

Board of Health
Town of Ashland, MA



RULES and REGULATIONS
Relative to the Exhibition, Housing,
Maintaining and Keeping of Animals
January 4, 2022

**Regulation of the Town of Ashland Board of Health
Minimum Standards for the Keeping of Animals**

A. Authority

This Regulation is pursuant to the authority granted to the Ashland Board of Health by Massachusetts General Laws Chapter 111, Section 31, which provides that “Boards of Health may make reasonable health regulations,” and Massachusetts General Laws Chapter 111, Section 155.

B. Statement of Purpose

1. This regulation is promulgated to provide minimum standards for the keeping of animals in Ashland by enabling residents to have the opportunity to participate in the growing national trend for responsible, small scale agricultural promotion while protecting public health, safety and welfare in Ashland.
2. This regulation is not intended to regulate the use of land for commercial agriculture. Commercial agriculture may be limited by Ashland Zoning Bylaw to activities of five (5) acres or more or on parcels of two (2) acres or more if the sale of products produced from the agricultural use on the parcels annually generates at least \$1,000 per acre based on gross sales dollars in areas not zoned for agriculture in accordance with Massachusetts General Laws Chapter 40A, Section 3.

C. Definitions

For the purpose of this Regulation, the following words shall have the following meanings:

Abutter: Owners of the abutting land or property within one hundred fifty (150) feet of the area of the Applicant’s property where animals are kept. A Person will only qualify as an Abutter, for the purpose of this regulation, if he or she possesses an ownership interest in the abutting land or property.

Animal: A living thing that is not a human being or plant. For purposes of this Regulation, the term “animal” will be categorized as follows: All animals and livestock which are kept as Domesticated Animals but excluding the following: Household Pets as defined herein; research laboratory animals otherwise regulated; and non-exempt Wild or Exotic Animals as regulated by Massachusetts General Laws Chapter 131, Section 23 and 321 CMR 9.00.

Animal Control/Inspector: Ashland Animal Control/Inspector

Animal Structure: Any structure used to house, shelter or contain Livestock and Animals.

Applicant: A Person who applies for a Permit to keep one or more Animals pursuant to this Regulation.

Board of Health or the “Board”: The Ashland Board of Health and/or its designated agent(s).

Cockerel: Young male chicken.

Corral: Any pen or enclosure for confining one or more Animals.

Department: Ashland Board of Health Department, which serves as the agent of the Board.

Domesticated Animals: Animals of a species of vertebrates that have been domesticated by humans so as to live

and breed in a tame condition and depend on humankind for survival. Domesticated Animals shall include, but not be limited to any equine or bovine animal, goat, sheep, swine, dog, cat, poultry, rabbit, or other domesticated beast or bird.

Dwelling: Any building, structure or shelter used or intended for human habitation.

Facility: The total accommodations to be used for the keeping and care of one or more Animals, including but not limited to land and any accessory or Animal Structure such as, but not limited to a barn and/or stable.

Fencing: Enclosure material installed for privacy or livestock and/or animal containment.

Feed Management Plan: A plan for the keeping and management of feed.

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

Generally Acceptable Agricultural Practices: Practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources Division of Animal Health's (MDAR's) Generally Acceptable Agricultural Practices (GAAPs). The following are some potential resources, but are not an exhaustive list, that can be consulted to establish compliance with the MDAR GAAPs:

- MDAR, <http://www.mass.gov/eea/agencies/agr/>
- USDA Natural Resource Conservation Service, <http://www.nrcs.usda.gov/wps/portal/nrcs/site/ma/home/>
- MA Association of Conservation Districts, <https://massacd.wordpress.com/>
- UMASS Extension, <http://ag.umass.edu/resources/agriculture-resources>
- UNH Cooperative Extension, https://extension.unh.edu/resources/resource/471/Housing_and_Space_Guidelines_for_Livestock

Hen: Female chicken.

Household Pets: Animals that are primarily kept in a Dwelling and not in a Facility, for non-agricultural purposes, including but not limited to dogs, cats, ferrets, fish, domesticated or exotic birds, guinea pigs, hamsters, and mice. Household Pets do not include

- Livestock
- Cattle, goats, sheep, swine, equines, camelids, poultry, and other fowl that are kept for non-agricultural purposes

Keeping of Animals Permit or "Permit": A permit issued by the Board for the keeping of one or more Animals in accordance with the provisions of this Regulation.

