BOARD OF HEALTH
TOWN OF FOXBOROUGH
MASSACHUSETTS

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Regulations Governing the Keeping of Animals and Fowl

Section 1 Authority

These Regulations are adopted under the authority of M.G.L. chapter 111, section 31, section 122 and section 155, as reasonable health regulations designed to protect and improve the health and quality of life of those who reside within the Town of Foxborough. These regulations shall take effect as of the date of their approval by majority vote of the Board of Health as indicated below and supersede all previous regulations adopted by the Board of Health relative to the keeping of animals, including without limitation the Board's Stable Regulations.

Section 2 Statement of Purpose

The purpose of these Regulations is to protect the public health, safety and welfare by establishing minimum standards relative to the keeping of animals and fowl, including without limitation minimum standards relative to drainage, ventilation, size and character of stalls and other structures for the keeping of animals and fowl, bedding, number of animals and storage and handling of manure.

Section 3 Definitions

Abutters: owners of abutting land or property within one hundred (100) feet of the applicant's property line. A person will only qualify as an abutter for the purpose of this regulation if they possess an ownership interest in the abutting land.

Accessory Structure: a structure subordinate to the principle building on the same lot and serving an animal related use.

Animal: all mammals and birds including but not limited to horses, ponies, donkeys, cattle, goats, sheep, swine, equines, llamas, alpacas, vicunas, poultry, pigeons, ostrich, emu, ratite, and livestock, 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, exotic birds, fish, reptiles and amphibians. Dogs must be licensed according to provisions of Foxborough Bylaws and Massachusetts State Laws. Wild animals, exotic birds, fish, reptiles and amphibians may be kept as pets subject to the licensing requirements of State Law (M.G.L. chapter 131, §23, 25 and 26A).

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

Horse, donkey, mule, pony, llamas	1
Bovine	1
Goats, sheep (ovine), alpaca, vicuna, deer	1
Swine	1
Rabbits	7
Fowl	10
Chickens	10
Rooster	1
Pigeons	10

The Board may determine unit(s) to any animal not specifically listed above.

Applicant: one who applies for a permit to keep one (1) or more Animal Units and whose responsibility it is to maintain responsibility for such animals.

Board of Health or "the Board": the Foxborough Board of Health or its authorized agent(s).

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

Corral: any pen, or enclosure for the confining of one or more animals.

Dwelling: any building, shelter or structure used or intended for human habitation.

Exotic: refers to an animal not native to this region and/or country that requires a state or federal permit to keep.

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

Fowl: members of the bird family kept for food, show, or hunted as game including but not limited to chickens, turkeys, pigeons, doves, capons, hens, pheasants, guinea fowl, ducks, roosters, swans, and geese other than wild species.

Household Pets: animals that are normally kept inside an owner's residential dwelling or commercial building including but not limited to dogs, cats ferrets, pot-bellied pigs, fish, domesticated or exotic birds, certain reptiles and guinea pigs, hamsters, and mice.

Keeping of Animals and Fowl Permit: refers to a permit issued for the keeping or housing of one (1) or more Animal Units in accordance with the provisions of this regulation.

Lot: a parcel of land, which is or may be occupied by a building and accessory structure, including open spaces required under this Article. "Lot" includes the words "plot" or "parcel."

Manure Management Plan (MMP): is a plan for the handling of manure, but shall not apply to the normal deposition of wastes by animals in pastures.

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. This definition shall be subject to M.G.L. chapter 111, § 125A.

Nuisance: shall mean any condition including, but not limited to, noise, offensive odor, attraction or breeding of insects, an environment supporting growth of vermin, presence of rodents, or any other condition having public health or environmental significance. This definition shall be subject to M.G.L. chapter 111 §125A.

Owner: every person who alone or jointly with one or more other persons has legal title to any lot, building, structure, dwelling or dwelling unit.

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

Pest Management Plan (PMP): is a plan, which adequately defines the measures that shall be taken by the owner to minimize the presence of rodents and insects.

Pigeons: member of the Columbidea family of birds that include 'racing', 'fancy', and 'sporting' pigeons.

