(PROPOSED) Nondomesticated and Domesticated Animal Laws - Section 12

Section 12-1 Dogs and cats.

(a) Definitions: MGL c. 40, § 136A, shall be referenced to define terms used in this ordinance. In addition, the definitions of the following terms shall apply:

SERVICE DOG Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

(b) Leashing required; length of leash. No person shall cause or permit a dog owned or kept by him, whether licensed or unlicensed, beyond the confines of the property of the owner or keeper or the property of another person with knowledge and permission of such other person unless the dog is properly restrained. A dog is under restraint for purposes of this ordinance if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog, and the dog is held firmly on a leash, the length which shall not exceed six feet. An owner or keeper may use a leash of a greater length to restrain a dog on the property of an owner or keeper, provided that the dog is securely confined to the premises of the owner or keeper.

(c) Disturbing the peace. Any owner or keeper who allows a dog to bite, bark, howl or in any other manner disturbs the peace and quiet of any neighborhood or endangers the safety of any person or animal is in violation of this ordinance.

(d) Restrictions: defecation. No person shall fail to promptly remove and properly dispose of any feces, as designated by the Board of Health, left by any dog owned, kept or controlled by him or her on the property of another, including but not limited to any public property within the Town. This provision shall not apply to a person who, by reason of a physical disability, is unable to comply with requirements of such a section.

(e) Penalties. The Animal Control Officer is hereby authorized to investigate any complaint made against the owner or keeper of a dog who is alleged to have violated the provisions of this ordinance. This section shall be subject to

the penalties under the provisions of MGL c. 40, § 21D, as outlined in this ordinance.

(f) Order to restrain or muzzle. In addition to the fines outlined in this ordinance, on receipt of a complaint of an alleged violation of this ordinance, the Animal Control Officer shall investigate and is also authorized and empowered to order the owner or keeper of a dog to muzzle or restrain a dog as the Officer deems necessary, pending a hearing under MGL c. 140, § 157.

(g) The owner or keeper of any dog or cat that is transported to an animal hospital or care facility by the Animal Control Officer or police officer for treatment, euthanasia or rabies testing is liable for payment to said facility. If the owner or keeper cannot make such payment at time of service, and treatment, euthanasia or rabies testing is determined by the Animal Control Officer or Board of Health to be needed for public health or public safety, and if the Town is billed for these services, said owner or keeper will be fined in the amount of the bill invoiced to the Town.

(h) Dog licenses. Dog licenses shall be obtained each year. The registering, numbering, description and licensing, pursuant to the provisions of MGL. c. 140, of all dogs in the Town of Holbrook shall be conducted annually in the office of the Town Clerk. Applications and licensing shall be in accordance with MGL c. 140, §§ 137 and 137A. Dog licenses must be renewed annually between April 1 and June 30. In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog which has not renewed a license before July 1 in any year shall be subject to a late fee penalty of $25.

(i) Duty of Animal Control Officer; registry required. It shall be the duty of the Animal Control Officer, pursuant to MGL c. 140, §§ 151A and 167, to apprehend any unrestrained or unlicensed dogs and to impound such dog in a facility approved by the Chief of Police. The Animal Control Officer upon receiving any dog shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, the name and address of the owner and the number of the license tag shall be recorded. Unrestrained or unlicensed dogs may be sought out, caught and confined by the Animal Control Officer or any police officer of the Town, and impounded. Nothing in this ordinance shall be deemed to prohibit the use of dogs for hunting, sporting or working purposes as long as said dogs are properly restrained.

(j) Notice of impoundment; reclamation; charges. The Animal Control Officer shall make reasonable efforts, but in no event not later than three days after the impounding of any dog, the owner shall be notified, or, if the owner of the dog is unknown, written notice shall be posted for three days at one or more conspicuous places in the Town describing the dog and the place and time of taking. The owner of any dog so impounded may reclaim such dog upon payment of the costs and charges incurred by the Town for impounding and maintenance of such dog; provided, however, that if the dog is not licensed, then before the dog is released to any person, a license as required by the Town shall be secured. Charges shall be paid to the facility at which the dog was held. The daily rate for keeping of a dog shall be set by the approved facility holding the dog. Any owner or keeper not paying the facility will be fined the amount owed to the facility and if not paid within twenty-one days a civil complaint will be filed in the district court.

