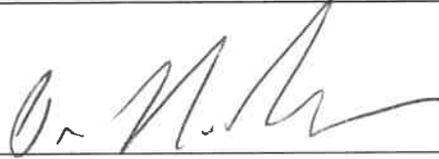


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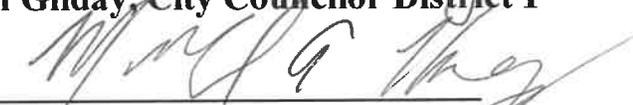
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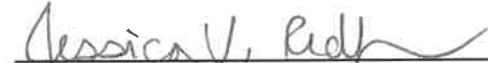
CITY OF AMESBURY CITY OF AMESBURY, MA
IN THE YEAR TWO THOUSAND TWENTY-FOUR

SPONSORED BY:  **BILL No. 2024-114**

Owen Corcoran, Councilor, District 3


Pam Gilday, City Councilor District 1


Michael Hogg, City Councilor District 6


Jessica Redfern, City Councilor District 5

An Ordinance to amend Amesbury City Code Chapter 204, “Animals” and recognize the Chief of Police, or the Chief’s designee, as the hearing authority for nuisance and dangerous dog hearings in the City of Amesbury in accordance with G.L. c. 140 §§ 157 and 136A.

Summary: This ordinance shall update Chapter 204 of the Amesbury City Code to define the hearing authority for nuisance and dangerous dog hearings as the Chief of Police, or the Chief’s designee. This ordinance shall also update Section 204 to remove inclusion of dog breed names and replace in all instances the phrase *Town of Amesbury* with the phrase *City of Amesbury*.

Whereas, the provisions of G.L. c. 140, § 157(a) state, “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...”; and

Whereas, the provisions of G.L. c. 140, § 136A define the term “hearing authority” as, “the selectmen of a town, mayor of a city, the officer in charge of the animal commission, the chief or commissioner of a police department, the chief or commissioner’s designee or the person charged with the responsibility of handling dog complaints in a town or city.”; and

Whereas, it is therefore appropriate to amend the Amesbury City Code Chapter 204, "Animals" to establish the nuisance or dangerous dog hearing authority as provided in G.L. c. 140 as cited herein and to replace in all instances in Chapter 204 the phrase "Municipal Council" with the phrase "Chief of Police, or Chief of Police's designee"; and

Whereas, Chapter 204 of the City Code, should be further amended to replace the word "vicious" as it appears therein with the word "dangerous"; and

Whereas, Chapter 204 of the City Code, should be further amended to replace the phrase "Town of Amesbury" as it appears therein with the phrase "City of Amesbury"; and

Whereas, Chapter 204 of the City Code should be further amended to remove inclusion of named dog breeds in accordance with the provisions of Chapter 193 of the Acts of 2012, An Act Further Regulating Animal Control.

Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

1. Amesbury City Code Chapter 204, "Animals" is hereby amended by deleting the phrase "Municipal Council" as it appears therein and inserting in place thereof the phrase "Chief of Police, or Chief of Police's designee".
2. Amesbury City Code Chapter 204, "Animals" is hereby further amended by replacing the word "vicious" with the word "dangerous" in all instances.
3. Amesbury City Code Chapter 204, "Animals" is hereby further amended by deleting the phrase "Town of Amesbury" as it appears therein and inserting in place thereof the phrase "City of Amesbury".
4. Amesbury City Code Chapter 204, "Animals" is hereby further amended by adding to Section 204-19 the following term "Hearing authority" and its definition as below:

Hearing authority – In compliance with G.L. c. 140, § 136A, the Amesbury hearing authority for dangerous and nuisance dogs shall be the Chief of Police, or Chief of Police's designee.

The hearing authority shall make determinations based on G.L. c. 140, § 157. If the hearing authority deems the dog as dangerous or nuisance, the hearing authority shall issue orders in compliance with G.L. c. 140, § 157, which has

precedence over any possible discrepancies in this section of the Amesbury Code.

5. Amesbury City Code Chapter 204, "Animals" is hereby further amended by deleting from Section 204-19 the following language:

B. "Vicious dog" includes the breed of dog known as the "American Staffordshire pit bull," "pit bull terrier," "bull terrier" or the "American pit bull."

And further by renumbering said Section 204-19 so as to now read as follows:

DANGEROUS DOG

Any dog:

- A. That when unprovoked inflicts bites or attacks a human being or other animals, either on public or private property, or in a dangerous or terrorizing manner approaches any person in apparent attitude of attack upon the streets or sidewalks or in any public grounds or places;
 - B. With a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
 - C. Which attacks a human being or domestic animal without provocation;
 - D. Owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
 - E. Not licensed according to City law.
6. That this order be effective as of January 1, 2025.