

**Town of Hopedale, Massachusetts
Board of Health
Rules and Regulations
Relative to the Exhibition, Housing
And Maintaining for Keeping of Animals
Effective Date**

6-22-12

1.0 Authority

These regulations are adopted in accordance with, pursuant to and under the authority of the provisions of Massachusetts General Law (MGL) Chapter 111, and Section 31.

2.0 Purpose

The following regulations are promulgated by the Hopedale Board of Health in order to ensure the keeping of animals within the Town of Hopedale in such a way as to not create public nuisances.

3.0 Definitions

Agent – Any person duly appointed by the Hopedale Board of Health in accordance with the provisions of M. G. L. c. 111 § 30.

Animal – Shall include but not limited to equine, goat, rabbit, sheep, donkey, pony, all domesticated quadrupeds, bovine, animals, mules, and swine of any age or any sex.

Animal Inspector – Any person duly appointed by the Board of Health in accordance with the provisions of M. G. L. 15 c. § 15 section 15 of Chapter 129, General Laws, as amended.

Aviary – A large cage or a house or enclosure in which birds are kept.

Board of Health – The Board of Health of the Town of Hopedale, Massachusetts or any of its agents or employees.

Dwelling – A building or place of shelter to live in; place of residence; abode

Equine – A horse or pony

Pet Shop – Any store or department of any store or any place of business where dogs, cats, monkeys, rodents, birds, reptiles, fish or any other small animals used as household pets are kept for sale.

Poultry – Domesticated birds, including but not limited to chickens, turkeys, ducks, geese, guinea fowl, pheasants and peacocks.

Stable – Any building, structure, enclosures, premises, or portions thereof where equine are kept or maintained for any purpose.

Temporary Permit – A permit to house and maintain animals for 7 days or less

Town – Town of Hopedale, Massachusetts

4.0 Permitting

4.1 Permit to House and Maintain Animals

No persons, corporation, establishments, group or agency shall house and maintain equine, poultry, livestock, without first obtaining a permit to house and maintain animal or equine permit from the Board of Health.

4.2 Exceptions from Permitting

Veterinary hospitals, medical research facility, commercial pet shops, animal pounds, animal shelters, and animal humane society shall be exempt from obtaining a permit to house and maintain animals.

5.0 Application for Permit

5.1 Application for Permit to Keep Animals

5.1.1 Each application shall be in writing upon a form to be furnished by the Board of Health, and shall contain such information as the Board of Health may require and fee paid.

5.1.2 Any change to the application information requires immediate notification to the Board of Health prior to any change.

5.1.3 Each application must be accompanied by a plot plan displaying the location of the animal housing, fencing, accompanied by a manure removal plan, and an emergency disaster plan. The Building Inspector, Zoning Officer, and Conservation Agent must approve the application before a permit is issued.

5.2 Manure Removal Plan

5.2.1 Each application is to be filed with a manure removal plan

5.2.2 The manure removal plan is to consist of a written application furnished by the Board of Health. Each application must include, but not limited to the frequency and removal of the manure, the methods of disposal and odor control procedures between removals.

5.2.3 Any change to the removal plan required approval by the Board of Health prior to the change.

5.3 Emergency Disaster Plan

5.3.1 Each application is to be filed with an Emergency Disaster Plan.

5.3.2 The emergency disaster plan is to consist of a written application, furnished by the Board of Health.

5.3.3 Any change in the emergency disaster plan required immediate notification and approval by the Board of Health prior to the change.

5.4 Duration of Permit or License

5.4.1 A permit to house and maintain animal or equine shall continue in effect for a period of one year, January 1 through December 31, unless suspended or revoked, or unless specifically stated on the permit otherwise:

5.4.2. Existing Animal Permits and Equine Permits holders or anyone who requires an Animal Permits and/or Equine Permits shall submit all required information in writing and comply with these regulations within 30 days of effective date these regulations.

6.0 Standards

6.1 Standards for Housing and Maintaining Animals which Require a Permit

6.1.1 Structures used to house animals shall be of substantial construction, afford proper protection against the elements and be so constructed as to discourage the entrance and harboring vermin.

6.1.2 All animals shall be kept in a building or enclosure of adequate size under the discretion of the Board of Health, its Agent(s) and/or the Animal Inspector.

6.1.3 The structure and surrounding premises used to keep animals shall be well-ventilated, maintained as to discourage flies and other vermin, free from obnoxious odors and maintained in a clean and sanitary condition.

6.1.4 All corrals, paddocks, cages and other enclosures shall be constructed and maintained that they are fit for use intended.

6.1.5 All animals must be provided with clean potable water at all times.

6.1.6 Chicken, poultry, equine and farm animals are to be restricted to the owner's property and not allowed to run at large.

6.2 Keeping of Fowl

6.2.1 Hen houses or an enclosed area providing shelter for fowl shall be at least (25) feet from any dwelling or adjacent property line.