(k) Rabies vaccinations. Whoever is the owner or keeper of a dog or cat six months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the State Commissioner of Public Health. Such owner or keeper shall procure a veterinarian's certification that such dog and cat has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or notarized letter from a veterinarian that a certificate was issued, and a metal rabies tag bearing an expiration date indicating that such certification is still in effect. Unvaccinated dogs or cats acquired or brought into the Town shall be vaccinated within 30 days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later. The owner of a cat may choose not to affix the rabies tag, but shall have the tag available for inspection by authorized persons.

(l) Displaying of tags. All dogs within the Town of Holbrook shall at all times display on a collar the town or city license tag in which the dog is licensed.

(m) Failure to identify to Animal Control Officer or law enforcement. All owners or keepers of dogs or cats shall not refuse to identify or provide false information regarding their name, date of birth, address and animal information to the Animal Control Officer, Constable or police officer.

(n) Posted Town of Holbrook Property. No person shall allow a dog onto any Town property where there is posted a "No Dogs Allowed" sign, whether leashed or unleashed. Service dogs under close control of their owners wearing a valid dog license and certified as aid dogs shall be excluded from the provisions of this section.

(o) Animals left unattended in motor vehicle. No person shall allow any domesticated animal to be left unattended in a motor vehicle in a manner that could reasonably be expected to threaten the health of the animal due to the exposure to extreme heat or cold.

(p) Unattended dogs. No person shall allow a dog to be unattended outside for more than two hours unless the dog has access to food, water and enclosed shelter from the elements.
(q) Disposal of Dead Animals: Disposal of household pets, such as dogs and cats that have died, and the ownership of which can be established, is the sole responsibility of the owner.

Section 12-2 Animals at large.

No person shall suffer any horse, cattle, other grazing animals or fowl kept or controlled by him to permit the same to run at large or pasture upon any of the streets, sidewalks, ways, or other places within the Town, either with or without a keeper; provided that this ordinance shall not affect the rights of any person to use land within the limits of such way adjoining his own premises.

Section 12-3 Feeding of wild animals.

(a) No person within the Town shall feed any wild animal where such prohibition is posted.

(b) The Animal Control Officer or any police officer of the Town is authorized to investigate all complaints made to the Animal Control Officer or the Town of Holbrook Police Department against the person who is alleged to have violated the provisions of this ordinance and shall be subject to the penalties under the provisions of MGL c. 40, § 21D, as outlined within this ordinance.

Section 12-4 Keeping of livestock or fowl.

(a) Definitions: MGL c. 40, § 136A, shall be referenced to define terms used in this ordinance. In addition, the definitions of the following terms shall apply:

ABUTTER The owners of property located within 100 feet of the stable, shelter or structure in which livestock or fowl are proposed kept.

REGULATED ANIMALS This ordinance shall apply to swine, horses, cows, goats, sheep, burros, llamas, deer, chickens, ducks or other fowl, or other farm animals stabled or sheltered outside homes within the Town of Holbrook.

SMALL ANIMAL SHELTER OR CHICKEN COOP Any building, enclosure, premises or portion thereof where animals under 20 pounds, other than domestic dogs and cats, are kept. No more than 10 animals are allowed on site in a small animal shelter.

STABLE Any building, enclosure, premises or portion thereof where animals over 20 pounds or more than 10 small animals (under 20 pounds), are kept.

(b) No person shall keep or allow to be kept within the limits of this Town, in any building, or on any premises of which he may be the owner, tenant, or occupant any livestock or fowl without a livestock permit granted by the Board of Health. A livestock permit is required for a small animal shelter for the keeping of certain animals, defined above.

(c) No person shall keep or allow to be kept roosters within the limits of the Town.

