

*Minutes of the
Special Fall Town Meeting
of the
Town of Essex*

The November 13, 2017 Special Fall Town Meeting of The Town of Essex held at the Essex Elementary School Cafetorium was called to order at 7:34 p.m. by Moderator Rolf P. Madsen. A quorum of 124 voters was present at the time.

The following people were appointed as tellers: Wendy Fossa, Dawn Burnham, Tina Estes and Vickie Cataldo.
There were no objections to the tellers appointed.

The Moderator then called for the attendance to recite the Pledge of Allegiance.

A moment of silence was observed in memoriam of those town officials who have passed since the last Town Meeting: Ronald W. Pereen, Sr., Arnold "Pick" Thistlewood, Valerie Symonds, Al Chiancola and Arlene H. Pizzo.

The Moderator then presented the Years of Service Awards.

20 Years:
Firefighter Daniel Ball
Sergeant Paul Francis
Town Administrator Brendhan Zubricki

30 Years:
Deputy Chief Ramie Reader
Firefighter Sean Reed

45 Years:
Firefighter Westley Burnham

The Volunteer and Employee of the Year awards were presented next. The 2017 recipients are:

Volunteers of the Year:
Robert Brophy
Kay Joseph

Employee of the Year
Brendhan Zubricki

A motion was made and seconded to waive the reading of the warrant.

Voted Unanimously.

ARTICLE 1: GENERAL BYLAW AMENDMENT – FALL TOWN MEETING DATE

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to amend Section 2-1.1a of the Town bylaws relating to the date of the Fall Town Meeting as shown in Article 1 of the Town Meeting warrant.

Voted Unanimously.

Text of Article 1 as shown in the Town Meeting Warrant:

ARTICLE 1

To see if the Town will vote to amend Section 2-1.1a of the Town bylaws, which presently reads:

2-1.1a FALL TOWN MEETING. A fall town meeting shall be held in November, exactly two Mondays preceding Thanksgiving, and shall begin not earlier than 7:30 p.m.

by deleting the existing text and replacing it with the following:

2-1.1a FALL TOWN MEETING. A fall town meeting shall be held in November, exactly two Mondays preceding Thanksgiving, unless that Monday is the day that Veterans’ Day is observed by the Commonwealth of Massachusetts in a particular year, in which case the date of the Fall Town Meeting shall be chosen by the Board of Selectmen. The Fall Town Meeting shall begin not earlier than 7:30 p.m.

; or take any other action relating thereto.

ARTICLE 2: FREE CASH TRANSFER FOR CONOMO POINT MANAGEMENT

Motion made by David A. Doane, duly seconded, that the Town vote to transfer from free cash the sum of \$50,000 for the management of property at Conomo Point including but not limited to renovation, demolition, and management of structures and maintenance and outfitting of all outdoor areas.

Voted by the Majority.

ARTICLE 3: TRANSFER PROPERTIES FROM PURPOSES OF LEASE TO GENERAL MUNICIPAL PURPOSES

Motion made by Andrew C. Spinney, duly seconded, that the Town vote to transfer the following, Town-owned property from the Board of Selectmen, acting as Conomo Point Commissioners, which property is currently held for purposes of lease, to the Board of Selectmen, acting as Conomo Point Commissioners, for general municipal purposes:

9 Beach Circle, Map 108, Lot 80

Declared 2/3rds Vote.

ARTICLE 4: AUTHORIZATION TO PETITION BEACON HILL FOR SPECIAL LEGISLATION – APPOINTMENT OF RETIRED POLICE OFFICERS TO PERFORM DETAILS

Motion made by Andrew C. Spinney, duly seconded, that the Town vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth in Article 4 of the Town Meeting warrant, to allow police officers retiring from the Town of Essex to work police details; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Voted by the Majority.

Text of Article 4 as shown in the Town Meeting Warrant:

ARTICLE 4

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below, to allow police officers retiring from the Town of Essex to work police details; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further

that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS IN THE TOWN OF ESSEX.

Be it enacted, etc., as follows:

SECTION 1. Subject to the approval of the Board of Selectmen, the Chief of Police may appoint to serve at his pleasure, as he deems necessary, retired Town of Essex police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work. Such retired police officers must have been regular full time Town of Essex police officers who voluntarily retired from the town and not elsewhere based upon superannuation. The special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of General Laws. Such special police officers must, prior to their appointment, pass a medical examination by a physician chosen by the town, to determine that they are capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officers, and shall provide certification to the town that they are covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws or to section 99A of chapter 41 of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and to perform other police functions as do regular police officers of the town of Essex.

