

CARVER BOARD OF HEALTH
RULES AND REGULATIONS FOR KEEPING ANIMALS

1.0. PURPOSE

The Carver Board of Health is responsible for the protection of the public health and welfare in the Town of Carver. In an effort to protect the health and safety of the public and all animals in the town, the following regulations are promulgated.

2.0. AUTHORITY

These Rules and Regulations for Keeping Animals are adopted in accordance with the provisions of Massachusetts General Laws Chapter 111, Sections 31 and 155.

3.0. APPLICABILITY

These regulations shall apply to all persons keeping animals in the Town of Carver and shall supersede all previous regulations pertaining to the keeping of animals. Persons holding permits issued prior to the effective date shall be held only to the regulations in force at the time of issuance when, in the opinion of the Board, the strict enforcement of the new Rules and Regulations for Keeping Animals would cause hardship. Each case will be evaluated separately. Where these Rules and Regulations address the health and safety of animals, it shall apply to all animals.

4.0. DEFINITIONS

ANIMAL SHELTERS AND CORRALS shall include all stables, coops, pens, cages, and any other means of protecting an animal from the environment or for containing an animal.

BOARD shall mean the Carver Board of Health.

PERSON shall mean a person, persons, association, partnership, trust, company, corporation, or other entity.

WETLANDS shall include, but not be limited to, all areas defined as wetlands under the Carver Wetlands By-Law and the Wetlands Protection Act; all streams, surface water bodies, and swamps; and any area considered by the Board to be periodically or continuously wet or under water due to rain or surface water runoff.

UPLAND shall mean all land not considered wetlands under these regulations.

5.0. PERMIT

5.1. No person shall keep within the limits of the Town of Carver, in any building or on any premises, any cows, livestock, horses, goats, roosters, gobblers, turkeys, ducks, chickens, fowl, pigeons, rabbits, or any other *farm or commercial animal* without a permit from the Board of Health. No permit is required however, when an animal is being kept in the home as a pet, i.e., rabbit, guinea pig, ferret, homing pigeon (except where dog permits are required by the Town Clerk). Said permit shall cost an annual fee set by the Board (attached, but subject to change)

5.2. All permits to keep animals listed in Regulation 5.1. shall expire annually on December 31 and may be revoked for cause.

5.3. Said permit shall not be transferable.

5.4. An application for a permit shall be submitted on a form supplied by the Board of Health showing the property to be used; the location of any proposed stable, corral, pen or other animal housing; the location of all streams, drains, wetlands, known or proposed water supply, and buildings located within 100 feet of the property. If a variance is needed the Board may require a certified plot plan from the applicant.

5.5. If an applicant has been sufficiently warned, a permit may be revoked at any time with cause. The Board or its agent may revoke said permit without a public hearing if, in their opinion, conditions exist which may endanger the health, safety, or welfare of the animals and/or the general public. The permit holder shall have the right to appeal the revocation at a public hearing if no hearing has yet been held.

5.6. Any property used to house animals under the Rules and Regulations for Keeping Animals shall be subject to inspection by the Board or its agent when public health and safety of either the animals, homeowners or the abutters is deemed to be threatened.

5.7. The Board may impose conditions it deems appropriate in order to protect the public, the environment and animal health when issuing a permit.

5.8. The Agricultural Commission will serve as an advocate, mediator, and/or negotiator with respect to farming complaints, issues, and regulatory processes.

6.0. ANIMAL SHELTERS AND CORRALS

6.1. All horses, livestock, and other animals shall be provided suitable shelter and corral space. All shelters and corrals shall be cleaned regularly to discourage flies and be free from items dangerous to animal(s). Corrals and paddocks shall be gently sloped to aid in drainage and minimize the standing pools of surface water

6.2. No person shall erect or use as a stable any building unless such use is licensed by the Board and complies with all applicable building codes and Zoning By-laws.

6.3. All shelters shall be of sound construction, well lighted, and have adequate ventilation, either mechanical or natural.

6.4. All windows containing glass shall be protected for animal safety

6.5. All electrical apparatus, including light bulbs, shall be provided with a suitable safety guard to help protect animals from injury.

6.6. All buildings used to shelter horses or other livestock shall have at least one square foot of window for each 500 cubic feet of air space, or stall fronts.

6.7. All shelters where animals are housed and humans can enter must be equipped with a fire extinguisher or some type of fire prevention.

6.8. All buildings used to shelter horses or livestock shall have a ceiling at least seven feet high but not less than one foot above the head of any animal sheltered there. Every roof shall be water and weather tight.

6.9. 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.

6.10. All shelters and corrals shall be supplied with an adequate water source.

6.11. Floors shall consist of any material acceptable to the Board. This shall include wood, concrete, or a thin layer of sand and clay over a gravel base, or rubber matting.

6.12. 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 in duplicate to the Board of Health and the Building Department for approval prior to any construction to determine adequacy and/or whether a permit for construction is required.

