



## **Article II Domestic Animals**

### Chelmsford Board of Health Regulations Governing the Keeping of Domestic Animals

#### **§201-3(1) AUTHORITY**

These regulations are adopted under the authority of M. G. L. c. 111, § 31, as reasonable health regulations designed to protect the health and quality of life of those who reside within the Town of Chelmsford, the control of disease, the abatement of nuisances, the promotion of sanitary living conditions, and the protection of the environment from damage and pollution. These regulations shall take effect as of the date of their approval as indicated below. These regulations are not intended to apply to any parcel or parcels of land used for the primary purpose of commercial agriculture, or accessory thereto, the use of which is governed by the provisions of Chapter 127: Right to Farm of the Town of Chelmsford By-Laws. Nothing herein shall obligate the Chelmsford Board of Health to enforce any provision of the Chelmsford Zoning Bylaws.

#### **§201-3(2) PERMIT REQUIRED; ENFORCEMENT**

1. No person shall keep a domestic animal, as defined herein, within the limits of the Town of Chelmsford, in any commercial structure or residential dwelling or on any parcel of land of which he/she is the owner, lessee, tenant or occupant, (hereinafter the "Premises") without annually obtaining a permit for the Keeping of Domestic Animals, (hereinafter the "Permit") from the Board of Health. Said Permit shall not be transferrable as to other animals nor assignable for the use of other persons, nor for use at other Premises.

2. In order to be granted a Permit each of the following requirements must be met at the time of the filing of the initial application; and at the time of each annual refiling of an application as may be required hereinafter:

- (a) The Premises must be a single-family residential dwelling
- (b) A fully completed application in form to be provided by the Board of Health to be filed together with:

- (i) At the time of the filing of an initial application, a certified plot plan showing the location of the proposed structures, and which confirms lot size and property lines, the location of any drains and wells providing potable water to the Premises or any other property and compliance with these regulations of the location upon said Premises of the Facility, as hereinafter defined to be used for the keeping or restraining of any domestic animal for which a permit is being sought. Upon completion of construction of the structure, an "as-built" plan shall be submitted within thirty-days to confirm the structure was constructed in the location shown on the plot plan. At the time of each renewal of the Permit the applicant will be required to certify the continuing accuracy of such plot plan; which plot plan and subsequent

certification shall be an integral part of the application and will be relied upon by the Board of Health in the granting of the Permit. On a case by case basis the Board of Health for good cause may require an updated or more detailed “as built” plot plan from any applicant;

(ii) A written maintenance plan detailing the Facility cleaning schedule, rodent, pest and predator control measures, manner of the systematic collection, storage and disposal of animal solid waste, manner of the storage and disposal of feed and nuisance prevention measures. At a minimum rodent control measures must provide for the inspection of the Premises for potential rodent infestation at regular intervals. At the time of each renewal of the Permit the applicant will be required to certify continuing compliance with such maintenance plan; which written maintenance plan and subsequent certification shall be an integral part of the application and will be relied upon by the Board of Health in the granting of the Permit. On a case by case basis the Board of Health for good cause may require an updated or more detailed written maintenance plan from any applicant;

(iii) Correspondence of the Chelmsford Building Department confirming compliance of the Premises to the minimum lot size required by Section 195 -6(E), Animals Accessory to Dwellings, or any successor section thereto, of the By-laws of the Town of Chelmsford at such time;

(iv) Certification by the Chelmsford Conservation Commission of the location of wetlands upon or adjacent to the Premises;

(v) Such licensing fee as the Board of Health may establish from year to year; and

(vi) Such additional information or substantiation as the Board of Health may deem necessary or appropriate in the evaluation of each application.

(c) Permits shall expire on December 31 of each year, unless sooner suspended or revoked by the Board of Health upon violation of any of the provisions of these regulations.

3. These regulations may be enforced by the use of the Non-Criminal Disposition pursuant to G. L. c. § 21D. If enforced by means of Non-Criminal Disposition, fines shall be \$50 for the first violation, \$100 for the second violation and \$150 for the third violation and any subsequent violation. Each day of non-compliance shall constitute a separate and new offense.

