



# **TOWN OF HOPEDALE**

## **Board of Health**

78 Hopedale Street - P.O. Box 7  
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## **KENNEL REGULATIONS**

### **Section 1 – Definitions**

**Animal Control Officer** - An appointed officer authorized to enforce MGL c. 140, §§ 136A to 174E, inclusive.

**At large** - A dog off the premises of its keeper and not under control of a person capable of preventing the dog from being a threat to public safety, biting other domestic animals or person, or being a public nuisance.

**Board of Health** - The Board of Health of the Town of Hopedale, Massachusetts, and its authorized agent(s).

**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 a "boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under MGL c. 129, § 39A, 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.

**Hearing authority** - Hopedale Board of Health

**Keeper** - A person, business, corporation, entity, or society, other than the owner, having possession of a dog.

**Kennel** - A pack or collection of dogs on a single premises, including a boarding or training kennel, breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel.

### **Section 2 - Kennel License**

1. Anyone wishing to keep more than three (3) dogs maximum, three months (13 weeks) or older, shall apply for a kennel license.

2. 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) a minimum ten-foot (10') setback from the kennel to an adjacent property line
- (b) a minimum twenty-foot (20') setback from the kennel to abutting habitable structure
- (c) one hundred feet (100') from a wetland
- (d) two hundred feet (200') from a highwater mark of a source of drinking water or tributary thereof
- (e) Ten feet (10') from an occupied dwelling on the same property where the kennel is kept.

2. 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 By-Laws.

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

7. The Animal Control Officer shall inspect the facility before the kennel license shall be issued or renewed.

8. Kennel licenses are valid for one (1) year only for the period July 1 through June 30. The annual fee for such shall be charged in accordance with the Board of Health's fee schedule.

9. The kennel shall not cause a nuisance to others, as such term is defined in MGL c. 140, § 136A.

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

11. All dogs within a kennel shall be vaccinated for rabies, distemper and Bordetella and certificates must be produced for inspection when requested.

12. The animals within the kennel shall not be found at large not under the control of the owner/operator.

13. No new kennel license will be issued unless the Animal Control Officer, Board of Health Department, and Building Department review and approve the application.

14. All kennel license renewals must first be inspected by the Animal Control Officer before a kennel license can be renewed.

### **Section 3 – Kennel Requirements**

1. Kennel 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, arrangement and operation of kennels shall not constitute a nuisance.

2. Reliable and adequate utilities are required (i.e., electric power, natural gas, oil, water, sewer/septic).

3. 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.
4. Adequate clean water shall be supplied at all times for all dogs.
5. 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 to control vermin infestation, odors, and disease hazards.
6. 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.
7. 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.
8. All kennels shall have an appropriately stocked animal first aid kit that shall be available and easily accessible at all times.
9. All kennels must provide a manure removal plan which must include, but not be limited to, the frequency of removal, the methods of disposal, and odor control procedures between removals.
10. All kennels 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.
11. All kennels shall post Red Cross or similar animal CPR guidance in a conspicuous spot within the kennel.
12. All kennels shall only administer medication to animals if it is in the original veterinary prescribed bottle or container.
13. All kennels shall have an on-call veterinarian on file that they may consult with for medical advice.
14. 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.
15. Indoor kennel 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.

16. Indoor kennel 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.
17. Indoor kennel housing facilities for dogs 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.
18. Primary indoor enclosures shall be placed to protect the animals from excessive sunlight.
19. The interior building surfaces of indoor kennel housing facilities shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned and sanitized.
20. All 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.
21. All 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.
22. 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 and shall be provided with access to shelter to allow them to remain dry during rain, snow, or other adverse weather condition.
23. Surfaces of outdoor kennel enclosures 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 with a suitable method shall be provided to drain surface water rapidly.
24. Outdoor kennel facilities shall be adequately secured to protect the dogs from predators, as well as to contain the dogs.
25. All kennels shall post the "signs/symptoms of heat stroke and hypothermia" in dogs within outdoor and indoor play areas.
26. 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.
27. Any dog exhibiting a vicious disposition shall be housed individually in a primary enclosure.

28. Immature dogs shall not be housed in the same primary enclosure with adults other than their mother.
29. Dogs shall not be placed in empty primary enclosures previously inhabited by other animals unless the enclosure has first been cleaned and disinfected.
30. Animals showing signs of contagious illness shall be removed from rooms and enclosures containing healthy animals and housed in a separate isolation room.
31. The floors of primary enclosures shall be constructed 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.
32. Dogs confined in a primary enclosure shall be exercised in runs or walked on a leash at least three times a day, totaling 60 minutes of exercise.
33. Dogs shall not be tied/tethered to fences or cages in lieu of being housed in primary enclosures.
34. Dogs being boarded overnight shall be fed at least once each day except as otherwise might be required to provide adequate care. from the previous day shall be discarded and fresh food supplied daily except when self-feeders are used.
35. 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.
36. 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.
37. Containers of food shall be accessible to animals and shall be located so as to minimize contamination by excreta or other contaminants and sources of filth.
38. Feeding pans shall be durable, cleaned and sanitized daily.
39. Disposable food receptacles may be used but must be discarded after each feeding.
40. 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.
41. Primary enclosures for animals shall be physically cleaned often enough to prevent an accumulation of debris, excretions, and agents that may cause injury to animals or humans.
42. Cages, floors, and hard surfaced pens or runs shall be sanitized at least once per day by washing them with hot water (180° F.) and soap or detergent as in a mechanical cage washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant.

43. An effective program for the control of insects, parasites, rodents, and other pests shall be established and maintained.

44. Excretions shall be removed from the primary enclosures as often as necessary to prevent contamination of the dogs contained therein and to control disease hazards and odors. When cleaning, any dog contained therein shall be removed from such enclosures during the cleaning process, and adequate measures shall be taken to protect the dogs in other such enclosures from being contaminated with water and other waste.

45. 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.

46. 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.

#### **Section 4 – Administrative and Record Requirements**

1. 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 kept for two years.

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

3. 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 its status.

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

5. Any dog found deceased at a kennel must be reported to the Animal Control Officer immediately after the dog is found.

#### **Section 5 - Right of entry and inspections of kennels.**

1. Pursuant to MGL c. 140, § 137C, the Board of Health 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 by-law. Refusal to comply with an inspection may be grounds for an emergency license suspension or revocation.

2. 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 6 – Application Process**

1. Requirements for a kennel license include:
  - a. A completed application form
  - b. Appropriate fee
  - c. If a new kennel, proof of notification to direct abutters by certified mail or constable.
  - d. Two (2) copies of interior and exterior plans of the kennel, as well as a plot plan.
  - e. Manure removal plan
  - f. Emergency evacuation plan

## **Section 7 - Other**

1. If any provisions of these regulations or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision(s) and the remainder of these regulations shall remain valid and effective. Any part of these regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulation.

This regulation shall take effect on July 21, 2023 and so remain in effect until modified, amended or revoked by the Hopedale Board of Health.

After a public hearing held on July 20, 2023, this regulation was adopted by vote of the Hopedale Board of Health to be in full force and effect on the day noted above.

A copy of this regulation has been filed with the Hopedale Town Clerk.

✓ Jane Madon  
Name

✓ July 20, 2023  
Date

✓ Walter SFA  
Name

✓ 7-20-2023  
Date

✓ Mary A. Watson  
Name

✓ 7-20-2023  
Date