

# **Rules and Regulations for Keeping of Animals in the Town of Wakefield**

## **Section 1: Authority**

This regulation is adopted under the authority of M.G.L. Chapter 111, Section 31.

## **Section 2: Statement of Purpose**

Whereas suburban environments present challenges in the keeping of farm animals, these regulations are to address public health concerns relating to the keeping of such animals in Wakefield.

## **Section 3: Definitions**

**Abutter:** shall mean properties that border on, and directly touch the property that borders the property of the applicant as well property (ies) directly across from the property.

**Applicant:** Person (s) who seeks and has applied for a permit to keep animals.

**Board:** Board of Health of the Town of Wakefield.

**Coop or Henhouse:** a structure designed for the keeping or housing of poultry.

**Dwelling:** any building, shelter, or structure used or intended for human habitation.

**Facility:** the total accommodations to be used for the keeping and care of animals, including but not limited to the land, stable, pen, or coop.

**Generally Acceptable Agricultural Practices:** shall mean those practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources' Bureau of Animal Health's (MDAR) "Best Management Practices," and if deemed necessary by MDAR, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) and the Animal Rescue League.

**Hen:** a female chicken. Chicken will also be used to refer to hens.

**Loft:** a structure designed for the keeping or housing of pigeons.

**Nuisance:** any condition including, but not limited to, noise, offensive odor, attraction or breeding of insects, such as flies, an environment supporting the presence of rodents, or any other condition having public health or environmental significance.

**Owner:** every person who alone or jointly with one of more other persons has legal title to any lot, building, structure, dwelling, or dwelling unit.

**Pen or Run:** an enclosed outdoor space designed to confine chickens or other animals and provide protection from predators.

**Person:** shall mean a person, person, association, partnership, trust, company, corporation, or other legal entity.

**Pest Management:** measures that will be taken by the applicant to minimize or control the presence of rodents and insects such as flies.

**Pigeons:** shall mean a member of the Columbidea family of birds that include ‘racing’, ‘fancy’, and ‘sporting’ pigeons.

**Poultry:** shall include but is not limited to chickens, ducks, geese, guinea fowl, peafowl, pheasants, partridges, quail, and turkeys.

**Rooster:** a male chicken.

**Swine:** shall not include pigs kept primarily indoors as companion animals.

**Unsanitary Conditions:** the facility’s state of being or condition which, in the judgement of the Board of Health, is conducive to, or results in, breeding of flies, creation of offensive odors, rodent infestation, liquified effluent, runoff, and/or noise, in such concentrations and/or duration as to cause a nuisance, be potentially injurious to human health, or unreasonably interfere with the health and safe enjoyment of life and property.

#### Section 4: General Requirements for License

1. No person shall keep within the limits of this Town, in any building, or on any premises of which he may be the owner, lessee, tenant, or occupant, any cows, cattle, goats, pig, swine, sheep, poultry, game birds, horses, reptiles, or pigeons, without **first** obtaining a license from the Board of Health, in accordance with Chapter III, Section 155 of the Massachusetts General Laws and these regulations.
2. Licenses for keeping of such animals shall be issued separately as to each species of animal to be kept and for a stated maximum number of each such animal. Licenses shall be neither transferable as to other animals nor assignable for the use of other persons nor as to the use of other premises. Such license shall not be construed to run with the land.
3. These regulations do not apply to land which are regulated by M.G.L. Chapter 128 Section 1A.
4. The Board reserves the right to suspend the issuing of licenses during times of confirmed animal disease outbreaks, such as but not limited to, avian influenza.