SECTION 4. Special police officers shall be appointed for an indefinite term to serve at the pleasure of the Police Chief, subject to removal by the Police Chief at any time with a 14-day written notice.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Chief of Police of the town of Essex, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing requirements, regarding uniforms and equipment. Compliance with all requirements will be at no cost to the town of Essex. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the town clerk who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate either when a physician designated by the town determines that the disability no longer exists or when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided here in to special police officers, shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special police officer.

Special police officers appointed under this act shall not be subject to section 85H or 85H1/2 of said chapter 32, nor eligible for any benefits pursuant thereto.

SECTION 8. Appointment as a special police officer under this act shall entitle any individual appointed as such to assignment to any detail. Special police officers shall be paid the detail rate applicable to regular full-time officers but shall not be entitled to any other town benefits.

SECTION 9. Retired Essex police officers, serving as special police officers under this act, shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. This act shall take effect upon its passage.

; or take any other action relating thereto.

ARTICLE 5: ZONING BYLAW CHANGE – TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to amend the Town's Zoning Bylaw by adding a new Section 6-14, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, as shown in Article 5 of the Town Meeting warrant, which would temporarily prohibit the use of land for commercial recreational marijuana establishments so that the Planning Board has sufficient time to study the issue and determine what, if any, zoning bylaw should be adopted.

Declared 2/3rds Vote.

Text of Article 5 as shown in the Town Meeting Warrant:

ARTICLE 5

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 6-14, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, which would temporarily prohibit the use of land for commercial recreational marijuana establishments so that the Planning Board has sufficient time to study the issue and determine what, if any, zoning bylaw should be adopted, as set forth below

6-14 TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS

6-14.1 *PURPOSE*

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as

well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

6-14.2 *DEFINITION*

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

6-14.3 *TEMPORARY MORATORIUM*

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

; or take any other action relating thereto.

ARTICLE 6: ZONING BYLAW CHANGES – CORRECTION OF TYPOGRAPHICAL ERRORS

Motion made by Westley Burnham, duly seconded, that the Town vote to amend the Town’s Zoning Bylaws to correct certain typographical errors as shown in Article 6 of the Town Meeting warrant.

Voted Unanimously.

Text of Article 6 as shown in the Town Meeting Warrant:

ARTICLE 6

To see if the Town will vote to amend the Town’s Zoning Bylaws to correct certain typographical errors as follows:

1. In Section 6-5.5 change the reference to “Section 6-5.14” to “Section 6-6.3”, so that the last sentence of that section reads “Any driveway must conform to the requirements of Section 6-6.3 and shall not be within 10 feet of a side or rear lot line, nor pass within 20 feet of a residential structure that such driveway does not serve.”
2. In Section 6-5.8, change the reference to “subsection 6-3.6” in subsection d to “Section 6-2.2 Definitions”, so that subsection d reads “Junk yards, as defined in Section 6-2.2 Definitions shall not be permitted in the town.”
3. In Section 6.5-10, change the reference to “subsection 6-6.1” to “Section 6-3.2”, so that the section reads “Where dimensional or other requirements for a use of a lot are influenced by the land use on adjoining lots, any adjoining lot not occupied by a use specified in subsection 6-3.2 of this chapter shall assume the character of the lot being influenced for purposes of determining the aforementioned requirements.”

4. In Section 6-3.5, change the title of the subsection following subsection 6-3.5.2 from “6-3.4.4 Criteria” to “6-3.5.3 Criteria”; and
5. In Section 6-5.11 change the reference to “paragraph c” in subsection b to “paragraph d”, so that subsection b reads “There shall be no change in the outside appearance of the building or premises, except as provided by paragraph d below, or other visible conduct of such home occupation other than one sign as permitted accessory use.”

; or take any other action relating thereto.

ARTICLE 7: TRANSFER FROM PEG ACCESS AND CABLE RELATED FUND

Motion made by Lisa J. O’Donnell, duly seconded, that the Town vote to transfer from the special revenue fund known as the PEG Access and Cable Related Fund the sum of \$80,000 for the design and construction of a Municipal Fiber Optic Network, or anything incidental or related thereto.

