

Chapter 409

ANIMALS

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[HISTORY: Adopted by the Board of Health of the Town of Wakefield 10-8-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Dogs and other animals — See Ch. 104.

§ 409-1. License required.

- A. No person shall keep within the limits of this town in any building or on any premises of which he may be the owner, lessee, tenant or occupant any cows, cattle, goats, pigs, swine, sheep, poultry, game birds, horses, reptiles or pigeons without first obtaining a license from the Board of Health in accordance with MGL c. 111, § 155 and these regulations.
- B. Licenses for keeping of such animals shall be issued separately as to each species of animal to be kept and for a stated maximum number of each such animal. Licenses shall be neither transferable as to other animals nor assignable for the use of other persons nor as to the use of other premises. Such licenses shall not be construed to run with the land.

§ 409-2. License application; information required; conditions.

- A. Any person desiring to obtain such a license shall file a written application with the Board, on a form provided, which shall state the applicant's full name and residential address and describe the entire premises and the area where the animal(s) shall be kept, including the existing and intended facilities to house and accommodate such animal(s) and the number of species of animals for which the license is sought, and shall notify each abutter by registered or certified mail, return receipt requested, of the filing of such application, stating that they have the right to be heard prior to or at the meeting of the Board at which the application will be acted upon, which shall be no sooner than fourteen (14) days after the date of application. For purposes of this regulation, an abutter shall be considered to be

any owner of property bounded wholly or in part by the subject premises or directly opposite on a public or private way.

- B. Upon receipt by the Board of such an application, the Board and/or its agent(s) shall inspect the premises and shall receive a plot plan from the applicant stating the following: the size of the entire lot and the area on said lot which is intended to accommodate said animal(s); the distance of said area from abutting dwellings and property lines; and the type of enclosure planned or existing on the premises to contain and secure the animal(s). Said animal(s) must be kept within the confines of a fence, pen, corral or other type of suitable enclosure at all times, as approved by the Board of Health. The applicant shall also note other conditions which could influence the safety and health of the community if said animal(s) were kept on the applicant's premises.
- C. The burden shall be upon the applicant to establish that the granting of such a license shall not be detrimental in any way to the public welfare and would not endanger the safety or health of the community and that said applicant has sufficient knowledge, ability and resources to properly care for said animal(s).
- D. Notice of the Board's decision shall be mailed to the applicant and may contain conditions on the keeping of animals imposed by the Board.
- E. Licenses issued in accordance with the preceding regulations and conditions shall be contingent upon a examination of the licensee's animals by the animal inspector duly appointed by the Board to ascertain the general good health of the animal(s) and verify the animal's inoculation record as designated by the Board. This stipulation must be satisfied within thirty (30) days of the issuance of the license in order for said license to remain valid.
- F. If at any time an animal(s) kept pursuant to a license is killed or dies, a duly authorized agent of the Board shall investigate such death and file a written report with the Board which will be on file at the office of the Board for public inspection within two (2) weeks after the receipt of the notice of death of such animal(s).

§ 409-3. Construction or remodeling of facility.

Any person who proposes to remodel a building or portion thereof which is being used as an animal housing facility or who proposes to construct a new building which is intended to be used in whole or in part as an animal housing facility shall, prior to such remodeling, renovating or construction, submit to the Board a new application for a license, as specified in § 409-2.

§ 409-4. Fees.

The fee for all such licenses shall be set forth as stated below. Licenses shall expire at the end of each current fiscal year, unless revoked by the Board for violations of said regulations.

- A. Birds/fowl, maximum twenty-four (24): ten dollars (\$10.).
- B. Cattle, cows, horses, goats and sheep: ten dollars (\$10.) (each animal).

- C. Pigs, maximum three (3): ten dollars (\$10.).
- D. Pigeons, maximum fourteen (14): ten dollars (\$10.).
- E. Stable permit [for five (5) or more horses]: forty dollars (\$40.).

§ 409-5. Regulations with respect to specific animals.

