

SPECIAL TOWN COUNCIL MEETING MINUTES

Weymouth Town Hall

Council Chambers

November 30, 2015, Monday

Present: Patrick O'Connor, President
Michael Smart, Vice President
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Ed Harrington, Councilor
Rebecca Haugh, Councilor
Arthur Mathews, Councilor
Brian McDonald, Councilor
Michael Molisse, Councilor

Absent: Robert Conlon, Councilor
Thomas J. Lacey, Councilor

Also Present: Lee Hultin, Asst. Town Clerk
Carolyn Murray, Interim Town Solicitor
Richard Swanson, Town Auditor
James Clarke, Planning Director
Eric Schneider, Principal Planner
Paul Haley, Chair/Board of Assessors
Kevin Spellman, Vice Chair/Board of Assessors

Recording Secretary: Mary Barker

President O'Connor called the meeting to order at 7:33 PM. After the Pledge of Allegiance, Assistant Town Clerk, Lee Hultin, called the roll, with two members absent. President O'Connor reported that Councilors Conlon and Lacey were absent due to prior family commitments.

MINUTES

Joint Ordinance and Environmental Committee Meeting of October 5, 2015

A motion was made by Vice President Smart to approve the minutes from the October 5, 2015 Joint Ordinance and Environmental Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Town Council Meeting of October 5, 2015

A motion was made by Vice President Smart to approve the minutes from the October 5, 2015 Town Council meeting, as amended, and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Public Works Committee Meeting of November 10, 2015

A motion was made by Vice President Smart to approve the minutes from the November 10, 2015 Public Works Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

15 133-Fiscal Year 2016 Tax Classification

A motion was made by Vice President Smart to open the public hearing on measure 15 133 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Paul Haley, Kevin Spellman, and Bob Brinkman, of the Board of Assessors and professional staff were invited to the table to review the measure. Mr. Haley provided an overview of the process. Values were sent to DOR and certified. There has been a considerable appreciation in values, especially condos- 7.5% and 6.1% average for single-family homes. There was a 2.71% increase in commercial / industrial values. There was also an increase in new growth due to Southfield and a few new units on the tax rolls in town. The recommendation is to shift the overall burden to commercial, as has been the history, to a 45% shift. Last year the shift was 55%.

Councilor Hackett noted that the new growth is \$2.9 million. Mr. Haley responded that \$2.1 million is representative of Southfield. There are other new units on the tax rolls, including Rockaway, Weathervane and the former Immaculate Conception parish-owned property.

Councilor Haugh asked if any of the new growth is commercial and if there has been any significant commercial growth? Mr. Haley responded no.

Councilor Mathews asked if the board considered a gradual shift rather than 55 to 45. Mr. Haley responded that they have tried to step back from each year going to the full legal limit. Some surrounding communities have opted for no shift. There is an additional burden here that isn't the case in towns without a shift. The 45% represents the average appreciation. The increases of the average tax would be 6.5%.

The following are the comments from the public:

Chris Primiano, 82 Rindge Street, noted that the delta between residential and commercial is growing wider. He recommended trying the recommended shift and see if it brings in new growth; if not, revert it back. Weymouth still has one of the lowest tax rates on the South Shore.

Robert Montgomery Thomas, 848 Washington Street asked a few questions: how was the new growth calculated, whether another establishment replacing an existing one is considered new growth, and how the change will affect seniors who are currently exempted. Mr. Haley responded that new growth is based on new properties coming on the tax rolls, or property previously exempted. Mr. Spellman noted that there isn't a

resident exemption in Weymouth. Mr. Thomas asked where the new growth is coming from if the town is 97% built out. Mr. Haley noted that a list of the new growth properties is available from the Assessor's office. President O'Connor responded that the list will be posted on the town website.

David Robinson, Chair of Weymouth Chamber of Commerce noted he supports the 45% shift. It's not a big adjustment, but a start. Weymouth needs to look at eliminating it eventually. It shows in every empty building and business leaving the town.

Councilor Hackett asked if the South Shore Hospital is included in the commercial/industrial values. Mr. Haley responded no; it is exempt.

Robert Montgomery Thomas asked if there is a list available of tax-exempt properties and whether the town has considered increasing the PILOT from 19.1 to 25% for the services they receive from the municipality. President O'Connor responded that the list is available from the Board of Assessors and he will also request it to be added to the website.

Councilor Hackett responded that she, Councilor Harrington and Vice President Smart have approached South Shore Hospital and it is one reason she supported the merger with Partners Healthcare- it would be difficult for the CEO to not consider paying what they would pay to Boston. It is something that has been discussed, and she is optimistic with new leadership coming on.

Councilor Harrington noted that the average increase per home is \$251. He asked if the difference would put it in a more favorable position at the base or make it more competitive. He noted that development at Southfield is critical to the fiscal health of the town, and this is a small amount to pay that isn't going to jeopardize other town services.

President O'Connor reported that the measure was deliberated in the Budget/Management Committee meeting and the committee sent it back to the Council with no recommendation, pending the public hearing.

A motion was made by Vice President Smart to close the public hearing on measure 15 133 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

15 130-Fiscal Year 2016 Supplemental Budget

A motion was made by Vice President Smart to open the public hearing on measure 15 130 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Mark Abrahams and Nick Bulens presented the measure for the administration. Mr. Abrahams reported that the measure was originally presented in two parts; Southfield monies and then the departmental supplemental request. Councilor Hackett and Auditor Swanson raised the question on part one and whether the town was required to raise and appropriate the funds. DOR confirmed it was not required so the measure was withdrawn and the second part, Departmental supplemental request was resubmitted for

consideration. The recap sheet was forwarded to DOR and new growth certified. \$1.89 million of the \$2.9 million in new growth is pledged to the bond for Southfield. The Budget/Management committee was provided with supporting back up for each department's request.

Councilor Hackett noted that in May 2015, the budget was adopted which accommodated the infrastructure obligation for Southfield for the \$989,000-- and they are going forward simply with part 2, which is \$542,000 to fund departmental supplemental appropriations.

