



**TOWN OF NORFOLK**  
**SELECT BOARD**

ONE LIBERTY LANE  
NORFOLK, MASSACHUSETTS

Blythe C. Robinson  
Town Administrator

(508) 440-2855  
(508) 541-3366 FAX

**In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the July 27, 2020 7:00 PM public meeting of the Norfolk Select Board shall be physically closed to the public to avoid group congregation.**

**Alternative public access to this meeting shall be done via Zoom online video conferencing. This application will allow users to view the meeting and provide comments during allocated windows as outlined in the Board's Public Comment Policy. To join, follow the web link or call the dial-in number listed below under the start time/Call to Order. The meeting will be recorded for future rebroadcast by Norfolk Community Television. For more information on getting connected and using the video conference features, please visit**

**<http://www.norfolk.ma.us/assets/files/news/resident-zoom-guide.pdf>**

**7:00 p.m. Call Meeting to Order**

**Zoom Meeting Link: <https://zoom.us/j/3560716045>**

**Zoom Meeting Call-In: 1-929-205-6099 (Meeting ID 3560716045)**

**Continued Public Hearing 7:00 PM**

**Continued Public Hearing under G.L. c.140, §157 to determine whether a dog owned by Ms. Melissa Mitchell is a nuisance dog or a dangerous dog**

**Any other unanticipated business that may come before the Board**

**ADJOURNMENT**

  
**Blythe C. Robinson, Town Administrator**

## Outline of Procedures for Dangerous Dog Hearing

## Outline of Procedures for Dangerous Dog Hearing

Town of Norfolk Select Board's July 27, 2020 Public Hearing under G.L. c. 140, § 157 re: dangerous dog complaint by Brian Beachkofski, concerning dog at 90 Boardman Street, Norfolk

1. **Select Board Chair should make introductory comments**, stating /addressing the following:
  - a. This is a **dangerous dog public hearing** under G.L. c. 140, § 157;
  - b. Written notice of this public hearing was provided to the owner of the dog that is the subject of the complaint (**Select Board Chair should read the hearing notice** that was sent to dog owner);
  - c. Select Board Chair should **identify (but not read in their entirety) materials that have been submitted** to the Select Board prior to the hearing;
  - d. Anyone who wishes to speak or ask questions will have an opportunity. Questions should be directed to any witness through the chair. Speakers should **stick to relevant issues** and be **respectful**; and
  - e. Those wishing to **present documents or written evidence during the public hearing** -- i.e., until the Select Board closes the public hearing for purposes of conducting deliberations -- may do so by indicating such intent to the Chair (at which point the submission may be transmitted either by screen-sharing, e-mail to the Town Administrator's e-mail address, etc.).
2. **Select Board Chair should swear in witnesses collectively**, stating as follows: "Do you swear that the testimony you are about to give shall be the truth, the whole truth and nothing but the truth, so help you God?" All witnesses may be sworn in collectively at the same time. If new witnesses arrive later, they should be sworn in before they testify.
3. Select Board Chair should **invite complainant to testify as first witness**. The order of **subsequent witnesses** is at the **discretion of the Chair** (a logical sequence may be for **Animal Control Officer** to follow the complainant, then the **dog expert consultant**, then the **dog owner**, dog owner's witnesses, etc.).
4. After all of the testimony is received, the Select Board Chair **should invite complainant and the dog owner/her attorney to make closing remarks**.
5. Thereafter, the Select Board should take a vote on whether to **close the public hearing and begin deliberations**.
6. During deliberations, the Board **must vote on the determinations and potential orders enumerated in G.L. c. 140, § 157** and summarized below, and should follow with a **written decision**.

7. Namely, G.L. c. 140, § 157 requires that the Board **must vote as to the following**:

- a. Whether the complaint should be **dismissed**, or whether to deem the dog a “**nuisance dog**” or, instead, a “**dangerous dog**”; and
- b. If the Board votes to deem the dog a “**nuisance dog**,” the Board shall vote on whether to “order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.”
- c. If (after considering the factors set forth in Footnote 1 below) the Board votes to deem the dog a “**dangerous dog**”<sup>1</sup>, the Board **shall order** one (1) or more of the following (the following potential orders are pasted, verbatim, from G.L. c. 140, § 157):
  - (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;

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<sup>1</sup> Note that in certain circumstances G.L. c. 140, § 157 prohibits a determination that a dog is “dangerous.” Specifically, Section 157 states: “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.”

- (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**.

## Minor's Account of Dog Incident

Accounts given 7/16/20

July 2017 - Annabell bit Indie

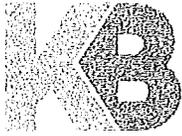
While I was walking Indigo in the backyard (on a retractable leash), she spotted a bunny and chased it into the woods towards the edge of our property. I was only 10 and small, so I couldn't hold onto the leash as she pulled (the leash was locked). I was pulled off of my feet and she continued into the woods for about 50 feet. The handle of the leash caught on some sticks and unlocked. She kept running, but I was able to grab the leash and pull her back. Then I heard some yelling and saw a dog running down the hill through the trees, followed by [REDACTED] mom, who was walking and yelling for the dog. I turned and ran with Indie toward the house. When I got to the patio, I went up onto the deck to go into the house, but Indie yanked free and ran toward the side yard, followed by the other dog. At that point, I couldn't see the dogs, but the slider was locked so I started banging on the glass and that's when I heard Indie yelp. Right after Indie yelped, Mom opened the door and let me in. Then Indie ran up onto the deck and we pulled her inside and slammed the slider shut. Annabell just stood on the deck. Then [REDACTED] mom came up to get the dog and Mom told her that Annabell had just bit our dog. Then she walked away.

Indie never went within 10 feet of their property line. I know this because she was at least 10 feet away from the bottom of the hill where their property ends.

June 13, 2020 - Annabell bit [REDACTED]

[REDACTED] and I were sifting through rocks in their backyard under a canopy. We were sitting on the ground. [REDACTED] was just fixing the bike ramps out in the driveway. [REDACTED] grandmother let the dog out on the run. She usually tells anyone who's at their house that she's letting Annabell out and not to be in the back, but she didn't say anything. I heard [REDACTED] grandmother say "incoming" and I looked over and saw Annabell running over. I know that she is aggressive towards outsiders because [REDACTED] had told me that she had bitten [REDACTED] (neighbor kid at 96 Boardman) so I turned and walked quickly toward where Annabell can't go (toward the edge of her run). Right at the very edge is where she caught up to me and bit my calf. I felt her falter and then she let go and then I could run the remaining 3 feet out of her run area. Then I walked over to the front of the barn and I looked down to see how bad she bit me and realized it wasn't good. I sat down and took off my shoe so it wouldn't get blood all over it. I heard [REDACTED] yelling about how I got bit and then [REDACTED] grandmother came over and looked at it and she said that some relative of hers was there, and they had some first aid experience and got some supplies, like hydrogen peroxide and bandages. [REDACTED] grandmother and the other woman cleaned and dressed the wound. [REDACTED] asked his grandmother what experience the other lady had and she said she had once taken a month's worth of EMT training. They put a bunch of hydrogen peroxide on it, put a big gauze over it and taped it. They said they were going to wait to take me over to my house until [REDACTED] parents got there. That was about 30 minutes or so. [REDACTED] set up his chair next to me and I watched him play on his iPad. [REDACTED] was pacing in the driveway. [REDACTED] grandmother and uncle and the other lady sat there with us. Nobody really talked about anything. They didn't ask if I wanted to call home. When [REDACTED] parents got there, they spent about 5 minutes there. [REDACTED] mom was kind of freaking out. She said she was sorry. [REDACTED] dad asked if Annabell had twisted her head while she was biting. I said that I didn't think so. It was another 5 minutes later that [REDACTED] mom helped me into her car and she drove me the two driveways down the street to our house.

## Letter from Animal Behavior Consultant



## Kelley Bollen Consulting, LLC

July 14, 2020

To Whom it May Concern,

My name is Kelley Bollen and I am a Certified Animal Behavior Consultant with a Masters Degree in Animal Behavior. Over the course of my 20-year career working with companion animals I have consulted with hundreds of animal shelters and pet owners regarding dogs that exhibit aggressive behavior as I am considered an expert on aggressive behavior in dogs. It is with this resume that I offer my thoughts on the case involving a dog named Annabelle, owned by Melissa Mitchell, who bit a 13-year-old child on June 13, 2020 on the dog owner's property at 90 Broadman Street in Norfolk, Massachusetts.

On July 9, 2020 I was contacted by Town of Norfolk animal control officer Hilary Cohen to discuss the case. I told officer Cohen that I would be willing to review the report on the incident and give my professional opinion and that I would also be willing to testify in the dangerous dog hearing that is scheduled for July 27, 2020 if so requested.

I have reviewed the entire report on this incident. Based on the bite incident with the 13-year-old child, I do believe that Annabelle is a potential danger to humans, particularly children, in your community should she ever get loose from her yard or home and be running at large.

The bite to the 13-year-old child appears to be a level 4 bite, according to the Dunbar bite scale. The Dunbar Bite Scale is the scale used in court cases around the world to help determine the dangerousness of a dog following a bite incident. In this case, the father of the victim in a written statement said that there was "missing tissue" and that the doctor needed to "cut out the portion of his son's fat that was protruding from the wound". The fact that there was adipose tissue (subcutaneous fat) protruding from the wound suggest that the bite was "deeper than half the length of the canine tooth" as per the Dunbar scale. As stated in the bite scale – a dog who inflicts a level 4 bite is a dog that "*has insufficient bite inhibition and is very dangerous. Prognosis is poor because of the difficulty and danger of trying to teach bite inhibition to an adult hard-biting dog...*" The scale goes on to say that "*a level 4 biter is likely to cause an equivalent amount of damage WHEN it bites again (which it most probably will)...*"

Although Annabelle was tethered on her own property at the time of the bite incident, I do not believe that this management strategy is sufficient moving forward. I feel that at the very least, Annabelle should be contained within a secure fence that has no outside entry. All ingress and egress to the yard should be via the home. This strategy will prevent an unknowing individual, especially a child, from entering the yard when Annabelle is outside or could be let outside. I also recommend that Annabelle be required to wear a properly fit basket muzzle anytime she is off the owner's property for walks or car trips away from the home in case she were to ever get loose from her owners.

Please do not hesitate to contact me if you have further questions regarding this case. I would also be willing to testify in the dangerous dog hearing if asked.

Sincerely,

*Kelley Bollen*

Kelley Bollen, MS, CABC  
Certified Animal Behavior Consultant  
Owner/Principal – Kelley Bollen Consulting, LLC  
[www.kelleybollen.com](http://www.kelleybollen.com)  
[kelly@kelleybollen.com](mailto:kelly@kelleybollen.com)

## Supplemental Incident Report

**Norfolk Police Department**  
**14 Sharon Ave**  
**Norfolk, Massachusetts**  
**(508) 528-3206**  
**Incident Report**



**Incident Number: 202000007192**  
**File No: N/A**  
**Dispatch Incident Number: N/A**  
**Print Date: July 23, 2020**  
**Printed By: hcohen**

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Thurs	07/23/2020	8:35:00AM		Thurs	07/23/2020	8:35:00AM	→	7/23/2020	8:35:00AM
Reported As AMEND NOTE FROM PREVIOUS REF				Incident Type - Primary Animal Complaint			Arresting Officer			
Incident Address 117 MAIN ST, NORFOLK, MA 02056							Reporting Officer Hillary Cohen (HNP1)			
Sector NORTH		Stat. Area		Sub Stat. Area		Census Tract		Landmark		
Business Name N/A				Incident Types - Other				Action Taken Log Entry		

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 202000007192			

Incident Remarks:
INCIDENT # 2020 - 6587

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 202000007192			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
N/A	Hillary N Cohen	Reporting Officer	Animal Control

IBR/UCR Offenses					
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description	
No Incident Offenses Recorded for Incident #: 202000007192					

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 202000007192				

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 202000007192						

Property
No Property Info reported for Incident #: 202000007192

Citations						
Citation No	Code	Date	Status	Statute	Description	
No Citations reported for Incident #: 202000007192						

Permits						
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes	
No Permits recorded for Incident #: 202000007192						

Norfolk Police Department  
14 Sharon Ave  
Norfolk, Massachusetts  
(508) 528-3206  
Incident Report



Incident Number: 202000007192  
File No: N/A  
Dispatch Incident Number: N/A  
Print Date: July 23, 2020  
Printed By: hcohen

Narratives for Incident Number 202000007192 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Hillary Cohen (HNP1) Division: Animal Control

<u>Date &amp; Time</u>	<u>Narrative Description</u>	<u>Entered by</u>	<u>Status</u>	<u>Reviewed by</u>	<u>Last Edit Date</u>
07/23/2020 08:37		Hillary Cohen (HNP1)	Open		07/23/2020

THIS REPORT MAY OR MAY NOT CONTAIN ALL INFORMATION KNOWN TO THE NORFOLK POLICE DEPARTMENT OR THE NORFOLK ANIMAL CONTROL DEPARTMENT

This is a report to amend a prior report (2020-6587) regarding a notes section where written Kelly Bollen of Animal Alliances was mentioned. Bollen had sold Animal Alliances prior to this incident and she now owns Kelley Bollen Consulting, LLC.

\_\_\_\_\_  
*Signature - Reporting Officer*

\_\_\_\_\_  
*Signature - Reviewing Officer*

**Call Takers Remarks:**

Create User ID:

Date & Time

No Caller Remarks Listed

## Attorney Jeremy Cohen – Emails



Town of Norfolk

Blythe Robinson &lt;brobinson@norfolk.ma.us&gt;

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**Re: Melissa Mitchell**

1 message

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Kevin Kalkut <kkalkut@norfolk.ma.us>  
To: Jeremy Cohen <jcohen@bostondoglawyers.com>  
Cc: Blythe Robinson <brobinson@norfolk.ma.us>

Wed, Jul 8, 2020 at 9:49 AM

Good Morning Attorney Cohen,  
Thank you for reaching out. While I can understand the nature of your requests, I hope you can understand my need to run them through the appropriate internal channels. I've copied our Town Administrator on this reply and will get back to you once we've had the opportunity to review with Town Council.  
Thanks again,  
Kevin

Kevin Kalkut | Selectman

Town of Norfolk, MA 02056  
direct: 781-302-6206  
kkalkut@norfolk.ma.us  
www.norfolk.ma.us

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On Wed, Jul 8, 2020 at 9:18 AM Jeremy Cohen <jcohen@bostondoglawyers.com> wrote:

Good Morning Mr. Kalkut,

I have been retained by Melissa Mitchell relative to a dog hearing that has been scheduled for Tuesday July 14<sup>th</sup>. Given a conflict I have and my need to conduct my own investigation prior to presenting a proper defense for Ms. Mitchell, I am asking that you remove the hearing from the agenda and reschedule for the next available time slot.

