

# **TOWN OF SPENCER BOARD OF HEALTH**

## **Regulations Governing the Keeping of Animals and Fowl**

### **Section 1 Authority**

These regulations are adopted under the authority of MGL chapter 111, section, 31, as reasonable health regulations designed to protect and improve the health and quality of life of those who reside within the Town of Spencer. These regulations shall take effect as of the date of their approval as indicated below.

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

Whereas minimum standards for the keeping of animals, protection of public health, animal welfare, and the environment are considered necessary for the welfare of the community, the Spencer Board of Health has adopted these regulations.

### **Section 3 Definitions**

Animal: all animals such as, but not limited to, cattle, goats, sheep, swine, equines, llamas, poultry, large animals, livestock, reptiles or snakes, which are kept or harbored as domesticated animals. Cats, dogs, ferrets, domesticated pot-bellied pigs, rabbits, and hamsters are excluded from this definition.

Applicant: One who applies for a permit to keep one or more animals or fowl.

Board of Health: Spencer Board of Health.

Coop: A structure for the keeping or housing of poultry or other types of fowl.

Corral/Paddock: Enclosure for the confining of one or more animals.

Exotic: Refers to an animal not native to this region or country.

Facility: The total accommodations to be used for the keeping or housing and care of one or more animals, including but not limited to stable, pen, loft or corral.

Fowl: Birds for food, hunted as game, or used for racing.

Loft: Structure for the keeping or housing of pigeons or other types of fowl.

Loud-disturbing-or repetitive noise: Make, continue, maintain or cause to be made or continued any excessive, unnecessary, unreasonable or unusually loud noise or any noise in such manner as to annoy, offend, disturb, injure or endanger the comfort, repose, health, peace or safety of any reasonable person of normal auditory sensitivity residing in the area.

Multi Family-Any dwelling containing two or more separate residences for rent or lease.

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

Pea Fowl: Very large terrestrial pheasant of Southeast Asia and India. Male is called a peacock; female is a pea hen.

Pen: A structure for the keeping or housing of one or more animals

Rooster: An adult male domestic chicken.

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

Town Center Zone-As described by the Zoning Board Maps adopted 2011.

Unsanitary conditions: The facility's state of being or condition which, in the judgment of the Board of Health, are conducive to or results in, breeding of flies, creation of offensive odors, rodent infestation, liquid effluent, runoff, and/or noise in such concentrations and/or such duration as to cause a nuisance, be injurious, may be considered potentially injurious to human health, or unreasonably interfere with the health and safe enjoyment of life and property.

Wild Animal: Any animal not normally found or kept as a domesticated animal, including but not limited to snakes, poisonous reptiles, alligators, monkeys, lions and tigers.

#### **Section 4 Permits**

A permit to keep one or more animals shall be required for anyone keeping one or more animals as defined in this regulation.

A. Application(s) for a permit for the purpose of keeping animals shall be submitted on a form supplied by the Board of Health for each location where animals are kept in the town. At the time the application for keeping animals is submitted, the applicant shall provide the Board of Health with the following documents:

1. Full name, address, and telephone number of the applicant
2. Location –street address of the premises to be used
3. List of Abutters within 300' that must be notified by certified mail.
4. Number and species of animals to be kept. NO animals in excess of the specified number on initial application shall be kept without notifying the Board of Health within thirty (30) days.
5. Informal plot plan, showing the following:
  - a. borders with dimensions of area where the animals will be kept and used by animals,

- b. location of all structures on the property,
  - c. confining fences and barriers,
  - d. any bodies of water or surface watercourses located within 100' feet of the housing for the one or more animals,
  - e. location of any septic system on the premises,
  - f. location of any private wells within the perimeter of the area where the one or more animals will be kept or within 100' of the perimeter,
  - g. location of manure containers, and drainage details.
6. A written plan for the management and disposal of animal waste, storage of feed, method used to control flies and vermin
7. Stables shall be located at least one hundred (100) feet from any dwelling on abutting property.
8. A paddock/corral area shall be situated at a sufficient distance from the property line so as to prevent damage to abutting property and to prevent incidental contact of children on abutting property. Furthermore, they shall be situated and managed in such a way so as to prevent significant runoff of fecal matter into water bodies taking into account the slope and vegetation between the fence of the corral or paddock and the water body.
9. Property barriers such as fencing or other appropriate measures shall be installed on areas of the property where keeping of animals exists. These barriers shall be secured in such a fashion as to prevent the escape of animals
10. The initial applicant/application and proposed renovations shall meet and receive zoning clearance from the Building Department.
11. The permit fee to keep animals or fowls is \$25.00.
12. Permits shall expire on December 31<sup>st</sup> of each year, unless sooner revoked by the Board of Health upon violation of any of the provisions of these regulations. Application for renewal of a permit is the responsibility of the holder of the permit and will have an annual fee of \$25.00.
13. The person(s) who have had a permit denied or revoked shall be ordered to remove all unlicensed animals from the property within a time frame determined by the Board of Health.
14. No person shall propose or erect, remodel, occupy or use a stable, or accessory structure intended for the housing of animals unless and until he/she has submitted a plan to the Board of Health for review and the same has been approved.
15. Each facility shall have a supply of potable water available to the structure for feeding and cleaning purposes.
16. Permits are not transferable and shall be posted in a conspicuous area.

