Regulation of the City of Haverhill Board of Health

Minimum Standards for the Keeping of Domestic Animals

1. AUTHORITY:

This Regulation is pursuant to the authority granted to the City of Haverhill Board of Health by

Massachusetts General Laws Chapter 111, Section 31, which provides that “Boards of

Health may make reasonable health regulations,” and Massachusetts General Laws Chapter

111, Section 155.

2. PURPOSE:

a. This regulation is promulgated to provide minimum standards for the keeping of domesticated

 animals in the City of Haverhill by enabling residents to have the opportunity to participate in

 the growing national trend for responsible, small scale agricultural protection while

 protecting public health, safety and welfare in the City of Haverhill.

b. This regulation is not intended to regulate the use of land for commercial agriculture.

 Commercial agriculture may be limited by City of Haverhill Zoning Chapter 255 to

 activities of five (5) acres or more or on parcels of two (2) acres or more if the sale of

 products produced from the agricultural use on the parcels annually generates at least

 $1,000 per acre based on gross sales dollars in areas not zoned for agriculture in

 accordance with Massachusetts General Laws Chapter 40A, Section 3.

3. DEFINITIONS:

For the purpose of this regulation, the following words shall have the following meanings:

Abutter: Owners of the adjoining property of the area of the Applicant’s property where animals are kept. A person will only qualify as an abutter, for the purpose of this regulation, if he or she possesses an ownership interest in the abutting land or property.

Animal: All animals and livestock which are kept as domesticated animals but excluding the

following: household pets as defined herein; research laboratory animals otherwise regulated;

and non-exempt wild animals as regulated by Massachusetts General Laws Chapter 131,

Section 23 and 321 CMR 9.00.

Animal Structure: Any structure used to house, shelter or contain livestock and animals.

Applicant: A person who applies for a permit to keep one or more animals pursuant to this

regulation.

Board or Health or “the Board: The City of Haverhill Board of Health and/or its designated

agent(s).

Cockerel: Young male chicken.

Coop: a structure for the keeping or housing of poultry or other types of fowl

Corral: Any pen or enclosure for confining one or more animals.

Domesticated animals: Animals of a species of vertebrates that have been domesticated by

humans to live and breed in a tame condition and depend on humankind for survival.

Domesticated animals shall include, but not be limited to any equine or bovine animal, goat,

sheep, swine, poultry or other domesticated beast or bird.

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

Facility: The total accommodations to be used for the keeping and care of one or more

animals, including but not limited to land and any accessory or animal structure such as, but

not limited to a barn, stable, corral, coop etc.

Fencing: Enclosure material installed for privacy or livestock and/or animal containment.

Generally acceptable agricultural practices: Practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources Division of Animal Health’s (MDAR’s0 Generally Acceptable Agricultural Practices (GAAO’s). the following are some potential resources, but are not an exhaustive list, that can be consulted to establish compliance with the MDAR GAAPs: MDAR, <http://www.mass.gov/eea/agencies/agr/>: the USDA National Resource Conservation Service,

http://[www.nrcs.usda.gov/wps/portal/nrcs/site/ma/home/](http://www.nrcs.usda.gov/wps/portal/nrcs/site/ma/home/): The MA Association of Conservation Districts, <https://massacd.wordpress.com/>: UMASS Extension, <http://ag.umass.edu/resources/agriculture-resources>: UNH Cooperative Extension,

<https://www.mass.gov/doc/livestock-and-poultry/download>

Household pets: Animals that are primarily kept indoors for non-agricultural purposes,

including but not limited to dogs, cats, ferrets, pot-bellied pigs, fish, domesticated or exotic

birds, guinea pigs, hamsters, and mice.

Keeping of Animals Permit or “Permit”: A permit issued by the Board for the keeping on

one or more animals in accordance with the provisions of this regulation.

Livestock: Animals kept for agricultural purposes, including but not limited to cattle, goats,

sheep, swine, equines, camelids, poultry and other fowl**.**

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

Permit holder: Any person who has met the conditions of this regulation and has received a

permit issued by the Board of Health to keep animals.

Person: Every individual, partnership, corporation, firm, association, group, or other entity

including a city, town, county, or other governmental unit, owning property or carrying on

an activity regulated by this regulation.

Pest Management Plan: A plan, which adequately defines the measures that shall be taken by

the owner to minimize the presence of rodents, insects and pests, and to minimize the

creation of odors and other nuisances.

Rooster: An adult male chicken.

Stable: An accessory building or structure used for the shelter and/or feeding of one or

more animals.

