



BRIDGEWATER TOWN COUNCIL

Tuesday, April 28, 2015

7:30 PM

BTV Studios

80 Spring Street, Bridgewater MA

MEETING AGENDA

A. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

- a) April 7, 2015

B. ANNOUNCEMENTS FROM THE PRESIDENT

C. PROCLAMATIONS

- a) John Myer
- b) Caitlin Pestana

D. CITIZEN OPEN FORUM

E. APPOINTMENTS

F. HEARINGS - None

G. LICENSE TRANSACTIONS - None

H. PRESENTATIONS

- a) Police Chief Delmonte: Assessment for Certification/Accreditation.

I. TOWN MANAGER'S REPORT

J. DISCUSSIONS

- a) Town Council Photo Contest for the Cover of the 2014 Annual Report (*President Wood*)
- b) Charter Change Process – (*President Wood*)
- c) Town Manager Performance Update (*Councilor Whitaker*)

K. COMMITTEE REPORTS

L. LEGISLATION FOR ACTION -

- a) Ordinance #D-2015-001: Enforcement Ordinance – Canine Control
At their meeting held 3/3/15, the Rules & Procedures committee voted 3-0 to recommend approval with amendments. This measure has been duly advertised on the Town's website and with the Town Clerk's office, therefore may be finally considered this evening.
- b) Order #O-2015-008: Affix Salary – Town Clerk
At their meeting held 4/13/15, the Budget & Finance Committee voted unanimously to recommend approval. The Finance Committee voted unanimously to approve with a recommended amendment. This measure does not require advertising, therefore may be finally considered this evening.
- c) Transfer #T-2015-008: COLA transfer from Stabilization for part time / non-union employees
At their meeting held 4/13/15, the Budget & Finance Committee voted unanimously to recommend approval. The Finance Committee voted unanimously to approve on 4/13/15. This measure does not require advertising, therefore may be finally considered this evening.

M. OLD BUSINESS - None

N. NEW BUSINESS

- a) Order #O-2015-009: Parking Ad Hoc Committee (*President Wood*)
- b) Order #O-2015-010: Ratification of Police Department Contract (*Town Manager*)

FY2016 Budget Orders:

- c) Order #O-2015-011: FY16 Annual Town Budget

- d) Order #O-2015-012: FY16 Sewer Enterprise Fund Budget
- e) Order #O-2015-013: FY16 Water Enterprise Fund Budget
- f) Order #O-2015-014: FY16 Transfer Station Enterprise Fund Budget
- g) Order #O-2015-015: FY16 Old Scotland Links Golf Course Enterprise Fund Budget

O. CITIZEN COMMENTS

P. COUNCIL COMMENTS

Q. EXECUTIVE SESSION

R. ADJOURNMENT



Bridgewater Town Council

In Town Council, Tuesday, April 28, 2015

Council Ordinance: D-2015-001

Introduced By:	Town Manager
Date Introduced:	January 6, 2015
First Reading:	January 6, 2015
Second Reading:	March 3, 2015
Amendments Adopted:	March 3, 2015
Third Reading:	April 7, 2015
Fourth Reading:	April 28, 2015
Date Adopted:	
Date Effective:	

Proposed Ordinance D-2015-001

Enforcement Ordinance – Canine Control

Ordered that, that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to rescind the bylaw Section XXI, the Leash Law and replace Section XXXXIII, the Dog Bylaw with the following Ordinance on Canine Control. :

CANINE CONTROL

Section 1.Dogs

A. Nuisance and Dangerous Dogs

1. Definitions.

a. a. Nuisance dog is a dog that:

- i. by excessive barking or other disturbance is a source of annoyance to a sick person residing in the vicinity;
- ii. by excessive barking, causing damage or other interference, behaves in a manner that a reasonable person would find disruptive to quiet and peaceful enjoyment; or
- iii. has threatened or attacked livestock, a domestic animal, or a person in a manner not grossly disproportionate under all the circumstances.

b. Dangerous dog is a dog that either:

- i. without justification, attacks a person or domestic animal causing injury or death; or

