



TOWN OF FALMOUTH
59 Town Hall Square
Falmouth, MA 02540
508-548-7611

APPLICATION FOR KENNEL LICENSE

This application must be submitted with a site plan of the property showing all existing structures on the property, the proposed kennel location, the size of the kennel and the distance to the closest neighbors.

DATE: _____

APPLICANT NAME: _____

APPLICANT ADDRESS: _____
 (include mailing address)

ADDRESS OF KENNEL: (if different from residence): _____

ASSESSOR'S INFORMATION: _____ / _____ / _____ / _____ / _____ / _____
 map section parcel lot sq.ft. zoning

TYPE OF KENNEL: 4-dogs \$10/yr 10-dogs \$25/yr. more than 10-dogs \$50/yr. charitable corporation

BREED OF DOGS: _____

PURPOSE FOR WHICH DOGS ARE BEING KEPT: _____

WILL THIS BE A COMMERCIAL KENNEL?: YES NO

WILL YOU HIRE EMPLOYEES?: YES NO

Are you familiar with all state and local regulations regarding the keeping of dogs and cruelty to animals?:
 YES NO.

Have you ever been convicted of cruelty to animals or any other law, ordinance or bylaw concerning animals?:
 YES NO.

I, _____ have obtained a copy of Section 83-15 of the Code of the Town of Falmouth, which lists the requirements for kennel operations in the Town of Falmouth.

I understand that should I intend to operate a commercial kennel from my residence that I must first obtain a special permit from the Zoning Board of Appeals for this purpose.

 Applicant Signature

 Date

 Animal Control Officer

 Town Clerk

 Zoning Enforcement Officer

Article II. LICENSING OF DOGS

§ 83-13. License required; fees.

§ 83-14. Duties of dog owners.

§ 83-15. Kennel license.

§ 83-15.1. Multiple dog licenses.

§ 83-16. Inspection; regulation; suspension; revocation of licenses; penalties.

§ 83-17. Enforcement; statutory reference.

[Adopted ATM 4-2-1984, Art. 35]

§ 83-13. License required; fees.

[Amended ASTM 4-7-1992, Art. 38; STM 4-6-1993, Art. 15, approved 7-16-1993; AFTM 11-8-2004, Art. 10, approved 12-30-2004; ATM 4-7-2008, Art. 48, approved 5-20-2008]All dogs within the Town of Falmouth shall be duly licensed by the Town Clerk on or before July 1 of each year and in accordance with the provisions of MGL c. 140, §§ 137 and 137A. For licensing purposes, all dogs must be currently inoculated against rabies. Dog licenses shall be issued by the Town Clerk upon payment of a fee of eight dollars (\$8.) per year for a neutered or spayed dog and fifteen dollars (\$15.) per year for all other dogs. A license may be issued for a term of one (1), two (2) or three (3) years, whichever will coincide with the renewal date of the required rabies inoculation.

§ 83-14. Duties of dog owners.

A person who at the commencement of a license period or who during any license period becomes the owner or keeper of a dog three (3) months old or older which is not duly licensed, and the owner or keeper of a dog when it becomes three (3) months old during a license period, shall cause it to be registered, numbered, described and licensed until the end of such license period. The registering, numbering, describing and licensing of a dog shall be accomplished in the office of the Town Clerk. The owner or keeper of a dog so licensed shall cause such dog to wear around its neck or body a collar or harness of leather or other suitable material, to which shall be securely attached the license tag issued by the Town Clerk's office.

§ 83-15. Kennel license.

[Amended AFTM 12-1-1993, Art. 41, approved 2-25-1994]

A. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

COMMERCIAL KENNEL

A kennel maintained as a business for the breeding, rearing, training, boarding or grooming of dogs or which sells dogs born and raised on the premises from more than one (1) litter per year.

KEEPER

The owner or person hired by the owner to provide for the care of the dogs sheltered within the licensed kennel.

