



City of Cambridge

Executive Department

YI-AN HUANG
City Manager

CMA 2025 #175
IN CITY COUNCIL
June 23, 2025

To the Honorable, the City Council:

Please find attached response to Policy Order 2024-33 from City Solicitor Megan Bayer, regarding a request to amend Cambridge Code of Ordinances 6.08.010 ("Regulation of vicious dogs") to bring into compliance with State law; and a request to create a "Kennel License" that complies with Massachusetts General Laws Section 137A.

Very truly yours,

Yi-An Huang
City Manager



Megan B. Bayer
City Solicitor

Elliott J. Veloso
Deputy City Solicitor

Kate M. Kleimola
First Assistant City Solicitor



Assistant City Solicitors
Paul S. Kawai
Sean M. McKendry
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CITY OF CAMBRIDGE

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795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Public Records Access Officer
Seah Levy

June 23, 2025

Yi-An Huang
City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: *Response to Policy Order 24-33 of March 18, 2024, requesting that the City Manager work with the Animal Commission, the Law Department, and any other City departments, to amend Cambridge Code of Ordinances § 6.08.010 (“Regulation of vicious dogs”) to bring into compliance with State law; and to work with the Animal Commission, the Law Department, and any other City departments, to create a “Kennel License” that complies with Massachusetts General Laws Section 137A.*

Dear Mr. Huang:

I write in response to the above-referenced City Council policy order (“Council Order”), requesting the Law Department, Animal Commission, and any other City departments amend Section 6.08.010 of the Cambridge Municipal Code (the “Vicious Dog Ordinance”) to bring it into compliance with State law; and for the Law Department, Animal Commission, and other City departments create a “Kennel License” that complies with state law. As discussed further below, attached are redline edits to the current Vicious Dog Ordinance (Exhibit 1), including proposed edits to Section 6.04.120 – Violation - Penalty, as well as a clean copy (Exhibit 2), and the draft Kennel Licensing Ordinance (Exhibit 3).

I. Vicious Dog Ordinance

The City Council wishes to bring the City’s Vicious Dog Ordinance into compliance with state law. Section 6.08.010 of the Municipal Code was last updated in 1989. State law, G.L. c. 140, § 157 pertaining to dangerous dogs was last updated in 2012. While the Vicious Dog Ordinance is predominately in line with the state law, some changes are necessary to bring it in compliance with state law since it was last amended in 2012. The attached proposed changes relate to definitions, fine amounts, hearing procedures, and outlining what the City can do, through its Hearing Authority, once a dog is determined to be vicious or potentially vicious.

The proposed edits to the definitions in the current ordinance bring the Vicious Dog Ordinance definitions in line with the State's definitions as outlined in G.L. c. 140, § 136A. The Vicious Dog Ordinance fee amounts are also outdated, and therefore the fines have been updated to be consistent with G.L. c. 140, § 157A as they relate to non-compliance of a dog owner or keeper, as well as to the transferring ownership or selling of dangerous dogs. The edits also provide for a more detailed process for hearings in making dangerous dog determinations, as well as outlining what the Hearing Authority (Director of the Animal Commission or their designee) can order once a determination is made that a dog is a dangerous dog. The proposed edits bring the City's options in line with what is outlined in the State's law under G.L. c. 140, § 157.

Generally, G.L. c. 140, § 157 provides protection for both animals and people. When enacting local laws, a municipality cannot adopt ordinances that are inconsistent with State laws. Boston Gas Co. v. Somerville, 420 Mass. 702, 703 (1995). In evaluating the City's Vicious Dog Ordinance compared to the current state law, the state law provides minimum requirements and, therefore, the City's Vicious Dog Ordinance can provide more protection than required by state law, but not less. Here, the statute does not explicitly preempt local law, and as enacted, we cannot infer that the Legislature intended to preempt the field because the legislation on the subject is not so comprehensive that any local enactment would frustrate the statute's purpose. Wendell v. Attorney Gen., 394 Mass. 518, 527-528, 476 N.E.2d 585 (1985). Here, G.L. c. 140, § 157 does not limit municipalities from providing more protection than outlined under state law. Therefore, the City's "potentially dangerous dog" definition is consistent with the state law and provides further protections to the public. The Vicious Dog Ordinance provides the owner with an avenue to have reviewed any determination that their dog is "potentially vicious", which is consistent with the state law providing owners or keepers of dogs with protections as well.

Now that the City's Vicious Dog Ordinance is in line with state law, and mirrors several of its provisions, our recommendation is to replace the terms "vicious dog" with "dangerous dog", and "potentially vicious dog" with "potentially dangerous dog".

II. Kennel License Ordinance

On September 20, 2024, an Act to Increase Kennel Safety (A/K/A Ollie's Law) was signed by Governor Maura Healey. General Laws c. 140, § 137A governs Kennel Licensing Requirements in Massachusetts, and Ollie's Law amended Section 137A with the following key changes:

- Commercial boarding or training kennels shall maintain records of individual dog licenses for all dogs in their care that are required to be licensed under G.L. c. 140, § 137.
- All dogs over 6 months of age must wear rabies tags at all times and individual dog license tags (when required under G.L. c. 140, § 137).
- All municipalities must have a process for issuing and revoking kennel licenses. A municipality cannot choose to not issue kennel licenses, if kennels (by definition) are allowed in the municipality.
- A licensing authority must specify the type of kennel license and the maximum number of animals allowed in a kennel and this number must be on their kennel

license. The maximum number of animals must be determined by the Animal Control Officer (ACO) and the licensing authority.

