

TOWN OF MEDFIELD
BOARD OF HEALTH

ANIMAL CONTROL REGULATIONS

The Board of Health of the Town of Medfield, acting under the authority of Sections 21, 122, 143, and 155 of Chapter 111 of the Massachusetts 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 adopted the following regulations for the control of animals in the Town of Medfield.

REGULATION 1. DEFINITIONS

Abutter: Shall mean the owners or tenants of property which adjoin the lot upon which animals are to be kept whether or not said properties are separated by a public way.

Animal: For the purpose of these regulations, animal is to mean all animals except dogs, cats, and domestic animals normally kept in the home, and including fowl, that are kept or harbored as domesticated animals.

Animal Unit: For the purpose of licensing a given number of animals or fowl, the following shall be considered equivalent and each will be regarded as a single animal unit:

horse	1	bovine	1
goats	2	sheep	2
swine	2	geese	3
ducks	5	rabbits	4
chickens	10	pigeons	15

Fractional units are cumulative.

Commercial Stable: A stable operated for commercial purposes including riding schools or boarding.

Corral: Any pen or enclosure for confining animals.

Dwelling: Any building or shelter used or intended for human habitation or periodic human activity.

Facility: The total accommodations to be used for the keeping and care of animals, including but not limited to, stable and corral.

Farm: A parcel of land under one ownership which contains a minimum of five (5) acres, and its use, concomitant with the keeping of animals, comprises a major source of income and/or constitutes a livelihood for the owner or tenant.

Feed: A food mixture or preparation, and hay, used for consumption by animals, kept at or proximate to a facility.

Fowl: As used in these regulations, shall mean all members of the bird family, and shall include chickens, roosters, capons, hens, turkeys, pigeons, peafowl, ducks, swans, and geese (other than wild species).

Horse: Any solid-hoofed animals including, but not limited to, a horse, donkey, pony or mule.

Impervious Material: Soils having a percolation rate greater than twenty (20) minutes per inch drop, and including but not limited to ledge, hardpan, clay, peat, loam and organic matter.

Unsanitary Conditions: The state of being of a facility which, in the opinion of the Board of Health; is conducive to or results in breeding of flies, creation of offensive odors, rodent infestation, liquid effluent or runoff.

Lot: An area of land in one ownership, with definite boundaries used or available for use as the site of one or more buildings.

Noise: Sound of sufficient intensity and/or duration as to

- a. cause of nuisance,
- b. be injurious or, on the basis of current information, potentially injurious to human health, or
- c. unreasonably interfere with the comfortable enjoyment of life and property.

Owner: Every person who alone, or jointly, or severally with others

- a. has legal title to any dwelling or dwelling unit, or
- b. has care, charge, or control of any dwelling or dwelling unit as agent, executor, executrix, administrator, administratrix, trustees, lessee, or guardian of the estate of the holder of legal title.

Each such person thus representing the holder of legal title is bound to comply with the provisions of these regulations as if he were the owner.

Person: Every individual, partnership, corporation, firm, association, or group, including a city, town, country, or other governmental unit, owning property or carrying on an activity regulated by these regulations.

Runoff: Water from rain or melted snow that flows over the surface of the ground.

Stable: A building or structure in which animals are sheltered and/or fed.

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

Vermin: Any of various insects, bugs, or small animals regarded as objectionable because destructive or disease carrying included but not limited to flies, mosquitoes, lice, and rats.

Watercourse: Any stream drain, pond, lake, or other body of water drained by a stream, dry ditch, or other depression that will permit drainage water to empty into any open waters of the Commonwealth.

Wild Animals: Any animal not normally found or kept as a domesticated animal. These animals normally require Federal or State Permits.

REGULATION 2. GENERAL REQUIREMENTS

- 2.1. No person shall keep or allow to be kept within the limits of the town in any building or any premises on which he may be the owner, lessee, tenant, or occupant, any horses, cows, goats, fowl, sheep, swine, or any other animal than those kept as family pets (based on the Board of Health definition of animal unit) without a written permit from the Board of Health. All such permits shall expire on June 30th of each year, unless sooner revoked by the Board of Health for cause.
- 2.2. No person shall keep more than 1 horse, 1 bovine, 2 goats, 4 sheep, 4 swine, 8 rabbits, 10 geese, 10 ducks, 20 chickens, or 15 pigeons on a lot except where the property for keeping said animals is more than one (1) acre.
- 2.3. The facility for the keeping of animals shall be located on a lot not less than:
 - a. 50 feet from any abutting property line.
 - b. 75 feet from any swamp or watercourse.
 - c. 100 feet from any abutting dwelling.
 - d. 100 feet from any well used as a supply of drinking water.
 - e. 10 feet from any part of any individual sewage disposal area.
 - f. the building (stable) shall be 50 feet away from any public way, and 50 feet from a dwelling, and the pen (corral) shall be 50 feet from any public way and 50 feet from a dwelling.

