

Section 5 Keeping of Animals

5.1 DEFINITIONS

Unless otherwise noted below, the following terms shall have the following definitions throughout all of section 5.

Abutter: shall mean: owners of the abutting land, ("the abutters"); owners of land directly opposite, on any public or private street or way; and abutters to the abutters within 300 feet of the property line of the petitioner.

Notes: *These owners/abutters shall be the owners as they appear on the most recent tax lists (even if in another town). **Applicants for permit must obtain a list of abutters, certified by the Town Assessor, and said list must be provided with the application.

Acre: Defined as 40,000 square feet.

Animal: for the purpose of these regulations, animal is to mean all animals, including fowl, that are kept or harbored as domesticated animals.

Animal Unit: for the purposes of licensing a given number of animals or fowl, the following shall be considered equivalent, and each will be regarded as a single animal unit: 1 horse, 1 bovine, 2 goats, 2 sheep, 2 swine, 3 geese, 3 turkey, 4 mink, 5 ducks, 4 rabbits, 10 chickens, 15 pigeons. Fractional units are cumulative.

Corral: any pen or enclosure for confining animals.

Dwelling: any building or shelter used or intended for human habitation.

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

Farm: a parcel of land under one ownership which contains a minimum of five (5) acres, and its use, concomitant with the keeping of animals, comprises a major source of income and/or constitutes a livelihood for the owner or tenant.

Fowl: 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).

Horse: any solid-hoofed animal including, but not limited to, a horse, donkey, pony or mule.

Impervious Material: soils having a percolation rate greater than twenty (20) minutes per inch drop, and including but not limited to ledge, hardpan, clay, peat, loam, and organic matter.

Lot: A contiguous area of land in one ownership, with definite boundaries, used or available for use, as the site of one or more buildings.

Noise: sound of sufficient intensity and/or duration as to cause or contribute to an insanitary condition.

Owner: 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 unit as agent, executor, executrix, administrator, administratrix, 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 of these regulations as if he/she were the owner.

Person: every individual, partnership, corporation, firm, association, or group, including a city, town, county, or other governmental unit, owning property or carrying on an activity regulated by these regulations.

Runoff: water from rain or melted snow that flows over the surface of the ground.

Stable: a building or structure in which animals are sheltered and/or fed.

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

Swamp: land which is wet and/or spongy during a major portion of the year.

Unsanitary Conditions: 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, runoff, and/or noise, in such concentrations and of such duration as to (a) cause a nuisance (b) be injurious or, on the basis of current information, potentially injurious to human health, or (c) unreasonably interfere with the healthy and safe enjoyment of life and property.

Vermin: any of various insects, bugs, or small animals regarded as objectionable because of their destructive or disease-carrying nature 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 Animal: any animal not normally found or kept as a domesticated animal.

Young: Any animal that is still nursing. Age varies according to species. Will not be counted toward an animal unit until weaned.

5.2 GENERAL REQUIREMENTS

5.2.1 No person shall keep or allow to be kept within the limits of the town in any building, or any premises on which he may be the owner, lessee, tenant, or occupant, any horses, cows, goats, fowl, sheep, swine, or any other animal than those kept as family pets (based on the Board of Health definition of animal unit) without a written permit from the Board of Health.

5.2.2 No person shall keep more than 1 horse, or 1 bovine, or 2 goats, or 2 sheep, or 2 swine, or 8 mink, or 8 rabbits, or 3 geese, or 3 turkey, or 10 ducks, or 20 chickens, or 30 pigeons on a lot except where the property for keeping said animals is more than one acre. The keeping of additional horses is specified in regulation 5.4.

5.2.3 The facility, both stable and corral, for the keeping of animals shall be located on a lot not less than

(a) 15 feet from any abutting property line

- (b) 50 feet from any swamp or watercourse
- (c) 100 feet from any abutting dwelling
- (d) 100 feet from any well used as a supply of drinking water
- (e) 10 feet from any part of any individual sewage disposal area
- (f) the stable shall be 35 feet from any public way and the corral shall be 15 feet from any public way

The above minimum requirements may be enlarged or increased in any particular case at the discretion of the Board of Health.

5.2.4 These regulations shall not apply to a parcel of land defined as farm.

5.2.5 No person shall erect or use as a facility for animals requiring a permit any building in the Town of Bedford unless such use is approved by the Board of Health.

5.2.6 The owner or other person or persons having control of any existing building or buildings hereafter erected or converted into a facility for the keeping of animals, shall keep said facility in a clean, wholesome and attractive 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.

5.2.7 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 unattended.