A. Cattle, cows, horses, goats and sheep.

- (1) Area. A minimum land area of forty-three thousand five hundred sixty (43,560) square feet shall be required for one (1) animal, and for each additional animal twenty thousand (20,000) square feet shall be required.
- (2) Capacity. Each stable shall contain at least one hundred sixty (160) square feet for each animal.
- (3) Cleanliness. Housing and premises thereof shall be kept in a sanitary condition.
- (4) Water supply. Housing shall be furnished with an adequate and safe supply for feeding and cleaning purposes.
- (5) Bedding. Bedding shall consist of straw, hay or like substances but shall not consist, in whole or in part, of wool waste.
- (6) Manure. Manure shall be removed frequently from the animal area and housing and stored, piled or spread in such a manner so as not to cause a breeding place for flies or offensive odors. In fly-breeding seasons, manure storage shall be periodically treated with chemicals approved by the Department of Agriculture.
- (7) Floors and walls. These shall be designed, constructed and maintained so as not to cause or contribute to unsanitary conditions in the animal housing facility.
- (8) Location. Housing shall be located on land with good drainage and not subject to periodic or seasonal flooding. All housing shall be at least one hundred (100) feet away from any swamp, stream, pond, well or property line, one hundred (100) feet from any public or private way or any abutter's dwelling and fifty (50) feet away from a property line.
- (9) Ventilation. A minimum of ten percent (10%) of the total floor area shall be provided for ventilation purposes. Ventilation may be provided for by artificial means such as air vents or mechanical fans.
- (10) Rodent control. Effective measures shall be taken to prevent and control rodents.
- (11) Safety. Appropriate measures shall be taken to minimize fire hazards.

B. Birds and fowl. The maximum number of live fowl kept in a henhouse shall be twenty-four (24). Said henhouse shall be no less than fifty (50) feet from any dwelling, no less than twenty (20) feet from any public or private way and no less than fifty (50) feet from an abutter. Live fowl shall be confined at all times and not permitted to run at large. No rooster shall be kept in a residential area within the town limits.

C. Pigs.

- (1) The keeping of pigs shall be limited, not to exceed three (3).
- (2) No pig shall be located or maintained on land within two hundred fifty (250) feet of the high-water mark of any source of drinking water supply or tributary thereof or within two hundred fifty (250) feet of the high-water mark of any open waterway flowing directly or ultimately into any source of water supply.
- (3) Pens and other enclosures shall not be located within one hundred fifty (150) feet of any public or private way and shall be suitably isolated and maintained in such manner that no nuisance shall be created. A building used for housing pigs shall be whitewashed at least twice a year.
- (4) Feeding.
 - (a) Pigs shall be fed from troughs of cement or iron and shall be kept clean.
 - (b) If outdoor pens or runs are provided, the swine shall be fed from platforms built of heavy, watertight material flat on the ground or on skids no less than one (1) foot above the ground and arranged so that the platform can be readily moved and the ground at the earlier location ploughed in. If the feeding platform is elevated, the surface between the ground and the platform shall be kept clean and clear. No food shall be allowed to accumulate about the platform or ground.
 - (c) The feeding place shall be cleaned once a day, and all refuse and manure shall be removed.
 - (d) Unless fed to the pig immediately, all swill, garbage and refuse brought upon the premises shall be kept in covered receptacles made of cement with sufficient facilities for underground drainage. All rotted garbage shall be removed daily.
- (5) General maintenance.
 - (a) Manure and refuse in pens shall be cleaned twice weekly and removed from the premises at least weekly and in the meantime must be kept so that it will not constitute a nuisance and so that the animal(s) will have access to it. If, however, one plans to plough manure, once spread, ploughing must take place within forty-eight (48) hours.
 - (b) Wet muck in pens shall be removed and replaced with clean sand.
 - (c) A water supply adequate for cleaning purposes shall be provided.
- D. Reptiles and poisonous snakes. No poisonous snake or reptile shall be kept within the town limits.
- E. Pigeons. No more than seven (7) pairs of pigeons with a maximum of two (2) offspring per pair are allowed, with the flying time not to exceed forty-five (45) minutes twice daily. No more than fifteen (15) pigeons shall fly at one time.
- F. Additional stipulation. No public nuisance or unsanitary condition shall be allowed to exist in the keeping of any classification of animal.

§ 409-6. Complaints; suspension or revocation of license.

If the Board receives a complaint from an individual claiming grounds exist for the termination of a license or that animals are being kept without a license or a licensee is in violation of said regulations, the Board or its agent(s) shall, within forty-eight (48) hours after receiving such a complaint, investigate the matter and provide a response to both the complainant and licensee. The Board of Health may revoke or suspend a license for violations of any of the provisions of these regulations.

§ 409-7. Hearing.

The holder of any license thus revoked or suspended shall be notified of such action by certified mail. Any person so aggrieved may petition the Board of Health for a hearing at the next Board meeting and may permit the keeping of said animal(s) pending its findings.

§ 409-8. Variances.

The Board of Health may vary the application of any provision of these regulations in any particular case when, in its opinion, the enforcement would manifest an injustice, provided that the decision of the Board shall not conflict with the spirit of the regulations. Any applicant for a variance shall nonetheless present a completed application for license as required by § 409-2 hereof. If the Board receives a complaint from individuals claiming grounds exist for termination of a license granted under a variance, the Board's agent shall investigate the matter and shall provide a telephone response with forty-eight (48) hours and discuss the matter at the next regular Board meeting.

§ 409-9. Grandfather clause.

- A. Notwithstanding anything in these regulations to the contrary, but subject to the provisions of Subsection B of this section, any property owner who kept animals on her/his land in Wakefield prior to July 17, 1986, may continue to use said land for keeping of such animals, whose number shall not exceed those kept prior to July 17, 1986. The rights afforded by this section shall terminate when the ownership of the land as it existed prior to July 17, 1986, changes or the use thereof for animals is terminated, at which time the use of the land, the keeping of animals thereon and the maximum number of allowable animals must conform to these regulations in all respects.
- B. In the event that the Board of Health, acting pursuant to MGL c. 111, § 155 and these regulations, has reason to believe that the number of animals otherwise allowed to be kept by virtue of this section is creating a public nuisance or an unsanitary condition or is otherwise a danger to the public health, then the Board of Health, after written notice to the owner and a public hearing, may reduce the number of animals otherwise allowed to be kept by this section so as to cure such public nuisance, unsanitary condition or public health danger.

§ 409-10. Commercial facilities.

Any farm which contains fowl or livestock and is a registered business enterprise that sells said animals or animal by-products to the public is not under the jurisdiction of these regulations to the extent that jurisdiction thereover is with the Massachusetts Department of Agriculture.

§ 409-11. Enforcement.

- A. After notification from the Board of Health, any person housing or keeping animals without a license shall immediately apply for a license within twenty-four (24) hours or remove said animal(s) from the premises. Failure to respond within (10) days of notice of the violation of the rules and regulations for the keeping of animals in the town will result in that person being subject to fines and penalties as described for such violation.
- B. A license issued hereunder may be revoked by the Board if it determines that:
- (1) The presence of the animal(s) on the premises is dangerous to the public safety or health;
 - (2) The animals are not being properly cared for;
 - (3) Facts contained in the application or as represented by the licensee to the Board are inaccurate; or
 - (4) The licensee is keeping animals in addition to those for which the license was issued.

§ 409-12. Violations and penalties.

The penalty for noncompliance with any of the above rules and regulations shall be a fine of five dollars (\$5.) for every day in which the violation exists or the amount determined by the discretion of the Board, as defined under MGL c. 111, § 157, as amended.

