

BOARD OF HEALTH
Town Hall
Hudson, Massachusetts 01749

The Control of Keeping of Animals in the Town of Hudson—Regulations
(Regulation No. 07-1, superceding 95-4)

The Board of Health of the Town of Hudson, acting under the authority of Sections 31, 122, 143, and 155 of Chapter 111 of the Massachusetts General Laws and amendments and additions thereto, and by any other power thereto, enabling and acting thereunder, and in accordance therewith have, in the interest of and for the preservation of the public health, duly made and adopted the following regulations for the control and keeping of animals on parcels of land in the Town of Hudson, Massachusetts. Notwithstanding any land parcel limitations, anyone desiring to keep swine must obtain a site assignment from the Board of Health. It is further understood that the general sanitary guidelines herein listed will apply to all parcels of land in the Town of Hudson.

These revised regulations shall be effective upon and after publication of notice in a local newspaper, pursuant to a unanimous vote of the Board of Health at a public meeting on June 12, 2007; following a public hearing held on that date, and so remain until modified or amended by the Board.

1. Definitions

Abutter: Shall mean the owners or tenants of property which adjoin the lot upon which animals are to be kept whether or not said properties are separated by a public way.

Animal: For the purpose of these regulations, animal is to mean *all animals*, except dogs and cats normally kept in the home.

Animal Unit: For the purpose of keeping a given number of animals or fowl, the following shall be considered equivalent and each will be regarded as a single unit animal: 1 horse, 1 bovine, 2 swine, 4 sheep, 10 geese, 10 ducks, 20 rabbits, 20 chickens, 25 pigeons.

Paddock: Any pen or enclosure for confining animals.

Dwelling: Any building or shelter used or intended for human habitation or periodic human activity.

Facility: The total accommodations to be used for the keeping and care of animals, including but not limited to, stable and paddock.

<u>Feed:</u>	A food mixture or preparation used for consumption by animals, kept at or proximate to a facility.
<u>Fowl:</u>	As used in these regulations, shall mean all members of the bird family, and shall include chickens, roosters, capons, hens, turkeys, pigeons, peafowl, guinea fowl, ducks, swans, and geese (other than wild species)
<u>Horse:</u>	Any solid-hoofed animal including, but not limited to a horse, donkey, pony, or mule.
<u>Impervious Material:</u>	Soils having a percolation rate greater than twenty (20) minutes per inch drop, and including, but not limited to ledge, hardpan, clay, peat, loan, and organic matter.
<u>Unsanitary Conditions:</u>	The state of being of a facility which, in the opinion of the Board of Health, is conducive to, or results in, breeding of flies, creation of offensive odors, rodent infestation, liquid effluent or runoff containing contaminants which might reach surface of subsurface water bodies.
<u>Lots:</u>	An area of land in one ownership, with definite boundaries used or available for use as the site of one or more buildings.
<u>Noise:</u>	Sound of sufficient intensity and/or duration as to (a) cause a nuisance, (b) is injurious or, on the basis of current information, potentially injurious to human health, or (c) unreasonably interfere with the comfortable enjoyment of life and property.
<u>Owner:</u>	Every person who alone, or jointly, or severally with others (a) has legal title to any dwelling or dwelling unit, or (b) has care, charge, or control of any dwelling or dwelling unit as agent, executor, executrix, administrator, trustee, lessee, or guardian of the estate of the holder of legal title. Each such person thus representing the holder of legal title is bound to comply with the provisions to these regulations as if he were the owner.
<u>Person:</u>	Every individual, partnership, corporation, firm, association, or group including a city, town, country, or other governmental until, owning property or carrying on an activity regulated by these regulations.
<u>Runoff:</u>	Water from rain or melted snow that flows over the surface of the ground.

- Stables: A building or structure in which a horse or horses are sheltered and/or fed.
- Stall: A compartment in a stable used for the keeping of one or more animals.
- Vermin: Any of various insects or small animals regarded as objectionable because destructive or disease-carrying including but not limited to flies, mosquitoes, lice and rats.
- Watercourse: Any stream drain, pond, lake, or other body of water drained by a stream, dry ditch, or other depression that will permit drainage water to empty into any open waters of the Commonwealth.
- Wild Animals: Any animals not normally found or kept as a domesticated animal. These animals normally require Federal or State permits.

2. General Requirements

- a. No person shall keep or allow to be kept within the limits of the Town in any building, or any premises 60,000 square feet or less which he may be the owner, lessee, tenant, or occupant, any swine or rooster.
- b. The keeping of one or more swine requires a site assignment from the Board of Health, regardless of the size of the parcel of land.
- c. No foxes, skunks, minks, or raccoons, shall be raised for commercial purposes anywhere within the Town, regardless of the size of the parcel of land.
- d. The owner or other person or persons having control of any existing buildings or buildings hereafter erected or converted into a facility for the keeping of animals, shall keep said facility in a clean and wholesome condition, free from decaying food, filth, feces, and stagnant water. The buildings and pens of the facility shall periodically be disinfected, and put in such condition as may be ordered by the Board of Health.
- e. All facilities for the keeping of animals shall be securely fenced so as to prevent the escape of animals therefrom. At no time will animals be allowed to roam from the permitted unattended lot.
- f. A supply of potable water shall be available to the animals at all times.

