

**REGULATIONS FOR THE CONTROL OF
ANIMALS IN THE TOWN OF WESTWOOD**

The Westwood Board of Health adopts these regulations, as authorized by Massachusetts General Laws, Chapter 111 s. 31 and 155. These regulations supercede all previous regulations adopted by the Board of Health relative to the keeping of animals.

**SECTION I
DEFINITIONS**

1.1 Animals: All mammals and birds including but not limited to horses, ponies, goats, swine, cattle, sheep, donkeys, llamas, alpacas, mules, and fowl, which are kept or harbored as domesticated animals, provided that the following shall be exempt under these regulations: dogs, cats, rabbits up to six in number, *Rodentia* up to five in number, Vietnamese pot belly pigs up to two in number, wild animals, exotic birds, fish, reptiles and amphibians. Dogs must be licensed according to the provisions of Westwood Bylaws and of Massachusetts State Law. Wild animals, exotic birds, fish, reptiles and amphibians may be kept as pets subject to the licensing requirements of State Law (Mass General Laws C. 131, section 23, 25 and 26A) Those wild animals which may be kept without a state license are listed in 321 CMR 9.01.

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

Horse, donkey mule, pony, alpaca	1
Bovine	1
Goats, llamas	2
Swine	2
Rabbits	7
Fowl	10

1.3 Board of Health: The Westwood Board of Health or its authorized Agent(s).

1.4 Building (see structure): A structure built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of animals.

1.5 Coop: A small structure for housing fowl.

1.6 Farm: one or more consecutive parcels of land under one ownership which contains a minimum of five (5) acres, and its use, concomitant with the keeping of animals, comprises a source of income of \$500.00 or more for the owner or tenant.

1.7 Fowl: Members of the bird family including but not limited to chickens, turkeys, pigeons, doves, capons, hens, pheasants, guinea fowl, ducks, roosters, swans and geese other than wild species.

1.8 Noise: Sound of sufficient intensity and/or duration as to cause a nuisance, be injurious to or, on the basis of current information, potentially injurious to human health, or unreasonably interfere with the comfortable enjoyment of life and property.

1.9 Non-Impervious Land: Land in which precipitation is allowed to directly fall and penetrate into the soil, excluding any building, paved driveway, patio, deck, walkway, overhang, shelter, swimming pool and other barrier preventing the free flow of precipitation into the ground.

1.10 Person: Any individual, partnership, corporation, firm, association or group.

1.11 Rodentia: Includes domestic rats, mice, guinea pigs, hamsters, ferrets, chinchillas, and other members of the *Rodentia* family.

1.12 Shelter: A structure to house small animals.

1.13 Stable: A structure having stalls or compartments in which large animals such as horses, donkeys, mules, cattle, or ponies are housed.

1.14 Structure: An assembly of materials forming a construction for use including but not limited to, open sheds, shelters, stables and fences.

1.15 Unsanitary Conditions: The state of being of a facility which, in the opinion of the Board of Health and/ or its Agent(s), is conducive to or results in the breeding of flies, creation of offensive odors, rodent infestation, liquid effluent or runoff.

SECTION II PERMIT REQUIREMENTS

2.1 No person shall keep within the limits of the Town of Westwood, in any building, or on any premises of which he is the owner, lessee, tenant or occupant any animals without **FIRST** obtaining a permit from the Board of Health.

2.2 In order to receive a permit the following must be completed:

- a) An application form provided by the Board of Health;
- b) A submitted plan drawn to scale which includes the following information:
Size of entire lot with existing structures as well as the proposed structures for use of intended animals, including fences; distance of animal housing and enclosures from all abutters;
- c) Upon receipt of a completed application as defined above, the Board and or its Agents shall inspect the property;

- d)** If the permit is issued, it shall be issued to the owner of the property or the tenant of the property with the written permission of the owner;
- e)** The Board or its Agent(s) shall act on the completed application. Notice of the Board's or its Agent(s)' decision shall be mailed to the applicant within seven (7) working days of the decision and will include any conditions imposed by the Board or its Agent(s); and
- f)** The issuance of such a permit does not in any way relieve the permittee of the necessity to comply with other laws and regulations concerning zoning and construction. Any person who proposes to construct or remodel a building or portion thereof for use of by animal as noted in these regulations shall, prior to such construction or remodeling notify the Board of Health in writing.

2.3 The fee for a permit shall be \$10.00 per year, which shall be paid at the time the application, is submitted for review. New permit fees shall not be prorated. Permits granted hereunder shall be for a term for one (1) year expiring on December 1st of the year, unless sooner revoked. Permits shall be neither transferable as to other animals nor assignable for the use of other persons nor as to the use of other premises.

2.4 Each permit granted hereunder shall contain a statement of the number and type of animals permitted and such conditions as may be required by the Board of Health.

