

**Minimum Standards for Keeping of Animals
Town of Manchester-by-the-Sea
Board of Health**

Section 1 Authority

These minimum standards for keeping of animal regulations are adopted under the authority of Massachusetts General Law (MGL) Chapter 111, Section. 31, as the Board of Health may make reasonable health regulations to protect public health.

Section 2 Purpose

Upon reasonable review of the federal, state and local regulations regarding keeping of animals within the Commonwealth of Massachusetts, and looking at the responsible minimum standards, the Board has determined that regulations are necessary. These regulations are intended to provide minimum standards for the keeping of animals to prevent the spread of disease, prevent cruelty to animals, and protect the health, safety and environment of the residents and town of Manchester-by-the-Sea.

Section 3 Definitions

Animal	Any animals including but not limited to poultry, bird, reptile, cow, swine, horse.
Board of Health	The Manchester-by-the-Sea Board of Health
CMR	Code of Massachusetts Regulations
Domestic Animal	Any animal listed in 321 CMR 9.02, including poultry and livestock and others not considered wild or illegal to be kept listed in 321 CMR 9.01, and in accordance with federal or state law, and not commonly considered a house pet or companion animal according to the Massachusetts Division of Fisheries and Wildlife or other applicable federal or state list.
Facility	Any corral, building, dry lot, enclosure, paddock, coop, run shed, stable, stall, pen or structure used for the keeping or restraining of any animal, or for storage of food supplies and/or equipment normally associated with the keeping of animals.
Flooding	General and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source.
License	Written authorization from the Board of Health to construct or maintain structure for the keeping of animals.

Livestock	Domesticated animals raised in agriculture to provide a diverse array of goods and services.
Manure	Excrement and used bedding from animals.
Owner	Every person or partnership who alone, or jointly with other(s) has legal title to any facility or animal or has care charge, custody or control of any facility or animal.
Paddock	A fenced in area for turn out and/or exercising animals.
Pasture	Plot of fenced in land used for grazing and/or feeding of animals.
Permit	Written authorization by the Board of Health to keep animals.
Poultry	All domesticated or semi-domesticated fowl such as but not limited to chickens, turkeys, ducks, guinea fowl, pheasants, and pigeons (regardless of age).
Runoff	Any liquid or solid suspended in liquid that flows over the surface of the ground.
Shelter	Minimum housing required for domestic animals, livestock and poultry.
Stable	Enclosed building or structure in which livestock are housed and/or fed.
Suitable Land	Land with a natural drainage class of excessively drained, somewhat excessively drained, well drained, or moderately well drained. Suitable land shall be land that is not a wetland as defined under M.G.L. Ch. 131 or 310 CMR 10.000 or subject to flooding.
Vermin	Any of various destructive or disease carrying insects or small animals including, but not limited to flies, mosquitoes, lice, mice and rats.
Wetland	As defined under M.G.L. Ch. 131, S. 40, 310 CMR 10.000, the Wetlands Protection Act, and the Town of Manchester-by-the-Sea Wetlands By-Law, as amended from time to time.

Section 4 Keeping of Animals Permit

- 4.1 A Keeping of Animals permit issued by the Board of Health shall be required for the keeping of domesticated animals, livestock and poultry by the owner. A permit shall be renewed annually. The length of the permit will be 12 months with the permits issued on May 1st and expiring on April 30th of the following year.
- 4.2 A permit is required for any one (1) or more domesticated animals including any number of poultry sheltered outside a dwelling.

- 4.3 A Keeping of Animals permit shall be kept on the premises for which it is issued and shall be produced upon demand of the Manchester Animal Control/ Animal Inspector and any agent or member of the Board of Health. Inspection of animals and facilities shall be allowed with reasonable notice and cause in accordance with applicable laws. This does not limit access allowed by other federal, state or local laws.
- 4.4 The keeping of animals permit fee shall apply as set by the Board of Health from time to time.
- 4.5 Animals not normally found or kept as domesticated animals such as, but not limited to, feral or wild animals shall not be permitted except by written consent of the Board of Health and other approving authorities.
- 4.6 Animals that are kept inside as usual companion animals or house pets, for example dog, cat, birds, fish and similar, do not fall under this regulation or require permitting.
- 4.7 Appropriate shelter shall be provided for the animals kept. See section 7.4.
- 4.8 The permit application under this regulation shall be accompanied by a plan locating facilities, structures, and manure storage area, and any septic system, private or public well, surface watercourses and any wetlands within 100 (one hundred) feet of the facilities, structures, and/or manure area. Additionally, lot lines and abutting streets shall be shown on the plan. Applicable setbacks outlined in Section 7 are to be provided on the plan.
- 4.9 Each application shall also make arrangement for the storage, handling, and disposal of manure. If applicable, agreements or contracts for manure clean up and/or disposal of manure by others shall be submitted as part of the application package and shall be concurrent with the Stable License and Keeping of Animals permit.
- 4.10 An amended application for a Keeping of Animal permit shall be submitted thirty days prior to any changes in the location of the facilities, structures, or manure storage area(s), if the facilities, structures, or manure area are increased or if any facility, structure, or manure storage area(s) are built or established.

