



TOWN OF GREAT BARRINGTON

BOARD OF HEALTH REGULATIONS MINIMUM STANDARDS FOR KEEPING OF ANIMALS

ADOPTED JANUARY 8, 2009

SECTION 1:

Definitions: when used in these standards or in communications, notices, or orders relative thereto, the following words and/or phrases shall have the meanings set forth below.

Abutter: Shall mean the owners or tenants of property which adjoins the lot upon which animals are to be kept, whether or not said properties are separated by a public or private way.

Animal: Any animal such as but not limited to poultry, bird, reptile, cow, and horse.

Bird: Shall mean any warm-blooded vertebrate with feathers and wings such as but not limited to parrots, parakeets, canaries, crows, falcons, game birds, and peacocks.

Board of Health: Shall mean the Great Barrington Board of Health.

Cattle: Shall mean all domesticated ruminants such as but not limited to sheep, goats, and bovine animals.

Coop: Shall mean any building, lot, structure, enclosure, or premises or portion thereof where poultry are kept.

Corral: Any pen or enclosure used for confining animals.

Dwelling: Any building or shelter used or intended for human habitation or periodic human activity.

Equine: Shall mean all animals of the equine family such as but not limited to horses, mules, and donkeys.

Facility: Shall mean any corral, building, drylot, enclosure, run, shed, stable, stall, or structure used for the keeping or restraining of any animal except such of those that are subject to regulation under the provisions of:

Section 2B of Chapter 128 of the General Laws pertaining to commercial riding stables;

Section 39A of Chapter 129 of the General Laws pertaining to pet shops; and

Sections 136A through 175 of Chapter 140 of the General Laws pertaining to dogs.

Feed: Shall mean a food mixture or preparation used for consumption by animals kept at or proximate to a facility.

Fowl: Shall mean all members of the bird family, and shall include chickens, roosters, capons, hens, turkeys, pigeons, peafowl, guinea fowl, ducks, swans, and geese.

Horse: Any solid-hoofed animal including, but not limited to a horse, donkey, pony, or mule.

Lot(s): 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 (a) cause a nuisance or (b) be injurious or, on the basis of current information, potentially injurious to human health.

Owner: Shall mean every person who alone, or jointly, or severally with others:

A) has legal title to any lot, dwelling or dwelling units, or;

B) has care, charge, or control of any dwelling or dwelling unit as agent, executor, executrix, administrator, administratrix, trustee, lessee or guardian of the estate of the holder of legal title.

Any person who meets the definition of “owner” is bound to comply with the provisions of these regulations.

Pasture: Shall mean a plot of land used for grazing and/or feeding of animals.

Person: Shall mean any individual, partnership, corporation, firm, association, or group, including a city, town, county, or other governmental unit, owning property or carrying on activity regulated by these regulations.

Pet Shop: Shall mean any store or department of any store or any place of business where animals (feral or tame) used as household pets or for domestic purposes are kept for sale or hire. (State License Required – G.L. Chapter 129, section 39A)

Poultry: Shall mean all domesticated or semi-domesticated edible birds such as but not limited to chickens, turkeys, ducks, guinea fowl, pheasants, and pigeons.

Rodent: Shall mean any animal of the order of Rodentia such as but not limited to rabbits, guinea pigs, hamsters, chinchillas, squirrels, rats, and mice.

Runoff: Shall mean any liquid that flows over the surface of the ground.

Stable: Shall mean a building or structure in which animals are sheltered and/or fed.

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

Swine: Shall mean any hoofed mammal of the porcine species.

Unsanitary Conditions: Conditions which, in the opinion of the Board of Health, are conducive to, or result in, breeding of flies, creation of offensive odors, rodent infestation, liquid effluent or runoff containing contaminants which might reach surface or subsurface water bodies.

Vermin: Any of various insects or small animals regarded as objectionable because destructive or disease-carrying including but not limited to flies, mosquitoes, lice, and rats.

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

Wild Animals: Any animals not normally found or kept as domesticated animals in the Commonwealth of Massachusetts. (The keeping of these animals normally requires Federal or State permits.)

SECTION 2. GENERAL REQUIREMENTS:

2.1 No person shall keep, or allow to be kept, within the limits of the Town any cattle, equine, fowl, poultry, and/or swine without first notifying the Board of Health in writing on a form provided and approved by the Board of Health.

2.2 Wild animals shall not be permitted except by the expressed consent of the Board of Health and such other State and Federal agencies as have jurisdiction of such animals.

2.3 Subject to the requirements of law, the Animal Inspector, agents of the Board, and members of the Board of Health shall have the right to make an inspection of places where animals are kept, without prior notification, during reasonable times for the purpose of enforcing these Regulations.

2.4 Commercial pet shops and horse stables must be licensed by the Massachusetts Department of Food and Agriculture.

2.5 Neither these Regulations nor compliance with these Regulations will exempt any person from the requirements of, or need for permits from, State and Federal regulatory agencies.

2.6 The Board of Health will consider the adoption of regulations and guidelines for animals not specifically mentioned herein upon written request of a Town resident. The Board of Health may adopt additional regulations on its own initiative .

