



Board of Health

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Chair

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ARTICLE 4 **KEEPING OF DOMESTIC ANIMALS**

SECTION 4.1 **AUTHORITY**

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

SECTION 4.2 **STATEMENT AND PURPOSE**

Whereas minimum standards to promote the responsible care and welfare of animals, protection of the public health, and environmental protection are considered necessary for the health, safety and welfare of the community, the Needham Board of Health has adopted these regulations.

SECTION 4.3 **DEFINITIONS**

Abutters: Owners of abutting land or property within one hundred (100) feet of the applicant's property line.

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

Animal: all animals such as, but not limited to cattle, goats, sheep, swine, equines, miniature horses, llamas, poultry, pigeons, livestock, reptiles or snakes, and other animals which are kept or harbored as domestic animals.

Animal Units: for the purpose of permitting a given number of animals or fowl, the following shall be considered equivalent and each will be regarded as a single animal unit. The Board may determine unit(s) to any animal not specifically listed below:

Animal Unit Chart

Type of Animal	Number that comprise an “Animal Unit”
Horse, donkey, mule, pony, llamas	1
Miniature Horses	2
Bovine (Cow)	1
Goats, alpaca, sheep	1
Swine - Pot bellied pigs	1
Fowl	4
Chickens	4
Pigeons	6
OTHER	To be determined on case-by-case basis

Applicant: one who applies for a permit to keep one (1) or more Animal Units.

Board of Health or “the Board”: Town of Needham Board of Health and its designated agents. Those agents include the Director of Public Health and his/her staff, as well as other municipal officials designated by the Director or the Board including, but not limited to, law enforcement officers, fire officials, code enforcement officials, and other public and private consultants.

Department: Unless otherwise specified, shall mean the Needham Public Health Department acting in its role as the agent for the Needham 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 human habitation.

Exotic: refers to an animal not native to this region.

Facility: the total accommodations to be used for the keeping or housing and care of one or more animals, including but not limited to a barn, stable, pen, coop, loft or corral.

Feral Cats: 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 and guinea pigs, hamsters, and mice.

Keeping of Animals Permit: refers to a permit issued for the keeping or housing of one (1) or more Animal Units in accordance with the provisions of the regulation.

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

Manure Management Plan (MMP): is a plan for the handling of manure. The MMP 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.

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

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

Pest Management Plan (PMP): 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 or eggs.

Responsible Party: each person who has care, charge or control of any building, structure dwelling unit or as agent, executrix, administrator, administratrix, trustee, leasee or guardian of the estate of the holder of legal title.

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

Stable: means 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 Needham and its officers, agents and employees including the Public Health Department.

Unsanitary Conditions: the Facility’s state of being or condition which, in the judgment of the Board of Health, are conducive to or results in, breeding of flies, creation of offensive odors, rodent infestation, liquid effluent, runoff, and/or noise, in such concentrations and/or such duration as to causes 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.

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

Wetlands: land area or surface area so defined by Massachusetts Wetlands Protection Act M.G.L. Chapter 131, Section 40 and regulations promulgated pursuant thereto at 310 CMR 10.00 or pursuant to Section 404 of the Federal Water Pollution Control Act, U.S.C. 1341.

Wild Animal: any mammal not normally found or kept as a domesticated animal.

SECTION 4.4 GENERAL REQUIREMENTS

4.4.1 The Facility shall be located no less than:

- (a) 100 Feet from a Wetland as defined by M.G.L. c. 131, section 40,
- (b) 30 Feet from a side lot line, rear lot line or a public way,
- (c) 50 Feet from any abutting dwelling,
- (d) 100 Feet from any well, public or private, used as drinking water supply, and
- (e) The Facility must comply with all applicable zoning requirements

4.4.2 Only one (1) Animal Unit shall be allowed at a Facility unless the Board of Health or Public Health Department grants a variance for additional Animal Units. An increase in the number of animals and site accommodations can be assessed on a case-by-case basis. Under the discretion of the Board of Health, these additional animal unit requests can be assessed by the Public Health Department and Animal Control Officer without requiring a Board of Health variance approval hearing.

