

Town of Reading Board of Health Regulations

Section 2: Keeping of Animals

2.1 REQUIREMENT FOR LICENSE

- 2.1.1 No person shall keep within the limits of the Town of Reading, in any building, or on any premises of which he is the owner, lessee, tenant, or occupant, any cows, cattle, goats, pig, swine, sheep, poultry, rabbits, game birds, horses, or pigeons, without first obtaining a license from the Board of Health.
- 2.1.2 Licenses for keeping of such animals shall be issued for the stated maximum number of each 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.

2.2 APPLICATION

- 2.2.1 Any person who wishes to apply for a license shall supply the following information:
 - 2.2.1a A written application on a form provided by the board.
 - 2.2.1b Furnish written verification of all abutters and abutters to abutters within three hundred (300) feet of the applicant's property stating that they have been notified of the applicant's intent and informed that they have the right to express concerns, if any, to the board within seven (7) working days. Such verification may be in the form of a signed letter or a receipt from the U.S. Post Office that a certified letter had been sent to the owner of the (abutting) property.
 - 2.2.1c A plot plan which includes the following information: topographical information, size of entire lot with structures present as well as structures planned for the use of intended animals (including fences and potable wells); distance of animal housing and enclosures from all abutters' (and abutters to abutters within three hundred feet) of the applicant's property structures and property lines; any other conditions which could influence the safety and health of the community if said animal(s) were kept on the applicant's premises.
 - 2.2.1d Fee as specified in Section 22 hereof
Upon receipt of a completed application as defined in 2.2 above, the Animal Inspector shall inspect the property.
- 2.2.2 If a license is issued it shall be issued to the owner of the property or the tenant of the property with written permission of the owner.
- 2.2.3 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 the said applicant has sufficient knowledge, ability and resources to properly care for said

animal(s).

- 2.2.4 Board shall act on the completed application at the next regular meeting. Notice of the Board's decision shall be mailed to the applicant within three working days of the decision and will include any conditions imposed by the Board.
- 2.2.5 Licenses issued in accordance with these regulations and conditions shall be contingent upon an 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 days of the issuance of the license, in order for said license to remain valid.
- 2.2.6 The death of any animal kept pursuant to such license shall be reported to the Board within two working days of the death of the animal(s).

2.3 CONSTRUCTION AND CONSTRUCTION CHANGES

Any person who proposes to construct or remodel a building or portion thereof for use of an animal as noted in these regulations shall, prior to such construction or remodeling, submit to the Board an application as defined in Section 2.

2.4 REGULATIONS WITH RESPECT TO SPECIFIC ANIMALS

2.4.1 CATTLE, COWS, HORSES, GOATS, AND SHEEP

- 2.4.1a Area: A minimum of land area of 43,560 sq. ft. shall be required for one animal and for each additional animal 20,000 sq. ft. shall be required.
- 2.4.1b Capacity: Each stall shall contain at least 100 square feet for each horse. Adequate space shall be provided for other animals.
- 2.4.1c Cleanliness: Housing and premises thereof shall be kept in a sanitary condition.
- 2.4.1d Water Supply: Housing shall be furnished with an adequate and safe supply for feeding and cleaning purposes.
- 2.4.1e Bedding: Bedding shall consist of straw, hay, or like substances but shall not consist in whole or part of wool waste.
- 2.4.1f Manure: Manure shall be removed frequently from the animal area and housing and stored, piled or spread in such a manner as so 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.
- 2.4.1g Floors and Walls: These shall be designed, constructed and maintained as not to cause or contribute to unsanitary conditions in the animal facility.

2.4.1h 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 wetland as defined in Article 32 of the Town of Reading by-laws, streams, rivers, well, public or private way, or abutter's dwelling. All fences, corrals or like enclosures shall be at least ten (10) feet away from any property line for one or two animals, fifty feet for three or more animals.

2.4.1i Ventilation: A minimum of ten (10) percent 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.

2.4.1j Rodent Control: Effective measures shall be taken to prevent and control rodents.

2.4.1k Safety: Appropriate measures approved by the Reading Fire Department shall be taken to minimize fire hazards.