2.5 Any person keeping animals on the date of adoption of these regulations will have sixty (60) days from the date to come into compliance with all requirements.

2.6 The Animal Inspector, Agent(s) 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 127B of Massachusetts General Laws.

SECTION III RESTRICTIONS

3.1 No person shall keep any animal in any building any part of which is used as a dwelling including but not limited to attached garages and breezeways.

3.2 All animals shall be kept in an approved building as described in these regulations.

3.3 All animals and fowl with the exception of carrier pigeons and other flight birds, shall be confined to the permit holder's property at all times to prevent wandering and straying onto other properties.

3.4 Carrier pigeons and other flight birds may be allowed to fly free in accordance with standard industry practices, but shall be managed in such a way as to minimize intrusion onto other properties.

3.5 No permit shall be granted for the keeping of animals or fowl whose type, breed, or gender is known to create loud or objectionable noises unless it can be shown that such animal or fowl will be kept at all times in a location no less than one thousand (1000 ft.) feet from the lot lines of the applicant.

3.6 On properties of 40,000 square feet or less, only one (1) animal unit shall be permitted. Fractional animal units are cumulative and need prior approval by the Board of Health or its Agent(s).

SECTION IV SHELTERS

4.1 Location: All shelters shall be located not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, or less than 50 feet from any well. In addition, all shelters shall be located at least 15 feet from all property lines.

4.2 Construction: All shelters shall be so constructed as to protect from dampness, deterioration and accessibility to rodents.

4.3 Floors: Floor surfaces shall be so constructed as to be easily cleanable.

4.4 Feed Storage and Water Supply: The owner shall provide for tightly covered and vermin-proof storage of dry animal feed. A supply of potable water shall be available to the animals at all times and at or near the facility for feeding and cleaning. Water shall also be available for fire protection purposes.

4.5 Lighting and Ventilation: Each shelter shall be provided with adequate lighting and ventilation so as to prevent the build up of odors and moisture.

4.6 Nuisance Prevention: Adequate measures shall be taken to minimize the presence of rodents, flies, other insects, and the creation of odors and other nuisances. All pesticides must be EPA approved and used in accordance with directions on the manufacturer's label.

4.7 Manure Storage: The manure storage facility shall be constructed of durable material and be so located as to promote regular removal of manure so as to prevent objectionable conditions. Manure shall be stored not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, and not less than 100 feet from any well. In addition, manure storage shall be kept 25 feet from all lot lines and 100 feet from any dwelling unit.

SECTION V COOPS

5.1 Location: All coops shall be located not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, or less than 50 feet from any well. In addition, all coops shall be located at least 15 feet from all property lines.

5.2 Construction: All coops shall be of durable construction. Such structures shall be elevated to a height that allows for adequate cleaning and designed so as to prevent the harborage of rodents and insects. Nests shall be movable or otherwise designed so as to be readily cleanable.

5.3 Ventilation: All coops shall be ventilated so as to prevent buildup of odors and moisture.

5.4 Nuisance Prevention: Adequate measures shall be taken to minimize the presence of rodents, flies, other insects, and the creation of odors and other nuisances. All pesticides must be EPA approved and used in accordance with directions on the manufacturer's label.

5.5 Maintenance of Coop Facilities: All coop facilities shall be cleaned regularly and maintained in such a manner as to prevent the build-up of manure. Feed stations shall be maintained in proper sanitary conditions.

5.6 Manure Storage: The manure storage facility shall be constructed of durable material and be so located as to promote regular removal of manure so as to prevent objectionable conditions. Manure shall be stored not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, or less than 100 feet from any well. In addition, manure storage shall be kept 25 feet from all lot lines and 100 feet from any dwelling unit.

5.7 Water Supply: A supply of potable water shall be available to the animals at all times and at or near the facility for feeding and cleaning. Water shall also be available for fire protection purposes.

SECTION VI STABLES

6.1 Location: Stables shall be located:

- a) Not less than 200 feet from any church, meetinghouse, school, hospital, nursing home or rest home;
- b) Not less than 200 feet from the high water mark of any source of drinking water supply or any tributary thereof, or less than 50 feet from any well;
- c) Not less than 50 feet of any room where milk is handled; and

d) Not less than 25 feet from any lot line or less than 75 feet from a dwelling.

6.2 Construction: Stables shall be of durable construction to protect the building from deterioration or damage by rodents, termites and dampness.

6.3 Floors: Floors in stalls and stables shall be constructed of materials approved by the Board of Health and shall be sloped to facilitate proper drainage. Floors in the feed and tack rooms should be of concrete construction.

6.4 Drainage: The stable area shall be adequately drained so as to prevent ponding and public health nuisances created by runoff.