Councilor Mathews read from the minutes of the June 8, 2015 budget hearing. He noted that "a subsequent \$300,000 if no override passed would be supplemented in the fall." He asked for comment since the supplemental request is only for \$120,000. Mr. Bulens responded that the \$300,000 would be requested from free cash. Councilor Mathews noted that if the discussion did take place, he hopes there will be an additional request for \$180,000 forthcoming.

Councilor Hackett noted that the rationale for the Southfield infrastructure payment is that it is a pass-through. They don't want to artificially inflate the revenue figures. By doing it this way, it will not count in the calculation for Chapter 70 funds.

The following are the comments from the public:

Robert Montgomery Thomas, 848 Washington Street noted that in 2003, the Town Council voted to reject Chapter 59, Section 221, which allows a municipality to tax a property when construction is begun and not when it's complete or once a foundation is in place. Mr. Abrahams responded that he would defer to the assessors. President O'Connor responded that he would have it looked into.

A motion was made by Vice President Smart to close the public hearing on measure 15 130 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

15 132-Community Preservation Committee-Puritan Road Flood Mitigation/Ecological

A motion was made by Vice President Smart to open the public hearing on measure 15 132 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Andrew Fontaine and Braydon Marot presented the Resilience Project to address the broken culvert on Puritan Road, which first needs a study to determine a solution to replace it. It is part of a larger project to look to restore wetlands without impacting surrounding areas to flooding. The study will determine what is needed to mitigate to increase the health of the wetland. They received grant funding from Coastal Zone Management but need additional funding to complete the study. Mr. Fontaine reported that the grant requirement is for a 25% match. This request is the remainder of the match. One more neighborhood public hearing is planned before determining a plan.

Councilor Haugh thanked them for the presentation and the administration for bringing forward. Vice President Smart asked how big the culvert is and suggested they consider a covered culvert, which would fit in the neighborhood.

A motion was made by Vice President Smart to Close the public hearing on measure number 15 132 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

15 118-Community Preservation Committee-Back River Trail-Town Landfill Improvements

A motion was made by Vice President Smart to open the public hearing on measure number 15 132 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Nick Bulens presented on behalf of CPC Chairman Flynn who is ill. The request is for matching funds that will be reimbursed at 50% from a federal grant (Land and Water Grant). It's a continuation of a 2005 plan to run a continuous trail along the Back River through Jackson Square to Iron Hill. Included in the packet provided are five letters of support from watershed and neighborhood associations. Design phase will occur in the current year and construction will begin in 2017.

The following are the comments from the public:

Robert Montgomery Thomas, 848 Washington Street asked if it is a federal or state grant. Mr. Bulens responded that it is administered by the state but funds come from the federal government. They will work with the state to receive reimbursement, but they have already funded the grant. Mr. Thomas asked if Rep. Murphy or the state delegation have been approached for funding?

A motion was made by Vice President Smart to close the public hearing on measure 15 132 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

COMMUNICATIONS AND REPORTS FROM MAYOR, TOWN OFFICERS AND TOWN BOARDS

15 134-Fire Department Overtime from Free Cash

Mr. Bulens requested on behalf of the mayor that the Town of Weymouth raise and appropriate the sum of \$330,000 from free cash for the purpose of funding the costs associated with an increase in usage of the Fire Suppression Overtime Account.

A Motion was made by Vice President Smart to refer item 15 134 to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Memorandum from Mayor Kay Regarding Measure 15 130-Fiscal Year 2016 Supplemental Budget

Mr. Bulens read the following memo from the Mayor into the record:

“Following my November 5, 2015 submission of the Fiscal Year 2016 Supplemental Budget and request for an intergovernmental appropriation relative to Southfield, the Town Auditor requested clarification of the funding sources within the measure to be voted by Town Council. We have subsequently conferred with representatives of the Department of Revenue, Southfield, the Town’s former Chief Financial Officer, and the Town’s Acting Financial Officer. Based on representations made by the Department of Revenue in the spring of 2015 when the annual operating budget was being prepared, the tax revenue to be collected from Southfield parcels was to be handled as an administrative pass-through from the Town to Southfield, and therefore, no appropriation would be required. In the event that the current Director of Accounts for the Department of Revenue reaches a different conclusion and requests an appropriation by the Town Council, we will revisit the issue. Accordingly, I hereby submit an amended motion for Measure 15 130 as follows:

Measure: That the sum of \$542,978 be raised and appropriated in the tax levy and the sum of \$35,142 be appropriated from the Insurance Receipts Reserved for Appropriation Fund (4902005-432017) for the purpose of funding the Fiscal Year 2016 Supplemental Operating Budget.

Thank you for your attention to this matter.”

At the request of President O’Connor, Mr. Bulens reported that the Council needed to take no action on the memo.

REPORTS OF COMMITTEES

Budget/Management Committee/ Chairman Michael Molisse

Chairman Molisse reported out on the Committee’s meeting earlier in the evening:

15 130-Fiscal Year 2016 Supplemental Budget

This matter was referred to the committee on November 9, 2015. The committee met on November 30, 2015 and voted to forward to the full Town Council with a recommendation for favorable action and was seconded by Councilor Mathews. A public hearing was held on November 30, 2016.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve item 15 130, Part Two, as amended; that the Town of Weymouth raise and appropriate the sum of \$542,978 in the tax levy and the sum of \$35,142 from the Insurance Receipts Reserved for Appropriation Fund for the purpose of funding the Fiscal Year 2016 Supplemental Operating Budget and was seconded by Councilor Mathews.

Councilor Hackett highlighted what the funding will accomplish, which includes adding staff to DPW to maintain investments to parks and staff to provide equitable usage of Legion Field; library books to meet the department’s accreditation; elections, and Special counsel for litigation. They were unable to make a large investment in public safety and

only a small investment to education. She thanked the administration for putting it forward, and requested that once the funds come in from Southfield they are kept aware as to how they are booked and expended.

UNANIMOUSLY VOTED

15 133-Fiscal Year 2016 Tax Classification

This matter was referred to the committee on November 19, 2015. The committee met on November 30, 2015 and voted to forward to the full Town Council with NO recommendation for action pending the close of the public hearing.

Vice President Smart reported that the recent override request that the residents were asked to consider would have provided them with additional services for the added tax they would pay. This request for a shift of 1.45% is asking the residents to pay additional taxes without any services added and is more like imposing a penalty. They heard loud and clear that the residents did not want an override and with a tax shift, it will add taxes of \$250-280 with no residential services and a potential of business opportunity. He does not support.

