

TOWN OF EASTHAM
RULES ABOUT DOGS
UPDATED MAY 21, 2018



Enclosed you will find the rules that apply in the Town of Eastham relating to dogs; actions you must take if you own a dog; and prohibited actions involving dogs.

Rules pertaining to dogs have been adopted by the community through Town Meeting actions at various times and for a variety of purposes. As a result, these regulations are scattered among different bylaws. For convenience, the various rules and regulations have been assembled into this reference document. Below is a short summary of rules to keep in mind. The full text of relevant Town By-Laws appears on the following pages. National Seashore guidelines which apply to the Seashore beaches within the Town of Eastham are also noted below. (You may obtain a card with full details from the Salt Pond Visitors Center.)

General

- You must have a license for all dogs 6 months or older.
- Dogs must be vaccinated for rabies
- Dogs must be on a leash or under voice control.
- “Pick up the poop”: Dog’s solid waste must be picked up immediately.
- A dog’s continuous barking (15 minutes-plus), heard at 100', is not allowed.

Town Beaches

Dogs may not be on Eastham’s bayside beaches from **June 15 through Labor Day**. During that period, dogs are allowed on beach at Dyer Prince Rd near the Eastham side of Rock Harbor, on leash and only before 9 AM and after 4PM. This exception was approved by Board of Selectmen.

National Seashore Beaches

Under National Seashore rules, dogs on 6-foot leash are permitted only away from bathing areas and bird-nesting sites. They are *not* allowed on lifeguard-

protected Seashore (ocean) beaches but may pass through those areas to beach areas where people are not congregating. Dogs are not permitted in posted areas during shorebird nesting, staging, and migrating periods, and dogs may not pass through those areas.

FROM THE
TOWN OF EASTHAM GENERAL BYLAWS

Chapter 17: ANIMALS

Article I: Dogs on Beaches [Adopted 5-3-1982 ATM by Art. 7]

§ 17-1 Dogs on beaches during summer months prohibited [Amended 5-3-2010 ATM by Art. 42]
It shall be illegal to have a dog, except a Seeing Eye dog, a hearing ear dog, or a service dog, on any public bathing beach within the Town of Eastham from June 15 through Labor Day, except when specifically permitted by the Board of Selectmen.

Article II: Animal Control [Adopted 5-1-2006 ATM by Art. 33] [Amended 5-7-2018 ATM by Art.27]

§ 17-3 Purpose

The purpose of animal control is to encourage the safe, humane treatment of animals, to establish and foster responsible animal ownership, to effectively control the spread of contagious disease, and to maintain a safe environment for both animals and people.

§ 17-4 Definitions

The following words, for the purposes of this bylaw of these bylaws shall, unless another meaning is

clearly apparent for the way in which the word is used, have the following meanings:

ADEQUATE SHELTER

A structure that is large enough for the animal, whether it be livestock or pet, to stand naturally, turn around and lie down inside of the structure without being exposed to the elements of weather. The roof and walls of the structure shall be waterproof and windproof. Bedding must be kept dry and changed regularly to preserve insulating qualities. During cold weather a moveable flap shall be placed over the entrance to a dog shelter to preserve the dog's body heat. Adequate shelter from sun may be provided by a tarpaulin placed in a manner to provide deep shade and allow air to pass through for ventilation.

ANIMAL CONTROL OFFICER

One or more Town employees assigned to perform the duties outlined in this bylaw.

DANGEROUS or VICIOUS

Any dog that has a verifiable record of (a) inflicting injury on a human being without provocation; or (b) has killed a domestic animal without provocation; or (c) any dog owned or harbored primarily, or in part, for the purpose of fighting or any animal trained for fighting.

KENNEL, BREEDING

Any premises where between one and four dogs are owned, kept or harbored for the purpose of breeding; provided, however, that no more than four dogs 12 weeks of age or older may remain on the premises at any time.

KENNEL, COMMERCIAL

Any premises maintained for the boarding, breeding, grooming or training of dogs, or where five or more dogs six months of age or older are kept.

KENNEL, RESIDENTIAL

Any premises where four dogs over the age of six months are owned, kept, harbored, or temporarily cared for.

LICENSING PERIOD

The time between January 1 and the following December 31, both dates inclusive.

OWNER

Any person who, individually or jointly, owns or keeps an animal within the Town of Eastham.