Voted Unanimously.

ARTICLE 8: TRANSFER FROM FREE CASH TO CUSTODIAN WAGES LINE ITEM

Motion made by David A. Doane, duly seconded, that the Town vote to transfer from free cash the sum of \$12,000 to increase the Custodian Wages budget line item in the Town Property budget, as voted under Article 10 at the May 1, 2017 Annual Town Meeting, from \$20,254 to \$32,254.

Voted Unanimously.

ARTICLE 9: TRANSFER FROM FREE CASH TO PURCHASE & EQUIP A POLICE CRUISER

Motion made by David A. Doane, duly seconded, that the Town vote to transfer from free cash the sum of \$40,000 to purchase and equip a police cruiser and to authorize the Board of Selectmen to dispose of the cruiser being replaced by the purchase by sale or trade.

Voted by the Majority.

ARTICLE 10: TRANSFER FROM FREE CASH TO OPEB TRUST FUND

Motion made by Benjamin Buttrick, duly seconded, that the Town vote to transfer from free cash the sum of \$100,000 to fund the Town’s Other Post-Employment Benefits (OPEB) Trust Fund.

Voted Unanimously.

ARTICLE 11: GENERAL BYLAW AMENDMENT – REVOLVING FUNDS

Motion made by Andrew C. Spinney, duly seconded, that the Town vote to amend Section 2-26 Revolving Funds of the Town bylaws as shown in Article 11 of the Town Meeting warrant.

Voted Unanimously.

Text of Article 11 as shown in the Town Meeting Warrant:

ARTICLE 11

To see if the Town will vote to amend Section 2-26 Revolving Funds of the Town bylaws as follows (deletions shown in cross out):

2-26 Revolving Funds

There are hereby established in the Town of Essex pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

Revolving Fund	Spending Authority	Revenue Source	Allowed Expenses
Animal Control Officer	Board of Selectmen	Payments from dog owners seeking to claim impounded dogs	Compensating the ACO for the care of impounded dogs and reimbursing the ACO for all associated expenses
Board of Health – Youth Triathlon	Board of Health	Donations, grants and fees collected for the youth triathlon	Purchase of supplies and services for planning and execution of the Annual Youth Triathlon
Board of Health – Health, Safety and Emergency	Board of Health	Donations, grants and fees collected for the purpose of health, safety and/or emergency planning, preparation and education	Purchase of supplies and services for the purpose of health, safety and/or emergency planning, preparation and education
Board of Health – Public Health Nurse	Board of Health	Medicare and other reimbursements relating to contracted labor, pharmaceuticals and other reimbursements relating to the services of the Public Health Nurse	Purchasing supplies and pharmaceuticals for the Public Health Nurse and for Public Health nurse labor

Expenditures from each revolving fund shall be subject to the limitations established by Town Meeting, and to any additional limitations as otherwise set forth in General Laws Chapter 44, §53E½; or take any other action relating thereto.

ARTICLE 12: GENERAL BYLAW AMENDMENT – NON CRIMINAL DISPOSITION

Motion made by Lisa J. O’Donnell, duly seconded, that the Town vote to amend the General Bylaws by adding to the bylaws general language relative to enforcement of the bylaws through non-criminal disposition, as shown in Article 12 of the Town Meeting warrant, with the revision that the language be placed at the end of Section 2-21, as opposed to as new Article 4-17, and that all references to Section 4-17 in the warrant article language be deleted.

Discussion ensued.

Motion made by Lisa O’Donnell, duly seconded, to amend the motion by specifically deleting 4-17.1 and 4-17.2 shown in the warrant.

Amendment carries.

Motion made by Westley Burnham, duly seconded, to indefinitely postpone action on Article 12 of the 2017 Fall Town Meeting.

Motion carries.

Text of Article 12 as shown in the Town Meeting Warrant:

ARTICLE 12

To see if the Town will vote to amend the General Bylaws by adding a new Article 4-17 relative to enforcement of bylaws through non-criminal disposition, as set forth below:

4-17 NONCRIMINAL DISPOSITION

4-17.1 *ENFORCEMENT BY NONCRIMINAL DISPOSITION.* Any bylaw of the Town of Town of Essex, or rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The non-criminal fine for each such violation, if not otherwise specified, shall be \$300.