4. Persons who have had a permit denied, suspended or revoked shall be ordered to remove all unlicensed animals from the Premises within a time-frame determined by the Board of Health.

5. Permits shall be posted at all times in a conspicuous and public area of the Facility.

6. The maximum numbered of permitted domestic animals per Premises shall be twenty (20)

It shall be the sole responsibility of the applicant prior to the filing of an application to ensure that all applicable building permits are obtained for construction of a Facility and to verify that all applicable zoning laws are adhered to, including without limitation Section 195-6(E) of the Chelmsford Zoning Bylaws.

#### §201-3(4) INSPECTIONS

1. At the time of the filing of any application for a Permit the Board of Health, its agent or representative, with or without prior notice to the applicant, may enter upon the applicant's Premises without hinderance to confirm the accuracy of the applicant's application.
2. The Premises of any individual granted a Permit pursuant to these regulations shall be open at all times for inspection by the Board of Health, its agent or representative, and with or without prior notice to the individual, the Board of Health, its agent or representative, may enter upon such Premises without hinderance or delay to confirm compliance of the individual to these regulations or to respond to a complaint filed with the Board of Health concerning the keeping of domestic animals upon such Premises. Except in situations of a public health emergency, such inspections shall be conducted during normal business hours.

#### § 201-3(5) DEFINITIONS

As used in this Chapter 201, the following terms shall have the meanings indicated:

**Abutter:** The owners or tenants of property which adjoins the Premises upon which domestic animals are to be kept whether or not said properties are separated by a public way.

**Domestic Animal:** Any animal including but not limited to poultry, bird, reptile, hog, cow, horse, ponies, goats, swine, cattle, sheep, turkeys, ducks, geese, pigeons, rabbits, game birds, donkeys, llamas, alpacas, and mules, but excluding typical household pets which are housed primarily inside a residential dwelling.

**Board of Health:** The appropriate and legally designated health authority of the Town of Chelmsford or its authorized agent or representative, having the usual powers and duties of a Board of Health within the Commonwealth of Massachusetts.

**Cattle:** All kinds of domesticated ruminant such as but not limited to sheep, goats, and bovine animals.

**Coop:** A structure for the keeping or housing of poultry, pigeons, or other types of fowl, sometimes referred to herein as a henhouse.

**Corral:** A pen or enclosure for confining animals.

**Equine:** All animals of the equine family such as but not limited to horses, mules, and donkeys.

**Facility:** Any corral, building, dry lot, enclosure, run, shed, stable, stall, coop, pen, or structure used for the keeping or restraining of any domestic animal except such of those that are subject to regulation under the provisions of:

- a. Section 2B of Chapter 128 of the General Laws pertaining to commercial riding stables,
- b. Section 39A of Chapter 129 of the General Laws pertaining to pet shops, and
- c. Sections 136A through 175 of Chapter 140 of the General Laws pertaining to dogs.
- d. Chapter 127: Right to Farm of the Town of Chelmsford By-Laws.

**Feed:** A food mixture or preparation used for consumption by domestic animals kept at a Facility.

**Malodor:** Means an unpleasant or offensive odor.

**Other Animals:** Animals that include but are not limited to feral animals.

**Owner:** Every person who alone, or jointly, or severally with others:

- (a.) Has a legal title to any permitted Premises, or
- (b.) Has care, charge, or control of any permitted Premises 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.
- (c ) Any individual, partnership, corporation, firm, association, or group, including a city, town, county, or other governmental unit, owning property or carrying on activities subject to these regulations

**Pasture:** A plot of land used for grazing and/or feeding of animals.

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

**Poultry:** All domesticated or semi-domesticated edible birds such as, but not limited to, chickens, turkeys, ducks, guinea fowl, pheasants, and pigeons.

**Rodent:** Any animal of the order of Rodentia such as but not limited to rabbits, guinea pigs, hamsters, chinchillas, squirrels, rats, mice, and gerbils.

