



## TOWN OF ACUSHNET

### BOARD OF HEALTH

#### Animal Regulations

#### SECTION 1 - AUTHORITY

The Board of Health of the Town of Acushnet, acting under the authority of Sections 31, 122, and 143 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 Acushnet.

#### SECTION 2 - 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.

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

**Owner:** Every person who alone, or jointly, or severally with others has legal title to any dwelling or dwelling unit, or 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 water shed, 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.

### SECTION 3 - GENERAL CONDITIONS

- A. No individual or individuals, partnership, company or corporation shall keep any type of animals within the limits of the Town of Acushnet, unless someone actually resides upon the premises to be permitted and such person is directly responsible for the care and upkeep of such animals.
- B. All animals shall be suitably isolated and maintained in such a manner that no nuisance or result which is either harmful to the inhabitants or danger to the public health may occur. No pen or enclosure shall be located within:
  - 30 feet of a side or rear property line and
  - Not less than 100 feet from a dwelling on abutting properties.

- Pens shall be located a minimum of 100 feet from any private well.
- C. Properly ventilated buildings of substantial construction shall be kept in a clean, wholesome and attractive condition, free from decaying food, filth, feces, and stagnant water. The buildings and pens of the facility shall be designed that accumulations of offensive material can be readily removed and periodically be disinfected, and put in such condition as may be ordered by the Board of Health.
  - D. No animals or housing for said animals shall be located:
    - within 100 feet of the high water mark of any source of drinking water or any tributary thereof, or
    - within 100 feet of the high water mark of any watercourse directly or ultimately into any source of water supply or open water body as defined in the Massachusetts Wetlands Protection Act.
  - E. The Board of Health, at its discretion, may request a site plan prepared by a Registered Professional Engineer or Land Surveyor.
  - F. 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.
  - G. 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.
  - H. 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,
  - I. Pet shops, commercial stables, and riding instructors must be licensed by the Massachusetts Department of Agriculture as well as the local Board of Health.

#### **SECTION 4 - SANITARY REQUIREMENTS**

- A. 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:
- 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.
  - 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.
- B. 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 (*minimum of 30'*) and watercourse, and with due consideration of the prevailing winds.
- C. During warm weather, manure shall be treated with lime or superphosphate to minimize odors and treated with USDA approved insecticides for fly control.
- D. 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.
- E. The composting of manure shall not be allowed except by specific approval by the Board of Health.
- F. Animals shall be maintained in a clean and healthy condition.

- G. 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.
- H. 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.

#### **SECTION 5 - PENALTIES**

Whoever violates any sections of these regulations shall be subject by a fine of ten (\$10.00) dollars for each day such violation continues. In addition, violators may be subject to a fine of up to one hundred (\$100) dollars per day under Massachusetts General Law Chapter 40 section 21D (Non-Criminal Disposition)

#### **SECTION 6 - SEVERABILITY**

Each part of this regulation shall be construed as separate and severable to the end that if any paragraph, sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.

#### **SECTION 7 - VARIANCES**

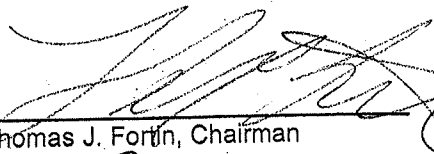
The Board of Health at their sole discretion may grant a variance to any of the above described regulations.

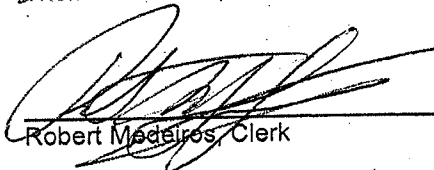
## SECTION 8 - ADOPTION AND EFFECTS

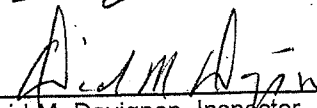
These rules and regulations were adopted by unanimous vote of the Board of Health, Town of Acushnet, Massachusetts and are to be in full force and shall, before said effective date, be published in a newspaper published in this town and a copy thereof shall be deposited in the office of the Town Clerk.

Approved: 11-27-18

Effective: 12-1-18

  
Thomas J. Fortin, Chairman

  
Robert Medeiros, Clerk

  
David M. Davignon, Inspector