RULES AND REGULATIONS FOR THE KEEPING OF ANIMALS AND LIVE FOWL

The City of Newton Health and Human Services Department hereby orders that the following regulations be and are hereby adopted this First Day of November 1982 to become effective on September 1, 1994 under authority of Sections 31, 122 and 155 of Chapter 111 of the General Laws of the Commonwealth of Massachusetts and revised on September 1992. All other regulations previously adopted regarding the keeping of animals and live fowl and the licensing of stables are hereby repealed.

SECTION 1. LICENSE REQUIREMENTS

1.1 No person shall keep animals or fowl within the limits of the City of Newton except pursuant to a license issued by the Newton Health and Human Services Department and in accordance with the terms and conditions of such license and the animal regulations set out herein.

1.2 Each license granted hereunder shall contain a statement of the number and type of creatures licensed and such conditions as may be required by the Department.

1.3 A person desiring to keep animals or fowl shall apply for a license on an application provided by the Health and Human Services Department. All information required by the application shall be provided by the applicant, including a plan of the type and location of the structure where the animals or fowl are proposed to be kept. In the case of structures which are newly built or substantially renovated after the effective date of these animal regulations, the applicant shall submit a copy of the City of Newton Building Permit.

1.4 The fee for licenses shall be twenty-five dollars ($25.00), which shall be paid upon licensure.

1.5 Licenses granted hereunder shall be for a term up to two years, expiring on October 15th of every even year, unless sooner revoked. Such licenses are not transferable.

1.6 No license shall be granted for the keeping of a rooster, goose or any other animal or fowl whose type, breed or gender is known to create loud or objectionable noises unless it can be shown that such animal or fowl will be kept at all times in a location no less than one thousand feet (1,000') from the lot lines of the applicant.
1.7 Any person holding a valid license on the date of promulgation of these standards will be considered exempt from the new distance requirements set out in 4.1, 5.1 and 6.1 until August 30, 1994.

1.8 Except as provided in section 9, no license shall be granted except upon the Commissioner of Health and Human Services's determination that the applicant has demonstrated his/her compliance with all applicable local, state and federal laws.

SECTION 2. DEFINITIONS - For the purposes of this chapter the following definitions shall apply:

2.1 ANIMALS: Horses, ponies, goats, swine, cattle, sheep, donkeys, llamas, alpacas, mules and all other birds and mammals which are kept or harbored as domesticated animals, provided that the following shall not be considered animals: Dogs; cats; rodentra up to five in number; Vietnamese Pot Belly Pigs up to two in number; wild animals, exotic birds, fish reptiles and amphibians.*

2.2 FOWL: Chickens, pigeons, doves, capons, hens, turkeys, pheasants, guinea fowl, ducks, roosters and geese other than wild species.

2.3 RODENTERA: Include domestic rats, mice, rabbits, guinea pigs, hamsters, chinchillas and other members of the rodentera family.

2.4 PERSON: Every individual, partnership, corporation, firm, association or group.

2.5 STABLE: A structure having stalls or compartments in which large animals such as horses, donkeys, mules, cattle, or ponies are housed.

2.6 SHELTER: A structure for housing small animals.

2.7 COOP: Small structure for housing live fowl.

SECTION 3. RESTRICTIONS

3.1 No person shall keep any animals or live fowl in any building any part of which is used as a dwelling including but not limited to attached garages and breezeways etc.

*Dogs must be licensed according to the provisions of Newton City Ordinances and of State Law (Mass. General Laws c. 140 137.) Wild animals, exotic birds, fish reptiles and amphibians may be kept as pets subject to the licensing requirements of State Law (Mass. General Laws c. 131 sections 23, 25 and 26A). Those wild animals which may be kept without a state license are listed in 321 Code MA. Reg. 9.01
SECTION 4. SHELTERS

4.1 LOCATION: All shelters shall be located not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, or less than 50 feet from any well. In addition, all shelters shall be located at least 10 feet from side and rear property lines and at least 40 feet from front property lines.