#### Section 5: Application and Requirement to Obtain a License

1. Any person desiring to obtain such a license shall submit the following;
  - a. a written application with the Board on a form provided, which shall state: the applicant’s full name, residential address telephone, and e-mail;
  - b. the source of each animal;

- c. a written plan for the storage of food;
  - d. a written plan for waste storage and/or disposal;
  - e. a written plan for the disposal of animals;
  - f. a picture or sketch of the building(s) and pens which shall house the animals;
  - g. a plot plan showing the lot borders with dimensions of the facility, setbacks from property lines and structures, location of potable water, fences, location of septic systems and wells. The plot plan shall also show all structures on abutting properties.
2. The applicant shall notify each abutter by registered or certified mail, return receipt requested, of the filing of such application and stating that they have the right to be heard prior to, or at the meeting of the Board at which the application will be acted upon, which shall be no sooner than fourteen (14) days of the date of application.
  3. The burden shall be upon the applicant to establish that the granting of such a license shall not be detrimental in any way to the public welfare and would not endanger the safety or health of the community, and that the said applicant has sufficient knowledge, ability, and resources to properly care for said animal(s).
  4. Notice of the Board's decision shall be mailed to the applicant and may contain conditions on the keeping of animals imposed by the Board.
  5. Licenses issued in accordance with the preceding regulations and conditions shall be contingent upon an examination of the licensee's animals by an authorized Agent of the Wakefield Board of Health appointed by the Board to ascertain the general good health of the animal(s) and verify the animal's inoculation record, as designated by the Board. This stipulation must be satisfied within thirty (30) days of the issuance of the license, in order for said license to remain valid.

#### Section 6: Construction Changes

1. Any person who proposes to remodel a building or portion thereof, which is being used as an animal housing facility or who proposes to construct a new building for animals which are currently licensed, which is intended to be used in whole, or in part, as an animal housing facility shall, prior to such remodeling, renovating, or construction, submit to the Board a new plot plan as described in Section 5 (1) and a new picture or sketch. The new plot plan will be addressed as an amendment to original permit.

#### Section 7: Fees and Permits

1. The fee for all such licenses shall be included in the Board of Health Regulation Fee Schedule. Fees are not prorated unless received in June at which time the permit will expire the following June 30.
2. Licenses shall expire at the end of each current fiscal year, unless revoked by the Board for violation of said regulations. Initial permit fee of \$50, renewal fee of \$15.

3. Stable fee: \$75.
4. Permits are not transferable.

#### Section 8: General Conditions

1. Animal (s) must be kept within the confines of fence, pen, corral, or other type of suitable enclosure at all times, as approved by the Board of Health. The applicant shall also note other conditions, which could influence the safety and health of the community if said animal(s) were kept on the applicant's premises.
2. No public nuisance or unsanitary condition shall be allowed to exist, in the keeping of any classification of animal.
3. The owner of any animal permitted by the Board of Health which is killed or dies must report the death of the animal within 48 hours of the death including its disposal method. Burials and composting must follow best management practices of the MDAR.
4. The owner of the property must reside on the property that houses such animals.

#### Section 9: Regulations with Respect to Horses, Goats and Sheep

1. Fencing, housing, bedding, location, ventilation, food and water supply, walls and ceilings, odor control and rodent control/fly control must follow Generally Acceptable Agricultural Practices:
  - a. Psychological barriers including electric fences are not allowed.
  - b. Goats must have outdoor space as noted in MDAR's Generally Acceptable Agricultural Practices Housing and Working Facilities for Goats.
  - c. Sheep must have some form of housing as noted in MDAR's Generally Acceptable Agricultural Practices for Housing and Working Facilities for Sheep.
2. Housing shall be located on land with good drainage and not subject to periodic or seasonal flooding. All housing shall be at least one hundred (100) feet away from any swamp, stream, pond, well or property line, in consultation with Town affiliated conservation agent. All housing is subject to the requirements of the Building Department.

