

**BREWSTER BOARD OF HEALTH**  
**DOG WASTE REMOVAL REGULATION**

In accordance with Chapter 111, Section 31 of the General Laws, the Brewster Board of Health as of this date adopts the following regulation:

**I. Purpose.** Whereas the Brewster Board of Health finds that numerous residents and visitors to the Town of Brewster walk their dogs throughout the Town; and whereas the Board of Health further finds that the failure to clean up after said dogs and to properly dispose of their waste presents a threat to the public health of the inhabitants of the Town. In accordance with Chapter 111, Section 31 of the General Laws, the Brewster Board of Health as of this date adopts the following regulation:

**II. Dog Waste Removal**

Effective immediately, no person owning or having care, custody or control of any dog shall allow such dog to soil, defile, defecate, or commit nuisance upon any public sidewalk, street, thoroughfare, public park, public field, public beach, salt flats, marsh, public fresh- or salt-water pond shore, wetland, or in or upon the private property of any person other than the person having the care, custody or control of such animal, unless said person picks up any such waste and disposes of same in a sanitary manner. This section shall not apply to physically handicapped persons in sole custody or control of said dog. Penalty for violation of this section shall be the maximum allowable by State Law.

**III. Violations & Penalties; Non-criminal disposition**

In accordance with Section 8-2 of the Brewster Code, whoever violates any provision of this regulation may be sanctioned through the noncriminal disposition process provided by M.G.L. Ch. 40, 21D, as amended from time to time. The noncriminal penalty for violating this regulation shall be \$25.00 for the first offense in a calendar year; \$50.00 for the second offense in a calendar year; \$100.00 for the third offense in a calendar year; and \$200 for the fourth or any subsequent offense in a calendar year. Resort to noncriminal disposition shall lie within the discretion of the enforcing office and shall exist wholly in addition to all other available enforcement alternatives.

Any enforcing officer who takes cognizance of a violation of this regulation and who elects to proceed with noncriminal disposition under this section shall give the offender a written notice to appear before the Clerk of the Orleans Division of the District Court Department at any time during office hours but not later than 21 days after the date of such notice.

If any person so notified to appear before the clerk of a district court fails to pay the fine provided hereunder within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding as provided in M.G.L. Ch. 40, 21D, upon notice from the clerk, the enforcing officer shall determine whether to apply for the issuance of a complaint for the violation.

**IV. Enforcement**

The Police Chief, Board of Health and/or Board of Selectmen may designate individuals to act as their agents for the enforcement of this bylaw and authorize them to issue fines and citations on behalf of the Town.

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Adopted: May 23, 2006  
Effective: Upon publication  
Amended: August 21, 2012 (Title Change Only)

_____ Joanne Hughes, Chairman	Board Of Health
_____ Lem Skidmore, Vice Chairman	
_____ Keith Johnson	
_____ Mary Chaffee	
_____ Jose Fernandez	

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Colette Williams, Town Clerk