

TOWN OF BLACKSTONE
OFFICE OF BOARD OF HEALTH

REGULATIONS OF DOMESTICATED ANIMALS, (BIRDS,
MAMMALS, REPTILES, AMPHIBIANS AND APIARIAN)

The Blackstone Board of Health has adopted the following regulations at their regularly scheduled meeting on 04 February 2003 by the authority under the provisions of Chapter 111, Section 31 and Section 122 of the General Laws of the Commonwealth of Massachusetts. The Blackstone Board of Health accepts the provisions of 321 CMR 2.12, 321 CMR9.01 and 321 CMR 9.02.

DEFINITIONS

Amphibian – Any cold-blooded smoothed skinned vertebrate organisms of the class of Amphibia that typically hatch as aquatic larvae that breath by means of gills and metamorphose to an adult form with air-breathing lungs.

Animal Facility– Buildings, barns, pens, beehives, cages, aquariums, chicken coops or other means of keeping all domesticated animals.

Apiarian – The keeping and care of bees.

Bird – A member of the class of Aves, including warm-blooded, egg-laying, feathered vertebrates with four limbs modified to form wings.

Clutch - The offspring from a single mating pair of birds or animals and less than 8 weeks of age.

Domestic Animal –Any mammal, reptile, bird, amphibian or apian trained to adapt to live in a human environment and be of use to human beings.

Fowl – a bird of the order of Galliformes, the common widely domesticated chicken.

Human Dwelling – an abode; residence.

Mammal – A class of vertebrate animals distinguished by self- regulating body temperature, hair, and in females, mammae.

Person –an individual, corporation, partnership, trust, association or other private entity or any officer, agent, department or instrumentality of the federal government or any state or its political subdivisions, including but not limited to any agency, department, board commission or authority.

Piggery -: Premises upon which three (3) or more pigs are kept.

Premises – Land and the buildings on it.

Reptile – A cold-blooded, usually egg-laying vertebrate of the class of Reptilia, as a snake, lizard, crocodile, turtle or dinosaur, having an outer cover of scales or horny plates and breathing with lungs.

Residential Area – Are those areas and uses defined in the Town of Blackstone Zoning By-Law 123.

Surface Water Bodies – A body of water, as a lake, river, stream, wetlands, wildlife habitats and other conservation resources.

Swine - Any animal of various stout bodies, short-legged omnivorous mammals (family Suidae) with thick, bristly skin and long, mobile snout, commonly known as pigs and hogs. These include such names as Chinese, Vietnamese, Mini-pigs, Pot-belly, etc.

PERMIT REQUIREMENTS

1. No person or persons shall keep within the limits of the Town in any animal facility or on any human dwelling of which he/she may be the owner/lessee, tenant or occupant, any mammal, reptile, bird, amphibian or apian without a permit from the Board of Health, unless otherwise specified herein, excluding those species prohibited by law. All such permits expire on December 31st of each year and may be revoked by the Board of Health at any time for just cause. Applications shall be on forms provided at the office of the Board of Health and shall be acted upon within 60 days or such other reasonable and definite time as the Board of Health may find reasonable. An annual fee of Fifty (\$50.00) Dollars shall be paid by all person(s) who are required to file a permit with the Board of Health defined as follows.
2. Owners of five (5) or more birds and one clutch of offspring are required to have a permit from the Board of Health.
3. Owners of five (5) or more cats are required to have a permit from the Board of Health.
4. Owners of five (5) or more rabbits are required to have a permit from the Board of Health.

5 Owner(s) of an animal facility are required to have a permit from the Board of Health to operate an animal facility. All such permits expire on December 31st of each year and may be revoked by the Board of Health at any time for just cause. Applications shall be on forms provided at the office of the Board of Health and shall be acted upon within 60 days or such other reasonable and definite time as the Board of Health may find reasonable. All applications for the operation of an animal facility shall require a public hearing prior to the issuance of the permit by the Board of Health.