## Section 10: Chickens

1. Chicken Requirements:
  - a. Maximum number of chickens as determined by 2 square feet per chicken.
  - b. No rooster shall be kept within Wakefield town limits.
  - c. All chickens shall be purchased from S. pullorum clean sources from National Poultry Improvement Plan (NPIP) participants. Chicks must originate from S. pullorum clean stock.
2. Any person with a permit for chickens will comply with M.G.L. 272 Section 80D.
3. Facility (Coop and Pen) Requirements:
  - a. The shelter must be cleaned in conformance with generally acceptable agricultural practices but no less than once a week.
  - b. New birds to the flock must be isolated in a separate pen as far from the resident birds as possible for at least 14 days and be watched for signs of illness.
  - c. An enclosed henhouse must have a minimum of two (2) square feet per chicken of space unless the applicant can demonstrate that the space proposed is consistent with generally acceptable agricultural practices. An enclosed pen must have a minimum of four (4) square feet of pervious surface per chicken.
  - d. Henhouse structures and enclosures shall be not less than fifty (50) feet from any dwelling (including the applicant's), no less than twenty (20) feet from any public or private way, and no less than fifty (50) feet from an abutter.
  - e. The facility shall be sufficiently secured to prevent access by predators and rodents.
  - f. Henhouses must have a hardware cloth floor, or two feet of hardware cloth sunk into the ground on all sides to prevent rodents from burrowing into the henhouse.
  - g. Henhouse structures will be in a well-drained area that does not discharge on a public way, waterways, wetlands, or neighbor's property. Water, including drainage, shall not collect and become stagnant or create a ponding effect.
  - h. The henhouse shall be adequately ventilated and provide protection from the weather.
4. A supply of potable water must be available for use at the facility.
5. Odors from chickens, chicken manure, or other chicken-related substances shall not create an odor nuisance.
6. Chickens shall be confined at all times and shall not be permitted to run at large.
7. Chickens shall not be subject to debeaking or forced molting. All chickens shall be cared for in a humane manner.

8. Chickens may not be slaughtered on a residential property within town limits.

#### Section 11: Swine

1. The keeping of pigs shall be limited, not to exceed three (3).
2. No pig shall be located or maintained on land within two hundred fifty (250) feet of the high water mark of any source of drinking water supply or tributary thereof, or within two hundred and fifty (250) feet of the high water mark of any open waterway flowing directly or ultimately into any source of water supply.
3. Shall not be located within one hundred and fifty (150) feet of any public or private way.
4. Shall be suitably isolated and maintained in such manner that no nuisance shall be created.
5. Building used for housing pigs must have a minimum of twenty-five (25) square feet per pig of space unless the applicant can demonstrate that the space proposed is consistent with generally acceptable agricultural practices.
6. Facility Requirements:
  - a. Building used for housing pigs shall provide a wallow, or shade and a sprinkler (misting) system to cool pigs in hot weather.
  - b. Building used for housing pigs shall be whitewashed at least twice a year.
  - c. Building used for housing pigs shall be adequately ventilated, roofed, and provide protection from the weather, including but not limited to cold weather.
7. A supply of potable water must be available for use at the facility. If pigs are kept in the winter, liquid water must be made available to them.
8. A water supply adequate for cleaning purposes must be available at the facility.
9. Facilities must be securely fenced. Pigs shall not be permitted to roam at large.
10. Feeding:
  - a. Pigs shall be fed from watertight troughs of cement or metal and shall be kept clean.
  - b. If outdoor pens or runs are provided, the swine shall be fed from platforms built of heavy watertight material flat on the ground or on skids no less than one foot above the ground and arranged that the platform can be readily moved and the ground at the earlier location be ploughed in. If the feeding platform is elevated, the space between the ground and the platform shall be kept clean and clear, no food shall be allowed to accumulate about the ground or platform.
  - c. The feeding place shall be cleaned once a day and all refuse and manure be removed.

- d. Unless fed to the pig immediately, all swill, garbage and refuse brought upon the premises shall be kept in covered receptacles made of cement with sufficient facilities for underground drainage. All rotted garbage shall be removed daily.

11. General Maintenance:

- a. Manure and refuse in pens shall be cleaned twice weekly and removed from the premises at least weekly and in the meantime must be kept so that it will not constitute a nuisance and so that the animal(s) will have access to it. If, however, one plans to plough manure, once spread, ploughing **must** take place within forty-eight (48) hours.
- b. Wet muck in pens shall be removed and replaced with clean sand.