Section 5 Stable License

- 5.1 A stable license issued by the Board of Health shall be required by the owner of a stable. No person shall cause to be occupied or use a stable unless it has been licensed by the Board of Health. Any person who proposes to remodel a building or portion thereof to be used as a stable, or who proposes to renovate, alter or enlarge any existing stable, or proposes to construct a new building which is to be used in whole or in part as a stable shall, prior to such remodeling, renovation, alteration, enlargement, or construction, - submit plans thereof to the Board of Health for approval. Issuance of a stable license shall constitute approval. Other licenses, rules, or permitting regulations may apply including

but not limited to building requirements and Zoning By-Laws.

- 5.2 Application shall be made to the Board on a form provided by the Board and licenses must be renewed annually.
- 5.3 The Stable License fee shall apply as set by the Board of Health from time to time.
- 5.4 The license application under this regulation shall be accompanied by a plan locating stable, paddock(s) and manure storage area, and any septic system, private or public well, surface watercourses and any wetlands within 100 (one hundred) feet of the stable, paddock(s) and/or manure area. Additionally, lot lines and abutting streets shall be shown on the plan. Applicable setbacks outlined in Section 7 are to be provided on the plan.
- 5.5 Each application shall also make arrangement for the storage, handling, and disposal of manure. If applicable, agreement or contracts for manure clean up and/or disposal of manure by others shall be submitted as part of the application package and shall be concurrent with the Stable License and Keeping of Animals permit.
- 5.6 An amended application for a Stable License shall be submitted thirty days prior to any changes in the location of the stable, paddock(s) or manure storage area(s), if the stable, paddock or manure area are increased or if any new stable, paddock(s) or manure storage area(s) are built or established, or if ownership of the stable changes.

Section 6 General Requirements

- 6.1 Individuals and businesses intending to provide service, sale, breeding or otherwise commercial use of or for animals must notify the Board of Health of their purpose and present their business model during a regularly scheduled meeting. Individuals and businesses handling animals shall comply with the health, safety, and environmental intent of these regulations. These regulations are in addition to all federal, state, and local laws applicable including but not limited to the Manchester-by-the-Sea Zoning Bylaws. It is the applicant's responsibility to comply with all applicable laws and regulations.
- 6.2 No domestic animal, livestock or poultry as defined in this regulation shall be allowed to roam free off the owner's premises, per Town By-Law X Section 5.
- 6.3 Except house pets or companion animals, no domestic animal can be kept in the main dwelling, or any auxiliary living space indented for human habitation.
- 6.4 Fencing shall be post and board or split rail or wire or other suitable fencing material to contain the animal(s). Fencing is to be used to contain an animal on the property or within the confines of the structure and facility provided for the animal. Fencing is required if an animal's or the public's safety is possibly impacted or otherwise unprotected or health is at risk without it.

- 6.5 Food shall be stored in sealed containers, away from elements and in such a manner as to not attract pests and vermin. Food, feeding of animals, including the method of feeding, and food storage are to be handled so it does not attract or create harborage for pests and vermin.
- 6.6 The owner shall have in place a pest control plan to prevent harborage, pest and vermin or otherwise cause the potential spread of disease or nuisance.
- 6.7 Manure stockpiling, storage pits, lagoons, or other methods of keeping liquid or solid manure for personal or commercial purpose must be approved by the Board of Health prior to keeping.

Section 7 Location

- 7.1 Each facility shall be located on land with good drainage ability and not subject to flooding. The facility shall be at least 100 (one hundred) feet from any wetland and 100 (one hundred) feet from any well.
- 7.2 No manure storage area, paddock, corral, run, pasture shall be located within:
 - a. 100 (one hundred) feet of wetlands or watercourse as defined by MGL ch. 131, s. 40
 - b. 50 (fifty) feet of a lot line or public way
 - c. 100 (one hundred) feet of wells
 - d. 400 (four hundred) feet of public water supply wells as required by DEP
- 7.3 No paddock, corral, pasture, structure, or other facility shall be located over the leaching facility of a subsurface sewage disposal system.
- 7.4 Shelter and space shall be adequate for the needs of the type and number of animal(s).

Suggested Space and Housing Guidelines*

Per Animal:	Enclosed Housing Area:	Exercise Yard Area:	Pasture Area:
Horse	Tie stalls 45 sq. ft.; 5' x 9' or Box stall 12' x 8' or 10' by 10'	200 sq. ft.	1-2 acres
Cow	75- 100 sq. ft.	100- 125 sq. ft.	1- 2 acres
Sheep or Goat	20- 25 sq. ft.	50 sq. ft.	0.2-0.3 acres
Pig	48 sq. ft. with exercise yard; 100 sq. ft. w/o exercise yard	200 sq. ft.	12-14 sows/acre/ rotational pasture
Hen	3- 4 sq. ft.	10 sq. ft.	---
Turkey	6 sq. ft.	20 sq. ft.	100 sq. ft.

