

MINIMUM STANDARDS FOR THE KEEPING OF ANIMALS

TOWN OF BEDFORD
BOARD OF HEALTH
(Effective April 1, 2017)

1. AUTHORITY

- 1.1 This regulation is promulgated pursuant to the authority granted to the Bedford 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

- 2.1 This regulation is promulgated to provide minimum standards for the keeping of animals in Bedford. This regulation aligns with the December 2013 Bedford Comprehensive Plan Land Use vision for Residential Neighborhoods, by enabling Bedford residents to have the opportunity to participate in the growing national trend for responsible, small scale agricultural production while protecting public health, safety and welfare in Bedford.
- 2.2 This regulation is not intended to regulate the use of land for commercial agriculture. Commercial agriculture may be limited by town zoning bylaw to activities on parcels of five (5) acres or more or on parcels of two (2) acres or more if the sale of products produced from the agricultural use on the parcels annually generates at least \$1,000 per acre based on gross sales dollars in areas not zoned for agriculture accordance with [M.G.L. Chapter 40A, Section 3](#).

3. DEFINITIONS

Unless otherwise noted below, the following terms shall have the following definitions throughout this regulation.

- 3.1 Abutter: Owners of the abutting land or property within three hundred (300) feet of the Applicant's property line. 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.
- 3.2 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](#).

- 3.3 Animal structure: Any structure used to house, shelter or contain livestock and animals.
- 3.4 Applicant: A person who applies for a permit to keep one or more animals under this regulation.
- 3.5 Board of Health or “the Board”: The Bedford Board of Health and/or its designated agents.
- 3.6 Cockerel: Young male chicken.
- 3.7 Corral: Any pen or enclosure for confining one or more animals.
- 3.8 Domesticated animals: Animals of a species of vertebrates that have been domesticated by humans so as 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.
- 3.9 Dwelling: Any building, structure or shelter used or intended for human habitation.
- 3.10 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.
- 3.11 Fencing: Enclosure material installed for the purpose of privacy or livestock and/or animal containment.
- 3.12 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). 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/>; and UNH Cooperative Extension Housing and Space Guidelines, https://extension.unh.edu/resources/resource/471/Housing_and_Space_Guidelines_for_Livestock.
- 3.13 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.
- 3.14 Keeping of Animals Permit or “Permit”: refers to a permit issued by the Board for the keeping or housing of one or more animals in accordance with the provisions of this regulation.

- 3.15 Livestock: Animals kept for agricultural purposes, including but not limited to cattle, goats, sheep, swine, equines, camelids, poultry and other fowl. For the purposes of this regulation, the definition of “Livestock” shall not include roosters or cockerels.
- 3.16 Manure Management Plan (MMP): A plan for the handling of manure. The MMP shall address cleaning, composting, storage, utilization and removal of manure.
- 3.17 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.
- 3.18 Person: Every individual, partnership, corporation, firm, association, group, or other entity including a city, town, county, or other governmental unit, owning property or carrying on an activity regulated by this regulation.
- 3.19 Pest Management Plan: is 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.
- 3.20 Rooster: Adult male chicken.
- 3.21 Stable: An accessory building or structure used for the shelter and/or feeding of one or more animals.
- 3.22 Stall: A compartment in a stable used for the keeping of one or more animals.
- 3.23 Usable Area: Land area suitable for the raising of animals such as pastures, fields and wooded uplands. This area does not include wetlands, dwellings, or any other area(s) as may be restricted by town, state or federal law, regulations or guidelines.
- 3.24 Wetlands: Land area or surface area so defined by the Massachusetts Wetlands Protection Act, [M.G.L. Chapter 131, Section 40](#) and regulations promulgated pursuant thereto at [310 CMR 10.00](#) as defined by the [Bedford Wetlands Protection Bylaw](#) or pursuant to [Section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1341](#).
- 3.25 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

- 4.1 All applications must be submitted to the Board of Health for review and approval, and shall meet the criteria set forth in Sections 4 and 5 of this regulation.
- 4.2 All structures must comply with the applicable setback requirements for the zoning district in which such structures are located as set forth in the Town of Bedford’s Zoning Bylaws, notwithstanding protection accorded by M.G. L. Chapter 40A, Section 3 and the Wetland Protections Act, 310 CMR 10.00.
- 4.3 All facilities for the keeping of animals shall be securely fenced so as to prevent the escape of animals therefrom.

- 4.4 All permitted animals must be confined to the property for which a permit is granted unless the permit holder has documented in writing to the satisfaction of the Board, including obtaining any necessary permissions, any and all arrangements for such animals to be temporarily kept elsewhere (i.e. for grazing, pest control, etc.).
- 4.5 In accordance with [M.G.L. Chapter 111, Section 125A](#), “. . . the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or noise from livestock or farm equipment used in normal, generally accepted farming procedures or from plowing or cultivation operations upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance.”
- 4.6 Household pets are exempt from this regulation with the exception that the Board may impose a permit requirement in situations where animals are kept in unreasonable numbers or in conditions that may result in a public nuisance or recognized hazard to the health and welfare of the Town of Bedford.

