

**TOWN OF HARWICH
BOARD OF HEALTH**

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HARWICH, MA

2023 FEB -7 P 3: 24

ANIMAL REGULATIONS

SECTION 1

DEFINITIONS

Barn	Any structure used to shelter animals including but not limited to; porcine (pigs), bovine (cows), caprine (goats), ovine (sheep), Camelidae (alpacas, llamas, camels, etc.).
Commercial Piggery	Any part of a property used to shelter, maintain, or process two (2) or more swine for food, sale, or for any other purposes.
Coop	Any animal shelter used specifically to shelter poultry (chickens, fowls, geese, turkeys, ducks, etc.).
Equine	Of or belonging to the Family Equidae, which includes, but is not limited to, horses, ponies, mini-horses, asses, donkeys, burros, mules, and zebras.
Mucked-Out	To clean a place where animals live, by removing the waste products.
Non-Commercial Piggery	Any property used to shelter or maintain two (2) or more swine used as outdoor pets, or for personal consumption. Breeding is strictly prohibited.
Nuisance	Any source of filth, noise, odor, or sickness that is injurious to the public health, is capable of containing or conveying infection or contagion, or of creating sickness as determined by the Board of Health or its agents.
Paddock	An enclosed area used to contain livestock or domestic animals.
Pet Pig Permit	Any property used to shelter or maintain two (2) or more pot-bellied pig as indoor pets. Breeding is strictly prohibited.
Stable	Any structure used to shelter or maintain equine animals.
Swine	All porcine animals (pigs), including pot-bellied and other "pet" pigs.

SECTION 2 AUTHORITY

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

SECTION 3 STATEMENT OF PURPOSE

- 3.1 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 Harwich Board of Health has adopted these regulations.

SECTION 4 GENERAL PERFORMANCE STANDARDS FOR ALL DOMESTIC AND LIVESTOCK ANIMALS IN THE TOWN OF HARWICH

- 4.1 Adequate care, care ordinarily and customarily provided, when keeping of all animals, whether they be domestic, or livestock is required.
- 4.2 All domestic and livestock animals kept in the Town of Harwich shall be effectively controlled so as not to become a nuisance, or a danger, to their own, or public health as determined by the Board of Health or its Agents.
- 4.3 All domestic and livestock animals shall have access to clean water at all times, adequate shelter from the elements, and appropriate fencing to contain animals from going onto neighboring properties.
- 4.4 Free ranging of any domestic or livestock animals without fencing or barriers is prohibited. Animals may free range on an owner's property provided a barrier is in place that guarantee animals cannot roam onto a neighboring property.
- 4.5 No person shall erect, occupy, or use for a stable or piggery, any building, or any land for the housing of one or more equines or swine in the Town of Harwich unless such use is licensed by the Board of Health pursuant to General Laws, Chapter 111, §155.
- 4.6 All other Federal and State Regulations apply.

SECTION 5 SETBACKS

- 5.1 All animal shelter and enclosures shall comply with the setbacks contained in the following table, as well as any other applicable setbacks.

MINIMUM DISTANCE REQUIREMENTS*

Location	Non-Commercial Piggery (≤ 2)	Commercial Piggery	Stable/Barn**	Coop**	Fences/Paddocks*	Compost/Manure Pile**
<i>Abutters Dwelling</i>	75'	100'	50'	50'	30'	65'
<i>Abutter's Property Line</i>	50'	50'	30'	30'	5'	50'
<i>Private Domestic Water Supply Well</i>	100'	100'	100'	100'	100'	100'
<i>Town Water Supply Well</i>	400'	400'	400'	400'	400'	400'

**Any pre-existing structure located within the required setbacks prior to the promulgation of these regulations are considered exempt from the setback requirements provided said structure remain in the same place. No new structures are to be placed within the required setback without a variance from the Board of Health.*

***Not applicable to piggery permits. All piggery related structures, fencing, and accessories must adhere to piggery setbacks. Pet Pig Permit holders must adhere to all zoning requirements.*

SECTION 6 EQUINES

General

- 6.1 In accordance with General Laws, Chapter 140, §175, all stallions must be registered with the Town of Harwich. Registration shall be renewed every calendar year.
- 6.2 Before any person can engage in the business of killing or rendering horses, a license as required by General Laws, Chapter 111, §154, must first be obtained from the Board of Health.
- 6.3 The Board of Health, or any person designated by the Board of Health as their agent, may, at all reasonable hours, enter the premises in which a horse is kept for the purpose of inspecting the conditions therein.