POTENTIALLY DANGEROUS

Any dog which, when unprovoked, chases or approaches a person upon the public ways or on any public or private property, other than the animal's own premises, in a menacing fashion or in an apparent attitude of attack; or any dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

§ 17-5 Dog license and tag

A. The owner of a dog kept within the Town of Eastham shall cause that dog to be licensed when it attains the age of six months, and annually thereafter. Such license shall be in a form prescribed by the Town Clerk.

B. No license may be issued unless the owner of the dog provides proof of rabies vaccination. Proof may be in the form of a certificate or letter issued by a veterinarian stating the dog has been vaccinated in accordance with the then current regulations of the Massachusetts Department of Public Health. In the case of a neutered or spayed dog, a letter or a certificate from a veterinarian, stating that neutering or spaying has occurred, is required.

C. A licensing form shall be provided by the Town Clerk, which shall include the name of the owner or keeper of the dog, the address in Eastham where the animal is kept, the name of the dog; the age, the breed, color and any other identifying characteristics. There shall be one form for each dog owned. The Town Clerk shall record the license and issue a registration number and tag for each dog.

D. The owner shall keep a copy of the dog license in his or her residence in a readily accessible place. The dog shall wear around its neck or body a collar or harness to which is securely attached the tag issued for that animal.

E. Substitute or replacement tags. In the case of lost, defaced or destroyed tags, a substitute tag may be obtained from the Town Clerk, for a fee set by the Board of Selectmen. The owner must obtain the substitute tag within 10 working days of the loss or destruction of the original.

F. The owner of any dog shall provide proof of licensing upon request of the Animal Control Officer, police officers, health agents, Shellfish Constable, Harbormaster, or other Town officer or employee designated by the Board of Selectmen.

G. No dog license shall be issued to any person who has been convicted of cruelty to animals as defined in MGL c. 272, § 77, 80A, 94 or 95.

H. All dogs resident in the Town of Eastham shall be licensed. The fee for each dog license shall be set by the Board of Selectmen. No fee shall be charged for a dog specially trained to lead or serve a blind, deaf, or handicapped person upon presentation to the Town Clerk of a certificate of such training.

I. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering,

or removal from the Town of Eastham or any other disposal of said dog.

§ 17-6 Vaccination of dogs against rabies

A. The owner of a dog six months of age or older housed or kept within the Town of Eastham shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine approved by the Massachusetts Department of Public Health. Any unvaccinated dog acquired or moved into the Town shall be vaccinated within 30 days after the acquisition or arrival into Eastham or upon reaching the age of six months, whichever last occurs. The owner 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.

B. 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 of suitable material to be worn by the dog at all times.

§ 17-7 Kennel licenses, inspection, and regulation; revocation or suspension; hearing

A. The Town Clerk shall not issue a residential breeding or commercial kennel license unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that each dog six months of age or older is currently vaccinated against rabies.

B. Issuance of a breeding or commercial kennel license shall be contingent upon inspection and approval by the Animal Control Officer to ensure that basic standards of cleanliness and proper care and confinement of said dogs exist on the premises.

The name and address of the owner of each dog kept in any kennel, if other than the person maintaining the kennel, and a veterinarian's certificate verifying that each dog six months of age or older is currently vaccinated against rabies shall be kept on file thereat and available for inspection by the Animal Control Officer or any authorized persons.

C. All kennel fees shall be set by the Board of Selectmen. The Town Clerk shall, upon application, issue without charge a commercial kennel license to any domestic charitable corporation, incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, and for the relief of suffering among animals. A veterinary hospital shall not be considered a kennel unless it contains an area for the selling or boarding of dogs for other than medical purposes, in which case it shall apply for a commercial kennel license. The license period for a kennel license shall be from January 1 to December 31, inclusive.

D. The Animal Control Officer, police officer, health agent or any agent authorized by the Town may at any time inspect any kennel or premises for which a commercial breeding or residential kennel license has been issued.

E. If the Animal Control Officer, or other authorized agent, after inspection, determines that the kennel or premises that are the subject of a kennel license are not kept in a sanitary or humane condition, or if records are not kept as required by law, the Selectmen may, by order after hearing, revoke or suspend such license. If a license has been revoked or suspended, the license may be reinstated after inspection, only following a public hearing before the Board of Selectmen and upon its determination that reissuance of said license shall result in compliance with all

applicable requirements of this bylaw and the General Laws of the Commonwealth of Massachusetts.

