

RECEIVED  
CITY CLERK

2022 OCT 18 P 2: 27

CITY OF AMESBURY, MA

22-70882

2022-142



**POLICE DEPARTMENT**

19 School Street – Amesbury, MA 01913

Tel: 978.388.1212 / Fax: 978-388-1220

[www.amesburyma.gov](http://www.amesburyma.gov)

To: Amesbury City Council  
Re: Dangerous Dog Hearing

Amesbury City Councilors,

In accordance with Massachusetts General Law chapter 140 section 157, I hereby request that dangerous dog hearing be conducted at your earliest convenience. I request this hearing based on the report attached to this letter.

Respectfully Submitted

DAVID SANTIAGO

(Name)

6 Spindle Tree Ln

(Address)

Amesbury MA 01913

(City)

(State)

(Zip)

[Signature]

(Signature)

10/18/2022

(Date)

RECEIVED  
CITY CLERK

2022 OCT 18 P 2: 27

CITY OF AMESBURY, MA



POLICE DEPARTMENT  
19 School Street – Amesbury, MA 01913  
Tel: 978-388-1212 / Fax: 978-388-1220  
[www.amesburyma.gov](http://www.amesburyma.gov)

AMESBURY ANIMAL CONTROL BITE REPORT

DATE:	TIME:	CITY:	CALL NUMBER
9/15/2022	1300 pm	Amesbury	22 - 70882

VICTIM INFORMATION

LAST NAME:	FIRST NAME:	PHONE NUMBER:
Santiago	Daniel	978 - 270 - 0078

ADDRESS:	CITY:	STATE:	ZIP:
6 Spindletree Lane	Amesbury	MA	01913

TREATED:	FACILITY NAME:	PHONE NUMBER:
No	N/A	N/A

LOCATION OF BITE:
Right calf puncture

OWNER INFORMATION

ANIMAL TYPE:	VACCINATED:	EXPIRES:	NAME:
Canine	Yes	05/2023	Kona

LAST NAME:	FIRST NAME:	PHONE NUMBER:
Trotter	Callan	978 - 230 - 2196

ADDRESS:	CITY:	STATE:	ZIP:
4 Spindle tree lane	Amesbury	MA	01913

TREATED:	FACILITY NAME:	PHONE NUMBER:
No	N/A	N/A

LOCATION OF BITE:
N/A

Dog came running from the yard at 4 Spindle tree and proceeded to charge after Santiago and his wife Santiago got bit in the right calf area in the process. Dog owners at first denied that it was her dog that was involved but after further investigation and conversations it was determined that it was her dog involved. Amesbury Police on scene and filed a report as well as gathered witness statements.

22-70882



**POLICE DEPARTMENT**  
19 School Street – Amesbury, MA 01913  
Tel: 978.388.1212 / Fax: 978-388-1220  
[www.amesburyma.gov](http://www.amesburyma.gov)

RECEIVED  
CITY CLERK

2022 OCT 18 P 2:27

CITY OF AMESBURY, MA

To: Callan Trotter  
Re: Dangerous Dog Hearing

Mrs. Trotter,

In accordance with M.G.L. Ch. 140 § 157 a dangerous dog hearing has been requested to be heard before the Amesbury City Council. Until the hearing is heard you are hereby required to adhere to the following restrictions.

1. All dogs must be leashed at all times while outside the dwelling and while on private and public property, unless the dogs are in a secured fenced in area or temporary pen.
2. All dogs must be muzzled while outside on private and public property, unless the dogs are in a secured fenced in area or temporary pen.
3. Leash cannot be longer than 4 feet in length.

The hearing will be scheduled as soon as possible. Should you have any questions feel free to contact me.

Thank You  
Steven Maher  
Animal Control Officer/Inspector  
City of Amesbury  
Town of Salisbury  
NACA certified  
National Animal Cruelty Investigator – Level 1  
[Animalcontrol@salisburyma.gov](mailto:Animalcontrol@salisburyma.gov)



October 18, 2022

Daniel Santiago  
6 Spindletree Lane  
Amesbury, MA 01913

Mr. Santiago,

In response to your request for a determination of a dangerous dog, the City Council will be holding a public hearing on November 15, 2022. The meeting will begin at 7:00 p.m.

Please plan to attend this meeting. The City Council will be hearing testimony from you, Mr. Trotter, and the Animal Control Officer.

The agenda for this meeting has not yet been finalized, but it will be posted to the City's website at least 48 business hours prior to the meeting. You may view it there, or you can request a copy to be sent to you through our office.

If you have any additional questions regarding this matter, please do not hesitate to contact our office.

Sincerely,

Amanda Haggstrom  
City Clerk

Amanda Haggstrom, City Clerk  
City Hall • 62 Friend Street • Amesbury, MA 01913  
(978) 388-8100 • [Haggstroma@amesburyma.gov](mailto:Haggstroma@amesburyma.gov)

MAKE HISTORY HERE



October 18, 2022

Callen Trotter  
4 Spindletree Lane  
Amesbury, MA 01913

Mr. Trotter,

On October 18, 2022, a request for a determination of a dangerous dog was filed in the Clerk's Office by Mr. David Santino, to determine if your dog, Kona, is dangerous and a threat to public safety.

The City Council will be holding a public hearing on November 15, 2022. The meeting will begin at 7:00 p.m. Please plan to attend this meeting. The City Council will be hearing testimony from you, Mr. Santino, and the Animal Control Officer.

The agenda for this meeting has not yet been finalized, but it will be posted to the City's website at least 48 business hours prior to the meeting. You may view it there, or you can request a copy to be sent to you through our office.

I am attaching a copy of the request and report filed with our office for your records.

If you have any additional questions regarding this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink that reads 'Amanda Haggstrom'. The signature is fluid and cursive.

Amanda Haggstrom  
City Clerk

Amanda Haggstrom, City Clerk  
City Hall • 62 Friend Street • Amesbury, MA 01913  
(978) 388-8100 • [Haggstroma@amesburyma.gov](mailto:Haggstroma@amesburyma.gov)

MAKE HISTORY HERE

<b>Part I</b>	ADMINISTRATION OF THE GOVERNMENT
<b>Title XX</b>	PUBLIC SAFETY AND GOOD ORDER
<b>Chapter 140</b>	LICENSES
<b>Section 157</b>	NUISANCE OR DANGEROUS DOGS; ORDERS FOR REMEDIAL ACTION; APPEAL; VIOLATION OF ORDER

Section 157. (a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

- (1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;
- (2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
- (3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or

(4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

(b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.

(c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:

(i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;

(ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime

including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

(vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

(vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, 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 section 62C of chapter 221, 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.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter

animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the complaint; (ii) deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any

property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality.

If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or 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 the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).