Please also consider extinguishing the muzzle order until such time as a hearing authority has actually reviewed the facts and followed proper procedure under MGL c. 140 sec. 157. It could be that the dog is determined to be dangerous, but my role here is to make sure that we get to the right decision the right way.

I am very concerned about the issuance and reissuance of the restraint order and how that came about.

Thank you,

Jeremy Cohen

**BOSTON DOG  
LAWYERS**

Jeremy Cohen | Attorney

website: BostonDogLawyers.com

7/9/2020

Town of Norfolk Mail - Re: Melissa Mitchell

Facebook | Twitter | Google

450 B Paradise Rd. #289

Swampscott, MA 01907

Tel. 978-867-7251

Fax 978-336-0513

E-Mail: [JCohen@BostonDogLawyers.com](mailto:JCohen@BostonDogLawyers.com)

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Town of Norfolk

Judith Lizardi &lt;jlizardi@norfolk.ma.us&gt;

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**Documents Relative to Dog Hearing Scheduled for July 27, 2020**

1 message

Judith Lizardi &lt;jlizardi@norfolk.ma.us&gt;

Mon, Jul 20, 2020 at 3:13 PM

To: jcohen@bostondoglawyers.com

Cc: beachkofski@gmail.com, sarah.e.durand@gmail.com, Blythe Robinson &lt;brobins@norfolk.ma.us&gt;, Todd Lindmark &lt;tlindmark@norfolk.ma.us&gt;, Nancy Langlois &lt;nlanglois@norfolk.ma.us&gt;

Hello Attorney Cohen:

As you requested, we are providing you with documentation received regarding the dog hearing scheduled with the Norfolk Select Board on July 27, 2020.

Attached please find the following two documents: a letter provided by Certified Behavior Animal Consultant Kelley Bollen of Kelly Bollen Consulting, LLC; and an account by the minor involved in the dog incident provided by his parent.

Please do not hesitate to contact me should you have any questions.

Best,  
Judith

*Judith Lizardi*

Executive Assistant  
Town Administrator's Office  
Town of Norfolk  
One Liberty Lane  
Norfolk, MA 02056  
(508) 528-1408

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**2 attachments**

Letter from Animal Behavior Consultant 7 14 20.pdf  
115K

Dog Hearing Materials - Minors Account.pdf  
99K

Materials Submitted by Attorney Jeremy Cohen

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XIX** AGRICULTURE AND CONSERVATION

**Chapter 129** LIVESTOCK DISEASE CONTROL

**Section 21** QUARANTINE OF DISEASED ANIMALS; NOTICE OR ORDER; RECORDS

Section 21. An inspector who, upon an examination of a domestic animal, suspects, or has reason to believe, that it is affected with a contagious disease shall immediately cause it to be quarantined or isolated for at least ten days upon the premises of the owner or of the person in whose charge it is found, or in such other place as he may designate, and shall take such other sanitary measures to prevent the spread of such disease as may be necessary or as shall be prescribed by any order or regulation of the director. He shall also deliver to the owner or person in charge of such animal, or to any person having an interest therein, a written notice or order of quarantine signed by him, in such form as the director shall prescribe, and shall enter a copy of said notice upon his records.

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XIX** AGRICULTURE AND CONSERVATION

**Chapter 129** LIVESTOCK DISEASE CONTROL

**Section 24** NOTICE OF QUARANTINE

Section 24. An inspector who has caused a domestic animal to be quarantined, as provided in section twenty-one, shall immediately give a written notice thereof, with a copy of the order of quarantine, to the director, and shall give such information to no other person.

**Part I** ADMINISTRATION OF THE GOVERNMENT**Title XIX** AGRICULTURE AND CONSERVATION**Chapter 129** LIVESTOCK DISEASE CONTROL**Section 29** EXPENSE OF QUARANTINE

Section 29. If animals have been quarantined, collected or isolated upon the premises of the owner or of the person in possession of them at the time such quarantine is imposed, the expense thereof shall be paid by such owner or person; but if specific animals have been quarantined or isolated under section eight or twenty-one for more than ten days upon such premises, as suspected of being affected with a contagious disease, and the owner is forbidden to sell any of the product thereof for food, or if animals have been quarantined, collected or isolated on any premises other than those of such owner or person in possession thereof, the expense of such quarantine shall be paid by the commonwealth, except that, in the case of any animal quarantined for biting or scratching a person, the expense of such quarantine shall be paid by the county in which the injury was inflicted.

# RABIES PROTOCOL

## MANAGEMENT OF DOGS & CATS WHICH BITE HUMANS (Wolf Hybrids and other exotic pets are considered to be wild animals)

Exposure Category	Vaccination Status of Exposing Animal Not Relevant to Recommendations
<p><b>Category 1</b></p> <p>Visible bite or scratch from a dog or cat, which has been identified and is available for quarantine</p>	<ol style="list-style-type: none"> <li>1. Notify local director of health and local animal inspector</li> <li>2. Biting animal will be placed under strict confinement for 10 days</li> <li>3. A) If biting animal is healthy at the end of 10 days, victim is not at risk for rabies</li> <li>3. B) If biting animal begins to exhibit signs compatible with rabies, biting animal should be euthanized and submitted for rabies testing</li> <li>4. A) If test results are negative, victim is not at risk for rabies</li> <li>4. B) If test results are positive, notify Massachusetts Department of Public Health, Division of Epidemiology</li> </ol>
<p><b>Category 2</b></p> <p>Visible bite or scratch from a dog or cat, which has NOT been identified and is NOT available for quarantine</p>	<ol style="list-style-type: none"> <li>1. Animal must be assumed to be rabid</li> <li>2. Notify Massachusetts Department of Public Health, Division of Epidemiology</li> <li>3. Notify local director of health and local animal inspector</li> <li>4. Furnish local Animal Control with a description of the dog or cat and location where animal was last seen</li> </ol>

- Domestic animals other than dogs or cats biting humans should be handled on a case by case basis
- Any non-domestic animal biting a human needs to be reported to the Department of Public Health
- Do not vaccinate any dog or cat which is under a 10-day quarantine
- Any animal euthanized while under a 10-day quarantine MUST be submitted for rabies testing

1. Massachusetts Department of Public Health, Division of Epidemiology: (617) 983-6800
2. Massachusetts Department of Agricultural Resources, Division of Animal Health: (617) 626-1810

*This document was prepared by the Massachusetts Department of Agricultural Resources, Division of Animal Health*

Revised: 8/1/16

**Questions? (617) 626-1810**

330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

330 CMR 10.00: PREVENTION OF THE SPREAD OF RABIES

Section

- 10.01: Definitions
- 10.02: Rabies Vaccinations Required for Dogs, Cats and Ferrets
- 10.03: Vaccination Certificates
- 10.04: Reporting Exposures
- 10.05: Requirements for Any Domestic Animal which Bites a Human or Another Domestic Animal
- 10.06: Requirements for Any Domestic Animals which are Exposed
- 10.07: Expense of Quarantines and Testing
- 10.08: Inspections
- 10.09: Collection of Samples
- 10.10: Record Keeping

10.01: Definitions

As used in 330 CMR 10.00:

Animal Inspector. A municipal Animal Inspector nominated under M.G.L. c. 129 § 15 and approved by the Department.

Currently Vaccinated. A domestic animal which has received a properly administered Rabies vaccine licensed by the United States Department of Agriculture (USDA) for use in that species, and within a timeframe consistent with the labeled duration of the product.

Department. The Department of Agricultural Resources.

Euthanasia. Induction of death in an animal in a manner that is as rapid, painless and stress-free as possible and is consistent with the current American Veterinary Medical Association Guidelines for the Euthanasia of animals, and in accordance with Massachusetts General Law.

Exposed. Exposed by Direct Contact, Exposed by Proximity or received a Wound of Unknown Origin.

Exposed by Direct Contact. Physical contact with, received a bite or scratch from, or ate any part of a confirmed or suspected rabid animal.

Exposed by Proximity. Seen near or in the vicinity of a confirmed rabid animal, but which had no physical contact with nor received any wounds from the confirmed rabid animal.

Isolation. Restricting a domestic animal from any direct human or other animal contact; confining the animal to a facility such as a shelter, veterinary hospital, commercial kennel or Quarantine facility for livestock approved by the Animal Inspector of the appropriate municipality; or isolation at home under conditions approved by the Animal Inspector of the municipality and the Department.

Not Currently Vaccinated. Any previously vaccinated animal which has not been revaccinated prior to the expiration of its most recent vaccination;

Quarantine. Confinement of a domestic animal from humans and other animals for the purposes of observing the animal for signs of Rabies and minimizing chances of the animal spreading Rabies to humans and other animals. This includes Isolation and Strict Confinement.

Rabies. A disease of mammals, virtually always fatal, caused by the Rabies Virus and characterized by progressive deterioration of the central nervous system.

Rabies Virus. A virus, belonging to the family Rhabdoviridae, in the genus Lyssavirus, with multiple variants.

State Laboratory. The Massachusetts State Public Health Rabies Laboratory.

330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

10.01: continued

Strict Confinement. Maintenance of a domestic animal in an escape-proof, solid-walled building with a roof, approved by the Animal Inspector of the municipality. The animal may be leash walked by an adult or under the direct supervision of an adult.

Ten Day Quarantine. Strict Confinement of an apparently healthy domestic animal that has bitten or scratched a human or other domestic animal.

Unvaccinated. Any domestic animal which has never received a licensed United States Department of Agriculture Rabies vaccine labeled for use in that species; any animal which is within 28 days of having received its first Rabies vaccine; or, any animal of a species for which there is no licensed USDA Rabies vaccine

Wound of Unknown Origin. A puncture wound, cut or scratch which has broken the skin and was obtained from an unknown source but is presumed to be from another animal.

10.02: Rabies Vaccinations Required for Dogs, Cats and Ferrets

- (1) Any person possessing a dog, cat or ferret shall have the animal vaccinated against Rabies by a licensed veterinarian:
  - (a) no later than six months of age but not earlier than is indicated on the vaccine label; or,
  - (b) within 30 days of acquisition or entry into Massachusetts, if the animal is over six months of age, unless proof is available that the animal is already Currently Vaccinated.
- (2) A dog, cat or ferret shall be considered Currently Vaccinated effective 28 days after the date of initial vaccination, and for a period of one calendar year from the date of vaccination, in accordance with the vaccine label. Thereafter, all dogs, cats and ferrets shall continue to receive booster vaccinations at intervals according to the vaccine label.
- (3) An animal that has received at least one Rabies vaccine in its lifetime but, has not received a booster vaccination prior to the expiration date of its last Rabies vaccination, will be considered Currently Vaccinated immediately following administration of a Rabies vaccine and the vaccine will be good for the duration indicated on the product label.
- (4) An animal whose owner cannot provide proof of at least one previous Rabies vaccination will be considered Unvaccinated.

10.03: Vaccination Certificates

- (1) A certificate of vaccination must be completed. Only certificates of vaccination issued by the licensed veterinarian who administered the vaccine shall be considered proof of an animal's vaccination status. The certificate is a legal document and must be signed by the veterinarian administering the vaccine. Electronic signatures and stamps may be used. The vaccinating veterinarian is responsible for the accuracy of all information on the certificate.
- (2) The certificate shall be either the certificate recommended in the latest Compendium of Animal Rabies control published by the National Association of State Public Health Veterinarians, or a certificate containing at least the following information: the owner's name and address; a description of the animal, including predominant breed, sex, age, name and distinctive markings; date of vaccination; Rabies vaccination tag number; type of Rabies vaccine used; route of vaccination; expiration date of the vaccine; the vaccine lot number; and the name and signature of the veterinarian administering the vaccine.
- (3) One copy of the certificate shall be filed by the vaccinating veterinarian within 30 days with the clerk of the city or town where the dog, cat or ferret resides, one copy is to be provided to the owner of the animal, and one shall be retained by the vaccinating veterinarian.
- (4) No animal hospital, veterinarian's office, or boarding facility shall accept a dog, cat or ferret unless the owner or keeper of such animal can show proof of current vaccination against Rabies; if the animal has not been vaccinated or proof is not shown, the animal shall be vaccinated as long as the animal's medical condition permits.

330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

10.04: Reporting Exposures

- (1) Any person having knowledge of the following shall report immediately to the Animal Inspector in the municipality in which the exposure occurred, the date of the exposure, a description of the animal(s) involved, the current location of the animal or, if the current location is unknown, the place the animal was last seen, and the animal owner's name, if known:
  - (a) The existence of a domestic animal which has been Exposed to the Rabies Virus, or
  - (b) The existence of a domestic animal which has bitten or scratched another domestic animal or human.
- (2) The Animal Inspector shall, upon receiving such a report, investigate whether a human or a domestic animal has received a bite or scratch from a domestic animal or a domestic animal has been Exposed to the Rabies Virus. If so, the Animal Inspector shall determine whether the animal has been vaccinated, the type and date of vaccination, any unusual behavior of the animal and a list of other domestic animals or humans Exposed to the animal.

