

Deadline to file: Noon, March 3, 2022

PETITION FOR INSERTION OF THE
FOLLOWING ARTICLE IN THE WARRANT FOR
THE TOWN MEETING OF PELHAM ON:

May 14, 2022

DATE and TIME received

Scary Rec. 3/1/22

TOWN: TOWN OF PELHAM

We, the undersigned registered voters of the Town of PELHAM do hereby petition the Board of Selectmen to insert the following article in the WARRANT FOR THE ANNUAL TOWN MEETING, to wit:

Ament the Code of the Town of Pelham
bylaws Chapter 5 Animals, Article II
Dog Control by making revisions shown
in the attached Proposed Warrant Article,
with additions shown as underlined.

SIGNER
INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the town named above and your signature should be written substantially as registered.

If you are prevented by physical disability from writing you may authorize some person to write your name and residence in your presence.

SIGNER'S STATEMENT

We, the undersigned, are qualified voters of the Town of Lincoln and, in accordance with the provisions of law, request the above article be inserted in the warrant for the Town Meeting of May 14, 2022.

CHECK	I SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated above), Please also print name.	II NOW REGISTERED AT (street, number and apartment number, if any) (city or town will be the same as stated above)	PRECINCT
1	<u>James C. Decker</u> James Decker	18 Harkness Rd	
2	<u>[Signature]</u> Eric Kaufman	11 HARKNESS RD	
3	<u>[Signature]</u> Sally Kaufman	11 HARKNESS RD	
4	<u>Gillian H. Decker</u> Gillian H. Decker	18 Harkness Rd.	
5	<u>Gail Kexiny</u> GAIL KEXINY	45 HARKNESS RD.	
6	<u>Robert Rowell</u> Robert Rowell	312 Daniel Shays Hwy	
7	<u>Sharrie Reydak</u> Sharrie Reydak	312 Daniel Shays Hwy	
8	<u>Robert O.S. Rowell</u> Robert O.S. Rowell	312 Daniel Shays Hwy	
9	<u>David Powers</u> DAVID POWERS	16 Harkness Rd Pelham	
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ATTENTION VOTERS: Before signing, read signer information on other side.

ATTENTION REGISTRARS: Before certifying signatures, see instructions to registrars below

TOWN

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WARNING – criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying or suppressing this petition: fine of up to \$1,000 or imprisonment for up to 1 year.

**REGISTRAR
INFORMATION**

INSTRUCTIONS TO REGISTRARS

- You must time stamp or write in date and time these papers are received
- Check thus ✓ against the name of each qualified voter to be certified. For names not certified use the code at the right.
- Draw a line through any blank spaces not containing signatures.
- Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable.
- For names not certified use the code to the right.

N – No such registered voter at that address

S – unable to identify signature or address as that of voter because form of signature or address

W – wrong district or community

T – already signed this petition

CERTIFICATION OF NAMES

At least three registrar's names must be signed or stamped below.

Town

Month and Day

We certify that _____
number of names use numbers and words

above signatures checked thus ✓ are the names of qualified voters from this town.

Registrars of voters or
Election commissioners of _____

Town

PROPOSED WARRANT ARTICLE

Amend the Code of the Town of Pelham bylaws Chapter 5 Animals, Article II Dog Control by making revisions shown below, with additions shown as underlined:

§ Section 5-7 Violations enumerated)

Any owner who allows his/her dog to do any of the following will be considered in violation of this article:

- A. Unlicensed dog: a dog six months or older, which is unlicensed or not relicensed by May 31 each year.
 - B. Running at large: to go beyond the boundaries of the owner's residence unless the dog is:
 - 1. In sight and under immediate response to voice command and does not trespass on residential property; or
 - 2. Under leash control; however, dogs in the act of training, working or hunting are excepted.
 - C. To chase a pedestrian, bicycle or any other vehicle.
 - D. To bark excessively during the day or to bark between 10:00 p.m. and 8:00 a.m. so as to disturb the reasonable quiet of the neighborhood.
 - E. Worrying livestock: to worry, injure or kill another's livestock, fowl or pet.
 - F. Vicious dog: to menace, attack or bite a person without provocation.
-

RATIONALE

The underlined language appears to have been inadvertently removed from the copy of the text of Section 5-7 as it was reproduced in Warrant Article 22 prior to the 2019 Town Meeting (5/11/2019). We believe this deletion was unintentional but the deletion was not, in any event, voted upon by the Town, as detailed below, and thus the language remains part of the Code.