Poultry: refers to domesticated or semi-domesticated birds including chickens and avian species, ordinarily kept for food or eggs.

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

Runoff: water from natural or unnatural sources that flows over the surface of the ground.

Stable: building or structure used for the shelter and/or the feeding of one or more animals.

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

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

Town: means the Town of Foxborough and its officers, agents and employees including the health department.

Unsanitary Conditions: the state of being or condition of any facility 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, contaminated runoff, and/or noise, in such concentrations and/or such duration as to cause a nuisance, be injurious, or that may be considered potentially injurious to human health.

Usable Area: land area suitable for the raising of animals such as pastures, fields, wooded uplands. This area does not include dwellings, or any other area(s) as may be restricted by town, state or federal regulations.

Vermin: various types of insects, bugs, and/or rodents or other nuisance animals determined on case-by-case basis.

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

Wetlands: land area or surface area so defined by Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and regulations promulgated pursuant thereto at 310 CMR 10.00 or pursuant to Section 404 of the Federal Water Pollution Control Act, U.S.C. 1341.

Section 4 General Requirements

4.1 The Useable Area for calculating the number of animals allowed on a lot shall not be limited to upland area only. Lot dimensions may be considered by the Board of Health when determining the total number of animals allowed on a parcel or parcels of land. The minimum lot area shall be one (1) acre of useable land and may be stocked according to the chart in 4.1.1. Additional animals 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 animal number per the stocking chart depicted in 4.1.1.

4.1.1 Stocking Rate/Acre

	1 Acre	+2/3 Acre	+2/3 Acre	+2/3 Acre	3+ Acre
Horse, Donkey, Mule, Pony, Llama	2	2	NA	BOH determination needed	BOH determination needed
Bovine	1	1	1	1	BOH determination needed
Goat, Sheep, alpaca, Vicuna, Deer	2	2	NA	BOH determination needed	BOH determination needed
Swine	2	2	NA	BOH determination needed	BOH determination needed

More than four (4) animals or numbers exceeding the above limitations may be permitted, provided that the general provisions of these Regulations are satisfied, and that

the granting of such permit and any necessary variance, will not adversely affect the public health, safety and welfare.

4.2 A building, coop or stable shall be located no less than:

1. 50 feet from a side lot line or rear lot line for livestock;
2. 100 feet from a side lot line or rear lot line for swine;
3. 100 feet from any well used as a public drinking water supply

4.3 Section 4 of these Regulations shall not apply to parcels of 5 acres or more in area.

Section 4.2 shall not apply to buildings, coops or stables in existence on the effective date of these Regulations.

Section 5 Permit and Application Requirements

5.1 A permit is required for anyone keeping one (1) Animal Unit as defined in this regulation. At time of application; the applicant shall provide the Board of Health with the following documents:

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. Such application shall be accompanied by the following information:

1. Full name, address, and telephone number of the applicant
2. Location - street address of the premises to be used
3. Number and species of animals to be kept. No animals in excess of the specified number on initial application shall be kept. The addition of any new Animal Units requires an applicant to make application for a modification of said permit with the Board of Health.
4. Applicant shall submit to the Board of Health a copy of all required immunizations upon request.
5. A plot plan, acceptable to the Board, showing the lot borders with dimensions of area where the animals will be kept and used by animals, location of accessory structure(s), principal structure(s), abutting structure(s), confining fences and barriers, any wetlands located on the lot of the housing for the one (1) or more animals, location of any septic system on the premises, location of any private wells within the perimeter of the area where the one (1) or more animals will be kept or within one hundred (100) feet of the perimeter, showing location of manure containers, and drainage details. Also the plan shall show the locations of all lots and with the houses (dwellings) shown thereon within 400 feet of the proposed area for keeping of the animals.

6. Written plans for the management and disposal of manure, storage of feed, and control of flies and vermin.
7. Name of the principal veterinarian for each animal.