10.05: Requirements for Any Domestic Animal which Bites a Human or Another Domestic Animal

- (1) If the Animal Inspector, after completing an investigation, determines that a domestic animal has bitten or scratched a human or another domestic animal, they shall issue a written order to the person in custody of the biting animal requiring the animal to be placed under a Ten Day Quarantine. The Ten Day Quarantine applies regardless of the vaccination status of the biting animal.
- (2) If the animal displays symptoms compatible with Rabies during this ten-day period, the animal shall be euthanized immediately, and the Animal Inspector and Department shall be notified. Samples from any animal which dies or is euthanized during the Ten Day Quarantine, shall be submitted for Rabies testing as described in 330 CMR 10.09.

10.06: Requirements for Any Domestic Animals which are Exposed

The Animal Inspector, upon completion of an investigation and upon determination that a domestic animal has been Exposed, shall issue a written order to the person in custody of the Exposed animal requiring the following:

- (1) Exposed Domestic Animals that are Currently Vaccinated. The Animal Inspector shall require the immediate administration of a booster vaccination, if the animal's last vaccination was administered over one month prior to exposure, and the animal shall be placed under Strict Confinement for 45 days.
- (2) Dogs and Cats that are Not Currently Vaccinated but with Proof of at Least One Previous Rabies Vaccine. The Animal Inspector shall require the immediate administration of a booster vaccination, and the animal shall be placed under Strict Confinement for 45 days.
- (3) Exposed Domestic Animals that are Unvaccinated. The Animal Inspector shall request from the owner of the animal written permission to euthanize the animal. If the owner is unwilling to consent to Euthanasia, the Animal Inspector shall issue a written order to the person in custody of the animal requiring the following:
  - (a) Any dog or cat Exposed by Direct Contact to a confirmed rabid animal, as determined by State Laboratory testing, shall be vaccinated immediately and placed into Isolation for a period of three months to be followed by one month of Strict Confinement. Any ferret Exposed by Direct Contact to a confirmed rabid animal, as determined by State Laboratory testing, shall be vaccinated immediately and placed into Isolation for a period of three months to be followed by three months of Strict Confinement.
  - (b) Any domestic animal, other than a dog, cat or ferret Exposed by Direct Contact to a confirmed rabid animal, as determined by State Laboratory testing, shall be placed in Strict Confinement for six months.
  - (c) Any dog or cat Exposed by Direct Contact to a suspected rabid animal, Exposed by Proximity to a confirmed rabid animal, as determined by State Laboratory testing, or which has received a Wound of Unknown Origin shall be vaccinated immediately and placed under Strict Confinement for a period of four months.

330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

10.06: continued

- (d) Any domestic animal, other than dogs or cats, Exposed by Direct Contact to a suspected rabid animal, Exposed by Proximity to a confirmed rabid animal, as determined by State Laboratory testing, or which has received a Wound of Unknown Origin shall be placed under Strict Confinement for a period of six months.
  - (e) Any animal considered Unvaccinated because the first vaccination had been administered within the 28 days prior to exposure do not require revaccination.
- (4) The person in custody of the animal under Quarantine is required to immediately notify the Department, a veterinarian, the Animal Inspector and the Department of Public Health of any changes in behavior or health status of the animal, or if the animal is euthanized or dies for any reason during its Quarantine period.
  - (5) Any veterinarian who euthanizes a domestic animal for any reason while the animal is under Quarantine must immediately notify the Animal Inspector of the appropriate municipality. Notification must be made prior to the disposal of the animal.
  - (6) Upon determination that an order has been violated, the Animal Inspector shall recommend that the Department issue an order to seize and euthanize the animal and have the animal submitted to the State Laboratory for Rabies testing.
  - (7) No animal shall be released from Quarantine without written authorization from the Department or the Animal Inspector.
  - (8) The Animal Inspector shall carry out, or cause to be carried out, Euthanasia orders issued by the Department.

10.07: Expense of Quarantines and Testing

The expense associated with Quarantine or Euthanasia will be the owner's responsibility. In situations where the animal has no owner, including wildlife, the city or town will be financially responsible for costs incurred.

10.08: Inspections

Animal Inspectors must approve the places where animals are Quarantined. All animals under Quarantine must be observed by the Animal Inspector on a regular basis.

10.09: Collection of Samples

- (1) Animal Inspectors shall ensure that samples are collected from any animal that dies or is euthanized if it has bitten or scratched a human or other domestic animal. Additionally, the Animal Inspector shall ensure that samples are collected from all animals which die or are euthanized for any reason during Quarantine. Samples shall be submitted to the State Laboratory for Rabies testing unless other arrangements have been made with the Department.
- (2) All samples shall be collected in accordance with the guidelines established by the Department and the State Laboratory.

10.10: Record Keeping

Each Animal Inspector shall maintain records of:

- (1) All inspections conducted;
- (2) All Quarantines issued and released; and

330 CMR: DEPARTMENT OF AGRICULTURAL RESOURCES

10.10: continued

- (3) Disposition of animals that died or were euthanized while under Quarantine.  
Forms for 330 CMR 10.10(1) through (3) shall be provided by the Department, and the Animal Inspector shall submit these records to the Department by the last day of each month.

REGULATORY AUTHORITY

330 CMR 10.00: M.G.L. c. 129, §§ 2, 3, 7, 11, 15, 18 through 21 and 28 and c. 140, § 145B.

**Part I**                    ADMINISTRATION OF THE GOVERNMENT

**Title XVI**                PUBLIC HEALTH

**Chapter 112**            REGISTRATION OF CERTAIN PROFESSIONS AND  
OCCUPATIONS

**Section 12Z**            REPORTS OF DOG BITES

Section 12Z. Every physician attending or treating a case of dog bite or whenever any such case is treated in a hospital, sanatorium or other institution, the manager, superintendent or other person in charge thereof, shall report such case within twenty-four hours to the inspector of animals of the city or town where such dog bite occurred; provided, however, that if such city or town does not have an inspector of animals said report shall be made to the dog officer.

**From:** Chris Wider  
**Sent:** Tuesday, June 30, 2020 6:45 AM  
**To:** Peter L. Mello <[pmello@mhtl.com](mailto:pmello@mhtl.com)>  
**Subject:** Animal control bylaw

Peter, I was hoping you could provide me with an explanation as to why you advised the Town of Norfolk to allow a continuation of a restraining order for a dog last evening.

Peter, as I am sure you are aware, Norfolk's bylaw, Article XIII, Section 3.F is not consistent with Mass General Law Chapter 140, section 157. Hopefully, you advised the Town Administrator to update their bylaws.

According to Article XIII, For the Animal control officer to issue a restraining order a COMPLAINT must be filed. This is subjective since it gives great latitude to the Animal control officer to determine that a restraining order is needed for public safety prior to a hearing date,( I get that). In this case the dog bit while on its lead, hard to justify a "public safety risk". Further, once this restraining order is issued, the ACO can either vacate the restraining order after 14 days or go to the select board for further action(Article XIII). This is where the Norfolk bylaw is in direct conflict with Mass State Law. Once the complaint is filed,(this is the trigger) the State law (chapter 140 ,sec.157) states that a hearing must be held to determine if the dog( which the complaint was filed against and had a 14 day restraining order issued against) is a nuisance or dangerous dog, Period.

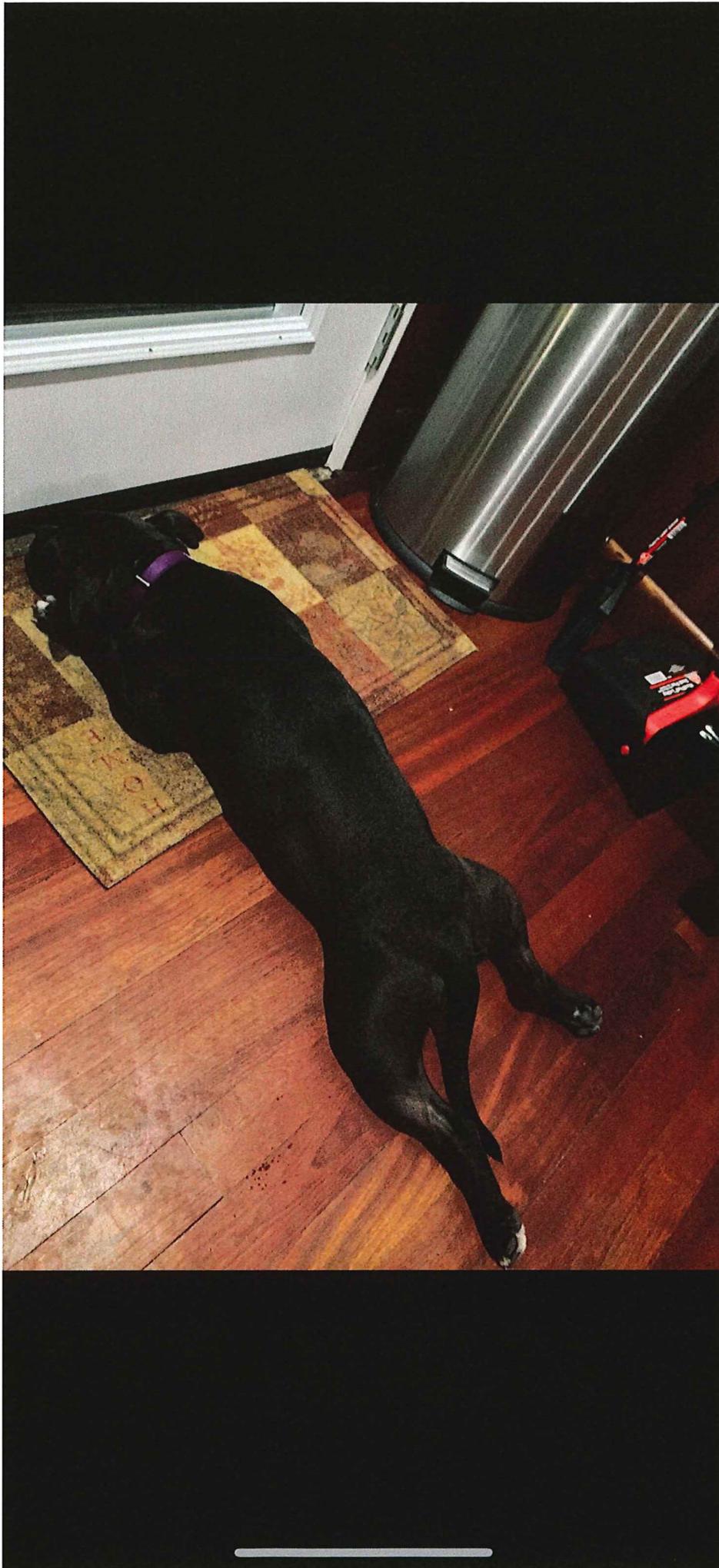
The law does not state, nor does the out of date Norfolk law state that the town and it's ACO can extend a restraining order to gather more information to determine if a hearing is necessary. The law states a hearing must occur in accordance with 157, it is the law.

If the ACO wanted to gather more information, a restraining order should not have been issued until evidence was gathered sufficiently to justify it prior to a chapter 140, sec157 hearing.

The selectboard stated that on your advice they could continue the restraining order while the ACO was gathering more information to determine if a hearing was even necessary and give the victim's family more time to decide if they wanted to file for a dangerous dog hearing. I informed the Chair prior to the meeting that I had contacted the Mass Director of Animal Health, and both ARL and MSPCA who both agreed that the State law had to be followed and superseded Norfolk's antiquated bylaw.

I really would like to understand your justification for this advice before I take this matter further.

Best,  
Christopher Wider  
Norfolk resident  
Wrentham and Plainville ACO  
Norfolk, Wrentham, Plainville, State Animal inspector



## Letter from Melissa Mitchell

Received via mail  
6/29/2020  
08:39

Melissa Mitchell  
90 Boardman Street  
Norfolk, MA 02056

Norfolk Police Dept.  
Animal Control Div.  
117 Main Street  
Norfolk, MA 02056

June 19, 2020

Dear Hilary Cohen:

I wanted to explain the events that occurred on Saturday June 13, 2020. I [redacted] of 94 Boardman St. Norfolk came over to our yard at 90 Boardman St. to play with my two sons. [redacted] has been coming here for more than a year daily and there has never been an incident with our dog prior to Saturday.

~~We have two dogs one is my mine the other is my mothers. Neither dog is ever allowed outside of the home without a leash or on the runner which is made of heavy gauge wire with a plastic coating.~~

Saturday afternoon I left to run an errand my mother who owes the property was out in the backyard with [redacted] and my youngest son. The boys were helping with clearing rocks and my mother put my dog on the runner and went into the house to use the bathroom. As soon as she got in the house my son came in and told her the Annabell had bitten [redacted] in the leg. My mother and my brother's fiancé went out to get the dog inside and assess the bite. My brother's fiancé is an EMT and my mother has a medical background. They tended to the wound while my brother called me to come right home. [redacted] was very calm and did not ask for my mother to call his mother, he told her he wanted to wait for me to get there and take him home.

According to my son as soon as my mother put the dog out on the runner they decided to get up from the grass and take a break from clearing the rocks. [redacted] was (wearing his hat and a COVID-19 mask) headed to the front yard when Annabell bit him. He was quickly out of her reach as the runner only goes so far (she was on her runner) and he headed for the barn to wait for my son to get my mother. The dog only bit [redacted] once, she did not attack him a second time nor did she act aggressively. I believe once Annabell realized it was [redacted] she stopped.

Several years ago, the Beachkofskis dog came into our yard and my dog did chase her and bite her however, my dog was not off our property when that occurred.

I just want to say that when I arrived home, I was very upset about what happened. I apologized to [redacted] and took him home. I expressed to his mother how sorry I was that this happened. I stood there in tears. I feel horrible that this happened, and I expressed that to her and listened as she had her say about it. I told her I understood and did not contest anything she felt she needed to do. She was very upset, as was I.

