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TOWN CLERK

Regulation of the Adams Board of Health **Prohibition of Dogs on Town Athletic Fields**

Section 1. Authority: This regulation is adopted under the following statutes:

a. M.G.L. Chapter 111, Section 31, which gives the Board of Health (hereinafter designated as “the Board”) authority to make reasonable health regulations; and/or,

b. M.G.L. Chapter 111, Section 122, which directs the Board of Health to examine into all nuisances, sources of filth, and causes of sickness within its town, which may, in its opinion, be injurious to the public health and to destroy, remove, or prevent the same as the case may require.

Section 2. Purpose:

a. This regulation is intended to prevent dog-related nuisances, defecation, abandoned feces, sources of filth and causes of sickness which may be injurious to the public health, safety, or welfare of users and guests of the town’s athletic fields as well as of town employees responsible for field maintenance.

b. This regulation is also intended to prevent circumstances of dogs potentially harming, molesting, attacking, or injuring persons and/or other animals using or attending the town’s athletic fields and/or sporting events.

c. Jointly, these two aforementioned purposes would allow sports organizers, players and officials to focus their attention on the game/s rather than being distracted by stepping in dog wastes and/or off-the-playing-area distractions caused by vicious dogs and potentially becoming injured by any dog-related distractions.

d. Additionally, organizers, players, officials, spectators and/or other attendees would not be alarmed or distracted by dogs barking, howling or yelping to the great discomfort of the peace and quiet of the sports participants, or in such manner as to materially disturb or annoy persons enjoying use of the town’s athletic fields who are of ordinary sensibilities.

Section 3. Definitions:

ATHLETIC FIELD (as it applies to this regulation): The playing surfaces of the following four (4) town fields: Russell Field (tennis and softball areas), Renfrew Field (baseball, football, soccer, and basketball areas), Valley Field (entire field), Reid Field (fenced-in area for softball).

NUISANCE (as it applies to this regulation): An act which causes or permits a condition to exist which, directly or potentially, injures or endangers the public health, safety or welfare of persons or other animals.

Section 4. Scope:

a. No person shall permit or allow their dog, whether owned by them or under their control, onto any Town of Adams athletic field. For a person under the age of eighteen (18) who has violated this regulation, the parent or guardian shall be deemed to be the responsible party for the purposes of Non-Criminal Disposition.

b. Service dogs are exempted from this prohibition provided that any such service dog is muzzled and the muzzle is constructed in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

c. This prohibition of dogs on the town's athletic fields shall be from April 1st through December 15th of each year whether or not athletic games, scrimmages, or practices are occurring; and, dogs are not permitted on town athletic fields when sports activities are not in session – even for recreation or exercising of dogs.

Section 5. Non-Criminal Disposition:

a. Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D (so-called “21D-ticketing”); each occurrence within any given day in which any violation exists shall be deemed to constitute a separate offense, and each provision of the regulation that is violated shall also constitute a separate offense.

b. Notwithstanding the 21D-ticketing provision discussed immediately above, a code enforcement official or Board of Health agent may additionally pursue a civil complaint in a court of competent jurisdiction if warranted or deemed necessary.

Section 6. Enforcement:

a. Enforcement responsibility of this regulation shall be primarily by the Adams Board of Health or its designated agent(s). Anyone who desires to register a complaint pursuant to this regulation may do so by contacting the Adams Board of Health, or its designated agent(s), and the Board's agent shall investigate. For the purpose of this regulation, the Code Enforcement Officer of the Town of Adams shall serve as the Board's designated enforcement agent.

Section 7. Fines (via 21D-ticketing):

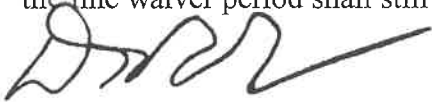
- 1st offense shall be no less than \$50.00;
- 2nd offense shall be no less than \$100.00;
- 3rd and subsequent offenses shall be no less than \$300.00.

Section 8. Severability:


If any portion, or sentence, clause or phrase of this regulation shall be held invalid for any reason, the remainder of this regulation shall continue in full force and effect.

Section 9. Effective Date:

This regulation was adopted/approved by the Adams Board of Health on July 7, 2021, and shall take effect on July 14, 2021. Fines will be waived until July 28, 2021; however, violations during the fine waiver period shall still count in assessing fines for violations after the waiver period.



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