Councilor DiFazio reported that if the shift stays the same, the increase would be about the same as last year. With this recommendation, the residents will pay about \$50 more and commercial property will still go down. He questioned the need to swing the shift so far.

Councilor Haugh supported the shift. She noted the long-term goal is to have no shift like surrounding communities. She reviewed Weymouth's ten-year history and noted that Weymouth's average residential tax bill has not kept up with its neighbors. They need to look to the future of the town and this is a small price to pay. The rate is still the lowest on the South Shore and there is frustration that no additional services would be added but it sends a message to the commercial community. It is time for the residents to pay their fair share.

Councilor Harrington is in favor of the shift. A reduction to less is not warranted. The public wants improvement, but don't want to pay for them. The difference is not burdensome to anyone. The history of the tax levies indicates it's the lowest tax rate and dire financial conditions exist. It will depend on developing Southfield to its utmost potential. The SS Chamber of Commerce is in favor of this and the Southfield developer is not opposed to it. They need to create an atmosphere that is conducive to the development of Southfield. He will support it.

Councilor Mathews reviewed the recent shift history. Last year was excessive and it was an attempt to add a more fair shake to the commercial owners. A 50% shift for many years and then an excessive shift to 55% last year. He would like to see a more gradual approach to 50% that would not increase the burden significantly to the residents. He noted that Braintree has a higher rate and does not seem to have a problem attracting commercial development. The two issues with Weymouth are that it is largely built out and its proximity to highways. He would be more inclined to support a 50% shift that

would still be a reduction in taxes to commercial owners.

Councilor McDonald compared the rates of surrounding towns and their average assessments. He noted that Weymouth does not have empty storefronts because of the shift, but because it was built out before the rest of the South Shore was built up and noted its lack of access to highways. He agrees with a gradual shift. He noted that at a meeting with the Southfield developer, the shift was not posed as a problem with commercial development moving forward.

Councilor Molisse noted he was not in support of the shift. The public shot down an override request. The additional \$280 on the average home burdens homeowners and will not attract business. It is a zoning problem with the ability to attract commercial development.

President O'Connor reported that he is split on the issue. He understands the comments but doesn't see it as a tax increase; the burden is still shifting from residents to commercial owners. The Southfield developer will make allowances to attract business development regardless of the shift. The shift will not matter so much this year to Southfield. The vacant buildings are still owned and taxes are paid on them. The shift is not the only problem. It is not a raise in rates, but a shift of the burden. He will support the recommendation from 55% to 45%.

Councilor Mathews reported that he is a proponent of a gradual shift, but that 55% to 45% in a single year is too significant.

A motion was made by Councilor Mathews that the town approve an amended Classification Tax Rate shift of 1.50% for commercial, industrial and personal property with no residential exemption for FY 2016 and was seconded by Vice President Smart.

Councilor DiFazio reported that while he applauded Councilor Mathew's annual attempt to modify the shift, he doubted it will change the atmosphere and asked why put any burden on the residents? It is not enough for him. If it hasn't been proven to actually help, then don't change it from last year.

Councilor Harrington noted that the term "burdensome" is not appropriate to the discussion. It is not a significant change. Referring to it as an increase without benefit to the homeowner is a shortsighted approach. The immediate gain is not the goal.

Councilor Haugh reported that she will not support the motion. The proposal is a gradual attempt and her long-term goal is a flat tax rate. Weymouth will still have the lowest rate on the South Shore-she believes it is fair and reasonable.

President O'Connor reported that he agreed with Councilor Haugh that the town needs a long-term solution. The redeveloped areas are not up to par and this will not solve vacant storefronts. There are areas available to redevelop and room for redevelopment in other areas. As Southfield progresses this will become an issue. 1.50% is good; 1.45% would be better. It's not a tax increase but a shift of the burden. He will not support the motion.

A Roll Call vote was taken: Councilor DiFazio-No, Councilor Hackett-Yes, Councilor Harrington-No, Councilor Haugh-No, Councilor Mathews-Yes, Councilor McDonald-Yes, Councilor Molisse-No, Vice President Smart-Yes, President O'Connor-No. The Motion failed to carry, 5/4.

A Motion was made by Councilor Haugh that the Town of Weymouth approve a Classification Tax Rate shift of 1.45% for commercial, industrial and personal property taxes with no residential exemption and was seconded by Councilor Harrington.

Councilor Hackett reported she is in favor of a 1.5% shift and they have been hearing comments from the residents and the president of the Chamber of Commerce, and those advocating on behalf of Southfield. She is in favor of TIF's to accommodate the development of Southfield. She also noted that the Council is expected to vote the same night as the presentation and she believes they and the public need more input. She would want more residential input before supporting a move that drastic.

Councilor Mathews reported he would not support that dramatic a shift in one year and will support a more gradual approach.

Councilor Haugh asked if the vote must be taken tonight. Council President O'Connor reported that it is tied to getting the tax bills out on time. He had asked for more flexibility from the administration since they were in the same predicament last year. The Open Meeting Law prevented discussion among the Council.

Councilor Harrington noted they have to stop thinking of this in terms of today's costs but project five or tens years forward. They need to try to create an atmosphere to bring in business to provide services to the residents and this is not working to their benefit.

Vice President Smart noted it is misleading and he will not support. It is a significant increase and will not provide better services. They are still raising the same amount of taxes, just apportioning it differently. To say that 20¢ a day will make a difference is not accurate and he will not support the motion on the table.

Councilor Molisse also will not support. Everyone wants a better town; the residents were given the option to raise taxes through an override and defeated it. They can't vote the same increase to the residents as a Council.

Councilor McDonald suggested that Weymouth's commercial tax rate is not out of balance to similar surrounding towns. He is supporting 1.50% as the middle ground.

A Roll Call vote was taken: Councilor DiFazio- No, Councilor Hackett- No, Councilor Harrington- Yes, Councilor Haugh- Yes, Councilor Mathews- No, Councilor McDonald- No, Councilor Molisse- No, Vice President Smart- No, President O'Connor- Yes. Vote failed to carry 6/3.

