

Date Special Permit was granted by Belmont Planning Board _____

Applicant must attach a copy of the relevant kennel/day care Planning Board Decision

Maximum animal capacity as determined by Planning Board:

- Overnight Boarding: _____
- Day Care: _____

Total Square Footage used for animal boarding: _____

Designated Floor(s) used for animal boarding: _____

Square Footage used for animal day care: _____

Designated Floor(s) in facility used for animal day care: _____

How many rooms will be used for animal day care: _____

I have received, read, and understand the Town of Belmont Zoning By-Law Sections 1.4 and 3.3 and General Bylaws §60-200 and §60-205 (available in entirety at www.belmont-ma.gov and an excerpt of the General Bylaw is printed and attached hereto), pertaining to animals and kennels. I will operate this kennel in compliance with Belmont Zoning and General Bylaws.

Printed Name of Owner Applicant

Signature of Owner Applicant

Date

Application Review Process: This application, with a check for \$150 made payable to *Town of Belmont*, must be submitted to the Town Clerk's office (Town Hall 455 Concord Avenue). Once application is received, an inspection of your facility will then be arranged by the Health Department and abutters to the property will be notified. Abutters may offer comments to the Town Clerk for fourteen days. The Application, the Kennel Inspection Report and any comments received will be considered by the Town Clerk. You will be notified whether or not your kennel license is granted. If the license is not granted, you will be notified the reason for denial of the license and the remedies you can pursue. Applications for renewal of an existing Kennel License should be submitted annually by March 15th; renewal applications received after March 15th are subject to an additional fee.

Attachment: Belmont General Bylaws

- §60-205 Kennels
- Extract from §60-200 Pets and Other Animals

Checklist for Submission:

- Completed application
- Payment of \$150.00
- Copy of the Belmont Planning Board Decision allowing a kennel
- Workers' Comprehensive Insurance Affidavit: General Business & Copy of Declaration Page showing policy number and expiration date
- Massachusetts Department of Revenue – Revenue Enforcement and protection (REAP) Attestation

Belmont Bylaw § 60-205. Kennels.

A. Definitions. As used in this Section, the following words and terms have the following meanings:

KENNEL — A pack or collection of dogs on a single property, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel, or veterinary kennel, as defined in MGL c. 140, § 136A .

KENNEL INSPECTOR — The Town's Animal Control Officer, the Police Chief, or such other qualified party as may be designated by the Board of Selectmen.

KENNEL LICENSE — An annual license permitting a Kennel to operate within the Town, issued to a Kennel that has demonstrated compliance with the requirements of this Section.

LICENSE PERIOD — The time between January 1 and the following December 31, both dates inclusive.

B. Licenses; Fees; Requirements; Violations.

- (1) No person shall operate a Kennel within the Town without first obtaining a Kennel License from the Town Clerk in accordance with the provisions of this Section. Possession of a Kennel License shall not demonstrate compliance with any other provision of the Bylaws of the Town of Belmont.
- (2) The Town Clerk shall determine the amount of the non-refundable fee for a Kennel License for each License Period. The Town Clerk may charge an increased fee for applications for Kennel License renewals received after March 15 for that License Period.
- (3) The location and operation of any Kennel shall be appropriate for housing the number of dogs allowable under the terms of its Kennel License and may not be detrimental to the health and safety of dogs or persons.
- (4) All Kennels shall be operated in a safe, sanitary, and humane condition, as provided in MGL c. 140, § 137C.
- (5) No Kennel may keep more than 25 dogs on the premises at any time. Dogs that are on the premises for grooming, but not for overnight boarding, or, for medical or surgical treatment or observation, shall not be counted in this number.
- (6) No Kennel may contract with security dog firms or other businesses to board protection or security dogs, or dogs in training to be protection or security dogs on the premises. A security dog kept on the premises for the Kennel's own security purposes is permitted.
- (7) Kennel operations, including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in a prescribed outdoor area.
- (8) Every Kennel shall at all times keep and maintain accurate records of the number and identities of all dogs kept on the premises, and the identities of persons who have purchased dogs from the Kennel.
- (9) In addition to the requirements of this Section, the provisions of § 60-200C and Article 6 of this Chapter shall apply to all Kennels.
- (10) Except as otherwise provided in this Paragraph, any violation of this Section shall result in a fine of \$50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of \$100 per such violation. A person maintaining a Kennel after the Kennel License therefor has been revoked, or while such Kennel License is suspended, shall be punished by a fine of not more than \$250. Violations shall be administered in accordance with the provisions of MGL c. 140, § 173A.

