

**MINIMUM STANDARD FOR KEEPING OF ANIMALS
TOWN OF ESSEX
BOARD OF HEALTH**

Effective June 1, 1995, the Board of Health of the Town of Essex, acting under the authority of the General Laws and amendments and additions thereto and by any other power thereto enabling, and acting thereunder and in accordance therewith, have, in the interest of and for the preservation of the public health, duly made and adopted the following rules and regulations for the MINIMUM STANDARD FOR KEEPING OF ANIMALS. This regulation has been promulgated to provide minimum standards for the protection of public health, animals, and the environment. The following rules, regulations, and standards are deemed by the Board of Health to be generally adequate to protect the public health, comfort, and the environment in the interests of present and future citizens of Essex. All farming and agricultural facilities existing as of June 1, 1995 are not required to relocate or update the configuration of existing buildings or land uses.

On February 22, 2000 and effective March 1, 2000, the Board subsequently acted to make and adopt revisions to these rules and regulations to: delete the exemptions for riding stables, farms, stables, pet shops, and places where more than ten dogs are kept; and to eliminate the enforcement authority of any Board agent, vesting it solely in the Board itself.

REGULATION 1: DEFINITIONS:

"Parties in interest" as used in this regulation shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list as further defined in Chapter 40A, Section 11.

Animal: shall mean any animal such as but not limited to poultry, bird, reptile, fish, cow, horse.

Board of Health: means the legally designated health authority of the Town of Essex, Massachusetts.

Coop: shall mean any building, lot, structure, enclosure, or premises or portion thereof where poultry are kept.

Exotic: means introduced from another country. Not native to the place where found.

Facility: shall mean any corral, building, drylot, enclosure, paddock, coop, run, shed, stable, stall, or structure used for storage of food supplies and/or equipment normally associated with the keeping of animals, or for the keeping or restraining of any animal.

Farm: as expressed in Section 1 of Chapter 61A of the General Laws: Land in agricultural use defined.

Feed: means a food mixture or preparation used for consumption by animals kept at a facility.

Flooding: shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source, or from mudslides, which are precipitated by accumulations of water on or under the ground, or from the collapse or subsidence of land along a shore of a body of water as a result of flood-related erosion.

Insanitary: means that state of being of a facility which, in the opinion of the Board of Health, is conducive to or results in excess of:

- A. breeding of flies
- B. creation of malodors
- C. vermin infestation
- D. liquid effluent
- E. runoff
- F. disease carriers
- G. noise
- H. dust in such concentration and of such duration as to
 - i. be injurious or, on the basis of current information, potentially injurious to human health, or
 - ii. unreasonably interfere with the comfortable enjoyment of life and property.

License: shall mean written authorization from the Board of Health to construct or maintain a structure for the keeping of animals.

Livestock: shall mean horses, ponies, cows, bulls, cattle, sheep, goats and swine.

Malodor: means a noxious odor.

Manure: means excrement and used bedding from livestock and poultry.

Original: means the first time a license or permit is issued. For example, application for a new permit for a different animal as an addition and/or replacement will not be considered original.

Owner: shall mean every person who alone, or jointly, or severally with others:

- A. has legal title to any facility, or
- B. has care, charge, custody, or control of any facility including but not limited to agents, executors, administrators, trustees, lessees or legal representatives.

Paddock: shall mean a fenced in area for turn out and/or exercising animals.

Pasture: shall mean a plot of fenced in land used for grazing and/or feeding of animals.

Permit: shall mean written authorization from the Board of Health to keep animals.

Poultry: shall mean all domesticated or semi-domesticated edible fowl such as but not limited to chickens, turkeys, ducks, guinea fowl, pheasants, and pigeons.

Runoff: shall mean any liquid or solid suspended in liquid that flows over the surface of the ground.

Shelter: shall mean the minimum housing required for horses, ponies, cattle, sheep, goats and swine.

Small animal: means rabbits and poultry, and other similar small animals.

Stable: means a building or structure in which animals are housed and/or fed.

Stall: means a compartment in a stable used for the keeping of one or more animals.

Suitable Land: means land with a natural drainage class of excessively drained, somewhat excessively drained, well drained or moderately well drained. Suitable land shall be land that is not a wetland as defined under M.G.L. ch.131 s.40 or 310 CMR 10.00 or subject to flooding.

Swine: shall mean any hoofed animal of the porcine species.

Vermin: shall mean any of various destructive insects or small animals including, but not limited to, flies, mosquitoes, lice, mice and rats.

Wetland: as defined under M.G.L. Ch. 131, S. 40, 310 CMR 10.00, the Wetlands Protect Act, and Town of Essex By-Law, Chapter 6, as amended from time to time.

REGULATION 2: KEEPING OF ANIMALS PERMIT

2.1 A Keeping of Animals Permit issued by the Essex Board of Health shall be required for the keeping of horses, goats, sheep, swine, and other large animals and when 10 (ten) or more small animals are kept. A permit shall be renewed annually.

2.2 A Keeping of Animals Permit shall be issued by the Board of Health when the application is approved by the Board.

2.3 A Keeping of Animals Permit shall be kept on the premises for which it is issued, and shall be produced upon demand of the Essex Animal Inspector and any agent or member of the Essex Board of Health.

2.4 The Keeping of Animals Permit fee of \$5.00 shall apply.

2.5 Animals not normally found or kept as domesticated animals such as, but not limited to, feral animals shall not be permitted except by written consent of the Board of Health and other approving authorities.