- ii. behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.
- c. No dog shall be deemed dangerous:
 - i. solely based upon growling, barking, or both;
 - ii. based upon the breed of the dog; or
 - iii. if, at the time of the incident in question, the dog was reacting to another animal or person in a manner not grossly disproportionate to any of the following circumstances:
 - a. the dog was protecting or defending itself, its offspring, another domestic animal, or a person from attack or assault;
 - b. the person attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
 - c. the person attacked or threatened was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog; or
 - d. at the time of the attack or threat, the person or animal attacked or threatened had breached an enclosure or structure, including but not limited to a gated and fenced-in area, in which the dog was kept apart from the public, without being authorized to do so by the owner of the premises.

A child under age 7 shall be rebuttably presumed not to have been committing a crime, provoking the dog, or trespassing at the time of the attack or threat.

2. Complaint. Any person may file a written complaint with the Town Manager's Office that a dog kept in the Town is a nuisance dog or a dangerous dog.
3. Disposition. The Town Manager's Office shall investigate or cause to be investigated the complaint, including an examination under oath of the complainant at a public hearing. Based on credible evidence and testimony presented at the public hearing, the Town Manager or its designee (hereinafter referred to as the "Hearing Authority") shall take the following action:
 - a. Nuisance dog. If the dog is complained of as a nuisance dog, the Hearing Authority shall either (a) deem the dog a nuisance dog; or (b) dismiss the complaint.
 - b. Dangerous dog. If the dog is complained of as a dangerous dog, the Hearing Authority shall either (a) deem the dog a dangerous dog; (b) deem the dog a nuisance dog; or (c) dismiss the complaint.
 - c. Report to Town Clerk. The Hearing Authority shall report any finding that a dog is a nuisance dog or a dangerous dog to the Town Clerk.
 - d. Order valid throughout Commonwealth. Unless later overturned on appeal, any order of the Hearing Authority shall be valid throughout the Commonwealth.

4. Remedies.

- a. Nuisance dog. If the Hearing Authority has deemed the dog a nuisance dog, it may order the owner or keeper of the dog to take remedial action to ameliorate the cause of the nuisance behavior.
- b. Dangerous dog. If the Hearing Authority has deemed the dog a dangerous dog, it may order one or more of the following remedies:
 - i. that the dog be humanely restrained, but no order shall require a dog to be chained or tethered to an inanimate object such as a tree, post, or building;
 - ii. that the dog be confined to the premises of the owner or keeper, meaning securely confined indoors or confined outdoors in a securely enclosed pen or dog run area that has a secure roof, has either a floor secured to all sides or is embedded into the ground for at least two feet, and provides the dog with proper shelter from the elements;
 - iii. when removed from the premises of the owner or keeper, the dog be securely and humanely muzzled and restrained with a chain or other tethering device with a maximum length of three feet and a minimum tensile strength of three hundred pounds;
 - iv. that the owner or keeper provide (i) proof of insurance of at least \$100,000 insuring the owner or keeper against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the intentional or unintentional acts of the dog; or (ii) proof that reasonable efforts were made to obtain such insurance;
 - v. that the owner or keeper provide to the Town Clerk, the Animal Control Officer, or other entity as directed with identifying information for the dog including but not limited to photographs, videos, veterinary records, tattooing, microchip implantations, or a combination of these;
 - vi. that the dog be altered so as not to be reproductively intact, unless the owner or keeper provides evidence of a veterinary opinion that the dog is medically unfit for such alteration; or
 - vii. that the dog be humanely euthanized.
- c. Restrictions following dangerousness finding.
 - i. No dog that has been deemed dangerous shall be ordered removed from the Town.
 - ii. No person over the age of 17 who has actual knowledge that a dog has been deemed dangerous under this ordinance shall permit a child under the age of 17 to own, possess, or have care or custody of that dog.
 - iii. No person shall transfer ownership or possession of a dog that been deemed dangerous under this Bylaw or offer such dog for sale or breeding without informing the recipient of the dog of the finding of dangerousness.
 - iv. If a hearing authority or a district court has deemed a dog to be a dangerous dog and such dog wounds a person or worries, wounds or kills any livestock or fowl,

the owner or keeper of the dog shall be liable in tort to the person injured by the dog for three times the amount of damages sustained by such person.

