

CHAPTER ONE

THE KEEPING OF ANIMALS IN THE TOWN OF MILTON

SECTION 1 AUTHORITY

1-1: These regulations are adopted under the authority of M.G.L. Chapter 111, Section 31.

SECTION 2 STATEMENT OF PURPOSE

2-1: Whereas minimum standards to promote the protection of the public health are considered necessary for the health, safety and welfare of the community, the Town of Milton Board of Health adopted these regulations November 2, 2020.

SECTION 3 DEFINITIONS

Abutters: Owners of abutting land or property within one hundred (100) feet of an applicant's property line. A person will only qualify as an abutter for the purpose of these regulations if he or she possesses an ownership interest in the abutting land.

Animal: All animals such as, but not limited to, cattle, goats, sheep, swine (not kept indoors), horses, ponies, donkeys, mules, llamas, and alpacas. Poultry and Household Pets, which are defined in these regulations, rabbits, guinea pigs, and insects shall be excluded from the definition of "Animal."

Barn: A structure for the storage of farm products or feed and oftentimes used for the housing of one (1) or more animals or farm equipment.

Board of Health (BOH): The appropriate and legally designated health authority of the Town of Milton, or its authorized agent, having the usual powers and duties of a Board of Health within the Commonwealth of Massachusetts.

Commercial Stable: A stable that is involved with financial transactions related to animal use, such as horse rentals, trail rides and horseback riding lessons. Boarding horses or other animals for a fee, in and of itself, does not constitute a commercial use.

Corral or Paddock: A fenced in enclosure to allow for the free-roaming and proper containment of one (1) or more animals.

Dwelling: A building, shelter, or structure used or intended for human habitation.

Facility: The total accommodations to be used for the keeping, housing and care of one (1) or more animals, including but not limited to barns, stables, open sheds, corrals, or paddocks.

Fencing: Installed for the purpose of privacy or animal containment.

Household Pets: Animals that are normally kept inside an Owner's residential dwelling or commercial building including, but not limited to dogs, cats, ferrets, fish, pot-bellied pigs, domesticated or exotic birds, certain reptiles, rabbits, guinea pigs, hamsters, rats and mice. Household Pets shall be excluded from these regulations.

Keeping Animals: Stabling or housing animals, other than domesticated dogs, cats, Poultry or Household Pets, outside of a dwelling unit, in locations including but not limited to open sheds, stables, barns, corrals, paddocks and free-roaming animals kept within the boundaries of the Property.

Lot: A parcel of land, which is or may be occupied by building, including open spaces required under these regulations. "Lot" includes the words "plot" or "parcel."

Manure Management Plan (MMP): A plan for the handling of manure and other wastes. The MMP shall address cleaning, storage, utilization, and removal of manure.

Nuisance: Means any condition including malodor, contamination of runoff water, noise, attraction of insects or other vermin, and any other conditions that have public or environmental health significance. This definition shall be mindful of M.G.L Chapter 111, Section 125A.

Open Shed: A structure containing a roof and three walls typically used for the sheltering of animals when they are outside in corrals or paddocks.

Owner: Every person who alone or jointly with one or more persons has legal title to any lot, building, or dwelling.

Permit Holder: Any person who has met the conditions of these regulations and has received a Stable Permit issued by the Board of Health to keep one (1) or more animals.

Pest Management Plan (PMP): A plan, which adequately defines the measures that shall be taken by the Owner and/or Permit Holder to minimize the presence of rodents, insects, other pests and the creation of odors and other nuisances.

Poultry: Shall be defined as domestic fowl, such as chickens, turkeys, ducks, and geese.

Private Stable: Is one that shelters animals for non-commercial uses.

Property: Shall be any property used by the Owner, Permit Holder or Applicant including, but not limited to personally owned, family owned or leased property.

Stable: A structure having stalls or compartments, typically used for the sheltering and/or the feeding of one (1) or more animals including, but not limited to, horses, donkeys, mules, llamas, alpacas, cattle, goats, sheep, swine (not kept indoors) and ponies.

Stable Permit: Shall be the Permit granted by the Town of Milton Board of Health to keep animals other than Household Pets or Poultry within the Town of Milton.

Stall: A compartment in a stable used for the keeping of one (1) or more animals.

Stockpiling: The accumulation of manure and soiled bedding at a manure storage area, inside or outside of a pit or receptacle.

Structure: An assembly of materials including but not limited to, barns, open sheds, stables, stalls, pens, fences, paddocks, and corrals for the keeping of one (1) or more animals.

Wetlands: Land area or surface area so defined by Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and regulations promulgated pursuant thereto at 310 CMR 10.00 or pursuant to Section 404 of the Federal Water Pollution Control Act, U.S.C. 1341.

Watercourse: Any river, stream, drain, pond, lake, and tributaries, thereto or other body of water drained by a stream, dry ditch, or other depression that will permit drainage water to empty into any waters of the Commonwealth.

SECTION 4 PERMIT & APPLICATION REQUIREMENTS

4-1: No person shall keep an Animal outside of his/her dwelling unit anywhere in the Town of Milton until a Permit has been issued by the Board of Health.