§ 17-8 Failure to provide adequate animal shelter

Any person owning, keeping, or otherwise responsible for any animal, whether companion, pet, farm animal or livestock, who confines that animal by tethering, fencing, or other means, and such confinement exposes the animal to the elements for an unreasonable amount of time depending on conditions, shall provide the animal access to adequate shelter from the elements of weather such as rain, cold, or sun. Potable water must be available to the animal at all times.

§ 17-9 Leashing, restraining and waste removal

A. Any person owning, keeping, or being responsible for a dog shall not allow nor permit said dog to run at large on any of the streets or public places in the Town of Eastham or upon any private property, unless the owner or lawful occupant of such property grants permission therefor.

B. No dog shall be allowed or permitted in any public place or street within the Town unless it is effectively restrained and controlled by a chain or other form of leash that is sufficient to hold the dog, or unless it is under the immediate and effective voice control of a handler, or unless it is within and confined to a motor vehicle.

C. All dog owners, keepers or persons having control of a dog are responsible for immediately removing and disposing of, in a sanitary manner, all solid wastes produced by said dog on any property, other than the property of the dog owner. There shall be a zero tolerance policy towards the nonremoval of solid dog waste; no written warning shall be given.

[Amended 5-7-2018 ATM by Art. 27]

D. No person owning or keeping a dog shall chain or tether a dog for longer than 5 hours in a 24-hour period and outside from 10:00 p.m. to 6:00 a.m., unless the tethering is for not more than 15 minutes and the dog is not left unattended by the owner, guardian or keeper. A tethering 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 (*for further information, see Massachusetts General Laws, Chapter 140, Section 174E*).

§ 17-10 Barking and other noise caused by animals

No person owning, keeping, or otherwise responsible for a dog or other animal shall allow or permit said animal to annoy another person's reasonable right to peace or privacy by making loud or continuing noise, where such noise is plainly audible at a distance of 100 feet from the building, premises, vehicle, or other means of conveyance or housing of said dog, or where such noise is continuing for 15 minutes. The fact that such noise is plainly audible at said distance or continuing in excess of 15 minutes shall be prima facie evidence of a violation. This section shall also apply to commercial kennels, except that noise continuing for 15 minutes or more, is limited between the hours of 7:00 p.m. and 7:00 a.m.

§ 17-11 **Complaint and hearing**

A. Dangerous, vicious or potentially dangerous dog; barking or other nuisance. If any person shall make complaint in writing to the Police Department or the Board of Selectmen that any dog owned or harbored within the Town is a nuisance by reason of dangerous or vicious disposition or by excessive barking or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any person residing in the Town, or that any kennel is a source of annoyance or nuisance, the Selectmen shall investigate or cause to be investigated such complaint. The Selectmen may conduct a hearing within 21 days of the complaint, and if so shall give written notice to the owner or keeper of the dog, the complaining party, and any other person as the Selectmen shall determine, of a public hearing to be held within 14 days of such notice. Said notice shall also be posted with the Town Clerk at least 48 hours prior to such hearing. The hearing shall include an examination on oath of the complaining party and such other parties as the Board of Selectmen shall deem appropriate. Within 14 days after such public hearing, said Selectmen shall make such order concerning the restraint or disposal of such dangerous or vicious dog as may be deemed necessary and in the public interest, and may fine the owner of any barking or nuisance dog up to \$300 per occurrence.

[Amended 5-7-2007 ATM by Art. 37]

B. Nuisance or unsafe kennel. If any person(s) shall make complaint in writing to the Police Department or the Board of Selectmen that any kennel constitutes a nuisance due to noise, unsafe conditions or otherwise, Selectmen shall investigate or cause to be investigated such complaint. The Selectmen may conduct a hearing within 21 days of the complaint

and if so shall give written notice to the owner or keeper of the kennel, the complaining party, and any other person as the Selectmen shall determine, of a public hearing to be held within 14 days of such notice. Said notice shall also be posted with the Town Clerk at least 48 hours prior to such hearing. The hearing shall include an examination on oath of the complaining party and such other parties as the Board of Selectmen shall deem appropriate. Within 14 days after such public hearing, said Selectmen shall make such order concerning the mitigation or discontinuance of such offending kennel or such other action as may be deemed necessary and in the public interest.

C. Within 14 days after issuance of an order by the Board of Selectmen under Subsections **A** and **B** above, the holder of such license or other person who is the subject of such an order may petition the District Court for relief in the manner provided in MGL C. 140, § 137C.