6.5 Water Supply: An adequate quantity of potable water shall be provided for each stable. Each stable shall be provided with a sufficient number of hose bib water outlets so that the stable can be hosed down and maintained in a clean condition. All outlets shall be equipped with approved backflow devices as required by State Plumbing Codes and shall meet all other requirements of such code. Water shall also be provided for fire protection purposes.

6.6 Water Trough: A drinking water trough shall be provided in the corral area for the animals. Troughs shall be kept clean and shall not create a mosquito breeding nuisance.

6.7 Corrals and Paddock Areas: Corrals and paddock areas should be graded to minimize standing pools of surface water.

6.8 Feed Storage: Grain feeds shall be stored in covered containers that are metal, metal-lined or constructed of other durable material approved by the Board of Health.

6.9 Nuisance Prevention: Adequate measures shall be taken to minimize the presence of rodents, flies, other insects and the creation of odors or any other nuisances. All pesticides must be EPA approved and used in accordance with the directions on the manufacturer's label.

6.10 Manure Storage: The manure storage facility shall be constructed of durable material and be so located as to promote regular removal of manure so as to prevent objectionable conditions. Manure shall be stored not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, or less than 100 feet from any well. In addition, manure storage shall be kept 25 feet from lot lines and 100 feet from any dwelling unit.

6.11 Lighting and Ventilation: Each stable shall be provided with adequate light and ventilation to prevent the build-up of odors and moisture.

6.12 Living and Sleeping Quarters: Stables shall not be used for human habitation, except upon written permission of the Board of Health. If permitted by the Board of

Health such living and sleeping quarters shall meet the requirements of Chapter II of the State Sanitary Code.

**SECTION VII
APPEAL OR DENIAL OF A PERMIT OR RENEWAL**

7.1 Any person whose application for a permit or permit renewal has been denied may request a hearing before the Board of Health by submitting a written request within ten (10) days of said denial. The Board of Health shall set a time and place for said hearing within fourteen (14) days of receipt of the request.

**SECTION VIII
VARIANCE/HEARING**

8.1 The Board of Health may after a public hearing, grant a variance to the application of these regulations when, in its opinion, the enforcement thereof would do manifest injustice, and the applicant has demonstrated that the equivalent degree of protection will still be provided without strict application to particular provisions of these regulations.

8.2 Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. The letter shall contain all the information needed to assure the Board that, despite the issuance of a variance, the public health and environment will be protected. Any grant or denial of a variance shall be in writing and shall contain a brief statement of the reasons for approving or denying the variance. A variance may be revoked, modified or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been an opportunity to be heard except in the case of an emergency as defined in Section 9.3.

**SECTION IX
SUSPENSION/REVOCATION OF PERMIT**

9.1 A permit granted under these regulations may be suspended or revoked for cause, by the Board of Health, provided that a hearing has been held after seven (7) days notice of the suspension or revocation, except in the case of emergency as set out below. Notice shall be given by first class mail sent to the address shown on the most recent application.

9.2 Whenever the Board of Health has determined that an emergency exists under section 9.3, they may, without prior notice of hearing, issue an order stating the existence of the emergency and ordering that the permit be immediately revoked or suspended, as specified therein. Such person may request a hearing within seven (7) days after the service of the order and the hearing shall be granted as soon as possible, provided however, that such a request for hearing shall not stay or in any way modify the terms of the emergency order.

9.3 Cause for Emergency: The following shall be grounds for emergency suspension or revocation of a permit or a variance to keep animals.

- a) Cruel treatment of animals;
- b) Using animals for illegal purposes (e.g. fighting);
- c) Outbreak of a communicable animal disease as determined by the Inspector of Animals or a veterinarian licensed in the Commonwealth of Massachusetts; and/or,
- d) Unsanitary conditions, which in the opinion of the Board of Health, is creating a hazard.

SECTION X ENFORCEMENT/PENALTIES

10.1 The Board or its Agent(s) shall investigate violations of these regulations and may take such action that the Board deems necessary for the protection of the public health and the enforcement of these regulations.

10.2 If an investigation reveals a violation of these regulations, the Board shall order the permit holder to comply with the violated provision(s) within fourteen (14) days or such other time period as the Board deems necessary.

10.3 Whoever violates any provision of these regulations shall be subject to a fine of \$100.00 for the first offense, \$200.00 for the second offense, and \$300.00 for any subsequent offenses in any calendar year pursuant to Chapter 1 of the General By-Law of the Town of Westwood and MGL, Chapter 40, Section 21D.

SECTION XI SEVERABILITY

11.1 If any section, subsection, sentence, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions thereof. The provisions of these rules and regulations are hereby declared severable.

Adopted by the Westwood Board of Health on October 9, 2002

Effective: October 21, 2002

Amended: October 8, 2013

Effective: October 31, 2013