- g. Wild animals shall not be permitted except by the expressed consent of the Board of Health and other appropriate State and Federal areas of jurisdiction.
- h. The Animal Inspector, Agent of the Board, or Member of the Board of Health shall have the right to make an inspection by appointment and made with the owner at least 24 hours *in advance*.
- i. Commercial pet shops and horse stables must be licensed by the Massachusetts Department of Agriculture.
- j. Hudson Board of Health regulations do not exempt an owner or corporation of the requirements of, or need for permits from, other State or Federal regulatory agencies.

3. Sanitary Requirements

- a. No person owning, leasing, or controlling the management of a facility for keeping of one or more animals, shall willfully or through negligence, cause suffer, allow or permit:
 - 1) The floor and/or the ground of the facility for the keeping of animals designed, constructed, and/or maintained as to cause or contribute to unsanitary conditions at said facility.
 - 2) Drainage or liquid effluent containing urine and/or fecal matter from any animal kept at said facility to be discharged in runoff, or to flow over the surface of the ground onto neighboring property, public way, or watercourse.
- b. Management and disposal of manure and soiled bedding shall be such as to minimize odors, breeding flies, and attraction of vermin. Manure shall be collected and stockpiled at a location carefully chosen to maximize the distance from the abutting properties and watercourse. The dimension and/or drainage conditions of any particular lot, may, in the opinion of the Board of Health, 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 to dispose of manure in a safe and sanitary manner.
- c. Animals shall be maintained in a clean and healthy condition.
- d. Any animal grain feed that is stored on, at, or proximate to the facility for keeping of animals shall be stored in a generally accepted manner, including sealed, moisture-proof, vermin-proof, and rat-proof containers when appropriate.

- e. No owner of a facility for the keeping of one or more animal, shall willfully or through negligence, suffer, allow, or permit an infestation of insects or vermin at said facility. The continuance of an infestation of vermin at or near the facility beyond a date specified by the Board of Health, when the owner has been ordered by the Board of Health to abate any such infestation in a safe and sanitary manner, shall be caused for initiation of legal proceedings to eliminate said conditions.
- f. Dead animals shall be buried or disposed of in such a way as to prevent the attraction of flies and prevent odors.

4. Keeping of Horses

- a. Under no circumstances shall a horse be allowed to roam free beyond its intended area nor to be left tethered.
- b. No person shall maintain a horse (or horses) anywhere in the Town of Hudson except in a stable for which a license has been issued by the Board of Health.

5. Keeping of Fowl

- a. Fowl shall not be allowed to forage or stray outside the area of the facility.
- b. Coops for keeping of fowl shall be kept in a healthy condition and cleaned and disinfected annually.

6. Other Animals

Guidelines for animals not specifically mentioned will be developed by the Board upon request.

7. *No animals in excess of the specified number shall be kept therein except in unusual circumstances which are reported to and approved by the Board on a temporary basis (Refer to animal units).*

8. Variance

The Board of Health may vary the application of any provision of these regulations with respect to any particular case, when, in its opinion, the enforcement thereof would do manifest injustice and it is determined the variance can be granted without substantial detriment to the public good; and provided, that the decision of the Board of Health shall not derogate from the intent and purpose of these standards.

9. Penalties

Any person who shall violate any provision of these regulations for which penalty is not otherwise provided shall forfeit a sum not exceeding one-hundred dollars (\$100.00) per violation. Each separate incident failing to comply with this regulation shall constitute a separate violation. Each 24-hour period after notice of violation and failure to correct such violations shall be considered a separate violation and as such, subject to additional penalties, at the discretion of the Board.

10. Appeals

Any person to whom an order has been served pursuant to this regulation may request a hearing before the Board of Health by filing a written petition within 7 days. Upon receipt of such petition, the Board of Health shall schedule a hearing within 30 days. Anyone aggrieved by the decision of the Board of Health may seek relief therefrom within 30 days in a court of competent jurisdiction.

11. Severability

If any section, paragraph, sentence clause, or phrase of these rules and regulations is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision and such decision shall not affect the validity of the remaining portions of these regulations which shall remain in force and effect; and to this end, the provisions of these rules and regulations are hereby declared severable.

12. Effective Date

This revised regulation shall take effect immediately upon publication of notice in a local newspaper and deposit in the Town Clerk's Office, Town Hall, Main Street, Hudson, in conformance with a unanimous vote of the Board on June 12, 2007.

By order of the Board of Health

Daniel Ehntholt, Chairman
James Saart, Vice-Chairman
Dale Nadeau, Clerk

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