

MEDWAY BOARD OF HEALTH

ANIMAL REGULATIONS

The Medway Board of Health has adopted the following regulations at their regularly scheduled meeting on May 16, 2016 by the authority under the provisions of Chapter 111, Section 31 and Section 122 of the General Laws of the Commonwealth of Massachusetts.

Permit Requirements

1. No person or persons shall keep within the limits of the Town in any building or on any premises of which he/she may be the owner/lessee, tenant or occupant, any Cows, Goats, Sheep, Horses (or any Equine), Poultry, Swine, Birds, Reptiles, Bees, Ferrets, Llamas, Alpacas, or other domesticated farm animals without a permit from the Board of Health unless otherwise specified herein. Rheas, Emus, Ostriches, or other exotic animals must have all state required special permits before applying to the Board of Health. All such permits expire on December 31st of each year and may be revoked by the Board of Health at any time for just cause. Applications therefore shall be on forms provided at the office of the Board of Health and shall be acted upon within 60 days or such other reasonable and definite time as the Board of Health may find reasonable. All new applicants requesting an Animal Permit, must notify direct abutters by certified or return receipt mail at least 10 days prior to Board of Health meeting and show proof to Board of Health along with permit application. The Board of Health will listen to any and all concerns prior to the issuance or denial of any permit. Failure to renew permit on an annual basis, shall result in late fees and/or fines.
2. Owners of **five (5) or more cats** are required to have a permit from the Board of Health.
3. Owners of **five (5) or more rabbits** are required to have a permit from the Board of Health.

Maintenance of Animal(s) and Animal Facilities

4. The owners or persons in control of any building or premises in which Cows, Goats, Sheep, Horses, Poultry, Birds, Swine, Reptiles, Bees, Rabbits, Llamas, Alpacas, Rheas, Emus, Ostriches or other domesticated farm animals or exotic animal(s), to include all animals contained within the attached Appendix I, shall keep the building and premises clean from decaying food, filth, dirt, stagnant water, animal wastes and shall have a manure storage and disposal plan approved

by the Board of Health. The Board of Health or Animal Control Officer can order buildings or pens to be cleaned and disinfected at any time.

5. Access of barnyard animals to surface water bodies shall be restricted, as necessary, to prevent stream bank erosion or the contamination of surface water.
6. Provisions shall be made for the storage of feed in a manner which will prevent infestation by rodents and insects or the release of objectionable odors such as a lidded metal or plastic container.
7. No building for livestock may be **less than fifteen (15) feet** from any lot line or public way.
8. Animals must be kept in a fenced area, and fencing must be maintained properly to prevent animals from roaming at large. All animals must be confined to the permitted property at all times.

Manure Management Plan Provisions

9. All animal manure or wastes shall be contained **at least twenty (20) feet** from any abutting lot line and **at least (100) feet** from any potable water supply wells, wetlands or year-round surface water bodies. Covered containers for manure may replace the **(20) twenty foot** setback with prior approval from Board of Health.
10. Provisions shall be made for the disposal of manure and bedding material in a manner which will prevent the contamination of surface and/or groundwater, prevent infestation by rodents and insects or the release of objectionable odors.
11. Manure will be collected on a regular, preferably daily, basis from large animal housing and paddocks. The collected manure will be (a) placed in a manure stockpile on an impervious surface, (b) added to a compost pile or (c) spread in a pasture in a manner consistent with good agricultural practices and USDA guidelines.
12. In order to minimize migration of manure constituents, managed waste will be located in areas: free of storm water run-off from any structure, be graded to keep surface water from running over or through the managed waste and not be subject to seasonal flooding.
13. In order to facilitate disposal or management by equipment, managed waste will be located in areas accessible to needed equipment and where the travel path of equipment can be prohibited from traversing the sewerage soil absorption system.
14. In order to control odors or fly populations, managed waste will be kept under cover, composted or removed off site on a sufficiently regular basis.

