

**TEWKSBURY BOARD OF HEALTH**  
**REGULATIONS FOR KEEPING ANIMALS**

**1.0. PURPOSE**

The Tewksbury Board of Health ("Board") is responsible for the protection of the public health and welfare in the Town of Tewksbury. In an effort to protect the health and safety of the public and all animals in the town, the following regulations are promulgated.

**2.0. AUTHORITY**

These Regulations for Keeping Animals are adopted in accordance with the provisions of Massachusetts General Laws Chapter 111, Sections 31 and 155.

**3.0. APPLICABILITY**

3.1. These regulations shall apply to all persons keeping animals in the Town of Tewksbury and shall supersede all previous regulations pertaining to the keeping of animals. Persons holding permits issued prior to the effective date shall be held only to the regulations in force at the time of issuance when, in the opinion of the Board, the strict enforcement of the new Regulations for Keeping Animals would cause hardship. Each case will be evaluated separately. Where these Rules and Regulations address the health and safety of animals, they shall apply to all animals, including but not limited to, dogs, cats, and other domestic pets.

3.2. Revisions to these regulations shall take effect upon publication of a legal advertisement in a local newspaper.

3.3. When properties where animals are permitted to be kept are transferred, the new owners of the property shall have the right to keep the same number and type of animals under the same regulations in force for the previous property owner, when, in the opinion of the Board, the strict enforcement of the new Regulations for Keeping Animals would cause hardship. Said right shall expire if not exercised within 60 days after the transfer, with each case evaluated separately.

**4.0. DEFINITIONS**

ANIMAL SHELTERS AND CORRALS shall include all stables, coops, pens, piggeries, cages, and any other means of protecting an animal from the environment or for containing an animal.

BOARD shall mean the Tewksbury Board of Health.

LIVESTOCK shall mean any animal generally associated with the farming industry, including but not limited to those animals listed in Regulation 5.1. Large livestock shall be animals larger than 400 pounds as an adult.

PERSON shall mean a person, persons, association, partnership, trust, company, corporation, or other legal entity.

WETLANDS shall include, but not be limited to, all areas defined as wetlands under the Wetlands Protection Act and town Wetland Protection Bylaw; all streams, surface water bodies, and swamps; and any area considered by the Board to be periodically or continuously wet or under water due to rain or surface water runoff.

UPLAND shall mean all land not considered wetlands under these regulations.

#### 5.0. PERMIT

5.1. No person shall keep within the limits of the Town of Tewksbury, in any building or on any premises, any cows, livestock, horses, goats, swine, roosters, gobblers, turkeys, ducks, chickens, fowl, pigeons, , or any other farm or commercial animal without a permit from the Board. Said permit shall cost an annual fee set by the Board.

5.2. All permits to keep animals listed in Regulation 5.1. shall expire annually on April 30 and may be revoked for cause.

5.3. Said permit shall not be transferable.

5.4. A new permit for any animal, shall require a public hearing before the Board. Said hearing shall be held in accordance with Regulation 14.0. When a permit is requested by a person whose livelihood is derived from farming or agriculture, the Board may, at its discretion, grant said permit without a public hearing.

5.5. An application for a permit shall be submitted on a form supplied by the Board. A new application shall be accompanied by:

- A. A Certified Plot Plan
- B. A site plan with a scale no less than 1"=30' showing the property to be used; the location of any proposed stable, corral, pen or other animal housing; the location of all streams, drains, wetlands, known or proposed water supply, and buildings located within 200 feet of the property.
- C. The name of the property owner, the owner of the animals and the types and numbers of the animals.
- D. A Certified Abutters List of property owners within 300 feet of the property where the animals will be kept.

5.6. A permit may be revoked at any time with cause. The Board or its agent may revoke said permit without a public hearing if, in its or his or her opinion, conditions exist which may endanger the health, safety, or welfare of the animals or the general public by creating a public health nuisance. The permit holder shall have the right to appeal the revocation at a public hearing if no hearing had been held prior to the revocation.

5.7. Any property used to house animals under the Regulations for Keeping Animals shall be subject to inspection by the Board or its agent at any reasonable time. Should access be refused, the Board or its agent may seek a search warrant in a court of competent jurisdiction. Failure to allow an inspection upon request shall be cause for permit revocation, following a hearing.

5.8. The Board may impose conditions it deems appropriate in order to protect the public, the environment and animal health when issuing a permit.

#### 6.0. ANIMAL SHELTERS AND CORRALS

6.1. All horses, livestock, and other animals shall be provided suitable shelter and corral space. All shelters and corrals shall be kept clean and free of decaying food, filth, dirt, and stagnant water, and shall be free of exposed nails and other items dangerous to the animal.

6.2. No person shall erect or use as a stable any building unless such use is licensed by the Board and complies with all applicable building codes and Zoning By-laws.

6.3. All shelters shall be of sound construction, well lighted, and have adequate ventilation, either mechanical or natural.