5.2.8 Property barriers such as fencing or closely planted trees shall be installed, or other appropriate measures taken, on areas of lots where it is necessary to discourage neighborhood children from wandering into the area of the facility, or on areas of lots where the location of the facility will ordinarily interfere with the healthy and safe enjoyment of an abutter's property.

5.2.9 A supply of potable water shall be available at or near the facility for feeding, cleaning, and fire protection purposes.

5.2.10 Wild animals shall not be permitted except by expressed consent of the Board of Health.

5.3. SANITARY REQUIREMENTS

5.3.1 No person owning, leasing or controlling the management of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow or permit:

- (a) the floor and/or the ground of the facility for the keeping of animals to be designed, constructed, and/or maintained so as to cause or contribute to unsanitary conditions at said facility
- (b) 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.

5.3.2 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 stockpiled at a single location, carefully chosen to maximize the distance from abutting properties and watercourses, and with due consideration of the prevailing winds.

(a) The manure shall not be stockpiled between the period of April 15 and October 15. If manure is disposed of by burying, the manure pit shall be no less than 25 feet from any lot line, 100 feet from any abutting dwelling, 50 feet from any surface or sub-surface watercourses, and in well-drained soil with the bottom of the pit at least 3 feet above maximum ground water elevation.

(b) During warm weather, manure shall be treated with lime or superphosphate to minimize odors and treated with approved insecticides for fly control.

(c) The dimensions 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.

(d) The composting of manure generated at permitted facilities will be allowed upon specific approval by the Board of Health.

5.3.3 Animals shall be maintained in a clean and healthy condition.

5.3.4 Any animal feed that is stored on, at, or proximate to the facility for the keeping of animals shall be stored in sealed, moisture-proof, vermin-proof, and rat-proof containers.

5.3.5 No owner of a facility for the keeping of one or more animals, shall willfully or through negligence, cause, suffer, allow, or permit an infestation of 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 of the facility has been ordered by the Board of Health to abate any such infestation in a safe and sanitary manner, shall be cause for revocation of permit and initiation of legal proceedings to eliminate said conditions.

5.3.6 Dead animals shall be buried, incinerated, or disposed of in such a way as to prevent the attraction of flies and prevent odors. If buried, the animal shall be put in a hole and covered with at least four feet of compacted dirt. The burial site shall be at least 15 feet from any lot line, and 50 feet from any watercourse. This regulation does not apply to animals which are slaughtered for use as edible meats.

REGULATION 5.4 KEEPING OF HORSES

5.4.1 No permit shall be issued to keep a horse on any lot of land containing less than one (1) acre. The usable area, drainage conditions and dimensions of the lot must also be acceptable to the Board of Health. Additional horses up to a total of four (4) shall not be permitted unless the lot contains a minimum of two thirds (2/3) of an acre per each additional horse. More than four horses may be permitted to be kept on lots containing more than three (3) acres, provided that lot dimensions are acceptable to the Board of Health, and provided that the granting of such permit will not adversely affect the public health, safety, and welfare.

5.4.2 Facilities for the keeping of horses shall be located on well-drained land not susceptible to flooding. In no case shall a facility be located on impervious soil, or on ground on which stagnant water can collect.

Locations requiring removal of impervious material shall be inspected by the Board of Health after excavation and before filling. Fill shall be of porous material such as gravel, coarse sand, or crushed rock, to a depth of at least twelve (12) inches, extending at least five (5) feet beyond the boundaries of the facility, and such that the finish grade within all parts of the facility are higher than the surrounding ground.

5.4.3 Feces (manure) dropped by any horse kept at said facility shall not remain on the ground or floor for a period of time in excess of three (3) days.

5.4.4 The corral fencing shall be constructed of sturdy material, visible to the horses, of at least five (5) feet in height, and so as to adequately contain the horses and for the protection of persons and contiguous property. The corral area shall be a minimum of one thousand (1,000) square feet, including the stable site for the keeping of one horse. An additional corral area of three hundred (300) square feet for each additional horse shall be required.

5.4.5 Each stable shall be located not less than 25 feet from any property line, and shall be of sturdy construction so as to provide an adequate, healthy and safe environment for horses. The stable shall contain a minimum of one hundred (100) square feet for the first animal, and at least sixty (60) additional square feet for each additional animal, and shall provide adequate space to store food and equipment.

Doors shall be of sufficient height and width to allow safe ingress and egress for horses. The ceiling and/or roof of the stable shall be of sufficient height to provide adequate ventilation.

At least one window with screening shall be provided for ventilation and light, with appropriate safeguards against drafts, and the breaking of glass. Construction shall be such as to prevent the accumulation of moisture within the stable with louvers of sufficient size located at opposite sides of the stable.