(d) Livestock permit applicants or a designated caretaker must reside at the property where the livestock is kept, and livestock permit applicants must provide the name, address, and telephone number of a competent caretaker, who:

1. Resides within a 15–20-mile radius of the property where the livestock is kept;
2. Is capable of caring for the livestock; and
3. Is willing to care for the animals in an emergency.
4. If the property where livestock is to be kept is not owned by the applicant, the applicant must submit a notarized letter from the property owner giving permission to have livestock on the property.

(e) Livestock permits are not transferable from person to person, location to location, and do not run with the land.

(f) All livestock permit applications must be submitted with the required application fee, the certified plot plan showing the location and size of the stable, shelter or structure, and the abutter notifications, if applicable, to the Holbrook Board of Health. The Animal Control Officer or Health Director shall

perform an inspection of the property and the farm animal housing area once the application is received. No animals shall be allowed on-site until such permit is granted.

(g) Applicants must ensure the setbacks for all small animal shelters and stables are in compliance with the current Town of Holbrook Zoning Bylaws and upon inspection by the Zoning Enforcement Officer, Animal Control Officer, or Board of Health Director.

(h) Application for such permits must include:

1.A complete description of the animals intended to be kept, including the numbers thereof.
2.The proposed method of disposal of animal wastes.
3.Description of the building (s) used to house the animals.
4.Certified plot plan showing the location and use of all the buildings thereon, area to which the animals are to be restricted, the location of the animal waste storage and disposal areas if located on the property, and all contiguous property and buildings thereon.
5.The written responses of all abutters concerning the keeping of all animals.
6. Approval from Holbrook Zoning Enforcement Officer
7.Appropriate evidence that inoculations are required by State and Federal regulations are met.

(i) The Holbrook Animal Control Officer or Director of the Board of Health shall visit the property, before any livestock permit is granted, to determine the fitness of the property for the safe keeping of animals. Such inspection shall consist of verifying the suitability of the site, the condition of the facilities, and the manure storage or odor abatement plan.

(j) Anyone requesting a livestock permit under this section must notify abutters as defined herein by certified mail or constable; however, notice to abutters is not required for an application to keep a small animal shelter. Proof of notification must be submitted with the application. A sample notification letter will be supplied with the application.

(k) The Board of Health shall consider any concerns, complaints or objections received by abutters and determine the suitability of the proposed site for the permit.

(l) Livestock permits expire annually on June 30th and must be renewed on an annual basis.

(m) The maximum allowable number of animals will be stated on the livestock permit. The Animal Control Officer or the Board of Health will determine the maximum allowable number of animals on a case by case basis based on the size of the lot and the location of the lot in proximity to other properties, among other factors.

(n) The construction of stables shall be in conformity with applicable state and local laws, including, but not limited to, the Town of Holbrook Zoning By-laws and State Building Code, and shall include, but shall not be limited to, the following:

1. There shall be at least two windows in each stable.

2. There shall be adequate ventilation in each stable.

3. Each stall shall be no less than 5 feet by 10 feet in size, or such larger size so as to allow the animals to have room to comfortably lie down and/or stand up.

4. There shall be adequate drainage either natural or artificial for urine or waste matter in every stable.

5. All flooring in any stable shall be acceptable to the Animal Control Officer and Board of Health and be constructed in a manner to adequately drain.

6. The owners or persons in control of any buildings or premises in which animals are kept shall keep the buildings and premises clean and free from decaying food, filth, dirt, stagnant water, and animal wastes.

7. All manure shall be kept in a suitable pit or receptacles. Manure shall be removed as necessary to eliminate odor or insect problems. The accumulation, stockpiling, and storage of manure outside of a pit or receptacle shall be prohibited.

8. All animals must be confined to the permitted stable or small animal shelter or adjacent fenced, gated or penned-in area. They shall not roam freely on the property, outside of the fenced or penned-in area.