6.4. All glass windows and ventilation openings shall be screened for fly control and for animal safety.

6.5. All electrical apparatus, including light bulbs, shall be provided with a suitable safety guard to help protect animals from injury.

6.6. All buildings used to shelter horses or other livestock shall have at least one square foot of window glass for each 500 cubic feet of interior space.

6.7. All buildings used to shelter horses or livestock shall have a ceiling at least seven feet high but not less than one foot above the head of any animal sheltered there. Every roof shall be water and weather tight.

6.8. All shelters and corrals shall have sufficient drainage to prevent the collection of water inside said confines. No shelter or corral shall be located in an area subject to flooding. Where ever practical, shelters shall be connected to public or private sewer.

6.9. All shelters and corrals shall be supplied with an adequate and potable water source.

6.10. Floors shall consist of any material acceptable to the Board. This shall include hardwood, concrete, or a thin layer of sand and clay over a gravel base.

6.11. Walls shall be suitably treated with whitewash, paint or other materials approved by the Board to prevent absorption of odors and waste.

6.12. When shelter for more than one animal is provided, stalls or other adequate separation shall be provided. Animals shall be grouped according to their life styles, and different species shall be separated as needed.

6.13. Any person wishing to remodel or construct a building or any portion thereof which is currently or will be used as a stable or other animal shelter shall submit plans to do so in duplicate to the Board for approval prior to any construction. After approval is obtained, all work shall begin within 30 days of approval and be completed within 90 days of the issuance of the building permit.

6.14. All animals shall be sheltered within 30 days after issuance of a permit to keep said animals.

6.15. Bedding shall consist of hay, straw, shredded newspapers, or other like substance but shall not contain any animal fiber or textile fiber waste.

6.16. No shelter or corral shall be closer than the distances shown to the components listed in the following table. The distances shown are minimum distances and shall be increased where required by conditions peculiar to a location or by zoning requirements.

	Shelter	Corral	Swine
Wetland	100'	100'	300'
Surface/Subsurface Drains	100'	100'	200'
Abutting Dwellings	200'	200'	300'
Side & Rear Lot Lines	30'	30'	50'
Public or Private Roadway	30'	30'	200'
Milk Handling Areas	50'	50'	50'
Public Water Supply	500'	500'	500'
Private Water Supply	150'	150'	150'

6.17. Corrals shall be a minimum of 3,000 square feet and shall not include riding rings, tracks, or pasture land. With large animals, the minimum corral area shall be 5,000 square feet per animal.

6.18. Any corral or area in which an animal is left unattended shall be adequately enclosed to assure proper restraint of the animal. All corrals shall, at all times, have adequate shade for the animals, whether by tree or shelter.

6.19 Drainage from corrals and stables shall be directed to a pretreatment area designed by a Registered Professional Engineer licensed to practice in the Commonwealth of Massachusetts in the following cases:

- A. When located within 200' of a wetland or watercourse.
- B. When the Board determines it is necessary to protect the public and environmental health.

#### 7.0. ANIMAL HEALTH AND SAFETY

7.1. All animals shall be cared for in a humane manner. It shall be illegal to abuse, either physically or by neglect, any animal. The Board or its agent may at any time cause an animal to be removed from the custody of any person when it is determined that the health, safety or welfare of the animal or the general public is endangered. Any costs incurred by the town when seizing and caring for an animal under this regulation shall be borne by the animal owner or by the licensed custodian.

7.2. All horses shall be immunized against Equine Encephalitis and Tetanus with proof supplied annually prior to the issuance or renewal of a permit. No permit will be issued without proof of immunization. It is recommended that a Coggins Test be conducted annually.

7.3. All cattle, horses, dogs, and cats, shall be immunized annually against rabies, with proof provided to the Board prior to the issuance or renewal of any permit. It is strongly recommended that all mammals be immunized against rabies. When there is a USDA approved vaccine available for use, it shall be required that those animals approved to receive it be vaccinated.

#### 8.0. MANURE MANAGEMENT

8.1. Manure shall be removed from stalls and shelters at least once a day, and as often as needed to avoid a large accumulation. Manure shall not be allowed to accumulate in corrals, and shall be removed as needed.

8.2. Manure shall be stored in such a manner as to control flies and odors. Lime or other odor control methods shall be used as needed.

8.3. In fly-breeding seasons, manure storage locations shall be periodically treated with chemicals for fly control. Any chemical approved by the U.S. Department of Agriculture will be acceptable to the Board.

8.4. No manure pile or pit shall be closer than the distances shown to the components listed in the following table. The distances shown are minimum distances and shall be increased where required by conditions peculiar to the location or by zoning requirements.

	Other Manure	Swine Manure
Wetland	150'	300'
Surface/Subsurface Drains	100'	200'
Abutting Dwellings	200'	500'
Side & Rear Lot Lines	30'	100'
Public or Private Roadway	30'	500'
Milk Handling Areas	200'	200'
Public Water Supply	500'	500'
Private Water Supply	150'	150'

8.5. Manure shall be spread on the ground only when such land is in such condition to be plowed, and any manure so spread shall be plowed under within forty-eight hours.