The above minimum requirements may be enlarged or increased in any particular case at the discretion of the Board of Health.

- 2.4. No foxes, skunks, minks, raccoons, or other fur-bearing animals shall be raised for commercial purposes anywhere within the town.
- 2.5. No person shall erect, or use as a facility for animals requiring a permit, any building in the Town of Medfield unless such use is approved by the Board of Health.
- 2.6. The owner or other person or persons having control of any existing building or buildings hereafter erected or converted into a facility in a clean, wholesome and attractive condition, free from decaying food, filth, feces, and stagnant water. The buildings and pens of the facility shall periodically be disinfected, and put in such condition as may be ordered by the Board of Health.
- 2.7. All facilities for the keeping of animals shall be securely fenced so as to prevent the escape of animals therefrom. At no time will animals be allowed to roam unattended.

- 2.8. Property barriers such as fencing or closely planted trees shall be installed (barbed wire not acceptable), or other appropriate measures taken, on lots where it is necessary to discourage neighborhood children from wandering into the area of the facility, or on lots where the location of the facility will ordinarily interfere with the comfortable enjoyment of an abutter's property.
- 2.9. A supply of potable water shall be available to the animals at all times and at or near the facility for feeding, cleaning, and fire protection purposes.
- 2.10. Wild animals shall not be permitted except by the expressed consent of the Board of Health and other appropriate State and Federal areas of jurisdiction.
- 2.11. The Animal Inspector, Agent of the Board, or any member of the Board of Health shall have the right to make an inspection at any time in accordance with Chapter 111, Section 127-B.
- 2.12. Pet shops, commercial stables, and riding instructors must be licensed by the Massachusetts Department of Agriculture as well as the local Board of Health.
- 2.13. A Medfield Board of Health Permit does not exempt an owner or corporation from the requirements of, or need for permits, from other State or Federal regulatory agencies.

REGULATION 3. SANITARY REQUIREMENTS

- 3.1. No person owning, leasing, or controlling the management of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow or permit:
 - a. the floor and/or the ground of the facility for the keeping of animals designed, constructed, and/or maintained as to cause or contribute to unsanitary conditions at said facility.
 - b. drainage or liquid effluent containing urine and/or fecal matter from any animal kept at said facility to be discharged in runoff, or to flow over the surface of the ground on to neighboring property, public way or watercourses.
- 3.2. Management and disposal of manure and soiled bedding shall be such as to minimize odors, breeding of flies, and the attraction of vermin. Manure shall be collected and stockpiled at a single location, carefully chosen to maximize the distance from abutting properties and watercourse, and with due consideration of the prevailing winds.
 - a. The manure shall not be stockpiled between the period of April 15 and October 15. If manure is disposed of by burying, the manure pit shall be no less than 25 feet from any lot line, 100 feet from any abutting dwelling, 100 feet from any surface of subsurface watercourse, and in well-drained hill with the bottom of the pit at least 3 feet above maximum ground water elevation.
 - b. During warm weather, manure shall be treated with lime or superphosphate to minimize odors and treated with USDA approved insecticides for fly control.
 - c. The dimensions and/or drainage conditions of any particular lot, may, in the opinion of the Board of Health, require off property disposal of manure. In such cases the manure shall not be put out for general town trash collection.

It shall be the responsibility of the owner to dispose of manure in a safe and sanitary manner.

- d. The composting of manure shall not be allowed except by specific approval by the Board of Health.

3.3 Animals shall be maintained in a clean and healthy condition.

3.4 Any animal feed that is stored on, at, or proximate to the facility for the keeping of animals shall be stored in sealed, moisture-proof, vermin-proof, and rat-proof containers.

3.5 No owner of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow, or permit an infestation of insects or vermin at said facility. Control of these pests shall be with the use of USDA approved compounds. The continuance of an infestation of vermin at or near the facility beyond a date specified by the Board of Health, when the owner has been ordered by the Board of Health to abate any such infestation in a safe and sanitary manner, shall be cause for revocation of permit and initiation of legal proceedings to eliminate said conditions.