5. Appeal. Within 10 days after an order has been issued under this ordinance, the owner or keeper of such dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued, addressed to the justice of the court praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under MGL c. 221, section 62C, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court. All proceedings referred to under this section of the ordinance (Section 5, Appeal) shall be held in compliance with Massachusetts General Laws Chapter 140, Section 157.
6. Impoundment Pending Appeal.
 - a. Order of impoundment. Pending an appeal, the Hearing Authority may petition the district court for an order to impound the dog at a shelter facility used by the Town. Failure to request such impoundment will not result in liability for the Town, the Hearing Authority, or any of the Town's agents or employees. The district court shall consider this petition in accordance with MGL c. 140, section 157.
 - b. Costs of impoundment during appeal process.
 - i. If the district court affirms the Hearing Authority's order of euthanasia, the owner or keeper shall reimburse the Town for all reasonable costs incurred for the housing and care of the dog during the period of impoundment. The Town may recover unpaid charges by any of the following methods: (a) a lien on any real property owned by the owner or keeper of the dog; (b) an additional, earmarked charge on the vehicle excise of the owner or keeper of the dog; or (c) a direct bill sent to the owner or keeper of the dog.
 - ii. If the district court reverses the Hearing Authority's order of euthanasia, the Town shall pay all reasonable costs incurred for the housing and care of the dog during the period of impoundment.
7. Penalties.
 - a. Seizure/impoundment. If an owner or a keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If it is the keeper in violation, all reasonable efforts shall be made to notify the owner of such seizure and impoundment and the owner may, within seven days, petition the Hearing Authority for return of the dog.
 - b. Capture/euthanasia. A dog found to be in violation of a Hearing Authority order or district court issued under this section may be captured or detained by a police officer, animal control officer, or constable. In the case of a threat to public safety or of the dog is living in a wild state, the police officer, animal control officer, or constable may euthanize it humanely.
 - c. Fines/imprisonment. A dog owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section may be punished by a

fine of not more than \$500 or imprisonment in a jail or house of correction for not more than 60 days, or both for a first offense or by a fine of not more than \$1,000 or imprisonment in a jail or house of correction for not more than 90 days, or both for a second or subsequent offense.

- d. Future licensure. Any owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section shall be prohibited from licensing a dog within the Commonwealth for five years.

B. Chaining or Tethering Dogs

1. No person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than 24 consecutive hours. A tethering so employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.
2. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
 - a. inside a pen or secure enclosure, if the following conditions are met:
 - i. the pen or secure enclosure shall have adequate space for exercise with a dimension of at least 100 square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;
 - ii. the pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all four sides enclosed; and
 - iii. the minimum height of the fence shall be adequate to successfully confine the dog;
 - b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
 - c. a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:
 - i. only 1 dog shall be tethered to each cable run;
 - ii. the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit; provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;
 - iii. there shall be a swivel on at least 1 end of the tether to minimize tangling of the tether;

- iv. the tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level; and
 - v. the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described herein; provided, however, that a trolley system or tether shall be of appropriate configuration to confine the dog to the owner's, guardian's or keeper's property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other object or animals.
- 3. A person owning or keeping a dog confined outside in accordance with this section shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least three sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.
- 4. No person owning or keeping a dog shall leave a dog chained or tethered outside for longer than 24 consecutive hours.
- 5. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
- 6. No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or 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:
 - a. 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;
 - b. taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and
 - c. subjecting a dog to dangerous conditions, including attacks by other animals.
- 7. A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine \$50, for a second offense, be punished by a fine of \$100 and for a third or subsequent offense, be punished by a fine of \$300, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.
- 8. Any fine issued under the aforementioned Section B. "Chaining and Tethering" may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this

section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

Section 2. Leashing of Dogs

- A. **Leash Required.** No person owning or keeping a dog in the Town of Bridgewater shall permit such dog to be at large in the Town of Bridgewater elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the knowledge and permission of such other person.