Stabling of Horses: Shall follow the Regulation for Stabling of Horses

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

Swine: Shall follow the City of Haverhill Board of Health Regulations for farms with Pigs and the Keeping of Pigs

Usable area: Land area suitable for the raising of animals such as pastures, fields and

wooded uplands. This area does not include wetlands, swellings, or any other area(s) as may

be restricted by town, state or federal law, regulations or guidelines.

Wetlands: Land area or surface area so defined by the Wetlands Protection Act,

Massachusetts General Law, Chapter 131, Section 40 and regulations promulgated pursuant

to 310 CMR 10.00 or by the [city/town] Wetlands Protection [ordinance/bylaw] or

pursuant to Section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1341.

Wild and exotic animals: Any animal not normally found or kept as a domesticated animal,

and which require a permit to keep issued by either a federal or state wildlife agency,

including but not limited to deer, poisonous reptiles, alligators, monkeys, lions and tigers as

defined as non-domesticated by Massachusetts General Laws, Chapter 131, Section 23 and

321 CMR 9.00.

4. GENERAL REQUIREMENTS:

a. All applications must be submitted to the Board of Health for review and approval and

shall meet the criteria set forth in subsections D and E of Section 5 of this regulation.

b. Except as otherwise provided for herein, structures must comply with the applicable setback requirements for the zoning district in which such structures are located as set forth in the City of Haverhill Zoning Ordinances, aside from protection accorded by Massachusetts General Law,

Chapter 40A, Section 3 and the Wetlands Protection Act, 310 CMR 10.00. Structures in an RU, RH or RM zone must be not less than 50 feet from an abutter’s dwelling. Chicken coops in all zones shall be not less than 5 feet from an abutter’s lot line.

c. All permitted animals must be confined to the property for which a permit is granted

unless the permit holder has documented in writing to the satisfaction of the Board,

including obtaining any necessary permissions, arrangements for such animals to be kept

elsewhere (i.e., for grazing, pest control, etc.).

d. In accordance with Massachusetts General Law, Chapter 111, Section 125A, “. . . the

odor from the normal maintenance of livestock or the spreading of manure upon

agricultural and horticultural or farming lands, or noise from livestock or farm

equipment used in normal, generally accepted farming procedures or from plowing or

cultivation operation upon agricultural and horticultural or farming lands shall not be

deemed to constitute a nuisance.” This law applies to commercial farming operations.

e. Electrified fencing shall not be allowed unless otherwise approved by the Board of Health.

5. PERMIT AND APPLICATION REQUIREMENTS

A. A permit is required for anyone keeping one or more animals as defined in this

regulation, except on commercial farms which meet the requirements of

Massachusetts General Law, Chapter 40A, Section 3 and/or Massachusetts General

Laws Chapter 128, Section 1A.

B. The keeping of less than seven chickens shall be reviewed and approved administratively, without public hearing, by the Director of Inspectional Services. Notices to abutters of an application for a permit and/or the issuance of a permit shall be mailed by first class mail by the Inspectional Services Department with a 10-day response period running from the date of mailing. Any party, including an abutter, aggrieved by a decision of the Director of Inspectional Services may appeal the decision to the Board of Health not less than ten (10) days after issuance.

C. The keeping of roosters or cockerels and non-exempt wild animals in accordance with MGL Chapter 131, Section23 is prohibited within the City of Haverhill. The keeping of roosters or cockerel can be permitted on a case-by-case basis, but not within a RU, RH, or RM zone.

D. Application(s) and requirements for a permit shall be submitted on-line under the Health Department permit site. Such application(s) will be deemed incomplete if any information, plans, fees or required documents is missing.

1. Names, mailing address, phone number and email of all owners of the property.
2. Location- street address of the premises to be used.
3. Number and species of animals to be kept.
4. If the permit holder intends to increase the number and species of animals to be kept prior to the end of the permit year, the permit holder must notify the Board of Health and the Board may require a public hearing if the Board believes that the increase will materially change the application upon which the permit is based.
5. A plot plan, with the dimensions of the area where animals will be kept. Also required on the plot plan are the locations of the primary residence, structures (s) (including fences), abutting structures (s), corrals septic systems, private wells and wetlands. A hand-drawn plot plan is acceptable so long as it is of sufficient detail and quality to allow for Board review.
6. A written management plan for the following:
7. Manure Management
8. Storage of Feed
9. Pest Management
10. Application Fee $25.00

E. The permit shall not be transferable as to other animals, or assignable or transferable

for the use of other persons or the use of other premises.

F. The permit shall expire on December 31st, unless sooner revoked or suspended by

the Board after a hearing.

