

**TOWN OF MARION**  
**TOWN MEETING WARRANT**  
**For the Annual Town Meeting to be Held**  
**May 11, 2026**



**Article 31.** To see if the Town will vote to amend Chapter 109 (Animal Control) of the Code of Marion by removing the stricken text and adding the **bold/underlined** text to read as follows:

109-6 Beaches, public property, and recreation areas.

A. It shall be unlawful for any person to permit any dog owned by him/her and/or under his/her care or control to be present on any beach owned by the Town of Marion from May 1 through October 1. From October 2 through April 30, dogs may be present on any beach owned by the Town of Marion, provided they are under the control of their owner.

**B. Any person who owns a dog or has a dog under his/her care or control on any public walk, street, recreation area, or private property of others shall possess the means of removal of any fecal matter left by such dog.**

**C. Failure of the owner to remove and properly dispose of dog waste shall be subject to the penalties described in §109-7.**

109-10 Kennel licenses.

A. Any owner or keeper of a commercial kennel, commercial breeder kennel, or personal kennel shall obtain a kennel license; provided, however, that before the Town Clerk issues such license, the owner or keeper provides the Town Clerk a completed application with:

(1) An opinion, in writing, by the Animal Control Officer based on the fact that he/she has investigated the property of the proposed kennel with respect to the following items:

(a) The location, construction, and soundproofing of the kennel area.

(b) The sanitary conditions of the kennel and the property in general.

(c) The adequacy of the kennel and property in general for the number and type of dogs and the type of kennel for which the kennel license would be issued.

(d) The concerns of the neighbors.

(e) The Animal Control Officer may require the need for a structure to be constructed or an existing structure to be utilized for the purposes of housing the dogs. The ACO shall request an opinion, in writing, from the Building Commissioner that the proposed or existing structure/structures and the use comply with both state and local regulations.

(f) Any other pertinent issues under MGL c. 140, §174G that come within the expertise and discretion of the Animal Control Officer.

(2) The issuance or renewal of a commercial kennel, commercial breeder kennel, or personal kennel license shall be contingent upon an inspection by the Animal Control Officer to ensure that the basic standards of cleanliness and proper care and confinement of said dogs exists on the premises, and the maintenance of a kennel will not result in a health hazard or be injurious to the health of the neighbors by reason of prospective noise or otherwise. All kennels shall be inspected annually.

B. A special permit for a commercial kennel or commercial breeder kennel must meet the provisions and requirements of the Marion Zoning Bylaw pursuant to §§ 230-7.2, 230-7.4, and 230-7.6.

C. The A one-year kennel license shall be issued by the Town Clerk and there shall be a fee for such kennel license, to be paid by the owner. All fees under this section shall be determined by the Select Board and may be changed from time to time as it deems appropriate. [Amended 5-10-2021 ATM by Art. 44]

D. The license shall specify the type of kennel license, and the maximum number of animals allowed in the kennel. The Animal Control Officer will determine the number of animals allowed and this number must be on the kennel license.

**E.** A kennel license shall be in lieu of any other license required for a dog, for the period of time the dog is kept in such kennel per MGL c. 140, § 137A. The owner or keeper of such kennel shall renew the license prior to the commencement of each succeeding license period.

**F.** While at large, each dog in a kennel shall wear a collar or harness with a tag securely attached. The tag shall have the number of the kennel license, the name of the town that issued the kennel license, and the year that the license was issued. Such tag shall be in the form prescribed and furnished by the Town Clerk and shall be issued by the Town Clerk.

**G.** If a kennel owner desires to increase the capacity of his/her kennel during a license period, or its use, he/she shall apply to the Town Clerk with a new kennel application. **The application shall be referred to the Animal Control Officer for review and reinspection per this bylaw to determine if the change is allowable.**

**H.** The Town Clerk shall issue, without charge, upon written application and written approval of the Board of Appeals, a kennel license to any domestic charitable corporation, incorporated in the commonwealth, exclusively for the purpose of protecting animals from cruelty, neglect, or abuse or for the relief of suffering except for commercial kennels which shall require compliance with § 230-7.4 of the Zoning Bylaw, provided that there is compliance with the terms and conditions of this chapter.

**I.** A veterinary clinic, office, or hospital shall not be considered a kennel unless it contains an area for the grooming or selling of dogs, or for the boarding of dogs for other than medical or surgical purposes. If it is considered a kennel, the owner or keeper shall, before the Town Clerk issues such license, provide the Town Clerk with the written approval of the Board of Appeals or special permitting authority.

**J.** All holders of kennel licenses shall notify the Town Clerk, in writing, of the sale of any dog or puppy, which includes the description of the animal, the age, color, breed, identifying marks, sex, and whether the dog has been spayed or neutered. The kennel owner shall forward a copy of such notice to the clerk of the city or town in which the new owner of the dog resides.