The floor shall be constructed so as to provide adequate drainage, to disallow urine from accumulating, and to allow easy removal of manure and soiled bedding.

5.4.6 Under no circumstances shall a horse be allowed to roam free or to be left tethered, unless in the presence of a responsible person.

5.5 KEEPING OF FOWL

5.5.1 Fowl shall not be allowed to forage or stray outside the area of the facility.

5.5.2 No rooster shall be kept unless the permit so specifies. 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.

5.5.3 Coops for the keeping of fowl shall be disinfected at least twice a year.

5.5.4 All coops shall be cleaned of droppings no less often than once every two (2) weeks between April 15 to October 15 of a given year and once every four (4) weeks during the remaining period. Every means should be taken to minimize the dust created from dried fowl manure.

5.5.5 Keeping of Pigeons:

- (a) A permit shall distinguish between pigeons permanently cooped and pigeons allowed free flight.

(b) Every effort and precaution shall be taken to minimize flying or roosting on, above, within or proximate to abutting properties. It shall be adequate cause for refusing or revoking a permit for the keeping of pigeons if the flying of said pigeons habitually interferes with the healthy and safe enjoyment of surrounding properties.

(c) Training and/or exercising of the pigeons shall be undertaken at such times of the day or seasons which do not coincide with the normal periods of yard use and enjoyment of neighbors.

(d) Exercise shall be allowed only under supervision of the owner and for limited durations.

5.6 APPLICATIONS, PERMITS, FEES (Requirements & limits thereof)

5.6.1 All new applications for a permit to keep animals shall be submitted on a form supplied by the Board of Health. Such application shall be accompanied by a plan showing the property to be used, the names and addresses of all abutters, the proposed location of the facility, and the location of any streams, drains, or known sources of water supply within one hundred (100) feet of the facility. The application shall also be accompanied with a proposal or plan to indicate how the property shall be maintained so that it will be kept clean and free of filth and stagnant water, and the method to be used to control flies and rodents. Such plan shall show the construction details of the facility with necessary drainage details and shall also show compliance with all required set-back distances. The application plan shall also show the type, location and dimension of fencing.

5.6.2 Any person who proposes to remodel an existing building or a portion thereof, or to construct a new building which is to be used in whole or in part as a facility for the keeping of animals shall, prior to such construction or remodeling, submit plans to the Board of Health for approval as well as to the town building inspector if necessary.

(a) Such construction shall be commenced within ninety (90) days after Board of Health approval is given, and shall proceed without unreasonable delay or approval shall be null and void.

(b) The permit to keep animals shall be issued after construction of the facility is completed and approved by the Board of Health and the building inspector.

(c) In cases where a building permit is required, preliminary Board of Health approval shall be indicated by countersigning said building permit by the Board of Health or its authorized agent.

(d) In cases where a building permit is not necessary, approval by the Board of Health shall be given by means of the issuance of the animal permit itself.

5.6.3 All permits shall specify the exact number and type of animals or fowl to be kept within the area described for the keeping of such. No animals in excess of the specified number shall be kept therein.

5.6.4 The licensing fee shall be that specified by the existing schedule of fees at the time of application or renewal.

5.6.5 The keeping of less than a total of one half (1/2) animal unit on a lot does not require a permit.

5.6.6 Permits shall expire on April 30 of each year, unless sooner revoked or temporarily suspended by the Board of Health upon violation by the holder of any of the provisions of these regulations.

5.6.7 Application for renewal of permit shall be made each year on or before April 1 of each year, unless a later filing is allowed by the Board for good cause.

5.6.8 The person or persons who have had a permit denied or canceled shall be ordered to remove all unlicensed animals from the property occupied by said animals.

5.6.9 A permit to stable or keep animals on property in the Town of Bedford is not transferable.

5.6.10 All permits issued for the keeping of animals prior to the adoption of these regulations shall be valid, and may be renewed subject to the regulations in effect prior to the adoption of these new regulations providing conditions and agreements contained in the original applications have not changed, and that no conditions exist that would be injurious to public health, or restrict the normal use and enjoyment of contiguous property. All renewal of permits subsequent to the adoption of these regulations shall be subject to the adopted schedule of fees.

5.6.11 All new applications for a permit to keep animals and all variance requests submitted after February 1, 1995 will be considered by the Board only after the Board conducts a public hearing. Notice of public hearing shall be provided, at the applicants' expense, by registered return receipt mail to all abutters (see definition of abutter) and by legal notice in a local newspaper of general circulation. Both methods of notice shall provide at least fourteen days notice prior to the public hearing. The applicant shall submit a list of abutters, certified by the Town Assessor, with the application.