Such owner or keeper of a dog in the Town of Bridgewater, which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash not exceeding six feet in length. In any prosecution hereunder, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

This provision shall not apply, however, in any area designated by the Parks and Recreation Department as a “Dog Park”, “Dog Run” or “Dog Exercise Area”.

In areas so designated, dogs are not required to be restrained by a leash provided the owner or keeper of such dog is present and attentive to the dog. The Park and Recreation Department may designate a dog park, dog run, or dog exercise area only if same is enclosed by appropriate fencing to preclude the escape of any dog into any other area of the park or playground not so designated as a dog park, dog run, or dog exercise area.

- B. **Enforcement.** Any dog found to be at large in violation of this ordinance shall be caught and confined by the dog officer who shall notify forthwith the licensed owner or keeper of said dog giving the owner or keeper a period of seven days within which to recover the dog.

Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper.

The dog officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this section, as provided for in this ordinance.

A dog officer having custody of a dog confined under this ordinance shall be allowed the sum of \$40 per day for each day of confinement for the care of such dog, payable by the owner or keeper thereof to the Town of Bridgewater.

C. Fines

Violations of this Section (Section 2) of this Article shall be punishable as follows:

First offense by a fine of \$75.00

Second offense by a fine of \$100.00

Third offense by a fine of \$150.00

Fourth and each subsequent offense by a fine of \$200.00

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a

separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

Section 3. No Fouling of Sidewalks, Etc.

- A. **Duty to Dispose.** It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his-her dog on any sidewalk, street or other public area in the Town. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his-her dog on any private property neither owned nor occupied by said person.
- B. **Duty to Possess Means of Removal.** No person who owns, possesses, or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog.

Furthermore, no person who owns, possesses, or controls such dog shall appear with such dog on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog.

- C. **Method of Removal and Disposal.** For the purposes of this regulation, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public.

Disposal shall be accomplished by transporting such feces to a place suitable for the disposal of canine feces, or as otherwise designated as appropriate by the Board of Health.

D. **Fines.**

Violation of Section 3 of this Article shall be punishable as follows:

First offense by a fine of \$75.00

Second offense by a fine of \$100.00

Third and each subsequent offense by a fine of \$150.00

Any fine issued under this section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

- E. **Exemption.** This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his-her handicap, is physically unable to comply with the requirements of this Ordinance, or to any individual who utilizes a guide dog.
- F. **Severability.** The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 4. Licensing

- A. Licensing Requirement.

1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Bridgewater shall obtain a license for the dog from the Town Clerk.
2. Annual renewal. Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk.
3. Transfer. Within 30 days of moving into the Town within a licensing period, the owner or keeper of a dog must apply to the Town Clerk to transfer the dog's license. The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.

B. Conditions.

1. Rabies vaccination. The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Bridgewater Health Department or the Town Clerk in accordance with MGL c. 140, section 145B.
2. Control. Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.
3. Previous conviction of animal cruelty. Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in MGL c. 140, section 137D within the preceding five years.

C. License Forms.

1. Symptoms of rabies. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state Department of Public Health.
2. Description of dog. The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

D. Tags.

1. Issuance. Along with the license, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Bridgewater, and the year of issue.
2. Affixed to dog. The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed around the dog's neck or body to which the tag shall be securely attached.
3. Lost tags. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

E. Exemptions. The requirements of this section shall not apply: (1) to a person to whom the applicable kennel license has been issued under this ordinance and remains in force; or (2) to a dog housed in a research institution.

F. Fees.

1. Annual license fees. The annual license fees are as follows:

- a. female: \$20
- b. spayed female: \$15
- c. male: \$20
- d. neutered male: \$15

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

2. Failure to comply; penalties.

- a. Penalty for failure to comply with licensing requirements. Failure to comply with this section shall be punishable by a fine of \$50.
- b. Additional late fees. Failure to comply with this section within 45 days of the date that the licensing or re-licensing obligation arises shall be punishable by a fine of \$50 and failure to comply with this section within 90 days of the date that the licensing or re-licensing obligation arises shall be punishable by an additional fine of \$50. These late fees shall be in addition to any other applicable penalty provided for in this ordinance.