**Rooster:** An adult male chicken.

**Run:** The fenced or enclosed outdoor space adjacent to a chicken coop or henhouse.

**Runoff:** Any liquid, from any source, that flows over the surface of the ground.

**Stable:** 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.

**Swine:** Any hooved mammal of the porcine species.

**Unsanitary Conditions:** The state of being of a Facility, or the area adjacent to a Facility, which, in the opinion of the Board of Health, is conducive to or results in breeding of flies; creation of malodors; vermin infestation; liquid effluent; runoff; disease carriers; and/or noise in such concentrations and of such duration as to cause a nuisance; be injurious or, on the basis of current information, potentially injurious to human health; or an unreasonable interference with the comfortable enjoyment of life and property by the Owner or an Abutter.

**Vermin:** Any of various destructive insects, or small animals including but not limited to flies, mosquitoes, lice, mice, and rats.

**Wetland:** Shall mean any jurisdictional wetland as defined by G. L. c. 131, § 40 and/or the Chelmsford Wetlands Bylaw.

### **§ 201-3(6) GENERAL REQUIREMENTS**

1. No person, firm, or corporation shall exhibit, raise, board, train, or keep within the limits of the Town of Chelmsford, in any building, or on any Premises on which he may be the owner, lessee, tenant, or occupant, any cattle, equine, swine, poultry or other animal as defined in Section 201- 4 above without a Permit.

2. The Permit shall specify the maximum number of domestic animals which may be kept on any Premises. No animals in excess of the number specified in the Permit shall be kept therein even temporarily. Currently the maximum number of domestic animals per Premises is 12.

3. No person shall maintain equines or cattle anywhere within the Town of Chelmsford without providing approved facilities as described in Section 201-3(7) hereinafter of these regulations.

4. The procedure for obtaining a permit for a stable in accordance with these regulations pertains to adherence with relevant state sanitary codes and conditions only. It shall be the sole responsibility of the applicant to ensure that all applicable building permits are obtained for construction of any stable or other structure and to verify that all applicable zoning laws are adhered to (including Section 195-6e of the Chelmsford Zoning Bylaws).

5. No person shall keep an animal in the Town of Chelmsford except in compliance with these requirements. Animals not normally found or kept as domesticated animals (such as but not limited to feral animals, reptiles and wildlife) shall not be permitted within the Town of Chelmsford.

6. These regulations shall not apply to a parcel of land defined as a farm by any local, state, or federal law or regulation, including without limitation the provisions of Chapter 127: Right to Farm of the Town of Chelmsford By-Laws.

**§ 201-3(7) CONSTRUCTION AND MAINTENANCE OF FACILITIES**

1. The minimum requirement for a Facility shall be an open shed with proper drainage provided., offering maximum protection with a weatherproof room, excepting henhouses, and at least three (3) sides, enough head room for the animal to be housed and floored with material that can be kept clean and dry.
2. The Owner or other person or persons having control of any existing building or buildings hereafter erected or converted into a Facility for the keeping of domestic animals, shall maintain said Facility in a clean and sanitary condition and in accordance with the written maintenance plan on file with the Board of Health, free from decaying food, vermin, feces, and stagnant water.
3. It shall be the responsibility of the Owner or person or persons having control of the Facility to rodent proof the Facility which requires that the Facility be built and maintained in such a manner as to deny access by rodents and eliminate the conditions that make rodents comfortable and provide shelter for rodents. Routine inspection and treatment by a commercial pest company is recommended, and may be required as a condition of the granting of a Permit at the discretion of the Board of Health.
4. A corral shall be dry, well-drained, kept clean and fenced. A pasture must also be adequately fenced to contain the animals therein. Fencing may be of wood, smooth woven wire, or charge electric wire. In the case of the use of charge electric wire, there shall be at least one warning label where the fence is located on street frontage, and at 50-foot intervals if the frontage exceeds 100 feet. All fencing shall be high enough to discourage dumping or reaching over by third parties. If corral is not grassed, dust control measures shall be implemented.
5. To minimize the opportunity for injury to third parties, property barriers such as fencing or closely planted trees or shrubs shall be installed, or other necessary or appropriate measures taken, to discourage third parties, particularly unaccompanied minor children, from entering into the area of the Facility.
6. Property barriers such as fencing or closely planted trees or shrubs shall be installed, or other appropriate screening measures taken, on lots where the location of the Facility will ordinarily interfere with the comfortable and uninterrupted enjoyment by an Abutter of his property.
7. An adequate supply of potable water shall be available at or near the Facility for feeding, cleaning, and fire protection purposes.

