

**CITY OF HAVERHILL BOARD OF HEALTH REGULATIONS  
FOR FARMS WITH PIGS AND THE KEEPING OF PIGS**

**Adopted by a vote of the Board of Health on May 15, 2012**

**1.0 PURPOSE AND AUTHORITY**

The Board of Health of the City of Haverhill ("Board") hereby promulgates these Regulations under the City of Haverhill Code, Chapter 11, Article VII, §11-32, and G.L. c.111, §§31 and 143, to address the following public health concerns: the spread of diseases, odors, vermin, and other nuisances resulting from the keeping of pigs and piglets and the operation of farms with pigs that threaten the public health of the City's residents. Not only do these activities have the potential to create nuisances and have direct impacts on public health, they indirectly threaten the public health through the contamination of the City's natural resources including drinking water and soils used for other agricultural uses. Given that the unregulated keeping of pigs and unregulated farms with pigs are or could become a nuisance, and in the interest and preservation of public health, the Board therefore sets forth the following Regulations for the management of pigs in the City of Haverhill.

These Regulations supersede and are in place of any prior regulations which may have been adopted regulating piggeries and the keeping of pigs in the City of Haverhill. To the extent that the keeping of pigs and/or piggeries are regulated under the Board Regulation of July 26, 1968, "Domestic Animals, Poultry or Fowl," the within Regulations shall apply to the keeping of pigs and the provisions of the Regulation adopted July 26, 1968 shall not apply to pigs or the keeping of pigs or farms with pigs. Any decisions of the Board prior to the enactment of these regulations which relate to regulations that were adopted on July 26, 1968 shall remain in full force and effect.

**2.0 APPLICABILITY**

- 2.1 These Regulations shall apply to the keeping of 2 or more Pigs, including Piglets and including 2 breeding sows, as set forth below.
- 2.2 Any "Person" who operates a Farm with 2 or more Pigs, including Piglets, or who keeps 2 or more Pigs, including Piglets, shall apply for a Permit from the Board pursuant to these Regulations.
- 2.3 No "Person" may operate a Farm with Pigs except as provided in these Regulations.
- 2.4 The keeping of more than 30 Pigs, including 2 breeding sows and Piglets, is prohibited unless a variance is granted pursuant to these Regulations.
- 2.5 The keeping of a single Pig or Piglet is not subject to these Regulations, but shall be subject to all other applicable laws and Board of Health regulations.

### **3.0 DEFINITIONS**

Abutter: Owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the Property upon which the Pigs or Farm with Pigs is located as appearing on the most recent applicable City of Haverhill Assessor's or other applicable city or town assessor's records. Abutters include owners of land that is located in another city or town.

Applicant: One who applies for a Permit to operate a Farm with Pigs.

Best Management Practice: A method, process, or activity, that is accepted, based upon other proven experiences or situations to be more effective at delivering a particular outcome and/or as identified by the UMASS Amherst Extension, or any other academic or governmental standard acceptable to the Board of Health. as being Best Management Practices.

Board: The Haverhill Board of Health

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

Facility: The total accommodations to be used for the keeping or housing and care of one or more Pigs and/or Piglets, including but not limited to pens, pastures, operational confines, barn, stable, shed or other structure used for the intent of providing shelter for animals or related uses.

Farm with Pigs: A Facility for the keeping of Pigs and/or Piglets; sometimes referred to as a pig farm or piggery; a place where Pigs and/or Piglets are kept.

Foodwaste(s): Garbage (raw meat, seafood or other items set forth in 330 CMR11.01), bakery products, out-of-date or deteriorating produce, other out-of-date food products, but excluding raw unputrefied farm produce.

Grandfathered: Pre-existing conditions which were in existence for over 3 years prior to the publication of these Regulations as provided for in G.L. c. 111, § 31. Such pre-existing conditions include, but are not limited to: fencing, corrals, stables, barns, sheds, and the like. A Farm with Pigs or the keeping of Pigs shall not be grandfathered hereunder. If there is an existing Farm with Pigs that has not been approved by the Board of Health, the Farm shall be subject to these Regulations.

Noisome Impact: Malodorous and excessively persistent odors or excessive numbers of flies.

