

Belmont Board of Health

Regulations Governing the Keeping of Exotic, Non Domestic and Farm Animals on Residential Property

Section 1. Authority

These regulations are adopted under authority of MGL chapter 111, section 31, as reasonable health regulations designed to protect the health and quality of life of those who reside within the Town of Belmont. These regulations shall take effect as of the date of their approval as indicated below.

Section 2. Statement of Purpose

Whereas minimum standards for the keeping of exotic, non-domestic and farm animals are considered necessary to promote the responsible care and welfare of animals, and for the health, safety and welfare of the community, the Belmont Board of Health has adopted these regulations.

Section 3. Definitions

Abutters: owners of abutting land or property within one hundred (100) feet of the Applicant's property line. A person will only qualify as an abutter for the purpose of this regulation if they possess an ownership interest in the abutting land.

Accessory Structure: a structure subordinate to the principal building on the same lot and serving an animal related use.

Animal: An Exotic Animal, Farm Animal, Feral Cat, Fowl, Pigeon or Wild Animal as further defined below.

Applicant: one who applies for a permit to keep one or more Animals.

Board of Health: or "the Board"; Belmont Board of Health.

Coop: a structure for the keeping or housing of poultry, pigeons, or other types of fowl.

Corral: any pen, or enclosure for the confining of one or more animals.

Dwelling: any building, shelter or structure used or intended for use as human habitation.

Exotic Animal specifically refers to an animal not native to this region excluding Household Pets.

Farm Animal: all animals such as, but not limited to, cattle, goats, sheep, swine, equines, llamas, poultry, pigeons, livestock, reptiles or snakes, which are kept or harbored as domesticated animals, excluding Household Pets

Facility: the total accommodations to be used for keeping or housing and care of one or more animals, including but limited to a barn, stable, pen, coop, loft or corral.

Feral Cat: A cat born in the wild, which is not domesticated or socialized to humans and has been abandoned or allowed to become free roaming.

Fowl: birds for food, show, or hunted as game.

Household Pets: animals that are normally kept inside an owner's residential dwelling or commercial building including but not limited to dogs, cats, ferrets, fish, domesticated or exotic birds, certain reptiles such as bearded dragons and guinea pigs, hamsters, rabbits and mice.

Keeping of Animals Permit: or "Permit" refers to a permit issued for the keeping or housing of one or more animals in accordance with the provisions of this regulation.

Lot: a parcel of land which is or may be occupied by a building accessory structure, including open spaces required under this Article. "Lot" includes the words "plot" or "parcel".

Manure Management Plan: is a plan for the handling of manure. The plan shall address cleaning, composting, storage, utilization and removal of manure.

Nuisance: shall mean any condition including, but not limited to noise, offensive odor, attraction or breeding of insects, an environment supporting growth of vermin, presence of rodents, or any other condition having public health or environmental significance. This definition shall be mindful of MGL c.111 § 125A.

Owner: every person who alone or jointly with one or more other persons has legal title to any lot, building, structure, dwelling or dwelling unit.

Pen: a structure for the keeping or housing of one or more animals.

Pest Management Plan: is a plan which adequately defines the measures that shall be taken by the owner to minimize the presence of rodents, insects, and the creation of odors and other nuisances.

Pigeons: member of the Columbidea family of birds that include ‘racing’, ‘fancy’ and ‘sporting’ pigeons.

Poultry: refers to domesticated or semi-domesticated birds including chickens, ordinarily kept for food, pets, or eggs.

Runoff: water from natural or unnatural sources that flows over the surface of the ground.

Stable: an accessory building or structure used for the shelter and/or the feeding of one or more animals.

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

Town: means the Town of Belmont and its officers, agents and employees including the Health Department

Unsanitary Conditions: the Facility’s state of being or condition which in the judgment the Board of Health, are conducive to or results in, breeding of flies, creation of offensive odors, rodents infestation, liquid effluent, runoff, and/or noise, in such concentrations and/or such duration as to cause a nuisance, be injurious, maybe considered potentially injurious to human health, or unreasonably interfere with the health and safe enjoyment of life and property.

Usable Area: land area suitable for the raising of animals such as pastures, fields, wooded uplands. This area does not include wetlands, dwellings, or any other area(s) as may be restricted by town, state or federal regulations.

Vermin: various types of insects, bugs, and/or rodents.

Wild Animal: any animal not normally found or kept as a domesticated animal, including but not limited to poisonous reptiles, alligators, monkeys, lions and tigers.

Section 4. General Requirements

A. The useable Area for calculating the number of animals allowed on a Lot shall consist of upland area only. Lot dimensions may be considered by the Board of Health when determining the total number of animals allowed on a parcel of land, provided that the general provisions of these regulations have been met, and that the granting of a Permit will not adversely affect the public health, safety and welfare.