A Motion was made by Councilor DiFazio that the Town of Weymouth approve a Classification Tax Rate shift of 1.55% shift for commercial, industrial and personal property taxes with no residential exemption for fiscal year 2016 and was seconded by

Vice President Smart.

A Roll Call vote was taken: Councilor DiFazio-Yes, Councilor Hackett-Yes, Councilor Harrington-No, Councilor Haugh-No, Councilor Mathews-No, Councilor McDonald-No, Councilor Molisse-No, Vice President Smart-Yes, President O'Connor-No. Vote failed to carry 6/3.

A Motion was made by Vice President Smart that the town of Weymouth approve a Classification Tax Rate shift of 1.50% for commercial, industrial and personal property with no residential exemption for fiscal year 2016 and was seconded by Councilor Mathews.

Councilor Mathews suggested there are other things to attract business, like a TIF's that were were proposed in the past. The developer was required to create and maintain a number of jobs through the life of the TIF. It was later revoked when the developer reneged. Late colleague Paul Leary was instrumental in that process. Councilor Mathews suggested he would be open to discussion of the process in future development negotiations.

Councilor Hackett suggested that the shift is only one impact on the lack of commercial development; Weymouth has no appreciable land for redevelopment. The town needs to have a comprehensive rezoning especially of commercial corridors and a permitting review process. She will support this compromise but they need to rezone Routes 18, 53 and 3A and soon.

President Mathews noted he will support and this shift will net and average savings to household of \$407.

Councilor DiFazio noted he still supports 1.55 but will support this 1.50 substitute motion in order to move the matter.

Councilor Haugh reported she understands the compromise but will not support it.

A Roll Call Vote was taken: Councilor DiFazio-Yes, Councilor Hackett-Yes, Councilor Harrington- No, Councilor Haugh- No, Councilor Mathews- Yes, Councilor McDonald-Yes, Councilor Molisse No, Vice President Smart- Yes, President O'Connor- Yes. Vote passed 6/3.

15 118-Community Preservation Committee-Back River Trail-Town Landfill Improvements

This matter was referred to the committee on November 9, 2015. The committee met on November 30, 2015 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on November 30, 2016.

On behalf of the Budget/Management Committee, a Motion was made by Councilor Molisse to approve item 15 118; that the Town of Weymouth raise and appropriate the sum of \$350,000 for the design and construction of the Back River Tail through the Town landfill as put forward by the Director of Planning & Community Development as

follows: \$300,000 from the CPC General Reserve Fund and \$50,000 from the CPC Unreserved Fund Balance Account and was seconded by Vice President Smart. UNANIMOUSLY VOTED.

15 132-Community Preservation Committee-Puritan Road Flood Mitigation/Ecological Resilience Project

This matter was referred to the Committee on November 16, 2015. The committee met on November 30, 2015 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on November 30, 2015.

On behalf of the Budget/Management Committee, a Motion was made by Councilor Molisse to approve item 15 132; that the Town of Weymouth raise and appropriate the sum of \$10,700 for the Puritan Road Flood Mitigation/Ecological Resilience project, as put forward by the Weymouth Department of Public Works from the Unreserved Fund Balance Account and was seconded by Vice President Smart. UNANIMOUSLY VOTED.

Ordinance Committee-Chairman Kenneth DiFazio

Councilor DiFazio reported that the Ordinance Committee met twice to deliberate the following measures:

15 090-Proposed Amendment to Animal Control Ordinance

Councilor DiFazio reported that the administration issued a letter on June 11, 2015 requesting the Section 6-700 through 6-801 of Code of Ordinances be deleted in its entirety and replaced with a proposed Animal Control Ordinance. The measure was referred to the Ordinance Committee on June 15, 2015. The committee met on September 14, 2015. At a public hearing on October 19, 2016, Animal Control Officer Michael Parker and Board of Health Director Daniel McCormack gave a presentation of the proposed changes to the committee. The committee met again on November 23, 2015 and voted to forward to the full Town Council with a unanimous recommendation for favorable action.

On behalf of the Ordinance Committee, a Motion was made by Councilor DiFazio that the Town of Weymouth delete Section 6-700 through 6-801 of the Code of Ordinances in its entirety and in substitution thereof, the following:

SECTION 6-700 NON-DOMESTICATED ANIMALS & DOMESTICATED ANIMALS

SECTION 6-701 Animals at Large

(a) No person shall suffer any horse, cattle, other grazing animals or fowl kept or controlled by him to run at large upon any of the streets or other places in the Town, either with or without a keeper.

SECTION 6-702 Displaying Non-domesticated Animals for Entertainment

(a) *Definitions:*

Animals - Any mammal, bird, reptile, amphibian, or fish with the exception of human beings.

Domesticated Animal - Any animal occurring naturally or historically in the United States, that through long association with humans, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation or other attributes of the species to the extent that makes it unique and different from wild animals of its kind. (aka not domesticated)

Wild Animal - Any animal occurring naturally and traditionally within the United States that is not a domesticated animal, livestock, or fowl.

Exotic Animal - Any animal not occurring naturally or historically in the United States. The phrase includes, but is not limited to, all manner of lions, tigers, leopards, jaguars, cheetahs, elephants, zebras, camels, giraffes, reptiles and any crossbreed of these animals other than fish or insects.

Education - Non-profit groups, institutions or individuals who engage in teaching and instructing with intent and the effect of imparting knowledge to others through oral presentations and/or written hand-outs (whose sole purpose is to teach without entertainment), or entity deemed educational by the Massachusetts Society for the Prevention of Cruelty to Animals.

Entertainment - Any organization which replicates the traditional wild animal circus in which wild animals are required to perform tricks or participate as accompaniments in performances for the amusement of an audience.

(b) No Living non-domesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or other similar entities on property owned by the Town of Weymouth, on Town-owned property under lease, or on private property. As used in this paragraph, “displayed” shall include, but is not limited to, animal acts or performances, animal rides and competitive animal races.

(c) This Ordinance shall not apply to domestic animals including, but not limited to, dogs, cats, horses and farm animals.

(d) This Ordinance shall not apply to exhibits deemed educational by the Town of Weymouth

SECTION 6-703 *Feeding of Wildlife*

(a) No person within the town shall feed any wildlife where posted.

