

Sudbury Board of Health

Rules & Regulations for Stables and Keeping of Animals in the Town of Sudbury

The Board of Health of the Town of Sudbury, acting under the authority of Sections 31, 122, 143 and 155 Chapter 111 of the Massachusetts General Laws and amendments and additions thereto, and by any order power thereto, enabling and acting thereunder, and in accordance therewith have, in the interest of and for the preservation of the public health, and adopted the following regulations for the control and keeping of animals on parcels of land in the Town of Sudbury, Massachusetts.

1. DEFINITIONS

- Abutter Shall mean the owners or tenants of property which adjoin the lot upon which animals are to be kept whether or not said properties are separated by a public way.
- Animal: For the purpose of these regulations, animal is said to mean *all animals*, except dogs and cats normally kept in the home.
- Paddock: Any pen or enclosure for confining animals.
- Dwelling: Any building or shelter used or intended for human habitation or periodic human activity.
- Facility The total accommodations to be used for consumption by animals, kept at or proximate to the facility.
- Feed: A food mixture of preparation used for consumption by animals, kept at or proximate to the facility.
- Fowl: As used in these regulations, shall mean all members of the bird family, and shall include chickens, roosters, capons, hens, turkeys, pigeons, peafowl, guinea fowl, ducks, swans, geese (other than wild species).
- Horse: Any solid-hoofed animal including, but not limited to a horse, donkey, pony or mule.
- Impervious Material: Soils having a percolation rate greater than twenty (20) minutes per inch drop, and including but not limited to ledge, hardpan, clay, peat, loam and organic matter.

Unsanitary Conditions: The state of being of a facility which, in the opinion of the Board of Health, is conducive to, breeding flies, ration of offensive odors, rodent infestation, liquid effluent or runoff containing contaminants which might reach surface of substance water bodies.

Livestock: Domestic animals such as but not limited to cows, cattle, sheep, goats, swine, alpacas, and llamas.

Lots: An area of land and ownership, with definite boundaries used or available for use as the site on one or more buildings.

Noise: Sound of sufficient intensity and/or duration as to (a) cause a nuisance, (b) is injurious or, on the basis of current information potentially injurious to human health, or (c) unreasonably interfere with the comfortable enjoyment of life and property.

Owner: Any person who alone, or jointly or severally with others (a) has legal title to any dwelling or dwelling unit, or (b) has care, charge, or control of any dwelling or dwelling unit as agent, executor, executrix, administrator, trustee, lessee, or guardian, of the estate of the holder of legal title. Each such person thus representing the holder of legal title is bound to comply with the Provisions of these regulations as if he were the owner.

Person: Every individual, partnership, corporation, firm, association, or Group including a city, town, country or other governmental Unit owning property or carrying on an activity regulated by These regulations.

Runoff: Water from rain or melted snow that flows over the surface off the ground.

Stables: A building or structure in which animals are sheltered and/ or fed.

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

Vermin: Any of various insects or small animals regarded as objectionable because of destructive or disease-carrying including but not limited to flies, mosquitoes, lice and rats.

Watercourse: Any stream drain, pond, lake or other body of water drained by a stream, dry ditch, or other depression that will permit drainage water to empty into any open waters of the Commonwealth.

2. STABLES:

(a) **STABLE BUILDING** No person shall erect, occupy, or use a stable, any building or portion thereof or any other facility, in the Town of Sudbury until a license authorizing such use is granted by the Board of Health.

(b) **HORSE AND LIVESTOCK** No person shall maintain a horse (or horses) or livestock anywhere in the Town of Sudbury except in a stable for which a license has been issued by the Board of Health.

(c) **SEPERATION REQUIREMENT**

No stable or manure storage area shall be constructed: closer than one hundred and fifty (150) feet to any dwelling not occupied by the owner or operator of the stable; closer than one hundred (100) feet to any dwelling occupied by the owner or operator of the stable; closer than one hundred (100) feet to any well used as a source of drinking water; closer than twenty-five (25) feet to a water line, sewage system, standing water or water course.

3. GENERAL REQUIREMENTS

a. No person shall keep or allow to be kept within the limits of the Town in any building or any premises two (2) acres or less which they may be the owner, lessee, tenant, or occupant, any swine or rooster.

b. The keeping of one or more swine requires a site assignment from the Board of Health, regardless of the size of the parcel of land.

c. No foxes, skunks, minks, raccoons, shall be raised for commercial purposes anywhere within the Town, regardless of the size of the parcel of land.

d. The owner or other person or persons having control of any existing buildings hereafter erected or converted into a facility for the keeping of animals, shall keep said facility in a clean and wholesome condition, free from decaying food, filth, feces and stagnant water. The buildings and pens of the facility shall periodically be disinfected and put in such condition as may be ordered by the Board of Health.

e. All facilities for the keeping of animals shall be securely fenced so as to prevent the escape of animals therefrom. At no time will animals be allowed to roam from the permitted lot.

- f. A supply of potable water shall be available to the animals at all times.
- g. Wild animals shall not be permitted except by the express consent of the Board of Health and other appropriate State and Federal areas of jurisdiction.
- h. The Animal Inspector, Agent of the Board, or Member of the Board of Health shall have the right to make an inspection by appointment.
- i. Commercial pet shops and horse stables must be licensed by the Massachusetts Department of Agriculture.
- j. Sudbury Board of Health regulations do not exempt an owner or corporation of the requirements of, or need for permits from, other State or Federal regulatory agencies.