Nuisance: Any unsanitary condition, which in the opinion of the Board, is conducive to or results in excess of: breeding of flies, creation of malodors; vermin infestation; liquid effluent, runoff, disease carriers, noise, dust and odor in such concentrations and of such duration as to be a nuisance or injurious or, on the basis of current information, potentially injurious to human health or unreasonably interferes with the comfortable enjoyment of life and property.

Nutrient Management Plan: A USDA Nutrient Management Plan enacted through the NRCS or the UMass Amherst Extension or any other academic or governmental standard acceptable to the Board.

Permit: A permit issued by the Board under these Regulations and including a Site Assignment under G.L. c.111, § 143, if a Site Assignment would be required for the keeping of Pigs or the Farm with Pigs.

Persons: Owner, operator, corporation, business, partnership or other individual or individuals or other legal entity.

Pig: A weaned Pig over ten weeks of age.

Piggery: Any Person keeping more than one Pig or Piglet shall be deemed to be operating a Piggery.

Piglet: A nursing Pig up to ten (10) weeks of age. For the purpose of determining the number of Pigs that may be permitted, Pig includes Piglets.

Pig Manure Management Plan: A plan for the handling and disposal of pig manure and which is approved, or for which an application has been filed and approval received within 6 months of filing, by the United States Department of Agriculture (USDA) Natural Resources Conservation Services (NRCS) .The plan shall show the Wetlands and other areas as set forth in G.L. c.131, §40, the Massachusetts Wetlands Protection Act, City of Haverhill Zoning Code, Chapter 253 and Chapter 255-19 Watershed Protection District.

Property: The lot or contiguous lots upon which the Farm with Pigs is located.

Watershed Protection District Chapter: As defined by City of Haverhill Code 255-19

Wetlands: A wetland resources area as define under G.L. c.131, §. 40, and 310 CMR 10.00, the Wetlands Protection Act, the City of Haverhill Code Chapter 253, Wetlands, ponds and vernal pools, all streams, surface water bodies and swamps.

#### **4.0 PERMIT**

- 4.1 No Person shall keep Pigs or operate a Farm with Pigs within the limits of the City of Haverhill, in any building, Facility or Dwelling, or on any Property or premises, without a Permit from the Board.
- 4.2 All Permits issued shall expire annually one year after issuance. A Permit renewal will not require a new application, provided there have been no changes to the number of Pigs and the nature and extent of the Facility or the use of the Property for the keeping of Pigs or a Farm with Pigs since the previous year's filing.
- 4.3 A Permit may be revoked, modified, or not reissued based upon a reasonable basis found by the Board following notice and a public hearing. Such basis may include, but is not limited to, violation of any term of a Permit issued under these Regulations.
- 4.4 The Board may issue a Permit for a new Farm with Pigs or for the keeping of Pigs only after a public hearing has been held and the Board finds that the Farm with Pigs or the keeping of Pigs complies with these Regulations and will not be a Nuisance or have a Noisome Impact on the City.
- 4.5 Notice of the public hearing shall be given to the public and to all "parties in interest" as defined in G.L. c.40A, §11 and in the manner provided for in that section.
- 4.6 Any Permit issued may be modified or revoked by the Board or its agent without a public hearing if, in the opinion of the Board or its agent, conditions exist which are likely to imminently endanger the health, safety, or welfare of the Pigs or the general public by creating a public health nuisance. The Permit holder shall have the right to appeal the modification or revocation at a public hearing of the Board in the event no hearing was held prior to revocation. The Board may allow a permit holder additional time to correct conditions when there is no imminent danger.
- 4.7 Any Permit issued shall be issued to a particular Person who shall be the Permit

holder. No Permit may be transferred to another Person or new holder without the express written prior approval of the Board following a public hearing.

## **5.0 APPLICATIONS**

5.1 All applications for a Permit shall be submitted on a form supplied by the Board. An application for a new Permit shall include the following:

5.1.1. A site plan with a scale of not less than 1" = 20' showing the Property where the Farm with Pigs is to be located and the location of all existing or proposed fences, structures and buildings located within the Facility, the location of manure and feed storage areas, the location of any existing or proposed Dwellings on the Property and abutting properties which are within 300 feet of the Facility, all potable water wells within 300 feet, of the Facility and the Property and all Wetlands and Watershed Protection District as defined by City Code Chapter 255-19 on the Property and within 300 feet of the Facility and the Property. The Board may require more information on a case-by-case basis as it determines to be necessary.

