

Regulation of the Dedham Board of Health Minimum Standards for the Keeping of Domestic Animals

1. AUTHORITY:

This Regulation is pursuant to the authority granted to the Dedham 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.

2. PURPOSE:

a. This regulation is promulgated to provide minimum standards for the keeping of animals in Dedham by enabling residents to have the opportunity to participate in the growing national trend for responsible, small scale agricultural protection while protecting public health, safety, and welfare in Dedham.

b. This regulation is not intended to regulate the keeping of animals that are traditionally kept as household pets, such as dogs and cats, or animals that are kept for purposes of commercial agriculture, as defined herein.

3. DEFINITIONS:

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

Abutter: Owners of the properties whose boundaries touch the boundaries (front, back, left, and right) of the premises where the animals will be kept and that are within one hundred (100) 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.

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

Animal: 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 animals as regulated by Massachusetts General Laws Chapter 131, Section 23 and 321 CMR 9.00.

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

Cockerel: Young male chicken.

Commercial Agriculture: Land shall be deemed to be for Commercial Agriculture when it is primarily and directly used in raising animals, including, but not limited to, dairy cattle, beef cattle, poultry, sheep, swine, horses, ponies, mules, goats, bees and fur-bearing animals, for the purpose of selling such animals or a product derived from such animals in the regular course of business; or when primarily and directly used in a related manner which is incidental thereto and represents a customary and necessary

use in raising such animals and preparing them or the products derived therefrom for market.

Coop: a structure for the keeping or housing of poultry, pigeons, or other types of fowl.

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

Domesticated animals: Animals of a species of vertebrates that have been domesticated by humans 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 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), as may be amended from time-to-time. 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/>; the USDA Natural Resource Conservation Service, <http://www.nrcs.usda.gov/wps/portal/nrcs/site/ma/home/>; the 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.

Household pets: Animals that are primarily kept indoors for non-agricultural purposes, including but not limited to dogs, cats, ferrets, pot-bellied pigs, fish, domesticated or exotic birds, guinea pigs, hamsters, and mice; provided that, under no circumstance shall horses, swine, poultry, sheep, goats, llamas, alpacas or the like be considered household pets and the keeping of any number of such animals shall require a permit and compliance with this regulation.

Keeping of Animals Permit or "Permit": A permit issued by the Board for the keeping on 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. Roosters and cockerels are exempt from the definition of livestock.

Lot: An area of land in single ownership with definite boundaries, established by a recorded plan or deed, including a lot created by combining several previously recorded lots, and used or available for use as the site of one or more buildings or for any other purpose. "Lot" includes the words "plot" or

“parcel”.

Manure Management Plan (MMP): 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 that unreasonably interferes with the of abutting properties or that presents a threat to public health, safety, or welfare; subject to the allowances set forth in MG L c. 111 section 125A.

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

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

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, partnership, corporation, firm, association, group, or other entity, 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 the presence of rodents, insects, and pests, and to minimize the creation of odors and other nuisances.

Pigeons: member of the Columbidae 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 animal, subject to this regulation.

Rooster: An adult male chicken.

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

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.

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, and wooded uplands. This area does not include wetlands, swellings, or any other area(s) as may be restricted by town, state or federal law, regulations, or guidelines.

Vermin: various types of insects, bugs, and/or rodents.

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 the Wetlands Protection Act, Massachusetts General Law, Chapter 131, Section 40, and regulations promulgated pursuant to 310 CMR 10.00 or by the Dedham Wetlands 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 as defined as non-domesticated by Massachusetts General Laws, Chapter 131, Section 23 and 321 CMR 9.00.

4. GENERAL REQUIREMENTS:

- a. No person shall keep any one or more animals on a lot in the Town of Dedham without a permit issued by the Board or Health, or its agent, in accordance with the procedures and subject to the conditions set forth in this regulation.
- b. Notwithstanding the foregoing paragraph, this regulation shall not apply to any property in active use for Commercial Agriculture or to the keeping of Household Pets, as defined herein.
- c. Permits shall be subject to such terms and conditions as the Board deems necessary to prevent nuisance and unsanitary conditions and to ensure the protection of public health, safety, and welfare. Without limiting the generality of the foregoing, all permits shall be subject to the following general conditions:
 1. The keeping of animals must comply with all applicable federal, state, and local laws, including but not limited to applicable setback and other requirements of the Town's Zoning Bylaws, and applicable provisions of the Wetlands Protection Act, M.G.L. c. 131, §40, and regulations promulgated pursuant thereto.
 2. All permitted animals must be confined to the property for which a permit is granted.
 3. The useable area for calculating the number of animals allowed on a lot shall consist of upland area only. Wetlands may not be used in calculating the number of animals allowed on any parcel of land. Lot dimensions may be considered by the Board of Health when determining the total number of animals allowed on a parcel of land.
 4. The Facility shall be located no less than:
 1. 100 Feet from a Wetland as defined by M.G.L. c. 131, section 40
 2. 15 Feet from a sideline, rear line, or public way
 3. 30 Feet from any abutting dwelling