9. Adequate water supply shall be available at all times.

(o) Upon inspection, if deficiencies are found by the Animal Control Officer or Board of Health, either may at its discretion issue fines or a written order to the person or persons having control of the premises to correct the deficiencies. A reinspection will then be conducted to ensure compliance. Failure to comply may result in revocation or suspension of a permit, an order of removal of all animals or fines. The livestock permit holder acknowledges

that holding a permit allows the Animal Control Officer, Animal Inspector or Board of Health to inspect the property at any time. Failure to allow inspection is subject to livestock permit suspension or revocation or fines. Fines shall be issued pursuant to MGL c. 40, § 21D, in the amounts as stated in this ordinance.

(p) The owner or operator of the premises where regulated animals are kept shall give written notice to the Board of Health if he or she requests a hearing for the purpose of permit suspension, revocation, denial or refusal to renew a livestock permit. This written notice requesting a hearing shall be made within 10 days of receipt of such suspension, revocation, denial or failure to renew and shall be served through a certified letter sent return receipt requested or by constable to the Board of Health, who shall hold the hearing no later than 31 days from the date the written notice is received.

(q) The annual fee for a livestock permit will be set in accordance with the Holbrook Board of Health Fee Schedule.

(r) Revocation of Licenses or Permits: Regardless of explicit permission granted by the Board of Health, the receipt by the Board of Health of one or more complaints, verbal or otherwise shall be due cause for a prompt inspection of the premises relative to such complaint. The Board of Health may at its discretion issue a written order to the person or persons having control of the premises to correct the offending deficiencies within such period of time as the Board may direct; (or, if the results of inspection reveal serious deficiencies, the Board of Health may issue a written order requiring removal of the livestock from the premises within such a period of time as the Board shall allow.

(s) Penalty: A determination by the Board of Health justifying revocation of a license or permit (and ordering removal of the livestock from the premises concerned) shall normally be based on a finding of the existence of a public health nuisance, in accordance with the provisions of MGL c. 111, § 122. Whoever violates these regulations may be subject to a fine of not more than One Hundred Dollars.

(t) Sale of livestock: Any authorized business in the Town of Holbrook selling livestock, must post a notice in a conspicuous location informing buyers that they are responsible for abiding by local town by-laws in regards to the keeping of animals.

Section 12-5 Kennel license.

(a) Definitions. As used in this section, the following words and terms have the following meanings:

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 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 section.

LICENSING PERIOD — The time between April 1 and the following March 31, both dates inclusive.

(b) Anyone wishing to keep more than four dogs, six months (26 weeks) or older, shall apply for a kennel license.

(c) The maximum number of dogs allowed to be kept under a personal kennel license is seven.

(d) Any application for a personal kennel license shall be submitted to the Town Clerk's office on a form provided by the Town Clerk.

(e) In addition to meeting all of the requirements of MGL c. 140, §§ 137A to 137C, any person who receives a kennel license shall maintain the premises in accordance with the following specifications: a minimum 10-foot setback from the kennel to an adjacent property line and a minimum 20-foot setback from the kennel to abutting habitable structure, and 10 feet from an occupied dwelling on the same property where the kennel is kept. No kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the Town's Zoning Ordinances.

(f) New applicants requesting a license must notify direct abutters by certified mail or constable. Proof of notification must be submitted with the application.

(g) The Holbrook Animal Control Officer shall inspect the facility before the personal kennel license shall be issued or renewed.

(h) Each kennel license may be issued by the Town Clerk from April 1st to March 31st of the following year, and the annual fee for such shall be charged in accordance with the Town fee schedule. Applications for renewal of an existing Kennel License should be submitted annually by February 15th; renewal applications received after February 15th may be subject to an additional fee.

(i) The application, with a payment of $150 (Commercial) $100 (Personal) made payable to Town of Holbrook, must be submitted to the Town Clerk's office. Once application is received, an inspection of your facility will then be arranged by the Animal Control Officer and Board of Health and abutters to the property will be notified by the applicant. Abutters may offer comments in writing to the Town Clerk for fourteen days. The Application, the Kennel Inspection Report and any comments received will be considered by the Town Clerk. You will be notified whether or not your kennel license is granted. If the license is not granted, you will be notified the reason for denial of the license and the remedies you can pursue. Applications for renewal of an existing Kennel License should be submitted annually by February 15th; renewal applications received after February 15th may be subject to an additional fee.