KENNEL

A shelter for four (4) or more dogs, six (6) months of age or over.

OWNER

The person in whose name the kennel license is issued.

VETERINARY HOSPITAL

Shall not be considered a kennel unless it contains an area for the grooming or selling of dogs or for the boarding of dogs for other than medical or surgical purposes, in which case it shall apply in writing to the Town Clerk, submitting approval forms from the Zoning Enforcement Officer for the required kennel license.

B. License requirements.

- (1) Any owner or keeper of four (4) or more dogs, six (6) months of age or over, and not eligible for a multiple dog license, shall obtain a kennel license upon written application to the Town Clerk and approval of the Zoning Enforcement Officer and Animal Control Officer, who shall inspect the proposed licensed premises for compliance with basic standards of cleanliness, proper care and confinement as recommended by the Massachusetts Society for the Prevention of Cruelty to Animals and recordkeeping as required by the law. The Animal Control office shall thereafter inspect each licensed premises at least one (1) time each year. Application for kennel license may also require a special permit from the Zoning Board of Appeals if the Zoning Bylaw so provides.

[Amended ATM 4-4-2007, Art. 51, approved 5-21-2007]

- (2) The kennel license shall be on a form prescribed and furnished by the Town Clerk and shall specify the name of the owner, the name of the property owner, the name of the kennel, the name of the keeper, the location of the kennel, proof of current rabies inoculation from a licensed veterinarian, and any special conditions which may be imposed by the Zoning Enforcement Officer and/or the Zoning Board of Appeals.
- (3) Failure of the Zoning Enforcement Officer to give written approval at a proposed location will cause the Town Clerk to refuse to issue a kennel license at such location.
- (4) The license shall be renewed annually. The required fee shall be paid to the Town Clerk at the time application is made for renewal of the license. If the owner or keeper fails to renew the license prior to the expiration date of the current license, he/she shall be deemed to have forfeited the license and he/she shall apply to the Zoning Enforcement Officer as if applying for a new license.
- (5) A kennel license shall be in lieu of any other license required for any dog which may be kept in such kennel for any portion of the period for which the license is issued. The owner or keeper of such kennel shall renew the license prior to the commencement of each succeeding license period.
- (6) The Town Clerk shall issue, without charge, upon application and written approval of the Zoning Enforcement Officer and the Board of Appeals, a kennel license to any domestic charitable corporation incorporated in the Commonwealth of Massachusetts exclusively for the purpose of protecting animals from cruelty, neglect or abuse.

C. Fee schedule.

- (1) Four (4) dogs (maximum): ten dollars (\$10.) per year.
- (2) Ten (10) dogs (maximum): twenty-five dollars (\$25.) per year.
- (3) More than ten (10) dogs: fifty dollars (\$50.) per year.
- (4) The Town Clerk shall issue, without charge, upon receipt of written approval of the Zoning Enforcement Officer, a kennel license to any domestic charitable corporation incorporated in the

Commonwealth of Massachusetts exclusively for the purposes of protecting animals from cruelty, neglect or abuse.

D. Kennel activity.

- (1) While at large, each dog in a kennel shall wear a collar or harness to which shall be securely attached a tag upon which shall appear the number of the kennel license and the words "Town of Falmouth." Such tag shall be in a form prescribed and furnished by the Town Clerk. The words "at large" for the purpose of this section shall mean within the confines of the property of the owner of the kennel.
- (2) All holders of kennel licenses shall maintain said kennel in manner supportive of a healthy environment for the keeping of dogs.

§ 83-15.1. Multiple dog licenses.