Chapter 412 DUMPSTERS

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| § 412-1. Definitions. | § 412-6. Construction requirements. |
| § 412-2. Location. | § 412-7. Temporary dumpsters. |
| § 412-3. Regulations. | § 412-8. Fees. |
| § 412-4. Property owner and contractor responsibilities. | § 412-9. Applicability. |
| § 412-5. Permits. | § 412-10. Violations and penalties; enforcement. |

[HISTORY: Adopted by the Board of Health of the Town of Wakefield 10-6-2004, effective 1-1-2005. Amendments noted where applicable.]

§ 412-1. Definitions.

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

BOARD — The Board of Health or its agent or designee.

DUMPSTER — Any container (other than a conventional trash can with lid) used for storage of garbage, rubbish or refuse of any sort.

§ 412-2. Location.

- A. A dumpster must be located and placed in a manner approved by the Board of Health. A plan on an 8½ x 11 sheet prepared by the applicant shall be on file with the Board of Health showing the approved location of the dumpster, with distances to businesses serviced, noted on the plan.
- B. Location of a dumpster is not to interfere with safety, convenience or health of abutters, residents or general public.
- C. A dumpster must be so located as to not cause an obstruction to traffic nor obstruct sight distances for both pedestrian and vehicular traffic.

§ 412-3. Regulations.

- A. A dumpster is to be enclosed or screened, as required by the Board of Health when deemed necessary.
- B. A dumpster is not to be filled between 11:00 p.m. and 6:00 a.m.
- C. A dumpster is not to be emptied after 9:00 p.m. or before 6:00 a.m., except in areas of the Town zoned for business, commercial or industrial use.

- D. A dumpster must have a tight-fitting lid, and the lid must be closed when the dumpster is not in use. Roll-off dumpsters shall be covered when not in use. These covers are to be secured.
- E. A dumpster must be of sufficient size and capacity to eliminate overflowing, and the property owner or authorized agent of the premises utilizing the service must immediately empty contents when full.

§ 412-4. Property owner and contractor responsibilities.

- A. It shall be the responsibility of the property owner or agent to maintain the dumpster area free from odors, rodents, flies, insects, scattered debris, overflowing and all other nuisances.
- B. All dumpsters shall display the name and telephone number of the contractor. This shall be placed in a conspicuous location.
- C. The dumpster contractor shall have the dumpster deodorized, washed, and sanitized, as needed or as directed by the Board of Health.
- D. The contractor shall prevent spillage during the emptying process and also while transporting contents of the dumpster. If spillage occurs, it shall be the contractor's responsibility to clean such spillage immediately.
- E. All dumpsters must be covered when full and being moved.
- F. There shall be no collection of organics or liquids in dumpsters unless emptied every day.
- G. No liquids or organics shall be collected in any dumpster located inside a structure.
- H. Dumpsters are not allowed on the public way. If a dumpster is on a private way, it shall be equipped with a reflective device to warn motorists that a dumpster is present. Police must be notified to the above.

§ 412-5. Permits.

- A. No dumpster shall be placed in Town without first obtaining a permit from the Board of Health.
- B. Each dumpster permit shall renewed annually January 1, permit effective through December 31.
- C. All rubbish contractors must be permitted by the Board of Health.

§ 412-6. Construction requirements.

Each container placed in the Town must be of good construction and watertight.

§ 412-7. Temporary dumpsters.

- A. A temporary dumpster is to be used for residential/commercial construction purposes that will occupy a specific location for 90 days or less.
- B. A permit must be obtained from the Board of Health for every temporary dumpster.

§ 412-8. Fees.

- A. The fee for each dumpster shall be \$25
- B. Each temporary dumpster permit shall be \$10.
- C. The permit fee for each hauler shall be \$25.

§ 412-9. Applicability.

These regulations apply to all dumpsters, whether residential, commercial or municipal within the Town of Wakefield.

§ 412-10. Violations and penalties; enforcement.

Any person who violates the terms of these regulations shall be subject to a fine of \$100 for the offense, with each day in violation being a separate offense. The Health Agent is authorized to enforce these regulations by all available means, including noncriminal disposition under MGL c.40, § 21D and Town of Wakefield Code § 1-7.