5.1.2 A detailed explanation, including pig manure management and feed management, of how the Performance Standards set forth in Section 8.0 below will be met. .

5.1.3 The name and address of the Property owner, and, if different, the name and address of the person primarily responsible for operating the Farm with Pigs or the keeper of the Pigs.

5.1.4 The number of Pigs and/or Piglets sought to be kept or on the Farm with Pigs.

5.1.5 Certified Abutters list.

5.1.6 If an Applicant seeks Grandfather status, the Applicant must so demonstrate to the satisfaction of the Board compliance with the Grandfather requirements set forth above.

## **6.0 REQUIREMENTS**

6.1 Any Person keeping Pigs or operating a Farm with Pigs or a Facility must comply with all application and filing requirements set forth in these Regulations and may only keep pigs or operate a Farm with Pigs or a Facility upon receipt of a Permit from the Board.

6.2 No Pig may be kept and no Farm with Pigs or Facility may be allowed to operate or continue to operate if it is determined by the Board or its agent to be a Nuisance or have a Noisome Impact.

6.3 The Permit holder or operator or other designated Person must provide the Board with the name and contact information for the individual who is reachable 24 hours a day, 7 days a week, so that in case of an emergency, the individual may be contacted and promptly respond.

## **7.0 INSPECTIONS**

7.1 Any Property for which a Permit is issued shall be subject to routine inspection by the Board or its agent at any reasonable time two (2) times per calendar year. The Board or its agent shall give reasonable notice of the inspection, except in the case of an emergency. Should access be refused, the Board or agent shall have full authority to search the Property in accordance with law. The failure to cooperate with an inspection may be a basis upon which the Board may revoke a Permit.

## **8.0 PERFORMANCE STANDARDS**

### **8.1 Locations and Management**

#### **8.1.1 Pigs and Piglets**

No Pigs or Piglets may be kept and no Farm with Pigs (the Facility) may be located closer than the following:

8.1.1.1.1. 300 feet to a Dwelling located on an adjacent property: , a school, church, park, playground, hospital, nursing home, rest home or public building,

8.1.1.1.2. 100 feet to any adjoining property lot lines

8.1.1.1.3. 200 feet to the edge of any public or private way or street, or highway,

8.1.1.1.4. 500 feet to any public water supply and its tributary streams, Zone A or Zone B

8.1.1.1.5. 150 feet to any private water supply or irrigation supply and its tributary streams,

8.1.1.1.6. Wetland setbacks are governed by the Massachusetts Wetlands Protection Act.

8.1.1.1.7. 50 feet to any milk-handling area.

8.1.1.1.8. The above dimensions may be modified by the Board on case-by-case basis. The Board may decrease or increase the above dimensions upon the written assent of all affected owners of properties located within the dimensional restrictions.

#### **8.1.2 Pig Manure Management**

Pig manure shall be located and managed as follows:

8.1.2.1 All pig manure and other by-products must be maintained in such a way that they do not become a Nuisance to abutters or the public. The Farm with Pigs must also have in place, or have applied for and

received within 6 months of application, a USDA NRCS, or U-Mass Amherst Extension NRCS Farm Conservation Plan and Nutrient Management Plan.

8.1.2.2 All pig manure and other by-products must be contained within an earthen berm, impervious surface, or other suitable feature or structure, and be kept in such a manner that they do not run off onto uncontained areas or abutting properties. All locations of pig manure stockpiles, pits or lagoons must be carefully chosen to minimize the impacts on abutting properties and Wetlands and watercourses, with due consideration of slopes and prevailing winds.

8.1.2.3 No person operating a Farm with Pigs may willfully or through negligence, cause, suffer, allow or permit drainage or liquid effluent containing urine or fecal matter to be discharged in runoff, or to flow the surface of the ground onto neighboring property, public ways, Wetlands or watercourses.

8.1.2.4 No person operating a Farm with Pigs may willfully or through negligence, cause, suffer, allow or permit unreasonable odors which cause a Nuisance or a Noisome Impact onto neighboring properties or public ways.