What breaks my heart over this whole thing is that now my son is no longer allowed to see his best friend. I can understand why she would not want him here anymore, but she will not even let my son talk to him. Mr. Beachkofski told my youngest he could not use the woods between our houses anymore to cut through to see another neighbor (which I understand is irrelevant and he has every right not to allow it) but my children have done nothing wrong in all of this. None of what happened was the children's fault. Annabell clearly mistook him as a threat to the boy's safety and quickly stopped when she realized who he was. There was no repeated biting or lunging or chasing. She is a very sweet girl and a wonderful member of this family. She is a rescue and we do not know what she came from or what she has been through. We do know that she is very protective of my kids and us. I have been taking steps to help her work out the insecurities. I have been working on and off with a trainer. COVID-19 has put a huge stop to all the work we have been doing with her. A lot of the exercises are with socializing and interacting and no one is allowed to do that. We have not been able to work on it for months. I feel like we have had a huge set-back, but I plan on continuing as soon as it's safe to do so. Like I said, Annabell is perfect in every other department.

Sincerely,

*Melissa A. Mitchell*

Melissa A. Mitchell

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Certified Letter and Incident Documents Sent to Melissa Mitchell



**TOWN OF NORFOLK**  
**SELECT BOARD**

ONE LIBERTY LANE  
NORFOLK, MASSACHUSETTS

Blythe C. Robinson  
Town Administrator

(508) 440-2855  
(508) 541-3366 FAX

June 30, 2020

**VIA FIRST CLASS MAIL AND CERTIFIED  
MAIL (return receipt requested)**

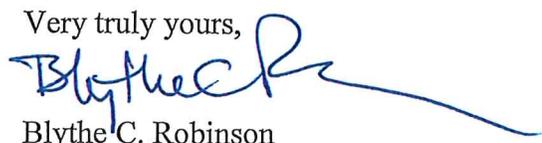
Melissa Mitchell  
90 Boardman Street  
Norfolk, MA

**Re: Notice of Public Hearing under G.L. c. 140, §157 on Tuesday, July 14, 2020, to  
be held virtually via Zoom in accordance with Chapter 53 of the Acts of 2020.**

Please be advised that the Norfolk Select Board (the "Board") has received a written complaint (the "Complaint," a copy of which is attached hereto as **Exhibit A**) under G.L. c. 140, §157 ("Section 157," a copy of which is attached hereto as **Exhibit B**), alleging that a dog named Annabell that you own and/or keep at property located at 90 Boardman Street (the "Property"), has "attack[ed] people and pets multiple times." See Exhibit A. Accordingly, pursuant to Section 157, the Board "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." G.L. c. 140, § 157. The Board shall commence such public hearing (the "Public Hearing") on **Tuesday, July 14, 2020 at 7:15 p.m.** In accordance with Chapter 53 of the Acts of 2020, the Public Hearing will be held virtually via Zoom, available at the following link: Zoom Meeting Link: <https://zoom.us/j/3560716045>.

As you will note, the Complaint and materials submitted to the Board (copies of which are attached as **Exhibit C**) allege that on Saturday, June 13, 2020, your dog, Annabell, bit and injured a child at the Property and has "attack[ed] people and pets multiple times." See Exhibits B & C. At the Public Hearing, the Board intends to hear testimony from the complainant and others, including you, the Town of Norfolk Animal Control Officer, members of the Town of Norfolk Police Department, witnesses, and members of the public, among possible others. You may have counsel represent you at the Public Hearing. In addition, the Board will review any materials submitted to it in connection with the Public Hearing, including the attached materials submitted to date. Please note that, at or prior to the Public Hearing, you may submit materials to the Board.

Please do not hesitate to contact me with any questions regarding this matter.

Very truly yours,  
  
Blythe C. Robinson  
Town Administrator

U.S. Postal Service™  
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Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

NORFOLK, MA 02056

**OFFICIAL USE**

Certified Mail Fee	\$3.55
\$	\$0.00
Extra Services & Fees (check box, add fee as appropriate)	\$1.70
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$2.40
\$	\$7.65
Total Postage and Fees	\$7.65
\$	

0456  
01



Sent To  
*Melissa Mitchell*  
Street and Apt. No., or PO Box No.  
*90 Boardman Street*  
City, State, ZIP+4®  
*Norfolk, MA 02056*

7019 2280 0000 6635 5637

# **Exhibit A**



Town of Norfolk

# EXHIBIT A

Blythe Robinson <brobinson@norfolk.ma.us>

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## Request for Dangerous Dog Hearing

1 message

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**brian beachkofski** <beachkofski@gmail.com>  
To: Blythe Robinson <brobinson@norfolk.ma.us>

Tue, Jun 30, 2020 at 7:33 AM

Blythe,

Consistent with M.G.L. Ch 140 Section 157, I am requesting a dangerous dog hearing by the appropriate hearing authority. The dog is Annabell, owned by Ms. Melissa Mitchell of Boardman Street. This is based on that dog attacking people and pets multiple times.

Thank you for your consideration,  
Brian Beachkofski  
94 Boardman St

## **Exhibit B**

## EXHIBIT B

**Part I** ADMINISTRATION OF THE GOVERNMENT

**Title XX** PUBLIC SAFETY AND GOOD ORDER

**Chapter 140** LICENSES

**Section 157** NUISANCE OR DANGEROUS DOGS; ORDERS FOR  
REMEDIAL ACTION; APPEAL; VIOLATION OF ORDER

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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).

# **Exhibit C**

# EXHIBIT C

**Norfolk Police Department**  
 14 Sharon Ave  
 Norfolk, Massachusetts  
 (508) 528-3206  
**Incident Report**



Incident Number: 202000005716  
 File No: N/A  
 Dispatch Incident Number: N/A  
 Print Date: June 25, 2020  
 Printed By: hcohen

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Sat	06/13/2020	5:44:00PM		Sat	06/13/2020	5:44:00PM	→	6/15/2020	9:15:00AM	
Reported As DOG V HUMAN				Incident Type - Primary Animal Complaint				Arresting Officer			
Incident Address 90 BOARDMAN ST, NORFOLK, MA 02056								Reporting Officer Hillary Cohen (HNP1)			
Sector NORTH		Stat. Area		Sub Stat. Area		Census Tract		Landmark			
Business Name N/A				Incident Types - Other				Action Taken Assisted Party			

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 202000005716			

**Incident Remarks:**  
 MECC REPORTING 13 YEAR OLD BITTEN BY PITBULL WHILE AT NEIGHBOR'S HOUSE.

Associated Persons Summary						
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Owner	MITCHELL, MELISSA ANNE		F		N/A	N/A
Address: 90 BOARDMAN ST, NORFOLK, MA 02056						
Parent/Guardian	DURAND, SARAH E		F	N/A		N/A
Address: 94 BOARDMAN ST, NORFOLK, MA 02056						
Parent/Guardian	BEACHKOFSKI, BRIAN KERTTULA		M		N/A	N/A
Address: 94 BOARDMAN ST, NORFOLK, MA 02056						
Victim	J		M	N/A	N/A	N/A
Address: A 02056						
Involved	RAMPINO, MARY-ANNE		F	N/A		N/A
Address: 90 BOARDMAN ST, NORFOLK, MA 02056						

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 202000005716			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
N/A	Hillary N Cohen	Reporting Officer	Animal Control

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 202000005716				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 202000005716				

Norfolk Police Department  
 14 Sharon Ave  
 Norfolk, Massachusetts  
 (508) 528-3206  
**Incident Report**



Incident Number: 2020000005716  
 File No: N/A  
 Dispatch Incident Number: N/A  
 Print Date: June 25, 2020  
 Printed By: hcohen

Victims						
Victim Type	Victim Name	Sex	Race	Ethnic Origin	Hospital Destination	Transport Description
N/A	J	Male	N/A	N/A	N/A	N/A

Vehicle Info						
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.	
No Vehicle Info Recorded for Incident #: 2020000005716						

Property						
No Property Info reported for Incident #: 2020000005716						

Citations						
Citation No	Code	Date	Status	Statute	Description	
No Citations reported for Incident #: 2020000005716						

Permits						
Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes	
No Permits recorded for Incident #: 2020000005716						

Norfolk Police Department  
 14 Sharon Ave  
 Norfolk, Massachusetts  
 (508) 528-3206  
**Incident Report**



Incident Number: 202000005716  
 File No: N/A  
 Dispatch Incident Number: N/A  
 Print Date: June 25, 2020  
 Printed By: hcohen

Narratives for Incident Number 202000005716 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Hillary Cohen (HNP1) Division: Animal Control

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/15/2020 11:50		Hillary Cohen (HNP1)	Closed	LIEUTENANT Robert Shannon	06/15/2020

THIS REPORT MAY OR MAY NOT CONTAIN ALL INFORMATION KNOWN TO THE NORFOLK POLICE DEPARTMENT OR THE NORFOLK ANIMAL CONTROL DEPARTMENT

On Saturday June 13th 2020 I, ACO/SPO Cohen, received a call from MECC regarding a dog bite to a child. The caller, Sarah Durand, is the mother of the victim and resides at 94 Boardman Street, Norfolk, MA. Durand stated that her son, [redacted] was playing at his friend's house at 90 Boardman Street and the dog that resides at 90 Boardman Street bit him in the right calf. Durand stated that her husband, Brian Beachkofski, drove their son to the hospital for medical care. I spoke with Durand on the phone and relayed the following: That the dog involved, Annabelle, is licensed and vaccinated for rabies. I also asked Durand to contact her husband and take photos of the injury prior to medical care (photos and description are attached to this incident).

Durand stated that 3 years ago her dog was bitten (on the Durand's property) while it was loose and not in compliance with the leash law or licensing law. *see last two pages for incident*

On Monday June 15th 2020, I spoke with the dog owner, Melissa Mitchell of 90 Boardman Street. Mitchell states she was not home when the incident occurred, and that her mother, Mary-Anne Ramplino (same address), had put the dog out on the runner on their property and didn't realize that [redacted] was outside playing with Mitchell's son. Mitchell states that she is moving out of Norfolk as soon as her house in Medway is finished. Mitchell stated this to me in the dog incident from 3 years ago as well. Mitchell also stated that she has used a dog trainer in the past named Tim Morgan of Mulligan Kennels in Weymouth. She also stated that she hasn't used the dog trainer recently because of Covid. While speaking with Mitchell she stated to me that she felt that [redacted] was not seriously injured and didn't appear to understand the severity of the situation. I explained to her that the victim and his family may request a dangerous dog hearing under MGL. I inquired if she was willing to fence in her property and she stated the house is owned by her mother so she was not willing to, and due to the fact she stated she was moving, would not be possible.

Durand states that in the previous incident 201700005435, there was another dog bite, but it wasn't reported because it happened when her dog was loose, went upon Mitchell's property. While speaking with Durand on follow up she stated that Mitchell has been saying they were moving for several years now. I was able to ascertain through an assessors property search that they do indeed have a property in Medway at 18 Populatic Street and it is listed under Jeffrey Brady. Medway Animal Control has no known history on this dog.

Due to the bite history I will be ordering a temporary restraining order to prohibit their dog being outside unless it is leashed, handled by an appropriate adult, and muzzled. Email has been sent to the animal inspector to quarantine the animal.

I have placed a call to Mulligan Kennels, left a voicemail and also reached out to them through social media. I have not heard back yet.

A citation and the restraint order will be delivered via constable.

On the Dr. Ian Dunbar bite scale, this bite is a level 3 or a level 4. Still awaiting clarification from victim regarding those parameters.

More to follow: Supervisor, please do not close this card at this time.

Norfolk Police Department  
 14 Sharon Ave  
 Norfolk, Massachusetts  
 (508) 528-3206  
**Incident Report**



Incident Number: 202000005716  
 File No: N/A  
 Dispatch Incident Number: N/A  
 Print Date: June 25, 2020  
 Printed By: hcohen

Narrative by: Hillary Cohen (HNP1) Division: Animal Control (continued)

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/16/2020 11:50		Hillary Cohen (HNP1)	Closed	LIEUTENANT Robert Shannon	06/16/2020

Signature - Reporting Officer

Signature - Reviewing Officer

Narrative by: Hillary Cohen (HNP1) Division: Animal Control

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/16/2020 08:09		Hillary Cohen (HNP1)	Closed	LIEUTENANT Robert Shannon	06/16/2020

citation and restraint order added to the incident.

Signature - Reporting Officer

Signature - Reviewing Officer

Narrative by: Hillary Cohen (HNP1) Division: Animal Control

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
06/25/2020 08:57		Hillary Cohen (HNP1)	Open		06/25/2020

THIS REPORT MAY OR MAY NOT CONTAIN ALL INFORMATION KNOWN TO THE NORFOLK POLICE DEPARTMENT OR THE NORFOLK ANIMAL CONTROL DEPARTMENT

This is a supplemental (follow up report) for the dog bite incident that transpired between Melissa Mitchell's dog.

I have placed multiple calls to the dog trainer and have not been contacted back except for the initial return call which was a voicemail. The trainer did state that he would like to talk with me to talk about a plan going forward. I contacted back, included my work number and my personal cell number because the trainer stated on his voicemail that he is incredibly busy during the daytime so this would give the trainer an opportunity to talk with me at a time more convenient for him. I have not heard back.

Service to the dog owner of my temporary order and a citation was delivered via constable on June 16th, 2020 successfully.

I have also attached updated photos and emails from the victim's father to this report.

As of this date, I have had no calls for service or reason to believe that the dog owners are not complying with the protocols of the temporary order that was placed.

Due to the fact that I was not able to get a depth of measurement on the wound specifically from when it happened, I cannot determine whether the dog bite is in fact a 3 or a 4 on the Dr. Ian Dunbar bite scale.

Signature - Reporting Officer

Signature - Reviewing Officer

Norfolk Police Department  
14 Sharon Ave  
Norfolk, Massachusetts  
(508) 528-3206  
Incident Report



Incident Number: 202000005716  
File No: N/A  
Dispatch Incident Number: N/A  
Print Date: June 25, 2020  
Printed By: hcohen

External References

Added	Added By	Description	Category	Filename	Active	Expires
06/15/20 13:36	hcohen			C:\Users\hcohen\Downloads\ 20200615133214941.pdf	06/15/20	
06/15/20 13:35	hcohen			C:\Users\hcohen\Downloads\ 20200615133303322.pdf	06/15/20	
06/15/20 13:47	hcohen		Document	C:\Users\hcohen\Downloads\ 20200615134538143.pdf	06/15/20	
06/16/20 08:05	hcohen		Diagram	C:\Users\hcohen\Downloads\ 20200616080052112.pdf	06/16/20	
06/25/20 09:07	hcohen		Document	C:\Users\hcohen\Downloads\ 20200625085431140.pdf	06/25/20	

# Norfolk Animal Control

Norfolk Police Department  
117 Main Street  
Norfolk, MA 02056  
(508) 440.2816

June 15, 2020

1 Liberty Lane  
Norfolk, MA 02056

Dear Town Administrator:

Under town by laws ART XIII SEC 3F1, I am issuing a temporary restraint order on the owner/dog that resides at 90 Boardman Street, Norfolk. The dog in question is listed as a Pitbull type dog, black, named Annabel, and is currently owned by Melissa Mitchell of the same address. Annabel bit a juvenile over the weekend while the child was at a playdate at 90 Boardman Street.