3. Waiver of fees.

- a. Service animal. No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.
- b. Owner aged 70 and over. If the Town so votes in accordance with MGL c. 140, section 139(c), no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older.

4. No refund of fees. No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog; and

Section 5. Kennels

A. Personal Kennel (Kennel A)

- 1. License optional (Kennel A-1). An owner or keeper of four or fewer dogs, three months or older, may elect to secure a Personal Kennel License from the Town Clerk rather than licensing each dog under Section 4, above.
- 2. License mandatory (Kennel A-2). An owner or keeper of five or more dogs, three months or older, must secure a Personal Kennel License from the Town Clerk or other type of kennel license as may be applicable under this section.
- 3. Definition. A Personal Kennel is a pack or collection of five or more dogs (or fewer dogs, as in the case of a License-Optional Personal Kennel (Kennel A-1) as defined above at Section

5.A.1), three months or older, owned or kept under single ownership for private personal purposes.

4. Breeding. Breeding of dogs owned or kept under a Personal Kennel License may be done only for the purpose of improving, exhibiting, or showing the breed; for legal sporting activity; or for other personal reasons.
5. Sales allowed. Dogs bred at a Personal Kennel may be sold, traded, bartered, or otherwise distributed only by private sale to other breeders or individuals and not to wholesalers, brokers, or pet shops.
6. Sales prohibited, restricted. No holder of a Personal Kennel License may sell, trade, barter, or otherwise distribute any dog not bred from a personally owned dog, except dogs temporarily housed at a Personal Kennel in conjunction with an animal shelter or rescue program registered with the state Department of Agricultural Resources if the sale, trade, barter, or other distribution is not for profit.

B. Other Types of Kennels.

1. Commercial Boarding or Training Kennel (Kennel B) is an establishment used for boarding, holding, day care, overnight stays, or training of animals that are not the property of the owner of the establishment where such services are rendered for a fee or other consideration and generally rendered in the absence of the owner of the animal. A “Commercial Boarding or Training Kennel” shall not include an animal shelter or animal control facility, a pet shop licensed by the state Director of Animal Health, a grooming facility operated solely for the purpose of grooming animals and not for overnight boarding, or an individual who temporarily and not in the normal course of business boards or otherwise cares for animals owned by others.
2. Commercial Breeder Kennel (Kennel C) is an establishment, other than a Personal Kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers, or pet shops for a fee or other consideration.
3. Domestic Charitable Corporation Kennel (Kennel D) is a facility operated, owned, or maintained by a domestic charitable corporation registered with the state Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, including a veterinary hospital or clinic operated by or under the supervision of a licensed veterinarian that operates consistent with such purposes while providing veterinary treatment and care.
4. Veterinary Kennel (Kennel E) is a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment and care; a “Veterinary Kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary case.

C. License Requirements

1. License required. A person or entity maintaining any type of kennel listed in this section (except a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1) shall obtain the appropriate kennel license from the Town Clerk and in accordance with procedures that the Town Clerk shall determine.

2. Renewal. Licenses issued under this section shall be renewed periodically in accordance with a schedule and procedures to be determined by the Town Clerk.
3. License fees, calculation, exemption. The fees for licenses issued under this section will be established by the Town Clerk. For purposes of calculating kennel license fees, only dogs over the age of six months shall be counted in the total number of dogs kept in a kennel. No kennel license fee shall be charged to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, abuse, or suffering.
4. Licensing inspection. No kennel license shall be issued or renewed until a kennel has passed inspection by the Town Animal Control Officer or designee.
5. Failure to comply, penalty. Failure to comply with the licensing requirements of this section shall be punishable by a fine of \$50.

D. Kennel Operation.

1. Standards. Kennels must be operated and maintained in a sanitary and humane manner.
2. Records. The name and address of the owner of each dog kept in a kennel, other than dogs belonging to the person maintaining the kennel, shall be kept at the kennel and available for inspection at any time.
3. Kennel tags. A holder of a kennel license shall cause each dog kept in its kennel to wear, while in the kennel, a collar or harness of suitable material to which a tag shall be securely attached.