## **Section 5 Standards of Care**

A. The facility for the keeping of one or more animals shall not allow or permit the floor and/or grounds of the facility to be designed, constructed, and/or maintained in unsanitary conditions. Requirements are as follows:

1. The facility shall be adequately ventilated and provide protection from weather elements.
2. All facilities for the keeping of one or more animals shall be securely fenced to prevent the escape of animals. Animals at no time shall be allowed to roam unattended from the designated area as noted in the application.
3. Paddocks used for horses/stallions must provide at least  $\frac{1}{2}$  acre of land per animal. Existing paddocks are exempt from this regulation unless the Board of Health determines otherwise.
4. All stables shall be provided with a fenced paddock adequate for free exercise of the horses kept in the stable.
5. All paddocks shall be provided with drainage to prevent the formation of stagnant pools or puddles.
6. Barbed wire shall not be used for fencing.
7. All electric fences shall be posted with a sign so stating.
8. Paddock fencing shall be high enough to keep the animals confined and prevent their breaking loose.
9. Each stall shall be of a size for a horse to lie down, get up, and turn around.
10. Each stall floor shall be kept covered with an adequate dry supply of suitable bedding material to absorb moisture and subdue odor. Beddings such as straw, shavings, sawdust etc. are suitable.
11. The interior of the stable shall be free from projecting nails, splinters etc. liable to injure the animal. The use of rotten, burned, crumbly or otherwise interior materials is prohibited. Electrical fixtures shall be placed out of the reach of animals.
12. All containers used to store feed/grain must be made of suitable materials to prevent the entry of insects or rodents.
13. An adequate supply of water shall be provided for all animals.

B. The following maintenance requirements shall be maintained at all times:

1. The facility in which the one or animals are kept shall be maintained in such a manner as to prevent the spread of infectious or contagious diseases.
2. The owner of the facility for the keeping of one or more animals shall keep the facility in a clean, sanitary, and presentable condition, free from decaying food, filth, feces, vermin infestation and stagnant water.
3. Food shall be stored in sealed, moisture-proof and vermin -proof containers, when appropriate.
4. One or more dead animals shall be disposed of or incinerated, at an appropriate facility or by any other means approved by the Board of Health, within a reasonable time but in no event more that forty-eight (48) hours after death. Storage of deceased animal shall be in such a way to prevent odors and attraction of vermin.

C. A written manure management plan addressing the following are requirements for the keeping and maintenance of manure and fecal matter within the facility shall be submitted with the application.

1. Drainage or liquid effluent containing urine, fecal matter and manure from any one or more animals kept at said facility is not to be discharged in runoff, or to flow over the surface of the ground onto a neighboring property, public way or watercourse and shall not be susceptible to flooding. Water including drainage shall not become stagnant or collect or create a ponding affect upon said facility.
2. The owner of facilities for the keeping of one or more animals shall provide for the sanitary storage and disposal of all waste, fecal matter and manure related to the keeping of the one or more animals.
3. Manure shall be stored and managed in such a way so as to prevent significant runoff of fecal matter into water bodies or wells taking into account the slope and vegetation between the manure storage area and the water body or well.
4. During warm weather, if necessary, fecal matter and manure shall be treated with lime or super phosphate to minimize odors and treated with legally approved insecticides for fly control.
5. The Board of Health or its authorized agent will allow the composting of manure generated at the facility for the keeping of one or more animals upon specific written Board of Health approval.