B. The facility or location of animals shall be no less than:

1. 100 feet from a Wetland as defined by M.G.L. c. 131, §40.
2. 10 feet from a sideline, rearline or public way.

3. 40 feet from any abutting dwelling.
4. 100 feet from any well, public or private, used as a drinking water supply

C. The facility must comply with all applicable zoning requirements prior to any approval from the Board of Health.

Section 5. Permit and Application Requirements

A permit is required for anyone keeping one or more animals as defined in this regulation. At time of application, the applicant shall provide the Health Department with the following documents:

A. Application(s) for a Keeping of Animals Permit shall be submitted to the Health Department for each lot on which animals are to be kept in the Town. Such application shall contain the following information:

- (1) Full name, address, e-mail address (if any) and telephone number of the applicant.
- (2) Location – street address of the lot to be used.
- (3) Approval for the keeping of animals by the Zoning Commission and/or Building Commissioner
- (4) A plot plan showing the lot borders of the area where the animals will be kept, location of accessory structure(s), principal structure(s), abutting structure(s), confining fences and barriers, location of any septic system on the lot, location of any private wells within the perimeter of the area where the animal(s) will be kept or within hundred (100) feet of the perimeter, location of manure containers, and drainage details. Also the plan shall show the location of all lots with houses shown thereon within 500 feet of the proposed area for keeping of the animals.
- (5) Number and species to be kept. The addition of any new animals requires an applicant for a modification of the existing permit. No animals in excess of the specified number indicated on initial application shall be kept. The addition of any new animal(s) requires an applicant to make application for a modification of any existing Permit with the Health Department.
- (6) Copies of all required animal immunizations.
- (7) A written Manure Management Plan for the management and disposal of animal waste, storage of feed, and a Pest Management Plan used to control flies and vermin.
- (8) A written Emergency Disaster Plan for fire prevention, emergency evacuation and sheltering.
- (9) Name and address of veterinarian used to care for animals .

B. As indicated above, the applicant shall be responsible for compliance with the Town's Zoning Ordinance and shall be responsible for obtaining any necessary zoning relief.

C. The applicant shall be responsible for compliance with the Town's Wetlands Ordinance and shall be responsible for obtaining any necessary zoning relief.

D. The Board of Health shall hold a hearing on the initial Permit application within thirty days of the filing of a completed application. Within forty-five (45) days after the close of the hearing, the Board shall issue a decision on the application.

E. Fees and permits shall be determined by the Health Department and shall be subject to annual review.

F. Permits shall expire on December 31st of each year, unless sooner revoked by the Board of Health upon violation of any of the provisions of these regulations. Every Permit holder must apply for a renewal of the permit at least forty-five (45) days prior to the expiration of said permit. Any changes from the previous Permit shall be indicated on a renewal application.

G. Existing Keeping of Animal Permit holders or anyone who requires a Keeping of Animals Permit shall submit all required information and documentation in writing and comply with these regulations within 30 days of effective date of these regulations.

H. Exotic animal(s), wild animal(s), and feral cats shall not be kept within the Town of Belmont limits without expressed written approval of the Board of Health or its authorized agents and shall be in accordance with Massachusetts General Laws.

I. No person shall propose or erect, remodel, occupy or use a stable, or accessory structure intended for the housing of animals unless and until he/she has submitted an initial or revised plan to the Board of Health for review and the same has been approved.

J. Permits are not transferable and shall be posted in a conspicuous area. Permits can be revoked for cause by the Board of Health or Agents of the board of Health

K. An applicant must comply with all federal, state and local regulations and ordinances.

Section 6. Facility Standards – Owner’s responsibilities:

A. The floor and/or grounds of the facility for the keeping of one or more animals shall not be designed, constructed, and/or maintained in a manner that would likely endanger the animal(s) or promote unsanitary conditions.

B. Each facility shall have a supply of potable water available to the structure for drinking and cleaning purposes.

C. The facility shall be adequately ventilated, provide protection from weather elements, and adequate food and water shall be provided.

D. All facilities for the keeping of animals shall be securely fenced to prevent the escape of animals there from. Animals at no time shall be allowed to roam unattended from the designated area as noted in the application.