B. The initial application must be signed by the Foxborough Building Commissioner to indicate compliance with all applicable zoning requirements.
C. The initial applicant/application shall meet and receive conservation clearance from the Foxborough Conservation Officer.
D. For the initial application for a permit to keep animals after the effective date of this regulation, the applicant shall notify abutters by certified mail or written notification signed by abutters indicating that they have been notified that an application has been filed at the Board of Health for a permit to keep animals. A copy of the notification sent to the abutters and proof of notification (the green card) shall be provided to the Board of Health.
E. The Board shall hold a hearing on the initial permit application within thirty days of filing a completed application being submitted. Within forty-five (45) days after the close of the hearing, the Board shall issue a decision on the application.
F. Fees for permits shall be determined by the Board of Health's fee schedule and shall be subject to annual review.
G. Permits shall expire on December 31 of each year, unless sooner revoked by the Board of Health upon violation of any of the provisions of these regulations. Any permit holder must apply for a renewal of the permit at least forty-five (45) days prior to the expiration of said permit. Any changes from the previous permit shall be provided on a renewal application.
H. Exotic and Wild animal(s) shall not be kept within the Town of Foxborough limits without expressed written approval of the Board of Health or its authorized agent and shall be in accordance of Massachusetts General Laws.
I. 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 an initial or revised plan to the Board of Health for review and the same has been approved.
J. Permits are not transferable and shall be posted in a conspicuous area.
K. An applicant must comply with all federal, state and local regulations and bylaws.

Applicants and permit holders are also subject to applicable provisions of the Foxborough Zoning By-laws. Approval from the Building Commissioner must be received to ensure that any proposed use subject to this regulation complies with zoning. Other state, local, and federal regulations may also apply and it is the responsibility of the applicant to demonstrate compliance with same. Issuance of a permit hereunder does not indicate compliance with other applicable regulations and laws.

Section 6 Facility Standards

6.1 A building, coop or stable shall not be constructed, and/or maintained in a manner that promotes or results in unsanitary conditions.

6.2 A building, coop or stable shall have a supply of water available for drinking and cleaning purposes.

6.3 A building, coop or stable shall be adequately ventilated, provide protection from weather elements and include food and water supplies.

6.4 All facilities for shall be securely fenced to prevent the escape of animals there from. Animals at no time shall be allowed to roam unattended from the facility.

6.5 An adequate structurally sound dry building, coop or stable shall be maintained within the facility.

6.6 The facility shall be maintained in such a manner as to prevent the spread of infectious or contagious diseases, and shall be kept in a clean and sanitary condition, free from decaying food, filth, feces, vermin infestation and stagnant water.

6.7 Food shall be stored in sealed, moisture-proof and vermin-proof containers, when appropriate.

6.8 Dead animals shall be disposed of or incinerated, in compliance with applicable law, within a reasonable time but in no event more than forty-eight hours (48) hours after death.

6.9 The operator of the facility shall comply with all applicable provisions of M.G.L. c. 129 regarding Livestock Disease Control.

Section 7 Manure Management

The following are requirements for the keeping and maintenance of manure and fecal matter within a building, coop or stable. The permit holder shall implement a manure management plan (MMP) for a building, coop or stable. The MMP must be approved by the Board or its authorized agent at the time the permit is granted.

7.1 Drainage or liquid effluent containing urine, fecal matter and manure from any building, coop or stable shall not be discharged in runoff, or flow over the surface of the ground onto a neighboring property, public way, watercourse or wetlands. Water including such drainage or liquid effluent, shall not become stagnant or collect or create a ponding effect upon said facility.

7.2 The owner and/or permit holder of the building, coop or stable shall provide for the sanitary storage and disposal of all waste, fecal matter and manure other than the normal deposition of wastes by animals in pastures.

7.3 Manure and soiled bedding from buildings, coops and stables shall be stored and disposed of so as to minimize odors, breeding of flies, and the attraction of vermin. Manure from buildings, coops and stables shall be collected and kept in suitable containment area or receptacle at a single location. This location shall be chosen to

maximize the distance from abutting properties and wetlands and with due consideration of the prevailing winds.