6.2.2 No person shall keep any fowl in a building connected to the dwelling.

6.2.3 The maximum number of poultry and/or fowl to be kept in a hen house or enclosed in a residential area shall be no more than ten (10). The Animal Inspector has the discretion to limit the number of poultry and/or fowl to be kept in a hen house if the size and conditions cannot accommodate the amount of poultry and/or fowl noted in this section.

6.2.4 Owners of such poultry or fowl are required to have all vaccination and testing up to date on each animal at all times.

6.3 Keeping of Equine

Owners and/or care taker of such equine are required to have all mandatory vaccination and testing up to date on each animal at all times.

7.0 Temporary Permits

No person, corporation, establishment, group, or agency shall keep, conduct or operate within the Town of Hopedale, any pony ring, or pony ride, circus, rodeo, pet show, dog show, cat show, animal acts or exhibitions, wild animals or reptile show or exhibitions without first obtaining a temporary permit to house and maintain animals from the Board of Health unless currently permitted by the Board of Health.

8.0 Property Restriction

8.1 No more than 10 chickens or poultry or one farm animal or equine are allowed to be housed and maintained on less than one acre of land or less.

8.2 No more than 20 chickens or poultry or 2 farm animals or equine are allowed to be housed and maintained on at least one acre of land but less than two acres of land.

8.3 Properties having over two acres or more of land shall be reasonably determined by the Board of Health, its Agent(s) and/or the Animal Inspector.

9.0 Isolation and Quarantine

Isolation and quarantine requirements are under the jurisdiction of the Department of Agricultural Resources, Division of Animal Health.

10.0 Prohibited Acts

10.1 No roosters shall be on any premises after a determination is made by the Animal Inspector unless permission for such is specifically granted by the Board of Health.

10.2 No garbage shall be fed to animals unless it is put into a proper feeding container, which shall be kept, clean and processed to prevent disease.

10.3 No animal shall be permitted to enter the kitchen or dining area of any licensed food establishment except as hereinafter provided. Nothing in this Regulation shall be construed as to prohibit physically challenged persons from using dogs as aides in entering and leaving public dining areas in licensed food establishments.

10.4 No person, who owns, possesses or controls an animal which requires a permit will allow such animals to run at large in any area within the Town other than his/her private property. Such owner or keeper is responsible for the removal and legal disposal of any feces left by the animal on any location within Town.

10.5 It shall be unlawful to offer as prizes in any contest or games, any live animal, bird, or reptile except shellfish.

10.6 No animal shall disturb the peace between the hours of 7:00 p.m. and 7:00 a.m.

11.0 Procedure for Waiver Request

11.1 All requests for waivers from the provisions of this regulation shall be presented in writing to the Board of Health.

11.2 The granting of any waiver shall be at the sole discretion of the Board of Health based upon the facts and circumstances of each request.

12.0 Revocation

12.1 A permit to house and maintain animals may be suspended at any time when in the opinion of the Board of Health, its agent(s), and/or the Animal Inspector such suspension is necessary to protect the public health and the safety and well being of the animals.

12.2 A permit to house and maintain animals, equine permit, including temporary events, may be revoked at any time, after a public hearing, when it appears to the Board of Health that such revocation is necessary to protect the public health or safety, when chronic nuisance conditions exist, or when conditions of the permit or license have been violated.

12.3 The owner of the establishment, operator, or practitioner shall be given written notice of the Board's intent to hold a hearing for the purpose of suspension, revocation, or refusal to renew a permit. This written notice shall be served through a certified letter sent return receipt requested, or by constable. The notice shall include the date, time, and location of the hearing and the right of the owner of the establishment or practitioner to be heard. The Board shall hold the hearing no later than twenty-one (21) days from the date of written notice was received.

13.0 Penalty

13.1 Non-Criminal Disposition

Whoever violates any provision of these rules and regulations may, at the sole discretion of the Board of Health, be penalized by a non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40§ 21D, in which the violator may receive:

13.1.1 First violation: a fine of one hundred dollars (\$100.00).

13.1.2 Second violation within 24 months of the date of the first violation: a fine of two hundred dollars (\$200.00).

13.2.3 Three or more violations within 24 months of the current violation, including the current violation: a fine of three hundred dollars (\$300.00).

13.2 Criminal complaint

Whoever violates any of these rules and regulations may be penalized by indictment or on complaint brought to the District Court.

14.0 Severability

If any provision contained in these regulations is determined invalid for any reasons(s), it shall be severed and shall not affect the validity of the remaining provisions.

These rules and regulations were adopted by unanimous vote of the Board of Health of the Town of Hopedale on *JUNE 21*, 2012, and are to be in full force and effect on and after *JUNE 22*, 2012. A copy thereof shall be deposited in the office of the Town Clerk.

Hopedale Board of Health



Edward Holland, Chairman



Robert Morro



Louis Arcudi

