Section 720 Kennels

720.1 Purpose:

This Ordinance is intended to provide regulations for protecting public health, safety, and welfare as well as the welfare of dogs and other animals. In addition it is for the purpose of prohibiting nuisance, animal neglect, and containing the spread of diseases.

720.2 Title and Applicability

This ordinance shall be known and referred to as the Town of Windham Kennel Ordinance. It governs both Commercial Kennels as well as those subject to regulation as Home Occupations. This ordinance does not apply to facilities operated by veterinarians licensed by the State of New Hampshire which engage in the practice of veterinary medicine under RSA 332-B.

720.3 Definitions:

Kennel: A facility (use or structure) intended and used to keep or care, breed, groom, handle, train, sell, or board on a short or long term basis, dogs or other household pets belonging to customers, patrons, or others , or lost or strayed animals, for compensation or as a humanitarian gesture.

Commercial Kennel: A facility (use or structure) intended and used to keep or care, breed, groom, handle, train, sell, or board on a short or long term basis, five (5) or more dogs or other household pets belonging to customers, patrons, or others , or lost or strayed animals, for compensation or as a humanitarian gesture.

NOTE: For the purposes of this Ordinance, a breeder with more than one adult unspayed female will be considered either a commercial kennel or require a Customary Home Occupation/Conditional Use Permit.

720.4 Location:

Commercial kennels are permitted only in the Commercial A or Limited Industrial Districts.

720.5 Approvals:

720.5.1 Commercial Kennels shall be required to obtain Site Plan approval from, the Planning Board in accordance with the Site Plan regulations.

720.5.2 A Kennel Operation with four (4) or fewer dogs or other household pets as a commercial enterprise may be considered a Customary Home Occupation and requires the securing of a Customary Home Occupation/Conditional Use Permit; however, it does not require Site Plan Review.

720.5.3 The Animal Control Officer shall be given any submitted application at least ten (10) business days prior to a scheduled Planning Board hearing for review and comment.

720.6 Regulations for Commercial Kennels:

The following sections contain provisions governing Commercial Kennels:

720.6.1 Setbacks: The minimum distance between any animal enclosures, buildings, structures or fenced area in which animals are housed or exercised must be at least:

720.6.1.1 One hundred (100) feet from the property line;

720.6.1.2 Three hundred (300) feet from any preexisting occupied structure, except property occupied by the owner/operator of the kennel;

720.6.1.3 One thousand (1000) feet from any preexisting educational institution located on another lot. This setback shall be measured from the fenced area and building structures of the commercial kennel to the nearest property line of the educational institution.

720.6.2 Facility Size

720.6.2.1 The number of animals boarded entirely outside or partially outside the facility shall be based on the size and style of the kennel and shall determined by the following:

720.6.2.2 If the kennel uses crates or dog suites in conjunction with a doggie daycare then a minimum of 60 square feet of space per dog is required.

720.6.2.3 If the kennel consists of a private indoor and outdoor run, then it shall consist of at least 4'X4' indoor space and 4' x 12' outside space with a permanent roof for protection from the elements. This type of private kennel shall be used by one adult dog or one female with her litter.

720.6.2.4 The exception to the above unit sizing is this: Multiple dogs from the same owner may be housed together in a shared kennel space if Animal Control Officer deems the space adequate.

720.6.2.5 The size of the kennel space for cats and other small pets are not regulated by this ordinance.

720.6.3 Reduction in setback. A reduction in setback requirement, as listed in Section 720.6.1, is only permitted for kennels having a total holding capacity of ten (10) or fewer animals outside or partially outside of the building. The setback requirement may be reduced to fifty (50) feet from the property line for all kennel areas that are surrounded by an effective noise screen. Where a noise screen is provided, it must consist of one of the following combinations:

720.6.3.1 An earth berm covered by a combination of dense evergreen shrubs and evergreen trees. The minimum height of the entire noise screen must be eight (8) feet, but

the earth berm itself must be no more than five (5) feet. The minimum width of the entire noise screen must be twenty-five (25) feet.

720.6.3.2 A masonry, stone, or block wall, augmented on one side by a combination of dense evergreen shrubs and evergreen trees. The minimum height of the entire noise screen must be eight (8) feet, and the minimum width of the span of vegetation plantings must be twenty-five (25) feet.

720.7 Regulations for all Kennels (Commercial Kennels and Home Occupation Kennels):

720.7.1 All off-leash dogs and other animals must be housed within a completely enclosed building between the hours of 10:00pm and 6:00am.

720.7.2 Dog barking at night shall be regulated according to *NH RSA 466:31(b)* and are subject to penalties as detailed in *NH RSA 466:31-a.* Additionally, the noise standards set by Section 714 shall also apply to all commercial kennels and customary home occupation kennels.

720.7.3 Kennel structures or yard areas where dogs and other household pets are exercised may not be located within the Wetland and Watershed Protection District or within 100 ft. of any other wetland, stream, or natural surface feature.

720.7.4 Animal wastes shall not be stored closer than one hundred (100) feet from any property line or surface waters. All animal wastes shall be removed from the grounds and other areas where the dogs are housed daily. Stored waste shall be removed from premises on a weekly basis, in a manner that is acceptable to the Planning Board.

720.7.5 All dogs boarded must be current in vaccinations (appropriate for their age) of rabies, distemper/parvo, and bordatella.

720.7.6 All cats boarded must be current in vaccinations (as appropriate for their age) of rabies, feline leukemia, and distemper.

720.7.7 All outdoor lights must be shielded to direct light and glare onto the facility's premises and may be of sufficient intensity to ensure security. Lighting and glare must be deflected, shaded and focused away from any adjoining property.

720.7.8 Fencing. Where animals are not entirely enclosed within a building, they must be surrounded by a six (6) foot high security fence. All fences must have a height of six (6) or more feet, and all screens, as listed in Section 720.8, must have a height of six (6) or more feet within four (4) growing seasons.

720.7.8.1 Adequate measures to deter dogs from digging under the fence, in a manner that acceptable to the Planning Board, must be provided for all security fences.