Barn/Stable Construction

- 6.4 Every equine animal shall have stable facilities, and no equine animal shall be allowed to always remain out of doors without having access to proper shelter.
- 6.5 A so-called run-in shed is allowed, which shall be a three-sided, roofed structure, facing south whenever possible.
- 6.6 All stables/barns shall be kept in a structurally sound, free from decay and damage, and in a clean and sanitary condition, free from insect and rodent infestation.
- 6.7 All stables/barns shall have, in a conspicuous location, a class 1 fire extinguisher (a minimum-5lb. ABC or the equivalent) which is pressure tested annually, or has a gauge.
- 6.8 All stall sizes shall be commensurate with the equines size, but at a minimum must meet the following criteria; stalls for ponies shall be a minimum of eight feet square (8' x 8'). Stalls for horses' sixteen (16) hands in height or less shall be a minimum of ten feet square (10' x 10'). Stalls for horses exceeding sixteen (16) hands in height, i.e., warmbloods, draft horses, etc., shall be a minimum of twelve feet square (12' x 12'). Stalls for foaling, or for a broodmare with a foal at her side, shall be a minimum of fourteen feet square (14' x 14'). (A hand is defined as 4", and is measured from ground to withers.)
- 6.9 All equine animals shall have a minimum head-clearance commensurate with their size, but a minimum of at least 8' clearance is required.
- 6.10 Each stall shall have at least one window that can be opened for draft-free ventilation.
- 6.11 Bare wood or concrete floors are prohibited without bedding and mats.
- 6.12 Bedding: Each stall shall have a minimum of three (3) inches of sawdust, shaving, dust-free straw, pellets, or other material approved by the Board of Health prior to use. If the flooring material is made of wood or concrete mats must be provided below the minimum three (3) inches of bedding.

SECTION 7 PIGS & PIGGERIES (SWINE)

General

- 7.1 Two (2) or more pigs must be permitted with either a commercial piggery permit, non-commercial piggery permit, or pet pig permit. One pig does not require a permit.

Construction

- 7.2 All piggeries shall be kept structurally sound, free from decay and damage, and in a clean and sanitary condition, free from insect and rodent infestation.

- 7.3 All buildings used to house pigs shall be properly ventilated.
- 7.4 Brood houses shall be cleaned daily.
- 7.5 The owner shall provide for vermin-proof and insect-free storage of grain and shall provide refrigeration facilities where needed.
- 7.6 Refuse, including uneaten food and manure shall be removed from the premises within 24 hours, or shall be kept that such material will not create odors noticeable off the premises, will not permit fly breeding, and will not be accessible to the pigs.
- 7.7 A bin or other approved receptacle for receiving garbage shall be provided and shall be tightly covered. Bins, cans, wagons, trucks, and other receptacles for the storage of garbage shall be thoroughly cleaned after the removal of the garbage.
- 7.8 Best Management Practices for the keeping of swine by the USDA must be employed at all times, including but not limited to, the control or elimination of odor, flies and vermin and the handling and transport of pig manure.
- 7.9 Commercial piggery permit, non-commercial piggery permit, and pet pig permits may only be approved by the Board of Health after approved by the Zoning Compliance Officer.

SECTION 8 DRAINAGE AND WASTE DISPOSAL (ALL ANIMALS)

- 8.1 All drainage, animal wastes, and used bedding shall be disposed of in a sanitary manner.
- 8.2 All animal waste shall be either composted on the premises (permission must be granted by the Board of Health prior to composting) or stored temporarily, not to exceed two (2) weeks, above-ground unless approved as part of the manure management plan. Storing above-ground in containers or trailers requires covering the waste with a watertight cover.
- 8.3 No manure or used bedding shall be permitted to remain outside the barn unless collected in compost piles and approved by the Board of Health.
- 8.4 If uneaten feed, manure, and refuse are collected in compost piles, they shall be covered with earth, loam, or other suitable material in sufficient amounts to eliminate any odor or nuisance.
- 8.5 All animal wastes shall be removed from barns and paddocks at least once daily and shall be disposed of as above.
- 8.6 All animal waste stored or composted shall be located to prevent runoff from entering any wetlands or waterway, including drainage ditches.

SECTION 9 STABLE, PIGGERY, & PET PIG PERMIT REQUIRMENTS

- 9.1 All animal related permits shall expire on December 31st of each year, unless sooner revoked at any time by the Board of Health for cause. The determined fee schedule for permits will be set forth by the Board of Health, reviewed yearly, and can be found on the online fee schedule.
- 9.2 All new applicants shall be required to file a detailed site plan, detailed floor plan of the stable or structure, and a written manure management plan for stables and piggeries, or a sanitary plan for indoor pet pigs.

Site Plan Requirements: This drawing shall consist of a “to scale” site plan of the property, no less than 1” = 30’ which outlines at a minimum: lot lines; all structures clearly labeled; location of paddocks/pastures; location of fencing; water supply lines and/or wells; septic system; wetlands; manure storage facility; storm water mitigation in paddock areas.

Interior Floor Plan: A “to scale” drawing of the interior shall consist of a detailed floor plan of the including dimensions, partitions, ventilation, and water source. Water source must be either Town or consumption well.

Manure Management Plan: In order to minimize insect/vector and odor nuisances and to eliminate sources of ground water and wetland contamination, each applicant and permit holder shall develop and follow an acceptable manure management program. The written plan shall address the following:

- What materials make up the stall floors? (clay hardening, stone dust, pellets, mats, etc. list all items)
- How often are the stalls “mucked out”?
- Where is it stored? Is it off the ground?
- How often are the paddocks “mucked”?
- If you have a grass pasture, how often is that “mucked”?
- What is the final disposal place for the manure?
- How often is the manure removed from the property?