Keeping of Fowl

15. Hen houses or an enclosed area providing shelter for fowl shall be **at least thirty five (35) feet** from any right-of-way and **at least fifteen (15) feet** from any side and rear abutting lot lines.
16. Fowl will be restricted to the owner's property and not allowed to roam at large.
17. No person shall keep any fowl in a building used as a dwelling.
18. No rooster(s) are allowed in a residentially zoned area.
19. Any rooster on a commercial or industrial property must be kept **at least 250'** from an abutting residential property line.
20. The maximum number of live fowl to be kept in a hen house or enclosure in a residential area shall be no more than the following:

1/8 – 1/4 acre: 4 domestic fowl
1/4-.5 acres: 6 domestic fowl
.5 acres-1 acre: 10 domestic fowl
1 acre-5 acres: 20 domestic fowl
 - **Owners of fowl must live on the premises and have permission of the property owner.**

Keeping of Swine

21. Definition of swine: Any animal of various stout bodies, short-legged omnivorous mammals (family Suidae) with thick, bristly skin and long, mobile snout, commonly known as pigs and hogs. These include such names as Chinese, Vietnamese, Mini-pigs, Pot Belly, etc.

Miniature and/or "Pet Type" Swine are considered to be breeding animals (as opposed to feeder swine destined for slaughter or food use), and as such are subject to all state requirements for breeding swine.
22. Definition of piggery: **Three (3) or more pigs** constitute a piggery.
23. A minimum of **two (2)** acres is required for the keeping of pigs on any premises and shall be limited to **two (2)** pigs. All pigs shall be kept in a penned area which is setback **a minimum of 100'** from all property lines and public ways. These penned areas shall be located in the backyard. All pigs shall be suitably isolated and maintained in such a manner that no nuisance shall be created thereby.
24. Pigs shall be restricted to the owner's property and not allowed to roam at large.
25. All garbage fed to swine shall be thoroughly heated to at least 212 F degrees for 30 minutes. Adequate shelter must be provided.
26. Pigs are to be kept free of filth. Feeding areas must be cleaned daily.

27. **There shall be a Public Hearing before the Board of Health prior to the granting of a permit for the keeping of swine. Commercial piggeries that have been in operation for at least five (5) years are exempt from a Public Hearing. The petitioner shall notify all abutters by certified mail, return receipt requested at least mail ten (10) days prior to the hearing.**

Keeping of Dangerous Animals

28. Definition of Dangerous Animal: For the purpose of this regulation, the term "dangerous animal" means and includes any wild mammal, reptile, fowl, or a species which is not naturally tame or gentle, but is of the wild nature or disposition and which, because of its size and/or breeding, vicious nature or other characteristics which would constitute a danger or threat to human life or property if not kept or maintained in a safe manner or in a secured environment.
29. Classification of Dangerous Animal: Includes the following:
- all poisonous animals and Arachnids
 - constrictor snakes greater than 36"
 - fighting birds
 - piranhas
 - sharks
 - wolves
 - coyotes
- The foregoing list is not deemed to be all inclusive.
30. It shall be unlawful for any person to keep, maintain, or have in their possession or under their control, within the Town of Medway, any wild or dangerous animal, reptile, or carnivorous wild animal or other animal of vicious or dangerous propensities without obtaining an annual permit from the Board of Health.
31. **There shall be a Public Hearing before the Board of Health prior to the Granting of a permit for the keeping of a dangerous animal(s). The Petitioner shall notify all abutters by certified mail, return receipt requested ten (10) days prior to the hearing.**

Keeping of Bees

32. Beehives must be located **at least fifteen (15) feet** from any adjacent property line and **at least thirty five (35) feet** from any public way.
- All hives shall be marked with the name of the owner (outside) externally to be easily found by the inspector. Branding or stencil marking or broad ink pen lettering is recommended.

Keeping of Cats

33. Any person or persons keeping **five (5) or more cats** within the Town of

Medway in any building or on any premises, of which he/she may be the owner, lessee, tenant or occupant shall obtain a permit from the Board of Health for the keeping thereof. This permit shall require the owner to restrain the cats to the premises. This shall be indoors or in an enclosure so the cats can't roam the neighborhood. This permit shall be granted conditionally and shall be subject to unannounced inspections by any agent of the Board of Health or the Animal Inspector. A litter of kittens may be kept for a period not to exceed **eight (8)** weeks.

