

**TOWN OF HARWICH
BOARD OF HEALTH**

ANIMAL REGULATIONS

SECTION 1 DEFINITIONS

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.
Swine	All porcine animals (pigs), including pot-bellied and other “pet” pigs.
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 .
Stable	Any structure used to shelter or maintain equine animals.
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 more than two (2) swine’s for food, sale, pets, or for any other purposes.
Non-Commercial Piggery	Any property used to shelter or maintain two (2) or fewer swine’s as pets, or for personal consumption. Breeding is strictly prohibited.
Coop	Any animal shelter used specifically to shelter to maintain poultry (chickens, fowls, geese, turkeys, ducks, etc.).

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 must be provided when keeping of all animals, whether they be domestic, or livestock.
- 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 grandfathered in. No new structures are to be placed within the required setback without a variance from the Board of Health.*

***Not applicable to pigs/swine. All pig related structures, fencing, and accessories must adhere to piggery setbacks.*

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 In accordance with the General Laws, Chapter 272, §86E, the Board of Health, or any person designated by the Board of Health, 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 run in shed is allowed, but each shed 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 Not more than 2 pigs are permitted for non-commercial raising or keeping without a piggery 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 immediately removed from the premises, 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.

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 PERMIT REQUIREMENTS

- 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 stable & piggery applicants shall be required to file a detailed site plan, detailed floor plan of the stable or structure, and a written manure management plan.

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; 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?

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.

SECTION 10 INSPECTIONS OF 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.

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, the maximum penalty for any violation of these provisions shall be \$500.00 for each offense.

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

ADOPTED:

EFFECTIVE: