing

Four or more dogs, three months or older on a single premise, whether maintained for breeding, sale, training, hunting, or any other purpose, comprise a kennel. This shall include a shop where dogs are on sale. All kennels within the Town of Bedford must be licensed. The owner or operator of a kennel shall apply annually for a kennel license to the Town Clerk. The licensing period shall be from June 1 until August 31. A kennel license is valid from September 1 to the following August 31. Multiple year licenses are not granted.

43.3.1 Kennel licenses shall not be issued unless the Dog Control Officer and the Health Director have made a favorable recommendation to the Town Clerk. The recommendation of the Dog Control Officer and the Health Director shall be based on the annual inspection of the premises as provided in Chapter 140 Section 137C of the Massachusetts General Laws. Complaints registered and violations committed in the previous twelve month period against the owner or keeper of said kennel will also be taken into consideration when granting licenses and may form the basis for a refusal to grant such a license. Upon receipt of a recommendation to not renew a kennel license, the Board of Health shall convene a public hearing and, upon reviewing the information presented there, shall determine if such license shall be granted or withheld. In the event the Board of Health determines that a kennel license not be renewed, the previous licensee shall not be granted a kennel license for a period of one year, nor shall any other person be granted license to maintain a kennel at the same location for a period of one year. The one year period shall be measured from the date of the Board of Health's decision.

43.3.2 The owner and operator of any kennel shall be responsible for ensuring that any dog three months old or older on the premises is properly licensed in accordance with this bylaw.

43.3.3 The Clerk shall upon application issue, without charge, a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting dogs from cruelty, neglect or abuse and for the relief of suffering among dogs recognized as such by the Commonwealth of Massachusetts.

43.3.4 The owner of a kennel shall pay a fee to the Town Clerk for licenses, as follows:

Kennel License (4-9 dogs)	\$60.00
Kennel License (10 or more dogs)	\$100.00
Late Fee for Kennel License	\$30.00

43.3.5 In addition to a late fee, if applicable, and as a pre-condition for issuance of any license, an applicant shall be required to pay fees determined by the Town Clerk to be due for previous periods when the kennel was required to be licensed hereunder, but was not so licensed.

43.4 Vaccination of Dogs Against Rabies

The owner or keeper of dog three months of age or older, housed or sheltered in the Town of Bedford shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine approved by the Mass. Department of Public Health. Unvaccinated dogs acquired or moved into the Town of Bedford shall be vaccinated within thirty days after the acquisition or arrival into Bedford or upon reaching the age of three months, whichever last occurs. Such owner or keeper shall procure a veterinarian’s certification that such dog has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued.

The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog to a collar or harness made of suitable material to be worn by the dog.

Vaccinated dogs shall be re-vaccinated periodically in accordance with the rules and regulations adopted and promulgated by the Mass. Department of Public Health.

43.5 Public Nuisances

43.5.1 Dogs Running at Large (Leash Law Provisions). No owner or keeper of any dog shall permit their dog to run at large at anytime. An owner or keeper of a dog must accompany and restrain the dog on a leash or accompany with leash in hand and maintain effective voice control of the dog while off their own property. An obedient dog which is under the effective control of its owner may be permitted to be unleashed in Town-owned open spaces within the Town. Dogs must be on a leash on bike paths and at public events. No dogs are allowed in cemeteries. The provisions of this paragraph shall not apply to a guide dog or service dog while actually engaged in the performance of its trained duties.

Nothing contained in the foregoing paragraph shall prevent the Selectmen from passing any orders authorized by Massachusetts General Laws Chapter 140, Section 167 at such times as they shall deem it necessary to safeguard the public.

43.5.2 Barking No person shall own, keep or grant visiting privileges in this Town to any dog(s) which, by barking, howling, or in any similar manner, disturbs the peace and quiet of any other person. This prohibition includes owners and operators of kennels.

43.5.3 Oestrus Cycle. If a dog is in its oestrus cycle or “in heat”, the owner or keeper of such dog shall restrain and isolate the dog for the duration of its oestrus cycle except as may be required by a specific breeding program. If the Dog Control Officer determines that such owner or keeper is not complying with this requirement, the Dog Control Officer shall impound said dog for the duration of its oestrus cycle at the expense of the owner or keeper.

43.5.4 Dog Litter. The owner, keeper or other person then walking or otherwise in charge of a dog that defecates upon any property or area not owned by the owner of the dog shall immediately remove or cause to be removed from said property or area all feces so deposited by said dog. Unless said feces are removed, the owner, keeper and the person then walking or otherwise in charge of said dog (if owner, keeper or person is under the age of eighteen, then the parent or guardian) shall be deemed to have committed a punishable offense under this bylaw. The provisions of this paragraph shall not apply to a guide dog or service dog while actually engaged in the performance of its trained duties with a disabled person.

43.6 Quarantine of a Dog That Bites

All owners must notify the Dog Officer of dog bites. A dog that bites a person shall be quarantined for not less than ten (10) days as ordered by the Dog Control Officer. During quarantine, the dog shall be securely confined and kept from contact with any other animal. At the discretion of the Dog Control Officer, the quarantine may be on the premises of the owner. If the Dog Control Officer requires that confinement be elsewhere, the owner shall surrender the dog for the quarantine period to a dog shelter or shall, at his/her own expense, place it in a facility approved by the Dog Control Officer.

43.7 Confinement of Dogs

The Dog Control Officer shall seek out, catch and confine all dogs within the town that have not been licensed within sixty days of the time the dog is required to be licensed under this bylaw; and shall seek out, catch and confine any dogs within the town that are found on public property, or on private property where said dog is trespassing and the owner or person in control of such property wants the dog removed, said dogs being in violation of this requirement of this bylaw; and shall seek out, catch and confine any dog within the town when the owner of said dog has been cited for a violation of any provision of the bylaw, and has failed to pay or timely appeal any resultant fine or penalty.

43.7.1 Any dog confined by the Dog Control Officer, unless sooner retrieved by the owner, shall be kept for at least ten days. The owner of a licensed dog shall be notified of the dog’s impoundment within twenty four hours. After ten days, the Dog Control Officer shall transfer control and care to the Lowell Humane Society or similar organization.

43.7.2 A dog confined by the Dog Control Officer shall not be released to the owner until the owner produces evidence of a current dog license, and reimburses the Town or its agent for care of the dog each day or part of a day counted as one day. If the owner does not have a current license for the dog, he or she must pay all fines and fees to bring the dog license up to date in addition to the fee per day charged by the Town or its agent. An owner will be charged for the care of the dog and shall pay for the care even though the dog is not returned to the owner. No dog shall be turned over or sold in any manner inconsistent with of MGL Chapter 140, Section 151, or disposed of inconsistent with the provision Section 151A.

43.8 Damage Caused By Dogs

The owner or keeper of a dog which has done damage to property, livestock or fowl shall be liable in tort to the owner of the property, livestock or fowl for all such damages.

43.9 Licensing and Regulation of Vicious Dogs

The Dog Control Officer shall notify the Town Clerk of all vicious dogs as defined in this bylaw. Upon such notice, the Town Clerk shall notify the dog owner or keeper that unless contested within forty eight hours, the dog will be considered vicious and any previously issued license will be considered immediately revoked. Owners or keepers must relicense the dog as “vicious” or notify the Licensing Authority as to the disposition of the dog within thirty days of the notice. A unique licensing number shall be assigned to a vicious dog by the Town Clerk. That number shall be noted on the town licensing files.

43.9.1 No vicious dog shall be licensed by the Town of Bedford for any licensing period commencing after June 1998 unless the owner or keeper of such vicious dog shall meet the following requirements:

- (a) The owner or keeper shall present to the Town Clerk proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars, covering any damage or injury which may be caused by such vicious dog during the twelve month period for which licensing is sought. The policy shall contain a provision requiring the Town to be notified at least (30) days prior to cancellation, termination or expiration of such liability coverage
- (b) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the vicious dog prior to expiration of such license.
- (c) The owner or keeper shall display a sign not to exceed one square foot on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and capable of being read from the public highway or roadway.

- (d) The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have a fenced enclosure for the vicious dog on the property where the vicious dog will be kept or maintained.
- 43.9.2 Control of Vicious Dogs.** All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premise which does not have a locked enclosure or for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or outside of the enclosure, unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog, or to sell or give away the vicious dog or to comply with the commands or directions of the Dog Control Officer with respect to the vicious dog, or to comply with the provisions of this bylaw. In such event, the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.
- 43.9.3 Requirements to Notify.** The owner or keeper of a vicious dog shall notify within 48 hours the Licensing Authority if said dog is unconfined, has attacked, another dog or has attacked a human, or has died or has been sold or given away; the owner or keeper shall also provide the Licensing Authority with the name, address and telephone number of the new owner of the vicious dog.
- 43.9.4 Authority of the Dog Control Officer.** The Dog Control Officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this bylaw, and such Dog Control Officer is empowered to seize and impound any vicious dog whose owner or keeper fails to comply with the provisions hereof.
- 43.9.5 “Attack Dogs”.** No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the Town any dogs alleged to be “attack dogs” or known to be vicious. No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to attacks on human beings or other dogs.
- 43.9.6 Vicious Dog Seizure.** In the event that a Dog Control Officer or law enforcement agent has cause to believe that a vicious dog is being harbored or cared for in violation of this Bylaw, the Dog Control Officer or law enforcement agent may order and affect the seizure and impoundment of the dog.
- 43.9.7 Review and Revocation of Licenses of Vicious Dogs.** The license of a vicious dog shall be liable to revocation if said dog is kept in violation of this Bylaw, or if said dog attacks a person or another dog.
- 43.9.7.1** If the Dog Control Officer determines that a vicious dog is being kept in the Town in violation of this Bylaw, or any

