

## SECTION 02 KEEPING OF ANIMALS

### 2.1 Purpose

As the Reading Board of Health is responsible for the protection of the public health in Reading, these regulations are promulgated to protect the health and safety of the public.

### 2.2 Authority

2.2.1 These regulations are adopted in accordance with the provisions of MGL Chapter 111 Sections 31 and 155.

2.2.2 These regulations are not intended to unreasonably regulate the use of land for commercial agriculture. Commercial agriculture may be limited by town bylaw to activities on parcels of 5 acres or more or on parcels of 2 acres or more if the sale of products produced from the agriculture use on the parcels annually generates at least \$1000 per acre based on gross sales dollars in accordance with MGL Chapter 40A Section 3.

### 2.3 Definitions

**Abutter:** shall mean the owner of properties physically abutting a property.

**Agriculture:** for the purpose of this regulation shall mean the raising of livestock including horses, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes as defined in MGL Chapter 128 Section 1A.

**Animal Shelters And Corrals:** shall include all stables, coops, pens, piggeries, cages, and any other means of protecting an animal from the environment or for containing an animal.

**Board:** shall mean the Reading Board of Health.

**Generally Acceptable Agricultural Practices:** shall mean those practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources' Bureau of Animal Health (DAR) "Best Management Practices"<sup>1</sup>, and, if deemed necessary by DAR, the Massachusetts Society for the Prevention of Cruelty to Animals and the Animal Rescue League.

**Person:** shall mean a person, persons, association, partnership, trust, company, corporation or other legal entity.

**Poultry:** shall include, but is not limited to, chickens, ducks, geese, guinea fowl, peafowl, pheasants, partridges, quail and turkey.

**Swine:** shall not include pigs kept primarily indoors as companion animals.

### 2.4 License

2.4.1 No person shall keep within the limits of the Town of Reading, in any building or on any premises of which he is the owner, lessee, tenant, or occupant, any horse, cattle, sheep, goats, swine, poultry, or domesticated pigeons without first obtaining a license from the Board.

2.4.2 Said license shall not be transferable as to other animals nor assignable for the use of other persons nor as to the use of other premises.

2.4.3 Said license shall expire on June 30 of each year. Fees for such license shall be included in the Board of Health Fee Schedule.

2.4.4 No license shall be issued for more than 14 pigeons or 6 poultry per property, unless the applicant presents a plan consistent with guidelines promulgated by the Massachusetts Department of Agriculture and/or the United States Department of Agriculture that enables the applicant to keep more pigeons or poultry in a manner the Board of Health deems adequate.

### 2.5 Application

2.5.1 Any person desiring to obtain a license shall file a written application with a form provided by the Board.

2.5.2 Such application shall include, but not be limited to the following:

- a Name, mailing address and telephone number of the owner of the property
- b Name, mailing address and telephone number of the occupant of the property

- c Number and types of animals to be housed
- d Source of each animal
- e Written verification that each abutter has been notified of the applicant's intent and informed that they have the right to express grievances, if any, to the Board at/or before a Public Hearing. Notification will be sent to abutters by the Health Department with stamped envelopes supplied by the Applicant.
- f A plot plan which includes topographical information, size of lot with structures present as well as structures planned for the use of intended animals (including fences & wells), distances of animal housing and enclosures from all abutters' structures and property lines, any other conditions which could influence the safety and health of the community if said animal(s) were kept on the applicant's premises.
- g A written plan for the disposal of manure.
- h A written plan for the storage of feed.

2.5.3 The burden shall be upon the applicant to establish that the granting of such a license shall not be detrimental in any way to the public welfare and would not endanger the safety or health of the community.

## 2.6 **Construction and Construction Changes**

Any person who proposes to remodel a building or portion thereof, which is being used as an animal housing facility or who proposes to construct a new building, which is intended to be used in whole, or in part, as an animal housing facility shall, prior to such remodeling, renovating, or construction, submit to the Board a new application for a license, as specified in Section 6.