(j) The annual fee for a commercial kennel license will be set in accordance with the Holbrook Town Clerk after review and consent of the Select Board.

Section 12-6 Commercial kennel licenses.

In addition to regulations in Section 12-5, commercial kennels must adhere to these further licensing regulations:

(a) In addition to meeting all of the requirements of MGL c. 140, §§ 137A to 137C, applications for a new commercial kennel license shall be submitted to the Town Clerk's office, on a form provided by the Town Clerk, along with two copies of interior and exterior plans of the kennel, as well as a certified plot plan.

(b) First time applicants must notify all direct property abutters in writing of the applicant's intent to operate a commercial kennel, and evidence of notification must be submitted with the application. The Town Clerk shall also give notice of the application to direct abutters to the proposed kennel location and prove such abutters 14 days to submit written comments on the application.

(c) A commercial kennel is required to have any dog on the property wear a town dog license tag from the town where the dog is licensed and shall be available for inspection upon request.

Section 12-7 Kennel requirements.

(a) Housing facilities for dogs shall be maintained in good repair and in a sanitary condition in such a manner as to protect the dogs from injury or disease, to contain the dogs, and to restrict the entrance of other animals; and location, construction. No one shall arrange or operate a kennel in such a manner to create a nuisance.

(b) Reliable and adequate utilities are required (i.e., electric power, natural gas, oil, water, sewer, or septic). Adequate potable water shall be provided at all times.

(c) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin or other contaminant. Refrigeration shall be provided for supplies of perishable food or medication.

(d) Provision shall be made for the removal and disposal of dog and food wastes, bedding, and other debris. Waste facilities shall be provided and operated as to control vermin infestation, odors and disease hazards.

(e) Facilities, such as washrooms, basins or sinks, shall be provided in the kennel to maintain cleanliness among dog caretakers; hot and cold running water, soap, and towels shall be provided. Toilet facilities shall be provided in the kennel or nearby on the premises and shall be kept clean, sanitary, and in good repair.

(f) Premises shall be kept clean, sanitary and in good repair in order to protect the dogs from injury or disease. Premises shall remain free of accumulations

of trash, feces, and the overgrowth of vegetation up to the property line or within 20 feet of the facility. Insects, parasites, rodents, and other pests shall be controlled effectively.

(g) All kennels shall have an appropriately stocked animal first aid kit that will be available and easily accessible at all times.

(h) All kennels shall post Red Cross or similar animal CPR guidance in a conspicuous spot within the kennel. Commercial kennels shall have one person on site at all times during normal business hours that is trained in Red Cross or similar dog CPR and first aid.

(i) All kennels shall only administer medication to animals if it is in the original veterinary prescribed bottle or container.

(j) All kennels shall have an on-call veterinarian on file that they may consult with for medical advice.

(k) Commercial kennels that offer grooming shall keep boarded dogs and groomed dogs separate at all times, unless proof of rabies vaccination is available. No dog shall be groomed that is not current on rabies vaccination.

(l) The kennel shall not cause a health or safety hazard to the animals within the kennel or to the general public, or owner or operator of the kennel.

Section 12-8 Indoor kennel facility requirements.

(a) Indoor dog facilities shall be provided for all pet shops, shelters and kennels in order to protect the dogs from adverse weather condition.

(b) Indoor housing facilities for dogs shall be sufficiently heated when necessary to protect the dogs from cold, and to provide for their health and comfort. Adequate heat shall mean enough heat necessary to prevent physical damage to a dog from hypothermia. The dogs' age, physical condition and hair coat shall be taken into consideration. The temperature at the height level of the dogs shall not be allowed to fall below 55° F. in any indoor primary enclosures where dogs are housed.

(c) Indoor housing facilities for dogs shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the ambient temperature is 80° F. or higher.

(d) Indoor housing facilities for animals shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination or sufficient light intensity to permit routine inspection and cleaning during the entire working period.