### **Section 6 Keeping of Poultry**

Coops for the keeping of poultry shall be of sufficient size and design, and constructed of material to accommodate the poultry in a safe and healthy manner and be maintained in clean and sanitary conditions. Poultry is prohibited in Town

Center Zone and Multi Family properties. At no time are poultry to be housed inside any dwelling. All coops are to be a minimum of 100' from any abutting dwelling and no less than 25' from any property line.

A. Roosters and other Avian Species Prohibited: As these birds will create intense noise for long durations they can disturb residents from the enjoyment of their home and or property. Therefore, Roosters, Pea Fowl and other bird that creates loud, disturbing, and repetitive noise are prohibited within the Town of Spencer without proper permitting from the Board of Health. The BOH and or their agents will be the enforcing agent for this regulation.

### **Section 7 Keeping of wild or exotic animals**

Wild animals or exotic animals must be kept in accordance with M.G.L c 131 s 23 and 321 CMR 9.01.

Mass Wildlife has statutory responsibility for all freshwater fish, reptiles, amphibians, birds, and mammals regardless of whether they are native to Massachusetts or occur elsewhere in the world.

You should not assume that animals for sale in other states, including those states adjoining Massachusetts are allowed in Massachusetts. Similarly, be wary of animals advertised for sale on the internet and newspapers. These may be lawful at the point of origin, but not in Massachusetts.

### **Section 8 Exemptions**

This regulation shall not apply to the following properties and facilities:

A. Individual properties or facilities under the direct care and/or control of the Massachusetts Prevention of Cruelty to Animals (MSPCA).

B. Properties or facilities that are part of farming as defined by MGL Chapter 111 Section 1. Sufficient proof that such property or facility is agriculture as so defined, shall include one of the following:

1. A valid Registry of Motor Vehicles farm registration certificate,
2. A tax certificate for classified forest land pursuant to MGL Chapter 61,
3. Farm Viability Plan created in conjunction with the Department of Agricultural Resources,
4. Recorded Agricultural Preservation Restriction,
5. State or Federal income tax returns including Schedules C, D, and F,
6. Special Assessment of real estate pursuant to MGL Chapter 61A, or
7. Licenses issued by DAR for operation of production agriculture or farm business.



## **Section 9 Enforcement**

- A. The board of Health may deny, suspend, revoke, or refuse to renew a permit for failure to comply with the provisions of this regulation.
- B. Anyone violating this regulation shall be subject to fines of \$100 for the first offense, \$200 for the second offense, and \$300 for the third and subsequent offenses. Each day of non-compliance is considered to be a separate and additional violation. Fines shall be issued through the use of a Non-Criminal Disposition ticket.
- C. The person(s) who have had a permit denied or revoked shall be ordered to remove all animals from the property usually not less than 30 days or within a time frame determined by the Board of Health.
- D. Should the Animal Control Officer, Animal Control Inspector or an authorized representative from the Town of Spencer take into custody, a loose or stray animal and the animal's owner can be determined; the owner is responsible for the boarding fees associated with the capture.

## **Section 10 Right to a Hearing**

Any person or persons who feel aggrieved by the Board of Health order that has been served pursuant to any section of these regulations may request a hearing before the board of health by filing a written petition to the Board of Health within seven days of receipt of this said order.

## **Section 11 Variance**

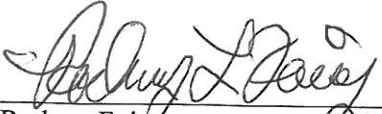
The Board of Health may grant a variance to any of the provisions of these regulations when, in its opinion, the strict enforcement would do manifest injustice and does not jeopardize public health or the environment.

## **Section 12 Severability**

Each provision of these regulations shall be considered as separate to the extent that if any section, item, sentence, clause, or phrase is determined to be invalid for any reason, the remainder of the regulation shall continue in full force and effect.

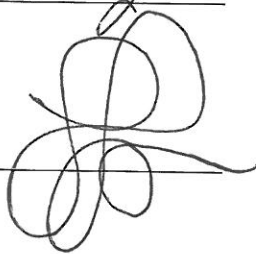
## **Section 13 Adoption and Effect**

These rules and regulations were adopted by unanimous vote of the Board of Health, Town of Spencer, Massachusetts and are to be in full force and effect on and after 7/2/18 and shall be deposited in the office of the Town Clerk.

  
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Rodney Foisy  
Chair

7-2-18  
Date

\_\_\_\_\_  
Lee Jarvis  
Member



7-2-18  
Date

\_\_\_\_\_  
Daniel Shields  
Member

\_\_\_\_\_  
Date