4-17.2 *DEFINITION.* “Enforcing person” as used in this bylaw, shall mean: any Town of Essex police officer with respect to any offense; as well as the Building Inspector and his designee, the members of the Conservation Commission and its designee, the members of the Board of Health, its Health Agent or other designee, the Animal Control Officer, the Harbormaster, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

; or take any other action relating thereto.

ARTICLE 13: GENERAL BYLAW – DOG WASTE

Motion made by David A. Doane, duly seconded, that the Town vote to establish a new Section 3C to Chapter 4-16 of the Town’s general bylaws dealing with dog waste, as shown in Article 13 of the Town Meeting warrant.

Motion carries.

Text of Article 13 as shown in the Town Meeting Warrant:

ARTICLE 13

To see if the Town will vote to establish a new Section 3C to Chapter 4-16 of the Town’s general bylaws dealing with dog waste, as set forth below:

4-16.3C. Removal and Disposal of Dog Waste

It shall be the duty of each person owning or having the care, custody, or control of any dog to remove and properly dispose of, in a sanitary manner, any feces left by such dog upon any sidewalk, street, thoroughfare, beach, or wetland, in or upon any public property, or in or upon the property of persons other than the owner or persons having the care, custody, or control of such dog. Anyone having the care, custody, or control of a dog in a public place where dogs are allowed shall have in their possession a device or equipment to pick up and remove dog feces. Individuals with disabilities aided by service dogs and law enforcement, emergency or rescue officials with dogs carrying out official duties are exempt from this section.

; or take any other action relating thereto.

The Animal Control Officer or any Town of Essex police officer may seize and impound any dog found outside of its enclosure in violation of this Bylaw or any order issued by the Animal Control Officer, the Board of Selectmen or a court.

The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

; or take any other action relating thereto.

ARTICLE 16: COMMUNITY PRESERVATION COMMITTEE – HISTORIC PRESERVATION PROJECTS

Motion made by Lisa J. O'Donnell, duly seconded, that the Town vote to transfer from the Historic Preservation reserve of the Community Preservation Fund the sum of \$10,000 to replace the footings for the two historic lamp posts in front of Town Hall, including any necessary electrical work or work appurtenant thereto, and to restore and preserve the decorative artwork on the historic safe doors that are mounted in the lobby of Town Hall.

Voted Unanimously.

ARTICLE 17: TRANSFER FUNDS FROM WASTEWATER FREE CASH TO SEWER ENTERPRISE FUND MAINTENANCE

Motion made by Paul Rullo, duly seconded, that the Town vote to transfer from Wastewater Free Cash the sum of \$20,000 to be added to the Sewer Enterprise Fund Maintenance line item for fiscal year 2018, as voted under Article 11 of the May 1, 2017 Annual Town Meeting.

Voted Unanimously.

ARTICLE 18: TRANSFER FUNDS FROM FREE CASH TO STORM WATER COMPLIANCE EXPENSE

Motion made by Paul Rullo, duly seconded, that the Town vote to transfer from free cash the sum of \$5,000 to be added to the Department of Public Works' Storm Water Compliance Expense budget line item for fiscal year 2018, as voted under Article 10 of the May 1, 2017 Annual Town Meeting.

Voted Unanimously.

ARTICLE 19: TRANSFER FROM FREE CASH TO REPLENISH POLICE DEPARTMENT LINE ITEMS

Motion made by Benjamin Buttrick, duly seconded, that the Town transfer from free cash the following sums to the following Police Department budget line items for fiscal year 2018: Sick Leave Buyback - \$13,809, Inservice Training Expense - \$4,500, Uniform Allowance - \$2,500, and Part-Time Police Salaries - \$22,349; all to be added to the amounts voted under Article 10 of the May 1, 2017 Annual Town Meeting.

Voted by the Majority.

ARTICLE 20: ESTABLISHMENT OF A TOWN HALL/LIBRARY REPAIR & MAINTENANCE FUND

Motion made by Rob Fitzgibbon, duly seconded, that the Town vote to establish a new Stabilization Fund known as the Town Hall/Library Repair and Maintenance Fund and to transfer from free cash the sum of \$20,000 to be added to said Fund.

