

Town of Stoughton

Board of Health

10 Pearl Street, Stoughton, MA 02072 – (781) 341-1300 – FAX (781) 341-1086
www.stoughton-ma.gov

Board of Health Policy Regarding the Keeping of Animals

- §1. Whereas, the keeping of animals in an orderly and sanitary manner is paramount to the health and wellbeing of the general public; and
- §2. Whereas, waste from animals kept under certain conditions poses a threat to drinking water by contaminating soil with microbial pathogens including, but not limited to, *Salmonella* spp., *Campylobacter* spp., *E. coli*, *L. monocytogenes*, *Y. enterocolitica*, *Cryptosporidium parvum*, and *Giardia lamblia*; and
- §3. Whereas, excessive levels of nitrogen and nitrates in animal waste contribute to drinking water contamination that can lead to methemoglobinemia (blue baby syndrome); and
- §4. Whereas, vermin including rats, mice, and other rodents, insects, and arachnids contribute to the spread of pathogens (diseases) including *Borrelia burgdorferi* (Lyme borreliosis, or Lyme disease), *Streptobacillus moniliformis* (rat bite fever), *Leptospira* spp. (Leptospirosis), lymphocytic choriomeningitis virus (Lymphocytic choriomeningitis), *Yersinia pestis* (plague), and *Salmonella* spp. (Salmonellosis);
- §5. The Board of Health deems it necessary to issue the following rule in exercise of its authority under Massachusetts General Laws (hereinafter “M.G.L.”) Ch. 111, §§ 122 and 155.
- §6. **Any person or entity planning to keep any outdoor animal shall submit to the Board of Health an application for a Stable Permit, which shall include the following documents:**
- a. **A legible drawn-to-scale map**, which shall detail the following (see §19 for information on map development):
 - (i). The proposed location of any anticipated animal stable;
 - (ii). The location of any dwelling or surrounding structure on the property;
 - (iii). The areas to which animals will be restricted from use;
 - (iv). Any private and public wells within 500 feet of the proposed stable;
 - (v). Surface water supply watershed areas, in such cases where the applicant’s property is actually in a watershed area; and
 - (vi). Other environmental parameters, whenever applicable, as defined in §11(a)(iv) of this document; and
 - b. **A typed or clearly printed document**, which shall detail the following:
 - (i). A document title labeled “Application for Stable Permit”;

- (ii). The name(s), address(es), and phone number(s) (if applicable) of the applicant or applicants;
- (iii). The breed, species, sex, and breeding status of any animals that will be kept, including the numbers thereof;
- (iv). The type and size of any structures that animals will be housed or sheltered in;
- (v). The purpose of keeping such animals (i.e., recreation, business, agriculture, boarding, etc.);
- (vi). A plan for the proposed method of storing and/or disposing of animal wastes, including a contingency plan which shall include detailed steps, agreeable to the Board of Health, demonstrating how such storage and/or disposal will prevent nuisances to the public including, but not limited to, flies, odors, and/or vermin;
- (vii). A plan covering proposed methods of ventilation and protection otherwise to keep animals safe from elements and contaminants;
- (viii). A plan detailing how animals will be kept out of restricted areas;
- (ix). A plan detailing how food will be stored and/or sealed to prevent spoilage, runoff contamination, or access by vermin;
- (x). A plan detailing how the applicant will prevent nuisances, wastewater contamination, or other reasonably foreseeable hazards from affecting the land, air, or water of or around abutting properties.

§7. Any permit application having a proposed structure or non-restricted area for outdoor animals within the following proximities shall be denied by the Board of Health:

- a. **Within one-hundred and fifty (150) feet of a well used for the purposes of drinking water;**
- b. **Within any unreasonable distance, or any distance less than three-hundred (300) feet, of a public water supply;**
- c. **Within one-hundred (100) feet of a wetland area;**
- d. **Within one-hundred (100) feet of a surface or subsurface drain;**
- e. **Within one-hundred (100) feet of an abutting dwelling;**
- f. **Within one-hundred (100) feet of an environmentally-sensitive zone;**
- g. **Within thirty (30) feet of a side or rear lot line; or**
- h. **Within forty (40) feet of a roadway.**

§8. Exceptions.