Livestock: Animals kept for agricultural purposes, including but not limited to cattle, goats, sheep, swine, equines, camelids, poultry and other fowl. Livestock does not include Roosters or Cockerel.

Manure Management Plan (MMP): A plan for the handling of manure and animal wastes. The MMP shall address cleaning, composting, storage, utilization and removal of manure.

MDAR: Massachusetts Department of Agricultural Resources.

M.G.L.: Massachusetts General Law.

Owner: Every Person who has legal title to any lot, building, structure, dwelling or dwelling unit.

Non-exempt: Those animals excluded from the Massachusetts Division of Fisheries and Wildlife Exemption List found in 321 CMR 9.01, pursuant to the licensing provisions of M.G.L. c. 131, § 23.

Nuisance: Any condition, including but not limited to, noise, offensive odor, attraction or breeding of insects including flies, an environment which supports or increases the presence of Rodents, or causes liquid effluent or runoff, in such concentrations and/or such duration as to cause inconvenience or annoyance to others, be potentially injurious to human health or, unreasonably interfere with the health or safe enjoyment of life and/or property as determined by the Department. This definition shall be applied in a manner consistent with the provisions of M.G.L. Chapter 111, Section 125A.

Permit: An official document issued by the Board which allows for the keeping of one or more Animals in accordance with the provisions of this Regulation.

Permit Holder: Any person who has met the conditions of this Regulation and has received a Permit issued by the Board of Health to keep Animals.

Person: Every individual or group of individuals, including a partnership, corporation, firm, association, group, or other entity including a city, town, county, or other governmental unit, owning property, or carrying on an activity regulated by this Regulation.

Pest Management Plan: A plan, which adequately defines the measures that shall be taken by the Owner to minimize or control the presence of rodents, insects and other pests, and to minimize the creation of odors and other Nuisances.

Pigeon: A member of the Columbidae family of birds that include "racing," "fancy" and sporting pigeons.

Poultry: Domesticated birds, including chickens, turkeys, ducks, geese, guinea fowl, pheasants and Pigeons.

Rabbit: A member of the Leporidae family of mammals that includes rabbits and hares.

Rodent: Any Animal of the order Rodentia including rats, mice, chipmunks, gerbils, beavers, guinea pigs, hamsters, chinchillas, and squirrels.

Rooster: An adult male chicken.

Run: A fenced outdoor space that Poultry may use.

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

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

Temporary Permit: A Permit issued by the Board for the keeping of one or more Animals in accordance with provisions of this regulation for a public event which is granted for no longer than seven (7) consecutive calendar days.

Unsanitary Conditions: A Facility's state of being or condition which, in the judgement of the Board, is conducive to, or results in, a Nuisance.

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

Variance: Deviation from the requirements of this Regulation.

Wetlands: Land area or surface area so defined by the Wetlands Protection Act, Massachusetts General Law, Chapter 131, Section 40 and regulations promulgated pursuant to 310 CMR 10.00 or by the Ashland Wetlands Protection Bylaw or pursuant to Section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1341.

Wild and Exotic Animals: Any Animal not normally found or kept as a Domesticated Animal, and which require a permit to keep, issued by either a federal or state wildlife agency, including but not limited to deer, poisonous reptiles, alligators, monkeys, lions and tigers or as further defined as non-domesticated by M.G.L., Chapter 131, Section 23 and 321 CMR 9.00.

D. Permit and Application Requirements

1. No Person shall keep Animals without a Permit from the Department, except the following:
 - a. Operations on commercial farms which meet the requirements of M.G.L., Chapter 40A, Section 3 or M.G.L. Chapter 128, Section 1A
 - b. Veterinary hospitals
 - c. Medical research facilities
 - d. Commercial pet shops
 - e. Animal pounds or shelters conducted by Animal Control
2. Application for a Permit shall be submitted to the Department for review on a form supplied by the Department for each location where Animals are kept in Ashland. Such application shall be accompanied by the following information, and will be deemed incomplete if any information, plan, or fee is missing.
 - a. APPLICANT's Name, mailing address, phone number, email address, and emergency contact number.
 - b. Name, mailing address, phone number, email address and emergency contact number for all OWNERS of the property.
 - c. Location – street address and/or parcel information for the premises where animals will be kept.
 - d. Maximum number and species of Animals to be kept.
 - i. If the Permit Holder intends to increase the number of Animals or change the species of Animals to be kept prior to the end of the permit year, the Permit Holder must notify the Department, and a public hearing before the Board may be required if the Department believes that the increase will materially change the application upon which the Permit is based.
 - ii. This section shall not apply to farmers breeding animals commercially.
 - e. A plot plan, acceptable to the Department, that includes dimensions of the area where Animals will be kept, the locations of the primary residence and other dwelling areas, structure(s) including fences, abutting structures(s), septic systems, private wells, and wetlands. A hand-drawn plot plan is acceptable so long as it is of sufficient detail and quality to allow for Department review.
 - f. A written copy of each of the following:
 - i. Manure Management Plan – a plan for storage and disposal of animal waste
 - ii. Feed Management Plan – a plan for animal food storage