[Added ATM 4-5-2007, Art. 49, approved 5-21-2007]

- A. Any owner or keeper of between four (4) and nine (9) dogs being over the age of six (6) months, being maintained in a private residence for noncommercial purposes and all of which have been spayed or neutered, (except those animals registered with the American Kennel Club, the Canadian Kennel Club or the United Kennel Club that are being shown in breed) shall secure a multiple pet license in lieu of obtaining a commercial kennel license. Such license issuance shall be contingent upon inspection of the licensed premises by the Animal Control Officer to ensure that basic standards of cleanliness and proper care and confinement of said dogs as recommended by the Massachusetts Society for the Prevention of Cruelty to Animals are followed.
- B. The holder of a multiple pet license shall cause each dog to wear, while it is at large, a collar or harness to which shall be securely attached a tag upon which shall appear the number of such license, the year of issue and the inscription "Falmouth." Such license shall be in a form prescribed by the Town Clerk. The Town Clerk shall not issue a multiple pet license unless the owner or keeper provides the Town Clerk with a veterinarian's certificate verifying that each dog over the age of six (6) months is currently vaccinated against rabies and spayed or neutered (except those animals registered with the American Kennel Club, the Canadian Kennel Club or the United Kennel Club that are being shown in breed.)
- C. The license period for a multiple pet license shall be from January 1 to December 31, inclusive. The fee for each multiple pet license shall be determined by the Board of Selectmen for between four (4) and nine (9) dogs kept in said household, provided that, for the purpose of determining the amount of such fee for any household, dogs under the age of six (6) months shall not be counted in the number of dogs therein.

§ 83-16. Inspection; regulation; suspension; revocation of licenses; penalties.

[Amended AFTM 12-1-1993, Art. 41, approved 2-25-1994]

- A. Inspection. The Chief of Police or his designee, the Animal Control Officer or his designee, the Zoning Enforcement Officer or his designee, or persons appointed under Chapter 147, Section 10, of the General Laws, may at any time inspect or cause to be inspected any kennel.

B. Suspension, regulation, revocation of license.

- (1) Sanitary/humane conditions/inadequate recordkeeping. If, in the judgment of person(s) authorized under § **83-16A**, the kennel is found not to be maintained in a sanitary and humane manner, or if records are not properly kept as required by the law, or where a violation of a special permit exists, the Board of Selectmen, at a public hearing, a majority vote thereof, shall by order revoke or suspend said kennel license. In the case of suspension of said license, the Board of Selectmen, a majority vote thereof, may reinstate such kennel license by imposing conditions and regulations upon the operation of said kennel.
- (2) Public nuisance. Upon petition of twenty-five (25) residents in the neighborhood of the kennel, filed with the Board of Selectmen, setting forth that they are aggrieved or annoyed to an unreasonable extent by one (1) or more dogs at a kennel located in the Town because of excessive barking or vicious disposition of such dog or dogs or other conditions connected with the kennel that constitute a public nuisance, the Board of Selectmen shall, within seven (7) days of the filing of such petition, give notice to all parties concerned of a public hearing to be held within twenty-one (21) days after the date of such notice. Within fourteen (14) days after the public hearing, the Selectmen shall make an order either revoking or suspending such kennel license or otherwise regulating the operation of said kennel, or shall dismiss such petition.
- (3) Within ten (10) days after such order the holder of such kennel license may bring a petition in the District Court praying that such order be reviewed by the Court.
- (4) The Animal Control Officer or his designee may periodically inspect the premises where the kennel license has been revoked and shall institute court proceedings if he/she finds that the a kennel continues to be maintained on the premises.

C. Penalties. Whosoever violates any provision or portion thereof of this bylaw shall be fined:

- (1) Twenty-five dollars (\$25.) for the first offense.
- (2) Fifty dollars (\$50.) for the second offense.
- (3) One hundred dollars (\$100.) for the third offense.
- (4) Two hundred dollars (\$200.) for each subsequent offense, such fine to be assessed on a per-dog-found-on-the-premises basis of said violator. Each day on which any violation exists shall be deemed to be a separate offense.

§ 83-17. Enforcement; statutory reference.

Enforcing persons for this Article are the Dog Officer or his designee, the Conservation Officer or his designee, the Chief of Police or his designee. Reference for the Article is MGL C. 140, §§ 173, 137 and 137A.

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