4.4.3 The Useable Area for determining the number of Animal Units allowed on a lot by variance shall consist of upland area only. Wetlands may not be considered in determining the number of Animal Units allowed on any parcel of land.

4.4.4 Lot dimensions may be considered by the Board of Health or Public Health Department when determining the total number of Animal Units allowed on a parcel of land.

4.4.5 A decrease in setback distance variance request can be assessed on a case-by-case basis. Under the discretion of the Board of Health, these setback distance variance requests can be assessed by the Public Health Department and Animal Control Officer without requiring a Board of Health variance approval hearing.

SECTION 4.5 PERMIT AND APPLICATION REQUIREMENTS

A permit from the Public Health Department is required for anyone keeping one (1) or more Animal Units as defined in this regulation. At the time of application, the applicant shall provide the Public Health Department with the following documents:

4.5.1 Application(s) for a permit for the purpose of keeping animals shall be submitted on a form supplied by the Public Health Department for each location where animals are kept in the Town. Such application shall be accompanied by the following information:

- a) Full name, address, and telephone number of the applicant
- b) Location- street address of the premises to be used
- c) Number and species of animals to be kept. No animals in excess of the specified number on initial application shall be kept. The addition of any new Animal Units requires an applicant to make application for a modification of said permit with the Public Health Department.
- d) Applicant shall submit a copy of all required animal immunizations to the Public Health Department such as EEE, Tetanus, and Rabies for horses, Rabies for cows.
- e) A plot plan, acceptable to the Public Health Department, showing the lot borders with dimensions of area where the animals will be kept and used by animals, location of accessory structure(s), principal structure(s), abutting structure(s), confining fences and barriers, any

Wetlands located on the lot of the housing for the one (1) or more animals, location of any septic system on the premises, location of any private or public wells within one hundred (100) feet of the perimeter, showing location of manure containers, and drainage details. Also the plan shall show the locations of all lots and with the houses shown thereon within 500 feet of the proposed area for keeping of the animals.

- f) 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.
- g) Name of the principal veterinarian for each animal.
- h) All questions regarding emergency evacuation planning must be answered on the application form.

4.5.2 The initial applicant/application shall receive clearance from the Building Inspector, Director of Conservation and Animal Control Officer.

4.5.3 For a variance request for a permit to keep animals after the effective date of this regulation, the applicant shall send to the adjacent property abutters on a form approved by the Board of Health by certified mail, return receipt requested, that an application has been filed with the Public Health Department for a permit to keep animals and that the abutter needs to file any objection in writing within 30 days. A copy of the notification sent to the abutters and proof of notification shall be provided to the Board of Health.

4.5.4 The Board shall hold a hearing on the initial permit application only if there is an objection from an abutter filed in writing with the Public Health Department within thirty days of such notice being received by the abutter.

4.5.5 Within forty-five (45) days after the close of the hearing, the Board shall issue a decision on the application.

4.5.6 Fees for permits shall be determined by the Board of Health. Such fee schedule shall be subject to annual review.

4.5.7 Permits shall expire on June 30, of each year, unless sooner revoked by the Board of Health for violation of any of the provisions of these regulations. Any 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 provided on a renewal application.

4.5.8 Exotic and Wild animal(s) shall not be kept within the Town of Needham limits without expressed written approval of the Board of Health, or its authorized agent the Public Health Department , and shall be kept in compliance with Massachusetts General Laws.

4.5.9 No person shall propose or erect, remodel, occupy or use for a Stable, or Accessory Structure intended for the housing of animals unless and until he/she has submitted a plan to the Public Health Department for review and the same has been approved.

4.5.10 Permits are not transferable and shall be kept available for review by an agent of the Board on Health.

4.5.11 An applicant must comply with all federal, state and local laws, regulations and bylaws.

SECTION 4.6 FACILITY STANDARDS

4.6.1 No Facility for the keeping of one or more Animal Units is to be designed, constructed, used and/or maintained in manner that would likely endanger the animals or promote unsanitary conditions.