- There is new language for the process for revoking commercial boarding and training kennel licenses for noncompliance. Under this change, the licensing authority shall issue, suspend, renew, and revoke kennel licenses. The issuing municipality determines the licensing period.
- There is new language providing that a kennel license cannot be issued until a passing kennel inspection has been completed by the ACO. The ACO is also required to inspect prior to license renewal. All kennels must be inspected at least annually.
- Commercial boarding or training kennels shall report to the licensing authority any injuries to animals or people that occur on their premises and the licensing authority shall investigate all reports. Under the new law, the Massachusetts Department of Agricultural Resources (MDAR) has the authority to assist with investigations and enforcement when necessary.
- All municipalities are required to submit to MDAR a list of kennels and their addresses for compliance review.
- Under G.L. c. 140, § 174G, regulations for commercial boarding and training kennels need to be promulgated by the state (MDAR) by June 2026. Until those regulations are promulgated, there will not be specific standards that govern commercial boarding and training facilities.¹ However, they are still required to be inspected just as all other kennels are.

The City of Cambridge does not currently have a Kennel License Ordinance. The attached Exhibit 3 is the draft Kennel License Ordinance, proposed as Section 6.04.020A, which is in line with the state's Kennel Licensing requirements.

Currently the following is Ollie Law's Timeline:

Bill signed	September 20, 2024
Law takes effect	December 19, 2024
Committee formed	March 19, 2025
Municipalities must send kennel list to MDAR by	June 1, 2025 ²
MDAR reports to Legislature	July 1, 2025
Regulations Completed by	June 2026
Committee sunsets	December 31, 2026

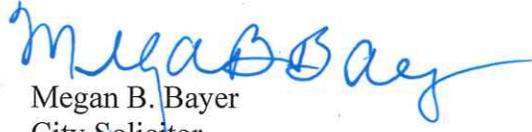
As such, this proposed Kennel Licensing Ordinance may need to be amended once the Regulations are completed and promulgated, which should occur by June 2026.

¹ Once the MDAR promulgates the regulations, the MDAR is required to provide notice and any education or training programs to local authorities.

² The City's Animal Commission has been reporting to the State the status, address and number of kennels operating in Cambridge, and will continue to provide updates to the State including when the actual licenses are obtained.

For the reasons above, the City Council should consider amending the Vicious Dog Ordinance, and fees for violations (Exhibit 2), and adopting a Kennel Licensing Ordinance (Exhibit 3).

Very Truly Yours,



Megan B. Bayer
City Solicitor

Enclosure

Chapter 6.04 – ANIMAL CONTROL REGULATIONS

6.04.120 – Violation - Penalty

Pursuant to G.L. c. 140, § 173A, Aany person who violates any of the provisions of Sections 6.04.020, 6.04.030, 6.04.040, 6.04.050, 6.04.070, 6.04.080 or 6.04.090 of this chapter shall be subject to a fine not exceeding fifty dollars for the first offense. The fine for a second offense shall be \$100. The fine for a third offense shall be \$300. For a fourth or subsequent offense, the fine shall be \$500 and the City may order the animal spayed or neutered. ~~each offense.~~ Any person who violates any of the provisions of Section 6.04.020 of this chapter shall be subject to a fine of fifty dollars for each offense. In addition, for a ~~A~~ violation of Section 6.04.030 a person shall be subject to punishable by a fine of twenty-five dollars for each offense, ~~plus~~ any and all costs of care and confinement, and any other amounts allowed by law. A violation of Section 6.04.060 of this chapter shall be punishable by a fine of not more than one hundred dollars for each offense. ;hno; (Ord. No. 1373, 10/19/2015; Ord. 1125 § 1, 1991: Ord. 998 (part), 1983: prior code § 4-6)

Chapter 6.08 – ANIMALS CONSTITUTING A NUISANCE

6.08.010 – Regulation of ~~vicious-dangerous~~ dogs

A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

1. “Potentially ~~vicious-dangerous~~ dog” means:

- a. Any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks or any public grounds or places; or
- b. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or
- c. Any dog whose owner has been cited on three separate occasions within the previous twelve months for failing to restrain said dog; or
- d. Any dog not licensed according to City ordinance as provided in Section 6.04.020.

~~d.e.~~ Notwithstanding the above definition of “potentially dangerous dog,” the Director of Animal Commission or their designee are not mandated to find a dog “potentially dangerous” solely based on determining subsection a though d are present.

2. “~~Dangerous~~Vicious dog” means

- a. A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic animal; or

~~a.b.~~ Any dog having been previously found to be potentially ~~vicious-dangerous~~ which, when unprovoked, in a vicious or terrorizing manner, approaches

any person in an apparent attitude of attack upon the streets, sidewalks or any public grounds or places; or

- ~~b. Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or~~
- c. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- d. Notwithstanding the above definition of "~~vicious dangerous~~ dog," ~~no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a wilful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.~~
- e. ~~No dog may be declared vicious if any injury or damage was sustained by a domestic animal which, at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the dog.~~
- f. ~~No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault. no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or person and the dog's reaction was not grossly disproportionate to any of the following circumstances:~~
 - ~~i. the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;~~
 - ~~ii. the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog; or~~
 - ~~iii. the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or~~
 - ~~i-iv. at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.~~

3. "Enclosure" means a fence or structure of at least six feet in height, forming or causing an enclosure to confine a ~~vicious dangerous~~ dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the ~~dangerous vicious~~ dog. Such enclosure shall be securely constructed and locked

and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.

3-4. Hearing Authority means the Director of the Animal Commission or their duly authorized designee.

5. “Impounded” means taken into the custody of the Animal Commission.

4-6. 'Nuisance dog', a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

7. “Person” means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

5-8. “Enforcing Authority” means the Director of the Animal Commission or their duly authorized designee.

