



BOARD OF HEALTH

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Public Health
Prevent. Promote. Protect.

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.

REGULATION 1: DEFINITIONS:

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

Board of Health (BOH): The legally designated health authority of the Town of Essex, Massachusetts. For the purpose of these regulations it includes the Board of Health members, their agent, the Essex Animal Inspector, Dog Officer, Police Officers, or other person authorized by the Board to act on their behalf.

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

Domestic Animal: Any pet, or an animal treated such that either by nature or nurture has become dependent upon human intervention for survival.

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

Facility: 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 except such of those that are subject to regulation under the provisions of:

- A. Section 2B of Chapter 128 of the General Laws pertaining to commercial riding stables;
- B. Section 39A of Chapter 129 of the General Laws pertaining to pet shops; and
- C. Sections 136A through 175 of Chapter 140 of the General Laws pertaining to dogs.

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

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

Flooding: 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: 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.

KOA: Keeping of Animals

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

Livestock: Horses, ponies, cows, bulls, cattle, sheep, goats and swine.

Malodor: A noxious odor.

Manure: Excrement and used bedding from livestock and poultry.

Original: 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: 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: A fenced in area for turn out and/or exercising animals.

Parties of Interest: 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.

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

Permit: Written authorization from the Board of Health to keep animals.

Person: Individual(s) or family residing in the same residence.

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

Runoff: Any liquid or solid suspended in liquid that flows over the surface of the ground.

Shelter: The minimum housing required for horses, ponies, cattle, sheep, goats and swine.

Small animal: Rabbits and poultry, and other similar small animals.

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

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

Suitable Land: 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: Any hoofed animal of the porcine species.

Unsanitary: See *insanitary*

Vermin: 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.

SECTION 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 and/or its Agent.
- 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 An annual Keeping of Animals Permit fee, as set by the Board of Health 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.
- 2.7 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.

SECTION 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, 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 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.
- 3.3 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.
- 3.4 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 on the property. Additionally, lot lines and abutting streets shall be shown on the sketch.
- 3.5 Each application shall also make suitable arrangement for the storage, handling and disposal of manure.

- 3.6 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.

SECTION 4: NUMBER OF DOMESTIC ANIMALS PER DWELLING OR PROPERTY

- 4.1 No person shall keep, allow, maintain, or harbor more than three domestic animals for each unit of a duplex or multifamily property. Puppies and kittens under 6 months of age shall not be counted for the purpose of this section.
- 4.2 Any property with more than six dogs *must* have a current Essex Town Clerk issued kennel permit. All persons with a kennel license and/or a Keeping of Animals permit are subject to random, unannounced spot inspections by the Animal Inspector and any agent or member of the Essex Board of Health.
- 4.3 There shall be no more than 1 (one) horse per 1/8 acre of property. Any person who harbors a horse on their property must have a keeping of animals permit, and is subject to random spot inspections at the discretion of the Animal Health Inspector or Board of Health.
- 4.4 All horses and waste material must be kept a minimum of one hundred (100) feet from the lot line and any private well, and all manure must be disposed of within a reasonable time, as determined by the Animal Inspector or any agent or member of the Essex Board of Health and have no adverse impact on abutters or the public.

SECTION 5: MAINTENANCE OF PREMISES AND CARE OF ANIMALS

Animal owners, stable owners and operators shall take all reasonable precautions to prevent the spread of infectious or contagious diseases by providing:

- 5.1 All manure and other animal waste byproducts must be maintained in such a way that they do not become a nuisance to abutters or the public. 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. 100 (One hundred) feet of a lot line or public way without special Board of Health permission.
 - c. 100 (one hundred) feet of private wells for potable water.
 - d. 400 (four hundred) feet of public or semipublic water supply wells re: DEP regulation.
 - e. Stockpile locations shall be chosen to maximize the distance from, and minimize the impacts on, abutting properties and watercourses and with due consideration of slopes and prevailing winds.

- 5.2 No person owning, leasing or controlling a stable shall willfully or through negligence, cause, suffer, allow, or permit drainage or liquid effluent containing urine and/or fecal matter from a horse or horses, or other animals, to be discharged in runoff, or to flow on or through the surface of the ground onto a neighboring property, a public way, wetland or watercourse or create any unsanitary condition, which in the opinion of the Board of Health is conducive to, or results in excess of breeding of flies, creation of malodors, vermin infestation, liquid effluent, runoff, disease carriers, noise, dust in such concentration and of such duration as to be a nuisance or potentially injurious, or unreasonable interfere with the comfortable enjoyment of life and property. If a violation of any of these standards continues after the owner has been ordered by the Animal Inspector or any agent or member of the Essex Board of Health, to abate such violation, legal action may be taken to eliminate the violation and the BOH permit may be revoked.
- 5.3 All stalls and floors shall be kept clean and dry, free from accumulated manure, have ample bedding and be treated as necessary to control odor and prevent the attraction and breeding of flies.
- 5.4 Stored grain shall be kept in moisture-proof, rodent-proof containers.
- 5.5 Manure and soiled bedding shall be handled and treated as necessary to prevent excess odors and the attraction and/or breeding of flies and/or vermin.
- 5.6 The Board or its agent may require that manure be treated with lime or other odor reducing agents to minimize odors, and/or be treated for fly control.

SECTION 6: KEEPING OF EQUINES

- 6.1 Under no circumstances shall equines, bovines, swine, fowl or 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.

SECTION 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 interferes with the comfortable enjoyment of surrounding properties.
- 7.3 Facilities for the keeping of pigeons shall be maintained in a sanitary condition.

SECTION 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.

SECTION 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.

SECTION 10: KEEPING OF ANIMALS IN THE SCHOOL SYSTEM

10.1 These regulations shall apply to animals kept in schools.

SECTION 11: EXISTING FACILITIES

11.1 Existing facilities are grandfathered and exempt from parts of these regulations not in effect at the time of their original permit, until the existing animals have deceased or been relocated as long as there is no break in permitting by the BOH or transfer of the animals or property. All new animals are subject to this bylaw.

REGULATION 12: ENFORCEMENT

12.1 In addition to the enforcement provisions of any applicable federal, state and local law, by-law or regulation, the Board of Health may deny, revoke, suspend, or refuse to renew a permit or license upon finding by the Animal Inspector or agent or member of the Essex Board of Health 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.

14.2 ADOPTION AND EFFECT

These rules and regulations were adopted by unanimous vote of the Board of Health, Town of Essex, Massachusetts, amended as listed below, became effective June 1, 1995 and are available in the office of the Town Clerk and Board of Health.

BOARD OF HEALTH

Gordon L. Thompson, Jr., Chairman

Charles A. Burnham, Member

Robert Parlee, Member

Public Hearing December 6, 1994

Adopted December 6, 1994

Public Hearing March 21, 1995

Amended March 21, 1995

Posted in Town Clerk's Office May 30, 1995

Effective June 1, 1995

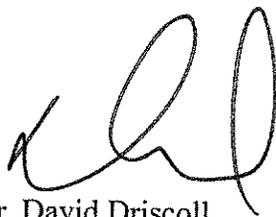
Public Hearing November 16, 1999

Amended November 16, 1999

Public Hearing March 8, 2012

Amended March 8, 2012

Revised March 8, 2012
Essex Board of Health


Dr. David Driscoll,
Chair


Martha Mazzarino,
Clerk


Marlene Sanders,
Member