- iii. Pest Management Plan – a plan for management of pests such as rodents and insects
 - iv. Plan for the disposal of deceased Animals
 - g. If the Applicant is not the Owner of the property, documentation must be provided indicating that the Owner of the property is not opposed to the keeping of Animals on the property.
 - h. Application fee as indicated on the current Board of Health schedule of fees.
3. The Permit shall not be transferable as to other Animals, or assignable or transferable for the use of others, nor the use of other locations.
 4. The Permit shall expire on December 31st of each year, unless sooner revoked or suspended by the Board after a hearing.
 5. A Permit Holder must apply for a renewal of the Permit at least thirty (30) days prior to the expiration of the Permit. If a Permit Holder fails to timely apply for a renewal of the Permit, the Permit Holder's application shall be treated as an application for a new Permit. A Permit will not be denied without cause in the form of valid complaints and/or violations of this regulation or other laws.
 6. All Permits issued prior to the effective date of this regulation are valid subject to the prior regulation, provided conditions and agreements contained in the original application have not changed, and that no conditions exist that would be injurious to the public health, safety or welfare. All new applications received after the effective date of this regulation shall be subject to this regulation.
 7. The Applicant must demonstrate that the issuance of a Permit shall not be detrimental in any way to the public welfare and would not endanger the health or safety of the municipality, and that all applicable requirements of this regulation have been satisfied. The Board may impose conditions, safeguards and other limitations on a Permit consistent with the public health, safety and welfare.
 8. It shall be a condition of any Permit issued under this regulation that the Permit Holder shall comply with all applicable federal, state and local laws, regulations and other requirements, including compliance to Ashland Zoning Bylaws, Ashland General Bylaws, and the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00.
 9. A Permit issued for a Stable shall serve as the Stable License in accordance with M.G.L. Chapter 111, Section 155. Pursuant to M.G.L. Chapter 128, Section 2B, an additional stable license issued by Massachusetts Department of Agricultural Resources shall be required if the stable operates as a riding school or keeps horses for hire.
 10. The Board reserves the right to suspend the issuing of Permits during times of confirmed animal disease outbreaks, such as, but not limited to, avian influenza.
 11. Temporary Permits
 - a. No Person shall keep, conduct, or operate, within the Town of Ashland, any pony ring or ride, circus, rodeo, pet show, cat show, dog show, Animal act or exhibition, Wild and Exotic Animal show or exhibition, reptile show or exhibition, or any similar event, without first obtaining a Temporary Permit from the Department on a form supplied by the Department.
 - b. Applicants of Temporary Permits shall submit the following written documents as a part of their application to the Department at least 14 days prior to the first day of the event:
 - i. Completed Temporary Permit application form
 - ii. Animal waste clean-up plan

- iii. A plot plan that includes dimensions of the area where Animals will be kept, the locations of the primary residence and other dwelling areas, buildings, structure(s) including fences, abutting structures(s), septic systems, private wells, and wetlands. A hand-drawn plot plan is acceptable so long as it is of sufficient detail and quality to allow for Department's review.
- iv. A Personal Sanitation Plan.

