

## **DOG CONTROL BYLAW AMENDMENTS**

Proposed amendments to the Dog Control Bylaw as follows (deletions in strikethrough and insertions underlined):

### **§ 3. Kennels**

**3.1** Definitions as used in this Section - the following words and terms have the following meanings:

**A.** Kennel: a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel as defined in Massachusetts General Laws Chapter 140, Section 136A.

**B.** Personal kennel: a pack or collection of ~~more than 4 dogs~~, 5 or more dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

**C.** Commercial boarding or training kennel: an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under Section 39A of Chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

**D.** Commercial breeder kennel: an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

### **3.2 Licenses; Fees; Requirements; Violations.**

**A.** No person shall operate a Kennel within the Town without first obtaining a Kennel License from the Town Clerk in accordance with the provisions of this Section.

**B.** The Town Clerk shall determine the amount of the non-refundable fee for a Kennel License for each License Period. The Town Clerk may charge an increased fee for applications for Kennel License renewals received after March 15 for that License Period.

**C.** 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 may not be detrimental to the health and safety of dogs or persons.

**D.** All Kennels shall be operated in a safe, sanitary, and humane condition, as provided in Massachusetts General Laws Chapter 140, Section 137C.

**E.** No Kennel that provides overnight boarding of dogs may keep more than 25 dogs on the premises at any time. Dogs that are on the premises for medical or surgical treatment or observation shall not be counted in this number.

**F.** 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.

**G.** 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 a prescribed outdoor area.

**H.** Every Kennel shall at all times keep and maintain accurate records of the number and identities of all dogs kept on the premises, and the identities of persons who have purchased dogs from the Kennel.

**I.** Except as otherwise provided in this Paragraph, any violation of this Section shall result in a fine of \$50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of \$100 per such violation. A person maintaining a Kennel after the Kennel License therefor has been revoked, or while such Kennel License is suspended, shall be punished by a fine of not more than \$250. Violations shall be administered in accordance with the provisions of Massachusetts General Laws Chapter 140, Section 173A.

**J. Fees**

Fees for kennels shall be as follows:

Personal kennel:	5 – 9 dogs	\$75.00
	10+	\$100.00
Commercial boarding or training kennel by Special Permit:		\$100.00
Commercial breeder kennel by Special Permit:		\$100.00
Domestic charitable corporation kennel by Special Permit:		\$100.00

<u>Veterinary kennel as defined in Massachusetts General Laws Chapter 140, Section 136A. by Special Permit:</u>	<u>\$100.00</u>
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