7.4 The following requirements shall apply to the use, accumulation and/or disposal of manure from buildings, coops or stables:

A. The accumulation, stock piling, and storage of manure from buildings, coops and stables is prohibited outside of the containment area or a receptacle.

B. No manure storage area shall be closer than the distances shown to the components listed in the following table. The distances shown are minimum distances and may be increased with the Board's approval where required by conditions particular to the location.

Wetland -150' or as governed by M.G.L. Chapter 131, Section 40
Surface/subsurface drains -100'
Abutting dwellings - 100'
Side & rear lot lines - 25'
Public or private roadway - 50'
Tributary to a public water supply - 200' or as governed by M.G.L. Chapter 131, Section 40
Private water supply - 100'
Public water supply - 200'

However, no portion of a stable, corral, or manure storage area shall be located within the Zone 1 of a Public Water Supply.

C. The dimensions and/or drainage conditions of any particular lot may, in the opinion of the Board or its authorized agent, require off-property disposal of manure from buildings, coops or stables. In such cases, the manure shall not be put out for general town trash collection. It shall be the responsibility of the owner and/or permit holder to dispose of manure in a safe and sanitary manner and not be allowed to accumulate in excess of timeframe allowed under MMP on property or interior of an accessory structure.

D. Subject to applicable law, the Board or its authorized agent may allow the composting of manure generated at a facility upon specific written Board approval.

Section 8 Pest Management

The owner and/or permit holder is responsible to implement a Pest Management Plan for the facility. This plan requires approval by the Board of Health or its authorized agent and will be performed by a licensed pest control operator if required by applicable law. Extermination shall be performed as deemed necessary by the Board of Health or its authorized agent or a licensed pest control operator.

Section 9 Keeping of Poultry

9.1 No rooster shall be allowed on any lot less than 2 acres unless a permit is issued by the Board. An application shall be furnished by the Board of Health.

9.1.1 Roosters must be kept cooped between the hours of 9:00PM and 7:00AM and efforts must be made to minimize crowing during these hours.

9.2 Coops shall be cleaned regularly to maintain sanitary conditions and thoroughly disinfected annually.

9.3 Permits for poultry may be granted provided the plot plan and poultry management plan demonstrate to the Board that, the applicable provisions of these Regulations have been met, and that the granting of such permit and any necessary variance, will not adversely affect the public health, safety and welfare. This provision shall not apply to parcels of 5 acres or more in area.

Section 10 Keeping of Pigeons

10.1 All pigeons shall be confined to their coop except for limited periods necessary for exercise, training, and competition. At no time shall pigeons be allowed to perch or linger on buildings or the property of others.

10.2 Coops shall be cleaned regularly to maintain sanitary conditions and thoroughly disinfected at least three times a year.

10.3 Additional pigeons up to a total of one hundred (100) shall be permitted if the lot contains a minimum of twenty-five hundred (2,500) square feet per each additional twenty-five pigeons, the provisions of these Regulations have been met, and the granting of such permit and any necessary variance, will not adversely affect the public health, safety and welfare. This provision shall not apply to parcels of 5 acres or more in area.

Section 11 Variance/Hearing

11.1 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.

11.2 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 public health, safety and welfare will be adequately protected without strict application of particular provisions of these Regulations.

11.3 Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. The request shall contain all the information needed to demonstrate to the Board that, despite the issuance of a variance, the public health, safety and welfare will be adequately protected. Any grant or denial of a variance shall be in writing and shall contain a 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 had an opportunity to be heard, except in the case of an emergency as defined in Section 13.3.

Exceptions

11.4 The Board may revoke a permit where the Board has issued an order of public nuisance.

11.5 These regulations shall not apply to household pets, with the exception that the Board may impose conditions in situations where animals are kept in excessive numbers or conditions that result in an order of public nuisance or a hazard to the health and welfare of the community.

Section 12 Compliance with Animal Health Requirements

12.1 It is required that all animals be immunized in accordance with the requirements of the US Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) and the Massachusetts Department of Agricultural Resources, Bureau of Animal Health.