C. Application Process; License Issuance; Renewals.

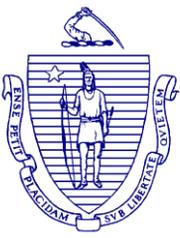
- (1) Any person or entity seeking a Kennel License or renewal or reinstatement thereof shall complete and submit to the Town Clerk a Kennel License application, in a form prescribed by the Town Clerk. The application shall include a statement that the applicant acknowledges receipt of a copy of the provisions of this Section and agrees to comply with all applicable provisions.
- (2) Upon receipt of a completed application, the Town Clerk shall so notify the Kennel Inspector who shall forthwith conduct an inspection of the applicant's Kennel as provided in Subsection (D). The Town Clerk shall also give notice of the application to direct abutters to the proposed Kennel location and provide such abutters 14 days to submit written comments on the application.
- (3) The Town Clerk shall review the completed application, all comments received within 14 days of the notice to abutter given pursuant to Paragraph (2), and the Kennel Inspector's report. The Town Clerk shall determine whether the proposed Kennel is in compliance with the requirements of this Section and MGL s. 140, §§ 137C and 137D and, if so, shall issue a Kennel License to the applicant. If the Town Clerk finds that the proposed Kennel is not in compliance with such requirements, the Town Clerk shall deny the application and state the reasons for such denial.
- (4) Any application for renewal of a Kennel License shall be submitted to the Town Clerk on or before March 15 for that License Period.

D. Inspections. The Kennel Inspector, the Police Chief, the Board of Selectmen, or the Town's Animal Control Officer may at any time inspect a Kennel or cause the inspection of a Kennel to ascertain whether the Kennel complies with the requirements of this Section and applicable state statutes.

E. Suspension or Revocation of Kennel License; Reinspections.

- (1) If the Town Clerk denies a Kennel License application or renewal application, the applicant or Kennel License holder may request a reinspection of the proposed Kennel after reasonably demonstrating to the Kennel Inspector that the proposed Kennel has been brought into compliance with the requirements of this Section and applicable state statutes. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the proposed Kennel and make a report to the Town Clerk, who shall, within a reasonable time, review the application in accordance with Subsection (C). The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.
- (2) If the Kennel Inspector, Police Chief, Board of Selectmen, or the Town's Animal Control Officer inspects or causes to be inspected a Kennel and, in the judgment of the person or entity that performed the inspection, the Kennel operator is not maintaining the Kennel in compliance with this Section and applicable state statutes, then the Kennel Inspector, Police Chief, Board of Selectmen, or the Town's Animal Control Officer shall, by order, revoke or suspend the Kennel License, in accordance with MGL c. 140, § 137C.
- (3) If a Kennel License is suspended, the Kennel License holder may apply for reinstatement by requesting a reinspection of the Kennel after reasonably demonstrating to the Kennel Inspector that the Kennel has been brought into compliance with this Section and applicable state statutes, and that the License Holder has satisfied the terms of the suspension order. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the Kennel and make a report to the Town Clerk who shall, within a reasonable time, review the application in accordance with Subsection (C). The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.
- (4) If a Kennel License is revoked, the Kennel License holder may apply for a new Kennel License in accordance with Subsection C. The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.

F. Petitions to Declare a Kennel a Nuisance. Any group of 25 citizens may file a petition with the Board of Selectmen setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs maintained in the Town due to excessive barking or other conditions connected with a Kennel constituting a nuisance, as provided in MGL c. 140, § 137C. The Board of Selectmen shall request that the Kennel Inspector investigate and provide a report for the parties' review prior to the public hearing provided in MGL c. 140, § 137C.



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 1 Congress Street, Suite 100
 Boston, MA 02114-2017
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: _____

Address: _____

City/State/Zip: _____ Phone #: _____

Are you an employer? Check the appropriate box:

- 1. I am a employer with _____ employees (full and/ or part-time).*
- 2. I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
- 3. We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
- 4. We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

- 5. Retail
- 6. Restaurant/Bar/Eating Establishment
- 7. Office and/or Sales (incl. real estate, auto, etc.)
- 8. Non-profit
- 9. Entertainment
- 10. Manufacturing
- 11. Health Care
- 12. Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: _____

Insurer's Address: _____

City/State/Zip: _____

Policy # or Self-ins. Lic. # _____ Expiration Date: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: _____ Date: _____

Phone #: _____

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

- 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
- 6. Other _____

Contact Person: _____ Phone #: _____

Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an **employee** is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An **employer** is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "**every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required.**" Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
1 Congress Street, Suite 100
Boston, MA 02114-2017

Tel. # 617-727-4900 ext 7406 or 1-877-MASSAFE

Fax # 617-727-7749

www.mass.gov/dia

MASSACHUSETTS DEPARTMENT OF REVENUE

REVENUE ENFORCEMENT AND PROTECTION (REAP) ATTESTATION

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

-
- Signature of Individual or Corporate Name (Mandatory)

-
- By: Corporate Officer (Mandatory, If Applicable)

**Social Security # (Voluntary) or
Federal Identification Number

- This license will not be issued unless this certification clause is signed by the applicant.

**Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of Mass. General Law c. 62C s. 49A.