8.1.2.5 All Farms with Pigs and Facilities must have an approved Pig Manure Management Plan and operate in compliance with the Plan.

8.1.2.6 In the event pig manure is spread upon fields for tilling, injection or other method, said pig manure must be tilled, if tilling is a part of the disposal process, into the soil no later than 24 hours after it has been spread.

8.1.2.7 All feeding pads and areas must be kept free of pig manure and/or cleaned at regular intervals.

8.1.2.8 Pig manure and soiled bedding must be handled and treated as necessary to prevent the escape of odors and the attraction and/or breeding of flies and/or vermin.

8.1.2.9 There must be at least a 25- foot-wide vegetated buffer zone between the Facility and Wetlands or watercourses and adjacent property lines.

8.1.2.10 Drainage from Facilities shall be directed to pretreatment areas designed in the Best Management Practices as provided for by an NRCS plan or UMass Management Extension or any other academic or governmental standard acceptable to the Board in the following cases:

- a. When located within 200 feet of a Wetland or watercourse
- b. When the Board determines it is necessary to protect the public and environmental health.

8.1.2.11 No pig manure pile, lagoon or pit may be closer than the following:

8.1.2.12 No pig manure shall be stored within a Zone 1 of a public groundwater supply and within Zone A of a surface water supply. Pig manure may be stored within a Zone II and Zone B as defined by Mass. Department of Environmental Protection (DEP) as long as they follow current agricultural guidelines or Best Management Practice as set forth by an NRCS plan or UMass Amherst Extension. No pig manure shall be located closer than 500' feet from an abutter's dwelling and at least 100 feet from any lot line. Further adaptation of these setbacks is allowable as the BOH deems necessary to protect the public health.

<u>Location</u>	<u>Distance</u>
Wetland or watercourse	200'
Surface or subsurface drain	200'
Abutting Dwellings	500'
Side and Rear Lot Line	100'
Public or Private Road	500'
Milk Handling Area	200'
Public Water Supply and its Tributary Streams	500'
Private Water Supply and its Tributary Streams	150'

8.1.2.13 Breed houses must be cleaned at least daily and as deemed necessary.

### 8.1.3 Feeding

8.1.3.2. Foodwaste may be fed in accordance with 330 CMR11.00

8.1.3.3 Notwithstanding the above, all Foodwaste or other food must be fed upon cement or another surface acceptable to the Board.

8.1.3.4 Food may not be stored upon the dirt and must be stored under cover and on cement or another surface acceptable to the Board.

8.1.3.5 No pig manure or food may be allowed to accumulate about the feeding area or surface or on the ground.

8.1.3.6 Water must be provided at all areas where Pigs and Piglets are kept

and must be readily available, adequate and from a potable water source.

#### **8.1.4 Buildings, Structures and Pens**

8.1.4.1 All buildings, structures or pens used to house Pigs and Piglets must be properly constructed, designed, arranged, located and maintained so as to minimize odors and to prevent harborage, shelter or feeding of vermin. Such buildings must be so designed and constructed so that accumulation of waste and other material that could cause a Noisome Impact or Nuisance can be readily removed.

#### **8.1.5 Miscellaneous**

8.1.5.1 Emergency contact information for the Applicant, Permit holder or Property owner, if different, must be kept current and posted in a conspicuous place in the Facility. The Applicant, Permit holder, or Property owner, as may be applicable, must advise, in writing, the Board of the location of the posting on the Property.

8.1.5.2 Best Management Practices for the keeping of Pigs and Piglets must be employed at all times, including but not limited to, the control or elimination of odor, flies and vermin and the handling and transport of pig manure.

8.1.5.3 Dead animals must either be composted or taken away within 24 hours by a licensed rendering hauler or otherwise disposed of as may be permitted by law or Best Management Practice.

#### **8.1.6 Waivers**

The Board may waive any of the Performance Standards, if in its reasonable discretion it determines that the health and welfare of the public will be protected notwithstanding the waiver.

### **9.0 FEES**

Fees shall be set by the Board annually and published as part of its Fee Schedule.