The juvenile did seek medical attention at the hospital and the wound was substantial. Although I am still actively investigating this incident, I am requesting the Select board to review my preliminary report and either issue a permanent restraining order or vacate the temporary order. The juvenile victim has received stitches, is going to a plastic surgeon today for follow up and will need rehabilitation in the future.

~~This is not the first bite incident for this dog. It has bitten a dog in the past while at large, and there is mention of another bite incident previous to that, but there was no report of it as it wasn't reported at the time.~~

It is unknown at this time if the parents of the victim would like to go forward with a dangerous dog hearing. I will keep your office up to date on any developments. A citation has not been issued as of yet, as the police department on Sharon Avenue has my case file from the 2017 incident and I need to ascertain those records to set the fine amount for this current incident.

I have spoken with Melissa Mitchell and she is not willing to provide a fenced in enclosure for her dog which is why it is paramount that this dog be restrained in a manner to prevent the animal from attacking again.

Sincerely,



Hilary N. Cohen  
Norfolk Animal Control

Norfolk Police Department  
 4 Sharon Ave  
 Norfolk, Massachusetts  
 508) 528-3206  
**Incident Report**



Incident Number: 202000005716  
 File No: N/A  
 Dispatch Incident Number: N/A  
 Print Date: June 15, 2020  
 Printed By: hcohen

Incident Information										
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time
	Sat	06/13/2020	5:44:00PM		Sat	06/13/2020	5:44:00PM	→:	6/15/2020	9:15:00AM
Reported As			Incident Type - Primary			Arresting Officer				
DOG V HUMAN			Animal Complaint							
Incident Address						Reporting Officer				
90 BOARDMAN ST, NORFOLK, MA 02056						Hillary Cohen (HNP1)				
Sector		Stat. Area		Sub Stat. Area		Census Tract		Landmark		
NORTH										
Business Name			Incident Types - Other				Action Taken			
N/A							Assisted Party			

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 202000005716			

Incident Remarks:
MECC REPORTING 13 YEAR OLD BITTEN BY PITBULL WHILE AT NEIGHBOR'S HOUSE.

Associated Persons Summary							
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #	
Owner	MITCHELL, MELISSA ANNE	[REDACTED]	F	[REDACTED]	N/A	N/A	
Address:		90 BOARDMAN ST, NORFOLK, MA 02056					
Parent/Guardian	DURAND, SARAH E	[REDACTED]	F	N/A	[REDACTED]	N/A	
Address:		94 BOARDMAN ST, NORFOLK, MA 02056					
Parent/Guardian	BEACHKOFSKI, BRIAN KERTTULA	[REDACTED]	M	[REDACTED]	N/A	N/A	
Address:		94 BOARDMAN ST, NORFOLK, MA 02056					
Victim	J BEACHKOFSKI	[REDACTED]	M	N/A	N/A	N/A	
Address:		94 BOARDMAN ST, NORFOLK, MA 02056					
Involved	RAMPINO, MARY-ANNE	[REDACTED]	F	N/A	[REDACTED]	N/A	
Address:		90 BOARDMAN ST, NORFOLK, MA 02056					

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 202000005716			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
N/A	Hillary N Cohen	Reporting Officer	Animal Control

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 202000005716				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 202000005716				

## Norfolk Animal Control

Norfolk Police Department  
117 Main Street  
Norfolk, MA 02066  
(608) 440 2816

June 15, 2020

90 Boardman Street  
Norfolk, MA 02066

Dear Melissa Mitchell:

Under town by laws ART XIII SEC 3F1, I am hereby placing an interim restraining order on your dog, Annabelle, residing at 90 Boardman Street due to the most recent bite incident. Due to prior history with your dog being at large, showing aggressive behavior, and biting on more than one occasion I hereby order you to the following:

1. You must walk your dogs upon a leash at all times when outside your dwelling.
2. Your dogs must only be walked on a leash no longer than 6 feet and controlled by a responsible adult.
3. Your dog must wear an appropriate muzzle at all times when outside of your dwelling.

A copy of this order will be forwarded to the board of Selectmen to determine whether this order will stay standing or be vacated after 14 days. Under MA Gen Law MGL Ch 140 ss 157, any person at any time may petition the Hearing Authority for a public hearing regarding your animal's behavior and the hearings authority may impose actions that would need to be met in order to keep your animal contained so that they do not pose a public safety threat in the future.

Citation remedy: You have 21 days to pay or contest the citation relative to the incident on 6/13/2020. You may either pay the citation at the town clerk's office, or you may contest it through Wrentham District Court. Failure to act upon the citation may result in criminal charges being filed through Wrentham District Court.

Sincerely,



Hillary N. Cohen  
Norfolk Animal Control



TOWN OF NORFOLK

Notice of Violation  
Town By-Law or Civil Infraction

No. 2733

(Date of this Notice) 6/16 20 20

To: Melissa Mitchell  
(Name of Offender)

90 Boardman St  
(Address of Offender)

Norfolk, MA 02056 3/20/84  
(City, State, Zip Code) Date of Birth of Offender

YOU HAVE BEEN OBSERVED VIOLATING:  
Art XIII Sec 3B5  
(Specific Law, By-Law or Regulation)

By: Biting a honcho  
(Act Constituting Violation)

at: 17:44 (A.M./P.M.) on 6/13 20 20  
(Time and Date of Violation)

at: Norfolk  
(Place of Violation)

WPD  
(Signature of Enforcing Person) Enforcing Dept

I HEREBY ACKNOWLEDGE RECEIPT OF THE FOREGOING CITATION:

(Signature of Offender)

Unable to obtain signature of Offender 6/16/20  
Date Mailed Constable

THE FINE FOR THIS OFFENSE IS \$ 30.00 YOU HAVE THE FOLLOWING ALTERNATIVES WITH REGARD TO DISPOSITION OF THIS MATTER.

1. You may elect to pay the above fine, either by appearing in person during regular office hours, or by mailing a check, money order or postal note WITHIN 21 DAYS OF THE DATE OF THIS NOTICE to:

Norfolk Town Clerk  
One Liberty Lane  
Norfolk, MA 02056

2. If you desire to contest this matter, you may do so by making a written request for a noncriminal hearing, and enclosing a copy of this citation WITHIN 21 DAYS OF THIS NOTICE to:

Clerk-Magistrate  
District Court Dept.  
District Court of Western Norfolk  
Wrentham, MA 02093

3. If you fail to pay the above fine or to request a hearing within 21 days, or if you fail to appear for the hearing or to pay any fine determined at the hearing to be due, a criminal complaint may be issued against you.

( ) I HEREBY ELECT THE FIRST OPTION above, confess to the offense charged, and enclose payment in the amount of \$

( ) I HEREBY REQUEST A NONCRIMINAL HEARING on this matter.

Signature: \_\_\_\_\_

COPIES: Original-Offender/Duplicate-Town Clerk/Triplicate-Enforcer

(This form approved by Chief Justice of District Court)



## Dr. Ian Dunbar's Dog Bite Scale (Official Authorized Version)

### An assessment of the severity of biting problems based on an objective evaluation of wound pathology

**Level 1.** Obnoxious or aggressive behavior but no skin-contact by teeth.

**Level 2.** Skin-contact by teeth but no skin-puncture. However, may be skin nicks (less than one tenth of an inch deep) and slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures.

**Level 3.** One to four punctures from a single bite with no puncture deeper than half the length of the dog's canine teeth. Maybe lacerations in a single direction, caused by victim pulling hand away, owner pulling dog away, or gravity (little dog jumps, bites and drops to floor).

**Level 4.** One to four punctures from a single bite with at least one puncture deeper than half the length of the dog's canine teeth. May also have deep bruising around the wound (dog held on for N seconds and bore down) or lacerations in both directions (dog held on and shook its head from side to side).

**Level 5.** Multiple-bite incident with at least two Level 4 bites or multiple-attack incident with at least one Level 4 bite in each.

**Level 6.** Victim dead.

The above list concerns unpleasant behavior and so to add perspective:

Levels 1 and 2 comprise well over 99% of dog incidents. The dog is certainly not dangerous and more likely to be fearful, rambunctious, or out of control. Wonderful prognosis. Quickly resolve the problem with basic training (control) — especially odies of Classical Conditioning, numerous repetitive Retreat n' Treat, Come/Sit/Food Reward and Back-up/Approach/Food Reward sequences, progressive desensitization handling exercises, plus numerous bite-inhibition exercises and games. Hand feed only until resolved; do NOT waste potential food rewards by feeding from a bowl.

Level 3: Prognosis is fair to good, provided that you have owner compliance. However, treatment is both time-consuming and not without danger. Rigorous bite-inhibition exercises are essential.

Levels 4: The dog has insufficient bite inhibition and is very dangerous. Prognosis is poor because of the difficulty and danger of trying to teach bite inhibition to an adult hard-biting dog and because absolute owner-compliance is rare. Only work with the dog in exceptional circumstances, e.g., the owner is a dog professional and has sworn 100% compliance. Make sure the owner signs a form in triplicate stating that they understand and take full responsibility that: 1. The dog is a Level 4 biter and is likely to cause an equivalent amount of damage WHEN it bites again (which it most probably will) and should therefore, be confined to the home at all times and only allowed contact with adult owners. 2. Whenever, children or guests visit the house, the dog should be confined to a single locked-room or roofed, chain-link run with the only keys kept on a chain around the neck of each adult owner (to prevent children or guests entering the dog's confinement area.) 3. The dog is muzzled before leaving the house and only leaves the house for visits to a veterinary clinic. 4. The incidents have all been reported to the relevant authorities — animal control or police. Give the owners one copy, keep one copy for your files and give one copy to the dog's veterinarian.

Level 5 and 6: The dog is extremely dangerous and mutilates. The dog is simply not safe around people. I recommend euthanasia because the quality of life is so poor for dogs that have to live out their lives in solitary confinement.



Town of Norfolk

Hillary Cohen &lt;hcohen@norfolk.ma.us&gt;

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**Follow-up from Dog Attack on 6/13/2020**

1 message

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brian beachkofski <beachkofski@gmail.com>  
To: hcohen@norfolk.ma.us  
Cc: Sarah E Durand <sarah.e.durand@gmail.com>

Mon, Jun 15, 2020 at 12:45 AM

Hillary,

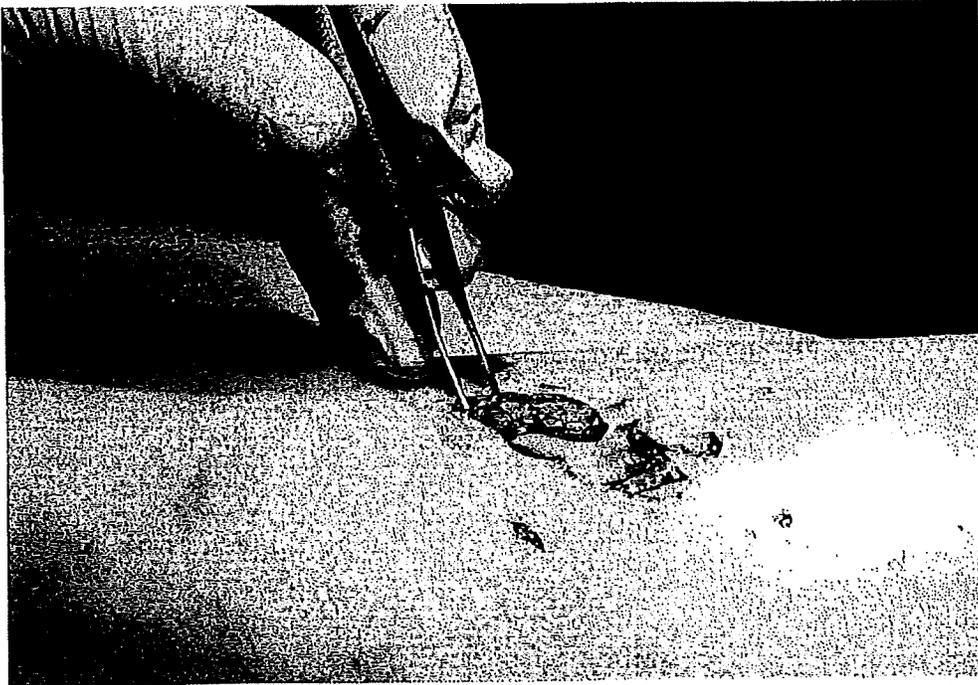
I know Sarah already contacted you about our son being attacked by a dog Saturday. I wanted to pass along the description of events based on recollection.

He was seated on the ground with the neighbor's kid, Dom, when Dom's grandmother opened the door and let the dog out onto the dog run line. knows that the dog doesn't like him and wanted to get away from it. said that he stood up and walked away so it wouldn't get excited by him running. He said the dog immediately came towards him, initially walking, and then ran at him. The dog caught him and bit his right leg, below the calf. He said that the dog let go and he ran a few steps and got past the end of the dog's run line. Today he shared that he was glad that he immediately tried to get away so he wasn't on the ground when the dog attacked and it could only get his leg.