B. Determination that Dog is ~~Vicious~~Dangerous.

1. A person may file a complaint in writing to the City’s hearing authority that a dog owned and kept in the City is a nuisance dog or a dangerous dog, consistent with the definitions above.

2. The Director of the Animal Commission, or their duly authorized designee, shall review and investigate any complaints for dangerous, potentially dangerous or nuisance dogs.

3. Pursuant to M.G. L. c. 140, §157, the Hearing Authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or dangerous dog. Based on credible evidence and testimony presented at a public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

4. If the Hearing Authority deems a dog a nuisance dog, the hearing authority may further order the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.

5. If the Hearing Authority deems a dog to be a dangerous dog, the Hearing Authority shall order one or more of the following: (i) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; (ii) microchip identification; (iii) behavior training; (iv) that the dog be humanely restrained: provided , however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building; (v) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon

the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; (vi) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length; (vii) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance; and/or (viii) that the dog be humanely euthanized.

6. ~~In the event that an agent or member of the Animal Commission has cause to believe that a dog is vicious, or upon the written complaint of a citizen made under oath and attesting to the same, the Director of the Animal Commission or his or her designee shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The Animal Commission shall, as is deemed necessary, conduct or cause to be conducted an investigation of the matter and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. Service of notice shall be made by hand delivery or certified mail.~~
- 1-7. The hearing shall be held promptly within no less than five nor more than ten days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.
- 2-8. After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is ~~vicious~~ dangerous, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, ~~he or she~~ they may, ~~within five days of such determination, appeal the determination in the Third District Court of Eastern Middlesex County~~ within ten (10) days after an order issued under subsections B(1) to (5), inclusive, bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under Section 62C of Chapter 221, review the order of

the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

- 3.9. In the event that the Animal Commission has cause to believe that the dog in question is vicious-dangerous and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City for the costs and expenses of keeping such dog.
- C. Determination that Dog Is Potentially Dangerous Vicious. Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially viciousdangerous, in accordance with the aforementioned definition of "potentially vicious-dangerous dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog or pursuant to M.G.L. c. 249, § 4-
- D. Registration Requirements. No dog deemed vicious-dangerous or potentially vicious dangerous dog shall be licensed by the City for any licensing period commencing 60 days after ordination after November 1, 1988 unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:
1. The owner or keeper of a vicious-dangerous or potentially vicious-dangerous dog shall confine said dog inside his or her dwelling or inside a proper enclosure on his or hertheir property. "Confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog. It shall be unlawful for an owner or keeper of a vicious-dangerous or potentially vicious-dangerous dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is humanely muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;
 2. The owner or keeper of a vicious-dangerous dog shall, at his or hertheir own expense, have the dog microchipped for identification purposes and licensing number assigned to such dog, or other such number as the Animal Commission shall determine, tattooed upon such vicious dog by a licensed veterinarian or other person trained as a tattooist. The Animal Commission may, in its discretion, designate the particular location of said tattoo;
 3. The owner or keeper of a vicious-dangerous dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars, covering any damage or injury which may be caused by such vicious-dangerous dog, whether intentional or

~~unintentional~~, -during the twelve month period for which licensing is sought, which policy shall contain a provision requiring the City to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy, ~~or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued~~;

4. The owner or keeper of a ~~vicious-dangerous~~ or potentially ~~vicious-dangerous~~ dog shall display a sign ~~or signs~~ on ~~his or her~~their premises ~~facing out from all sides~~ warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way ~~or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning those who cannot read of the presence of a dangerous dog~~;
 5. The owner or keeper of a ~~vicious-dangerous~~ or potentially ~~vicious-dangerous~~ dog shall sign statements attesting that:
 - a. In the case of a ~~vicious-dangerous~~ dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the ~~vicious dangerous~~ dog prior to expiration of such license,
 - b. The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the ~~vicious dangerous~~ or potentially ~~vicious-dangerous~~ dog on the property where said dog will be kept or maintained,
 - c. The owner or keeper shall notify the Animal Commission within twenty-four hours if a ~~vicious-dangerous~~ or potentially ~~vicious-dangerous~~ dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the ~~vicious dangerous~~ or potentially ~~vicious-dangerous~~ dog has been sold or given away, the owner or keeper shall also provide the Animal Commission with the name, address and telephone number of the new owner of said dog;
 6. The Animal Commission is empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is empowered to seize and impound any ~~vicious-dangerous~~ or potentially ~~vicious-dangerous~~ dog whose owner or keeper fails to comply with the provisions of this chapter. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;
 7. The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work;
 8. The owner or keeper of a ~~vicious-dangerous~~ dog shall pay, in addition to the standard dog license fee, a sum of ten dollars for each ~~dangerous~~~~vicious~~ dog registered;
- E. Penalties for Violation