(e) Primary enclosures shall be so placed as to protect the animals from excessive sunlight.

(f) The interior building surfaces of indoor housing facilities at commercial kennels shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned and sanitized.

(g) Kennels shall have a suitable method to eliminate excess wash water from indoor housing facilities. Drains, when used, shall be properly constructed and kept in good repair to avoid foul odors and backup. Facilities which are not connected to a municipal sewerage system shall have a system for the disposal of dog excrement that meets all applicable state and local standards.

Section 12-9 Outdoor kennel facility requirements.

(a) When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow dogs kept outdoors to protect themselves from the direct rays of the sun.

(b) Whenever dogs are kept outdoors, they shall be provided with access to shelter to allow them to remain dry during rain, snow, or other adverse weather conditions.

(c) Surfaces of outdoor enclosures of kennels shall be constructed and maintained so that they are impervious to moisture and may be readily

cleaned and sanitized; runoff from outdoor enclosures shall be disposed of in accordance with all applicable regulations.

(d) Outdoor facilities shall be adequately secured to protect the dogs from predators, as well as to contain the dogs.

(e) All commercial kennels shall post the "signs or symptoms of heat stroke and hypothermia" in dogs within outdoor and indoor play areas.

Section 12-10 Primary enclosures for kennels.

(a) Primary enclosures shall be structurally sound and maintained in good repair so as to: contain the dogs; protect dogs from injury; keep predators out; enable dogs to remain dry and clean; permit dogs' convenient access to food and water as required in these rules; provide sufficient space for each dog to turn about freely and to stand, sit and lie in a comfortable normal position; and have no sharp points or edges accessible to the dogs that could cause injury.

(b) Animals housed in the same enclosure shall be maintained in compatible groups.

(c) Sexually intact males and females shall not be housed in the same enclosure, except for breeding purposes requested by the owner in writing.

(d) Any dog exhibiting a vicious disposition shall be housed individually in a primary enclosure.

(e) Immature dogs shall not be housed in the same primary enclosure with adults other than their mother.

(f) Dogs shall not be placed in empty primary enclosures previously inhabited by other animals unless the enclosure has first been cleaned and disinfected.

(g) The floors of primary enclosures shall be constructed so as to protect the dogs' feet and legs from injury. Enclosures may have grid-type flooring, provided that the grid material is of adequate gauge to prevent sagging under the weight of the dog and that the mesh is small enough to prevent their feet from passing through or to cause cutting injuries to foot pads.

(h) 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. Minimum of 60 minutes of exercise per day.

(i) Dogs shall not be tied to fences or cages in lieu of being housed in primary enclosures.

Section 12-11 Commercial kennel feeding requirements.

(a) Dogs being boarded overnight shall be fed at least once each day except as otherwise might be required to provide adequate care. Food from the previous day shall be discarded and fresh food supplied daily except when self-feeders are used.

(b) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritional value to meet the normal daily requirements for the condition and size of the dogs.

(c) Immature dogs shall be fed in accordance with generally accepted procedures; those animals less than three months of age shall be fed three times daily; those three to six months of age shall be fed twice daily.

(d) Containers of food shall be accessible to animals and shall be located so as to minimize contamination by excretions or other contaminants and sources of filth.

(e) Self-feeders may be used for the feeding of dry food and they shall be cleaned regularly to prevent molding, deterioration or caking of feed.

Section 12-12 Disease control and vaccination requirements for commercial kennels.

(a) Each animal shall be observed daily for signs of communicable disease or stress. Sick, diseased, injured or lame dogs shall be provided with at least prompt, basic veterinary care (that is, to alleviate pain and suffering), unless such action is inconsistent with the purposes for which the dog was obtained and is being held.

(b) Any dog under confinement for, or with signs of, a communicable disease shall be separated from other healthy animals and placed in an isolation area in order to minimize dissemination of such disease. Caretakers shall wash their hands after handling these dogs and follow procedures which control the dissemination of disease.

(c) Cleaning utensils for the isolation area shall be separate from those used for cleaning the general animal population area; such utensils shall either be washed separately from, or after, those used for the general population.

