

# Hingham Board of Health

## “Regulation Governing the Keeping of Animals and Fowl”

### Section 1. Authority

These regulations are adopted under the authority of MGL chapter 111, section 31, as reasonable health regulations designed to protect and improve the health and quality of life of those who reside within the Town of Hingham.

### Section 2. Statement of Purpose

Whereas minimum standards to promote the responsible care and welfare of animals, protection of the public health, and environmental protection are considered necessary for the health, safety and welfare of the community, the Hingham Board of Health has adopted these regulations.

### Section 3. Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in these Regulations shall be as follows:

Abutters: owners of abutting land or property within one hundred (100) feet of the applicant’s property line. A person will only qualify as an abutter for the purpose of this regulation if they possess an ownership interest in the abutting land.

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

Animal: all animals such as, but not limited to, cattle, goats, sheep, equines, llamas and other fur-bearing animals, livestock, swine, poultry, pigeons, reptiles or snakes, which are kept or harbored as domesticated animals.

Animal Units: for the purpose of permitting a given number of animals or fowl, the following shall be considered equivalent and each will be regarded as a single animal unit. The Board may determine unit(s) to any animal not specifically listed below.

Horse, donkey, mule, pony, llamas	1
Bovine	1
Goats, alpaca, sheep	2
Swine	2
Rabbits	7
Fowl	10
Chickens	10
Pigeons	16

Applicant: one who applies for a permit to keep one point five (1.5) or more Animal Units.

Board of Health or “the Board”: the Hingham Board of Health.

Town: means the Town of Hingham and its officers, agents and employees including the health department.

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

Corral: any pen, or enclosure for the confining of one more animals.

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

Exotic: refers to an animal not native to this region and/or country.

Facility: the total accommodations to be used for the keeping or housing and care of one or more animals, including but not limited to a barn, stable, pen, coop, loft or corral.

Feral Cats: a cat born in the wild, which is not domesticated or socialized to humans and has been abandoned or allowed to become free roaming.

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

Household Pets: animals that are normally kept inside an owner’s residential dwelling or commercial building including but not limited to dogs, cats ferrets, pot-bellied pigs, fish, domesticated or exotic birds, certain reptiles and guinea pigs, hamsters, and mice.

Impervious material: soils having a percolation rate greater than ninety (90) minutes per inch drop.

Keeping of Animals Permit: refers to a permit issued for the keeping or housing of one point five (1.5) or more Animal Units in accordance with the provisions of this regulation.

Lot: a parcel of land, which is or may be occupied by a building and accessory structure, including open spaces required under this Article. “Lot” includes the words “plot” or “parcel.”

Manure Management Plan (“MMP”): is 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 having public health or environmental significance. This definition shall be mindful of MGL chapter 111, section 125A.

Owner: every person (including a trust, corporation or other legal entity) 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.

Pest Management Plan (“PMP”): is a plan, which adequately defines the measures that shall be taken by the owner to minimize the presence of rodents, insects, and the creation of odors and other nuisances.

Pigeons: member of the Columbidea 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, facility or lot unit or as agent, executrix, administrator, administratrix, trustee, personal representative, lessee or guardian of the estate of the owner of legal title.

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

Stable: means an accessory building or structure used for the shelter and/or the 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, wooded uplands. This area does not include wetlands, dwellings, or any other area(s) as may be restricted by town, state or federal regulations.

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 Massachusetts Wetlands Protection Act, MGL chapter 131, section 40 and regulations promulgated pursuant thereto at 310 CMR 10.00 or pursuant to section 404 of the Federal Water Pollution Control Act, USC 1341.

Wild Animal: any animal not normally found or kept as a domesticated animal, including but not limited to poisonous reptiles, alligators, monkeys, lions, and tigers.

#### **Section 4. General Requirements**

- A. The Useable Area for calculating the number of Animal Units allowed on a lot shall consist of upland area only. Wetlands may not be used in calculating the number of Animal Units allowed on any parcel of land. Lot dimensions may be considered by the Board of Health when determining the total number of Animal Units allowed on a parcel of land. The minimum lot area shall be one (1) acre of

useable land. Additional Animal Units 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 unit. More than four (4) Animal Units may be permitted on lots containing more than three (3) acres, provided that 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.