## 2.7 **Animal Shelters and Corrals**

- 2.7.1 All horses, cattle, goats, sheep, swine, poultry, and domesticated pigeons shall be provided space and conditions according to the generally acceptable agricultural practices for that species as defined in Section 2.3 above.
- 2.7.2 No person shall erect or use as a stable any building unless use is licensed by the Board and complies with all applicable Building Codes and Zoning Ordinances.
- 2.7.3 All shelters shall be of sound construction, well lighted, and have adequate ventilation, either mechanical or natural, with no access points for stray animals.
- 2.7.4 All glass windows and ventilation openings shall be screened for fly control.
- 2.7.5 All shelters and corrals shall have sufficient drainage to prevent the collection of water inside said confines. No shelter or corral shall be located in an area subject to flooding.
- 2.7.6 All shelters and corrals for horses, cattle, sheep, goats, and swine shall be supplied with an adequate and potable water source.
- 2.7.7 When shelter for more than one animal is provided, stalls or other adequate separation according to generally acceptable agricultural practices as defined in Section 2.3 above, for that species shall be provided.
- 2.7.8 Any person wishing to remodel or construct a building or any portion thereof which is currently or will be used as a stable or other animal shelter shall submit plans to do so to the Board for approval prior to any construction. After approval is obtained, all work shall begin within 30 days of approval and be completed within 90 days of the issuance of the building permit.
- 2.7.9 All corrals shall at all times have adequate shade for the animals, as appropriate for that species as determined by generally acceptable agricultural practices as defined in Section 2.3 above.
- 2.7.10 Manure shall be stored in such a manner as to control flies and odors.
- 2.7.11 All feed shall be properly stored and shall be adequately protected so as to keep the food source free of contaminants and rodents.
- 2.7.12 All shelters and corrals shall comply with local zoning bylaws.
- 2.7.13 A minimum land area of 26,780 square feet (half acre) shall be required for one goat or sheep and one acre for one horse or cattle with an additional 10,000 square feet required for each additional animal required unless the applicant can demonstrate that a different amount is consistent with generally acceptable agricultural practices as defined in Section 2.3 above.
- 2.7.14 All fences shall be adequate to appropriately contain the animal(s) as determined by generally acceptable agricultural practices as defined in Section 2.3 above.

**2.8 Animal Health**

Communicable diseases and animal diseases with zoonotic potential must be reported as outlined in MGL Chapter 129 Section 28 and CMR300.140.

**2.9 Poultry**

- 2.9.1 Any person with a license for poultry will comply with MGL 272 section 80D
- 2.9.2 All poultry shall be purchased from S. pullorum clean sources from National Poultry Improvement Plan (NPIP) participants. Chicks must originate from S. pullorum clean stock.
- 2.9.3 The shelter must be cleaned in conformance with normal agricultural procedures as defined in Section 2.3 above.
- 2.9.4 New birds must be in a separate pen as far from the resident birds as possible for at least 14 days.
- 2.9.5 Each chicken must have a minimum of 2.5 square feet of enclosed living space unless the applicant can demonstrate that the space proposed is consistent with generally acceptable agricultural procedures as defined in Section 2.3 above.

**2.10 Special Animal Provisions**

- 2.10.1 No rooster shall be kept in the Town of Reading.
- 2.10.2 No poisonous snakes shall be kept in the Town of Reading.
- 2.10.3 Where domesticated pigeons are kept, every effort shall be taken to minimize flying or roosting on, above, or proximate to abutting properties.

**2.11 Complaints**

Upon the receipt of a written complaint, the Board or its agent shall investigate the matter and provide a written response to the complainant and licensee. If it is determined that a hearing should be held, such hearing will be conducted as noted in Section 2.13.

**2.12 Variations**

- 2.12.1 Variance to any of these regulations may be requested in writing to the Board. When such a request is received, a hearing shall be scheduled and held in accordance with the requirements of Section 13.
- 2.12.2 Variations shall be granted only under the following conditions:
  - a strict enforcement of these regulations will constitute a manifest injustice, AND
  - b the granting of the variance shall not in any way impair public health.
- 2.12.3 The Board may impose any conditions it deems appropriate to protect the public health.

**2.13 Hearing**

- 2.13.1 The Public Hearing shall be held at the next scheduled Board of Health meeting but in no case earlier than 14 days of the request.
- 2.13.2 The applicant for a variance shall notify all abutters of the property as noted in Section 6.2 of these regulations.
- 2.13.3 The Public Hearing shall be advertised in a Legal Notice in a local paper at least 7 days in advance of the date of the hearing. The cost of the Legal Notice for a variance shall be borne by the applicant.
- 2.13.4 Any person to whom an Order to Correct is received shall have the opportunity to request a hearing before the Board. The request shall be in writing and received in the office of the Health Department within seven (7) days of the date it is served.

**2.14 Penalties**

- 2.14.1 These regulations may be enforced by the use of the Non-Criminal Disposition as put forth in MGL Chapter 40, section 21D. If enforced by means of Non-Criminal Disposition, fines shall be \$50 for the first violation, \$100 for the second violation, and \$150 for the third and any subsequent violation.

**2.14.2** Any person who is issued a license by the Board and is found to be in violation of these or any other applicable regulation may be subject to the immediate suspension or revocation of said license.

**2.14.3** Any person found in violation of these regulations may be fined not more than \$1,000 per violation.

**2.14.4** Each day of non-compliance shall constitute a separate and new offense.

**2.15 Severability**

If any provision of these regulations is declared invalid or not enforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

**2.16 Effective Date**

These regulations will take effect April 5, 2013

Legal Notice:	March 20, 2013
Public Hearing:	March 27, 2013
Vote by Board of Health:	March 27, 2013
Legal Notice:	April 4, 2013
Certified copy to MassDEP:	April 1, 2013