**§ 2.01-3(8) SANITARY REQUIREMENTS**

1. No Owner or person or persons having control of the Facility, shall willfully or through negligence, cause, suffer, allow or permit:
  - a. The floor and/or the ground of the Facility to be designed, constructed and/or maintained so as to cause or contribute to unsanitary conditions at said Facility.
  - b. Permit or facilitate the drainage or liquid effluent containing urine and/or fecal matter from any animal kept at the Facility to be discharged in runoff, or to flow over the surface of the ground onto abutting property, public ways, or wetlands.

2. Management and disposal of manure and soiled bedding shall be such as to minimize odors, rodents and breeding of flies. Without limitation,
  - a. The Owner shall provide a pit constructed of cement or other-impermeable material for the reception of manure and other refuse and byproducts of the domestic animals. The Board of Health may accept alternative storage options proposed by an Owner at its discretion, provided such option provides equal protection against discharge in runoff, or any flow over the surface of the ground onto abutting property, public ways, or wetlands.
  - b. Manure shall not be stockpiled between the period of April 15 and October 15.
  - c. During warm weather, manure shall be treated with lime or superphosphate or other appropriate material to minimize odors and shall be treated with approved insecticides or other means for fly control.
  - d. The dimensions, topography and/or drainage conditions of any particular Premises may, in the opinion of the Board of Health, require off-Premises disposal of the manure. In such cases it shall be the responsibility of the Owner to dispose of the manure in a safe and sanitary manner. The manure shall not be put out for general town trash collection.
  - e. Manure shall be stored not less than 50' from abutting front, side and rear property lines.
3. Animals shall be maintained in a clean and healthy condition. The animals shall be protected from vermin such as but not limited to sucking insects which may transmit diseases to humans.
4. Any feed that is stored on, at, or proximate to the Facility shall be stored in closed and secured, moisture, vermin and rodent resistant containers such as galvanized steel.
5. No Owner of a Facility shall willfully or through negligence, cause, suffer, allow, or permit an infestation of vermin at said Facility. The Owner or person or persons having control of the Facility may be held responsible for expenses incurred by the Town of Chelmsford, abutters or third parties upon the failure of such Owner or person or persons to vermin proof the Facility.
6. Dead animals shall be buried, incinerated, or otherwise disposed of in such a way as to prevent the attraction of flies and prevent odors. If buried, the animal shall be put in a hole, the bottom of which shall be a minimum of four feet above high water and covered with at least four feet of compacted dirt. The burial site shall be at least 15 feet from any lot line and 100 feet from any wetland and must have prior written approval of the Board of Health. In an emergency situation, an Owner may bury an animal prior to written approval by the Board of Health, but must notify the Board of Health within 48 hours that such has occurred and must confirm that the burial site meets these requirements.
7.
  - a. No portion of a Facility shall be located within 50' of a wetland area, nor less than 200 feet upstream from the high-water mark of any known source of drinking water supply nor less than 100 feet from any well providing potable water for human consumption or within Zone 1 of a public water supply.

b. No manure storage area shall be located within 100 feet of a wetland area, nor less than 200 feet upstream from the high-water mark of any known source of drinking water supply nor less than 100 feet from any well providing potable water for human consumption or within Zone 1 of a public water supply.

8. The maintenance of a Facility in an unsanitary condition as defined in this Section 2.01-7 may result in a fine and/or the revocation or suspension of the Permit.

9. Upon revocation of a Permit by the Board of Health, the Owner shall not be obligated to remove the Facility but may repurpose the Facility in compliance with the then Zoning By-Laws and Building Code of the Town of Chelmsford.

10. No domestic animal as herein defined shall be housed within any part of a residential dwelling.

#### **§ 201-4(1) KEEPING OF EQUINES/CATTLE**

1. No Permit shall be issued to keep a horse, sheep, goat, cow (or other bovine animals) unless the usable area, drainage conditions and dimensions of the lot are acceptable to the Board of Health and the Chelmsford Animal Control Officer.