(b) The Animal Control Officer or Police Officer is hereby authorized to seek a complaint against the person who is found to have violated the provisions of this Ordinance. Section 6-703 shall be subject to enforcement under the provisions of C. 40, s. 21D, by the fines of:

1. The penalty for the first violation shall be fifty dollars (\$50);
2. The penalty for the second violation shall be seventy-five dollars (\$75);
3. The penalty for the third and each subsequent violation shall be one-hundred dollars (\$100).

SECTION 6-704 *Keeping of Farm Type Animals/Fowl*

(a) Definitions:

ABUTTER: The owners or tenants of property which adjoin the lot upon which animals are to be kept and the shelter is within 100 feet of the abutters occupied dwelling.

REGULATED ANIMALS: swine, horses, cows, goats, sheep, burros, llamas, deer, chickens, ducks, or other fowl, or other farm type animals stabled outside homes within the Town of Weymouth.

*****ROOSTERS AND CROWING HENS ARE PROHIBITED*****.

STABLE: any building, enclosure, premises or portion thereof where regulated animals over twenty (20) pounds or more than 10 small animals (under 20 pounds), are kept

SMALL ANIMAL SHELTER: any building, enclosure, premises or portion thereof where regulated animals, (i.e. fowl & rabbits) under twenty (20) pounds, other than house pets, are kept. No more than 10 animals are allowed on site in a small animal shelter.

WETLAND: any wetland resource area as defined in 310 CMR 10.000 or other land defined as wetland with the Weymouth Conservation Department.

(b) No person shall keep or allow to be kept within the limits of this town, in any building, or on any premises of which he may be the owner, tenant, or occupant: swine, horses, cattle, goats, rabbits, fowl, ducks, poultry, ratites, camelids, sheep, or other regulated animals without a Livestock Permit granted by the Animal Control Officer.

(c) Livestock permit applicants must reside at the property, as well as, must provide the name, address, and telephone number of a competent caretaker, who;

1. resides within close proximity of the property
2. is capable of caring for the farm animals or fowl, and
3. is willing to care for the animals in an emergency.
4. if property is not owned by the applicant, the applicant must submit a notarized letter from the property owner giving permission to have livestock on the property.

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

(e) All Livestock Permit applications must be submitted with the application fee, the plot plan showing the location of the small animal shelter/stable and size of the shelter/stable, and the abutter notifications if applicable to the Weymouth Health Department. The Animal Control Officer and/or Health Agent will perform an inspection

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

(f) Applicants must make sure that the setbacks listed below are met and are shown on their site or plot plan for approval:

1. Small Animal Shelter:
 - a) 10 feet to an adjacent property line
 - b) 20 feet to adjacent dwelling (neighbor)
 - c) 100 feet from a wetland
 - d) 200 feet from high water mark of a source of drinking water or tributary thereof
 - e) 10 feet from occupied dwelling on permitted property

2. Stable:
 - a) 100 feet to an adjacent property line
 - b) 100 feet to adjacent dwelling
 - c) 100 feet from a wetland
 - d) 200 feet from high water mark of a source of drinking water or tributary thereof

(g) The Weymouth Animal Control Officer and/or Agent of the Health Department must visit the property before farm animals are brought on-site to determine the fitness of the property for housing farm animals. Such inspection shall consist of verifying the suitability of the site, the condition of the facilities, and the manure storage/odor abatement plan.

(h) Anyone requesting a permit under this section must notify direct abutters if applicable by certified mail or constable. Proof of notification must be submitted with application. Sample notification letter will be supplied with application.

(i) In those cases where abutters express significant concerns and /or objections, the permit shall not issue.

(j) Livestock Permits expire annually on December 31st and must be renewed on an annual basis with the appropriate fee established by this ordinance. Failure to renew may result in late fees and/or fines.

(k) The maximum allowable number of animals will be stated on the permit. The Animal Control Officer and/or the Health Department will determine the maximum allowable number of animals on a case by case basis.

(l) The construction of stables shall be in conformity with the Town of Weymouth Building Code and shall include but not be limited to the following:

1. There shall be at least two (2) windows in each stable.
2. There shall be adequate ventilation in each stable.

3. Each stall shall be no less than five (5) feet by ten (10) feet in size, or such larger size so as to allow the horse to have room to comfortably lie down or stand up.
4. There shall be adequate drainage either natural or artificial for urine or waste matter in every horse or pony stall
5. All flooring in any stable shall be acceptable to the Animal Control Officer and Health Department and be constructed in a manner to adequately drain.

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

(n) All manure shall be kept in a suitable pit or receptacles. No storage of manure will be allowed within one hundred feet (100') of any wetland. Manure shall be removed as necessary to eliminate odor or insect problems. The accumulation, stockpiling, and storage of manure outside of a pit or receptacle is prohibited.

(o) All animals must be confined to the permitted stable or small animal shelter. They shall not roam freely on the property.

(p) Adequate potable water supply must be available at all times.

(q) Upon inspection, if deficiencies are found by the Animal Control Officer or Health Department, either department may at its discretion issue fines or a written order to the person or persons having control of the premises to correct the deficiencies. A re-inspection will then be conducted to ensure compliance. Failure to comply may result in revocation or suspension of a permit, an order of removal of all animals and/or fines. The permit holder acknowledges that holding a permit allows the Animal Control Officer, Animal Inspector and or Health Department to inspect the property at any time. Failure to allow inspection is subject to permit suspension/revocation and or fines listed in the subsequent section.

(r) Any violation of this ordinance, the possession of a farm type animal(s) without a valid permit, or the possession of fowl(s) without a valid permit may result in a permit being suspended/revoked and or the following fines:

- | | |
|------------------|--|
| 1. 1st Violation | \$50.00 |
| 2. 2nd Violation | \$75.00 |
| 3. 3rd Violation | \$100.00 and or suspension or revocation of a permit |

Each day a violation exists shall be deemed to be a separate offense.

(s) The owner or operator of the premises where regulated animals are kept shall give written notice to the Animal Control Officer and the Health Departments if they request a hearing for the purpose of permit suspension, revocation, denial or refusal to renew a permit. This written notice shall be served through a certified letter sent return receipt requested or by constable. The Health Department shall hold the hearing no later than 21 days from the date the written notice is received.