3.6 Dead animals, except horses, shall be buried, incinerated, or disposed of in such a way as to prevent the attraction of flies and prevent odors. If buried, the animal shall be put in a hole and covered with at least four feet of compacted dirt. The burial site shall be at least 15 feet from any lot line, and 50 feet from any watercourse. This regulation does not apply to animals which are slaughtered for use as edible meats or to dead horses which must be examined by a Veterinarian or the Board of Health Agent prior to burial.

REGULATION 4. KEEPING OF HORSES

4.1 No permit shall be issued to keep a horse on any lot of land containing less than 40,000 square feet. The usable area, drainage conditions, and dimensions of the lot must also be acceptable to the Board of Health. Additional horses up to a total of four (4) shall not be permitted unless the lot contains a minimum of two-thirds (2/3) of an acre per each additional horse. More than four horses may be permitted to be kept on lots containing more than three (3) acres, provided that lot dimensions are acceptable to the Board of Health, and provided that the granting of such permit will not adversely affect the public health, safety, and welfare.

4.2 Facilities for the keeping of horses shall be located on well drained land, not susceptible to flooding. In no case shall a facility be located on impervious soil, or on ground on which stagnant water can collect. Locations requiring removal of impervious material shall be inspected by the Board of Health after excavation and before filling. Fill shall be of porous material such as gravel, coarse sand, or crushed rock to a depth of at least twelve (12) inches, extending at least five (5) feet beyond the boundaries of the facility, and such that the finish grade within all parts of the facility are higher than the surrounding ground.

4.3 Feces (manure) dropped by any horse kept at said facility shall not remain on the ground or floor for a period of time in excess of three (3) days.

4.4 The corral fencing shall be constructed of sturdy material (not barbed wire) visible to the horses and so as to adequately contain the horses and for the protection of persons and contiguous property. The corral area shall be a minimum of two thousand

(2,000) square feet, including the stable site for the keeping of one horse. An additional corral area of three hundred (300) square feet for each additional horse shall be required.

- 4.5 Each stable shall be located not less than 50 feet from any abutting property line, and shall be completely enclosed of sturdy construction so as to provide adequate safety and comfort for the horse. The stable shall contain a minimum of one hundred fifty (150) square feet for the first animal, and at least sixty (60) additional square feet for each additional animal, and shall provide adequate space for food storage and equipment.

Doors shall be of sufficient height and width to allow safe ingress and egress for the horse. The ceiling and/or roof of the stable shall be of sufficient height to provide adequate ventilation.

At least one window with screening shall be provided for ventilation and light, with appropriate safeguards against drafts, and the breaking of glass. Construction shall be such as to prevent the accumulation of moisture within the opposite sides of the stable.

The floor shall be constructed so as to provide adequate drainage to prevent urine from accumulating, and so as to allow easy removal of manure and soiled bedding. Flooring shall also be acceptable to both the Board of Health and the MSPCA.

- 4.6. Under no circumstances shall a horse be allowed to roam free nor to be left tethered, but unattended by a responsible person.
- 4.7. The death of any horse mysteriously or suddenly, except by accident, and without being attended by a Veterinarian, must be reported to the local Board of Health immediately. In no case shall such an animal be disposed of until released by the Board or a State Veterinarian.

REGULATION 5. KEEPING OF FOWL

- 5.1. Fowl shall not be allowed to forage or stray outside the area of the facility.
- 5.2. No rooster shall be kept unless the permit so specifies. It shall be adequate cause for refusing or revoking a permit to keep a rooster if one or more abutters complain of its presence by reason of noise.
- 5.3. Coops for the keeping of fowl shall be disinfected at least twice a year.
- 5.4. The coop shall be cleaned of droppings no less often than once every two (2) weeks between April 15 and October 15 of a given year and once every four (4) weeks during the remaining period. Every means should be taken to minimize the dust created from dried fowl manure.

REGULATION 6. OTHER ANIMALS

The specific regulations outlined above for the keeping of horses will generally be interpreted for all other classes of animals. The following area requirements should be used as guidelines for other animals:

Animal	Stable Size <u>sq. ft.</u>	Corral Size <u>sq. ft.</u>	Fencing <u>Requirements</u>
Goats	50	100	5 feet
minimum/animal	25	50	
Sheep	50	100	5 feet
minimum/animal	25	50	
Swine	50	100	3 feet
per animal	25	50	
Bovine	150	1,000	5 feet
Chickens	5/bird	desirable, not	must be confined
Ducks & Geese	5/bird	10	must be confined

Guidelines for animals not specifically mentioned will be developed by the Board upon request.