4.2 CONSTRUCTION: All shelters shall be so constructed as to protect from dampness, deterioration and accessibility to rodents.

4.3 FLOORS: Floor surfaces shall be so constructed as to be easily cleanable.

4.4 FEED STORAGE: The owner shall provide for tightly covered and vermin-proof storage of dry animal feed.

4.5 LIGHTING AND VENTILATION: Each shelter shall be provided with adequate lighting and ventilation so as to prevent the build up of odors and moisture.

4.6 NUISANCE PREVENTION: Adequate measures shall be taken to reduce the presence of rodents, flies, other insects, and the creation of odors and other nuisances. All pesticides must be EPA approved and used in accordance with directions on the manufacturer's label.

4.7 MANURE STORAGE: The manure storage facility shall be constructed of durable material and be so located as to promote regular removal of manure so as to prevent objectionable conditions. Manure shall be stored not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, and not less than 100 feet from any well. In addition, manure storage shall be kept at least 10 feet from side and rear lot lines and at least 40 feet from front property lines, and 50 feet from any dwelling unit.

SECTION 5. COOPS

5.1 LOCATION: All coops shall be located not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, or less than 50 feet from any well. In addition, all coops shall be located at least 10 feet from side and rear property lines and 40 feet from front property lines.

5.2 CONSTRUCTION OF BUILDINGS: All coops shall be of durable construction. Such structures shall be elevated to a height which allows for adequate cleaning and designed so as to prevent the harborage of rodents and insects. Nests shall be movable or otherwise designed so as to be readily cleanable.
5.3 **VENTILATION:** All coops shall be ventilated so as to prevent buildup of odors and moisture.

5.4 **NUISANCE PREVENTION:** Adequate measures shall be taken to reduce the presence of rodents, flies, other insects, and the creation of odors and other nuisances. All pesticides must be EPA approved and used in accordance with directions on the manufacturer's label.

5.5 **MAINTENANCE OF COOP FACILITIES:** All coop facilities shall be cleaned regularly and maintained in such a manner as to prevent the build-up of manure. Feed stations shall be maintained in proper sanitary conditions.

5.6 **MANURE STORAGE:** The manure storage facility shall be constructed of durable material and be so located as to promote regular removal of manure so as to prevent objectionable conditions. Manure shall be stored not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, or less than 100 feet from any well. In addition, manure storage shall be kept at least 10 feet from side and rear lot lines, at least 40 feet from front property lines and at least 50 feet from any dwelling unit.

**SECTION 6 STABLES**

6.1 **LOCATION:** Stables shall be located:

- Not less than 200 feet from any church, meeting house, school, hospital, nursing home or rest home.

- Not less than 200 feet from the high water mark of any source of drinking water supply or any tributary thereof, or less than 50 feet from any well.

- Not less than 50 feet of any room where milk is handled.

- Not less than 10 feet from side or rear lot lines or less than 50 feet from a dwelling.

- Not less than 40 feet from front lot lines.

6.2 **CONSTRUCTION:** Stables shall be of durable construction to protect the building from deterioration or damage by rodents, termites and dampness.

6.3 **FLOORS:** Floors in stalls and stables shall be constructed of materials approved by the Health and Human Services Department and shall be sloped to facilitate proper drainage. Floors in the feed and tack rooms should be of concrete construction.
6.4 **DRAINAGE:** The stable area shall be adequately drained so as to prevent ponding and public Health and Human Services nuisances created by runoff.

6.5 **WATER SUPPLY:** An adequate quantity of safe water shall be provided for each stable. Each stable shall be provided with a sufficient number of hose bib water outlets so that the stable can be hosed down and maintained in a clean condition. All outlets shall be equipped with approved backflow devices as required by State Plumbing Codes and shall meet all other requirements of such code.