12.2 The feeding of garbage to swine or the other animals is not permitted without the obtaining of any permit required pursuant to M.G.L. c. 129, § 14B. This shall not apply to a person who feeds his own household garbage to a pig raised for such person's own use.

12.3 Owner must comply with conditions required to address an outbreak of communicable animal disease as determined by USDA, APHIS and/or the Massachusetts Department of Agriculture, Bureau of Animal Health.

Section 13 Suspension/Revocation of Permit

13.1 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 by the Board 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.

13.2 Whenever the Board of Health has determined that an emergency exists under section 13.3, the Board may, without prior notice or hearing, issue an order stating the existence of the emergency and ordering that the permit be immediately revoked or suspended, as specified therein. The permit holder may request a hearing within seven (7) days after the service of the order and a hearing shall be granted as soon as practicable, provided however, that such a request for hearing shall not stay or in any way modify the terms of the emergency order.

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

a) unsanitary conditions, which in the opinion of the Board of Health, are creating a hazard to public health, safety or welfare.

Section 14 Enforcement/Penalties

14.1 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.

14.2 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.

14.3 Any person who fails to comply with or violates the provisions of these Regulations shall be subject to a fine of fifty ($50.00) dollars per day, per violation. Each violation of these Regulations shall be considered a separate offense.

14.4 The Board, or its Agent, as enforcing person, taking cognizance of a violation of any provision of these Regulations, may as an alternative to initiation of criminal proceedings, seek enforcement through a non-criminal proceeding pursuant to the provisions of M.G.L. c. 40, § 21D. For each violation of a provision of these Regulations the penalty shall be $50.00 and each day such violation continues shall constitute a separate violation.

14.5 The Board of Health may deny, suspend, revoke, or refuse to renew a permit for failure to comply with any provision of these Regulations.

14.6 The person(s) who have had a permit denied or revoked shall be ordered to remove all animals from the property within 30 days of said denial or revocation.

14.7 The continuance of any violation of these Regulations beyond a date specified by the Board of Health, when the Owner and/or permit holder of the facility has been ordered by the Board of Health or its agent to abate any such violations in a safe and sanitary manner, shall be cause for revocation of permit and/or initiation of legal proceedings to eliminate said conditions.

Section 15 Right to a Hearing

Any person or persons aggrieved by a 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 with the Board within seven (7) days of receipt of said order.

Section 16 Applicability

The effective date of these Regulations is the date of their approval by a majority vote of the Board as stated below. These Regulations shall apply to new permit applications filed after that date.

- These Regulations shall apply to new permit applications only.

- Except as set forth below, holders of existing livestock licenses issued under the Town of Foxborough Board of Health Stable Regulation (adopted on April 21, 1987 and amended on April 5, 1999) shall not be required to obtain a new permit hereunder and are not subject to the dimensional regulations contained herein but shall be subject to Section 5.1 (A) and 5.1 (G) (annual permit renewal); Section 6: Facility Standards; Section 7: Manure Management; Section 8: Pest Management; Section 11: Variance/Hearing; Section 12: Compliance with Animal Health Requirements; Section 13: Suspension/Revocation of Permit; Section 14: Enforcement/Penalties; Section 15: Right to a Hearing; and Section 17: Severability.
- A permit update will be required hereunder for all new structures and/or facilities, any substantial expansion of existing structures and/or facilities, any substantial increase in the number of Animal Units and/or the intensity of the permitted use. As used herein, the term "substantial" means an increase of more than 25% in size of facility or structure and/or increase of more than 25% in total animal units.
- In the event of transfer of ownership of a licensed property, the new owner must within thirty (30) days, apply for a new license and will be granted provisions established by previous owner relative to structures, animal type and numbers as contained in previous records on-file and as approved by the Board of Health.

Section 17 Severability

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 Regulations are hereby declared severable.

Approved and in full effect this first day of March, 2010.

Paul W. Steeves — 3/4/10
Paul Steeves, Chairman — Date

Paul A. Mullins — 3/11/10
Paul A. Mullins, Clerk — Date

3/9/10
Eric S. Arvedon, Member — Date