- a. This rule shall not apply to any person solely keeping the following number of animals or any reasonable combination thereof:
 - (i). Four (4) or less domesticated dogs;
 - (ii). Eight (8) or less domesticated cats;
 - (iii). Eight (8) or less female chickens;
 - (iv). Ten (10) or less lawful domestic birds traditionally kept as pets, including parakeets, parrots, cockatoos, or related species other than poultry;
 - (v). Ten (10) or less other common domestic animals weighing under 25 pounds that are not otherwise listed herein, including hamsters, gerbils, non-wild

rats or mice, ferrets, snakes, lizards, frogs, skinks, salamanders, geckos, reptiles, or any other animal listed for permitting exemption under Title 321, §§ 9.01(8) - (12) of the Code of Massachusetts Regulations and weighing less than fifty (50) pounds, unless otherwise prohibited by any state or federal law;

- (vi). A miniature horse under the conditions set forth in Title 28, § 35.136(i) of the Code of Federal Regulations for bona fide purposes related to serving individuals with disabilities; or
 - (vii). Any reasonable amount of live fish, crabs, snails, or other underwater organisms not otherwise prohibited by state or federal law, unless such organisms are being used for the purposes of fish farming, commercial sale, or agriculture.
- b. This rule shall not apply to any person who owned or possessed outdoor animals, as defined herein, prior to this rule's enactment by the Board of Health; provided, however, that a Stable Permit shall be required for the purchase or acquisition by such person of additional outdoor animals.

§9. Application for Variance.

- a. A person may apply to the Board of Health seeking a variance, which may allow an exception to this rule.
- b. All variances shall be issued by the Board of Health, assuming the Board deems such variance necessary and proper in light of financial or otherwise unreasonable and disproportionate hardship.
- c. Any variance not issued by the Board of Health shall be null and void.

§10. Proposed revisions for existing plans, approval required.

- a. No building or structure detailed as a part in any application shall be erected, destroyed, repurposed, or otherwise modified without first submitting an application for revision and receiving approval from the Board of Health.
- b. An application for revision shall be titled "Application for Revision of Stable Permit", and shall otherwise comply with every parameter described in §6 of this document.

§11. Definitions.

- a. As used herein:
 - (i). The phrase "appellant" shall refer to the person or entity appealing the decision of the Board of Health.
 - (ii). The phrase "applicant" shall refer to the person or entity applying for the stable permit.
 - (iii). The phrase "dwelling" shall refer to any home, building, shelter, or structure used or intended for human habitation.
 - (iv). The phrase "Environmental parameters" shall include wetlands and hydrography covered by the Massachusetts Department of Environmental Protection (MassDEP), lands in the National Wetlands Inventory, certified and potential vernal pools, areas of critical environmental concern, and surface water protection zones.

- (v). The phrase “outdoor animal” shall refer to any animal not explicitly exempted under §8 of this document.
- (vi). The phrase “reasonable” as used in relation to a quantity of animal or animals shall mean any quantity used for keeping as pets, as opposed to keeping for commercial, breeding, or agricultural purposes.
- (vii). The phrase “person” shall refer to any real person, organization, corporation, agency, or entity.
- (viii). The phrase “roadway” shall refer, in accordance with Stoughton Bylaws § 266-1, to the portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.
- (ix). The phrase “vermin” shall refer to rodents, insects and arachnids, generally. Such phrase may include, but shall not be limited to, rats, mice, mosquitoes, and other disease-bearing or nuisance-causing pests.

§12. Fees.

- a. A fee of forty (40) dollars shall be assessed for each new permit issued after the implementation date of this regulation, and for their renewals every two (2) years going forward.
- b. A fee of seventy-five (75) dollars shall be assessed for each application of revision so described in §10 herein.

§13. Violations.

- a. Any person or business who fails to comply this section:
 - (i). shall be issued a written warning for the first offense which shall include details of all applicable violations; and
 - (ii). shall be fined not less than one-hundred (100) dollars for the second offense; and
 - (iii). shall be fined not less than one-hundred (100) dollars for each subsequent offense; or by any lawful amount deemed appropriate by the Board of Health not to exceed one-thousand (1000) dollars per offense.
 - (iv). Each day of non-compliance following the third offense shall be considered a separate and individual offense, and a fine shall be issued therefor.
- b. For the first and second violations of this rule, the violator shall have thirty (30) days to correct all violations and achieve compliance, except in such case where the Board of Health deems it necessary and appropriate to allow additional time not exceeding ninety (90) days.
- c. The Board of Health shall be responsible for enforcing this rule.

§14. Duration of Permit; Removal of Privileges.

- a. Permits issued under this regulation shall expire every two (2) years on the 31st of December for each evenly-numbered year.
- b. Any permit granted under this regulation shall be subject to suspension or revocation by the Board of Health. If suspension or revocation is required, the Board of Health agent shall document the reason therefor, and the permit holder shall retain their right to appeal the decision as empowered under Section 15(a) of this document.

§15. **Right to appeal.**

- a. Any person aggrieved by enforcement of this rule is entitled to request a hearing in-writing before the Board of Health within one month of being notified of an enforcement. The Board may sustain, modify, or vacate the order and shall notify the appellant in writing of its decision within thirty (30) days of making such decision.