(d) All dogs within the kennel shall have current vaccinations for rabies, distemper and Bordetella.

(e) If, in the opinion of the Holbrook Animal Control Officer or the Holbrook Board of Health Director, additional vaccinations are necessary due to animal or public health concerns, additional vaccinations may be required. If additional vaccinations are required, license holders will be notified in writing by the Animal Control Officer or Board of Health Director.

Section 12-13 Administrative and record requirements of kennels.

(a) There shall be kept at each kennel or private shelter a record of all dogs received. Such record shall state the date each animal was received, description of animal, breed, age and sex of animal; name, address, contact information of person from whom acquired and vaccination records for each animal being kept. These records shall be maintained for a period of two years from the date of placement or mortality in accordance with 330 Code Mass. Regs. § 3.11(4).

(b) All kennels shall maintain a list of all dogs' medical conditions, as well as medications.

(c) Each commercial kennel shall have an adequate written emergency plan for the emergency medical treatment of its dogs, as well as in the case of a natural disaster. The kennel shall maintain proof that all employees have read, understood, and know the whereabouts of this document.

(d) A licensee shall promptly notify the licensing agency of any change in his or her name and address, or any change in operations which may affect his or her status.

(e) Any incident involving dog bites or any injuries requiring veterinarian care to a dog shall be reported to the Holbrook Animal Control Officer within eight hours of the incident.

(f) Any dog found deceased at a kennel must be reported to the Holbrook Animal Control Officer or Holbrook Police Department immediately after the dog is found.

Section 12-14 Right of entry and inspections of kennels.

(a) Pursuant to MGL c. 140, § 137C, the Select Board, Chief of Police, or Animal Control Officer may at any time inspect a kennel or cause the inspection of a kennel. Said inspection may include examination of any pertinent records pertaining to this ordinance. Refusal to comply with an inspection may be grounds for an emergency suspension or revocation.

(b) Random compliance inspections can occur on an annual basis or other time period as deemed appropriate for such facility. At the time of the inspection, or promptly thereafter, the inspecting authority will document any violations found.

Section 12-15 Suspension or revocation of kennel license-reinspection.

(a) 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 section and applicable state statutes. 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 pursuant to Subsection 12-5 (n). The Town Clerk may set fees for reinspection performed.

(b) This ordinance may be enforced by the Holbrook Animal Control Officer, Board of Health Director , Inspectional Services Department or the Police Department, and if, in the judgment of Chief of Police, Animal Control Officer, and the Board of Health Director, the kennel is not being maintained in a sanitary and humane manner or if records are not properly kept as required by law, such person or body shall, by order, revoke or suspend the license for the kennel. In the judgment of the person or entity that performed the inspection, the kennel operator is not maintaining the kennel in compliance with this section and applicable state statutes, then those parties, by order, may revoke or suspend the kennel license, in accordance with MGL c. 140, § 137C.

(c) If a kennel license is suspended, the kennel license holder 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 section 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. The Town Clerk may set fees for reinspection performed pursuant to this subsection.

(d) If a kennel license is revoked, the kennel license holder may apply for a new kennel license. The Town Clerk may set fees for reinspection performed pursuant to this subsection.

Section 12-16 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.

Section 12-17 Fines and violations.

(a) Penalties for violation of dog control laws; non-criminal disposition of any provision, may result in the following fines or suspension or revocation of applicable license or permit in accordance with MGL c. 140 § 173A

1. First offense: $50;

2. Second offense: $100;
3. Third offense: $300;
4. Fourth or subsequent offence, the fine shall be $500

(b) Each day the violation exists shall be deemed a separate offense. This ordinance may be enforced through any means available in law or in equity, including a noncriminal disposition in accordance with MGL c. 40, § 21D.

Section 12-18 Incorporation of statutory provisions.

Except as specifically modified in this article, the provisions of the applicable sections of MGL c. 140 shall be incorporated into and apply to this article, as well as any other section of Massachusetts General Laws referenced herein.