

By Mr. Klimm of Barnstable, petition of John C. Klimm for legislation to further regulate dog kennels. Counties.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

### AN ACT FURTHER REGULATING DOG KENNELS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 140 of the General Laws is hereby amended by striking  
2 out sections 137A, 137B and 137C, as appearing in the 1988  
3 Official Edition, and inserting in place thereof the following three  
4 sections:

5 Section 137A. "Kennel", one pack or collection of three or  
6 more dogs over the age of six months kept on a single premises,  
7 not to exceed five dogs.

8 "Hobby Kennel", a kennel maintained for a collection of six  
9 to ten dogs or for breeding dogs for show or sport, or which sells  
10 from less than four litters per year, not to exceed ten dogs on the  
11 premises over the age of three months.

12 "Commercial Kennel", a kennel maintained as a business for  
13 the boarding or grooming of dogs, or which sells dogs born and  
14 raised on the premises from more than four litters per year.

15 Section 137B. Any owner or keeper of three or more dogs, six  
16 months of age or over, shall obtain a kennel license upon written  
17 application and approval of the special permit granting authority  
18 to the clerk of a city or town in which such kennel is located.  
19 Kennels are defined and classified in section I of these rules and  
20 regulations.

21 The kennel license shall be on a form prescribed by the Director,  
22 upon a blank to be furnished, by the county in which the city or  
23 town is located. It shall specify the name of the owner, the name  
24 of the kennel, the name of the keeper and the location of such

25 kennel. Such license shall specify the maximum number of dogs  
26 to be kept on the premises at any one time.

27 Failure of the special permit granting authority to give written  
28 approval to a kennel at the proposed location of such kennel, will  
29 cause a kennel license not to be issued at such location by the clerk.

30 The fees for each classification of kennel license shall be as  
31 follows: KENNEL LICENSE, as defined, THIRTY DOLLARS  
32 per year.

33 HOBBY KENNEL LICENSE, as defined, SIXTY DOLLARS  
34 per year.

35 COMMERCIAL KENNEL LICENSE, as defined, ONE  
36 HUNDRED AND FIFTY DOLLARS per year.

37 The city or town clerk shall retain TEN DOLLARS from each  
38 kennel license issued and shall transmit the balance of the license  
39 fee to the COUNTY DOG FUND in their respective County.

40 A kennel license shall be in lieu of any other license required  
41 for any dog which may be kept in such kennel for any portion  
42 of the period for which the license is issued. The owner or keeper  
43 of such kennel shall renew the license prior to the commencement  
44 of each succeeding license period.

45 While at large, each dog in a kennel shall wear a collar or  
46 harness to which shall be securely attached a tag upon which shall  
47 appear the number of the kennel license, the name of the city or  
48 town issuing such license and the year of issuance. Such tag shall  
49 be in a form prescribed by the Director and furnished by the  
50 County and shall be issued by the city or town clerk along with  
51 the kennel license.

52 If a kennel owner desires to increase the capacity of his kennel  
53 during a license period, he shall apply for a kennel license  
54 modification to the city or town clerk along with the written  
55 approval of the special permit granting authority or the Board  
56 of Appeals. The clerk of the city or town shall issue such  
57 modification upon payment by the owner of the difference  
58 between his existing kennel license and the fee for the kennel  
59 license most recently approved. The clerk of the city or town shall  
60 retain Ten Dollars of the adjusted license fee and shall transmit  
61 the balance to the County Dog Fund.

62 The clerk of any city or town shall issue, without charge, upon  
63 written application and written approval of the special permit



64 granting authority or the Board of Appeals, a kennel license to  
65 any domestic charitable corporation incorporated in the  
66 commonwealth exclusively for the purpose of protecting animals  
67 from cruelty, neglect or abuse.

68 A veterinary hospital shall not be considered a kennel unless  
69 it contains an area for the grooming or selling of dogs, or for the  
70 boarding of dogs for other than medical or surgical purposes, in  
71 which case it shall apply in writing to the city or town clerk in  
72 which said hospital is located, submitting approval from the  
73 special permit granting authority or the Board of Appeals for the  
74 required kennel license.

75 All holders of kennel licenses shall notify the city or town clerk,  
76 in writing, of the sale of any dog or pup, including a description  
77 of the animal, the age, color, identifying marks, sex and whether  
78 the dog has been spayed or neutered. A copy of such notice will  
79 be forwarded by the kennel owner or keeper to the city or town  
80 clerk in which the new owner resides.

81 Section 137C. The County Commissioners, or a Chief of  
82 Police, or a Dog Officer within his jurisdiction or persons  
83 appointed under Chapter 147, Section 10 of the General Laws,  
84 shall at any time inspect or cause to be inspected any kennel and  
85 if, in their or his judgement, the kennel is not being maintained  
86 in a sanitary and humane manner, or if records are not properly  
87 kept as required by law, the County Commissioners or the Board  
88 of Selectmen of a town or the Mayor of the city, shall by order  
89 revoke or suspend said kennel license. In the case of suspension  
90 of said license, the County Commissioners, the Board of  
91 Selectmen in the town or the Mayor of the city in which the kennel  
92 is located may reinstate such kennel license and impose conditions  
93 and regulations upon operation of said kennel.

94 Upon the petition of twenty-five citizens filed with Selectmen  
95 of a town or the Mayor of a city, setting forth that they are  
96 aggrieved or annoyed to an unreasonable extent by one or more  
97 dogs at a kennel located in the city or town because of excessive  
98 barking or vicious disposition of such dogs or other conditions  
99 connected with the kennel that constitute a public nuisance, the  
100 Board of Selectmen or the Mayor of a city shall, within seven days  
101 of the filing of such petition, give notice to all parties concerned  
102 of a public hearing to be held within fourteen days after the date  
103 of such notice. Within seven days after the public hearing, the

104 Board of Selectmen or the Mayor shall make an order either  
105 revoking or suspending such kennel license or otherwise  
106 regulating the operation of said kennel, or shall dismiss such  
107 petition.

108 The Board of Selectmen or the Mayor shall, within seven days  
109 following the order to revoke or suspend a kennel license, shall  
110 report in writing to the County Commissioners their action  
111 regarding said public hearing. The County Commissioners shall  
112 investigate the subject matter of such petition and shall, by order,  
113 either affirm or deny such recommendations by suspending or  
114 revoking such kennel license or otherwise regulating said kennel,  
115 or dismissing the petition.

116 Within ten days after such order and the County Commission-  
117 ers review of the initial order, the holder of such kennel may bring  
118 a petition in District Court within the judicial district in which  
119 such kennel is located, praying that such order be reviewed by  
120 the court.

121 Any person maintaining a kennel after the license has been  
122 suspended or revoked, shall be punished by a fine of not less than  
123 Fifty Dollars per day, which fine shall be returned by the court  
124 to the city or town.

125 Each Dog Officer shall, at least twice in each year, inspect every  
126 premises holding a kennel license and shall issue a written report  
127 of the conditions of said kennel to the Mayor of the city or the  
128 Selectmen of the town and to the Board of Health and the County  
129 Commissioners, stating his opinion as to the maintenance,  
130 humane and sanitary conditions and if records are properly kept  
131 by the owner or keeper of said kennel.