

TOWN OF DUDLEY
MASSACHUSETTS
OFFICE OF THE BOARD OF HEALTH
71 West Main Street; Dudley, MA 01571
Telephone: 508-949-8017 Fax: 508-949-8031



Jennifer Cournoyer, Chairman
Roberta Johnson, Member
Lorri Ducharme, Memeber



Thomas Purcell, Health Agent
Ted Zajkowski, Clerk

1:05
P.M.

NOTICE OF PUBLIC HEARING
A PUBLIC HEARING WILL BE HELD ON:
TUESDAY AUGUST 20, 2019 @ 6:30 PM IN ROOM 321A
REGARDING THE FOLLOWING:

FOR THE PURPOSE OF DISCUSSING BOARD OF HEALTH ANIMAL REGULATIONS AND PERMITTING FEES.

PROPOSED
Town of Dudley Board of Health
Animal Regulations 2019

SECTION 1 – Purpose: To protect the public health of the Town of Dudley, the Board of Health hereby adopts this Regulation to control the amount of certain domesticated animals and fowl including, but not limited to, rabbits, turkey, geese, ducks, hens, chickens, roosters over four (4) months of age, pigeons, and other fowl and animals within certain areas of the Town, but excluding household pets; animals that are normally kept inside an owner’s resident dwelling including but not limited to dogs, cats, ferrets, fish, domesticated or exotic birds, certain reptiles and guinea pigs, hamsters and mice. The intent for this Regulation is to enhance the quality of life of the Town’s citizens and to protect the general public from damage, injury or illness that may be caused by unregulated animals and fowl.

SECTION 2- Animal Regulation: To protect the public health and safety of Town residents, the raising or keeping of rabbits or fowl, including chickens (hens but not rooster over four (4) months old) for private purposes by the owner(s) of property located in Residential 15, 30, 43, 87 and BUS 15 Zoning Districts, shall be permitted and regulated under the provisions of this Regulation and other applicable local and state laws and regulations. The provisions of this Regulation shall not apply to farm properties of agricultural operations recognized under MGL Ch. 40A, Section 3.

1. All individuals who keep certain domestic animals and fowl, as set forth in this Regulation, shall engage in standard management practices to minimize the risk to public health and safety. Information or assistance on these practices is available from the Massachusetts Department of Agricultural Resources.

Notwithstanding, standard management practices, however, any coop of similar enclosure used for the keeping of fowl shall provide at least two (2) square foot of interior floor space for each individual animal.

The final determination as to the number of fowl or animals a coop can adequately accommodate, however, rests with the Town Animal Control Officer/Animal Inspector.

2. Property owners on lots less than five (5) acres in size in the Town’s Residential 15, 30, 43, 87 and BUS 15 Zoning Districts may keep animals and fowl, as defined in this Regulation, provided that they have obtained a Special Permit from the Zoning Board of Appeals, as well as any other legal requirements, including Board of Health permitting requirements, are met:
 - a. No more than six (6) individual animals or fowl, as defined in this Regulation, may be permitted on lots less than a half-acre in size. No roosters over the age of four (4) months old may be kept. Animals or fowl must be penned within the set-backs specified in this regulation.

- b. No more than six (6) individual animals or fowls, as defined in this Regulation, may be permitted on lots up to one (1) acre in size. No roosters over the age of four (4) months old may be kept. Animals or fowl must be penned within the setbacks specified in this regulation.
- c. No more than twelve (12) individual animals or fowl, as defined in this Regulation, may be permitted on lots between one (1) and three (3) acres in size. No roosters over the age of four (4) months old may be kept. Animals or fowl must be penned within the setbacks specified in this regulation.
- d. No more than eighteen (18) individual animals or fowl, as defined in this Regulation, may be permitted on lots between three (3) and five (5) acres in size. No roosters over the age of four (4) months old may be kept. Animals or fowl must be penned within the setbacks specified in this regulation.
- e. Setbacks: The fowl or animal coop or enclosure shall be located in the rear or side yard of property and shall not be located within the setback areas specified below. The following setback requirements shall apply based on the number of permitted fowl animals located at a specific property covered by this Regulation:
 - i. Between one (1) and six (6) fowl or animals – 25' foot setback requirement;
 - ii. Between six (6) and twelve (12) fowl or animals – 35' foot setback requirement;
 - iii. Between twelve (12) and eighteen (18) fowl or animals- 50' setback requirement.
- f. Any person or persons who have in their possession or control any domestic animal or fowl shall keep said animal on the premises at all times and the premises shall be kept free of offensive odors and filth at all times. Property owners and /or occupants are responsible for the disposal of all animal waste.
- g. Any failure to conform to these requirements, found by the Board of Health or its Agents, shall be abated without delay by the person or persons responsible, who shall also remove any of said animals or birds entirely if it is decided by the Board of Health that there is no other satisfactory way to abate the nuisance.
- h. A residential property owner may not sell any, meat or other products from animals or fowl kept under the provisions of the Regulation, for commercial purposes and may only be used for person use. Eggs are excluded from this provision.

SECTION 3- Enforcement and Penalties:

1. The Animal Control Officer/Animal Inspector and/or Board of Health or their designees shall enforce the provisions of this Regulation.
2. Violation of this Regulation may be subject to a penalty of up to \$100.00 for each offense, with each day the violation continues constituting a separate offense.

SECTION 4- Compliance Deadline: Existing property owners subject to this Regulation shall have three (3) months to comply with its requirements.

SECTION 5 – Variance: The Board of Health, may in its sole discretion, vary the provisions of this Regulation if, after a hearing, the Board finds that the requested variance is not more detrimental to the public health than full compliance with these Regulations.

Such variance shall only be granted following notice to abutters within 300 feet of the property at issue, be subject to yearly renewal.

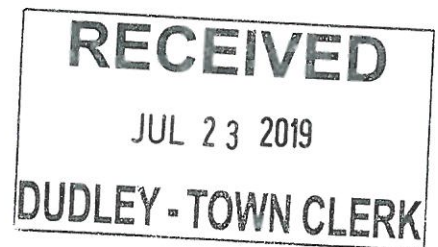
Notice shall be at the sole cost of the individual applying for the variance.

SECTION 6 – Severability: The provisions of this Regulation shall be deemed severable, so that the invalidity of any one provision of the Regulation shall not affect the validity of another provision, an if any part of this regulation be adjudged unconstitutional, inconsistent with state law, or other invalid, such judgment shall not affect any other valid part of this regulation.

SECTION 7 – Yearly Permit: The Board of Health will issue a yearly permit for the keeping of certain domesticated animals and fowl including, but not limited to, rabbits, turkeys, geese, ducks, hens, chickens, roosters over four (4) months of age, pigeons and other fowl and animals within the Town.

The permit for keeping domesticated animals will be renewable prior to July 1st of every year with a permit fee of \$ per year.

Respectfully Submitted *[Signature]* date 7/23/19
 Any questions or concerns can be directed to The Board of Health at (508) 949-8017



1:05 P.M.