6.6 **WATER TROUGH:** A drinking water trough shall be provided in the corral area for the animals. Troughs shall be kept clean and shall not create a mosquito breeding nuisance.

6.7 **CORRALS AND PADDOCK AREAS:** Corrals and paddock areas should be graded to minimize standing pools of surface water.

6.8 **FEED STORAGE:** Grain feeds shall be stored in covered containers which are metal, metal-lined, or constructed of other durable material approved by the Health and Human Services Department.

6.9 **NUISANCE PREVENTION:** Adequate measures shall be taken to reduce the presence of rodents, flies, other insects and the creation of odors or any other nuisances. All pesticides must be EPA approved and used in accordance with the directions on the manufacturer's label.

6.10 **MANURE STORAGE:** The manure storage facility shall be constructed of durable material and be so located as to promote regular removal of manure so as to prevent objectionable conditions. Manure shall be stored not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, or less than 100 feet from any well. In addition, manure storage shall be kept at least 100 feet from lot lines and 50 feet from any dwelling unit.

6.11 **LIGHTING AND VENTILATION:** Each stable shall be provided with adequate light and ventilation to prevent the build-up of odors and moisture.

6.12 **LIVING AND SLEEPING QUARTERS:** Stables shall not be used for human habitation, except upon written permission of the Health and Human Services Department. If permitted by the Health and Human Services Department, such living and sleeping quarters shall meet the requirements of Chapter II of The State Sanitary Code.
SECTION 7.  **RESTRICTION TO PREMISES**

All animals and live fowl except pigeons and doves shall be kept in an approved building, run, or enclosure. They shall not be permitted to roam unrestricted outside the building, run or enclosure.

SECTION 8.  **APPEAL OF A DENIAL OF A LICENSE OR RENEWAL THEREOF**

Any person whose application for a license or license renewal has been denied may request a hearing before the Commissioner of Health and Human Services by submitting a written request within ten days of said denial. The Commissioner of Health and Human Services shall set a time and place for said hearing within fourteen days of receipt of the request.

SECTION 9.  **VARIANCE / HEARING**

The Commissioner of Health and Human Services may vary the application of any provision of these regulations where he has determined that literal enforcement thereof would result in substantial hardship, financial or otherwise, to the applicant, and that the license sought may be granted without substantial detriment to the public good and without substantially derogating from the public Health and Human Services purposes of these regulations, but not otherwise.

SECTION 10.  **SUSPENSION/REVOCATION OF LICENSE**

10.1 A license granted under these regulations may be suspended or revoked for cause, by the Commissioner of Health and Human Services, provided that a hearing has been held after (7) days notice of the suspension or revocation, except in the case of emergency as set out below. Notice shall be given by first class mail sent to the address shown on the most recent application for licensure.

10.2 Whenever the Commissioner of Health and Human Services has determined that an emergency exists under section 10.3, he may, without prior notice or hearing, issue an order reciting the existence of the emergency and ordering that license be immediately revoked or suspended, as specified therein. Such person may request a hearing within seven (7) days after the service of the order and the hearing shall be granted as soon as possible, provided however, that such a request for hearing shall not stay or in any way modify the terms of the emergency order.

10.3 Cause for emergency: the following shall be grounds for emergency suspension or revocation of a license to keep animals:

1. cruel treatment of animals
2. using animals for illegal purpose (e.g. fighting)

3. outbreak of a communicable animal disease as determined by the Inspector of Animals or a veterinarian licensed in the Commonwealth

4. unsanitary conditions which in the opinion of the Health and Human Services Department, create a Health and Human Services hazard

SECTION 11. PENALTIES

Any person who violates any provision of these regulations shall, upon conviction, be fined not more than one thousand dollars ($1,000.00). Each day of violation shall constitute a separate offense.

SECTION 12. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions thereof. The provisions of these rules and regulations are hereby declared severable.