2. Under no circumstances shall a horse, sheep, goat, cow (or other bovine animal) be allowed to roam free; nor should it be left tethered, unless attended by a responsible person. Repeated violation of these regulations will result in revocation or suspension of the Permit.

3. No horse, sheep, goat, cow (or other bovine animal) shall be kept in the Town of Chelmsford without having the necessary immunization certificate as required by the Division of Animal Health, Department of Agriculture - Commonwealth of Massachusetts.

#### **§ 201-4(2) KEEPING OF POULTRY**

1. No permit shall be issued to keep poultry unless the usable area, drainage conditions and dimensions of the lot are acceptable to the Board of Health. The Board of Health Agent shall notify the Animal Control Officer of all permits issued.

2. No poultry shall be allowed to forage, stray or roam unrestricted at the Premises or elsewhere; hens must at all times be confined to the coop/henhouse and run.

3. No rooster shall knowingly be kept except on a parcel of land defined as a farm by any local, state, or federal law or regulation including without limitation the provisions of Chapter 127: Right to Farm of the Town of Chelmsford By-Laws. Once a rooster is identified in a flock, the Board of Health shall be immediately so advised in writing and the rooster must be permanently removed for within the Town of Chelmsford.

4. The number of hens per a single Premises shall not exceed six (six) per lot, except that an additional two (2) hens may be added per every five feet (5') of additional setback provided, up to a maximum of twenty (20) hens.

5. Perceptible noise from chickens at the Premises boundary must conform to all existing By Laws.



6. Odors from chickens, chicken manure, or other chicken related substances shall not be perceptible at the Premises boundaries.
7. Henhouses and runs shall be maintained in such a manner as to prevent the spread of infectious or contagious diseases, and shall be kept in a clean and sanitary condition, free from decaying food, filth, feces, vermin infestation and stagnant water. Henhouses and runs must be routinely cleaned pursuant to the written maintenance plan on file with the Board of Health or more frequently as may be required to prevent odor and disease.
8. The location of the henhouse and run must conform to all relevant lot area and setback and other zoning requirements. In an instance of a conflict between these regulations and a Zoning Bylaw the more restrictive shall control.
9. Hens must be enclosed and segregated from wild migratory fowl.
10. All henhouses and runs shall be located not less than 50 feet of any wetland area as defined in the Massachusetts Wetlands Protection Act, G. L. c. 131, § 40 and/or the Chelmsford Wetlands Bylaws.
11.
  - a. All henhouses and runs shall be located not less than 25 feet from any side abutting property lot line and not less than 30 feet from any rear abutting property lot line, and not less than forty feet (40') from the front lot line.
  - b. Reasonable efforts shall be made to screen the henhouse and runs from street view and the Board of Health may in its discretion require fencing or screening as part of its permitting process .
  - c. Except as otherwise herein provided, henhouses and runs shall not be situated in the front or side yards of the Premises. Henhouses and runs situated in the side yard of a Premises, which are otherwise in compliance with these regulations, may be permitted, provided the henhouse and run were situated in the side yard in 2018 and further provided the Owner of the Premises had been issued a Permit for Domestic Animals in 2018. The opportunity to retain the henhouse and run in the side yard of a Premises, shall lapse should the Board of Health determine that the applicant is at any time in violation of these regulations and shall not be transferable to any subsequent owner of the Premises.
  - d. For lots with frontage on multiple streets, front yards shall be determined based upon the legal address for the Premises, unless in the Board of Health in its discretion determines that the front yard should be based upon another street.
12. The Board of Health or its agents may order the removal of the chickens upon a determination that the chickens pose a health risk to the Owner, his/her family or the residents of Chelmsford.
13. Deceased chickens shall be disposed of by incineration or burial or otherwise in compliance with applicable law and best practices, within a reasonable time but in no event more than forty-eight hours (48) hours after death.
14. The Owner of the Facility shall comply with all applicable provisions of G. L. c. 129 regarding Livestock Disease Control.

15. Feed shall be disbursed to the hens only within the confines of the henhouse and run. Any spillage of food outside of the henhouse and run shall be immediately cleaned up.

