

## DOG CONTROL BYLAW REVIEW COMMITTEE

\*\*\*\*\*DRAFT\*\*\*\*\*

### MINUTES

JULY 26, 2011

#### Attendees

Michael Bouchard

James Cullen

Susan Hogan

#### Absent:

Tom Delaney

George Moore

- Review of written public comments
  - There have been 5 comments from the public to date
  - The public comment period remains open. The proposed bylaw is available at [www.townofgroton.org](http://www.townofgroton.org). Comments should be sent to [dogs@townofgroton.org](mailto:dogs@townofgroton.org).
- Comments submitted to [Dogs@townofgroton.org](mailto:Dogs@townofgroton.org) to date were reviewed:
  - James Herberich – suggest that “physical control” is equivalent to a leash requirement, and that it should be called a leash requirement. Since “leash” does not reflect other means of control, such as electronic collars, and since agent may not have control over a dog even if leashed (e.g. the dog is too powerful for the person, multiple dogs may overwhelm a single walker), the Committee did not accept this suggestion.
  - Tonya Boyce –
    - Similar comment regarding “physical control”
    - Suggests including a reference to the dog bylaw and regulation on the Dog Complaint Form. Committee agrees.
    - Clearly define “attack” and “bite” – Committee accepts under advisement, with the intention that the Dog Officer will be the determining officer. Committee concern that not all instances can be defined in a meaningful way.
    - Define “reasonable period of time” and perhaps hours of the day, similar to construction noise. The Town does not have a “construction noise” bylaw requirement, but does have gas/retail and earth removal hours of operation. Committee comments included that “reasonable” does vary with individual circumstance (e.g. individual tolerance), as does “appropriate time of day” (e.g. people at home in the day). Committee keeping comments under advisement, but not actioning at this time.
  - Lynda Moore ; Moore Happy Trails -
    - Include section for proper care and outdoor housing of animals: Committee felt this was beyond the scope of the bylaw. Mistreatment or improper care of animals is not within the purview of the Dog Officer.
    - Increase penalties to reflect actual costs: Committee takes under advisement for the fees to be charged for pickup and boarding of dogs.

- Redraft Complaint Form to exclude complainant information: Committee will take under advisement to remove complainant contact information, but thought the name of the complainant needed to be included due to “due process”.
- Gus Widmayer – Copy of recent “letter to the Editor”, also submitted to the Town Manager. Letter clarifies recent event and personal situation. Letter suggest that “three strikes” allowed a dog is “inappropriate” and lenient. Committee unclear as to penalty suggested by Mr. Widmeyer. Committee views that the proposed bylaw is a “one strike” law in that any bite or viscous dog behavior has immediate restraint requirements. Mr. Widmeyer suggests that the bylaw include warnings to residents about dangerous dog owner liabilities regarding insurance, potential lawsuit, loss of asset and potential incarceration for targeted behavior. The Committee does not accept that the liabilities statement is appropriate for the Dog Control Bylaw as it borders of providing legal advice.
- Katherine Miller - Comments are in support of the current dog control bylaw, stating that it adequately addresses the various problems discussed in town with dog behavior. Statements reflect that the dog officer must maintain an ability to exert rulings on dog behavior, and further suggests that not all situations can be prescribed.
- Rail Trail – Offered by Mike Bouchard that the Rail Trail rules (operated by the Comm of Mass Department of Environmental Management) state that “Pets must be kept on a short leash”.
- Public Comments form the meeting:
  - Various comments and questions on the bylaw, substantially as covered above.
  - Comments challenging the direction of the proposed bylaw’s “physical control” requirements:
    - Dogs on leash 100% of the time seems draconian. Owner needs an ability to train dogs. Training requires open space and unleashed. Is that a violation? Committee believes this would be a violation if “not on private land with the written permission of the landowner”.
    - Comments that dog owners need to be responsible parties, and exert control over their dogs. People most often think they have more control than they do, especially in challenging circumstances.
    - Discussion on dogs on (owner’s) private property and allowed behavior. Dogs being on the owner’s property, or with written permission of the landowner, effectively removes the “physical control” requirements.
    - How big is the dog problem? There are approximately 1000 dog complaints per year. Most are for loose, barking or missing dogs. Dog bite complaints are rare.
    - Groton Place –
      - Of the approximately 1000 dog complaints a year, Groton Place is the source of more complaints than any other place. Groton Place is private property.

- The proposed dog control bylaw would require “physical control” of dogs while on the property, unless the property is posted.
  - Groton Place is used by Groton residents and non-residents, making it problematic to track and educate dog owners.
- Public hearings on the Dog Control Bylaw will be held at 7:00 PM at either Legion Hall or Town Hall on these dates:
  - Tuesday          August 2\*
  - Wednesday      August 17\*
  - Monday          September 12 with the Board of Selectmen
- Subject to Committee member availability. Dates may change