§16. **Inspections.**

- a. Any permit issued to a person or entity under this rule shall render the permit recipient subject to inspection, whereby a town inspector shall be permitted to inspect any animals or structures issued under such permit for accurate measurement, proper functioning, safety, and other parameters as deemed necessary for the public health insofar as they relate to the prevention or destruction of nuisances or disease.
- b. When required for the prevention or destruction of a nuisance or cause of illness, any inspector acting on behalf of the Board of Health shall be empowered to inspect any licensee under this section, as well as persons in violation of this section for lack of obtaining a permit.
- c. In accordance with M.G.L. Ch. 111 § 131, any Board of Health agent unduly prevented from enforcing this rule shall be authorized to file a complaint to a justice of a court of record or applicable magistrate who, upon such complaint, may issue a warrant to a Sheriff, his deputies, an agent of the Board of Health, or to any constable of the town of Stoughton, commanding that such person refusing inspection take sufficient aid, and repair, within a reasonable timeframe, any place, source, or cause of any nuisance or illness, which shall occur under the direction of the Board.

§17. **Severability.**

- a. If any provision in this document is found invalid, the remaining provisions shall stand unaffected and shall remain in full force and effect. It is the intent of the Board of Health that all provisions herein shall stand alone under scrutiny, and that some may be left in effect without others remaining.

§18. **Applicability under state and federal law.**

- a. Nothing in this rule shall be construed as supreme to state or federal law.
- b. All residents shall comply with state and/or federal laws as so required.

§19. **Accessibility for mapping: guidance for users.**

- a. Residents can find all of the necessary parameters herein mentioned by accessing the Stoughton Geographical Information System (GIS) on the Stoughton, MA town website. The following link will take the user to the Online Interactive Public Mapping Website:
 - (i). https://www.mapsonline.net/stoughtonma/new_public_site.html

- b. From this point, individual parameters can be assessed for the user's property by clicking the "Find" tab, entering in the street address, and then changing what the map displays by using the "Layers" tab.

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APPLICATION FOR STABLE PERMIT

APPLICANT NAME(S): _____

Location address(es): _____

Contact Phone Number(s): _____

Permit Type: **Stable Permit Application/ Keeping of Animals** **FEE: \$40.00**

NOTE: A stable permit is NOT required for any person solely keeping the following pets, or any combination thereof reasonable for solely the ownership of pets:

1. Four (4) or less domesticated dogs;
2. Eight (8) or less domesticated cats;
3. Eight (8) or less female chickens;
4. Ten (10) or less lawful domestic birds traditionally kept as pets, including parakeets, parrots, cockatoos, or related species other than poultry;
5. Ten (10) or less other common domestic animals weighing under 25 pounds that are not otherwise listed herein, including hamsters, gerbils, non-wild rats or mice, ferrets, snakes, lizards, frogs, skinks, salamanders, geckos, reptiles, or any other animal listed for permitting exemption under Title 321, §§ 9.01(8) - (12) of the Code of Massachusetts Regulations and weighing less than fifty (50) pounds, unless otherwise prohibited by any state or federal law;
6. A miniature horse under the conditions set forth in Title 28, § 35.136(i) of the Code of Federal Regulations for bona fide purposes related to serving individuals with disabilities; or
7. Any reasonable amount of live fish, crabs, snails, or other underwater organisms not otherwise prohibited by state or federal law, unless such organisms are being used for the purposes of fish farming, commercial sale, or agriculture.

Breed, species, sex, and breeding status of any animals that will be kept

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

7. _____
8. _____
9. _____
10. _____

Structures that animals will be housed or sheltered in. List should include type and size.

1. _____
2. _____
3. _____
4. _____
5. _____

Purpose for keeping animals. Check each of the following that are applicable.

- Commercial/ Business Use (including sale, transfer, boarding, kennels, etc.)
 Agriculture
 Recreation

Please explain any commercial or agricultural uses in greater detail.

Use the following space to explain how animal wastes will be stored and/or disposed of on your site, and list a contingency plan. This plan shall include detailed steps, agreeable to the Board of Health, demonstrating how such storage and/or disposal will prevent nuisances to the public including, but not limited to, odors and vermin, including rats, mice, insects, etc.

Use the following space to explain proposed methods of ventilation and protection otherwise to keep animals safe from elements and contaminants.

Use the following space to explain how animals will be kept out of restricted areas on your property. **Animals should be prohibited from use in all of the following areas:**

- a. Within one-hundred and fifty (150) feet of a well used for the purposes of drinking water;
- b. Within any unreasonable distance, or any distance less than three-hundred (300) feet, of a public water supply;
- c. Within one-hundred (100) feet of a wetland area;
- d. Within one-hundred (100) feet of a surface or subsurface drain;
- e. Within one-hundred (100) feet of an abutting dwelling;
- f. Within one-hundred (100) feet of an environmentally-sensitive zone;
- g. Within thirty (30) feet of a side or rear lot line; and
- h. Within forty (40) feet of a roadway.

Use the following space to create a plan detailing how food will be stored and/or sealed to prevent spoilage, runoff contamination, or access by vermin.

Use the following space to create a plan detailing how the applicant will prevent nuisances, wastewater contamination, or other reasonably foreseeable hazards from affecting the land, air, or water of or around abutting properties

Signature of Applicant: _____ Date: _____