**§ 201-4(3) KEEPING OF SWINE**

The keeping of swine is not allowed except on a parcel of land defined as a farm by any local, state, or federal law or regulation, regulation including without limitation the provisions of Chapter 127: Right to Farm of the Town of Chelmsford By-Laws. .

**§ 201-5(1) NON-CONFORMING PRE-EXISTING PERMITS**

1. The Board of Health, following a public hearing and upon written notice to all abutters, may award a Non-Conforming Pre-Existing Permit to an Owner with a lot size not conforming to the provisions of Section 195-6(E) of the Chelmsford Zoning Bylaws; provided such Owner had been issued a Permit for Domestic Animals in 2018, but only if the Board of Health determines:

- a. that unnecessary hardship would result from the strict application of the provisions of Section 195-6(E) of the Chelmsford Zoning Bylaws to the applicant;
- b. that the applicant had been issued a Permit in 2018 and that the Permit in 2018 had been issued in error; and
- c. that there has been no change in owners or the size or configuration of the applicant's lot since the date of the issuance of the 2018 permit.

2. The applicant must demonstrate that issuance of a Non-Conforming Pre-Existing Permit is not otherwise in conflict with any other regulation or By Law of the Town of Chelmsford, is consistent with the intent of and is otherwise in compliance with these regulations and that granting of a Non-Conforming Pre-Existing Permit shall not be burdensome or detrimental to the neighborhood or abutters.

3. Special conditions may be imposed by the Board of Health as a prerequisite to the issuance of a Non-Conforming Pre-Existing Permit and may include, without exception, the exclusion of certain domestic animals, the limitation of the number of domestic animals to be permitted, routine commercial pest control inspections and reporting to the Board of Health, and fencing and screening requirements.

4. Timely application for a Non-Conforming Pre-Existing Permit must be requested each consecutive year commencing 2019, failing which the opportunity to request a Non-Conforming Pre-Existing Permit shall lapse. The opportunity to request a Non-Conforming Pre-Existing Permit shall also lapse should the Board of Health determine that the applicant is at any time in violation of these regulations.

5. The opportunity to request such Non-Conforming Pre-Existing Permit shall not be transferable to any subsequent owner of the Premises.

6. The applicant for such Non-Conforming Pre-Existing Permit shall pay the cost of all publications and mailings and shall have timely filed an application for a Permit as required by the terms hereof, and shall have been denied a Permit solely by reason of the size of the applicant's lot.

**§ 201-5(2) APPLICATION OF REGULATIONS**

1. Any previously validly issued permits, meaning permits meeting all applicable Board of Health regulations and the provisions of Section 195-6e of the Chelmsford Zoning Bylaws when issued, may be renewed for 2019 without meeting the requirement of submitting a certified “as built” plot plan, provided neither the owners, conditions, and agreements contained in the original application nor the size or configuration of the applicant’s lot have not changed. All other requirements must be met. Such applicants shall be required to submit a certified “as built” plot plan showing compliance with these regulations at renewal for 2020.
2. All other individuals requesting Permits in 2019 and thereafter must comply with these regulations in totality.
3. All renewal of Permits subsequent to the adoption of these regulations shall be subject to the adopted schedule of fees.

**§ 201-5(3) SEVERABILITY/AMENDMENT**

Each section of these rules and regulations shall be construed as separate to the end that if any section, item, sentence, clause or phrase shall be held invalid for any reason the remainder of these rules and regulations shall continue in full force and effect.

These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board of Health, as provided by law and applicable regulations.

**§ 201-5(4) EFFECTIVE DATE**

These regulations were accepted and approved by vote of the Chelmsford Board of Health, at a regularly scheduled meeting held on December 10, 2018, and were revised at a regularly scheduled meeting held on January 7, 2019. A public hearing was held on December 3, 2018, and another public hearing was held on January 7, 2019 for the further revisions. These regulations are to be in full force and effect retroactive to January 1, 2019 (and shall thus be applicable to all permit applications for 2019), and shall be available in the office of the Chelmsford Board of Health and the Town Clerk.

True Copy Attest