This tag shall be inscribed with the number of the kennel license, name of the Town of Bridgewater, and year of issue. Such tags shall be issued by the Town Clerk in such number as the number of dogs kept in the kennel.
4. Inspections. The Chief of Police, the Animal Control Officer, the Health Agent or the agent of any of these ("Inspecting Authority") may inspect any kennel at any time for compliance with the above requirements.
5. License suspension, revocation. If the Inspecting Authority determines that the kennel is not being maintained in a sanitary or humane manner or if records are not properly kept, the Inspecting Authority may revoke or suspend the kennel license.

E. Citizen Complaints.

1. Filing. Twenty-five citizens of the Town may file a petition with the Town Manager stating that they are aggrieved or annoyed to an unreasonable extent due to excessive barking or other conditions associated with a kennel.
2. Hearing. Within seven days of the filing of such petition, the Town Manager or its designee ("Hearing Authority") shall give notice to all interested parties of a public hearing concerning the petition to be held within fourteen days after the date of the notice.
3. Investigation. At the hearing, the Hearing Authority may cause an investigation of the kennel that is the subject of the petition or take such other action as it deems prudent.
4. Disposition. Following the public hearing and any investigation or other proceedings, the Hearing Authority may suspend or revoke the kennel license, may take other such action to regulate the kennel that it deems prudent, or may dismiss the petition. The Hearing Authority

shall cause written notice of any order issued under this section to be mailed immediately to the holder of the kennel license and the Town Clerk.

5. Appeal. Within ten days of the issuance of any order under this paragraph, the holder of the affected license may bring a petition for judicial review in the district court for the judicial district in which the kennel is located, which shall consider the petition in accordance with MGL c. 140, section 137C.
6. Penalties. A person maintaining a kennel after revocation or during suspension of a license under this section shall be punished by a fine of \$250.”

Section 6. Enforcing Authorities

Any police officer of the Town, the Health Agent or the Animal Control Officer of the Town may enforce the provisions of this Article as well as those articulated under Massachusetts General Laws.

Section 7. Non-Criminal Dispositions

Fines assessed under Sections 2, 3, 4 and 5 of this bylaw, as previously stated herein, may be assessed through non-criminal process in accordance with Massachusetts General Laws Chapter 40, Section 21 D. The availability of non-criminal process under this article shall not preclude the use of criminal process or other means of enforcement.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Rules & Procedures Committee • After amendments were accepted, this measure was duly advertised, therefore may be finally considered this evening. • 4/7/15: Vote postpone to next meeting	• 3/3/15: Vote recommend approval with amendments.



Bridgewater Town Council

In Town Council, Tuesday, April 28, 2015

Council Order: O-2015-008

Proposed Amendment

Introduced By: Councilor William Rivers

Date Introduced: April 7, 2015

First Reading: April 7, 2015

Second Reading: April 28, 2015

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2015-008

SALARY OF THE ELECTED TOWN CLERK

WHEREAS, the Town Clerk of the Town of Bridgewater shall receive a salary in lieu of all fees and other compensation provided for in the Massachusetts General Laws, which salary shall be in an amount fixed by the Legislative body of the Town of Bridgewater.

WHEREAS, pursuant to Massachusetts General Laws Chapter 41 § 15 the duties of the Town Clerk are defined as:

“record all votes passed at town meetings held during his term of office. He shall administer the oaths of office to all town officers who apply to him to be sworn, and shall make a record thereof and of the oaths of office taken before justices of the peace of which certificates are filed. He shall, immediately after every annual election of town officers, transmit to the state secretary, on blanks to be furnished by him, a complete list of all town officers elected and qualified and shall promptly report to the secretary any changes in such officers”.

WHEREAS, the Town, to ensure business continuity and to make certain that the needs of the general public are met, employs two full-time staff to address and perform the day-to-day activities of the Office of the Town Clerk.