§ 17-12 Impoundment of dogs; record of impoundment; reclamation

A. It shall be the duty of the Animal Control Officer, and any assistant Animal Control Officer appointed by the Board of Selectmen, to apprehend any dog found running at large and to impound such dog in an appropriate boarding or other facility.

B. The Animal Control Officer or other impounding officer shall keep a register and make a complete record of each impoundment. The record shall contain the following information:

- (1) The breed, color, and sex of each dog;
- (2) Whether or not the dog is licensed;
- (3) The license number, if any;
- (4) The date and place of apprehension;

- (5) The location where the dog is being kept; and
 - (6) The name and address of the owner, if known.
- C.** The owner of an impounded dog, when known, shall be notified verbally or in writing of such impoundment or, if the owner is unknown, written notice shall be posted with the Police Department. Notice shall contain a description of the dog, date and place of apprehension, and location where the dog is being kept.
- D.** The owner, keeper, or other responsible person may reclaim the dog so impounded upon payment of the license fee, if unpaid, and the payment of fees and charges for impoundment and board at the place of impoundment, together with any other costs of impoundment.

§ 17-13 Violations and penalties

[Amended 5-7-2018 ATM by Art. 27]

- A.** The Animal Control Officer or any police officer of the Town shall be empowered to enforce provisions of this Bylaw.
- B.** In addition to the remedies set forth in this Bylaw and in GL c. 140, §§136A to 174E, inclusive, including but not limited to GL c. 140, §157A, or any other applicable provision of law, this Chapter may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any person who violates any provision of this Chapter shall be subject to the following penalties:

First Offense:	\$50 fine
Second Offense:	\$100 fine

Third Offense: \$200 fine
Fourth and Subsequent
Offense: \$300 fine

- C. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. A separate offense is not limited to an offense within a calendar year from the first offense.
- D. The Town may enforce this Chapter or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

FROM THE
**TOWN OF EASTHAM RULES AND
REGULATIONS - BEACHES**

No animals or pets will be permitted on the beaches, in the parking areas, or in vehicles in the parking areas at any time during the period of June 15th through Labor Day.

Exception: Dogs will be allowed in the Dyer Prince/Rock Harbor Area only before 9:00 a.m. and after 4:00 p.m. between June 15th and Labor Day.

Dogs must be on a leash at all times and all dog waste must be removed by the owner.

No animals or pets will be permitted in playground areas at any time.

Dogs are allowed on the Wiley Park walking trails throughout the year.

FROM THE
**CAPE COD NATIONAL SEASHORE
REGULATIONS**

Pets are great companions for enjoying the out-of-doors. At numerous locations in Cape Cod National Seashore, people and their pets can experience the remote beauty and tranquility of this fragile place. Pets must be on a 6' leash at all times, and important restrictions apply.

Where leashed pets are permitted:

- All fire roads within Cape Cod National Seashore (depicted on topographic maps available at park and local bookstores);
- Head of the Meadow Bicycle Trail year round and Province Lands and Nauset bike trails, November 1-April 30;
- Fresh water ponds within Cape Cod National Seashore (beaches and water), October 16-May 14;
- Cape Cod National Seashore ocean beaches except as follows:
 - During the summer, pets are not permitted on lifeguard-protected beaches. Passing through lifeguard-protected areas of the beach is permitted.
 - During shorebird nesting, staging, and migrating periods, pets are not permitted in posted locations. Passing through these areas is prohibited.

Where pets are not permitted:

- Designated nature trails at any time; check signs and at visitor centers for Great Island exceptions;

- Nauset and Province Lands bike trails, May 1-October 31;
- Fresh water ponds within Cape Cod National Seashore (beaches and water), May 15-October 15;
- Areas where certain shorebirds nest, especially the piping plover, a threatened species under the Endangered Species Act. Birds may abandon nests when they perceive threats or are disturbed. These areas are posted seasonally when prohibition is in effect.;
- On lifeguard-protected beaches during the summer months. You may walk your leashed pet through these areas to enjoy walks on stretches of beach.;
- West and Sunset horse trails in the Province Lands; Cape Cod National Seashore trams, except working service animals.

Remember:

- Pets must be leash-controlled to prevent them from disturbing people and other pets, from harassing wildlife, and for their own safety.
- Pick up your pet's fecal matter, remove it, and dispose of it properly.
- Protection rangers enforce National Park Service pet regulations for the benefit of visitors and the seashore's unique environment. Failure to leash your pet or being in an area closed to pets may result in a fine.
- Town pet regulations apply to town-managed beaches and town property within the national seashore boundary.