- E. The facility in which the animals are kept shall be maintained in such a manner as to prevent the spread of infectious or contagious diseases.
- F. The facility for keeping the animals shall be kept clean, sanitary, and presentable condition, free from decaying food, filth, feces, vermin infestation and stagnant water.
- G. The Owner and/or Permit holder of the facility for the keeping of one or more animals shall keep the facility in a clean, sanitary and presentable condition free of decaying food, filth, feces, vermin infestation and stagnant water.
- H. Food shall be stored in sealed, moisture-proof and vermin-proof containers when appropriate.
- I. Dead animals shall be disposed of or incinerated, at an appropriate facility, within a reasonable time but in no event more than forty-eight (48) hours after death. Storage of any deceased animal shall be in such a way to prevent odors and attraction of vermin.

Section 7. Manure Management:

The following are requirements for the keeping and maintenance of manure and fecal matter within the facility. The permit holder is responsible to implement a Manure Management Plan for the facility. This plan requires approval by the Board of Health or its authorized agents at the time the permit is granted.

- A. Drainage or liquid effluent containing urine, fecal matter and manure from any animals is not to be discharged in runoff, or to flow over the surface of the ground onto neighboring property, public way, river or wetlands. Water, including drainage, shall not become stagnant or collect or create a ponding affect upon said facility.
- B. The Owner and/or permit holder shall provide for the sanitary storage and disposal of all waste, fecal matter, and manure related to the keeping of animals.
- C. Management and disposal of manure and soiled bedding shall be such as to minimize odors, breeding of flies, and the attraction of vermin. Manure shall be collected and kept in a suitable pit or receptacle at a single location. This location shall also be carefully chosen to maximize the distance from abutting properties, with due consideration of the prevailing winds.
- D. The following requirements shall apply to the use, accumulation and/or disposal of manure:
 - 1. The accumulation, stockpiling, and storage of manure outside of a pit or receptacle is prohibited.

2. No manure storage area shall be closer than the distance shown to the components listed in the following table. The distances shown are minimum distances and may be increased by the Board of Health based upon conditions particular to the location or by zoning requirements.

Wetland	100 feet
Surface/subsurface drains	100 feet
Abutting dwellings	200 feet
Side and rear lot lines	30 feet
Public or private roadway	30 feet
Public or private water supply	100 feet
Tributary to a public water supply	100 feet

3. The dimensions and/or drainage conditions of a Lot may, at the determination of the Health Department or its authorized agent, require off-property disposal of manure. In such cases, the manure shall not be put out for general trash collection. It shall be the responsibility of the owner and/or permit holder to dispose of manure in a safe and sanitary manner so as not to accumulate on the lot or interior of an accessory structure.

4. The Board of Health or its authorized agent may allow the composting of manure generated at the facility for the keeping of one or more animals pursuant to specific written Board of Health approval.

Section 8. Pest Management

The owner and/or permit holder is responsible for implementing a Pest Management Plan for the facility. This plan requires approval by the Board of Health or its authorized agent and will be performed by a licensed pest control operator. Extermination shall be performed as deemed necessary by the Board of Health or its authorized agent or a licensed pest control operator.

Section 9. Keeping of Poultry

A. No rooster(s) shall be allowed unless a permit is specifically issued. An application shall be furnished by the Health Department. A limit of six (6) chickens or ducks are allowed per household. The Animal Inspector or Health Department agent has the discretion to limit the number of poultry to be kept in a coop if the size and conditions can not accommodate the amount of poultry noted in this section.

B. There shall be at least (1.5) square feet of floor space for each mature poultry kept within the coop. Coops shall be cleaned regularly to maintain sanitary conditions and thoroughly disinfected at least three times a year

C. Coops are to be inspected once a year by a Health Department Agent and/or Animal Inspector to ensure sanitary conditions, animal health and animal husbandry.

D. Poultry permit applications are obtained from the Health Department for a fee designated by the Health Department. Once the application is paid for, the Animal Inspector or Health Department agent will inspect and approve or disapprove the coop.

E. At no time are any eggs to be sold.

Section 10. Keeping of Pigeons

A. All pigeons shall be confined to their coop except for limited periods necessary for exercise, training and competition. At no time shall pigeons be allowed to perch or linger on buildings or the property of others. Flight activities shall not adversely affect adjacent properties.

B. There shall be at least one (1) square foot of floor space for each mature pigeon kept within the coop. Coops shall be cleaned regularly to maintain sanitary conditions and thoroughly disinfected at least three times a year.

C. Training, exercising and the release of pigeons from the facility shall not be undertaken during the hours of 10:00am to 4:00pm from June to September as not to disturb yard use and the enjoyment of abutting neighbors.

D. Additional pigeons over a total of fifty (50) shall not be permitted unless the lot contains a minimum of twenty-five hundred (2,500) square feet per each additional twenty-five Pigeons, provided that lot dimensions are acceptable to the Board, the general provisions of these regulations have been met, and that the granting of such Permit and any necessary variance, will not adversely affect the public health, safety and welfare.