Voted Unanimously.

ARTICLE 21: FREE CASH TRANSFER TO CAPITAL IMPROVEMENT FUNDS

Motion made by Michelle Dyer, duly seconded, that the Town vote to transfer from free cash the sums of \$20,000 to be added to each of the following funds: the Town's building capital improvements fund; the Town's recreational capital improvements fund; and the Town's purchase of vehicles and major equipment that qualify as capital purchases fund; for a total appropriation of \$60,000.

Voted Unanimously.

ARTICLE 22: FREE CASH TRANSFER TO FINANCE COMMITTEE RESERVE FUND

Motion made by Michelle Dyer, duly seconded, that the Town vote to transfer from free cash the sum of \$30,000 to the Finance Committee's Reserve Fund for fiscal year 2018.

Voted Unanimously.

ARTICLE 23: TRANSFER FROM FREE CASH TO STABILIZATION FUND

Motion made by Michelle Dyer, duly seconded, that the town vote to transfer from free cash the sum of \$50,000 to be added to the Town's Stabilization Fund.

Voted Unanimously.

ARTICLE 24: UNPAID WAGES FROM PAST FISCAL YEARS

Motion made by David Gabor, duly seconded, that the Town vote to transfer from free cash the sum of \$483.77 for unpaid wages for a past fiscal year.

Voted Unanimously.

A motion was made and duly seconded to adjourn the meeting.

Voted Unanimously.

A True Copy.

Attest: _____
Christina J. St.Pierre, Town Clerk

- e. Further, the Town Clerk will charge a late fee of Fifteen Dollars to obtain an individual or Kennel License after July 1st of any calendar year. All money received from issuance of dog licenses by the Town of Essex, or recovered as fines or penalties by said Town under provisions of Chapter 140 relating to dogs, shall be paid into the Treasury of the town and thereafter shall not be paid over by the Town Treasurer to Essex County.

PROPOSAL FOR KENNEL LICENSING REVISIONS HANDOUT – FALL TOWN MEETING, 2017

4-16.6 *LICENSING.*

- A. All dogs 6 months or over must be licensed, individually or via a kennel license, and tagged. The registering, numbering, and licensing of dogs, if kept in the Town of Essex, shall be conducted in the office of the Town Clerk.
- B. The annual License Period shall run from April 1st to March 31st of each calendar year.
- C. The annual fees to be charged by the Town of Essex for the issuance of licenses for dogs shall be:

Males and Females	\$24.00
Neutered Males and spayed Females*	\$15.00

*(a certificate of neutering or spaying will be required)

D. Kennels

1. Kennel Licenses

The owner or keeper of a pack or collection of more than 4 dogs, 3 months old or older, on a single premises, shall obtain one of the types of kennel licenses defined in MGL Ch. 140, §136A, and pay the required annual fee.

A Kennel License shall be in lieu of licensing dogs individually.

An owner or keeper of a pack or collection of 4 dogs or less, 3 months or older, on a single premises, may obtain a kennel license in lieu of licensing the dogs individually.

No Commercial Boarding or Training Kennel, Commercial Breeder Kennel, or Veterinary Kennel Licenses shall be issued unless the applicant demonstrates compliance with any other applicable laws concerning the operation of a business or commercial enterprise from the subject premises.

The annual Kennel License Period shall run from April 1st to March 31st of each calendar year.

2. Kennel Licenses – Limitation on Number of Dogs

The maximum number of dogs that may be kept on a single premises at any one time shall be limited to fifty (50) dogs; provided that for an existing facility with a Kennel License authorizing the keeping of 11 dogs or more dogs, the maximum number of dogs that may be kept on a single premises at any one time shall be limited to one hundred (100) dogs.

For purposes of this bylaw, the term “existing facility” shall mean an active kennel with a license in good standing at all times prior to November 14, 2017. A kennel shall no longer be considered an existing facility if its kennel license is revoked or not renewed for any reason, including but not limited to the owner’s failure to file a timely renewal application.

Every Kennel License shall specify the maximum number of dogs that may be kept on the premises at any one time and all Kennel Licenses shall be subject to the condition that no more than the number of dogs specified on the license may be kept on the subject property at any one time.