Prior to the 2019 Town Meeting, Sections 5-3 and 5-7 of the Pelham Code read as follows:

§. 5-3 Purpose.

The town requires that all dog owners keep their dogs under control at all times for the purpose of protecting people and animals from injury, protecting property from damage and preventing dog-related nuisances.

§. 5-7 Violations enumerated.

Any owner who allows his/her dog to do any of the following will be considered in violation of this article:

- A. Unlicensed dog: a dog six months or older, which is unlicensed or not relicensed by May 31 each year.
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- F. Vicious dog: to menace, attack or bite a person without provocation.

(Italics have been added for emphasis.) Note that Section 5-7 of the Code had two subsections: B.1 and B.2.

At the May 11, 2019 Town Meeting, the following Article 22, (which contained an incomplete statement of Section 5-7, subsection B) was presented to the Town for discussion and vote:

ARTICLE 22

.... to amend the Code of the Town of Pelham bylaws Chapter 5 Animals, Article II Dog Control [adopted 5-3-1997 ATM, Art. 10] by making revisions shown below, ***with additions shown as underlined and deletions shown in strikethrough.***¹[Bold in original text as presented to the Town].

§. 5-3 Purpose.

The town requires that all dog owners keep their dogs under control at all times for the purpose of protecting people and animals from injury, protecting property from damage and preventing dog-related nuisances. The Town further requires any dog for which one formal complaint has been filed be kept under the owners/guardians or keepers leash control at all times on town property.

§. 5-7 Violations enumerated.

Any owner who allows his/her dog to do any of the following will be considered in violation of this article:

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- E. Worrying livestock: to worry, injure or kill another's livestock, fowl or pet.
- F. Vicious dog: to menace, attack or bite a person without provocation.

Inexplicably, Section 5-7, subsection B.1 from the Code of Pelham was omitted from the Warrant language as presented to the Town, and B.2 became B.1; there was no mention in the Warrant of the change.

What the Town did discuss and vote upon was only to make the changes that were highlighted in the Warrant, "***with additions shown as underlined and deletions shown in strikethrough.***" The Town voted only on the changes shown; it did not vote to approve or disapprove two entire subsections of the Code. The warrant did not show any revisions to be made to §5.7 of the Code, and only showed the one sentence to be added to Section 5-3. As anyone who was at that meeting can attest to, it was the addition of the one sentence that was thoroughly debated. Therefore, only change to Sections 5-3 or 5-7 that the Town Meeting voted to approve was the addition of the one sentence to Section 5-3; all other language of the Sections, including subsection B of Section 5-7 with its two parts, remained intact. Considerable confusion has developed since that Town Meeting as to the correct language of Section 5-7, subsection B. The proposed Warrant Article is intended to remove any ambiguity as to that language and clarify that it remains part of the Pelham Code.

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2		<i>Richard Seely</i> Richard Seely	39 Buffam Road	
3		<i>Pedro Levy</i> PEDRO LEVY	196 N VALLEY Rd.	
4		<i>Peter K. Hepler</i> PETER K. HEPLER	6 Quarry Rd	
5		<i>Margaret H. Hepler</i> Margaret H. Hepler	6 Quarry Rd	
6		<i>Brenda Crowley</i> Brenda Crowley	144 N. Valley Rd.	
7		<i>Peter Crowley</i> Peter Crowley	144 N Valley Road	
8		<i>Thomp Waterstein</i>	43 Boyden Rd.	
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