Section 11. Household Pets

A. Household Pets shall be excluded from these regulations with the exception that the Board may require a separate permit in situations where animals are kept in such numbers or conditions that may result in an order of public nuisance or are recognized as a hazard to the health and welfare of the community

B. In accordance with Belmont Animal Control Bylaws, Section 20.11 Not more than three dogs over four months of age shall be kept in any household.

Section 12. General Animal Health and Safety:

1. All animals must be provided with clean potable water at all times.
2. All animals shall be cared for in a humane manner. It shall be illegal to abuse, either physically or by neglect, any animal. The Health Department or its agent may at any time require the removal of an animal from the custody of any person when it is determined that the health, safety, or welfare of an animal is jeopardized. The Health department will assist the Massachusetts Society for the Prevention of Cruelty of Animals (MSPCA) and/or other recognized animal welfare organizations such as the Animal Rescue League of Boston (ARL) in this process.
3. All animals shall be immunized against rabies, when appropriate for that species, with proof supplied annually prior to the issuance or renewal of a permit. No permit shall be issued without proof of immunizations. All animals shall additionally meet any State-mandated immunization requirement(s).
4. When there is a USDA approved vaccine available for use to combat certain disease(s), it shall be required that those animals approved to receive it be vaccinated unless the animal's veterinarian recommends otherwise.

Section 13. Prohibited Acts:

- A. . No raw meat garbage shall be used as feed.
- B. No animal shall be permitted to enter a 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 or other service animals as aides in entering and leaving public dining or food preparation area in licensed food establishments.
- C. No owner and/or permit holder of an animal which requires a permit shall allow such animals to run at large in any area within the Town of Belmont 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.
- D. It shall be unlawful to offer prizes in any contest or game, any live animal, bird, fish, or reptile except shellfish.
- E. No animal shall disturb the peace between the hours of 7:00pm and 7:00am.

Section 14. Temporary Permits:

No person, corporation, establishment, group or agency shall keep, conduct or operate within the Town of Belmont any pony ring, pony ride, circus, rodeo, pet show, dog show, cat show, animal acts or

exhibitions, wild animal or reptile show or exhibitions without first obtaining a temporary permit to house and maintain animals from the Board of Health unless already permitted by the Board of Health.

Section 15. Enforcement:

A. Enforcement of this regulation shall be by the Health Department or its designated agent(s). The Health Department or its designated agent(s) may reasonably conduct unannounced inspections of the facility to ensure compliance with these regulations.

B. The Health Department may deny, suspend, or refuse to renew a Keeping of Animals Permit for failure to comply with any provision of these regulations.

C. The person(s) who have had a permit denied or revoked shall be ordered to remove all animals from the property within 30 days of said denial or revocation or within a time frame determined by the Health Department.

D. The continuance of any violation of these regulations beyond a date specified by the Board of Health, when the owner and/or permit holder of the facility has been ordered by an agent of the Board of Health to abate any such violations in a safe and sanitary manner, shall be cause for revocation of permit and/or initiation of legal proceedings to eliminate said conditions.

Section 16. Revocation:

The owner and/or permit holder of the facility 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 a constable. The notice shall include the date, time, and location of the hearing and the right of the owner and/or Permit holder of the facility to be heard. The Board shall hold the hearing no later than twenty-one (21) days from the date the written notice was received.

Section 17. Right to a Hearing:

Any person or persons aggrieved by a Board of Health order that has been served pursuant to any section of these regulations may request a hearing before the Board of Health by filing a written petition to the health department within seven days of receipt of said order.

Section 18. Variance:

The Board of Health may grant a variance to any of the provisions of these regulations when, in its opinion, the strict enforcement would do manifest injustice and does not jeopardize public health or the environment.

Section 19. Penalty:

- a. 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:

- (a) First violation: a fine of twenty-five dollars (\$25.00)
- (b) Second violation within 24 months of the current violation: a fine of fifty dollars (\$50.00)
- (c) Three or more violations within 24 months of the current violation, including the current violation: a fine of one hundred dollars (\$100.00)

B. Criminal Complaint

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

Section 20. Adoption and Effect:

Effective Date:

This regulation will become effective **July 1, 2012.**

Belmont Board of Health

David B. Alper, D.P.M.

Donna S. David, R.N., M.N.

Robert M. Eisendrath, M.D.

This Regulation was reviewed and approved as to form by Town Counsel on April 2, 2012.

A Public Hearing regarding this Regulation was held on April 30, 2012.

The Promulgation of this Regulation was advertised in the Belmont Citizen Herald on April 12, 19, 26, 2012.