2.4.2 **BIRDS AND FOWL**: The maximum number of live fowl kept in a hen-house shall be twenty-four (24). Said hen house shall be not less than fifty feet (50) from any dwelling, no less than twenty (20) feet from any public or private way, and no less than fifty feet (50) 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.

2.4.3 **PIGS**

2.4.3a No person shall keep more than three (3) pigs.

2.4.3b 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.

2.4.3c Pens and other enclosures: 1) Shall not be located within one hundred fifty (150) feet of any public or private way, (abutters) or any dwelling of an abutter or abutters to abutter's within three hundred (300) feet dwelling. 2) Shall be suitably isolated and maintained in such a manner that no nuisance shall be created. 3) Buildings used for housing pigs shall be whitewashed at least twice a year.

2.4.3d Feeding:

1) Pigs shall be fed from troughs of cement or iron and shall be kept clean.

2) 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 foot above the ground and arranged that the platform can be readily moved and the ground at the earlier location be ploughed in. If the feeding platform is elevated, the space between the ground and the platform shall be kept clean and clear, no food shall be allowed to accumulate about the platform or ground.

3) The feeding place shall be cleaned once a day and all refuse and manure be removed.

- 4) 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.
- 2.4.3 **General Maintenance:**
- 1) 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 not have access to it. If, however, on plans to plough manure, one spread, ploughing must take place within forty-eight (48) hours.
 - 2) Wet muck in pens shall be removed and replaced with clean sand.
 - 3) A water supply shall be easily accessible.
- 2.4.4 **POISONOUS SNAKES:**
No poisonous snake or reptile shall be kept within the town limits.
- 2.4.5. **PIGEONS:**
No more than seven (7) pair of pigeons with a maximum to two (2) offspring per pair is allowed, with the flying time not to exceed forty-five minutes twice daily. No more than fifteen pigeons shall fly at one time.
- 2.4.6. **Rabbits:**
No more than three (3) rabbits are allowed.
- 2.4.7 **ADDITIONAL STIPULATION:**
No public nuisance or unsanitary condition shall be allowed to exist, in the keeping of any classification of animal.
- 2.5 **COMPLAINTS**
Within three working days of the receipt of a complaint, the Board or its Agent, shall investigate the matter and provide a response to both the complainant and licensee.
- 2.6 **ENFORCEMENT**
- 2.6.1 After written notification from the Board of Health, any person housing or keeping animals without a license shall within twenty-four hours remove said animal(s) from the premises until such time as a license is issued.
- 2.6.2 After written notification from the Board of Health noting violations of these regulations, the licensee shall have ten (10) working days, or such time as noted in the notification, to correct such violations. Failure to correct such violations shall result in that person being subject to fines and penalties as outlined in these regulations.
- 2.6.3 Licenses issued may be revoked or suspended by the Board of Health if it is determined that:

- (a) the presence of the animal(s) on the premises are dangerous to the public safety or health or public nuisance; or
- (b) the animals are not properly cared for; or
- (c) facts contained in the application or as represented by licensee to the Board of Health are inaccurate; or
- (d) The license is keeping animals in addition to those for which the license is issued.

2.6.5 Violations of these regulations are subject to a fine of \$25.00 per offense. Each day that the offense continues shall constitute a separate offense.

2.7 **The Grandfather Clause**

2.7.1. Notwithstanding anything in these regulations to the contrary, but subject to the provisions of Subsection 2 of this Section 2, any property owner who kept animals on her/his land in Reading prior to March 6, 1978, may continue to use said land for keeping of such animals whose number shall not exceed those kept prior to March 6, 1978. The rights afforded by Section 2 shall terminate when the ownership of the land as it existed prior to March 6, 1978, changes or 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. 2) In the event the Board of Health acting pursuant to M.G.L. C. 111, Sections 155 and these regulations has reason to believe that the number of animals otherwise allowed to be kept by virtue of this Section 2 is creating a public nuisance, and 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 9 so as to cure such public nuisance, unsanitary condition or public health danger.

2.8 Commercial Facilities; Any farm which contains fowl or livestock and is a registered business enterprise that sells said animals or animals 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.