G. A permit holder must apply for a renewal of the permit at least thirty (30) days prior

to the expiration of the permit. If a permit holder fails to timely apply for a renewal

of the permit, the permit holder’s application shall be treated as an application for a

new permit. A permit will not be denied without cause in the form of valid

complaints and/or violations of this regulation or other laws.

H. If the permit holder is not the owner of the property, notarized documentation must be

provided indicating that the property owner is not opposed to the keeping of animals

on the property.

I. All permits issued prior to the effective date of this regulation are valid and may be renewed prior to the effective date of this regulation, subject to the prior regulation, provided conditions and agreements contained in the original application have changed, and that no conditions exist that would be injurious to the public health, safety or welfare. All renewals of permits subsequent to the effective date of this regulation shall be subject to this regulation.

6. HEARINGS

A. All new applications and variance requests will be considered by the Board only after the Board conducts a public hearing.

B. Notice of the public hearing relative to shall be provided to all abutters by first class

mail at the applicant’s expense and by legal notice in a local newspaper of general

circulation by the City of Haverhill Board of Health. Both forms of notice shall provide

for at least fourteen (14) days’ notice prior to the public hearing. The applicant shall

submit a list of abutters, certified by the Haverhill Board of Assessors with the application or variance request and a sworn statement that the applicant has mailed notice to each abutter by first class mail.

C. The applicant must demonstrate that the issuance of a permit shall not be

detrimental in any way to the public welfare and would not endanger the health or

safety of the municipality, and that all applicable requirements of this regulation have

been satisfied. The Board may impose conditions, safeguards and other limitations

on a permit consistent with the public health, safety and welfare.

D. The permit applicant acknowledges that the MDAR’s Division of Animal Health requires that if an animal contracts a disease designated in its reportable disease program, it must be reported to MDAR’s reportable disease program.

E. It shall be a condition of any permit issued under this regulation that the permit

holder shall comply with all applicable federal, state and local laws, regulations and

other requirements.

7. CONSTRUCTION AND CONSTRUCTION CHANGES

A. No person shall erect, occupy, use rebuild, reconstruct, alter or structurally change a

stable, accessory structure or corral intended for housing or confining of animals

without submitting an initial or revised plan to the Board for its review and approval.

This section shall not apply to repairs.

B. It is the responsibility of the applicant to comply with City of Haverhill Zoning

Ordinance and applicable sections of the building code when conducting

construction or construction changes referenced in Section A above.

8. PENALTIES

A. If there is a violation of this regulation, a designated agent of the Board of Health

may issue a written order (“Order”) to the person or persons having control of the

premises and to the permit holder (if different) to correct the offending deficiencies

within a reasonable specified time.

B. As an alternative to an Order or if a person does not comply with an Order and such

Order is not modified or withdrawn, the Board may commence an enforcement

action to correct such violation(s).

C. In accordance with Massachusetts General Law Chapter 111, Section 31, any

violation of this regulation shall be subject to fines. See fine schedule at City of Haverhill Code §1-16. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the Board from seeking equitable relief to enforce this regulation.

D. The Board may suspend, revoke or deny a permit if a permit holder is found to be in

violation of any provision of this regulation after a hearing. Arrangements for re-homing the animals shall accompany any suspension, revocation or denial of a permit.

E. Any person to whom an Order has been served pursuant to this Section shall have

the opportunity to request a hearing before the Board. A request must be made in

writing within fourteen (14) days after the Order has been served. For the purposes

of this Section, an Order shall be deemed to have been served on the date of mailing,

except as stated otherwise on the Order. At the hearing, the person served with the

Order shall be given an opportunity to present evidence and show why an Order

should be modified or withdrawn.

9. VARIANCES

A. Variance to any section of this regulation may be requested in writing to the Board.

When such a request is received, a hearing shall be scheduled in accordance with

Section 5 above.

B. Variances shall be granted only under the following conditions:

a. Strict enforcement of this regulation will constitute a manifest injustice, and

b. The granting of the variance shall not in any way impair the public health and

safety or the environment.

C. The Board may impose any conditions, safeguards and other limitations on a variance

when it deems it appropriate to protect the public health and safety or the

environment.

10. SEVERABILITY

A. If any provision of this regulation is declared by a court of competent jurisdiction to

be invalid or not enforceable, the other provisions shall not be affected thereby, but

shall continue in full force and effect.

Signed this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022.

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Chairperson, Peter Carbone

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Board member, Romie Mundy M.D.

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Board member, Diana Sherlock

Effective date: March 15, 2022