1. a. Any ~~vicious-dangerous~~ or potentially ~~dangerous-vicious~~ dog which does not have a valid license in accordance with the provisions of this chapter, or
 - b. In the case of a ~~vicious-dangerous~~ dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, ~~or has not provided proof that reasonable efforts were made to obtain such insurance if a policy has not been issued,~~ or
 - c. Any ~~dangerous-vicious~~ or potentially ~~vicious-dangerous~~ dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar fine.
2. Pursuant to M.G.L. c. 140, § § 157 and 173A, if any ~~vicious-dangerous~~ or potentially ~~vicious-dangerous~~ dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay, ~~for a first offense,~~ a ~~one-five~~ hundred ~~fifty~~ dollar fine and the Animal Commission is empowered to confiscate and, after the expiration of a ~~ten-seven~~ day waiting period, ~~exclusive of Sundays and holidays,~~ shall destroy said dog. For ~~a second or~~ each subsequent violation the owner or keeper of said dog shall pay a fine of ~~three hundredone thousand~~ dollars.
3. If any ~~vicious-dangerous~~ or potentially ~~vicious-dangerous~~ dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a ~~three-five~~ hundred dollar fine and the Animal Commission is empowered to confiscate and, after the expiration of a ~~seven-ten~~ day waiting period, ~~exclusive of Sundays and holidays,~~ shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of ~~three-one thousand hundred~~ dollars.
4. No person shall be charged under subsections 1, 2 or 3 above unless the dog, prior to the offense alleged, shall have been declared ~~vicious-dangerous~~ or potentially ~~vicious-dangetrous~~ pursuant to the provisions of this section.
5. The Animal Commission shall provide notice of the impoundment and/or pending destruction of a ~~vicious-dangerous~~ or potentially ~~vicious-dangerous~~ dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five days next following the date of impoundment.
6. If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.
7. Pursuant to M.G.L. c. 140, § 157(c), ~~the Hearing Authority shall neither issue an order directing that a dog deemed dangerous shall be removed from the city, nor regulate dogs in a manner that is specific to breed.~~

F. The owner or keeper of any dangerous dog or potentially dangerous dog who fails to comply with the requirements set forth in Section D above, and pursuant to M.G.L. c. 140, § 157A, shall be subject to:

1. A fine of \$500 for the first offense;
2. A fine of \$1,000 for any subsequent offense; and
3. All provisions set forth in M.G.L. c. 140, § 157(h).

G. Each day there exists a violation of any of the provisions of this Ordinance, as determined by the Enforcing Authority, shall constitute and be punishable as a separate offense.

H. The Director of the Animal Commission or their designee shall have the power and authority to enforce the provisions of this chapter and perform all the duties imposed by the provisions of this chapter. All fines and penalties assessed and collected under this chapter may be enforced by the issuance of non-criminal tickets pursuant to G.L. c. 40, § 21D, or as otherwise authorized by law

Chapter 6.04 – ANIMAL CONTROL REGULATIONS

6.04.120 – Violation - Penalty

Pursuant to G.L. c. 140, § 173A, any person who violates any of the provisions of Sections 6.04.020, 6.04.030, 6.04.040, 6.04.050, 6.04.070, 6.04.080 or 6.04.090 of this chapter shall be subject to a fine not exceeding fifty dollars for the first offense. The fine for a second offense shall be \$100. The fine for a third offense shall be \$300. For a fourth or subsequent offense, the fine shall be \$500 and the City may order the animal spayed or neutered. Any person who violates any of the provisions of Section 6.04.020 of this chapter shall be subject to a fine of fifty dollars for each offense. In addition, for a violation of Section 6.04.030 a person shall be subject to any and all costs of care and confinement, and any other amounts allowed by law. A violation of Section 6.04.060 of this chapter shall be punishable by a fine of not more than one hundred dollars for each offense. ;hno; (Ord. No. 1373, 10/19/2015; Ord. 1125 § 1, 1991: Ord. 998 (part), 1983: prior code § 4-6)

Chapter 6.08 – ANIMALS CONSTITUTING A NUISANCE

6.08.010 – Regulation of dangerous dogs

- A. Definitions. As used in this section, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:
1. “Potentially dangerous dog” means:
 - a. Any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks or any public grounds or places; or
 - b. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or animals; or
 - c. Any dog whose owner has been cited on three separate occasions within the previous twelve months for failing to restrain said dog; or
 - d. Any dog not licensed according to City ordinance as provided in Section 6.04.020.
 - e. Notwithstanding the above definition of “potentially dangerous dog,” the Director of Animal Commission or their designee are not mandated to find a dog “potentially dangerous” solely based on determining subsection a through d are present.
 2. “Dangerous dog” means
 - a. A dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic animal; or
 - b. Any dog having been previously found to be potentially dangerous which, when unprovoked, in a vicious or terrorizing manner, approaches any

person in an apparent attitude of attack upon the streets, sidewalks or any public grounds or places; or

- c. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
 - d. Notwithstanding the above definition of "dangerous dog,"
 - e. No dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or person and the dog's reaction was not grossly disproportionate to any of the following circumstances:
 - i. the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;
 - ii. the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog; or
 - iii. the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or
 - iv. at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.
3. "Enclosure" means a fence or structure of at least six feet in height, forming or causing an enclosure to confine a dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the dangerous dog. Such enclosure shall be securely constructed and locked and designed with secure sides, top and bottom so as to prevent the animal from escaping from the enclosure.
 4. Hearing Authority means the Director of the Animal Commission or their duly authorized designee.
 5. "Impounded" means taken into the custody of the Animal Commission.
 6. 'Nuisance dog', a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.
 7. "Person" means a natural person or any legal entity, including but not limited to a corporation, firm, partnership or trust.

8. "Enforcing Authority" means the Director of the Animal Commission or their duly authorized designee.
- B. Determination that Dog is Dangerous.
1. A person may file a complaint in writing to the City's hearing authority that a dog owned and kept in the City is a nuisance dog or a dangerous dog, consistent with the definitions above.
 2. The Director of the Animal Commission, or their duly authorized designee, shall review and investigate any complaints for dangerous, potentially dangerous or nuisance dogs.
 3. Pursuant to M.G. L. c. 140, §157, the Hearing Authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or dangerous dog. Based on credible evidence and testimony presented at a public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.
 4. If the Hearing Authority deems a dog a nuisance dog, the hearing authority may further order the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.
 5. If the Hearing Authority deems a dog to be a dangerous dog, the Hearing Authority shall order one or more of the following: (i) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; (ii) microchip identification; (iii) behavior training; (iv) that the dog be humanely restrained: provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building; (v) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; (vi) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length; (vii) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been

issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance; and/or (viii) that the dog be humanely euthanized.