5. PERMIT AND APPLICATION REQUIREMENTS

- 5.1 A permit is required for anyone keeping one or more animals as defined in this regulation, except on commercial farms which meet the requirements of [M.G.L. Chapter 40A, Section 3](#) and/or [M.G.L. Chapter 128, Section 1A](#).
- 5.2 The keeping of less than seven (7) chickens shall not require a permit.
- 5.3 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 Bedford. Such application(s) shall be accompanied by the following information, and will be deemed incomplete if any information, plan or fee is missing:
 - 5.3.1 Name, mailing address and telephone number of all owners of the property.
 - 5.3.2 Name, mailing address and telephone number of all occupants of the property.
 - 5.3.3 Location – street address of the premises to be used.
 - 5.3.4 Number and species of animals to be kept.
 - 5.3.4.1 If the permit holder intends to increase the number and species of animals to be kept prior to the end of the permit year, the permit owner 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 was based.
 - 5.3.5 A plot plan, with dimensions of the area where animals will be kept. Also required on the plot plan are the locations of the primary residence, structure(s) (including fences), abutting structure(s), corrals, septic system, private wells and wetlands. A hand-drawn plot plan is acceptable so long as it is of sufficient detail and quality to allow for Board review.
 - 5.3.6 A written management plan for the following:

- 5.3.6.1 manure management
 - 5.3.6.2 storage of feed
 - 5.3.6.3 pest management
- 5.3.7 Application fee as indicated on the current Board of Health schedule of fees.
- 5.3.8 Said permit shall not be transferable as to other animals, or assignable or transferable for the use of other persons or the use of other premises.
- 5.4 Said permit shall expire on December 31st of each year, unless sooner revoked or suspended by the Board for violation of any of the provisions of this regulation. A permit holder must apply for a renewal of the permit at least thirty (30) days prior to the expiration of said permit. If a permit holder (under the prior regulation or this regulation) fails to timely apply for a renewal of the permit, said permit holder's application shall be treated as an application for a new permit. The permit holder shall notify the Board of any changes in the number and type of species authorized by the permit during the permit year.
- 5.5 If the permit holder is not the owner of the property, documentation must be provided indicating that the property owner permits the keeping of animals on the property. The permit holder shall notify the Board of any changes to the occupancy and ownership of the property during the permit year.
- 5.6 All permits issued for the keeping of animals prior to the adoption of this regulation shall be valid, and may be renewed subject to the regulation in effect prior to the adoption of this new regulation providing conditions and agreements contained in the original applications have not changed, and that no conditions exist that would be injurious to public health, safety or welfare, or which restrict the normal use and enjoyment of contiguous property. All renewals of permits subsequent to the adoption of this regulation shall be subject to the current schedule of fees.
- 5.7 All new applications for a permit to keep animals and all variance requests submitted after April 1, 2017 will be considered by the Board only after the Board conducts a public hearing. Notice of public hearing shall be provided, at the applicants' expense, by first class mail to all abutters (see definition of abutter) and by legal notice in a local newspaper of general circulation. Both methods of notice shall provide at least fourteen (14) days' notice prior to the public hearing. The applicant shall submit a list of abutters, certified by the Town Board of Assessors, with the application. Such certification shall be conclusive for all purposes.
- 5.8 The burden shall be upon the applicant to establish that the granting of a permit shall not be detrimental in any way to the public welfare and would not endanger the health or safety of the municipality, and that all applicable requirements of this regulation have been satisfied. The Board may deny a permit application if the applicant does not satisfy such burden. The Board may impose conditions, safeguards and other limitations on a permit consistent with the public health, safety and welfare.
- 5.9 The following animals are prohibited within the Town of Bedford:

5.9.1 Roosters, cockerels and non-exempt wild animals, in accordance with [M.G.L. Chapter 131, Section 23](#).

5.10 The permit applicant acknowledges that the MDAR's Division of Animal Health requires that if an animal contracts a disease designated in its reportable disease program, it must be reported to MDAR's reportable disease program.

5.11 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. CONSTRUCTION AND CONSTRUCTION CHANGES

6.1 No person shall erect, occupy, use, rebuild, reconstruct, alter or structurally change a stable, accessory structure or corral intended for the housing or confining of animals without submitting an initial or revised plan to the Board for its review and approval. The plan shall include references to MDAR's GAAPs and best management practices derived from the indicated resources in Section 3.12.

6.2 It is the responsibility of the Applicant to comply with Bedford's Zoning Bylaws and the applicable Building Code when conducting construction or construction changes referenced in Section 6.1.

7. PENALTIES

7.1 If there is a violation of this regulation, a representative of the Board of Health or its agent may issue a written order ("Order") to the person or persons having control of the premises and to the permit holder (if different) to correct the offending deficiencies.

7.2 As an alternative to an Order or in the event that a person does not comply with an Order and such Order is not modified or withdrawn, the Board may commence an enforcement action to correct such violation(s).

7.3 In accordance with [Massachusetts General Laws Chapter 111, Section 31](#), any violation of this regulation shall be subject to fine. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the Board from seeking equitable relief to enforce this regulation.

7.4 The Board may suspend, revoke or deny a permit if a permit holder is found to be in violation of any provision of this regulation by the Board.

8. HEARINGS

8.1 Any person to whom an Order has been served pursuant to Section 7 above, 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 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 may be given an opportunity to present evidence and to show why an Order should be modified or withdrawn.

9. VARIANCES

- 9.1 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 5.7 above.
- 9.2 Variances shall be granted only under the following conditions:
 - 9.2.1 Strict enforcement of this regulation will constitute a manifest injustice AND the granting of the variance shall not in any way impair the public health and safety or the environment.
- 9.3 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

- 10.1 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.