SECTION 3. CONSTRUCTION AND MAINTENANCE OF FACILITIES

3.1 All facilities for the keeping of animals shall be securely fenced so as to prevent the escape of animals therefrom. At no time will animals be allowed to roam. The minimum requirement for housing shall be an open shed, offering maximum protection, with a weatherproof roof and three sides, enough head room for the animal to be housed and floored with any material that can be kept clean and dry, with proper drainage provided.

3.2 A supply of potable water shall be available to the animals at all times. Potable water shall also be available at or near the facility for cleaning and fire protection purposes.

3.3 The owner or other person or persons having control of any facility shall keep said facility in a clean and wholesome condition, free from decaying food, filth, feces, and stagnant water. The buildings and pens of the facility shall periodically be disinfected, and put in such condition as may be ordered by the Board of Health or its authorized agent(s).

3.4 Any corral shall be dry, well drained, kept clean and fenced. Any pasture must be adequately fenced. Fencing may be of wood, smooth woven wire, or electric wire. Barbed wire is unsuitable for horses. If a corral is not grassed, dust control measures, as deemed sufficient by the Board of Health, shall be taken.

3.5 No paddock, pen, corral, or animal exercise area shall be located over the leaching facility of a subsurface sewage disposal system without written approval from the Board of Health.

SECTION 4. SANITATION REQUIREMENTS FOR FACILITIES

- 4.1** Animals shall be maintained in a clean and healthy condition at all times. The animals shall be protected from vermin.
- 4.2** No person owning, leasing or controlling the management of a facility shall willfully or through negligence, cause, suffer, allow or permit:
- 4.2.1 The floor and/or ground of the facility to be designed, constructed and/or maintained so as to cause or contribute to unsanitary conditions at said facility,
 - 4.2.2 Drainage or liquid effluent containing urine and/or fecal matter from any animal kept at said facility to be discharged as runoff, or to flow over the surface of the ground onto neighboring property, a public or private way, or into wetlands.
- 4.3** Management and disposal of manure and soiled bedding shall be such as to minimize odors and breeding of flies, and disposal areas shall be located so as to maximize the distance from abutting properties and wetlands.
- 4.4** If the dimensions and/or drainage conditions of any particular lot, in the opinion of the Board of Health or its authorized Agent, are not adequate in protecting public health, the Board may order off-site disposal of manure. In such cases, it shall be the responsibility of the owner to dispose of manure in a safe and sanitary manner approved by the Board.
- 4.5** Manure shall not be stored or stockpiled within:
- a) Fifty (50) feet of a property line or public or private way without Board of Health approval.
 - b) One hundred (100) feet of wells for potable water.
 - c) One hundred (100) feet of a wetland or watercourse as defined by M.G.L. Ch. 131, S.40.
 - d) Four hundred (400) feet of a public water supply well subject to regulation by the Massachusetts Department of Environmental Protection.
- 4.6** Any animal feed that is stored on, at, or proximate to a facility shall be stored in closed, moisture and vermin resistant containers.
- 4.7** Dead animals shall be buried or disposed of in such a way as to prevent the attraction of flies and prevent odors.

SECTION 5. KEEPING OF EQUINES

- 5.1** The owner of any horse(s) in the Town of Great Barrington must comply with local zoning ordinances unless otherwise exempted by law. (Refer to the Great Barrington Zoning Bylaw).
- 5.2** Under no circumstances shall a horse be allowed to roam free; nor shall it be left tethered, unless attended by a responsible person.
- 5.3** No person shall maintain a horse (or horses) anywhere in the Town of Great Barrington except in a stable which has been inspected and approved by the Board of Health or its authorized agent(s).

SECTION 6. KEEPING OF POULTRY

- 6.1** Poultry shall not be allowed to forage or stray outside the area of the facility.
- 6.2** No rooster shall be kept unless as permitted by the Great Barrington Zoning Bylaw or otherwise

exempted by law.

- 6.3** Coops for the keeping of poultry shall be maintained in a sanitary manner and shall be kept as required by the General, Maintenance, and Sanitation regulations set forth above.

SECTION 7. KEEPING OF ANIMALS IN THE SCHOOL SYSTEM

- 7.1** All provisions of these regulations shall apply to animals kept in schools.

SECTION 8. SEVERABILITY

- 8.1** each section of these regulations shall be construed as separate to the end that if any section, item, sentence, clause, or phrase shall be held invalid for any reason by a court of competent jurisdiction the remainder of the regulations shall not be affected thereby and shall continue in full force and effect.

SECTION 9. VARIANCES

- 9.1** The Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided, that the decision of the Board of Health shall not conflict with the spirit of the minimum standards in these regulations. Any variance granted by the Board of Health shall be in writing. A copy of any such variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the Board of Health.

SECTION 10. PENALTIES

- 10.1** Whoever violates any provision of these regulations shall be subject to a penalty of (\$100) per violation unless otherwise provided by law. Each day of violation shall constitute a separate offense.

SECTION 11. APPEALS

- 11.1** Any person to whom an order has been served pursuant to this regulation may request a hearing before the Board of Health by filing a written petition within seven (7) days after receipt of the order. Upon receipt of such petition, the Board of Health shall schedule a hearing within 30 days. Any person aggrieved by the decision of the Board of Health may seek relief therefrom in a court of competent jurisdiction in the manner provided by law.