4. 100 Feet from any well, public or private, used as drinking water supply.
5. The keeping of roosters, cockerels, exotic, and non-exempt wild animals, as defined in Massachusetts General Law Chapter 131, Section 23 is prohibited within Dedham.

6. All animals shall meet any State-mandated immunization requirement(s) through the Department of Agricultural Resources, Division of Animal Health, and copies of immunization records must be submitted with application materials.

d. Keeping of Horses/ Donkey/ Mule/ Pony/ llamas/ Bovine/ Goats/ Sheep/ Alpaca:

1. No permit shall be issued to keep a horse, donkey, mule, pony, llama, bovine, goat, sheep, or alpaca 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.

2. Additional types of these listed animals 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 animal. More than four of these listed animals may be permitted to be kept on lots containing more than three (3) acres, if lot dimensions are acceptable to the Board, the general provisions of these regulations have been met, and that the granting of such permit and any necessary variance, will not adversely affect the public health, safety, and welfare.

e. Keeping of Poultry:

1. There shall be at least three (3) square foot of floor space for each mature poultry kept within the coop. Coops shall be cleaned and disinfected regularly to maintain sanitary conditions.
2. The minimum usable area for the keeping of poultry and fowl shall be no less than:
 - a. $1/8 - 1/4$ acre = 1- 6 fowl/chickens/pigeons
 - b. $1/4 - 1/2$ acre = 7- 10 fowl/chickens/pigeons
 - c. $1/2 - 1$ acre = 11- 19 fowl/chickens/pigeons
 - d. More than 1 acre = 20 fowl/chickens/pigeons

f. Keeping of Pigeons:

1. There shall be at least one (1) square foot of floor space for each mature pigeon kept within the coop. Coops shall be cleaned and disinfected regularly to maintain sanitary conditions.
2. The minimum usable area for the keeping of pigeons shall be no less than:
 - a. $1/8 - 1/4$ acre = 1- 6 pigeons
 - b. $1/4 - 1/2$ acre = 7- 10 pigeons
 - c. $1/2 - 1$ acre = 11- 19 pigeons
 - d. More than 1 acre = pigeons
3. 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.

4. Training, exercising, and the release of pigeons from the animal 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.

g. Keeping of Unspecified Domestic Animals:

1. The Board of Health may impose requirements for the keeping of domestic animals not specified in these regulations, including requirements for minimum usable area, based upon generally accepted agricultural practices.

5. PERMIT AND APPLICATION REQUIREMENTS:

- a. A permit must be issued prior to any Animals being brought to the subject property; provided that any person keeping animals prior to the effective date of this regulation shall have a period of thirty (30) days to submit a permit application.
- b. Application(s) for a permit shall be submitted on a form supplied by the Board of Health for each location where animals are kept in Dedham. Such application(s) shall be accompanied by the following information, and will be deemed incomplete if any information, plan, or fee is missing.
 1. Full name, address, and telephone number of the applicant.
 2. Name, mailing address, phone number and email of all owners of the property, including an emergency contact number.
 3. Location – street address of the premises to be used.
 4. Maximum number and species of animals to be kept.
 5. If the permit holder intends to increase the number of animals or change in species of animals to be kept prior to the end of the permit year, the permit holder must notify the Board of Health, and the Board may require a public hearing if the Board believes that the increase will materially change the application upon which the permit is based.
 6. A plot plan, showing the lot borders with dimensions of the area where animals will be kept, areas used by animals, and locations of feed and manure storage. Also required on the plot plan are the locations of the primary residence, accessory structure(s), structure(s) (including fences), abutting structures(s), corrals, septic systems, private wells, and wetlands. A hand-drawn plot plan is acceptable so long as it is of sufficient detail, scale, and quality to allow for Board review.
 7. A written management plan for the following:
 - i. Manure management and disposal
 - ii. Storage of feed
 - iii. Pest management
 8. Name of the principal veterinarian for each animal.
- c. The application shall meet clearance from the Dedham Building Department and Conservation Department.
- d. Application fee as determined by the Board of Health from time-to-time.
- e. The permit shall not be transferable to other animals, or assignable or transferable for the use of other persons or the use of other premises and shall be posted in a conspicuous area.

