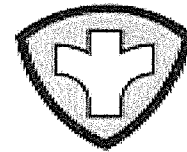




Palmer Board of Health  
4417 Main Street  
Palmer, MA 01069

# Town of Palmer Board of Health

*"Bondsville, Depot Village, Thorndike & Three Rivers"*



**Public Health**

Prevention • Education • Enforcement

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**Under Massachusetts General Laws, Chapter 111, Section 31 the Palmer Board of Health sets forth these regulations for the keeping of animals. This regulation shall supersede any previous regulations concerning the keeping of animals in the Town of Palmer.**

**PREAMBLE:** The use of this application process sets forth the minimum standards for housing animals and it allows the town to monitor the activities of animal use, and it provides the state with a more accurate census of animals in the area for the purpose of future planning in regards to bioterrorism and disaster management.

## **SECTION 1: REQUIREMENT FOR PERMIT**

1. No person shall keep within the limits of the Town of Palmer, in any building, or on any premises of which he is the owner, lessee, tenant, or occupant, any cows, cattle, goats, pig, swine, sheep, poultry, game birds, horses, donkey, llama, alpaca or pigeons, without first obtaining a permit from the Board of Health.
2. Permits for keeping of such animals shall be issued for a stated maximum number of each such animal. Permits shall be neither transferable as to other animals nor assignable for the use of other persons nor as to the use of other premises.
3. This does not include the properties that meet the agricultural exemptions of MGL 40A Section 3. If you have more than two acres you are not required to obtain a permit however in the case of a nuisance investigation you will be held to these minimum standards.

## **SECTION 2: APPLICATION**

1. Any person who wishes to apply for a permit shall supply the following information:
  - a. A written application on a form provided by the Board
  - b. Include a sketch in where the confine construction will be located in relation to the home and fill in distances from all boundary lines to the new construction.
  - c. Fee as specified in Section 4 hereof

Upon receipt of a completed application as defined in 1. above, the Board and/or its Agent may inspect the property.

2. If a permit is issued it shall be issued to the owner of the property or the tenant of the property with the written permission of the owner.

TOWN OF PALMER, MA  
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3. The burden shall be upon the applicant to establish that the granting of such a permit shall not be detrimental in any way to the public welfare and would not endanger the safety or health of the community.
4. The Board shall act on the completed application at the next regular meeting. Notice of the Board's decision shall be mailed to the applicant within ten working days of the decision and will include any conditions imposed by the Board.
5. The issuance of such a permit does not in any way relieve the permittee of the necessity to comply with other laws and regulations concerning zoning, construction, etc.

**TABLE A. Minimum Distances Table.**

<u>Minimum Distances</u>	<u>Shelter</u>	<u>Corral</u>	<u>Swine</u>
Wetland	100 feet	100 feet	300 feet
Surface/ Subsurface drains	100 feet	100 feet	200 feet
Side and Rear Lot Lines	20 feet	20 feet	50 feet
Public/ Private Roadway	30 feet	30 feet	200 feet
Milk Handling Areas	50 feet	50 feet	50 feet
Public Water Supply	500 feet	500 feet	500 feet
Private Water Supply	50 feet	50 feet	50 feet
Front Lot Lines	must meet zoning regulations	must meet zoning regulations	must meet zoning regulations
Abutting Dwelling(s)	30 feet	30 feet	50 feet

### **SECTION 3: HOUSING AND CONSTRUCTION CHANGES**

1. Any person who proposes to construct or remodel a building or portion thereof for use of an animal as noted in these regulations shall, prior to such construction or remodeling notify the Board of Health in writing.
2. All shelters are in sound construction well lighted, and have adequate ventilation
3. Sufficient drainage to prevent the collection of water in confines
4. Manure shall be stored in a manner that controls fly breeding and odor
5. All shelters should be kept clean and sanitary

## SECTION 4: FEES

Fees for all permits shall be \$25. There will be no expiration on permits. Permits must be renewed annually at the board of health.

## SECTION 5: REQUIREMENTS

### 1. CATTLE, COWS, HORSES, GOATS, DONKEY, LLAMA, ALPACA AND SHEEP

- a) Area: A minimum of land area of 12,500 sq. ft. shall be required for one animal and for each additional animal 6,000 sq. ft. shall be required.
- b) Capacity: Cows, Donkeys & Horses- If confined each stall shall contain at least 100 square feet for each animal.  
  
Goats, Sheep, Llama & Alpaca - If confined each stall shall contain at least 20 square feet for each animal. Newborn livestock are exempt from increase in capacity for 180 days.
- c) Cleanliness: Housing and premises thereof shall be kept in a sanitary condition.
- d) Water Supply: Housing shall be furnished with an adequate and safe supply for feeding and cleaning purposes.
- e) Bedding: Bedding shall consist of straw, hay, or like substances.
- f) Manure: Manure shall be removed frequently from the animal area and housing and stored, piled or spread in such a manner as so not to cause a breeding place for flies or offensive odors. In fly breeding seasons, manure storage may be periodically treated with lime or like substance.
- g) Floors and Walls: These shall be designed, constructed and maintained as not to cause or contribute to unsanitary conditions in the animal facility
- h) Location: Housing shall be located on land with good drainage and not subject to periodic or seasonal flooding.
- i) Rodent Control: Effective measures shall be taken to prevent and control rodents.
- j) Safety: Appropriate measures shall be taken to minimize fire hazards.

### 2. POULTRY AND WATERFOWL

- a) Setbacks, coop size, and run size shall determine the number of fowl kept on the property.
- b) The coop must have a minimum interior floor surface of at least two (2) square feet per standard sized bird. A run area is required and must have a minimum ground surface of at least four (4) square feet per standard sized bird. Newborn fowl are exempt from an increase on capacity for 90 days, but shall not increase your permitted allowance by more than half.