*Adapted from the UNH Cooperative Extension reference Suggested Space and Housing Guidelines For Fully Mature Farm Animals written by Seavey, D. and Porter, J., June 2009, and last updated by Perkins, D., December 2017 (<https://extension.unh.edu/resource/housing-and-space-guidelines-livestock>).

- 7.5 Structures for all animals must, at a minimum, comply with Zoning Bylaw Use Regulations 4.1.10 (i) and Accessory Structures 5.6. Those not requiring a building permit, regardless of square footage, must still comply with Accessory Structure offsets outlined in 5.6 of the Zoning Bylaw. At no point will a structure, animal housing, equipment facility or storage of food, manure or other accessory to the keeping of animals be closer than 15 feet to a property line or within 20 feet of an abutting primary dwelling, except for poultry structures that existed prior to March 2023.

Section 8 Maintenance

- 8.1 Animal owners and stable owners and operators are required to comply with the general requirements in an ongoing basis and the following:
- 8.2 All manure must be removed from the shelter frequently, not less than every other day, and not allowed to accumulate in corrals or other areas of the property. In corrals/pastures or other areas of property, manure shall be cleared monthly.
- 8.3 Provisions should be made for the disposal of manure with sufficient frequency and in such manner as to be satisfactory to the Board of Health.
- 8.4 Take all reasonable precautions to prevent the spread of infectious or contagious diseases.

Section 9 Existing Facilities

- 9.1 Existing facilities with animals already on the premises (as of the effective date of these regulations) will be permitted use of the existing stable structure for the purpose of the Stable License. Compliance with building and zoning regulation is the owner's responsibility.
- 9.2 Existing facilities shall comply with all portions of this regulation except as stated in section 7.5 and 9.1.

Section 10 Interactions with Other Laws

- 10.1 All facilities shall be maintained and animals shall be kept in accordance with applicable federal, state and local law. It shall be the applicant's responsibility to ensure compliance with such laws and the issuance of a permit shall not authorize the maintenance of a facility or the keeping of animals in violation of any other applicable statute, rule or regulation.
- 10.2 This regulation is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning the maintenance of property, the keeping of animals and the abatement of nuisances, including but not limited to MGL Ch. 131 s. 23, MGL Ch. 140 s. 137, MGL Ch. 272 s. 77 et seq., 321 CMR 9.01.

- 10.3 Nothing in this regulation is intended to limit or restrict the authority of the Select Board, the Board of Health, the Animal Inspector, the Building Inspector, Conservation Commission, or any other board, commission or officer of the Town to act in accordance with federal, state and local laws within their jurisdiction, including but not limited to the authority of the Board of Health to abate nuisances in accordance with Massachusetts General Laws, Chapter 111, Sections 122-125.
- 10.4 In the case of a conflict between the requirements of this regulation and any other federal, state or local law concerning the maintenance of facilities and/or the keeping of animals, the more stringent requirements shall apply.

Section 11 Variance

- 11.1 The Board of Health may grant a variance from the provisions of this regulation provided that the applicant can demonstrate that (1) the enforcement thereof would impose a substantial hardship and be manifestly unjust and (2) that the same degree of health, safety and/or environmental protection required under this regulation can be achieved.
- 11.2 Every request for a variance shall be made in writing and shall state the specific variance and reason sought. Any abutter notification required will be done by the applicant at their expense.
- 11.3 Every variance granted by the Board of Health shall be in writing and may include such conditions, safeguards and limitations as the Board of Health deems necessary to protect public health, safety and welfare. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of the variance shall be provided by the applicant to all abutters.

Section 12 Enforcement

In addition to the enforcement provisions of any applicable federal, state and local law, by-law or regulations, the Board of Health may deny, revoke, suspend, or refuse to renew a permit or license upon the Board's finding of any violation of an Order to Quarantine, MGL ch. 272 s. 77 et seq., any violation of a provision of these regulations, violation of an Order to Correct a Nuisance, or other applicable provisions that adversely affect public health, safety and the environment.

Section 13 Appeal

Any person aggrieved by a decision of the Board of Health and/or its Agent has the right to request a hearing before the Board of Health. A written request for a hearing must be received within seven (7) days of the occurrence. Any person aggrieved by the decision of the Board of Health may seek relief as provided by the laws of the Commonwealth of Massachusetts.

Section 14 Severability

Each part of this Regulation shall be construed as separate to the end that if any part of the Regulation or sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of the Regulation shall continue in full force.

Section 15 Adoption and Effect

These rules and regulations were adopted by vote of the Board of Health on February 23, 2023, and are to be in full force and effect on and after April 1, 2023 and shall, before said effective date, be posted in the office of the Town Clerk.

Manchester Board of Health