(t) The annual fee for a Livestock Permit fee will be set in accordance with the Weymouth Code of Ordinances section 5-305 after review and consent of the Mayor.

SECTION 6-705 Dogs and Cats

(a) Leashing required; length of leash - No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless the dog is held firmly on a leash. The length of a leash shall not exceed six (6) feet when off the property of the owner or keeper. An owner or keeper may use a leash of a greater length to restrain a dog on the property of an owner or keeper, provided that the dog is securely confined to the premises of the owner or keeper.

(b) Disturbing the peace - No person shall own or keep within the Town any dog which by biting, barking, howling or in any other manner disturbs the peace and quiet of any neighborhood or endangers the safety of any person or domesticated or farm animal.

(c) Restrictions – Defecation - An owner or keeper of a dog shall remove, and dispose of any feces left by such dog on any sidewalk, street, park or other public area or on any private property which is not owned or occupied by such owner. If a dog defecates on property other than that of the owner or keeper, the owner or keeper of the dog is responsible for the immediate removal of the feces.

Feces shall only be disposed of at a place suitable and regularly reserved for the disposal of human feces or otherwise designated by the Board of Health, to include an amount of feces that can be disposed of in the regular trash located upon the property owned or possessed by the person in control of the dog, provided it is contained in a plastic or paper bag. It shall be unlawful for any person to allow dog feces to accumulate in any yard, pen, building, structure or premises so as to cause an annoyance or discomfort to the public.

Section 6-801 (c) of this Chapter shall not apply to a person who, by reason of a physical disability, is unable to comply with requirements of such a section.

(d) Penalties - The Animal Control Officer is hereby authorized to seek a complaint against the owner or keeper of a dog who is found to have violated the provisions of this Ordinance. This section shall be subject to enforcement under the provisions of C. 40, s. 21D.

1. The penalty for the first violation shall be fifty dollars (\$50);
2. The penalty for the second violation shall be seventy-five (\$75) dollars;
3. The penalty for the third and each subsequent violation shall be one-hundred (\$100).

Any person who violates any provisions of Chapter 6-801 section A through Q shall be subject to the penalties listed above.

(e) Order to restrain or muzzle; review of order by court - In addition to the foregoing penalties, the Animal Control Officer is also authorized and empowered to muzzle, restrain or order the owner or keeper of a dog to muzzle or restrain a dog pending a hearing before the Chief of Police as hereinafter provided, when the Animal Control Officer finds that a dog has bitten or threatened any person or domesticated farm animal; chased any vehicle upon any way open to public travel in the Town; or the owner had violated the provision of this Ordinance more than three (3) times. The owner or keeper of any dog that has been ordered to be restrained or muzzled under the provisions of this section may request the Animal Control Officer in writing to vacate such order. If such order is not vacated, the owner or keeper of such dog may bring a petition in District Court praying that the order of restraint may be reviewed by the court as provided in M.G.L C. 140, s. 157.

(f) Additional remedies - In addition to any other statutory authority as may be, including but not limited to M.G.L C. 140 the Animal Control Officer may, with the approval of the Chief of Police, enter a complaint before the said Chief for the purpose of obtaining an order with respect to the control of disposition of a dog found to be uncontrollable or whose owner or keeper is unresponsive to any other penalties contained in this Ordinance.

(g) Penalties in addition to license fee; In addition to the requirement that a dog shall be duly licensed as required by law, the owner of a dog which has not renewed a license before March 1st in any year shall be subject to a late fee penalty of Ten Dollars (\$10.00), any dog license renewed starting April 01 through December 31 shall be subject to a Twenty-five \$25.00 late fee in addition to the license fee.

(h) Duty of Animal Control Officer; registry required - It shall be the duty of the Animal Control Officer and every police officer to apprehend any dog found running around at large and to impound such dog in a facility approved by the Chief of Police. The Animal Control Officer upon receiving any dog shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, the name and address of the owner and the number of the license tag shall be recorded.

(i) Notice of impoundment; reclamation; charges - Not later than three (3) days after the impounding of any dog, the owner shall be notified, or, if the owner of the dog is unknown, written notice shall be posted for three (3) days at one (1) or more conspicuous places in the Town describing the dog and the place and time of taking. The owner of any dog so impounded may reclaim such dog upon payment of the costs and charges incurred by the Town for impounding and maintenance of such dog. Charges shall be paid to the facility which the dog was held. The daily rate for keeping of a dog shall be set by the approved facility holding the dog. Any owner/keeper not paying the facility will be fined the amount owed to the facility and if not paid within 21 days a criminal complaint will be filed in the district court.

(j) Rabies vaccinations - Whoever is the owner or keeper of a dog or cat six (6) months of age or older shall cause such dog and cat to be vaccinated against rabies by a

licensed veterinarian using a vaccine approved by the Director of Public Health. Such owner or keeper shall procure a veterinarian's certification that such dog and cat has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or notarized letter from a veterinarian that a certificate was issued, and a metal rabies tag bearing an expiration date indicating that such certification is still in effect. Unvaccinated dogs and cats acquired or brought into the Town shall be vaccinated within thirty (30) days after acquisition or entry into the Town or upon reaching the age of six (6) months, whichever comes later. The rabies tag shall be worn on a dog in the same manner as a dog license.

(k) Dogs on public beach- No person shall allow a dog owned or kept by him on any public beach within the Town, whether leashed or unleashed. Service dogs under close control of their owners wearing a valid dog license and certified as aid dogs shall be excluded from the provisions of this Section.

(l) Displaying of tags - All dogs within the Town of Weymouth shall at all times display on a collar the Town/City license tag in which the dog is licensed and a current Rabies Vaccination Tag.

(m) Failure to identify to Animal Control Officer/Law Enforcement - All owners/keepers of dogs or cats shall not refuse to identify or provide false information regarding their name, DOB, address and animal information to the Animal Control Officer, Constable or Police Officer.

(n) Posted Town of Weymouth Property - No person shall allow a dog onto any town property posted No Dogs Allowed whether leashed or unleashed. Service dogs under close control of their owners wearing a valid dog license and certified as aid dogs shall be excluded from the provisions of this Section.