E. General Requirements

1. Facility Requirements

- a. No person shall erect, occupy, use, rebuild, reconstruct, alter, or structurally change a Stable, Animal Structure or Facility intended for housing or confining Animals without submitting an initial or revised plan to the Department for its review and approval. This section shall not apply to minor repairs to an existing Facility.
 - b. All Facilities shall be located to meet the minimum setback distance as set forth below:
 - i. No less than two hundred (200) feet from the high water mark of any known source of public drinking water supply. This requirement also applies to tributaries of public surface drinking water supply.
 - ii. No less than one hundred fifty (150) feet from any private well.
 - iii. No less than one hundred (100) feet from any Wetland as defined by M.G.L., Chapter 131, Section 40.
 - iv. No less than twenty-five (25) feet from the property line of any Abutter.
 - vi. No less than ten (10) feet from any Dwelling located on the Applicant's property where the Facility will be located.
 - vii. No less than the minimum setback distances required in the Ashland Zoning Bylaw for any Animal Structure.
 - c. A Facility shall not be located in the front yard or the side yard if bordering a public way.
 - d. A Facility shall not interfere with any utility or other features of the property that require suitable access.
 - e. All Facilities shall be securely fenced on all sides for security and prevention of Animals from escaping.
 - f. All Facilities shall be constructed securely to exclude predators.
 - g. The floor and grounds of the Facility shall be designed, constructed, and maintained in a manner that will promote the safety and sanitary conditions of the Animals.
 - h. All Facilities shall be adequately ventilated and provide protection from the weather.
 - i. Construction or repair of any Facility shall comply with applicable sections of the Massachusetts State Building Code 780 CMR.
 - J. Any Facility larger than 8 feet x 10 feet will require a Building Permit to be obtained.
- 2. All Animals shall be confined to the premises for which a Permit is granted. Animals are not permitted to roam outside of the permitted premises. All animal waste is to be removed by the permit holder from any location within the Town should an animal escape the premises.
 - 3. All Animals shall be treated in a humane manner at all times, and must be given access to fresh food, potable water and protection from the elements. It is illegal to abuse, either physically or by neglect, any Animal.
 - 4. Unless conducted in a commercial facility licensed by the United State Department of Agriculture or Massachusetts Department of Public Health, slaughtering of any Animal is prohibited in Ashland.
 - 5. The Board 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 MSPCA, the Animal Rescue League of Boston (ARL), the Ashland Animal Control, or any other charitable organization in this process.

6. If an Animal contracts a disease designated in its reportable disease program, the Permit Holder shall report to MDAR's reportable disease program.
7. The Board may order the removal of Animals if the Board determines a health risk exists.
8. Keepers of Animals, including those exempt from Permitting, shall use Generally Acceptable Agricultural Practices to maintain Facilities in a sanitary manner at all times and to eliminate the creation of a Nuisance or Unsanitary Conditions.
9. Odors generated from keeping of Animals shall not be perceptible at the property boundaries.
10. Liquid and/or solid Animal waste shall not be discharged in Runoff onto neighboring properties, public ways, waterways, wetlands, or wells. Water, including drainage, shall not collect and become stagnant or create a ponding effect on the premises or surrounding area.
11. The Board shall retain the right to order evaluation and extermination by a licensed pest control operator at the expense of the keeper of Animals if Nuisance conditions are deemed to exist.
12. The creation of Nuisance conditions may result in the revocation of the Permit.
13. Acceptance of a Permit or registration of an Animal pursuant to Section D of this regulation shall be deemed consent for the Board, the Department, or Animal Control to enter and inspect all Facilities on the property.
14. Garbage shall not be fed to Animals.
15. Pursuant to M.G.L. Chapter 272, Section 80F, live Animals shall not be offered as prizes in any contest or game.
16. In accordance with M.G.L. Chapter 131, Section 23, and 321 CMR 9.00, the keeping of Non-exempt Wild and Exotic Animals is prohibited within the Town of Ashland.
17. In accordance with Massachusetts General Law, Chapter 111, Section 125A, "... the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or noise from livestock or farm equipment used in normal, generally accepted farming procedures or from plowing or cultivation operation upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance." This law applies to commercial farming operations.
18. Animals imported to Massachusetts shall be accompanied by a health certificate, pursuant to Requirements by Massachusetts Department of Agricultural Resources.
19. Additional Requirements for Keeping of Poultry
 - a. The keeping of roosters and/or cockerels is prohibited within the Town of Ashland.
 - b. Poultry, except Pigeons, shall be kept in an enclosed Facility and segregated from wild migratory Fowls.
 - c. Poultry may only be allowed to roam in a fenced Run.