MAINTENANCE OF ANIMAL FACILITIES

6. The owners or persons in control of any animal facility, including all animals contained within attached Appendix 1, shall keep the animal facility clean from decaying food, filth, dirt and stagnant water. The animal facility shall be clean at all times and may be ordered by the Board of Health or agents/ inspectors to be cleaned and disinfected. No person shall house animals in a human dwelling with the exception of domesticated house pets.

a. Provisions shall be made for the disposal of manure and bedding material in a manner which will prevent the contamination of surface and /or groundwater's, prevent infestation by rodents and insects or the release of objectionable odors.

b. All animal manure or wastes shall be contained at least sixty (60) feet from the street line and forty (40) feet from any lot line and at least 100 feet from any year-round surface water body.

c. Provisions shall be made for the storage of feed in a manner, which will prevent infestation by rodents and insects or the release of objectionable odors.

d. Access of domestic animals to surface water bodies shall be restricted, to prevent stream bank erosion or the contamination of surface water. There shall be a Public Hearing before the Board of Health prior to the granting of access to surface water bodies to the owner of domestic animals. Said permit or approval shall be in writing and define the terms of said access. The petitioner shall notify all the abutters by registered mail ten (10) days prior to the hearing, and shall advertise the hearing with a Legal Notice in a local newspaper two (2) weeks prior to the Public Hearing. The Legal Notice shall contain the purpose, date, time and location of the Public Hearing. The owner or applicant shall be responsible for obtaining any necessary permits and approvals for such access to surface bodies of water as well as the construction of any necessary restraints.

e. No animal facility shall be less than sixty (60) feet from the street line and forty (40) feet from any lot line.

f. Animals must be kept in a fenced area, and fencing must be maintained properly to prevent animals from roaming at large.

KEEPING OF FOWL

7. Animal facilities providing shelter for fowl shall be at least sixty (60) feet from the street line and forty (40) feet from any lot line.
8. Fowl will be restricted to the owner's property and not allowed to roam at large.
9. No person shall keep any fowl in a building used as a dwelling.
10. No rooster(s) are allowed in a residential area.
11. Any rooster on a commercial or industrial property must be kept at least 250 feet from any lot line or public way.
12. The maximum number of live fowl to be kept in a residential area, either in a hen house or an enclosed area, shall be no more than ten (10).

KEEPING OF SWINE

13. A minimum of two (2) acres is required for the keeping of swine on any premises and shall be limited to two (2) swine. All swine shall be kept in a penned area, which is setback a minimum of 100 feet from all property lines and public ways. These penned areas shall be located in the backyard of the premises. All swine shall be suitably isolated and maintained in such a manner that no nuisance shall be created thereby.
14. Swine shall be restricted to the owner's property and not allowed to roam at large. Adequate shelter for swine must be provided. Swine kept as indoor pets must be leashed when outdoors.
15. All garbage fed to swine shall be thoroughly heated to at least 212 F degrees for 30 minutes. Adequate shelter must be provided.
16. Swine are to be kept free of filth. Feeding and watering areas must be cleaned daily.

KEEPING OF BEES

17. Beehives must be located at least sixty (60) feet from the street line and forty (40) feet from any lot line.

KEEPING OF CATS

18. Any person or persons keeping five (5) or more cats within the Town of Blackstone in any animal facility or human dwelling of which he/she may be the owner, lessee, tenant or occupant shall obtain a permit from the Board of Health for the keeping thereof. This permit shall require the owner to restrain the cats to the premises and shall be granted conditionally and shall be subject to spot inspections by any agent of the Board of Health or the Animal Control Officer/Inspector. A litter of kittens may be kept for a period not to exceed six (6) weeks. This regulation is in addition to Chapter 60 of the Town of Blackstone by-laws relating to cats

19. Any person, firm or corporation engaged in keeping and/or sale of cats and kittens shall be required to secure a permit from the Board of Health authorizing the business. All permits will be issued after an on-site inspection by a designated agent of the Board of Health or Animal Control Officer/ Inspector. This regulation is in addition to Chapter 60 of the Town of Blackstone by-laws relating to cats.

KEEPING OF DOGS

20. In addition to the Town of Blackstone's By-law, Chapter 63, Dogs. Any dog who has bitten or attacked a person or animal more than one (1) time and said attack has been recorded with the Animal Control Officer, shall be considered a nuisance by reason of vicious disposition and a public hearing, in accordance with G.L. c. 140 157, will be held to determine if said animal shall be removed from the Town of Blackstone or destroyed. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, chief of police of animal control officer, county commissioners or district court shall be punished by a fine in accordance with G.L. c. 140 section 157.

FERAL CATS AND DOGS

21. Any person that feeds or shelters any feral cat(s), dog(s) or kitten(s) assumes the complete responsibility for the animal(s) including vaccinations, spaying/neutering, and disposal.

EXEMPTIONS

22. All dog owners in the Town of Blackstone shall comply with the Town's By-laws Chapter 63, which will be enforced by the Animal Control Officer.