6. The hearing shall be held promptly within no less than five nor more than ten days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and open to the public.
 7. After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is dangerous, the owner or keeper shall comply with the registration provisions of this section, stated below, in accordance with a time schedule established by the Animal Commission, but in no case more than thirty days subsequent to the date of determination. If the owner or keeper of the dog contests the determination, they may, within ten (10) days after an order issued under subsections B(1) to (5), inclusive, bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under Section 62C of Chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.
 8. In the event that the Animal Commission has cause to believe that the dog in question is dangerous and may pose a threat of serious harm to human beings or other domestic animals, the Commission may seize and impound the dog pending the aforesaid hearing and appeal. The owner or keeper of the dog shall be liable to the City for the costs and expenses of keeping such dog.
- C. Determination that Dog Is Potentially Dangerous. Any Animal Control Officer or other agent of the Animal Commission may make a determination without a hearing that a dog is potentially dangerous, in accordance with the aforementioned definition of "potentially dangerous dog." Such a determination may be subject to the review of the full membership of the Animal Commission upon the petition of the owner or keeper of said dog or pursuant to M.G.L. c. 249, § 4.
- D. Registration Requirements. No dog deemed dangerous or potentially dangerous dog shall be licensed by the City for any licensing period commencing 60 days after ordination after unless the owner or keeper of such vicious or potentially vicious dog shall meet the following requirements:
1. The owner or keeper of a dangerous or potentially dangerous dog shall confine said dog inside his or her dwelling or inside a proper enclosure on their property. "Confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded

into the ground for not less than 2 feet; provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog. It shall be unlawful for an owner or keeper of a dangerous or potentially dangerous dog to permit said dog to be outside the proper enclosure or dwelling unless said dog is humanely muzzled and restrained by a substantial chain or leash and under the control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal;

2. The owner or keeper of a dangerous dog shall, at their own expense, have the dog microchipped for identification purposes and licensing number assigned to such dog;
3. The owner or keeper of a dangerous dog shall present to the Animal Commission proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars, covering any damage or injury which may be caused by such dangerous dog, whether intentional or unintentional, during the twelve month period for which licensing is sought, which policy shall contain a provision requiring the City to be named as an additional insured for the sole purpose of the Animal Commission to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy, or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued;
4. The owner or keeper of a dangerous or potentially dangerous dog shall display a sign or signs on their premises facing out from all sides warning that there is such a dog on the premises. Said sign shall be visible and capable of being read from any adjacent public way or within 20 feet of its placement. In addition, the owner shall conspicuously display a sign with a symbol warning those who cannot read of the presence of a dangerous dog;
5. The owner or keeper of a dangerous or potentially dangerous dog shall sign statements attesting that:
 - a. In the case of a dangerous dog, the owner or keeper of said dog shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the dangerous dog prior to expiration of such license,
 - b. The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the dangerous or potentially dangerous dog on the property where said dog will be kept or maintained,
 - c. The owner or keeper shall notify the Animal Commission within twenty-four hours if a dangerous or potentially dangerous dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the dangerous or potentially dangerous dog has been sold or given away, the owner or keeper shall also

provide the Animal Commission with the name, address and telephone number of the new owner of said dog;

6. The Animal Commission is empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and any agent of the Commission is empowered to seize and impound any dangerous or potentially dangerous dog whose owner or keeper fails to comply with the provisions of this chapter. In the event that the owner or keeper of the dog refuses to surrender the animal to the Commission, the Commission Director may request a police officer to obtain a search warrant and to seize the dog upon execution of the warrant;
7. The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work;
8. The owner or keeper of a dangerous dog shall pay, in addition to the standard dog license fee, a sum of ten dollars for each dangerous dog registered;

E. Penalties for Violation

1. a. Any dangerous or potentially dangerous dog which does not have a valid license in accordance with the provisions of this chapter, or
b. In the case of a dangerous dog, whose owner or keeper does not secure the liability insurance coverage required in accordance with this section, or has not provided proof that reasonable efforts were made to obtain such insurance if a policy has not been issued, or
c. Any dangerous or potentially dangerous dog which shall be outside of the dwelling of the owner or keeper or outside of an enclosure and unmuzzled and/or otherwise unrestrained shall be confiscated by the Animal Commission and destroyed in an expeditious and humane manner after the expiration of a ten day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a one hundred fifty dollar fine.
2. Pursuant to M.G.L. c. 140, § § 157 and 173A, if any dangerous or potentially dangerous dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any domestic animal, the owner or keeper of said dog shall pay, for a first offense, a five hundred dollar fine and the Animal Commission is empowered to confiscate and, after the expiration of a seven day waiting period, shall destroy said dog. For a second or each subsequent violation the owner or keeper of said dog shall pay a fine of one thousand dollars.
3. If any dangerous or potentially dangerous dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a five hundred dollar fine and the Animal Commission is empowered to confiscate and, after the expiration of a seven day waiting period, shall destroy said dog. For each and any subsequent violation, said owner or keeper shall pay a fine of one thousand dollars.