f. The permit shall expire on June 30th annually, unless sooner revoked or suspended by the Board after a hearing.

g. A permit holder must apply for a renewal of the permit at least thirty (30) days prior to the expiration of the permit. Any changes from the previous permit shall be provided on a renewal application. If a completed application for renewal is submitted prior to the deadline, and no changes are being made, the permit may be administratively renewed without a hearing. If a permit holder fails to timely apply for a renewal of the permit or if there are proposed changes to the permit conditions, including any changes in the number or types of animals to be kept, the permit holder's application shall be treated as an application for a new permit. Notwithstanding the terms of this section, the Board may require a hearing before granting any permit renewal.

h. If the permit holder is not the owner of the property, documentation must be provided indicating that the property owner approves of the keeping of animals on the property.

i. All permits issued prior to the effective date of this regulation will be valid for a period of thirty days following the effective date of this regulation and may be renewed prior to the effective date of this regulation, subject to the regulation in effect at the time the original permit was issued, 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.

j. 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.

6. HEARINGS:

a. All new permit applications and variance requests will be considered by the Board through a public hearing at a Board of Health meeting.

b. Notice of the public hearing shall be provided to all abutters by mail at the applicant's expense and by legal notice in a local newspaper of general circulation by the Dedham Board of Health. Both forms of notice shall provide for at least fourteen (14) days' notice prior to the public hearing. The applicant shall submit a list of abutters, certified by the Dedham Board of Assessors with the application or variance request and a sworn statement that the applicant has mailed notice to each abutter by first class mail.

c. The applicant must demonstrate that the issuance of a permit shall not be detrimental in any way to public health, safety, or welfare, will not result in a Nuisance and that all applicable requirements of this regulation and other applicable laws have been satisfied. The Board may impose conditions, safeguards, and other limitations on a permit consistent with the public health, safety, and welfare.

7. CONSTRUCTION AND CONSTRUCTION CHANGES:

a. No person shall erect, occupy, use rebuild, reconstruct, alter, or structurally change a stable, accessory structure or corral intended for housing or confining of animals without submitting an initial or revised plan to the Board for its review and approval. This section shall not apply to repairs.

b. It is the responsibility of the applicant to comply with Town's Zoning Bylaws and applicable sections of the Building Code when conducting construction or construction changes referenced in Section A above.

8. ENFORCEMENT & PENALTIES:

a. All animals shall be cared for in a humane manner. It shall be illegal to abuse, either physically or by neglect, any animal. The Dedham 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.

b. Any designated agent of the Board of Health is authorized to enforce this regulation.

c. Whoever violates any provision of this regulation and/or any condition in a permit or order issued by the Board may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If noncriminal disposition is elected, then the non-criminal fine for each such violation, if not otherwise specified, shall be:

First Offense: \$100

Second Offense: \$200

Third and Subsequent Offenses: \$300

Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

d. Whoever violates any provision of this Regulation and/or any condition in a permit or order issued by the Board of Health or its designee may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the penalty for each violation or offense shall be as set forth in Massachusetts General Laws, Chapter 111, Section 31. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

e. The Board may modify, suspend, revoke, or deny a permit if a permit holder is found to be in violation of any provision of this regulation, or any other applicable law concerning the operation of the facility, or if the operation of the facility constitutes a Nuisance or is otherwise a threat to the health, safety or welfare of the animals or people at the facility or the public.

f. The Town may enforce this regulation or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

g. 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.

h. The permit holder shall be responsible for making arrangements to re-home the animals after any suspension, modification or revocation of a permit. If the owner fails to make suitable arrangements for re-homing the animals within the time required by the Board, the Town will re-home the animals at the owner's expense.

i. 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; provided, however, that a request for a hearing shall not suspend the operation of the order, which shall remain in effect and must be complied with unless and until it is modified or withdrawn by the Board

9. VARIANCES:

a. Variance to any section of this regulation may be requested in writing to the Board. When such a request is received, a hearing shall be scheduled in accordance with Section 5 above.

b. Variances shall be granted only under the following conditions:

1. Strict enforcement of this regulation will constitute a manifest injustice, and
2. The granting of the variance shall not in any way impair the public health and safety or the environment.

c. The Board may impose any conditions, safeguards, and other limitations on a variance when it deems it appropriate to protect the public health and safety or the environment.

10. SEVERABILITY:

a. 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.

Signed this _____ day of _____, 2022.

Effective date: _____