### **10.0 VARIANCE**

Any Applicant or Permit holder may request a variance from any of the provisions in these Regulations. A written variance request shall be subject to the provisions of Section 4.0 as to notice and public hearing. The Board may grant the request for a variance upon a showing that enforcement of such provision would, in the Board's determination after review of evidence that there would be a hardship for the Applicant or Permit holder or that the Property is of sufficient size and other conditions exist such that there would be no detriment to the public health. A hardship shall not be based solely upon economic circumstances and the variance may only be granted if the Board determines that the variance would not be



detrimental to public health The Board in its discretion may limit the term of a variance. If the Board allows a variance to permit more than 30 Pigs, including Piglets, the variance shall provide for a time period, of not more than 12 months, for the number of Pigs and/or Piglets to be reduced to the originally permitted number of Pigs and/or Piglets.

## **11.0 ENFORCEMENT**

These Regulations and the Permits hereunder shall be enforced by the Board and the Health Agent for the City of Haverhill. Any violations may be enforced under the City of Haverhill Code, Chapter 1, §1-16, or any other applicable law.

11.1 Critical Violations: Any violation of these Regulations or of any Permit or order issued by the Board, which violation is deemed an immediate threat to the public health and welfare by either the Board or the Health Agent, or any Permit holder who has been the subject of repetitive “Non- critical Violations”, which shall mean three (3) or more violations within a six (6) month period, shall be deemed a Critical Violation. If there is such a Critical Violation, any Permit for the keeping of Pigs or a Farm with Pigs shall be immediately revoked. Following revocation of a Permit, the Board shall hold a hearing on the matter within thirty (30) days. A Person found guilty of a Critical Violation shall be subject to a fine up to \$1,000.

11.2 Non-critical Violations: Any violation of these Regulations or of any Permit or order issued by the Board which is not deemed an immediate threat to the public health or welfare. A Person who has received a Non-critical Violation shall be subject to a fine in accordance with G.L. c. 40 § 21D and as more fully set forth in the City of Haverhill Code, Chapter 1, Article 1, § 1-16..

11.3 Each day of non-compliance with these Regulations or of any Permit or order issued by the Board shall be deemed a separate offense.

11.4 Past violations of any type and the resolution, if any, of such violations, may be considered by the Board regarding a Permit renewal.

## **12.0 APPEAL**

Any Person, Applicant or Permit holder who has standing and who is aggrieved by a final decision of the Board may appeal said decision to a court of competent jurisdiction. Review of such decision shall be on the record before the Board and shall be conducted pursuant to G.L. c. 249, § 4.

## **13.0 SEVERABILITY**

If any provision of these Regulations shall be declared invalid or not enforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

**HAVERHILL BOARD OF HEALTH  
ROOM 210 – 4 SUMMER ST  
HAVERHILL, MA 01830**

**978-374-2325**

**APPLICATION FOR THE KEEPING OF PIGS/PIGGERY PERMIT**

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Applicant's  
Address: \_\_\_\_\_

Address where Pigs/Piglets will be  
located: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_ Evening Phone  
Number: \_\_\_\_\_

Emergency Phone Number: \_\_\_\_\_

Assessor's Map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Lot Size: \_\_\_\_\_

Requested Number of Pigs: \_\_\_\_\_ Piglets: \_\_\_\_\_

**All applications for a Permit shall include the following:**

A site plan with a scale of not less than 1" = 20' showing the Property where the Farm with Pigs is to be located and the location of all existing or proposed fences, structures and buildings located within the Facility, the location of manure and feed storage areas, the location of any existing or proposed Dwellings on the Property and abutting properties which are within 300 feet of the Facility, all potable water wells within 300 feet, of the Facility and the Property and all Wetlands and Watershed Protection District as defined by City Code Chapter 255-19 on the Property and within 300 feet of the Facility and the Property. The Board may require more information on a case-by-case basis as it determines to be necessary.

A detailed explanation, including pig manure management and feed management, of how the Performance Standards set forth in Section 8.0 will be met. .

The name and address of the Property owner, and, if different, the name and address of the person primarily responsible for operating the Farm with Pigs or the keeper of the Piglets

A certified abutters list.

If an Applicant seeks Grandfather status, the Applicant must so demonstrate to the satisfaction of the Board compliance with the Grandfather requirements set forth above.

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Office Use Only:

Fee Paid\_\_\_\_\_

Board of Health Approval Date:\_\_\_\_\_

Number of Pigs/Piglets Allowed:\_\_\_\_\_