Section 12: Reptiles and Poisonous Snakes

No poisonous snake or reptile shall be kept within town limits.

Section 13: Pigeons

1. No more than seven (7) pair of pigeons, with a maximum of two (2) offspring per Pair, are allowed, with the flying time not to exceed forty-five (45) minutes twice daily. No more than fifteen (15) pigeons shall fly at one time.
2. New birds must be isolated in a separate pen as far from the resident birds as possible for at least 14 days and be watched for signs of illness.
3. An enclosed loft must have a minimum of eight (8) cubic feet of air space per pair of pigeons. An enclosed loft shall have a minimum of two nests per pair of pigeons.
4. Lofts shall be cleaned in conformance with generally acceptable agricultural practices but no less than once a week. Lofts should be thoroughly disinfected x times per year.
5. Lofts shall be adequately ventilated and provide protection from the weather.
6. Lofts shall be sufficiently secured to prevent access by predators and rodents.
7. Feed for pigeons shall be kept in rodent-proof steel bins.
8. All pigeons shall be confined to their coop except for limited periods necessary for exercise, training and competition. Pigeons shall not be allowed to perch or linger on buildings or the property of others. Flight activities shall not adversely affect abutters.
9. Training, exercising and the release of pigeons from the facility shall not be undertaken during the hours of 10:00am to 4:00pm from June to September as not to disturb yard use and the enjoyment of abutting neighbors.

#### Section 14: Complaints

If the Board receives a complaint from an individual claiming grounds exist for the termination of a license or that animals are being kept without a license or a licensee is in violation of said regulations, the Board, or its agent(s) shall, within two (2) business days after receiving such a complaint, investigate the matter and provide a response to both the complainant and licensee. The Board of Health may revoke or suspend a license for violations of any of the provisions of these regulations.

#### Section 15: Hearings

The holder of any license thus revoked or suspended, shall be notified of such action by certified mail. Any person so aggrieved may petition the Board of Health for a hearing at the next Board meeting and may permit the keeping of said animal(s) pending its findings.

#### Section 16: Variances

The Board of Health may vary the application or any provision of these regulations in any particular case when, in its opinion, the enforcement would manifest an injustice, provided that the decision of the Board shall not conflict with the spirit of the regulations. Any applicant for a variance shall nonetheless present a completed application for license, as required by Section 5 hereof.

#### Section 17: Commercial Facilities

Any farm which contains fowl or livestock and is a registered business enterprise that sells said animals or animal by-products to the public is not under the jurisdiction of these regulations to the extent that jurisdiction there over is with the Massachusetts Department of Agriculture.

#### Section 18: Enforcement

1. After notification from the Board of Health, any person housing or keeping animals without a license shall immediately apply for a license within twenty-four (24) hours or remove said animal(s) from the premises. Failure to respond within ten (10) days' notice of the violation of the Rules and Regulations for the Keeping of Animals in the town, will result in that person being subject to fines and penalties, as described for such violation.
2. License issued hereunder may be revoked by the Board if it determined that:
  - a. the presence of the animal(s) on the premises are dangerous to the public or health; or
  - b. the animals are not being properly cared for; or
  - c. facts contained in the application or as represented by the licensee to the Board are inaccurate; or
  - d. the licensee is keeping animals in addition to those for which the license was issued.

Section 19: Penalty

The penalty for non-compliance with any of the above Rules and Regulations shall be a fine of \$25.00 for every day in which the violation exists or the amount determined by the discretion of the Board, as defined under Chapter 111, Section 157 of the General Laws amended.

Effective date: August 17<sup>th</sup> 2022

Legal Notice: August 10<sup>th</sup> 2022

Public Hearing: August 17<sup>th</sup> 2022

Vote: August 17<sup>th</sup> 2022