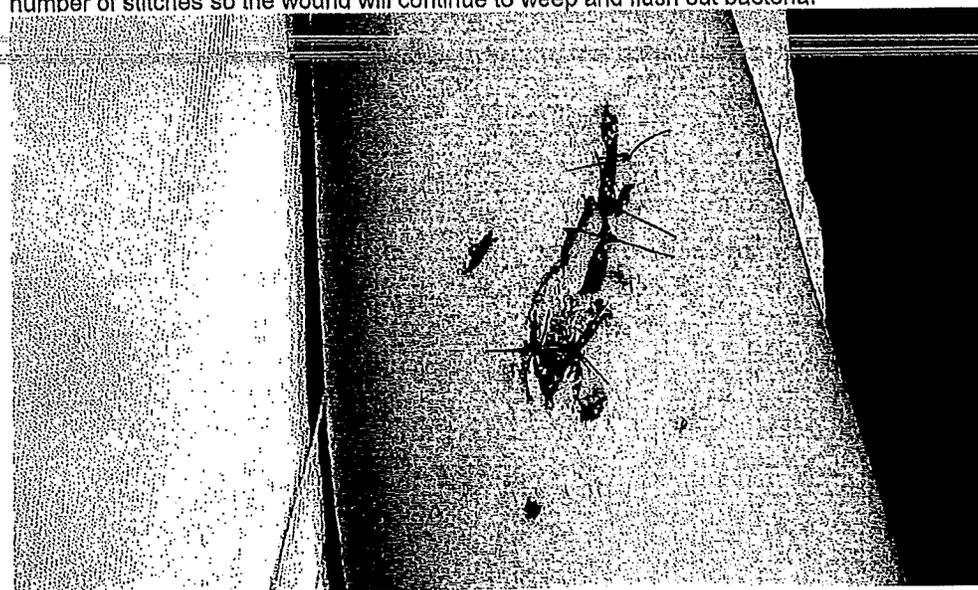
The grandmother kept at their house and didn't inform Sarah or me that had been bitten. After about 45 minutes, Dom's mother returned home and she brought to our house. I brought him inside and inspected the wounds and immediately realized that it needed medical attention. Here is a picture of the wound with the dressing the dog's owner applied prior to bringing back to our house.



Upon getting to the hospital, he was immediately admitted and seen by the physician. The lead doctor was concerned that there was missing tissue and that the wound couldn't be closed. In fact, to close it to the degree that they did, they needed to cut out the portion of fat that was protruding from the wound. Here's a picture of the wound from the hospital after the doctors had washed the area and cut off the tissue that could not fit back under the skin that remained.



The doctors were able to close the opening most of the way and asked us to follow-up with a plastic surgeon Monday to address the missing skin and probable scarring. Because dogs bites often cause infection, they also used the minimum number of stitches so the wound will continue to weep and flush out bacteria.



The photos show that the bite had multiple puncture wounds in addition to the complete tearing of the skin and fat. The patient has extreme tightness in the leg and has only been able to walk unassisted after working up to it for a while. We'll learn more after we hear from the plastic surgeon and see whether the skin flap survives or if it ends up dying and leaving a hole for the scar tissue to cover.

Like , I'm glad that he was aware enough to get away from the dog as much as he did. I also think that he got lucky and the other jaw didn't puncture the leg on the other side. If it had, I'm not sure it would have let go and things would have been even worse. We're also lucky, ironically, that the dog had attacked our dog before. It was only after that attack that they put the dog on a line. If that had not happened, it would have been much, much worse.

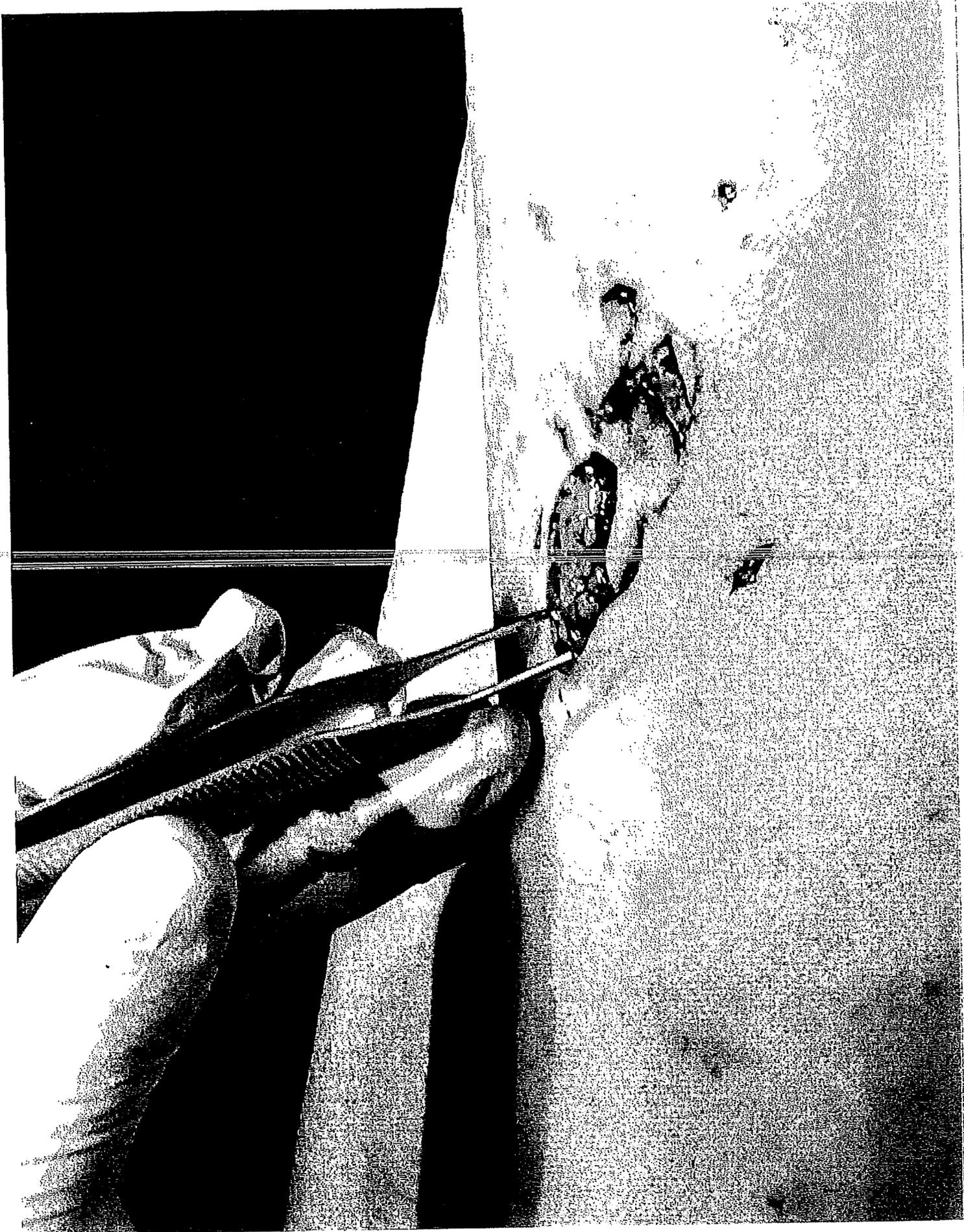
The dog is a community danger. It attacked a child, completely unprovoked. It has bitten another neighbor's kid as well, though the child's dad said that he didn't report it. I've also heard that it bit one of the owner's family members (a cousin?). You have on record when it attacked our dog resulting in another puncture wound. Please let me know if you need any other information and what the recommendation will be.

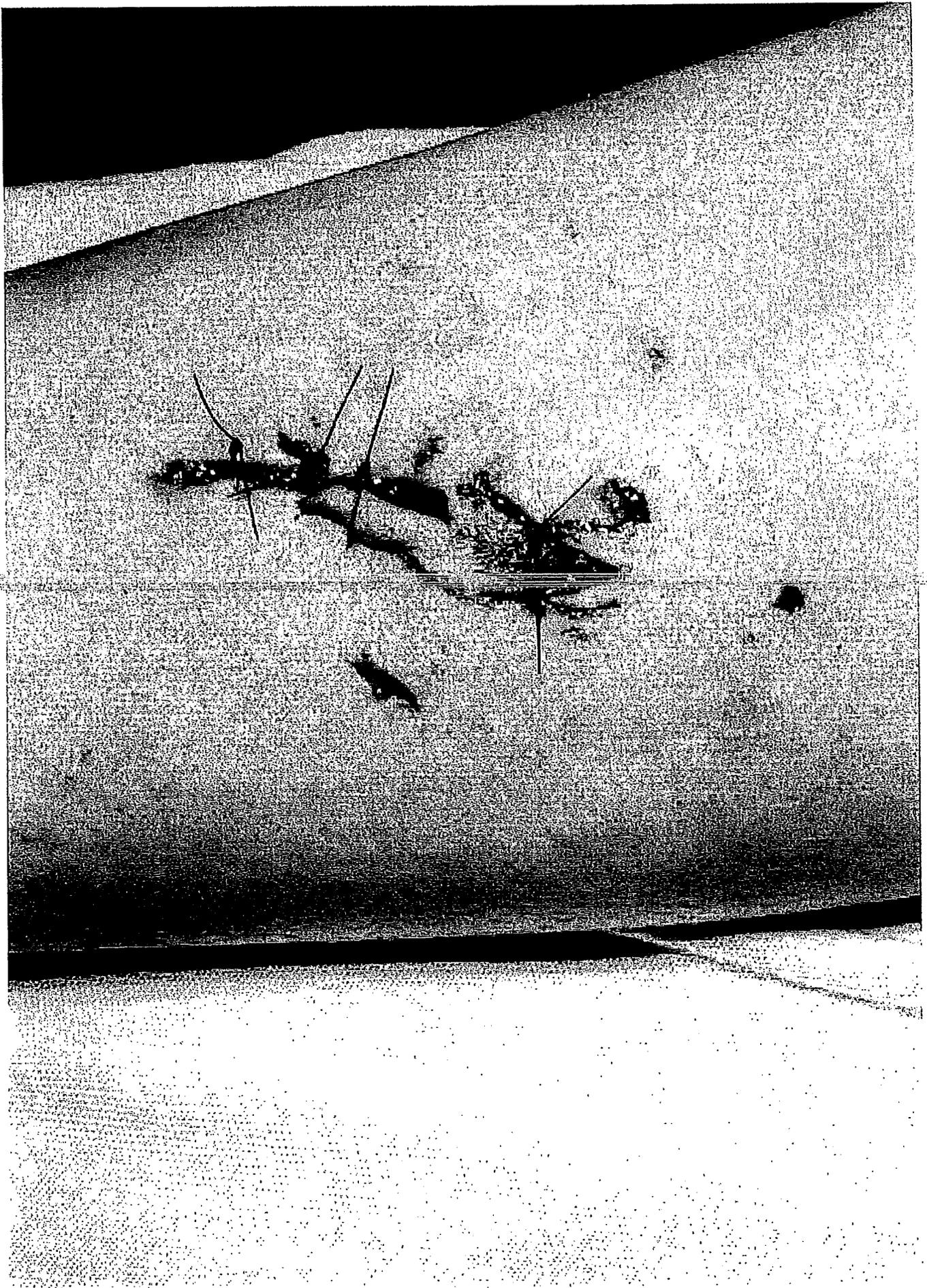
thanks,

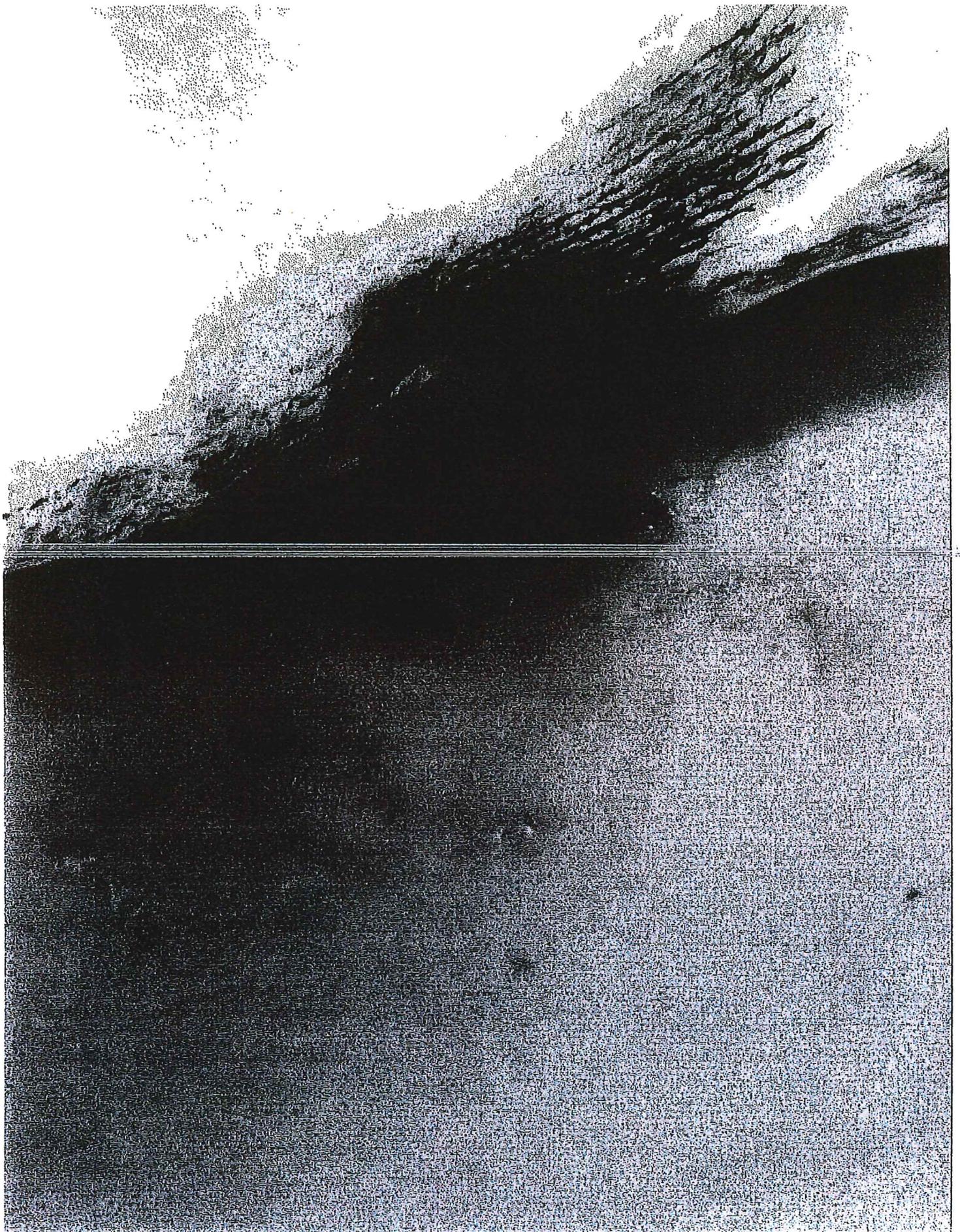
6/15/2020

Town of Norfolk Mail - Follow-up from Dog Attack on 6/13/2020

Brian









Town of Norfolk

Hilary Cohen <hcohen@norfolk.ma.us>

### Follow-up from Dog Attack on 6/13/2020

brian beachkofski <beachkofski@gmail.com>  
To: Hilary Cohen <hcohen@norfolk.ma.us>

Mon, Jun 15, 2020 at 5:45 PM

Thanks. I'll tune in tomorrow.