4. No person shall be charged under subsections 1, 2 or 3 above unless the dog, prior to the offense alleged, shall have been declared dangerous or potentially dangerous pursuant to the provisions of this section.
 5. The Animal Commission shall provide notice of the impoundment and/or pending destruction of a dangerous or potentially dangerous dog to the registered owner or keeper of said dog. Service of notice shall be made by hand delivery or certified mail within five days next following the date of impoundment.
 6. If the owner or keeper of a dog impounded for an alleged violation of this section shall believe that there has not been a violation of this section, such owner or keeper may petition a court of competent jurisdiction praying that the dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition. The dog shall remain impounded pending a hearing on the petition and any subsequent appeal.
 7. Pursuant to M.G.L. c. 140, § 157(c), the Hearing Authority shall neither issue an order directing that a dog deemed dangerous shall be removed from the city, nor regulate dogs in a manner that is specific to breed.
- F. The owner or keeper of any dangerous dog or potentially dangerous dog who fails to comply with the requirements set forth in Section D above, and pursuant to M.G.L. c. 140, § 157A, shall be subject to:
1. A fine of \$500 for the first offense;
 2. A fine of \$1,000 for any subsequent offense; and
 3. All provisions set forth in M.G.L. c. 140, § 157(h).
- G. Each day there exists a violation of any of the provisions of this Ordinance, as determined by the Enforcing Authority, shall constitute and be punishable as a separate offense.
- H. The Director of the Animal Commission or their designee shall have the power and authority to enforce the provisions of this chapter and perform all the duties imposed by the provisions of this chapter. All fines and penalties assessed and collected under this chapter may be enforced by the issuance of non-criminal tickets pursuant to G.L. c. 40, § 21D, or as otherwise authorized by law

Title 6

Animals

Chapters:

Chapter 6.04 ANIMAL CONTROL REGULATIONS

Sections:

6.04.010 Definitions

As used in this chapter:

- F. “Kennel”, a pack or collection of dogs on a single premises, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.
- G. “Licensee”, a person who owns and maintains a kennel that has received a kennel license from the relevant licensing authority.
- H. “Personal Kennel”, a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use’ provided, however, that breeding of personally owed dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.
- I. “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;
 - 1. shall not include an animal shelter or animal control facility,
 - 2. a pet shop licensed under section 39A of chapter 129,
 - 3. 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.

- J. “Canine Day-Care Facility”, an establishment providing kenneling and/or boarding of dogs for a limited period of time; provided, however, such kenneling and/or boarding does not include overnight accommodations.
- K. “Domestic Charitable Corporation Kennel”, a facility operated, owned or maintained by a domestic charitable corporation registered with the Department of Agricultural Resources, or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purpose, providing veterinary treatment and care.
- L. “Veterinary Kennel”, a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that this definition shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment, observation, or will do so only for the period of time needed to accomplish the needed veterinary care.
- M. “Keeper”, a person, business, corporation, entity or society, other than the owner, having possession of the dog.
- N. “Owner” any person, business, corporation, entity or society having legal ownership of a dog.

6.04.020A Dogs- Kennel Licenses

A. Fees

Every Personal, Commercial boarding or training Kennel, Canine Day-Care Facility, Domestic Charitable Corporation Kennel, or Veterinary Kennel shall be licensed pursuant to M.G.L. c. 140, § 137A. Effective 60 days from the ordination of this ordinance, the fee for such licenses shall, except as otherwise provided, be \$100 per year for five (5) or more dogs for Personal, and once the inspection is complete and application is approved, the fee shall be \$50 per dog for a Commercial boarding or training Kennels, Canine Day-Care Facilities, a Domestic Charitable Corporation Kennels, and Veterinary Kennels. No part of the fee shall be refunded because of the subsequent termination, suspension or revocation of any kennel license. Nor shall any part of the fee paid by mistake be refunded.

B. Personal Kennel License

1. Anyone wishing to keep more than four dogs, three months (12 weeks) or older, shall apply for a personal kennel license.
2. The maximum number of dogs allowed to be kept under a personal kennel license is six.

3. Any application for a personal kennel license shall be submitted to the Clerk of the City of Cambridge on a form provided by the City Clerk.
4. New applicants requesting a license must notify direct abutters by certified mail or constable. Proof of notification must be submitted with the application.
5. The Cambridge Director of Animal Commission and/or Animal Control Officer shall inspect the facility before the personal kennel license shall be issued or renewed.
6. Each personal kennel license may be issued by the City Clerk from January 1 until December 31 of the calendar year, and the annual fee for such shall be charged in accordance with the City fee schedule. All renewals must be completed by March 15 of each year.
7. The personal kennel shall be maintained in sanitary condition.
8. The personal kennel shall not cause a nuisance to others, as such term is defined in M.G.L c. 140, § 136A.
9. The animals within the kennel shall not be found at large, not under the control of the owner and/or Keeper.
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, or staff members/keeper of the kennel.
11. All dogs within a personal kennel shall be vaccinated for rabies and certificates must be produced for inspection when requested.
12. All dogs over 6 months of age must wear rabies tags at all times and individual dog license tags (when required under M.G.L. c. 140, § 137).
13. The annual fee for a personal kennel license will be set in accordance with the City of Cambridge Ordinances § 6.04.020A(A) after review and consent of the City Manager.
14. An inspection of a personal kennel shall be performed as needed, but shall be performed at least once annually by an Animal Control Officer, but if there is a conflict of interest or an Animal Control Officer is not available, the following municipal employees may inspect (for non-licensing purposes): Police Commissioner or their designee, Commissioner of Inspectional Services or their designee, Mayor or City Manager.