- B. The Facility shall be located no less than:
  - 1. 100 feet from a Wetland as defined by MGL chapter 131, section 40.
  - 2. 30 feet from a sideline, rearline or public way
  - 3. 100 feet from any abutting dwelling.
  - 4. 100 feet from any well, public or private, used as a drinking water supply
- C. The Facility must comply with all applicable zoning requirements.

## **Section 5. Permit and Application Requirements**

A Keeping of Animals Permit is required for anyone keeping 1.5 Animal Units as defined in this regulation. At time of application; the applicant shall provide the Board of Health with the following documents:

- A. Application(s) for a permit for the purpose of keeping animals shall be submitted on a form supplied by the Board of Health for each location where animals are kept in the Town. Such application shall be accompanied by the following information:
  - (1) Full name, address, and telephone number of the applicant
  - (2) Location - street address of the premises to be used
  - (3) Number and species of animals to be kept. No animals in excess of the specified number on initial application shall be kept. The addition of any new Animal Units requires an applicant to make application for a modification of said permit with the Board of Health.
  - (4) Applicant shall submit a copy of all required animal immunizations to the Board of Health such as EEE, Tetanus, and Rabies for horses, Rabies for cows.
  - (5) A plot plan, acceptable to the Board, showing the lot borders with dimensions of area where the animals will be kept and used by animals, location of accessory structure(s), principal structure(s), abutting structure(s), confining fences and barriers, any Wetlands located on the lot of the housing for the one point five (1.5) or more animals, location of any septic system on the premises, location of any private wells within the perimeter of the area where the one point five (1.5) or more animals will be kept or within one hundred (100) feet of the perimeter, showing location of manure containers, and drainage details. Also the plan shall show the locations of all lots and with the houses shown thereon within 500 feet of the proposed area for keeping of the animals.

- (6) A written Manure Management Plan for the management and disposal of animal waste, storage of feed, and a Pest Management Plan used to control of flies and vermin.
- (7) Name of the principal veterinarian for each animal.
- B. The initial applicant/application shall meet and receive zoning clearance from the Hingham Building Commissioner. A special permit may be necessary from the Zoning Board of Appeals.
- C. The initial applicant/application shall meet and receive conservation clearance from the Hingham Conservation Officer and/or Conservation Commission.
- D. The initial applicant/application shall meet and receive clearance from the Animal Control Officer.
- E. For the initial application for a permit to keep animals after the effective date of this regulation, the applicant shall notify the adjacent property abutters by certified mail that an application has been filed at the Board of Health for a permit to keep animals. A copy of the notification sent to the abutters and proof of notification (the green card) shall be provided to the Board of Health.
- F. The Board shall hold a hearing on the initial permit application within thirty days of filing a completed application being submitted. Within forty-five (45) days after the close of the hearing, the Board shall issue a decision on the application.
- G. Fees for permits shall be determined by the Board of Health's fee schedule and shall be subject to annual review.
- H. Permits shall expire on December 31<sup>st</sup> of each year, unless sooner revoked by the Board of Health upon violation of any of the provisions of these regulations. Any permit holder must apply for a renewal of the permit at least forty-five (45) days prior to the expiration of said permit. Any changes from the previous permit shall be provided on a renewal application.
- I. Exotic and Wild animal(s) shall not be kept within the Town of Hingham limits without expressed written approval of the Board of Health or its authorized agent and shall be in accordance of Massachusetts General Laws.
- J. No person shall propose or erect, remodel, occupy or use for a Stable, or Accessory Structure intended for the housing of animals unless and until he/she has submitted an initial or revised plan to the Board of Health for review and the same has been approved.
- K. Permits are not transferable and shall be posted in a conspicuous area.
- L. An applicant must comply with all federal, state and local regulations and bylaws.