**K. Commercial boarding or training kennels shall maintain records of individual dog licenses for all dogs in its care that are required to be licensed under M.G.L. c. 140, §137.**

**L. All dogs over 6 months of age must wear rabies tags at all times and individual license tags (when required under M.G.L. c. 140, §137).**

**M. The name and address of the owner of each dog kept in a kennel, if other than the person maintaining the kennel, shall be kept at the kennel and available for inspection by an Animal Control Officer, fish and game warden or police officer.**

**N. Annually, not later than June 1, the Town Clerk shall send to the Department of Agricultural Resources a list of all kennels and their addresses licensed by the town pursuant to this bylaw.**

**O. Commercial boarding or training kennels shall report to the licensing authority injuries to animals or people that occur on their premises and the licensing authority shall investigate all reports. The Department**

**of Agriculture shall develop a form for such reporting and a time frame for submitting a report after an injury.**

109-11 Violations and penalties.

A. Whoever violates any provision of §109-9 or §109-10 of these rules and regulations shall be punished by a fine of not less than \$25 per dog, which shall be paid to the Town. [Amended 10-19-2021 STM by Art. 12] **\$500 for a first offense and a fine of not more than \$1,000 for a second or subsequent offenses.**

B. If any person refuses to answer, or answers falsely, questions of a police officer or an Animal Control Officer, pertaining to his/her ownership of a dog, he/she shall be punished by a fine which shall be paid to the Town. The Town Clerk maintains the current list of fees and fines.

C. If the dog as to which any violation occurs was unlicensed at the time of such violation, a fine shall be paid by the owner to the Town, and the owner or keeper of such dog will be required to immediately procure all delinquent licenses and tags, as well as the current license and tag. The Town Clerk maintains the current list of fees and fines.

D. Violations of any order of the Select Board under this article and MGL c. 140, § 157, subject the owner to fines and noncriminal proceedings under this section of the bylaw and MGL c. 40, § 21D. [Amended 5-10-2021 ATM by Art. 44]

109-12 Issuance and revocation of licenses; kennel inspections; complaints.

A. Violation of any substantive provisions of this chapter shall be grounds for the revocation of a license issued for a kennel pursuant to this chapter. The Town Clerk may revoke or suspend any license upon receiving a written directive from the Select Board that was based on information concluding a kennel is operating in violation of this chapter from the Animal Control Officer or the Chief of Police or his/her designee. Prior to such revocation, the Select Board shall hold a public hearing during which the kennel licensee shall have been offered, in writing, an opportunity to be heard. In such case of suspension of said license, the Select Board may reinstate such kennel license and impose conditions and regulations upon the operation of the kennel.

[Amended 5-10-2021 ATM by Art. 44]

B. If an applicant is shown to have withheld or falsified any material information on the application, the Town Clerk may refuse to issue or may revoke a license.

C. The Animal Control Officer or the Chief of Police of the Town of Marion or other persons authorized under the General Laws may at any time inspect or cause to be inspected any kennel, and if, in his or her judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, the Select Board shall by order revoke or suspend such license. In the case of suspension, the Select Board may reinstate such license and impose conditions and regulations upon the operation of said kennel. [Amended 5-10-2021 ATM by Art. 44]

D. Upon the petition of 25 or more citizens filed with the Select Board setting forth they are aggrieved or annoyed to an unreasonable extent by one or more dogs at a kennel located in Town, because of excessive barking, vicious

disposition or vicious actions or any other conditions connected with the kennel that constitute a public nuisance, the Select Board shall, within seven days of the filing of such petition, give notice to all parties concerned of a public hearing to be held within 14 days after the date of such notice. The Select Board shall, within seven days, after the public hearing, investigate or cause to be investigated the subject matter of the petition and shall, by order, either suspend or revoke the kennel license, otherwise regulate the kennel, or dismiss the petition. Written notice of any order under this section revoking, suspending or reinstating a license shall be mailed forthwith to the office issuing such license and to the holder of the license. [Amended 5-10-2021 ATM by Art. 44A] **Written notice of an order revoking or suspending the license, further regulating the kennel or dismissing the petition shall be mailed immediately to the licensee and to the officer that issued the license. Not more than 10 days after the written notice of the order, the licensee may file a petition in the district court in the judicial district in which the kennel is maintained seeking review of the order. After giving notice to all parties as the court may consider necessary, the court shall review the action, hear the witnesses and affirm the order unless the court determines that it was made without proper cause or in bad faith, in which case the order shall be reversed. The decision of the court shall be final and conclusive upon the parties.**

E. Any person maintaining a kennel after the license has been so revoked, or while such license is so suspended, shall be charged a fee of \$50 per day up to \$250 (MGL c. 140, § 137C). **to maintain a kennel has been revoked or suspended shall be assessed a fine by the licensing authority of not more than \$250 for the first offense, by a fine of not less than \$500 for a second offense and by a fine of not more than \$1,500 for a third or subsequent offense.**

or take any other action thereon.

*Submitted by Codification Committee  
Finance Committee Recommends  
Select Board Recommends*