Here's the message from/to . I included additional background that helps explain why she may have written to him. Still, I find it odd that she's contacted him and not us. I find it stranger that my son apologized for Sarah being short with them after he was attacked and I haven't heard a single apology or had any contact since then from the family to apologize for injuring him.

I also want to be clear that . wildly overstates how "fine" he is as a 13-year old is likely to do. Also, there are only five stitches because they want the wound to weep to prevent infection; not because of the minor amount of damage. It even getting worse. He hasn't been able to put weight on it at all today. The swelling has increased the tension in the stitches and moving his foot or putting weight on the leg causes shooting pain. I'm worried about scar tissue building up and the need for physical therapy after the skin closes.

Thanks again for the info on the Select Board meeting.

Best,  
Beach

[Quoted text hidden]



message.png  
172K

im on bass

his dad on guitar

hey

tell ur mom and brother im sorry about my mom screaming  
at them

and that im fine

mostly

only 5 stiches

I can sort of walk on it

but it is just sore and it aches

i can still drum tho

just with my other foot

Sun, 7:18 PM

go out side and listen



Hi . . . It's his Mom. I'm glad your ok. I was very very  
worried about you. It's ok, your mom had every right to  
freak out and be upset. It's her job to protect you. I'm  
just really glad you are in good spirits. Tell your mom I'm  
very sorry. I feel bad I couldn't control myself.

I got Annabell a muzzle to wear when she's outside.  
She's not liking it but eventually she will get used to it.  
Once this craziness is over with Covid 19, I will put her  
back in training

We have been listening. And enjoying it!

6/25/2020

Town of Norfolk Mail - Follow-up from Dog Attack on 6/13/2020



Town of Norfolk

Hilary Cohen <hcohen@norfolk.ma.us>

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## Follow-up from Dog Attack on 6/13/2020

---

brian beachkofski <beachkofski@gmail.com>  
To: Hilary Cohen <hcohen@norfolk.ma.us>

Mon, Jun 15, 2020 at 10:43 PM

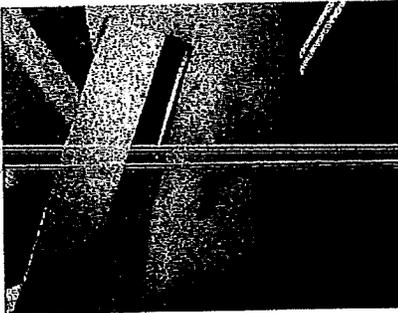
Thanks. Here's the photo from the bandage replacement tonight. I'm worried that the skin flaps are dead. I'm worried that the stitches are too tight; you can see the one in the middle pulling the leg tight in person. I'm worried that I see some puss and it's getting infected.

Sarah suggested that I send the pic with a roller in it for a sense of scale. It's about 20 inches long in total.

Best,  
Brian  
[Quoted text hidden]

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### 2 attachments



20200615\_222039-01.jpeg  
1464K



20200615\_210950.jpg  
2140K

6/25/2020

20200615\_222039-01.jpeg





6/25/2020

Town of Norfolk Mail - Follow-up from Dog Attack on 6/13/2020



Town of Norfolk

Hilary Cohen <hcohen@norfolk.ma.us>

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## Follow-up from Dog Attack on 6/13/2020

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brian beachkofski <beachkofski@gmail.com>  
To: Hilary Cohen <hcohen@norfolk.ma.us>  
Cc: Sarah E Durand <sarah.e.durand@gmail.com>

Thu, Jun 18, 2020 at 10:12 PM

Hilary,

Kevin contacted me today and said that the Board will consider the case on the 29th. Is there anything in particular that we need to do to prepare?

As for his progress, he's doing well. There is more necrosis and the wound smells a bit. Still, we're glad that we've made contact with a plastic surgeon who will see him. My hope is that they will cut away the dead tissue and help accelerate the healing. I've attached the current pictures to add to the file.

Thanks,  
Brian

[Quoted text hidden]

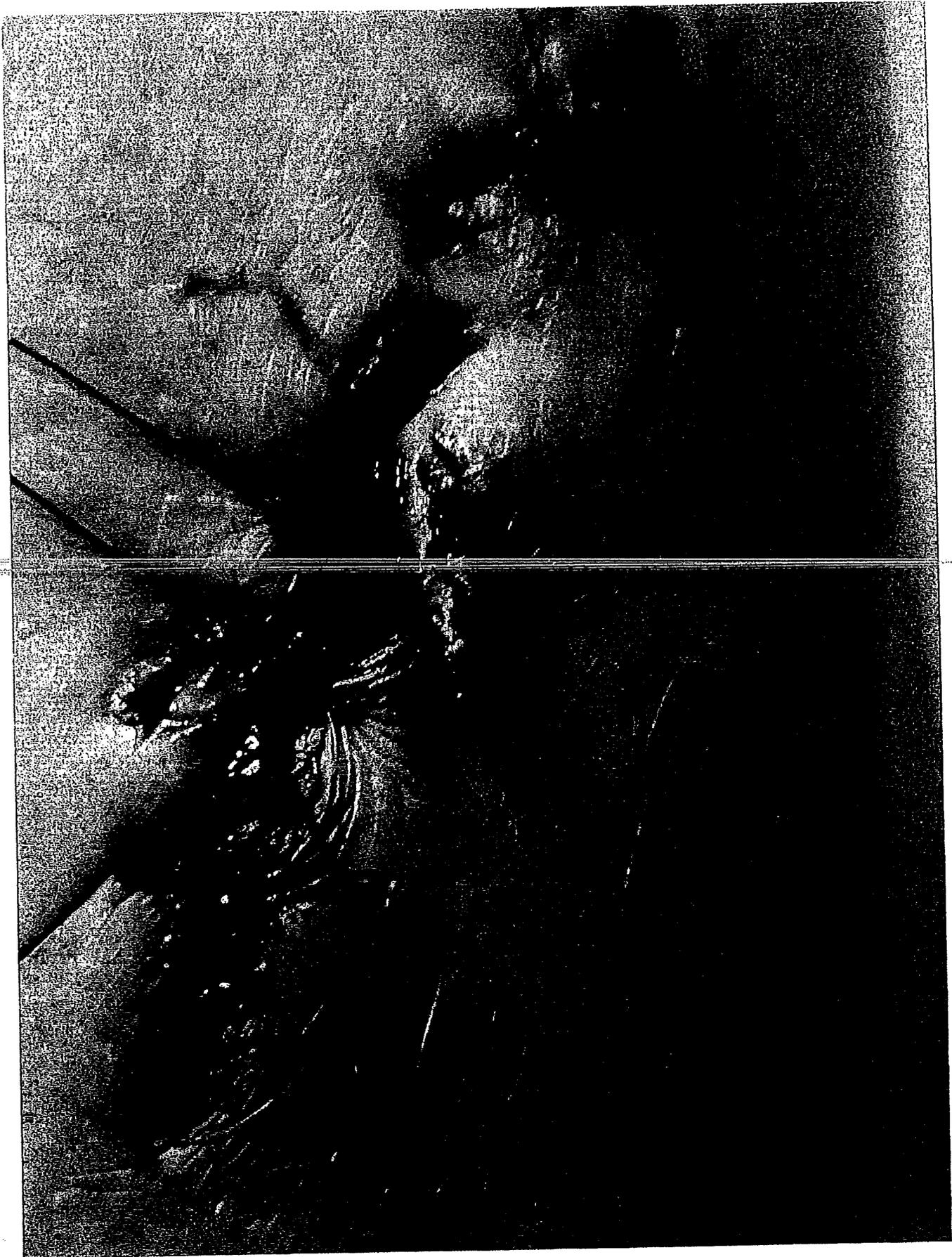
### 2 attachments

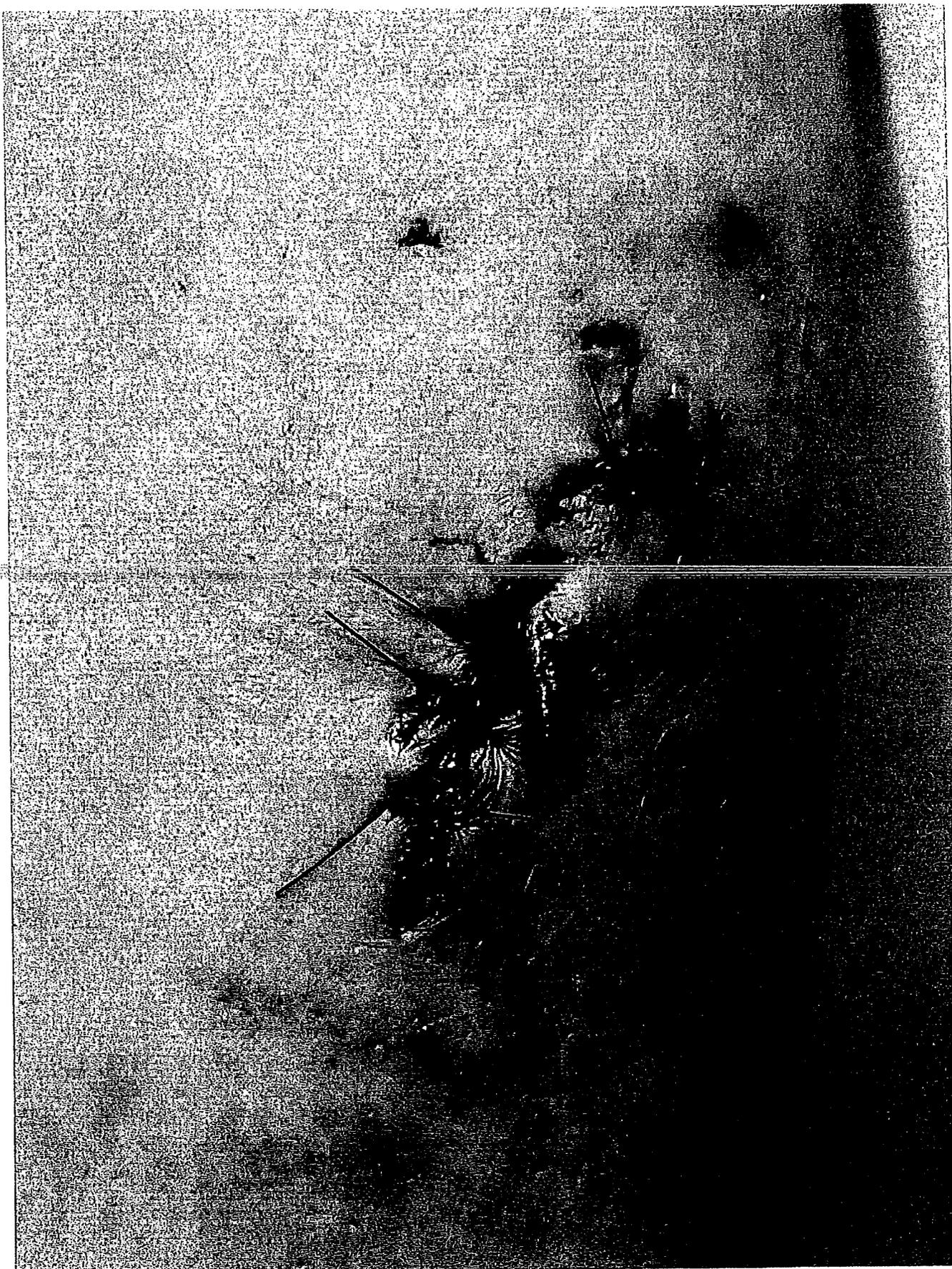


20200618\_220358.jpg  
2603K



20200618\_220345.jpg  
2198K





Norfolk Police Department  
 14 Sharon Ave  
 Norfolk, Massachusetts  
 (508) 528-3206  
**Incident Report**



Incident Number: 201700005435  
 File No: N/A  
 Dispatch Incident Number: N/A  
 Print Date: June 25, 2020  
 Printed By: hcohen

Incident Information											
Occurred On/From	Day of Week	Date	Time	Occurred To	Day of Week	Date	Time	Reported On	Date	Time	
	Thurs	07/06/2017	5:44:00PM		Thurs	07/06/2017	5:44:00PM	→	7/10/2017	8:51:00AM	
Reported As dog v dog bite				Incident Type - Primary Animal Complaint				Arresting Officer			
Incident Address 94 BOARDMAN ST, NORFOLK, MA 02056								Reporting Officer Hillary Cohen (HNP1)			
Sector NORTH		Stat. Area		Sub Stat. Area		Census Tract		Landmark			
Business Name N/A				Incident Types - Other				Action Taken Assisted Party			

Related Incident Summary			
Incident No.	Date	Nature	Notes
No Related Incidents reported for Incident #: 201700005435			