Feral Cats and Dogs

34. Any homeowner that feeds or shelters any feral cat(s), dog(s) or kitten(s) assumes complete responsibility for the animal(s) including vaccines, spaying/neutering, and disposal.

Variances

Variances shall only be granted under the following conditions:

- (A) Strict enforcement of the regulation will constitute manifest injustice to the applicant
- (B) The granting of the variance shall not in any way impair the public health, environment or animal health.

The Board may impose any conditions it deems appropriate to protect the public health, environment and animal health.

Fines and Penalties

Violation of any section contained within these Animal Regulations shall be assessed according to the following fine structure:

1st offense: Warning

2nd offense: \$50.00 fine

Subsequent offense: \$50.00 fine each day of non-compliance.

EXEMPTIONS

All dog owners in the Town of Medway shall comply with the Town's Bylaws (Reference Section 12.16) which will be enforced by the Animal Control Officer.

Agricultural Exemption: There is an exemption from the provisions of this regulation for any such animals kept or maintained on land consisting of five (5) consecutive acres or more that is used for the primary purpose of agriculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, insofar as a majority of such products for sale have been produced by the owner of the land on which the facility is located. Existing parcels of land consisting of at least five consecutive acres used for

agricultural/farming purposes for at least five (5) years prior to the adoption of these regulations are included in this exemption.

The invalidity of any section, paragraph, sentence, clause, phrase or word of these regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any order of condition or permit previously issued.

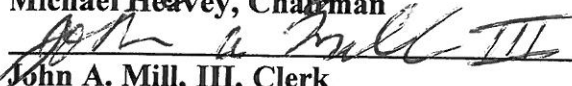
The Board of Health reserves the right to modify or deny any application if, in the opinion of the Board of Health, it would be serving the best interest of the public health. An inspection by the Board of Health Agent or Animal Control Officer may be required before a permit is issued.

These Animal Regulations were approved by the Board of Health on May 16, 2016 and are effective on said date.

MEDWAY BOARD OF HEALTH MEMBERS:



Michael Heavey, Chairman



John A. Mill, III, Clerk

Erick K. Lindstrom, Member

Approved as to form:



Town Counsel

Appendix I: Classification of Animals

These Animal Regulations include all animals belonging to, but not limited to, the scientific classification listed below:

Phylum: Arthropoda

Class: Arachnida (spiders, scorpions)

Class: Insecta

Order: Hymenoptera (bees, wasps)

Family: Apidae (bees) **Genus/Species: Apis mellifera**

Phylum: Chordata

Class: Amphibia

Class: Reptilia

Order: Squamata

Family: Iguanidae (iguanas)

Family: Helodermatidae (Gila Monsters)

Family: Varanidae (monitors)

Order: Crocodylia

Family: Crocodylidae (crocodiles)

Family: Alligatoridae (alligators)

Class Aves:

Order: Rheiformes (rheas)

Order: Struthioniformes (ostriches)

Order: Casuariformes (emus)

Order: Passeriformes (songbirds)

Order: Anseriformes (ducks, geese, swans)

Order: Galliformes: (grouse, quail, pheasants, turkey, peacocks, chickens)

Class Mammalia:

Order: Marsupialia

Order: Insectivora

Order: Chiroptera (bats)

Order: Primates (monkeys, apes)

Order: Lagomorpha

Family: Leporidae (rabbits, hares)

Order: Rodentia (beavers, rats)

Order: Carnivora

Family: Canidae (dogs, coyotes, wolves, fox)

Family: Ursidae (bears)

Family: Felidae (cats, ocelots, lynx)

Order: Perissodactyla (odd-toed, hoofed mammals)

Family: Equidae (horses, zebras)

Order: Artiodactyla (even-toed, hoofed mammals)

Family: Suidae (pigs, hogs, boars)

Family: Camelidae (camels, llamas, alpacas, vicuna)

Family: Cervidae (deer, caribou)

Family: Bovidae (cattle, sheep, goats, antelopes, oxen)