8.6. Drainage from manure stockpiles shall be handled as outlined in Regulation 6.19.

**9.0. FEED MANAGEMENT**

9.1. All feed must be properly stored and shall be adequately protected so as to keep the food source free of contaminants.

9.2. All stables shall be provided with feeding boxes located a minimum of two feet from the floor. In the case of swine, feed management shall comply with Regulation 9.4.

9.3. All persons shall take any steps necessary to prevent rodent infestation on or near the property. This shall include, but not be limited to, storing food in rodent proof containers as well as hiring a professional pest control company when needed.

9.4. If outdoor pens or runs are provided, swine shall be fed from platforms built of heavy watertight material, flat on the ground or on skids one foot above the ground, and so arranged that the platform can be readily moved and the ground beneath it plowed under. If the feeding platform is elevated, the space between the ground and the platform shall be kept clear and clean, and no food shall be allowed to accumulate around the platform or on the ground.

9.5. Bins for receiving garbage shall be cleaned after garbage is removed and shall be covered during warm weather.

**10.0 SPECIAL HORSE AND LIVESTOCK PROVISIONS**

10.1 The following land areas will be required in order to keep horses or livestock. The Board may require larger areas when it determines that special conditions exist peculiar to the location and circumstances.

<b>Animal</b>	<b>Land Area (Acres)</b>	
1 or 2 Large Animals	2	
3 or more Large Animals	5	
Fowl	1	
1 to 5 Small Livestock	1	
6 or more Small Livestock	1 + .5 per every 5 head	
Swine	5	

#### 11.0 SPECIAL SWINE PROVISIONS

11.1 Every holder of a permit to keep swine shall obtain a license to transport garbage, offal, or other offensive substances on the streets of Tewksbury in accordance with Massachusetts General Laws Chapter 111, section 31A and Town of Tewksbury Regulations. No such material shall be transported without obtaining said license. All garbage and other offensive materials shall be transported only in water tight containers and in a manner which prevents spillage and odors.

11.3. Breed houses shall be cleaned at least daily and any other time deemed necessary.

11.4. Manure and uneaten garbage shall be regularly removed from pens and shall be immediately removed from the premises or must be so kept that it will not constitute a nuisance and so that the pigs will not have access to it. All wastes shall be handled in accordance with the provisions of Regulation 8.0.

11.5. Wet muck in outdoor pens shall be removed as needed and replaced with clean sand.

11.6. An adequate number of persons shall be employed at all times for the proper maintenance and operation of the piggery. The Board may require a specific number of persons when deemed necessary.

#### 12.0. SPECIAL ANIMAL PROVISIONS

12.1. Roosters shall be prohibited in the Town of Tewksbury.

12.2. No animal regulated herein shall be allowed to roam free, nor shall it be left tethered unless attended by a responsible person.

12.3. Where pigeons are kept, every effort shall be taken to minimize flying or roosting on, above, within, or proximate to abutting properties.

#### 13.0. VARIANCES

13.1. Variance to any of these regulations may be requested in writing to the Board. When such a request is received, a hearing shall be scheduled and held in accordance with the requirements of Regulation 14.0.

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

A. Strict enforcement of the Rules and Regulations for Keeping Animals will constitute manifest injustice, **AND**

B. The granting of the variance shall not in any way impair the public, the environment or animal health.

13.3. The Board may impose any conditions it deems appropriate to protect the public, the environment and animal health.

#### 14.0. HEARING

14.1. When requesting a permit or a variance to the Rules and Regulations for Keeping Animals, a public Hearing shall be required. A fee set by the Board may be charged for the Public Hearing.

14.2. The applicant shall notify the owners of all properties within 300' of the property on which the animals will be kept by Certified Mail, Return Receipt Requested, of the hearing at least ten days prior to the hearing date. The applicant shall also publish a legal advertisement provided by the Board, in a paper published and distributed locally, at least ten days prior to the hearing. Said notifications and advertisements shall be at the expense of the applicant.

14.3. Any person to whom any order pertaining to the Rules and Regulations for Keeping Animals is served shall have the opportunity to request a hearing before the Board. The request shall be in writing and received in the Health Department Office within seven days of the date it is served.

#### 15.0. PENALTIES

15.1. Any person found in violation of these regulations shall be fined, upon conviction, not more than \$1,000.00 per violation. Each day of noncompliance shall constitute a separate and new offense.

15.2. Any person who is issued a permit or license by the Board and is found to be in violation of these or any other applicable regulation, may be subject to the immediate suspension or revocation of said permit or license.

15.3. The Regulations for Keeping Animals may be enforced by the use of Non-Criminal Citations as put forth in Massachusetts General Laws Chapter 40, § 21D

#### 16.0. SEVERABILITY

16.1. If any provision of the Rules and Regulations for Keeping Animals is declared invalid or not enforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Adopted as revised: November 21, 2002

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Stephanie Wilkie, Chairman

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Edward Sheehan, Vice Chairman

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Susan Sullivan, Clerk