WHEREAS, it is intended that these provisions be in accord with all applicable Federal and State laws, rules and regulations, including the Fair Labor Standards Act and the Federal Minimum Wage, and should be applied and interpreted to produce a result harmonious therewith.

WHEREAS, it is intended that these provisions be in accord with the Employee Manual of the Town of Bridgewater and should be applied and interpreted to produce a result harmonious therewith. If there is an irreconcilable conflict between this Order and any other Order of the Town of Bridgewater, this Order shall govern.

WHEREAS, the Town of Bridgewater is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, national origin, age, handicap, disability or otherwise in violation of any federal or state law.

BE IT ORDERED, that the salary of the Town Clerk shall be \$40,000.00 annually for the ~~full term of three (3) years from the time of election or appointment~~. The Town Clerk is deemed as a regular part-time position and is compensated with Plymouth County Retirement System (PCR) benefit and insurance benefits per employee policy manual. The Town Clerk shall be paid in accordance with the usual practices for other town employees.

ORDERED, the Town Clerk is exempt from the overtime provisions of the FLSA and shall not be entitled to overtime compensations in any form.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Budget & Finance Committee • Requires consideration by Finance Committee. • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed.	• 4/13/15: Vote recommend approval (2-0) • 4/13/15: Vote approve with recommended amendments (6-0).



Bridgewater Town Council

In Town Council, Tuesday, April 28, 2015

Council Transfer: T-2015-008

Introduced By:	Town Manager
Date Introduced:	April 7, 2015
First Reading:	April 7, 2015
Second Reading:	April 28, 2015
Amendments Adopted:	
Date Adopted:	
Date Effective:	

Proposed Transfer - #T-2015-008

COLA TRANSFER FROM STABILIZATION FOR PART TIME / NON-UNION EMPLOYEES

ORDERED, in accordance with the applicable section of the Bridgewater Home Rule Charter that the Town Council votes to appropriate and transfer the sum of \$ 2,974.06 from Stabilization to various salary accounts in the FY15 departmental budget for the purposes of paying COLA increases for regular part-time employees not covered by a collective bargaining agreement.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
• Referred to Budget & Finance Committee. • Requires consideration by Finance Committee. • 14 day requirement (per Council Rules & Procedures XVIII - Readings) has elapsed.	• 4/13/15: Vote recommend approval (2-0) • 4/13/15: Vote approved (6-0)



Bridgewater Town Council

In Town Council, Tuesday, April 28, 2015

Council Order: O-2015-009

Introduced By: Councilor William Wood

Date Introduced: April 28, 2015

First Reading: April 28, 2015

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Proposed Order O-2015-009

CREATION OF AN AD HOC COMMITTEE TO IDENTIFY PARKING ISSUES

Whereas, parking in the Business District and surrounding neighborhoods is used by residents, students, and business customers; and

Whereas, parking is not generally shared between businesses; and

Whereas, parking privileges are sometimes misused or abused; and

Whereas, local citizens have an expert viewpoint on the issues with parking in the downtown area;

Ordered that;

An ad-hoc committee to advise the Town Council shall be formed with a membership of 5 town residents to be appointed for a term not to exceed one year.

The mission of the committee is to identify the parking issues in the center of town and suggest possible solutions. No formal report is required, but the committee should appear before the council every 3 months to provide an overview of the issues under discussion.

The issues presented by the committee will assist the Council when determining actions to undertake for the downtown revitalization plan.



Bridgewater Town Council

In Town Council, Tuesday, April 28, 2015

Council Order: #O-2015-010

Introduced By: Town Manager

Date Introduced: April 28, 2015

First Reading: April 28, 2015

Second Reading:

Amendments Adopted:

Date Adopted:

Date Effective:

Order #O-2015-010

RATIFICATION OF CONTRACT FOR POLICE DEPARTMENT

ORDERED, in accordance with section 4-2 (15) of the Bridgewater Home Rule Charter, that the Town Council assembled vote to approve the negotiated agreement with the Police Department.

Explanation:

The Town Manager negotiated an agreement with the Police Department. An affirmative vote of the Council will approve the contract as presented. A subsequent transfer request will fund the appropriation thereof.

Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
•	•