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

4.6.3 Each structure being used for an animal use shall be adequately ventilated, provide protection from weather elements and provide food and water.

4.6.4 All facilities for the keeping of one or more Animal Units 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 noted in the application.

4.6.5 An adequate structurally sound dry shelter for Animal Units shall be maintained within the Facility.

4.6.6 Animals shall be secured into this dry shelter overnight to ensure the safety of the animals.

4.6.7 The Facility in which the one or more Animal Units are kept shall be maintained in such a manner as to prevent the spread of infectious or contagious diseases

4.6.8 The Owner and/or permit holder of the Facility for the keeping of one or more Animal Units shall keep the facility in a clean, sanitary, and presentable condition, free from decaying food, filth, feces, vermin infestation and stagnant water.

4.6.9 Food shall be stored in sealed, moisture-proof and vermin-proof containers, when appropriate.

4.6.10 Dead animals shall be disposed of or incinerated, at an appropriate Facility, within a reasonable time after death. Storage of deceased animal shall be in such a way to prevent odors and attraction of vermin.

SECTION 4.7 MANURE MANAGEMENT

The following are requirements for the keeping and maintenance of manure and fecal matter within the Facility. The Owner and permit holder are responsible to implement a MMP for the Facility. This plan requires approval by the Board of Health or its authorized agent at the time the permit is granted.

4.7.1 Drainage or liquid effluent containing urine, fecal matter and manure from any one or more Animal Units kept at said Facility is not to be discharged in runoff, or to flow over the surface of the ground onto a neighboring property, public way, watercourse or wetlands. Water including drainage, shall not become stagnant or collect or create a ponding affect upon said Facility.

4.7.2 The Owner and/or permit holder of Facility shall provide for the sanitary storage and disposal of all waste, fecal matter and manure.

4.7.3 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 suitable pit or receptacle at a single location.

4.7.4 The following requirements shall apply to the use, accumulation and/or disposal of manure.

- a) The accumulation, stock piling, and storage of manure outside of a pit or receptacle is prohibited.

b) No manure storage area shall be closer than the distances shown to the components listed in the following table. The distances shown are minimum distances and may be enlarged because of conditions particular to the location or by zoning requirements.

• Wetlands	100'
• Surface/subsurface drains	100'
• Abutting Dwellings	100'
• Side & Rear lot lines	30'
• Public or private roadway	30'
• Tributary to a public water supply	100'
• Private water supply	100'
• Public water supply	100'

However, no portion of a stable, corral, grazing area or manure storage area shall be located within the Zone 1 of a Public Water Supply established by the Department of Environmental Management. (Aquifer water protection area)

- c) The dimensions and/or drainage conditions of any particular lot may, in the opinion of the Board of Health or its authorized agent, require off-property disposal of manure. In such cases, the manure shall not be put out for general town trash collection. It shall be the responsibility of the Owner and/or permit holder to dispose of manure in a safe and sanitary manner and not be allowed to accumulate on the property or interior of an Accessory Structure.
- d) The Board of Health or its authorized agents may allow the composting of manure generated at the Facility for the keeping of Animal Units, following submission and approval of a specific written plan.

SECTION 4.8 PEST MANAGEMENT

The Owner and/or permit holder is responsible to implement 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 whenever required by law. Extermination by a licensed pest control operator shall be performed when deemed necessary by the Board of Health or its authorized agent.

SECTION 4.9 KEEPING OF HORSES/ DONKEY/ MULE/ PONY/ LLAMAS/ BOVINE/ GOATS/ SHEEP/ ALPACA/Miniature Horses (here in known as large animals)

No permit shall be issued to keep a large animal on any lot of land containing less than one (1) acre, unless determined by the Public Health Department and Animal Control Officer to be sufficient. The usable area, drainage conditions and dimensions of the lot must also be acceptable to the Board of Health or its authorized agent. Additional large animals up to a total of four (4) may be permitted by variance if the lot contains additional acreage deemed sufficient by the Public Health Department and Animal Control Officer.