2.6 Appropriate shelter shall be provided for the animals kept.

REGULATION 3: STABLE LICENSE

3.1 Any person who proposes to remodel a building or portion thereof to be used as a stable, or who proposes to renovate, alter or enlarge any existing stable, or proposes to construct a new building which is to be used in whole or in part as a stable shall, prior to such remodeling, renovation, alteration, enlargement, or construction, shall submit plans thereof to the Board of Health for approval. Issuance of a stable license shall constitute approval. No building permit, foundation permit, special building permit, plumbing permit, or electrical permit shall be issued until and unless a stable license has been issued. No person shall occupy or use a stable unless it has been licensed by the Board of Health.

3.2 Application shall be made to the Board and/or its Agent on a form provided by the Board and licenses must be renewed annually. The Keeping of Animals Permit fee shall also serve as the Stable License fee.

3.3 The original license application under this Regulation shall be accompanied by a sketch locating stable, paddock(s), and manure storage area, and any septic system, private or public well, surface watercourses and any wetlands within 100 (one hundred) feet of the stable, paddock(s) and/or manure area. Additionally, lot lines and abutting streets shall be shown on the sketch.

3.4 Each application shall also make suitable arrangement for the storage, handling and disposal of manure.

3.5 An amended application for a stable license shall be submitted 30 (thirty) days prior to any change in the location of the stable, paddock(s) or manure storage area(s); or if the areas of the original stable, paddock(s) or manure storage area(s) are increased; or if any new stable, paddock(s) or manure storage area(s) are built or established; or if ownership of the stable changes.

REGULATION 4: LOCATION

4.1 Each stable shall be located on land with good drainage ability and not subject to flooding. The stable shall be at least 100 (one hundred) feet from any wetland and 100 (one hundred) feet from any well.

4.2 No manure storage area shall be located within:

- a. 100 (one hundred) feet of wetlands or watercourse as defined by M.G.L. ch. 131, s. 40.
- b. 50 (fifty) feet of a lot line or public way without special Board of Health permission.
- c. 100 (one hundred) feet of wells for potable water.
- d. 400 (four hundred) feet of public water supply wells re: DEP regulation.

4.3 No paddock, pen or animal exercise area shall be located over the leaching facility of a subsurface sewage disposal system without permission of the Board of Health.

REGULATION 5: MAINTENANCE OF PREMISES AND CARE OF ANIMALS

Animal owners, stable owners and operators shall:

- 5.1 Provide for the storage or disposal of waste material and manure so as to control vermin, insects and noxious odors.
- 5.2 Take all reasonable precautions to prevent the spread of infectious or contagious diseases.

REGULATION 6: KEEPING OF EQUINES

- 6.1 Under no circumstances shall equines, bovine, swine, fowl and exotics be allowed to roam free off the owner's premises. Repeated violation of this regulation will result in suspension of the permit.
- 6.2 Fencing shall be post and board or split rail or wire or other suitable fencing material to contain animals; barbed wire shall not be used.

REGULATION 7: KEEPING OF PIGEONS

- 7.1 Permit shall distinguish between pigeons permanently cooped and pigeons allowed free flight.
- 7.2 Every effort and precaution shall be taken to minimize flying or roosting on, above, within or proximate to abutting properties. It shall be adequate cause for revoking a permit for the keeping of pigeons if the flying of said pigeons interfere with the comfortable enjoyment of surrounding properties.
- 7.3 Facilities for the keeping of pigeons shall be maintained in a sanitary condition.

REGULATION 8: KEEPING OF SWINE

- 8.1 Swine may be kept in accordance with the regulations set by the Commonwealth of Massachusetts and the Board of Health of the Town of Essex By-Laws, Chapter VII, Section 7-3.

REGULATION 9: KEEPING OF BEES

- 9.1 Hives shall be kept no closer than 100 (one hundred) feet to any abutting dwelling or dwelling unit, and not within 50 (fifty) feet of any public way.

REGULATION 10: KEEPING OF ANIMALS IN THE SCHOOL SYSTEM

10.1 These regulations shall apply to animals kept in schools.

REGULATION 11: EXISTING FACILITIES

11.1 If a Keeping of Animals Permit or Stable License of an existing facility are not obtained within one year of the effective date of these regulations, the existing facility will be treated as a new facility when obtaining a Keeping of Animals Permit and a Stable License and be subject to the Keeping of Animals Regulation of the Board of Health, Town of Essex.

REGULATION 12: ENFORCEMENT

12.1 In addition to the enforcement provisions of any applicable federal, state and local law, by-law or regulations, the Essex Board of Health may deny, revoke, suspend, or refuse to renew a permit or license upon the Board's finding that the person has:

- A. violated any provision of M.G.L., ch. 272, s. 77 or 78A;
- B. violated any provision of this Regulation;
- C. violated a quarantine order.

12.2 No permit or license shall be denied, suspended, or renewal thereof refused except by decision of the Board of Health after a duly advertised Public Hearing.

REGULATION 13: APPEAL

13.1 Any person aggrieved by the decision of the Board of Health may seek relief as provided by the laws of this Commonwealth.

REGULATION 14: SEVERABILITY

14.1 Each part of this Regulation shall be construed as separate to the end that if any part of the Regulation or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of the Regulation shall continue in full force.

REGULATION 15: ADOPTION AND EFFECT

15.1 These rules and regulations were adopted by unanimous vote of the Board of Health, Town of Essex, Massachusetts and are to be in full force and effect on and after June 1, 1995 and shall, before said effective date, be posted in the office of the Town Clerk.

BOARD OF HEALTH

Gordon L. Thompson, Jr., Chairman
Charles A. Burnham, Member
Robert Parlee, Member

Public Hearing December 6, 1994
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