(o) Animals left unattended in motor vehicle - No person shall allow any domesticated animal to be left unattended in a motor vehicle for more than five (5) minutes with the exception of a Police/Law Enforcement K9/Animal Control.

(p) Unattended Dogs - No person shall allow a dog to be unattended outside for more than two (2) hours unless the dog has access to food, water and enclosed shelter from the elements.

(q) Cats & Ferrets - No person, firm, organization or corporation shall keep or house within the Town of Weymouth, in any building, or on any premises on which he may be the owner, lessee, tenant, or occupant more than 3 cats or ferrets, not including kittens under 10 weeks old, unless such corporation/organization holds a valid Pet Shop License from the Massachusetts Division of Animal Health or is a registered Animal Shelter with the Massachusetts Division of Animal Health and has written approval from the Animal Control Officer or is a licensed veterinarian with the state of Massachusetts, veterinarians do not require written approval. Pet shops, animal shelters and veterinarians must be located on business zoned properties.

SECTION 6-800 – KENNEL LICENSES

SECTION 6-801 *Personal Kennel License*

1. Anyone wishing to keep more than four (4) dogs 3 months (13 weeks) or older must apply for a Personal Kennel License.
2. The maximum number of dogs allowed to be kept under a Personal Kennel License is six (6).
3. Any application for a personal kennel license shall be submitted to the Town Clerk's office on a form provided by the Town Clerk.
4. New applicants must have a ten foot (10) setback from where any kenneled animal is kept to an adjacent property line and a twenty (20) foot setback from anywhere a kenneled animal is kept to abutting habitable structure.
5. New applicants requesting a License must notify direct abutters by certified mail or constable. Proof of notification must be submitted with application.
6. Weymouth Police Animal Control Officer shall inspect the facility before the kennel license can be issued or renewed.
7. Each kennel license may be issued by the Town Clerk from January 1 until December 31 of the calendar year, and each kennel be charged in accordance with the town fee schedule
8. The personal kennel shall be maintained in sanitary condition.
9. The personal kennel shall not cause a nuisance to others (i.e. disturbing the peace, excessive barking, excessive odor indoor or outdoor, or cause vicious animal demeanor).
10. The animals within the kennel shall not be found at large, not under the control of the owner.
11. The kennel shall not cause a health or safety hazard to the animals within the kennel or to the general public, owner/operator of kennel.
12. All dogs within a personal kennel shall be vaccinated for Rabies and certificates must be produced for inspection when requested.
13. The annual fee for a Personal Kennel License will be set in accordance with the Weymouth Code of Ordinances section 5-305 after review and consent of the Mayor.

SECTION 6-802 *Commercial Kennel Licenses*

(a) New applications for a commercial kennel license shall be submitted to the Town Clerk's office, on a form provided by the Town Clerk, along with 2 copies of interior and exterior plans of the kennel, as well as, a plot plan.

(b) 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 Town of Weymouth's zoning and land use regulations.

(c) No new kennel license will be issued unless the Weymouth Police Animal Control Officer, Weymouth Health Department, Weymouth Building Department, and Town Clerk review and approve the application. All kennel license renewals must be inspected by the Weymouth Police Animal Control Officer before a kennel license can be renewed.

(d) Each kennel license may be issued by the Town Clerk from January 1 until December 31 of the calendar year, and each kennel shall be charged in accordance with the fee schedule at the end of this regulation

(e) All direct property abutters must be notified in writing of the intent to operate a Commercial Kennel and evidence of notification must be submitted with application. The abutter section applies to new kennel licenses only.

(f) The annual fee for a Commercial Kennel License will be set in accordance with the Weymouth Code of Ordinances section 5-305 after review and consent of the Mayor.

(g) Commercial Kennel Licenses shall be issued 35 dog tags, any dog on the property over 35 not covered under the kennel license shall have a town license tag from which the dog resides available for inspection upon request.

SECTION 6-803 Commercial Kennel Requirements

(a) Housing facilities for dogs shall be maintained in good repair and in a sanitary condition; to protect the dogs from injury or disease, to contain the dogs, to restrict the entrance of other animals; and location, construction, arrangement and operation shall not constitute a nuisance.

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

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

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

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

(f) Premises (buildings and grounds) shall be kept clean, sanitary and in good repair in order to protect the dogs from injury or disease. Premises shall remain free of accumulations of trash, feces, and the overgrowth of vegetation up to the property line or within 20 feet of the facility. Insects, parasites, rodents, and other pests shall be controlled effectively.

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

(h) All commercial kennels shall post Red Cross or similar animal CPR guidance in a conspicuous spot within the kennel.

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

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

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

SECTION 6-804 Indoor Commercial Kennel Requirements

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

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

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

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

- (e) Primary enclosures shall be so placed as to protect the animals from excessive sunlight.
- (f) The interior building surfaces of indoor housing facilities at commercial kennels shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned and sanitized.
- (g) 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 back-up. 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.
- (h) 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 (i.e. security/fire protection system/live video).
- (i) Commercial kennels shall have one person on-site at all times during normal business hours that is trained in Red Cross or similar (approved by the town) dog CPR and First Aid

SECTION 6-805 Outdoor Commercial Kennel Requirements

- (a) When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow dogs kept outdoors to protect themselves from the direct rays of the sun.
- (b) Whenever dogs are kept outdoors, they shall be provided with access to shelter to allow them to remain dry during rain, snow, or other adverse weather 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; run off 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.

SECTION 6-806 *Primary Enclosures for Commercial Kennels*

- (a) Primary enclosures shall be structurally sound and maintained in good repair so as to:
- (b) 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;
- (c) Provide sufficient space for each dog to turn about freely and to stand, sit and lie in a comfortable normal position; Have no sharp points or edges accessible to the dogs that could cause injury.
- (d) Animals housed in the same enclosure shall be maintained in compatible groups.
- (e) Sexually intact males and females shall not be housed in the same enclosure, except for breeding purposes requested by the owner in writing
- (f) Any dog exhibiting a vicious disposition shall be housed individually in a primary enclosure
- (g) Immature dogs shall not be housed in the same primary enclosure with adults other than their mother.
- (h) Animals of different species shall not be housed in the same primary enclosures.
- (i) Dogs shall not be placed in empty primary enclosures previously inhabited by other animals unless the enclosure has first been cleaned and disinfected.
- (j) Animals showing signs of contagious illness shall be removed from rooms and enclosures containing healthy animals and housed in a separate isolation room.
- (k) 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.
- (l) 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.
- (m) Dogs shall not be tied to fences or cages in lieu of being housed in primary enclosures.