- d. The Poultry Facility shall have a hardware cloth floor or two feet of hardware cloth sunk into the ground on all sides to prevent Rodents from burrowing into the Facility.
- e. The inside and outside floors of a Poultry Facility shall consist of loose material such as straw or wood chips to deal with Poultry droppings and to provide ventilation.
- f. Weekly or more frequent cleaning of the Poultry Facility is required to prevent odor and the creation of a Nuisance condition.
- g. Hens shall not be subjected to debeaking or forced molting.
- h. Except for exercising, training or competition, Pigeons shall be confined to their Facility. In general, Pigeons shall not be released during the hours of 10 AM to 4 PM, June through September. The timing of release for these activities shall correspond to the needs of Abutters and may need to be flexible depending on Abutters' specific needs. Pigeons shall not be allowed to perch or linger on any property other than the permitted location.

20. Facilities shall meet the minimum sizing requirements listed below:

Type of Animal	Cow	Goat	Hen / Poultry	Horse	Pig	Sheep
Unit	1 Cow	1 Goat	1 Hen	1 Horse	1 Pig	1 Sheep
Enclosed Facility Area/Animal	75 – 100 ft ²	20 – 25 ft ²	3 – 4 ft ²	Box stall 12' x 8' or 10' x 10'	48 ft ² with exercise yard; 100 ft ² w/out exercise yard	20 – 25 ft ²
Exercise Yard/Animal	100 – 125 ft ²	50 ft ²	10 ft ²	2,000 ft ²	200 ft ²	50 ft ²
Pasture Area/Animal	1 – 2 acres	0.2 – 0.3 acres	-	1 – 2 acres	12 – 14 sows / acre/rotational pasture	0.2 – 0.3 acres

Adopted from *“Housing and Space Guidelines for Livestock”*, University of New Hampshire Cooperative Extension, 2017.

F. Enforcement and Penalties

1. This regulation may be enforced by the Department and Animal Control. Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Board or its designated agent(s) and the Board shall investigate.
2. Refusal by a Permit Holder to cooperate with inspections by the Department or Animal Control pursuant to this regulation may result in the suspension of a Permit.
3. If there is a violation of this Regulation, the Department may issue a written order (“Order”) to the Person or Persons having control of the premises and to the Permit Holder (if applicable) to correct the offending deficiencies within a reasonable specified time.
4. As an alternative to an Order or if a person does not comply with an Order and such Order is not modified or withdrawn, the Board may commence an enforcement action to correct such violation(s).

5. In accordance with Massachusetts General Law Chapter 111, Section 31, any violation of this regulation shall be subject to fines. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the Board from seeking equitable relief to enforce this regulation.
6. The Board may suspend, revoke, or deny a Permit if a Permit Holder is found to be in violation of any provision of this regulation after a hearing.
 - a. Arrangements for re-homing the Animals shall accompany any suspension, revocation, or denial of a Permit. The Permit Holder shall be responsible for re-homing arrangements and expenses.
7. Any Person to whom an Order has been served pursuant to this Section shall have the opportunity to request a hearing before the Board. A request must be made in writing within fourteen (14) days after the Order has been served. For the purposes of this Section, an Order shall be deemed to have been served on the date of mailing, except as stated otherwise on the Order. At the hearing, the Person served with the Order shall be given an opportunity to present evidence and show why an Order should be modified or withdrawn.

G. Variances

1. Variance to any section of this regulation may be requested in writing to the Board. When such a request is received, a public hearing before the Board shall be scheduled in accordance with Section H of this Regulation.
2. Any Person who requests a variance to this regulation, must notify all abutters of their intent to request a variance, including the reason for the request of the variance. Applicants shall use a letter supplied by the Department, and shall send the form by mail, return receipt requested. Written comments from any Abutter may be submitted to the Department by mail, email, or in person within fourteen (14) calendar days from the post-marked date of the notification.
3. Variances shall be granted only under the following conditions:
 - a. Strict enforcement of this regulation will constitute a manifest injustice; and
 - b. The granting of a variance shall not in any way impair the public health and safety or the environment.
4. The Board may impose any conditions, safeguards and/or other limitations on a variance when it deems it appropriate to protect the public health and safety or the environment.

H. Hearings

Any person(s) to whom an Order or notice is issued pursuant to this Regulation may request a hearing before the Board. Such request shall be in writing and shall be filed with the Department within ten (10) days of receipt of the Order or notice.

I. Severability

If any provision of this Regulation is declared by a court of competent jurisdiction to be invalid or not enforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

J. Effective Date

This Regulation shall become effective on _____.

Date Approved: _____.

Board of Health Members:

Ronald Etskovitz, Chair

Diane Mortensen, Vice Chair

Barbra Sekesogundu Simon, Clerk

John Byrnes, Member

Bernadette Lunkuse, Member