6.13. All animals shall be sheltered within 30 days of issuance of a permit to keep said animals.

6.14. Animals shall be provided appropriate bedding, pine shavings, hay, straw or peat moss.

6.15. No shelter or corral shall be closer than the distances shown to the components listed in the following table. The distances shown are minimum distances and shall be increased where required by conditions particular to a location or by zoning requirements.

	<u>Shelter</u>	<u>Corral</u>
Wetland	65'	65'
Surface/Subsurface Drains	50'	50'
Abutting Dwellings	100'	100'
Side and Rear Lot Lines	10'	10'
Public or Private Roadway	25'	25'
Public Water Supply	200'	200'
Private Water Supply	100'	50'

6.15. Corrals shall be of reasonable size for the number of animals present.

6.16. Any corral or area in which livestock is left unattended shall be adequately enclosed to assure proper restraint of the animal. All corrals shall have shade for the animals during inclement weather, whether by tree or shelter.

7.0 ANIMAL VACCINATIONS

(Not yet defined)

8.0. MANURE MANAGEMENT

8.1. Manure shall be removed from stalls and shelters as needed. Manure shall not be allowed to accumulate in corrals over a length of time, stalls to be cleaned daily.

8.2. Manure shall be stored in such a manner as to control flies and odors.

8.3. In fly-breeding seasons, controlling flies on or around manure can be done by any number of methods. Methods such as organic fly control, fly predators or chemicals permitted by the United States Department of Agriculture are good options.

8.4. No manure pile or pit shall be closer than the distances shown to the components listed in the following table. The distances shown are minimum distances and shall be increased where required by conditions peculiar to the location or by zoning requirements.

	<u>Manure</u>
Wetland	65'
Surface/Subsurface Drains	50'
Abutting Dwellings	150'
Side and Rear Lot Lines	25'
Public or Private Roadway	25'
Public Water Supply	200'
Private Water Supply	150'

8.5. Manure storage and composting can be difficult. To aid in the storage and composting of manure we have included with this regulation a helpful guideline to follow. The Guide is entitled, "Good Neighbor Guide for Horse-Keeping: Manure Management." These are the allowable methods of manure management allowed.

9.0. FEED MANAGEMENT

9.1. All feed, must be properly stored and shall be adequately protected so as to keep the food source free of contaminants, rodents, and the elements.

9.2 All persons shall take any steps necessary to prevent rodent infestation on or near the property. This shall include, but not be limited to, storing food in rodent proof containers as well as hiring a professional pest control company when needed.

10.0. VARIANCES

10.1. 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 Regulation 11.0.

10.2. Variances shall be granted only under the following conditions:

A. Strict enforcement of the Rules and Regulations for Keeping Animals will constitute manifest injustice, **AND**

B. The granting of the variance shall not in any way impair the public, the environment or animal health.

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

11.0. HEARING

11.1. When requesting a permit for the first time or requesting a variance to the Rules and Regulations for Keeping Animals, a Public Hearing may be required. A Public Hearing will be required where the Board of Health feels a possible threat to the neighborhood or abutters is possible. A fee set by the Board may be charged for the Public Hearing.

11.2. The applicant shall notify all abutters of the property on which the animals will be kept by Certified Mail, Return Receipt Requested, of the hearing at least ten days prior to the hearing date. The applicant shall also publish a legal advertisement provided by the Board, in a paper published and distributed locally, at least five days prior to the hearing. Said notifications and advertisements shall be at the expense of the applicant.

11.3. Any person to whom any order pertaining to the Rules and Regulations for Keeping Animals is served shall have the opportunity to request a hearing before the Board. The request shall be in writing and received in the Health Department Office within seven days of the date it is served.

12.0. PENALTIES

12.1. Any person found in violation of these regulations shall be fined, upon conviction, not more than \$50.00 per violation. Each day of noncompliance shall constitute a separate and new offense.

12.2. The Board of Health and/or ACO shall reserve the right to charge the permittee, owner, or keeper of an animal for any costs incurred related to the detaining and capture of animals that have escaped their enclosure.


12.3. Any person who is issued a permit or 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 permit or license.

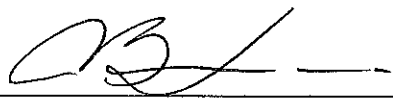
12.4. The Rules and Regulations for Keeping Animals may be enforced by the use of Non-Criminal Citations as put forth in Massachusetts General Laws Chapter 40, § 21D

13.0. SEVERABILITY

13.1. If any provision of the Rules and Regulations for Keeping Animals is declared invalid or not enforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

ADOPTED BY THE CARVER BOARD OF HEALTH ON 1/29/08


Arthur F. Borden, P.L.S., Chairman


David B. Lawrence, Member


Steven D. Crawford, Member

Effective 3/1/08

ANIMAL PERMITS:

\$1.00 pigs, cows, sheep and goats up until ten (10) and all others there will be no charge - \$1.00 will be charged for each ½ dozen chickens, geese, turkeys and rabbits up until 10 ½ dozen and then all others will be at no charge. In no case will anyone be charged more than \$10.00 for a permit. **HORSES** - \$10.00 per horse up to \$50.00 - no permit more than \$50.00.

Stable Permit:

\$25.00 original
\$10.00 renewal