

ARTICLE 3

POLICE POWERS, AUTHORITY AND REGULATIONS

3.7.9 Vaccination Requirement Whoever is the owner of a pet (dog or cat or ferret) six months of age or older shall cause such pet (dog or cat or ferret) to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the Department of Public Health. Such owner shall produce a veterinarian's certificate that such pet (dog or cat or ferret) has been so vaccinated setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued. An exemption from such vaccine may be ~~declared granted~~ by the Board of Health only upon presentation of a ~~licensed Massachusetts~~ veterinarian's certificate stating that because of an infirmity, other physical condition or regimen of therapy, such inoculation is considered inadvisable for a specified period of time, ~~the pet is in transit, or was brought into the Commonwealth temporarily for the sole purpose of display in a show or for exhibition for such reasons~~ as provided in MGL Chapter 140 s.145B.

Commented [LM1]: (d) A licensing authority may grant an exemption from this section for a dog, cat or ferret that: (i) the local board of health has declared exempt from the rabies vaccination requirement upon presentation of a veterinarian's certificate stating that because of an infirmity, other physical condition or regimen of therapy, such inoculation is considered inadvisable for a specified period of time for such reasons; (ii) is in transit; or (iii) was brought into the commonwealth temporarily for the sole purpose of display in a show or for exhibition.

3.7.9.1 Unvaccinated pets (dogs or cats or ferrets) acquired or brought into the Town shall be vaccinated within thirty days after acquisition or entry into the Town or upon reaching the age of six months, whichever comes later.

3.7.9.2 Pets (dogs or cats or ferrets) shall be re-vaccinated in accordance with rules and regulations adopted and promulgated by the ~~Department of Public Health~~ Massachusetts Department of Agricultural Resources.

Commented [LM2]: MDAR regulations 330 CMR 10.03(3) - Veterinarians are required to provide a copy of the rabies vaccination to the Town Clerk within 30 days of vaccination. This is how an up-to-date database is maintained. Under Section 8 of the Bylaws, the Town Clerk should be added as an enforcement authority for unvaccinated pets. Please note that we receive rabies certificates for all pets, not just dogs. However, only dogs need to be licensed.

ARTICLE 4

LICENSES AND PERMITS

SECTION 4.1 DOG LICENSES

~~4.1.2 4.1.1~~ **Licenses.** ~~Any As required by M.G.L. Chapter 140, any~~ owner or keeper of a dog which is six (6) months of age or older and is located in the Town of Needham shall obtain a license from the Town Clerk for that dog ~~which shall be valid for a period beginning on January 1 of each year through December 31, commencing on January 1st of each year, as required by~~

~~M.G.L. Chapter 140, Any person who during any license period becomes the owner or keeper of a dog who is not licensed in the Town of Needham, shall license the dog for the remainder of the licensing year.~~

Application. When applying for a license, the applicant must show proof that the dog has received a veterinarian certificate for rabies vaccination ~~or present a veterinarian's certificate that the rabies vaccination is considered inadvisable - and the Board of Health has declared the dog exempt within the last three years, if the dog is six months of age or over, as~~ required by M.G.L. Chapter 140, Section 145B.

Commented [LM3]: There are one year vaccines that are required for younger dogs before they are eligible for the 3-year vaccine.

~~4.1.34.1.2~~ No fee shall be charged for a license for a ~~dog specifically trained to lead or serve a blind person or a deaf person; provided that the Division of the Blind or Deaf certifies that such dog is so trained and actually in the service of a blind or deaf person~~ service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.

Commented [LM4]: This does not comply with State law. State law states that "no fee shall be charged for a license issued ... for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder." There are other types of service dogs that are licensed not just those serving a blind or deaf person.

4.1.3 Refund. No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Town of Needham or the Commonwealth or any other disposal of said dog.

~~5 4.1.5 4.1.4~~ **Fees.** ~~The fees for registering and licensing dogs of all types in the Town shall be established from time to time by the Town Clerk provided that no fee shall be increased without a majority vote of Town Meeting. The Town Clerk may issue late fees in an amount not to exceed the amount of the licensing fee.~~

Commented [LM5]: This does not comply with State law or Town accepted statutes. The law states that the license fee shall be determined by the Town "provided, however, that no fee shall be increased without a majority vote of ... the voters present at a town meeting."

~~4.1.45.1.2~~ **4.1.4 4.1.5 Failure to License.** In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog not licensed on or before April 30th in any year shall be subject to fines as stated in Section 8.

Commented [LM6]: Add the Town Clerk as enforcement authority for the fines for failure to license.

~~Fees.—The fees for registering and licensing dogs of all types in the Town shall be established from time to time by vote of the Select Board.~~

4.1.6 Kennel Licenses. A person maintaining a kennel shall obtain a kennel license. A kennel is defined as set forth in M.G.L. Chapter 140, Section 136A. Kennels can be private (more than four(4) dogs, 3 months old or older owned or kept on a single premise) or commercial, including a 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), commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel. A person maintaining a kennel shall obtain a kennel license from the Town Clerk. The Town Clerk shall issue, suspend, renew and revoke kennel licenses as provided in M.G.L. Chapter 140, Section 137A and any regulations promulgated by the Massachusetts Department of Agricultural Resources. In the case of an applicant for initial licensure or license renewal, the Town Clerk shall deny a kennel license until the kennel has passed inspection by an Animal Control Officer.

The kennel license shall be valid for a period of one year, beginning January 1 of each year through December 31. The fee for the issuance and renewal of a kennel license shall be established from time to time by the Town Clerk; provided, however, that in determining the amount of the license fee for a kennel, a dog under the age of 3 months shall not be counted in the number of dogs kept in the kennel. Kennel license fees shall not be required for domestic charitable corporations that are incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

The Town Clerk shall specify on the license the type of kennel and the maximum number of animals that may be maintained by the licensee. Such number shall be determined by the Town Clerk and the Animal Control Officer following the required annual inspection of all kennels by the Animal Control Officer.

Failure to license a kennel as required by M.G.L. Chapter 140, Section 137A shall result in a fine as stated in Article 8.

Commented [LM7]: This does not comply with State law or Town accepted statutes. The law states that the license fee shall be determined by the Town "provided, however, that no fee shall be increased without a majority vote of ... the voters present at a town meeting."

Commented [LM8]: There were significant changes to kennel laws and regulations this past year. This updates our by-laws to provide for kennel licensing and for the statutorily prescribed fines.

Commented [LM9]: We need to add to Article 8 for kennel licensing. The statutory fine is \$500 for the first offense and not more than \$1,000 for a second or subsequent offenses.

ARTICLE 8

PENALTIES AND ENFORCEMENT OF TOWN BYLAWS

Section	Description	Penalty	Frequency	Enforcement Entity
3.7.9	Vaccination Requirement	\$100	Per Offense	Any Sworn Police Officer or the Town Clerk
4.1.4	Failure to License	\$100	Per Offense	Any Sworn Police Officer or the Town Clerk
4.1.6	Failure to License a Kennel Requirements applicable to kennels	\$500 – 1st offense \$1,000 each subsequent offense	Per Offense	Any Sworn Police Officer or the Town Clerk