REGULATION 7. APPLICATIONS, PERMITS, FEES
(Requirements and limits thereof)

7.1. All new applications for a Permit to keep animals shall be submitted on a form acceptable to the Board of Health. Such application shall be accompanied by a sketch showing the property to be used, the names and addresses of all abutters, the proposed location of the facility, the location of any streams, drains, or known sources of water supply within one hundred (100) feet of the facility.

Applicants for new Permits will be required to notify all abutters of their application by certified mail, return receipt. These receipts shall be filed with the Board before the application will be acted upon. The application shall also be accompanied with a proposal or plan to indicate how the facility shall be maintained so that it will be kept clean and free from filth and stagnant water, and the method to be used to control flies and rodents. Such plan shall also show the construction details of the facility with necessary drainage details. The application plan shall also show the type, location and dimension of fencing.

7.2. Any person who proposes to remodel an existing building or a portion thereof, or to construct a new building which is to be used in whole or in part as a facility for keeping of animals shall, prior to obtaining a Building Permit for such construction or remodeling, submit plans to the Board of Health for approval as well as to the town Building Inspector if necessary.

- a. Such construction shall be commenced within ninety (90) days after the Board of Health approval is given, and shall proceed without unreasonable delay or approval or shall be null and void.

- a. Such construction shall be commenced within ninety (90) days after the Board of Health approval is given, and shall proceed without unreasonable delay or approval or shall be null and void.
 - b. The permit to keep animals shall be issued after construction of the facility is completed and approved by the Board of Health and the Building Inspector.
 - c. In cases where a Building Permit is required, preliminary Board of Health approval shall be indicated by countersigning said Building Permit by the Board of Health, or its authorized agent
 - d. In cases where a Building Permit is not necessary, approval by the Board of Health shall be given by means of the issuance of the Animal Permit itself.
- 7.3. All permits shall specify the exact number and type of animals or fowl to be kept within the are described for the keeping of such. No animals in excess of the specified number shall be kept herein.

7.4. Fees: As specified in current fee schedules of the Board.

CATEGORIES

1. Commercial - Boarding or Riding Stable
2. Horses - Private
3. Other animals and fowl
4. Farms

Note: In cases of animal complaints, or other circumstances, the Board of Health invokes the right to charge a fee for a specific inspection, if necessary.

- 7.5 The person or persons who have had a permit denied or canceled shall be ordered to remove all unlicensed animals from the property occupied by said animals.
- 7.6 A permit to stable or keep animals on property in the Town of Medfield is not transferable.
- 7.7 All permits issued for the keeping of animals prior to the adoption of these regulations shall be valid, and may be renewed subject to the regulations in effect prior to the adoption of these new regulations, providing the persons, conditions, and agreements contained in the original applications have not changed, and that no conditions exist that would be injurious to the public health, or restrict the normal use and enjoyment of contiguous property. All renewal of permits subsequent to the adoption of these regulations shall be subject to the adopted schedule fees.

REGULATION 8. SEPARABILITY

- 8.1. So far as this Board may provide, each section of these regulation shall be construed as separate to the end that if any section, item, sentence, clause or phrase shall be held invalid for any reason the remainder of these rules and regulations shall continue in full force and effect.

REGULATION 9. VARIANCE

9.1 The Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided, that the decision of the Board of Health shall not conflict with the spirit of these minimum standards. Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the clerk of the city or town, or in the office of the Board of Health.

REGULATION 10. PENALTY

10.1 Whoever violates any of these regulations shall forfeit a sum not exceeding one hundred dollars (\$100.00) unless when otherwise provided by law or by these regulations.

REGULATION 11. ADOPTION AND EFFECT

11.1 These rules and regulations were adopted by unanimous vote of the Board of Health, Town of Medfield, Massachusetts and are to be in full force and shall, before said effective date, be published in a newspaper published in this town and a copy thereof shall be deposited in the office of the Town Clerk.

MEDFIELD BOARD OF HEALTH

Richard R. Whelan, Chairman
Thomas A. Caragliano, Clerk
Francis X. Curry

ADOPTED AS AMENDED:
January 19, 1976 (retyped 3/12/97 sds)

A TRUE COPY ATTEST

Carol C. Mayer
TOWN CLERK OF MEDFIELD, MA