15. A Personal Kennel shall post in a conspicuous location an evacuation plan for the removal of an injured or sick dog, or for evacuation of all dogs on the premises in the event of emergency. The evacuation plan should include, but is not be limited to, the following: the evacuation route; meeting point; how dogs will be transported from the kennel to the meeting point; how dogs will be handled/kept during the emergency; transportation plan for the dogs, if needed; point of contact for the kennel; and name and phone number of at least one veterinarian that can be contacted in the event of an emergency situation.
16. Personal Kennels shall report to the Director of the Cambridge Animal Commissioner and/or Animal Control Officer any and all injuries to animals or people that occur on the Personal Kennel's premises and the Director of the Cambridge Animal Commissioner and/or Animal Control Officer shall investigate all reports. Any incident involving dog bites or any injuries requiring veterinarian care to a dog shall be reported within 24 hours of the incident

C. Commercial Kennel License

1. 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 City Clerk's office, on a form provided by the City Clerk, along with two copies of interior and exterior plans of the kennel, as well as a plot plan.
2. No new kennel license will be issued until proof is submitted by the applicant that the location and operation of the kennel are in compliance with the City of Cambridge's zoning and land use regulations.
3. No new kennel license will be issued unless the City of Cambridge Director of Animal Commission, Cambridge Department of Public Health, Cambridge Inspectional Services Department, and City Clerk review and approve the application. All kennel license renewals must be inspected by the Director of Animal Commission and/or Animal Control Officer before a kennel license can be renewed.
4. Each kennel license may be issued by the City Clerk from January 1 until December 31 of the calendar year, and each kennel shall be charged in accordance with the fee schedule per Subsection (f).
5. 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.

6. The annual fee for a commercial kennel license will be set in accordance with the City of Cambridge Code of Ordinances § 6.04.020A(A) after review and consent of the City Manager.
7. The number of dogs allowed on the premises will be determined after the inspection of the premises. Commercial kennel licensees shall then be issued the amount of dogs approved for the facility, and any dog on the property other than the amount covered under the kennel license.
8. Commercial kennels shall maintain records of individual dog licenses and rabies vaccinations for all dogs in their care, and both license and rabies tags are required to be worn under M.G.L. c. 140, § 137.
9. All dogs over 6 months of age must wear rabies tags at all times and individual dog license tags (when required under M.G.L. c. 140, § 137).
10. A Canine Day-Care Facility located in a commercial or industrial zoned area shall ensure that the maximum number of dogs in the Canine Day-Care Facility shall not exceed the number of dogs calculated under both conditions 2(j)(a) and (b) as follows:
 - a. There shall be at least 25 square feet of indoor animal use space for every dog at the canine day-care facility; and
 - b. There shall be at least 50 square feet of fenced outdoor animal use area for every dog at the canine day-care facility which provides protective from the weather.
11. A Canine Day-Care Facility shall also maintain two staff persons on the premises for every 15 dogs in the facility.
12. A Commercial Kennel shall post in a conspicuous location an evacuation plan for the removal of an injured or sick dog, or for evacuation of all dogs on the premises in the event of emergency. The evacuation plan should include, but is not be limited to, the following: the evacuation route; meeting point; how dogs will be transported from the kennel to the meeting point; how dogs will be handled/kept during the emergency; transportation plan for the dogs, if needed; point of contact for the kennel; and name and phone number of at least one veterinarian that can be contacted in the event of an emergency situation.

D. Commercial Kennel Requirements

1. Housing facilities for dogs shall be maintained in good repair and in a sanitary condition in such as 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 commercial kennels shall not constitute a nuisance.

2. Reliable and adequate utilities are required (i.e., electric power, natural gas, oil, water, sewer/septic). Adequate potable water shall be provided.
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. 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.
5. 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.
6. 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.
7. All commercial kennels shall have an appropriately stocked animal first aid kit that will be available and easily accessible at all times.
8. All commercial kennels shall post Red Cross or similar animal CPR guidance in a conspicuous spot within the kennel.
9. All commercial kennels shall only administer medication to animals if it is in the original veterinary prescribed bottle or container.
10. All commercial kennels shall have an on-call veterinarian on file that they may consult with for medical advice.
11. 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.
12. 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.

E. Indoor Commercial Kennel Requirements

1. Indoor dog facilities shall be provided for all pet shops, shelters and kennels in order to protect the dogs from adverse weather condition.
2. 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.
3. 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 70° F. or higher.
4. 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.
5. Primary enclosures shall be so placed as to protect the animals from excessive sunlight.
6. 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.
7. Commercial 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.
8. Commercial kennels shall have personnel on site at all times when dogs are present, unless adequate security measures are available to ensure the safety of the animals present, such as a security/fire protection system or live video.

F. Outdoor Commercial Kennel Requirements

1. All Kennels are required to comply with the requirements of M.G.L. c. 140, § 174E, which includes but is not limited to,
 - 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 condition.
 - c. A suitable method shall be provided to drain surface water rapidly.
 - d. Surfaces of outdoor enclosures of pet shops, shelters and 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.
 - e. Outdoor facilities shall be adequately secured to protect the dogs from predators, as well as to contain the dogs.
 - f. All commercial kennels shall post the "signs/symptoms of heat stroke and hypothermia" in dogs within outdoor and indoor play areas.
 - g. Clean water shall be supplied at all times at outdoor kennels.
2. In addition to meeting all of the requirements of M.G.L. c. 140, §§ 137A to 137C, any person who receives a commercial kennel license shall maintain the premises in accordance with the following specifications: a minimum of ten-foot setback from the kennel to an adjacent property line and a minimum twenty-foot setback from the kennel to abutting habitable structure, 100 feet from a wetland, 200 feet from a high water mark of a source of drinking water or tributary thereof, and 10 feet from an occupied dwelling on the same property where the kennel is kept. No Commercial Kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the City's Zoning Ordinances.

G. Primary Enclosures for Commercial Kennels

1. 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.

