

330 CMR 20.00: OPERATION OF A GUARD DOG BUSINESS

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20.01: Definitions

Handler is defined as the person under whose control and command a Guard Dog performs its required duty. It shall also include the person under whose control a free-working guard dog is transported to and from its site of duty.

Kennel is hereafter defined as a multi-animal, indoor shelter containing a section or sections in which one or a group of animals is housed.

Single-animal house is defined as a structure designed to house one animal. A motor vehicle is not deemed usable as either a kennel or a single-animal house.

Trainer is defined as that person responsible for the training of Guard Dogs. The trainer shall be:

- (a) the owner or operator of a guard dog business.
- (b) the responsible employee of a Guard Dog Licensee or
- (c) a person whose sole business is the supplying of trained guard dogs to others.

Work site is defined as that area or building in which a Guard Dog is maintained on patrol, with or without a Handler.

20.02: Buildings and Surrounding Areas

(1) The licensee shall:

- (a) Maintain all buildings, kennels, single-animal houses, premises and conveyances in a sanitary condition. All buildings and enclosures shall be structurally sound and be maintained in good repair.
- (b) Have equipment available for proper storage and disposal of waste material to control vermin, insects and obnoxious odors.
- (c) Take effective control measures to prevent infestation of animals and premises with external parasites and vermin.
- (d) Sufficiently heat facilities and kennel area and adequately ventilate them to provide for the health and comfort of the animals. The ambient temperature shall not be allowed to fall below 50°F nor rise above 85°F.
- (e) Provide ample, quality light by natural or artificial means to permit routine inspection and effective cleaning.
- (f) Provide interior kennel surfaces that are substantially impervious to moisture and use a suitable drainage method to keep animals and premises clean and dry.
- (g) Provide animals kept outdoors with access to proper shelter (kennel or single-animal house) to provide for the health and comfort of the animals. Adequate drainage will be available. A motor vehicle is not deemed usable as a shelter.
- (h) Provide each animal in either a kennel or individual house with sufficient space to allow each to turn about freely and to easily stand, lie and sit in a comfortable normal position. Each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus half that length. A suitable resting area shall be available for each animal.

20.02: continued

- (i) Group-housed animals must be compatible and housed as in 330 CMR 20.02(1)(h). No more than two adults (over one year of age) may be housed together.
- (j) Provide an area subject to size and temperature requirements above and separated from all other animals, which is available for isolation in case of illness.

20.03: Animal Health and Identification

- (1) Each Guard Dog shall be identified as follows: Each animal shall wear a collar, not less than one inch wide, of RED nylon or heavy leather, on which the words "Guard Dog" are permanently imprinted. It shall either be tattooed or shall wear at all times a metal, numbered or lettered tag which shall identify it individually in company or business records. All required license and rabies vaccination tags shall also be affixed to the collar.
- (2) The following documents shall be maintained for each dog and shall be kept for a period of one year following its death or release from use:
 - (a) Source of animal, description, identification tag, date of birth if known and full-color photograph, at least three inches by five inches, side view, uncropped of the animal.
 - (b) Copy of rabies vaccination record (vaccination performed by and certificate signed by veterinarian) including date given, length of protection certified, and expiration date of same.
 - (c) Copy of all health records, including illnesses, accidents, injections for protection against disease, required surgery, etc.
 - (d) Record of any license numbers required by state or local law.
 - (e) Final disposition of animal, including date. (Euthanasia, sale, gift, etc.)
 - (f) Complete record of use or work, with or without attendant handler.
 - (g) Record shall include address of work site, hours on duty, name of handler.
 - (h) Record of training received by animal. This shall include length of training period and shall list trainer's name and address.
- (3) Proper and sufficient food shall be supplied to each animal daily. Animals less than six months of age shall be fed more often than once daily. Clean, fresh water shall be either available at all times, or offered twice daily.
- (4) Animal cages and runs shall be cleaned daily, or more often if necessary to prevent accumulation of waste matter. Disinfect cages and runs every two weeks.
- (5) The licensee shall establish and maintain programs of disease control and prevention and provide adequate veterinary care under the supervision and assistance of a Doctor of Veterinary Medicine.
- (6) Dogs with handler, shall work no longer than 12 hours per 24 hour period; animals shall be given a 12-hour rest period between shifts. These animals must get a half-hour rest period after every four hours of work.
- (7) Any evidence of illness, sickness or injury, affecting the whole animal or any part of it, as determined by visual examination, palpation by hand, and or other methods as necessary, shall deem an animal unfit for use, training or sale as a guard animal. Such conditions may include:
 - (a) Any signs of infectious disease, such as but not limited to distemper, hepatitis, leptospirosis, rabies, respiratory disease, or enteric disease (parvovirus)
 - (b) Any signs of severe parasitism such as but not limited to unthriftiness, emaciation, or diarrhea.
 - (c) Any signs of nutritional disease such as but not limited to rickets, emaciation, or poor muscle development.
 - (d) Injury, illness, lameness, sore footedness; or other disease.