4-2: No person shall maintain a Commercial or Private Stable anywhere in the Town of Milton until a Stable Permit has been issued by the Board of Health.

4-3: Commercial Stable Animal Permits expire on December 31st of each year, unless renewed by the Board Health or its authorized agent.

4-4: Private Stable Animal Permits only expire if the property is transferred, if the stable or manure areas are relocated, or if the maximum number or type of Animal changes.

4-5: New Permits are required for any of the following: transfer of property, relocation of stable or manure areas, an increase in the maximum number of Animals to be kept, a change in type of Animal(s), and a change in use (i.e. private to commercial).

4-6: Applicants for new Stable Permits shall notify all abutters of their application by certified mail, return receipt requested. These receipts, along with a copy of the letter, shall be filed with the Milton Health Department before the application will be acted upon.

4-7: Applications for an initial Permit shall be made in writing on a form provided by the Milton Health Department. Each application shall include the following:

1. Full name, address, and telephone number of the applicant.
2. Full name, address, and telephone number of the Owner, if different from the applicant.
3. Location - street address of the premises to be used.
4. If the applicant is not the owner of the property, a written acknowledgement from the Owner of the submitted application.
5. Number and type of Animals to be kept.
6. Rough plot plan which may be drawn by the Owner or applicant, so long as it is of sufficient detail and quality, showing the lot or parcel where the Animals will be kept,

including any/all stable buildings, barns, fencing, corrals, septic systems and manure storage area(s).

7. Direction of surface water run-off.
8. Location of brooks, streams, swamps, watercourses, swimming pools and structures located within two hundred feet of the proposed stable and manure storage areas.
9. Location of roads, easements (such as water, drainage, and conservation easements) and lot lines.
10. The minimum and maximum number of Animals and the types of Animals to be kept.
11. The manure management plan.
12. Name of the principal veterinarian, telephone number, address (if any) and state license number of the veterinarian.
13. The pest management plan.

4-8: The Board shall hold a hearing on the initial permit application within forty-five (45) days of receipt of a completed application or a request for a renewal of an existing application. Within thirty (30) days after the close of the hearing, the Board shall issue a decision on the application or request for renewal of an existing application.

4-9: Fees for Permits shall be determined by the Board of Health's fee schedule.

SECTION 5 GENERAL REQUIREMENTS

5-1: All areas where Animals are kept shall be operated in such a way that they do not become a nuisance to abutters or the general public. If a complaint is made relative to nuisances, the Board of Health or its authorized agent will determine whether or not a nuisance exists.

5-2: Stables shall be constructed of durable materials that will protect Animals from heat, cold, wind and heavy precipitation.

5-3: All areas where Animals are kept shall be kept clean and dry, free from accumulated manure, have ample bedding, be treated to control odor and treated to prevent attraction of flies and other insects and vermin.

5-4: All areas where Animals are kept shall be adequately ventilated.

5-5: All Animals shall be kept under control at all times.

5-6: All Animals within the Town of Milton shall be confined to the owned or leased property on which the Animals are intended to reside or graze, except when taken off the property to be exercised or medically treated. Animals shall not be allowed to cause property damage or a pose a risk to public safety.

5-7: The Board of Health, or its authorized agent, may reasonably conduct unannounced inspections in any area where Animals are kept to ensure compliance with these regulations.

5-8: Property will be subject to an annual inspection by the Board of Health or its authorized agent whether animals are present or not.

SECTION 6 SETBACK REQUIREMENTS

6-1: Stable or Barn

- 150 feet to dwellings not occupied by Owner or Permit Holder
- 50 feet to property line
- 100 feet to standing water, private wells, wetlands, or watercourses

6-2: Manure Storage Areas

- 150 feet to dwellings not occupied by Owner or Permit Holder;
- 50 feet to property line, if covered
- 100 feet to property line, if uncovered
- 100 feet to standing water, private wells, wetlands, or watercourses

SECTION 7 MANURE MANAGEMENT

7-1: Animal and Stable Permit Holders shall file a Manure Management Plan (MMP), to be approved by the Board of Health, or its authorized agent, prior to issuance of a Permit. An MMP shall be submitted on a yearly basis, or whenever a material change to the conditions of information set forth in the MMP is made.

7-2: The MMP, submitted by the Permit Holder or Applicant shall contain a map, drawn to scale, which shows the location of wells, watercourses, ditches, and bodies of water, septic systems and setback distances from the Animal Stable or Barn and Manure Storage Areas as set forth in Section 6 above. The MMP shall also state how often the Permit Holder removes manure from the property and whether or not the Permit Holder uses the manure for composting/fertilizer.

7-3: Clearing, management and disposal of manure shall be such as to minimize odors, breeding of flies and the attraction of vermin. Manure may be stockpiled at a manure storage area or contained inside a pit or receptacle or outside a pit or receptacle. If stockpiled, the manure shall be stockpiled and collected at a single location, carefully chosen to maximize the distance from abutting properties and watercourses, and with due consideration of the prevailing winds. The MMP submitted needs to provide the details of how the manure will be stored on the property.