2. Animals housed in the same enclosure shall be maintained in compatible groups.
3. Sexually intact males and females shall not be housed in the same enclosure, except for breeding purposes requested by the owner in writing.
4. Any dog exhibiting a vicious disposition shall be housed individually in a primary enclosure.
5. Immature dogs shall not be housed in the same primary enclosure with adults other than their mother.
6. Animals of different species shall not be housed in the same primary enclosures.
7. Dogs shall not be placed in empty primary enclosures previously inhabited by other animals unless the enclosure has first been cleaned and disinfected.
8. Animals showing signs of contagious illness shall be removed from rooms and enclosures containing healthy animals and housed in a separate isolation room.
9. 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.
10. 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.
11. Dogs shall not be tied to fences or cages in lieu of being housed in primary enclosures.

H. Commercial Kennel Care Requirements

1. 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.

2. 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.
3. 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.
4. 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.
5. Feeding pans shall be durable, cleaned and sanitized daily.
6. Disposable food receptacles may be used but must be discarded after each feeding.
7. 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.
8. Potable water must be accessible to dogs at all times unless contraindicated by a written veterinarian order. Receptacles for such purposes shall be cleaned daily.

I. Sanitation of Commercial Kennels

1. 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.
2. 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.
3. Premises shall be kept clean, sanitary, and in good repair in order to protect the animals from injury and disease, to facilitate the prescribed sanitary practices as set forth in these rules, and to prevent nuisances.
4. An effective program for the control of insects, parasites, rodents, and other pests shall be established and maintained.
5. 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 wastes.

J. Disease Control and Vaccination Requirements for Commercial Kennels

1. 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.
2. 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.
3. 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.
4. All dogs within the kennel shall have current vaccinations for rabies, distemper and Bordetella.
5. If, in the opinion of the Director of the Cambridge Animal Commission and/or Animal Control Officer or the Commissioner of Public Health, 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 Director of Animal Commission and/or Animal Control Officer or Commissioner of Public Health.

K. Administrative and Record Requirements of Commercial Kennels

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 7 years.
2. All commercial kennels shall maintain a list of all dogs' medical conditions, as well as medications.
3. Each commercial kennel or private shelter 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.

4. 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.
5. Commercial Kennels shall report to the Director of the Cambridge Animal Commissioner and/or Animal Control Officer any and all injuries to animals or people that occur on the Commercial Kennel's premises and the Director of the Cambridge Animal Commissioner and/or Animal Control Officer shall investigate all reports.
6. Any incident involving dog bites or any injuries requiring veterinarian care to a dog shall be reported within 24 hours of the incident.
7. Any dog found deceased at a kennel must be reported to the Director of the Cambridge Animal Commission and/or Animal Control Officer or the Cambridge Police Department immediately after the dog is found.

L. Right of Entry and Inspections of Commercial Kennels

1. Pursuant to MGL c. 140, § 137C, the City Manager, Commissioner of Police or their designee, Commissioner of Inspectional Services or their designee, Director of the Animal Commission and/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.
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.
3. Kennel inspections shall be performed as needed, but at least once annually.

M. General Enforcement

1. This ordinance may be enforced by the Director of the Cambridge Animal Commission, Animal Control Officer, Cambridge Department of Public Health, Inspectional Services Department or the Police Department, and if, in the judgment of Commissioner of Police, Director of the Animal Commissioner, Animal Control Officer, and the Commissioner of the Department of Public Health, 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.

2. The Director of the Animal Commission or their designee shall have the power and authority to enforce the provisions of this chapter and perform all the duties imposed by the provisions of this chapter. All fines and penalties assessed and collected under this chapter may be enforced by the issuance of non-criminal tickets pursuant to G.L. c. 40, § 21D, or as otherwise authorized by law.
3. A kennel license cannot be issued in lieu of an individual dog license.

N. Fines and Violations

1. Pursuant to M.G.L. c. 140, § 157A, penalties for violation of any provision of §§ 6.04.020A(B) - (M) may result in the following fines and/or suspension or revocation of applicable license or permit:
 - a. First offense: \$500;
 - b. Second offense or subsequent offense shall be: \$1,000.

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.

O. License Period

1. The license period for a personal kennel license, for any licensing period commencing after June 1, 2026, shall begin on January 1st of each year, and is valid through December 31st of each year, and shall be renewed by March 15th of each year.
2. The license period for a commercial kennel license, for any licensing period commencing after June 1, 2026, shall begin on January 1st of each year, and is valid through December 31st of each year, and shall be renewed by March 15th of each year.

P. Revocation of Kennel License

1. The City Manager of the City of Cambridge, the Commissioner of the City of Cambridge Police Department, or their designee, the Director of Animal Commission, or Animal Control Officer may at any time inspect a kennel or cause the inspection of a kennel. If, in the judgment of such person or body, 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.

2. Upon the petition of 25 citizens, filed with the Director of Animal Commission and/or Animal Control Officer setting forth a statement that such citizens are aggrieved or annoyed to an unreasonable extent by a dog maintained in the City of Cambridge due to excessive barking or other conditions connected with a kennel constituting a nuisance, the Director of Animal Commission and/or Animal Control Officer shall, within 7 days after the filing of the petition, give notice to all parties in interest of a public hearing to be held within 14 days after the date of such notice. The Director of Animal Commission and/or Animal Control Officer shall, within 7 days after the public hearing, investigate or cause to be investigated the subject matter of the petition and shall, by order, either suspend or revoke the kennel license, otherwise regulate the kennel or dismiss the petition. Written notice of an order revoking or suspending the license, regulating the kennel or dismissing the petition shall be mailed immediately to the officer issuing the license and to the holder of the license. Within 10 days after the order, the holder of the license may bring a petition in the Cambridge District Court, addressed to the justice of the court, praying that the order be reviewed by the court. After notice to all parties as the court may consider necessary, the court shall review the action, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. The decision of the court shall be final and conclusive upon the parties.