20.04: Qualifications of Trainers and Methods for Training

(1) A trainer shall have one or more of the following qualifications: (An applicant's written qualifications, including copies of all certificates, of the trainer, must be submitted by the person or company applying for the Guard Dog license. These shall be subject to review as a consideration for licensing.)

- (a) holder of a completion certificate from a police K-9 Training Course.
- (b) holder of a completion certificate from a Military K-9 Training Course.
- (c) holder of an official rating as K-9 Trainer from either of the above.
- (d) holder of completion certificate from a private kennel or training course whose instructor meets one or more of the above qualifications.
- (e) trained and handled a minimum of three animals to certification by the Schutzhund Society or at least to CDX certification by the American Kennel Club.

(2) Dogs trained as Guard Dogs for the protection of persons and/or property shall be trained by humane procedures. The animal's natural aggression or protective instincts may be encouraged but the use of artificial means and appliances may not be used to tease or aggravate the animal. The following procedures are specifically forbidden.

- (a) Use of electric or battery devices (collar, prods, etc.).
- (b) Kicking, beating, hanging or any other kind of physical abuse.
- (c) Withholding of food or water or reasonable comfort in order to promote aggression.

20.05: Qualifications of Persons Handling and/or Transporting Guard Dogs

(1) The handler shall be the responsible employee of the owner of the Guard Dog Business or of a properly accredited Security Business or Police Department employing the dog's services.

(2) Handlers shall be familiar with all laws applying to the use of dogs for the protection of person or property.

(3) Handlers transporting guard dogs shall have had a minimum of two full working days experience with a qualified trainer.

(4) Handlers employed as Guards, with a guard dog, shall have had a minimum of four working days with guard dogs and a minimum of one working day with any particular animal under their use and control.

(5) Transporters and handlers shall be able to walk each dog, on lead, to and from vehicle, to the work site in a way designed to protect public safety.

20.06: Conveyances and Transporting Vehicles

(1) Vehicles used to transport Guard Dogs shall be mechanically sound, maintained and equipped to provide fresh air and the control of temperature extremes to all animals being transported.

(2) All enclosures shall be large enough to ensure that each animal contained therein has sufficient space to turn freely in a standing position, insuring natural ability to stand, to sit erect, and to lie in a natural position.

(3) Each vehicle shall display the words "CAUTION-GUARD DOGS" on the rear and on each side, in letters at least six inches high.

(4) Each vehicle shall display the name and full address or name and telephone number of the Licensee.

(5) Vehicles containing Guard Dogs shall not be left unattended on a public way for more than 15 minutes. The Handler or Driver shall make certain that the animals are secured from release by unauthorized persons before leaving the vehicle.

20.07: Work Site Requirements

- (1) A work site shall be free of debris, glass or other objects which could be injurious to the animal.
- (2) Dogs working in an outdoor site shall be provided with free access to proper shelter containing clean bedding material. This shelter shall meet the requirements of 330 CMR 20.02. Food and water shall be supplied as applicable in 330 CMR 20.03.
- (3) Outside sites shall be fenced to a clear height of six feet on both sides. Said fence shall not be adjacent to any banks or hills and no objects shall be placed directly against the fence.
- (4) Signs stating "CAUTION-GUARD DOGS", or other suitable wording in letters at least six inches high, shall be placed at eye height on each side of outside site or building and at no more than 50-yard intervals along a fence.
- (5) Notification, in writing, must be given to local police and fire departments before guard dogs are installed at a site. This letter of notification shall include the name and telephone number (not an answering or call service) of a person who shall remove the free-patrolling animal in case of an emergency.
- (6) The health and general condition of an animal on a work site must be inspected at least once daily by the licensee or a qualified person in his employ.

20.08: Record Keeping

- (1) Any and all records which are required in any of the foregoing sections must be complete, up-to-date where required and available upon request to any inspecting authority.

20.09: Licenses

- (1) A license to conduct a Guard Dog business shall be applied for on or before November 1st of each year and shall be for the period or part thereof beginning January 1st and ending the following December 31st. Application shall be on a form issued by the Division of Animal Health. Late applications shall be filed 60 days prior to opening and shall expire on the following December 31st.
- (2) Buildings, kennels and surrounding areas shall be subject to an inspection and written approval by authorized agents appointed under M.G.L. c. 147, § 10.
- (3) If the Director approved the application and determines that the applicant, the premise, the animals and the vehicles and the person(s) listed as Trainer(s) are qualified as above, a license shall be issued upon payment of the required fee for each licensing year or part thereof. Renewal notices shall be mailed to the address as stated on the license at least 30 days prior to the end of the licensing year but responsibility for renewal rests with licensee.
- (4) The Director may deny, revoke, suspend or refuse to renew a license upon finding that the applicant or licensee has been guilty of the following:
 - (a) Violation of any provision of M.G.L. c. 129, § 39B, and/or of M.G.L. c. 272, or any Rule and Regulation made pursuant thereto.
 - (b) Material misstatement in the application for a license or renewal thereof.
 - (c) Aiding and abetting another in the violation of or any Rule and Regulation made pursuant thereto.
 - (d) Allowing an issued license to be used by an unlicensed person.

REGULATORY AUTHORITY

330 CMR 20.00: M.G.L. c. 129, §§ 1 through 45.