Sanitary Plan: In order to minimize any public health threats, each applicant and permit holder shall develop and follow an acceptable sanitary plan. The written plan shall address the following:

- Is your pig house trained? If so, where is the litterbox located, and what material is being utilized.
- How often is the litterbox being cleaned?
- If your pig is not litterbox trained, how often are you picking up the waste and what is the final disposal place for the waste?

- 9.3 Any property located in a Zone II or a water recharge area must file an environmental impact report with the Board of Health demonstrating that the proposed nitrogen loading will not be a detriment to the water quality or land.
- 9.4 Commercial piggery permits, non-commercial piggery permits, and pet pig permits require floor plans, proof of vaccination, proof of approval from the Zoning Officer, and a sanitary plan or manure management plan.
- 9.5 Application(s) for all permits shall be submitted on a form supplied by the Board of Health for each location where animals are kept in Harwich. Such application(s) shall be accompanied by the following information, and will be deemed incomplete if any information, plan or fee is missing.
- i. Name, mailing address, phone number and email of all owners of the property, including an emergency contact number.
 - ii. Location – street address of the premises to be used.
 - iii. Maximum number and species of animals to be kept.
 - iv. A to scale site plan (requirements listed above).
 - v. Manure Management Plan or Sanitary Plan
 - vi. Pest management plan
- 9.6 If the permit holder intends to increase the number of animals, or change in species of animals to be kept prior to the end of the permit year, the permit holder 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 is based.
- 9.7 The 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
- 9.8 If the permit holder is not the owner of the property, documentation must be provided indicating that the property owner is not opposed to the keeping of animals on the property.
- 9.9 All permits issued prior to the effective date of this regulation are valid and may be renewed prior to the effective date of this regulation, subject to the prior regulation, provided conditions and agreements contained in the original application have not changed, and that no conditions exist that would be injurious to the public health, safety or welfare. All renewals of permits after the effective date of this regulation shall be subject to this regulation

SECTION 10 INSPECTIONS OF PET PIGS, PIGGERIES & STABLES

- 10.1 Inspections will be conducted annually or as necessary and shall be during reasonable hours, by the Board of Health, Health Agent, or Animal Inspector. Failure to correct cited deficiencies may lead to the issuance of fines, the revocation of the Board of Health Permit, or both.

SECTION 11 VARIANCES

- 11.1 The Board of Health may vary the application of these regulations if it finds these regulations would cause undue hardship to the applicant and that the granting of a variance would not be detrimental to the public health or to animals. Variances shall be in writing and shall be subjected to such conditions as the Board of Health may judge necessary.
- 11.2 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 below. Variances shall be granted only under the following conditions:
- a. Strict enforcement of this regulation will constitute a manifest injustice, and
 - b. The granting of the variance shall not in any way impair the public health and safety or the environment.
 - c. The Board may impose any conditions, safeguards and other limitations on a variance when it deems it appropriate.
- 11.3 All variance requests will be considered by the Board only after the Board conducts a public hearing. Notice of the public hearing relative to the request shall be provided to all abutters by first class mail at the applicant's expense and by legal notice in a local newspaper of general circulation by the Harwich Board of Health. Both forms of notice shall provide for at least fourteen (14) days' notice prior to the public hearing. The applicant shall submit a list of abutters, certified by the Harwich Board of Assessors with the variance request application and a sworn statement that the applicant has mailed notice to each abutter by first class mail. The applicant must demonstrate that the issuance 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 impose conditions, safeguards and other limitations on a permit consistent with the public health, safety and welfare.
- 11.4 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.

SECTION 12 SEVERABILITY & PENALTIES

- 12.1 Criminal Complaint – Whoever violates any provision of these rules and Regulations may be penalized by indictment or on complaint brought in the District Court except as may otherwise be provided by law, and as the District Court may see fit to impose.
- 12.2 Non-Criminal Disposition – Whoever violates any provision of these rules and Regulations may, in the discretion of the Health Agent or enforcing persons be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the General Laws, Chapter 40, §21D. For the purpose of this provision the penalty to apply in

the event of a violation shall be as follows: \$50.00 each day on which a violation exists shall be deemed to be a separate offense.

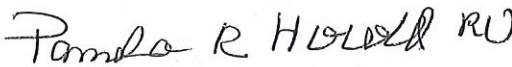
Enforcing Persons:

Board of Health and its Agents
Animal Control Officer/Animal Inspector
Police Officers

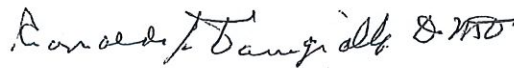
Sharon Pfleger, M.S. - Chair



Pamela Howell, R.N. - Vice Chair



Ron Dowgiallo, D.M.D. - Clerk



Kevin DuPont, R.N. - Member



Matt Antoine - Member

ADOPTED: January 18, 2023

EFFECTIVE: April 1, 2023

