**Chapter 6 Section 22. – LEASH LAW**

**A. Definitions**

"At large" means off the premises of the owner or custodian and not under the direct control of the owner or custodian by leash.

“Custodian” means a person who has temporary control of said dog.

All other terms shall be as defined by Massachusetts General Laws Chapter 140, Section 136A (or its successor provision).

**B. License**

All dogs over the age of six (6) months must be licensed every calendar year. Any owner of a dog not licensed by May 1st of each calendar year shall be issued a fine of fifty dollars ($50.00), along with a notice to license dog within seven (7) days. The expiration of each seven (7) day period following such notice shall be deemed a separate offense. All such dogs acquired after May 1st of each calendar year shall be properly licensed with the Town within thirty (30) days of acquisition.

There is a limit of three (3) dogs per household unless a special exemption is made by the Animal Control Officer or his or her designee.

Each dog license issued shall be accompanied by a copy of this bylaw, Chapter 6, Section 22 of the General Bylaws of the Town of Milton.

**C. Restraint**

No person shall allow a dog owned or kept by him or her to roam at large and without a restraint, such as, but not limited to, a leash or other tethering device in, upon or over any of the public streets, public ways, or public places within the confines of the Town of Milton or on, upon or over the private property of another without the expressed consent of said property owner. While on, upon or over the private property of the owner or Custodian, every effort must be made to deter the dog from being able to freely exit the said property.

The owner or Custodian of a dog which is not on the premises of the owner or upon the premises of another person with the knowledge and expressed consent of such person shall keep the dog under control by means of a leash or other tethering device not exceeding six (6) feet in length and of sufficient strength to control the actions of such dog.

Under no circumstances shall a dog, including but not limited to a dog on a leash or other tethering device, be allowed on private property, unless specific permission of the property owner has been expressly granted.

In any prosecution under this Section, the presence of such dog at large and without a restraint shall be prima facie evidence that such knowledge and permission was not had.

Subsection C shall not apply to dogs used for and during the time of hunting, field trials, or farm purposes, or dogs being utilized by any law enforcement officer in the course of their duties.

**D. Violations of Subsection C.**

Any violation of Subsection C hereunder shall be punished by a fine of thirty ($30.00) dollars for the first offense, forty dollars ($40.00) for the second offense and fifty dollars ($50.00) for the third and each subsequent offense, in addition to any penalty otherwise provided by law, including but not limited to Massachusetts General Laws Chapter 140, Section 157 and other general or special law. In addition, any violation of Subsection C shall permit the Animal Control Officer to order the dog restrained or to impound the dog. In the event of such impoundment, return of the dog to the owner or keeper thereof shall not be made until after the payment to the Town of Milton of the sum of thirty-five dollars ($35.00) together with ten dollars ($10.00) for each day the dog is held, which fee is for the approximate cost of impoundment.

**E. Animal Care**

No dog shall be tethered to a stationary object for more than one (1) hour at a time. The tether should be manufactured specifically for dogs or which is made of a material with sufficient strength for that purpose, including without limitation coated steel cable. No dog shall be tethered to a stationary object with a material which may cause death or injury to the dog or which could become entangled around the body or limbs of the dog or could otherwise cause discomfort to the animal. The tether shall be at least five (5) times the length of the dog. No dog shall be tethered to a stationary object by a tether which is attached to a training collar on the dog’s neck which, if the tether became tangled, could tighten causing death, injury or discomfort to the dog.
No dog shall be penned for a period longer than four (4) hours at a time without adequate food, water, shelter and pen space which is large enough for the dog to move around comfortably. Each pen shall meet the following requirements for such space:

<table>
<thead>
<tr>
<th>Number of dogs</th>
<th>Dog Weight &lt;50lbs</th>
<th>Dog Weight &gt; 50lbs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>6’ X 10’ (60 square feet)</td>
<td>8’ X 10’ (80 square feet)</td>
</tr>
<tr>
<td>2</td>
<td>8’ X 10’ (80 square feet)</td>
<td>8’ X 12’ (96 square feet)</td>
</tr>
<tr>
<td>3</td>
<td>8’ X 12’ (96 square feet)</td>
<td>10’ X 14’ (140 square feet)</td>
</tr>
</tbody>
</table>

In the event a special exemption is granted for more than three (3) dogs, the Animal Control Officer or his or her designee shall determine the minimum space requirements for each pen.

F. Violations of Subsection E.

Any violation of Subsection E hereunder shall be punished by a fine of not less than twenty five dollars ($25.00) and not more than two hundred dollars ($200.00) for each offense. Each instance of such a violation shall constitute a separate offense.

G. Enforcement

The issuance of a fine shall not preclude the Town of Milton from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this Section.

H. Severability

The provisions of this Section are hereby declared to be severable. If any provision, paragraph, sentence or clause of this bylaw or the application thereof shall be held invalid, such invalidity shall not affect the other provisions or application of said bylaw, to the extent permitted by law.

On October 4, 2016 the Office of the Attorney General Approved the above bylaw except as provided below:

RE: Milton Annual Town Meeting of May 2, 2016 - Case # 8110
Warrant Article # 44 (General)

Dear Ms. Galvin:

Article 44 - We approve Article 44 except as provided below. Article 44 amends the Town’s general by-laws by deleting Chapter 6, Section 22, pertaining to dogs and inserting a new Chapter 6, Section 22. The new Section 22 imposes license, restraint, and care requirements on dog owners. Specifically, Section 22 (E) pertains to animal care and provides in pertinent part as follows:

Each pen shall meet the follow requirements for such space

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In the event a special exemption is granted for more than three (3) dogs, the Animal Control Officer or his or her designee shall determine the minimum space requirements for each pen.

We disapprove and delete the above quoted text pertaining to pen size requirements from Section 22 (E) because it is inconsistent with G.L c. 140, § 174E. [Disapproval # 1 of 1]. Section 174E pertains to chaining, tethering, and confining of dogs and provides in pertinent part as follows: 2
b) 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:
(1) 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 4 sides enclosed; and
   (iii) the minimum height of the fence shall be adequate to successfully confine the dog.
General Laws Chapter 140, Section 174E, requires a pen to be at least 100 square feet for a dog regardless of the size of the dog. The by-law’s size requirements for pens allows pens to be as small as 60 square feet and as large as 140 square feet depending on the number of dogs kept in the pen, which results in pen sizes less than that required under G.L. c. 140, § 174E. For this reason, the pen size requirements of Section 22 (E) are inconsistent with G.L. c. 140, § 174E.1

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MAURA HEALEY
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