- c) Live fowl must be kept to the permitted property at all times and not permitted to run at large.
- d) Roosters are allowed but shall be removed if creating a nuisance.
- e) All feed to be stored in a way to deter wildlife and prevent rodent infestation.

**3. PIGS**

- a. The keeping of pigs: Shall be limited; not to exceed three (3) on any particular locus.
- b. Pens and other enclosures: 1) Shall not be located within one hundred (100) feet of any public or private way, nor within 150 feet of any abutters dwellings 2) Shall be suitably isolated and maintained in such a manner that no nuisance shall be created.
- c. General Maintenance: 1) Manure and refuse in pens shall be cleaned twice weekly and removed from the premises at least weekly and in the meantime must be kept so that it will not constitute a nuisance and so that the animal(s) will not have access to it. If, however, one plans to plow manure, once spread, plowing must take place within forty-eight (48) hours. 2) Wet muck in pens shall be removed and replaced with clean sand. 3) A water supply shall be easily accessible.

**TABLE B. Manure Minimum Distances.**

<u>Manure Minimum Distances</u>	<u>Other</u>	<u>Swine</u>
Wetland	150 feet	300 feet
Surface/ Subsurface Drains	100 feet	200 feet
Abutting Dwellings	200 feet	500 feet
Side and Rear Lot Lines	30 feet	100 feet
Public/Private Roadways	30 feet	500 feet
Milk Handling Areas	200 feet	200 feet
Public Water Supply	500 feet	500 feet
Private Water Supply	150 feet	150 feet

**4. REPTILES AND POISONOUS SNAKES**

No poisonous snake or reptile shall be kept within the town limits.

**5. PIGEONS**

Shall not create a nuisance and shall be removed with cause.

## **SECTION 6: COMPLAINTS**

Within ten working days of the receipt of a complaint, the Board or its Agent, shall investigate the matter and provide a response to both the complainant and licensee.

## **SECTION 7: ENFORCEMENT**

1. After written notification from the Board of Health noting violations of these regulations, the licensee shall have fourteen (14) working days, or such time as noted in the notification, to correct such violations. Failure to correct such violations shall result in that person being subject to fines and penalties as outlined in these regulations.
2. After written notification from the Board of Health, any person housing or keeping animals without a permit shall within seven days apply for a permit or remove said animal(s) from the premises until such time as a permit is acquired.
3. Permits issued may be revoked or suspended by the Board of Health if it is determined that:
  - a. the presence of the animal(s) on the premises are dangerous to the public safety or health or a public nuisance;
  - b. the animals are not properly cared for;
  - c. facts contained in the application or as represented by licensee to the Board of Health are inaccurate;
  - d. the licensee is keeping animals in addition to those for which the permit was issued.
4. The holder of any permit thus revoked or suspended, shall be notified of such action by certified mail. Any person so aggrieved may petition the Board of Health for a hearing at the next Board of Health meeting and may be permitted to the keeping of said animal(s) pending its finding.
5. The penalty for non-compliance with any of these Rules and Regulations shall be a fine of five dollars (\$5.00) for every day in which the violation exists.

## **SECTION 8: VARIANCES**

In the event that the applicant cannot meet the full regulations the Board of Health will review all proposals and if the board determines the proposal would not have a negative impact or create a nuisance a permit may be issued.

The Board of Health may impose conditions, safeguards, and limitations, both of time and use to which the variance pertains.

A variance request may require the applicant to legally notify all abutters by certified mail, return receipt at his/her own expense at least ten (10) days before the duly noticed Board of Health meeting will take place. The notification shall state the specific variance sought and the reasons therefore.

Proof of receipt of said notification by all applicable abutters must be filed with the Board of Health prior to the meeting.

## **SECTION 9: THE GRANDFATHER CLAUSE**

1. Notwithstanding anything in these regulations to the contrary, but subject to the provisions of Section 6, any property owner who kept animals on her/his land in Palmer prior to June 1, 2018, may continue to use said land for keeping of such animals. The rights afforded by Section 9 shall terminate when the ownership of the land is sold or there is a transfer of property.
2. In the event the Board of Health acting pursuant to G.L. c. 111, Sections 155 and these regulations has reason to believe that the number of animals otherwise allowed to be kept by virtue of this Section 9 is creating a public nuisance, an unsanitary condition or is otherwise a danger to the public health, the Board of Health, after written notice to the owner and a public hearing, may reduce the number of animals otherwise allowed to be kept by this Section 9 so as to cure such public nuisance, unsanitary condition or public health danger.

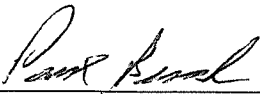
## **SECTION 10: SEVERABILITY**

If any provision of these regulations are declared invalid or unenforceable, the other provisions shall not be affected thereby.

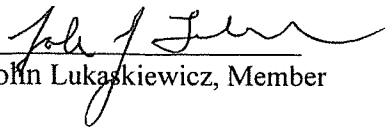
These regulations are promulgated in accordance with Chapter 111, Section 155 and Chapter 111, Section 31 of the Massachusetts General Laws.

## **SECTION 11: EFFECTIVE**

These regulations were adopted by vote of the Palmer, Massachusetts Board of Health, at their regularly scheduled meeting held on May 21, 2018 and are to be in full force and effect on and after June 1, 2018. Before said date, these regulations shall be published and a copy placed on file in the Board of Health Office, Town Clerk Office and filed with the Department of Environmental Protection. These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, as provided by law and applicable regulations.



Paul Benard, Chairman



John Lukaskiewicz, Member

Jayne Heede, Member