

AMENDMENT TO § 60-205 OF GENERAL BYLAWS

Replace the existing § 60-205 with the following:

§ 60-205. Kennels.

- A. Definitions. As used in this § 60-205, the following words and terms have the following meanings:

KENNEL — A pack or collection of dogs on a single property, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel, as defined in MGL c. 140, § 136A.

KENNEL INSPECTOR — The Town's Animal Control Officer, the Police Chief, or such other qualified party as may be designated by the Select Board.

KENNEL LICENSE — An annual license permitting a Kennel to operate within the Town, issued to a Kennel that has demonstrated compliance with the requirements of this § 60-205.

LICENSEE — A Person who owns and maintains a Kennel that has received a Kennel License issued by the Town Clerk.

LICENSE PERIOD — The time between January 1 and the following December 31, both dates inclusive.

MDAR— The Massachusetts Department of Agricultural Resources, and its successors.

PERSON — An individual, corporation, or business enterprise, regardless of legal form.

- B. Licenses; Fees; Requirements; Violations.

(1) No Person shall operate a Kennel within the Town without first obtaining a Kennel License from the Town Clerk, who is the licensing authority, in accordance with the provisions of this § 60-205. Possession of a Kennel License shall not demonstrate compliance with any other provision of the Bylaws of the Town of Belmont. The Town Clerk shall comply with the annual reporting provisions of MGL c 140, § 137A(e)(1).

(2) The Town Clerk shall determine the amount of the nonrefundable fee for a Kennel License for each License Period. The Town Clerk may charge an increased fee for applications for Kennel License renewals after March 15 for that License Period.

- (3) The location and operation of any Kennel shall be appropriate for housing the number of dogs allowable under the terms of its Kennel license and shall not be detrimental to the health and safety of dogs or persons.
- (4) All Kennels shall be operated in a safe, sanitary, and humane condition as provided in MGL c. 140, § 137C.
- (5) No Kennel that provides overnight boarding of dogs may keep more than 25 dogs for overnight stays on the premises. Dogs that are on the premises for medical or surgical treatment or observation shall not be counted in this number.
- (6) No Kennel may contract with security dog firms or other businesses to board protection or security dogs, or dogs in training to be protection or security dogs on the premises. A security dog kept on the premises for the Kennel's own security purposes is permitted.
- (7) Kennel operations including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in the prescribed outdoor area.
- (8) Every Kennel shall at all times keep and maintain accurate records of the number, identities, and individual licenses of all dogs kept on the premises, the name and address of the owner of each dog kept in the Kennel (which shall be available for inspection by the Kennel Inspector and other officials specified in MGL c. 140, § 137A(b)(1)) and the identities of persons who have purchased dogs from the Kennel.
- (9) In addition to the requirements of this §60-205, the provisions of § 60-200C and Article 6 of this chapter shall apply to all Kennels.
- (10) Pursuant to MGL c. 140, §137C(b), a Person who maintains a Kennel after the Kennel License has been revoked or suspended shall be assessed a fine by the Town Clerk of not more than \$250 for a first offense, by a fine of not less than \$500 for a second offense, and by a fine of not more than \$1,500 for a third or subsequent offense. Any other violation of this §60-205 shall result in a fine of \$500 for a first offense, and a fine of \$1,000 for a second or subsequent offense. Violations shall be administered in accordance with the provisions of MGL c. 140, §§137A-137C and 174G.,

C. Application process: license issuance; renewals.

- (1) Any Person seeking a Kennel License or renewal or reinstatement thereof shall complete and submit to the Town Clerk a Kennel License application, in a form prescribed by the Town Clerk. The application shall include a

statement that the applicant acknowledges receipt of a copy of the provisions of this § 60-205 and agrees to comply with all applicable provisions.

- (2) Upon receipt of a completed application, the Town Clerk shall so notify the Kennel Inspector who shall forthwith conduct an inspection of the applicant's Kennel as provided in § 60-205.D . The Town Clerk shall also give notice of the application to direct abutters to the proposed Kennel location and provide such abutters 14 days to submit written comments on the application.
- (3) The Town Clerk shall review the completed application, all comments received within 14 days of the notice to abutters given pursuant to § 60-205.C(2) (2), and the Kennel Inspector's report. The Town Clerk shall determine whether the proposed Kennel is in compliance with the requirements of this § 60-205 and MGL c. 140, §§ 137C and 137 D, and, if so, shall issue a Kennel License to the applicant. If the Town Clerk finds that the proposed Kennel is not in compliance with such requirements, the Town Clerk shall deny the application and state the reasons for such denial. The Kennel License shall be denied until the Kennel passes inspection by the Town's Animal Control Officer.
- (4) Any application for renewal of a Kennel License shall be submitted to the Town Clerk on or before March 15 for that License Period.

D. Inspections.

A Kennel Inspector or the Select Board shall at least once per year, and may at any time, inspect a Kennel or cause the inspection of a Kennel to ascertain whether the Kennel complies with the requirements of this § 60-205 and applicable state statutes and regulations. If the Licensee or Person applying for a Kennel License refuses to allow an inspector to enter and inspect a Kennel, the refusal shall be grounds for denial, suspension, or revocation of the Kennel License.

E. Suspension or revocation of Kennel License; reinspections.

- (1) If the Town Clerk denies a Kennel License application or renewal application, the applicant or Kennel License holder may request a reinspection of the proposed Kennel after reasonably demonstrating to the Kennel Inspector that the proposed Kennel has been brought into compliance with the requirements of this §60-205 and applicable state statutes and regulations. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the proposed Kennel and make a report to the Town Clerk, who shall, within a reasonable time, review the application in accordance with §60-205.C. the Town Clerk may set fees for reinspections performed pursuant to this §60-205.E.
- (2) If the Kennel Inspector or the Select Board causes to be inspected a Kennel and, in the judgment of the individual who performed the inspection, the Kennel operator is not maintaining the Kennel in compliance with this § 60-205 and

applicable state statutes and regulations, then the Kennel Inspector, Select Board, or the Town's Animal Control Officer shall, by order, revoke or suspend the Kennel License, in accordance with MGL c. 140, § 137C.

(3) If a Kennel license is suspended, the Licensee may apply for reinstatement by requesting a reinspection of the Kennel after reasonably demonstrating to the Kennel Inspector that the Kennel has been brought into compliance with this § 60-205 and applicable state statutes, and that the license holder has satisfied the terms of the suspension order. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the Kennel and make a report to the Town Clerk who shall, within a reasonable time, review the application in accordance with § 60-205.C. The Town Clerk may set fees for reinspections performed pursuant to this § 60-205.E.

(4) If a Kennel license is revoked, the Kennel License holder may apply for a new Kennel License in accordance with § 60-205.C. The Town Clerk may set fees for reinspections performed pursuant to this § 60-205.C.

- F. Petitions to declare a Kennel a nuisance. Any group of 25 citizens may file a petition with the Select Board setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs maintained in the Town due to excessive barking or other conditions connected with a Kennel constituting a nuisance, as provided in MGL c. 140, § 137C. The Select Board shall request that the Kennel Inspector investigate and provide a report for the parties' review prior to the public hearing provided in MGL c. 140, § 137C.
- G. Each commercial boarding or training kennel shall report promptly to the Town Clerk all injuries to animals or people that occur on their premises and shall comply with all reporting deadlines and procedures as established by MDAR. The MDAR or Town Clerk (or a Kennel Inspector designated by the Town Clerk) shall investigate all reports.
- H. Enforcement under MGL c. 140, § 176G by an Animal Control Officer may be appealed within 21 days to the district court in the judicial district in which Belmont is located.