Associated Persons Summary						
Type	Name (Last, First, MI)	Date of Birth	Sex	Home Phone #	Cell Phone #	Work Phone #
Reporting Person	DURAND, SARAH	N/A	F	N/A		N/A
Address: 94 BOARDMAN ST, NORFOLK, MA 02056						
Involved	RAMPINO, MARY-ANNE	N/A	F	N/A		N/A
Address: 90 BOARDMAN ST, NORFOLK, MA 02056						
Involved	MITCHELL, MELISSA ANNE		F		N/A	N/A
Address: 90 BOARDMAN ST, NORFOLK, MA 02056						

Associated Businesses Summary			
Type	Name	Primary Phone #	Secondary Phone #
No Associated Businesses reported for Incident #: 201700005435			

Involved Officers			
Officer Title	Officer Name	Officer Type	Division
N/A	Hillary N Cohen	Reporting Officer	Animal Control

IBR/UCR Offenses				
Offense Number	IBR Type	Chapter	Section	Statute ID / IBR Type Description
No Incident Offenses Recorded for Incident #: 201700005435				

Complaint Charges				
Seq #	Chapter	Section	Name (Last, First, MI)	Description of Offense
No Complaint Offenses Recorded for Incident #: 201700005435				

Vehicle Info					
Reg Plate - State (Year)	Vehicle Year, Make, Model	VIN	Primary Color	Second Color	Insurance Co.
No Vehicle Info Recorded for Incident #: 201700005435					

Property
No Property Info reported for Incident #: 201700005435

Citations					
Citation No	Code	Date	Status	Statute	Description
No Citations reported for Incident #: 201700005435					

Norfolk Police Department  
 14 Sharon Ave  
 Norfolk, Massachusetts  
 (508) 528-3206  
**Incident Report**



Incident Number: 2017000005435  
 File No: N/A  
 Dispatch Incident Number: N/A  
 Print Date: June 25, 2020  
 Printed By: hcohen

Permit No	Type	Issue Date	Expire Date	Status	Issued To/Notes
No Permits recorded for Incident #: 2017000005435					

Narratives for Incident Number 2017000005435 ? **Yes**

Other Narratives not authorized for print? **None**

Narratives this user authorized to print:

Narrative by: Hillary Cohen (HNP1) Division: Animal Control

Date & Time	Narrative Description	Entered by	Status	Reviewed by	Last Edit Date
07/10/2017 08:57		Hillary Cohen (HNP1)	Open		07/10/2017

On Thursday July 7th 2017 at 5:44pm Norfolk Police Dispatch texted me to contact Sarah Durand of 94 Boardman Street. I contacted her and she stated that approximately an hour earlier her son let their dog out for a walk in their yard. Sarah states that her son told her that while upon their own back deck a black, female pit bull came upon their deck and bit their dog. The Durand's dog is a standard poodle and is currently licensed in Norfolk and current on vaccines. She stated she has seen this dog residing at 90 Boardman Street. She did notice blood from a puncture wound on her dog as a result of the bite. Durand stated that in the past there was another bite to their dog (did not break the skin) from this dog but she did not report it because her dog had trespassed on to Rampino/Mitchell property back in February. While talking with her she mentioned that she he has had concerns walking her dog down Rockwood Road. She states that at 16 Rockwood there is a family who owns two large bully breed type dogs and that the female owner cannot control them while on leashes. I have received a dog bite report in the past from an unrelated incident regarding this address. The concern is a valid one but since she failed to report the incidents in a timely manner they are stale.

I contacted Mary Anne Rampino of 90 Boardman Street, Norfolk via telephone. I explained to her the reason of my call. She stated she does not own a black pit bull but her daughter, Melissa Mitchell, and resides in Norfolk at the same address. Through our conversation it was made known that this particular dog named Annabelle, came from a rescue down in Macon GA, and does not always like other dogs. Speaking with Mary Anne Rampino she stated to me that yes there was a bite, but that her daughter stated it happened when the Durand's dog trespassed upon the Rampino's property. Rampino texted me a copy of Annabelle's rabies vaccination.

I explained the QT procedures, and that Melissa will be receiving a written warning via mail regarding having an unlicensed dog and that she needs to go license her dog immediately.

I forwarded QT information to Chris Wider, the animal inspector.

citation #2336 Issued for biting and unlicensed dog.

Signature - Reporting Officer

Signature - Reviewing Officer

**Incident Dispatcher Remarks:**

Create User ID:

Date & Time

No dispatcher remarks listed.

**Call Takers Remarks:**

Create User ID:

Date & Time

No Caller Remarks Listed

## **ARTICLE XII: CEMETERIES**

### **SECTION 1. Authority of the Board of Cemetery Commissioners**

The Town of Norfolk Board of Cemetery Commissioners pursuant to Massachusetts General Laws, Chapter 41, Section 21, in accordance with Massachusetts General Laws, Chapter 114, Section 27 duly adopted by the public vote on May 6, 1974, shall be responsible for the care and management of public cemeteries in the Town and shall have such powers and make such rules and regulations with respect thereto as may be authorized by law. Copies of such rules and regulations shall be filed with the Board of Selectmen and the Town Clerk.

### **SECTION 2. A Fund for Proceeds from the Sale of Cemetery Lots**

The proceeds from the sale of lots, purchase of perpetual care, and miscellaneous costs of internment shall be paid to the Town Treasurer to be kept by him separate and apart from other funds of the Town, and income from the investment of said funds shall be credited to the fund. By majority vote of Town Meeting the proceeds of said fund may be appropriated for expenditure by said Commissioners for the care (including ordinary maintenance) improvements, embellishment or expansion of said cemeteries as provided by the laws of the Commonwealth of Massachusetts, and any balance remaining at the end of any fiscal year shall be returned to said fund. (6/2/82)

## **ARTICLE XIII: ANIMAL REGULATIONS**

### **SECTION 1. Responsibility of Animal Owners**

No owner or person having the care of any sheep, goats, swine, oxen, cows, horses or other grazing animals or fowl, shall permit or suffer the same to go at large or to graze on any street, way, common, square or other public place within the Town; nor permit any such animal to go upon any sidewalk therein except for the purpose of crossing the same. (3/16/36)

### **SECTION 2. Disturbing Noises from Animals**

No person shall keep any bird, fowl, or other animal which by barks, howls or other noises, disturbs the peace and quietness of any resident of the Town. (3/16/36)

### **SECTION 3. Dog Regulations**

#### **A. Definitions**

1. Dog: Shall mean all animals of the canine species, both male and female.
2. Owner or Keeper: Shall mean any person or persons, firm, association or corporation keeping or harboring a dog.
3. At large: Any dog shall be deemed to be at large when it is off the premises of its owner or keeper and not under the care and control of a person demonstrating the ability to control the dog.
4. Care and Control: A dog shall be considered in care and control while on the premises of its owner or keeper or if the dog is on the premises of another person with knowledge and expressed permission of such other person. A

dog under voice command or leashed shall be considered in the care and control of a person only if said person is competent to prevent the dog from becoming a threat to public safety.

5. Restraint: To limit, restrict, and keep in control by means of a leash, or by confinement within a building or a fenced barrier from which the dog cannot escape. The main purpose being to restrict the dog within specific boundaries.
  6. Animal Control Officer: Shall be that person or persons appointed by the Selectmen to enforce this bylaw.
- B. Public Nuisance A dog shall be deemed a public nuisance for any of the following reasons (but not limited to):
1. If such a dog is found to be at large;
  2. If such dog shall persistently and prolonged bark or howl;
  3. If found without wearing a license and a vaccine tag as required by Section B of this bylaw;
  4. If found in a schoolyard, public or private recreation area, store, or shopping area except that a "seeing eye" dog (or other certified assistance dog) under the care and control of its owner shall be deemed to be exempt from this provision;
  5. For having bitten or attacked any person;
  6. For having killed or maimed or otherwise damaged any wild or domestic animal;
  7. For chasing a domesticated animal, pedestrian, or vehicle on a way to which the public has a right to access within the Town;
  8. For damaging or destroying property that does not belong to its owner or keeper;
  9. Except that a police dog acting in the line of duty shall not be considered a public nuisance;
  10. Except that a dog being used as a so-called "hunting dog," which is being supervised as such by a person demonstrating the ability to control such dog so that it will not be a threat to public safety, shall not be considered a public nuisance;
- C. License and Tags
1. Any owner or keeper of a dog six months of age or older shall, beginning January 1 cause the dog to be registered, numbered, described, and licensed with the Town Clerk in accordance with the laws of the Commonwealth of Massachusetts. The license shall be valid until the following December 31st.

2. As a prerequisite to such licensing, the owner or keeper of the dog must present evidence to the Town Clerk that the dog, if six months of age or older, shall have a current vaccination against rabies, and proof of spaying or neutering, if applicable. The fee for such a license shall be as established in Section H of this bylaw.
3. Should any owner of a dog previously licensed in the Town of Norfolk, fail to re-license his/her dog before May 1, the owner shall pay a late fee of \$15.00 for the month of May and increase the late fee by \$5 per month through the end of the calendar year for a maximum fine of \$50. The late fee shall be in addition to the licensing fee. The late fee shall be imposed per residence, not per dog. (11/30/2011)
4. The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness to which shall be securely attached: a) the tag evidencing current rabies inoculation; and b) The license issued by the Town Clerk of Norfolk for the current license period.
5. No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee shall be charged for a license for a dog owned by a person aged 70 years or over. (Massachusetts General Law Chapter 140, Section 139 (c)) (11/18/2014)

#### D. Control of Dogs

1. No owner or keeper of any dog shall at any time permit his/her dog, licensed or unlicensed, to become a public nuisance within the Town of Norfolk. Any owner found in violation of any provision of this bylaw shall be fined for each offense as established in Section H. of this bylaw, after receiving written notice under Section 1 of this bylaw. (10/22/02)
2. Dog excretions on either public or private property must be removed and disposed of immediately by the owner(s) or keeper(s) of the dog or the person(s) under whose care and control the owners have placed the dog. In any event, if this section is violated, the dog shall be deemed to be a public nuisance and such violation shall be considered a violation by the owner(s) or keeper(s) of the dog subject to a non-criminal fine listed in Section 3H. (10/22/02)
3. Impoundment by Animal Control Officer: It shall be the duty of the Animal Control Officer to apprehend any dog found at large in any street or public place within the Town of Norfolk in violation of any of the provisions of this bylaw and to impound such a dog. The Animal Control Officer upon receiving any such dog shall make a complete registry entering the breed color and sex of such dog and whether licensed. The owner of the dog, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog so impounded may claim such dog upon reimbursement to the Animal Control Officer the expenses for maintaining said dog while impounded in addition to the fines established in Section H. of the bylaw. Prior to its release, any dog that is at least six (6) months of age must have proof of current rabies inoculation shall have a proper license form the Town Clerk and be properly tagged.

E. Disposition of Unclaimed Dogs: Any dog which has been impounded and has not been redeemed by the owner within ten (10) days shall be disposed of as provided by Chapter 140, Section 151A of the General Laws of the Commonwealth of Massachusetts and any amendment thereto.

F. **Restraint by Order of the Animal Control Officer**

1. If any person shall make a complaint in writing to the Animal Control Officer or the Town that any dog within his jurisdiction is a public nuisance, the Animal Control Officer shall investigate such complaint and may restrain or muzzle or issue an interim order to restrain or muzzle for a period not to exceed fourteen (14) days. The Animal Control Officer may take similar action, without written complaint, should he/she become aware that any dog is a public nuisance.
2. Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Selectmen a report of the action and the reasons therefore. Upon receipt of such report, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. If the Selectmen fail to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order automatically is vacated.

G. Appeal

1. The owner or keeper of any dog that has been ordered restrained or muzzled under this bylaw may, within seven (7) days after such an order of restraint, file a request in writing with the Animal Control Officer that the restraining order be vacated, or released. Requests shall be filed by the Animal Control Officer with the District Court Clerk who shall schedule a hearing pursuant to Massachusetts General Laws, Chapter 140, Section 173A, as amended.
2. The Animal Control Office may file a complaint with the District Court Clerk if the owner or keeper of any dog under a permanent restraint order continues to be a public nuisance, or has failed to pay fines within 30 days after receiving written notice under Section H of this bylaw.
3. The decision of the Court shall be final and conclusive on all parties. (8/01/00)

H. Fees and Fines:

1. Failure to re-license dog by March 1<sup>st</sup> \$ 50 (5/13/08)
2. Non-Criminal Disposition:
  - a) Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended.

3. Enforcement Agent: Animal Control Officer Fines for Violation of this bylaw:

First Offense .....Warning  
Second Offense.....\$ 30  
Succeeding Offenses ..... \$ 50 for each offense (9/1 /93)

## **Article XIV: Non-Criminal Notice**

### **SECTION 1. Notice Form**

The Chief of Police shall establish the form of notice to be utilized by enforcement personnel.

### **SECTION 2. Enforcement of Bylaws**

The Non-Criminal Notice form, at the discretion of the enforcing agent, may be utilized as an alternative to initiating criminal proceedings for violations of any Town bylaw or any rule or regulation of any Town officer, board or department, the violation of which is subject to a specific penalty and which is included in Appendix A.

### **SECTION 3. Enforcing Agent**

The "Enforcing Agent" shall be as previously designated by the Board of Selectmen and as listed in Appendix A for each bylaw.

### **SECTION 4. Penalties**

Penalties for violations shall be as in Appendix A.

### **SECTION 5. Severability of Provisions**

The provisions of this regulation shall be deemed severable and in case any section, paragraph or part of this regulation shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the decision of such court shall not effect or impair the validity of any other section, paragraph or part of this regulation.

### **SECTION 6. Proceedings**

Proceedings held pursuant to Article XII and Massachusetts General Laws, Chapter 40, Section 21D shall not be deemed to be criminal proceedings nor shall a conviction for such a violation be shown to affect the credibility of a witness.

### **SECTION 7. Effective Date**

This regulation shall be effective on March 6, 1989.

#### **A. Procedures:**

- 1) Violation citation issued by the enforcing officer for each designated bylaw infraction;
- 2) Citation and copies dropped off at the Norfolk Police Department each day;
- 3) Police Department sends/brings these citations to Wrentham District Court;