**Section 6.                    Facility Standards**

- A.     The Facility for the keeping of one point five (1.5) or more Animal Units shall not allow the floor and/or grounds of the Facility for the keeping of one point five (1.5) or more Animal Units to be designed, constructed, and/or maintained in a manner that would likely endanger the animals or promote Unsanitary Conditions.
- B.     Each Facility shall have a supply of potable water available to the structure for drinking and cleaning purposes.
- C.     The Facility shall be adequately ventilated, provide protection from weather elements and provide food and water in all Facilities.
- D.     All Facilities for the keeping of one point five (1.5) or more Animal Units shall be securely fenced to prevent the escape of animals there from. Animals at no time shall be allowed to roam unattended from the designated area as noted in the application.
- E.     Where appropriate an adequate structurally sound dry shelter for the one point five (1.5) or more Animal Units shall be maintained within the Facility.
- F.     The Facility in which the one point five (1.5) or more Animal Units are kept shall be maintained in such a manner as to prevent the spread of infectious or contagious diseases.
- G.     The Owner and/or permit holder of the Facility for the keeping of one point five (1.5) or more Animal Units shall keep the Facility in a clean, sanitary, and presentable condition, free from decaying food, filth, feces, vermin infestation and stagnant water.
- H.     Food shall be stored in sealed, moisture-proof and vermin-proof containers, when appropriate.
- I.     Dead animals shall be disposed of or incinerated, at an appropriate Facility, within a reasonable time but in no event more than forty-eight hours (48) hours after death. Storage of deceased animal shall be in such a way to prevent odors and attraction of vermin.

**Section 7.                    Manure Management**

The following are requirements for the keeping and maintenance of manure and fecal matter within the Facility. The permit holder is responsible to implement a MMP for the

Facility. This plan requires approval by the Board of Health or their authorized agent at the time the permit is granted.

- A. Drainage or liquid effluent containing urine, fecal matter and manure from any one point five (1.5) or more Animal Units kept at said Facility is not to be discharged in Runoff, or to flow over the surface of the ground onto a neighboring property, public way, Watercourse or Wetlands. Water including drainage, shall not become stagnant or collect or create a ponding affect upon said Facility.
- B. The Owner and/or permit holder of Facility for the keeping of one point five (1.5) or more Animal Units shall provide for the sanitary storage and disposal of all waste, fecal matter and manure related to the keeping of the one point five (1.5) or more Animal Units.
- C. 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 kept in suitable pit or receptacle at a single location. This location shall also be carefully chosen to maximize the distance from abutting properties and Wetlands and with due consideration of the prevailing winds.

D. The following requirements shall apply to the use, accumulation and/or disposal of manure.

- 1. The accumulation, stock piling, and storage of manure outside of a pit or receptacle is prohibited.
- 2. No manure storage area shall be closer than the distances shown to the components listed in the following table. The distances shown are minimum distances and may be increased where required by conditions particular to the location or by zoning requirements.

Wetland	100'
Surface/subsurface drains	100'
Abutting Dwellings	200'
Side & Rear lot lines	30'
Public or private roadway	30'
Tributary to a public water supply	100'
Private water supply	100'
Public water supply	100'

However, no portion of a stable, corral, grazing area or manure storage area shall be located within the Zone 1 of a Public Water Supply.

- 3. The dimensions and/or drainage conditions of any particular lot may, in the opinion of the Board of Health or its authorized agent, 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 and/or permit holder to dispose of manure in a safe and sanitary manner and not be allowed to accumulate on property or interior of an Accessory Structure.

4. The Board of Health or its authorized agent will allow the composting of manure generated at the Facility for the keeping of one point five (1.5) or more Animal Units upon specific written Board of Health approval.

**Section 8. Pest Management**

The Owner and/or permit holder is responsible to implement a Pest Management Plan for the Facility. This plan requires approval by the Board of Health or its authorized agent and will be performed by a licensed pest control operator whenever required by law. Extermination shall be performed as deemed necessary by the Board of Health or its authorized agent or a licensed pest control operator.

**Section 9. Keeping of Horses**

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, 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.

**Section 10. Keeping of Poultry**

- A. No rooster shall be allowed unless a permit is specifically issued. An application shall be furnished by the Board of Health. 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.
- B. There shall be at least three (3) square foot of floor space for each mature Poultry kept within the coop. Coops shall be cleaned regularly to maintain sanitary conditions and thoroughly disinfected at least three times a year.
- C. Additional Poultry up to a total of one hundred fifty (150) shall not be permitted unless the lot contains a minimum of twenty-five hundred (2,500) square feet per each additional fifteen Poultry, provided that 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.

**Section 11. Keeping of Pigeons**

- A. 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. Flight activities shall not adversely affect adjacent properties.