4. **SANITARY REQUIREMENTS**

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

(1) The floor and/or ground of the facility for the keeping of animals designed, constructed, and/or maintained as to cause or contribute to unsanitary conditions at said facility.

(2) Drainage or liquid effluent containing urine and/or fecal matter from any animal kept at said facility to be discharged in runoff, or to flow over the surface of the ground onto neighboring property, public way or watercourse.

b. Management and disposal of manure and soiled bedding, shall be such as to minimize odors, breeding flies and attraction to vermin. Manure shall be collected and stockpiled at a location carefully chosen to maximize the distance from the abutting properties and watercourse. The dimension and/or drainage conditions of any particular lot, may, in the opinion of the Board of Health require off-property disposal of manure. It shall be the responsibility of the owner to dispose of manure in a safe and sanitary way.

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

d. Any animal grain feed that is stored on, at, or proximate to the facility for keeping of animals shall be stored in generally accepted manner, including sealed, moisture-proof, vermin-proof and rat-proof containers when appropriate.

e. No owner of a facility for the keeping of one or more animal, shall willfully or through negligence, suffer, allow or permit an infection of insects of vermin or said facility. The continuance of an infection of vermin

at or near facility beyond a date specified by the Board of Health, when the owner has been ordered by the Board of Health to abate any such infestation in a safe and sanitary manner, shall be caused for initiation of legal proceedings to eliminate said conditions.

f. Dead animals shall be buried or disposed of in such a way as to prevent the attraction of flies and prevent odors.

5. STABLE REQUIREMENTS

Application for a stable license shall be in writing and upon a form provided by the Board of Health. Each applicant shall include the following:

- A. A plot plan drawn roughly to scale showing the lot or parcel where the building to be used as a stable is to be located. Said plot plan shall show the following.
 - 1. The general contour and drainage of the plot.
 - 2. The location of all sewage disposal systems, wells, brooks, swamps and structures located on the plot or within one hundred (100) feet of the proposed stable.
 - 3. The areas to be used for storage and handling of manure.
 - 4. The location of roads, easements, (such as water, drainage and conservation easements) and lot lines.
- B. The number and type of animal to be kept in the proposed stable.
- C. A plan for storing and removing manure.
- D. A floor plan for the proposed stable showing dimensions and location of stalls and facilities for storage and handling feed materials.

RENEWAL: Licenses for stables in the Town of Sudbury will expire two years from the date of issue or upon transfer of the property. Application renewal must be made on a form provided for the purpose by the Board of Health. Said renewal application shall show any changes in the items requested in Section 5.

6. KEEPING OF POULTRY

- A. Poultry keepers shall follow best management practices guidance provided by the Massachusetts Department Agricultural Resources, Division of Animal Health.

- B. There shall be at least three (3) feet of floor space for each mature Poultry kept within the coop. Coops shall be cleaned regularly to maintain conditions and thoroughly disinfected at least three times a year.
- C. Coops or an enclosed area providing shelter for Poultry shall be at least fifty (50) feet from any dwelling or adjacent property line, unless the zoning district requires a greater setback from the property line, in which case the coop must comply with the required setback.
- D. No person shall keep any fowl in a building connected to the dwelling.
- E. The maximum number of poultry in a coop or otherwise enclosed in a residential area shall be no more than twelve (12) over the age of 16 weeks. The Animal Inspector has the discretion to limit the number of poultry to be kept in a coop if the size and condition cannot accommodate the amount of poultry noted in this section.
- F. Owners of poultry are required to have all vaccinations and testing up to date on each animal at all times. Vaccination paperwork shall be made available for the Board of Health upon inspection.

7. VARIANCE

The Board of Health may vary the application of any provision of these regulations with respect to any particular case, when, in its opinion, the enforcement thereof would do manifest injustice and it is determined the variance can be granted without substantial detriment to the public good; and provided that the decision of the Board of Health shall not derogate from the intent and purpose of these standards.

8. PENALTIES

Any person who shall violate any provision of that regulations for which penalty is not otherwise provided shall forfeit a sum not exceeding one-hundred dollars (\$100) per violation. Each separate incident failing to comply with this regulation shall constitute a separate violation. Each 24-hour period after notice of violation and failure to correct such violation shall be considered a separate violation and as such, subject to additional penalties, at the discretion of the Board.

9. APPEALS

Any person to whom an order has been served pursuant to this regulation may request a hearing before the Board of Health by filing a written petition within 7 days. Upon receipt, of such petition, the Board of Health shall schedule a hearing within 30 days. Anyone aggrieved by the decision of the Board of Health may seek relief therefrom within 30 days in a court of competent jurisdiction.

10. SEVERABILITY

If any section, paragraph, sentence, clause or phrase of these rules and regulations is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision and such decision shall not affect the validity of the remaining portions of these regulations which shall remain in force and effect; and to this end, the provisions of these rules and regulations are hereby declared severable.

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11. EFFECTIVE DATE

This revised regulation shall take effect immediately upon publication of a notice in local newspaper and deposit in the Town Clerk's Office, in conformance with a unanimous vote of the Board on February 12, 2013.

By order of the Board of Health:

Brian McNamara, Chairman

Carol Bradford, Member

Lina Huet-Clayton, Member