23. Agricultural Exemption: There is exempt from the provisions of this regulation any such animals kept or maintained on land consisting of five (5) consecutive acres or more that is used for the primary purpose of agriculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, insofar as a majority of such products for sale have been produced by the owner of the land on which the facility is located. Existing parcels of land consisting of at least five (5) consecutive acres used for agricultural/farming purposes for at least five (5) years prior to the adoption of these regulations are included in this exemption.

24. The invalidity of any section, paragraph, sentence, clause, phrase or word of these regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any order of conditions or permit previously issued.

25. The Board of Health reserves the right to modify or deny any application if, in the opinion of the Board of Health, it would be serving the best interest of the public health. An inspection by the Board of Health Agent or Animal Control Officer/Animal Inspector may be required before a permit is issued.

GRACE PERIOD

26. Persons presently possessing, maintaining, propagating or cultivating animals other than as pets, without a valid license or otherwise unlawfully, will be allowed a thirty (30) day grace period from the date the regulations are promulgated in which applications for a license may, if submitted in accordance and in compliance with Paragraph 1 of the Town of Blackstone's Regulations Of Domesticated Animals, (Birds, Mammals, Reptiles, Amphibians And Apiarian) and 321 CMR 2.12 and within the thirty (30) day period, be approved and issued by the Board of Health.

APPEAL

27. Any person aggrieved by a decision of the Board of Health pursuant to these regulations may request a hearing in writing before the Board of Health within ten (10) days of receipt of notice of the decision from which the party is aggrieved.

COMPLIANCE

28. Compliance with the state process for permitting under G.L. c. 131, section 23 and 321 CMR 2.12, 321 CMR 9.01 and 321 CMR 9.02 does not relieve persons of the obligation to comply with the Board's regulations. In addition, compliance with foregoing regulations for permitting does not relieve persons of the obligation to comply with G.L. c. 131, section 23 and 321 CMR 2.12, 321 CMR 9.01 and 321 CMR 9.02 with the Board's regulations.

PENALTIES

29. The provisions of these regulations may be enforced by any available means in law or equity, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c. 40, section 21D and Article VII, section 504 of the Code of the Town of Blackstone. Each day a violation exists shall constitute a separate violation.

When enforced through noncriminal disposition, the penalties shall be as follows:

First Violation: warning

Second and subsequent
Violations: \$50.00

These Animal Regulations were approved by the Board of Health on _____
and are effective on said date.

Blackstone Board of Health Members:

William T. Walsh, Chairman

Michael Catalano, Vice-Chairman

Marcia DeMelo-Ducharme, Member

Approved as to form:

Town Counsel

Appendix 1: Classification of Animals

These Animal Regulations include all animals belonging to, but not limited to, the scientific classification listed below:

Phylum: Arthropoda

Class: Arachnida (spiders, scorpions)

Class: Insecta

Order: Hymenoptera (bees, wasps)

Family: Apidae (bees) Genus/Species: Apis mellifera

Phylum: Chordata

Class: Amphibia

Class: Reptilia

Order: Squamata

Family: Iguanidae (iguanas)

Family: Varanide (monitors)

Family: Helodermatidae (Gila Monsters)

Order: Crocodylia

Family: Crocodylidae (crocodiles)

Family: Alligatoridae (alligators)

Class Aves:

Order: Rheiformes (rheas)

Order: Struthioniformes (ostriches)

Order: Casuariformes (emus)

Order: Passeriformes (songbirds)

Order: Anseriformes (ducks, geese, swans)

Order: Galliformes (grouse, quail, pheasants, turkey, peacocks, chickens)

Class Mammalia:

Order: Marsupiala

Order: Insectivora

Order: Chiroptera (bats)

Order: Lagomorpha

Family: Leporidae (rabbits, hares)

Order: Rodentia (beavers, rats)

Order: Primates (monkeys, apes)

Order: Carnivora

Family: Canidae (dogs, coyotes, wolves, fox)

Family: Ursidae (bears)

Family: Felidae (cats, ocelots, lynx)

Order: Perissodactyla (odd-toed, hoofed mammals

Family: Equidae (horses, zebras)

Order: Artiodactyla (even-toed, hoofed mammals)

Family: Suidae (pigs, hogs, boars)

Family: Camelidae (camels, llamas, alpacas, vicuna)

Family: Cervidae (deer, caribou)

Family: Bovidae (cattle, sheep, goats, antelopes, oxen)