7-4: Stockpiled manure, waste and soiled bedding shall be removed from the property at least every two weeks from May 1st to September 30th and at least monthly from October 1st to April 30th if deemed necessary by the Board of Health. The Board of Health, or its authorized agent

shall investigate any complaints of offensive odor, noise, or pests (such as rats, mice, insects, flies or mosquitoes) associated with the keeping of one (1) or more Animals within the Town of Milton and may at any time require additional preventive measures.

7-5: The quantity of manure that will be allowed to be stockpiled will be subject to determination by the Board of Health, or its authorized agent. The determination will be dependent upon such conditions as the size of the lot, the location of the storage area in relation to abutters, and any other conditions that have public health significance.

7-6: If a manure odor problem exists, the manure shall be treated with lime or other appropriate material to minimize the odor.

7-7: Manure, waste or soiled bedding shall be privately disposed of by the Permit Holder and shall not be placed in the garbage collected by the Town of Milton.

7-8: No person shall remove or carry any manure through any public way except in a covered container or vehicle and in such a manner that no manure shall be dropped on the street.

7-9: Since there are a variety of circumstances under which special considerations could be made, the Permit Holder or applicant may submit a Manure Management Plan (MMP) customized or modified to account for his/her individual situation (for example, composting, use as a fertilizer, etc.). This revised or modified plan would need to be approved by the Board of Health prior to issuance of a Permit. The customized or modified MMP is still required to address the points listed above.

SECTION 8 PEST MANAGEMENT

8-1: Grain shall be kept in rodent proof containers.

8-2: Animal Permit Holders shall file a Pest Management Plan (PMP), to be approved by the Board of Health, or its authorized agent, prior to issuance of a Permit. A PMP shall be submitted on a yearly basis, or whenever a material change to the conditions of information set forth in the PMP is made. The PMP shall be created by a licensed pest control operator whenever required by law. Extermination shall be performed as deemed necessary by the Board of Health, its authorized Agent or a licensed pest control operator.

SECTION 9 EXCEPTIONS

9-1: Structures erected outside for the purpose of housing and containment of Poultry or Household Pets shall not be subject to the setback requirements outlined **Section 6** of these regulations. The Board of Health does not issue Permits for Poultry, nor does it ban Poultry from being kept in the Town of Milton. Any nuisance conditions that have public or environmental health significance may be addressed by the Board of Health as stated in section 5-1 of these regulations. Any issues relating to Animal housing setback requirements for structures not regulated by the Board of Health may be addressed with the Inspectional Services Department.

The Milton Health Department will record properties which possess Poultry solely for tracking purposes. Please submit number of Poultry owned, along with contact information, including phone number and email to the Health Department.

SECTION 10 PRIOR USE

10-1: Any Facility operating satisfactorily prior to the effective date of these revised regulations is hereby granted a variance to **Section 4-6** and the portions of **Section 6-1** relative to setbacks for Animal stables or barns, specifically, the 150 foot setback from dwellings not occupied by the Owner or Permit Holder, and the 50 foot setback from the property line. This variance does not apply to manure storage areas (**Section 6-2**).

SECTION 11 VARIANCES

11-1: Variances granted will continue upon the transfer of property provided: the basis for the granting of the variance is unchanged, the Permit is unexpired, and the application is made to renew the Permit within six months of the property transfer.

11-2: For all other variance requests, applicants may reference the Board Health Regulations Chapter 16: Variances.

SECTION 12 ENFORCEMENT

12-1: An Owner or person who keeps Animals and fails to obtain a Permit as required hereunder or when directed to do so by the Board shall be subject to a fine or penalty.

12-2: The Board of Health may deny, suspend, revoke, or refuse to renew a Permit for failure to comply with any provision of these regulations.

12-3: The Owner, a Permit Holder, their designee, or person in charge of any facility covered by these regulations who fails to comply with this regulation shall be subject to a fine or penalty.

12-4: The continuance of any violation of these regulations beyond a date specified by the Board of Health, when the Owner and/or Permit holder of the Facility has been ordered by an agent of the Board of Health to abate any such violations in a safe and sanitary manner, shall be cause for revocation of Permit and/or initiation of legal proceedings to eliminate said conditions.

SECTION 13 FINES AND PENALTIES

13-1: Violations of these regulations shall reference the Board of Health Regulations Chapter 18: Penalties.

SECTION 14 RIGHT TO A HEARING

14-1: Any person or persons aggrieved by a Board of Health order that has been served pursuant to any section of these regulations may reference Board of Health Regulations Chapter 17: Enforcement, Hearing & Appeal.

SECTION 15 ADOPTION AND EFFECT

15-1: These rules and regulations were adopted by a (unanimous) vote of the Board of Health, of the Town of Milton, Massachusetts, on November 2, 2020, and shall be in full force and effect on November 16, 2020. A summary explanation of these regulations shall be published in the Milton Times and a copy thereof shall be deposited in the Office of the Town Clerk.