

Original with changes incorporated:

§ 60-205. Kennels.

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

APPLICANT — A Person applying for a Kennel License.

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 — an animal control officer, the Police Chief or their designee, or the Select Board or their designee.

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.

(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. The Town Clerk shall comply with the annual reporting provisions of MGL c 140, § 137A(e)(1).

- (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) Kennels 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 an animal control officer or police officer) 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, 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, renewal, or reinstatement shall complete and submit a Kennel License application to 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, as well as with the provisions of MGL c. 140, §§137A-137C and 174G.

- (2) Upon receipt of a completed application, the Town Clerk shall notify the animal control officer, who shall inspect 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 the abutters 14 days to submit written comments on the application.
- (3) No Kennel License shall issue or be renewed until the Kennel passes inspection by the Town's animal control officer.
- (4) 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), and the animal control officer'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, 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.
- (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.

- (1) Every Kennel shall be inspected annually by a Kennel Inspector to ascertain whether the Kennel complies with the requirements of this § 60-205 and applicable state statutes and regulations. Inspection by the animal control officer pursuant to § 60-205.C(3) for issuance or renewal of a kennel license shall also satisfy this requirement for annual inspection.
- (2) If a Licensee or Applicant refuses to allow a Kennel Inspector to enter and inspect a Kennel, the refusal shall be grounds for denial, suspension, or revocation of the Kennel License.
- (3) An inspection of a Kennel shall take place between the hours of 7:00 a.m. and 7:00 p.m., unless an alternate time is mutually agreed upon by the Kennel Inspector and the Licensee or Applicant. The Licensee, Applicant, , or an authorized agent of the Licensee or Applicant shall be present during the inspection.
- (4) If a Kennel is located at a Residence, only the areas of the Residence that are used for kennel purposes or for the maintenance of Kennel records shall be required to be available for inspection.

E. Suspension or revocation of Kennel License; reinspections.

- (1) If the Town Clerk denies a Kennel License application or renewal application, or a Kennel License is suspended, the Licensee, former Licensee, or Applicant may reapply after reasonably demonstrating to the animal control officer that the proposed Kennel has been brought into compliance with the requirements of this §60-205 and applicable state statutes and regulations. The animal control officer shall thereafter, as soon as is reasonably practicable, inspect 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 inspections performed pursuant to this §60-205.E(1).
- (2) If any Kennel Inspector determines that a Licensee is not maintaining the Kennel in compliance with this § 60-205 and applicable state statutes and regulations, then a Kennel Inspector shall, by order and in accordance with MGL c. 140, §§ 137C and 174G, issue to the Licensee a written citation or notice which explains the noncompliant issue and requires the Licensee to come into compliance within a reasonable, specified timeframe. If the Licensee fails to come into compliance within the specified time period, a Kennel Inspector shall revoke or suspend the Kennel License.
- (3) If a Kennel License is revoked, the Licensee 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. Upon receiving such a petition, the Select Board shall, within seven days, give notice to all interested parties of a public hearing to be held within seven days of the issuance of the notice. Prior to the public hearing, a kennel inspector shall investigate and provide a report for the parties' review.

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. All reports not investigated by the MDAR shall be investigated by the Town Clerk or their designee, who shall be considered a Kennel Inspector for purposes of carrying out this inspection.

Enforcement pursuant to MGL c. 140, § 174G may be appealed within 21 days to the district court in the judicial district in which Belmont is located.