SECTION 4.10 KEEPING OF POULTRY

4.10.1 No rooster shall be allowed unless a permit is specifically issued. A permit application shall be furnished by the Public Health Department. It shall be adequate cause for refusing or revoking a permit to keep a rooster if one or more abutters complain of its presence by reason of noise.

4.10.2 There shall be at least three (3) square foot 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 once every three months or more often if deemed necessary by the Public Health Department.

4.10.3 When more than one (1) unit of chickens is requested, an increase in the number of poultry and site accommodations may be assessed by the Public Health Department and Animal Control Officer without requiring a Board of Health variance approval hearing.

SECTION 4.11 KEEPING OF PIGEONS

4.11.1 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.

4.11.2 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 once every three months or more often if deemed necessary by the Public Health Department.

4.11.3 Training, exercising, and the release of Pigeons from the Facility shall not be undertaken during the hours of 10:00 a.m. to 4:00 p.m. from June to September as not to disturb yard use and the enjoyment of abutting neighbors.

4.11.4 The minimum lot area shall be one quarter (1/4) acre of useable land. Additional Animal Units may be assessed by the Public Health Department and Animal Control Officer without requiring a Board of Health variance approval hearing.

SECTION 4.12 EXCEPTIONS

Household pets shall be excluded from these regulations with the exception that the Board may impose a permit in situations where animals are kept in unreasonable numbers or conditions that result in an order of Public Nuisance or recognized hazard to the health and welfare of the community.

SECTION 4.13 ANIMAL HEALTH AND SAFETY

4.13.1 All animals shall be cared for in a humane manner. It shall be illegal to abuse, either physically or by neglect, any animal. The Board of Health 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 Board will assist the Massachusetts Society for the Prevention of Cruelty of Animals (MSPCA) and/or the Animal Rescue League of Boston (ARL) in this process.

4.13.2 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 will be issued without proof of immunization. All animals shall additionally meet any State-mandated immunization requirement(s).

4.13.3 It is recommended that horses be immunized for Eastern Equine Encephalitis, tetanus, strangles, West Nile Virus, influenza, and Rhino. It is also recommended that a Coggins Test be conducted as circumstances dictate.

4.13.4 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 in written materials supplied to the Public Health Department for the Board's consideration.

SECTION 4.14 ENFORCEMENT

4.14.1 The Board of Health may deny, suspend, revoke, or refuse to renew a permit for failure to comply with any provision of these regulations.

4.14.2 The Owner, a permit holder, their designee, or Responsible Party in charge of a Facility covered by these regulations who fails to comply with this regulation shall be subject to a fine or penalty of up to but not more than one thousand dollars (\$1,000.00) per each violation. Each violation of these regulations shall be considered a separate offense.

4.14.3 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 Board of Health or its authorized agent.

4.14.4 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 ablate 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.

4.14.5 The Board of Health, or its authorized agent, may reasonably conduct unannounced inspections of a Facility for the keeping of Animal Units to ensure compliance with these regulations.

SECTION 4.15 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 with the Public Health Department within seven days of receipt of said order.

SECTION 4.16 VARIANCE

The Board of Health, or its authorized agent, may grant a variance to any of the provisions of these regulations only when, in its opinion, the strict enforcement would do manifest injustice and that the variance does not jeopardize public health or the environment. Variances may be granted only when the lot dimensions are acceptable to the Board, or its authorized agent, the general provisions of these regulations have been met, and that the granting of a variance, will not adversely affect the public health, safety or welfare.

SECTION 4.17 SEVERABILITY

Each provision of these regulations shall be considered as separate to the extent that if any section, item, sentence, clause, or phrase is determined to be invalid for any reason, the remainder of these regulations shall continue in full force and effect.

SECTION 4.18 ADOPTION AND EFFECT

These rules and regulations were adopted by vote of the Board of Health, Town of Needham, Needham, Massachusetts, on December 13, 2011 and are to be in full force and effect on the same date. This regulation was amended on October 9, 2015. A summary explanation of the amendments to this

regulation shall be published in a newspaper of this town and a copy thereof shall be deposited in the Office of the Town Clerk and with the Massachusetts Department of Environmental Protection.

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