The Board of Selectmen may authorize an amendment to a kennel license to increase the maximum number of dogs that may be kept on the premises at any one time, after a public hearing in accordance with the procedure set forth in section 4 below, provided that the maximum number of dogs that may be kept on the premises at any one time shall be limited to fifty (50) dogs; or one hundred (100) dogs for an existing facility authorized to keep 11 or more dogs.

3. Kennel Licenses - Fees

	<u>5 dogs or less</u>	<u>6 to 10 dogs</u>	<u>11 or more dogs</u>
Commercial Boarding or Training Kennel:	\$100	\$200	\$300
Commercial Breeder Kennel:	\$100	\$200	\$300
Domestic Charitable Corporation Kennel:	No fee if incorporated exclusively for purposes outlined in MGL Ch. 140, §137A (c).		
Personal Kennel:	\$75	\$150	\$200
Veterinary Kennels:	\$100	\$200	\$300

4. Kennel Licenses - Procedure

No Kennel License shall be issued or renewed until the premises have been inspected and approved by the Animal Control Officer and applicable license fees have been paid in full.

No new license to operate a kennel shall be issued until after the Board of Selectmen conducts a public hearing on the application. Notice of said hearing shall be provided, at the applicant’s expense, to all abutters, owners of land directly opposite on any public or private street or way, and abutters to abutters within three hundred feet, and by publication in a newspaper of general circulation in the Town once, at least seven days prior to the hearing.

At said hearing, the Board of Selectmen shall take into account factors such as (but not limited to): geographic location, setbacks to property lines, proximity to abutters, distance to other similar facilities, and the number of dogs per acre of land.

If the Board finds, based on the facts adduced at said hearing, that the license may result in a nuisance or that it will otherwise create a risk of harm to public health, safety or welfare, the Board may recommend that the license be denied or that it be granted subject to such conditions as are deemed necessary to prevent such nuisance or harmful conditions, including but not limited to limiting the number of dogs that may be kept on the property at any one time.

The Board of Selectmen may adopt, and may from time-to-time revise, regulations to implement the provisions of this bylaw relative to conducting public hearings and establishing criteria for determining whether a kennel is likely to result in a nuisance or that it will otherwise create a risk of harm to public health, safety and welfare.

5. Kennel Licenses – Renewals

Kennel Licenses may be renewed by submitting a renewal application to the Town Clerk, along with the required fee and proof of inspection by the Animal Control Officer by March 1st.

Except as provided in the following paragraph, no public hearing will be required for renewal of a kennel license, provided that a timely renewal application is filed. Failure to file a renewal application and pay the applicable fee by the deadline set forth above will result in a subsequent application being treated as a new application.

For the first renewals made after the effective date of this Bylaw, the Town Clerk, in consultation with the Animal Control Officer, shall specify on the license for each kennel the maximum number of dogs authorized to be kept on the premises at any one time. For any new license issued between November 14, 2017 and the effective date of this bylaw, the first renewal will require a public hearing in accordance with the procedure set forth in section 4 and is subject to all powers and discretion of the Board of Selectmen and the Town Clerk contained in said section 4, up to and including denial or modification of the license. Any person aggrieved by the Town Clerk's determination as set forth herein may request a hearing by the Board of Selectmen. Said request shall be in writing and received by the Board within seven (7) days of the Town Clerk's determination.

6. Kennel Licenses – Modification, Suspension, Revocation

Upon receipt of a complaint from the Town's Animal Control Officer, a Town of Essex Police Officer, or upon petition by 25 citizens as outlined in G.L. c. 140, §137C, the Board of Selectmen, after conducting a public hearing, with at least seven days written notice to the license holder, may modify, suspend or revoke any kennel license if the kennel is not being maintained in a sanitary condition or if the kennel constitutes a nuisance or is otherwise harmful to public health, safety and welfare.

Nothing in this Bylaw is intended to limit or restrict the authority of the Board of Selectmen and/or the Animal Control Officer to enforce the laws relative to kennels, including but not limited to G.L. c. 140, §137C.

e. Further, the Town Clerk will charge a late fee of Fifteen Dollars to obtain an individual or Kennel License after July 1st of any calendar year. All money received from issuance of dog licenses by the Town of Essex, or recovered as fines or penalties by said Town under provisions of Chapter 140 relating to dogs, shall be paid into the Treasury of the town and thereafter shall not be paid over by the Town Treasurer to Essex County.