vicious dog has attacked a person or dog, the Dog Control Officer shall so notify the Selectmen. After giving notice to the owner of the hearing, the Selectmen shall hold a public hearing on whether to revoke the license of said dog or to order destruction of the dog. If the Selectmen revoke the license of said dog and do not order its destruction, they shall notify the owner or keeper of the dog and the Town Clerk within seven days that said dog will be impounded and destroyed if it is found within the Town after the succeeding seven days.

43.9.7.2 If the Selectmen revoke the license of a vicious dog, once a seven day period after the notification of revocation has occurred, the Dog Control Officer or other authorized agent shall impound and destroy such dog as unlicensed if found within the Town, pursuant to this Bylaw and the practice of M.G.L. C140, §157 or the procedure therein.

43.10 Violations and Dispositions

Any person authorized to enforce provisions of this Bylaw shall, in addition to any pickup of a dog pursuant to this Bylaw which may or may not occur, issue a citation to the owner or keeper of any dog violating the provisions of the Bylaw. Any such citation shall include, in addition to the violation charged, the name and address of the owner or keeper of the dog, the date and time and location of the alleged offense, and the amount of the penalty due, if known. Said citation shall be on a form prescribed by and furnished by the Police.

43.10.1 Informal Disposition Process. The owner or keeper of the dog that receives a citation under this Bylaw, may within twenty-one days, confess to the offense charged by personally or through a duly authorized agent or by mailing to the Town Clerk, said citation along with payment in the amount as set forth in this Bylaw. Said payment shall be by postal note, money order or check. The payment to the Town Clerk shall operate as a final disposition of the case.

If such person desires to contest the citation through the Informal Disposition Process, he or she may, within twenty-one days of said issuance, request a hearing with the Town Clerk, or a hearing officer appointed by said clerk, and may present either in person or by counsel, evidence to refute the allegation contained in the citation. At such hearing, the clerk or hearing officer shall make a determination as to facts of the allegation, and said determination shall be final regarding the citation, unless formally appealed under Section 10.2 of this bylaw.

43.10.2 Noncriminal Disposition of Violations. If any person receives a citation under this Bylaw and desires to contest the violation alleged in the citation notice without availing themselves of the provisions of the Informal Disposition Process, or desires to contest the decision of the

clerk or hearing officer, he or she may invoke the procedures established in MGL, Chapter 40, Section 21D. In either of the above cases, or if the owner or keeper of a dog fails to respond to the citation within twenty one days, the Town Clerk shall forward a copy of the citation to the District Court.

43.10.3 Penalties. The following penalties shall be in effect for violations of this Bylaw:

Informal Disposition Process

1st Offense	Warning
2nd Offense within a 12 month period	\$ 25.00
3rd Offense within a 24 month period	\$100.00
4th or Subsequent Offense within a 36 month period	\$200.00

Noncriminal Disposition through Massachusetts

General Laws, Chapter 40, Section 21D

1st Offense	Warning
2nd Offense within a 12 month period	\$ 25.00
3rd Offense within a 24 month period	\$100.00
4th or Subsequent Offense within a 36 month period	\$200.00

Each day of all said violations shall constitute a separate offense. Repeated offenses of the same violation may result in removal of the dog from the Town of Bedford. A hearing will be held before the Board of Selectmen prior to removal.

43.11 Severability

If any provision of this bylaw be deemed unenforceable, the remaining provisions shall continue in full force and effect.

ARTICLE 44. LANDOWNER RESPONSIBILITIES

44.1 Wells

Where there is a well on a parcel of land, the owner shall provide a covering for the well that is capable of supporting a load of 300 pounds or fill the well to ground level.

44.2 Excavations

Owners of land for which an excavation is planned shall have a permit from the Inspector of Buildings and such excavation shall have a guardrail or fence erected to protect the public safety.

44.3 Pools

Every person owning land on which there is located a swimming pool which contains 24 inches (610 mm) or more of water in depth at any point shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, shall be not less than four feet (121 cm)