SECTION 6-807 *Commercial Kennel Care Requirements*

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

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

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

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

(e) Feeding pans shall be durable, cleaned and sanitized daily.

(f) Disposable food receptacles may be used but must be discarded after each feeding.

(g) 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.

(h) 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.

SECTION 6-808 *Sanitation of Commercial Kennels*

(a) 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.

(b) Cages, floors, and hard surfaced pens or runs shall be sanitized at least once per day by washing them with hot water (180 degrees Fahrenheit) 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.

(c) Premises (buildings and grounds) 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.

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

(e) 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.

SECTION 6-809 Disease Control and Vaccination Requirements for Commercial Kennels

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

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

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

(d) All dogs within the kennel shall have current vaccinations for Rabies, Distemper and Bordetella

(e) If in the opinion of the Weymouth Police Animal Control Officer or the Director 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 Animal Control Officer or Director of Public Health.

SECTION 6-810 Administrative and Record Requirements of Commercial Kennels

(a) There shall be kept at each kennel or private shelter a record of all dogs received. Such record shall state the date each animal was received, description of animal, breed, age and sex of animal; name, address, contact information of person from whom acquired and vaccination records for each animal being kept. These records shall be kept for two (2) years.

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

(c) 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.

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

(e) Any incident involving dog bites either dog vs dog, dog vs person or injury requiring veterinarian care to a dog shall be reported to the Weymouth Police Animal Control Officer within 8 hours of the incident.

(f) Any dog is found deceased at a kennel must be reported to the Weymouth Police Animal Control when the dog is found by contacting the Weymouth Police Department.

SECTION 6-811 Right of Entry and Inspections of Commercial Kennels

(a) To the extent permitted by law, owners or operators shall authorize the Weymouth Animal Control Officer, Weymouth Animal Inspector, Weymouth Health Department, Weymouth Police Department, Weymouth Inspectional Services Department or other Law Enforcement Agency as authorized by law to enter, examine or survey the premises at any reasonable time for the purpose of compliance inspections, whether or not there is prior evidence of non-compliance. Agents may examine any pertinent records pertaining to this regulation. Refusal of entry for an agent or refusal of access to records may be grounds for an emergency suspension or revocation.

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

SECTION 6-812 General Enforcement

(a) These regulations may be enforced by the Weymouth Police Animal Control Officer, Health Department, Inspectional Services Department or the Police Department, except that only the Chief of Police, Animal Control Officer, and the Health Department may deny, revoke, suspend or modify permits of these regulations.

1. The grounds on which a license would be denied renewal, revoked, suspended, or modified pursuant to these regulations include, but are not limited to:

- (a) Refusal to permit a local, state, or governmental official to inspect the facility and any records pertaining to the operation of the kennel;
- (b) Interference with official in the performance of their duty;
- (c) A criminal conviction of the permit holder or employee relating to animal cruelty.
- (d) Failure of the licensee to maintain the proper records.
- (e) Failure to provide an adequate facility;
- (f) Failure to pay the required fees or assessed fines/penalties;
- (g) An unsanitary condition that may present a nuisance or threat to the public health;

- (h) The licensee and/or operator's substantial failure to comply with these regulations;
- (i) Keeping or submitting any misleading or false records or documents related to the operation of the kennel;
- (j) If any animal maintained under a kennel license under this chapter is found at large or out of the confines of the kennel or designated area.
- (k) If kennel is causing a public nuisance, disturbing the peace of other such as excessive barking or excessive odor. If a complaint is made in writing and investigated
- (l) Otherwise, enforcement action will be taken if the operation of the kennel creates a threat to animal health and safety or the health and safety of the general public.

These regulations may also be enforced through appropriate criminal or civil process under Massachusetts General Laws.

SECTION 6-813 Fines and Violations

(a) Each violation of Section 6-900 may result in the following fines and or suspension or revocation of a Kennel License and or an order to remove kennel animals. Section 6-900 is also enforceable under the provisions of M.G.L C. 40, s. 21D.

- 1. 1st offense seventy-fifty dollars (\$75);
- 2. 2nd offense one-hundred fifty dollars (\$150);
- 3. 3rd offense shall be three hundred (\$300).

Each day the violation exists shall be deemed a separate offense

The Motion was seconded by Vice President Smart. UNANIMOUSLY VOTED.

Public Works Committee-Chairman Arthur Mathews

Councilor Mathews reported that the Public Works Committee met on November 23, 2015 to deliberate the following measure:

15 128-Release of Easement-Ford Road

This matter was referred to the committee on November 9, 2015. The committee met on November 23, 2015 and voted to forward to the full Town Council with a recommendation for favorable action and was seconded by Councilor Mathews. He noted passage requires a two-thirds vote of council.

On behalf of the Public Works Committee, a Motion was made by Councilor Mathews to approve item 15 128; that the Town of Weymouth Pursuant to General Laws Chapter 40, Section 15 and Section 2-206 of the Town's General Ordinances release any interest that the Town of Weymouth may hold in an easement across 0 Ford Road in Weymouth, Massachusetts which was taken for the benefit of the Town of Weymouth by an Order of Taking by the Commonwealth of Massachusetts Department of Public Works by Layout No. 4581, dated July 23, 1957, recorded with the Norfolk Registry of Deeds in Book 3578, Page 157, shown as "Parcel No. 2-10T Hugh A. Gillis Est. Area = 14,385 SF," with said taking done in connection with the layout of the Southeast Expressway, and

further, that the Mayor and Director of Public Works be authorized to execute any documents necessary to implement this measure. The motion was seconded by Vice President Smart. UNANIMOUSLY VOTED.

ADJOURNMENT

The next meeting of the Town Council is scheduled for Monday, December 7, 2015.

At 9:37 PM, there being no further business, a Motion was made by Vice President Smart to Adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary.

Approved by Council President Patrick O'Connor

Voted unanimously on 19 January 2016