- B. There shall be at least one (1) square foot of floor space for each mature Pigeon kept within the coop. Coops shall be cleaned regularly to maintain sanitary conditions and thoroughly disinfected at least three times a year.
- C. Training, exercising, and the release of Pigeons from the Facility shall not be undertaken during the hours of 10:00am to 4:00pm from June to September as not to disturb yard use and the enjoyment of abutting neighbors.
- D. Additional Pigeons up to a total of one hundred (100) shall not be permitted unless the lot contains a minimum of twenty-five hundred (2,500) square feet per each additional twenty-five Pigeons, provided that 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.

**Section 12. Exceptions**

- A. The Board may impose a permit for an Owner of less than 1.5 Animal Units where an order of public Nuisance has been issued by the Board of Health.
- B. Household Pets shall be excluded from these regulations with the exception that the Board may impose a permit in situations where animals are kept in unreasonable numbers or conditions that result in an order of public Nuisance or recognized hazard to the health and welfare of the community.
- C. The Owner of a “Kennel” for dogs as defined under MGL chapter 140, section 136A shall be required to obtain a permit, however, the general requirements under Section 4(A) and (B) of these regulations waived unless the Board in its reasonable judgment deems one or more of these general requirements necessary.

**Section 13. Animal Health and Safety**

- 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 Hingham 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. All animals shall be immunized against Rabies, when appropriate for that species, with proof supplied annually prior to the issuance or renewal of a permit. No permit will be issued without proof of immunization. All animals shall additionally meet any State-mandated immunization requirement(s).

- C. It is recommended that horses be immunized for Eastern Equine Encephalitis, Tetanus, Strangles, West Nile Virus, Influenza, and Rhino. It is also recommended that a Coggins Test be conducted as circumstances dictate.
- D. When there is a USDA approved vaccine available for use to combat certain disease(s), it shall be required that those animals approved to receive it be vaccinated unless the animal's veterinarian recommends otherwise.

**Section 14. Enforcement**

- A. An Owner, Responsible Party or person who keeps Animals or Fowl and fails to obtain a permit as required hereunder or when directed to do so by the Board shall be subject to a fine or penalty.
- B. The Board of Health may deny, suspend, revoke, or refuse to renew a permit for failure to comply with any provision of these regulations.
- C. The Owner, a permit holder, their designee, or Responsible Party in charge of a Facility covered by these regulations who fails to comply with this regulation shall be subject to a fine or penalty.
- D. 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.
- E. The continuance of any violation of these regulations beyond a date specified by the Board of Health, when the Owner and/or permit holder of the Facility has been ordered by an agent of the Board of Health to abate any such violations in a safe and sanitary manner, shall be cause for revocation of permit and/or initiation of legal proceedings to eliminate said conditions.
- F. The Board of Health, or its authorized agent, may reasonably conduct unannounced inspections of a Facility for the keeping of the one point five (1.5) or more Animal Units to ensure compliance with these regulations.

**Section 15. Fines and Penalties**

Violations of these regulations shall have the following fines or penalties imposed:

First offense:	Written Warning
Second offense:	\$50.00
Third offense:	\$200.00
Subsequence offenses:	Up to \$500.00

Each day of failure to comply with these regulations may constitute a separate violation.

**Section 16. Right to a Hearing**

Any person or persons aggrieved by a Board of Health order that has been served pursuant to any section of these regulations may request a hearing before the Board of Health by filing a written petition to the health department within seven days of receipt of said order.

**Section 17.           Variance**

The Board of Health may grant a variance to any of provisions of these regulations when, in its opinion, the strict enforcement would do manifest injustice and does not jeopardize public health or the environment.

**Section 18.           Severability**

Each provision of these regulations shall be considered as separate to the extent that if any section, item, sentence, clause, or phrase is determined to be invalid for any reason, the remainder of these regulations shall continue in full force and effect.

**Section 19.           Adoption and Effect**

These rules and regulations were adopted by a unanimous vote of the Board of Health, Town of Hingham, Hingham, Massachusetts, on May 16, 2019 and are to be in full force and effect on and after June 1, 2019.

A summary explanation of these regulations shall be published in a newspaper of this town and a copy thereof shall be deposited in the Office of the Town Clerk.

HINGHAM BOARD OF HEALTH  
Kirk J. Shilts, D.C., Chairman  
Peter B. Bickford, Member  
Elizabeth Eldredge, M.D., Member

*(final for public hearing 5/16/19)*