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Regulations for the control of
Animals in the Town of Walpole

The Town of Walpole Board of Health, acting under the authority of Section 31 and Section 155, of Chapter III of the General Laws, amendments and additions and by any other powers thereto, enabling and acting thereunder and in accordance therewith, have in the interest of and for the preservation of the public health, duly made and adopted the following regulations for the control of animals in the Town of Walpole.

Section 1 Definitions

- a. **Approving Authority** shall be the Board of Health or its designated representative.
- b. **Animal Permits** shall be the Permit granted by the Town of Walpole Board of Health to keep animals other than Household Pets within the Town of Walpole. Property will be subject to an annual inspection by the Approving Authority, whether or not animals are present
- c. **Persons** shall be an individual, partnership, corporation, firm, association or group including a city, town, county or other governmental units.
- d. **Abutters** shall be any landowner or lessee whose property is within three hundred (300) feet of the applicant's property.
- e. **Stable, Pen, Coop or Housing** is a building or enclosure used to house or confine one or more animals and to store the food/supplies normally associated with the keeping of animals.
- f. **Corral or Paddock** is a fenced area designed to allow for the free roaming and proper containment of animals.
- g. **Grazing Animals** are animals that in the wild depend upon grazing and foraging of grasses as a major component of their diet, including but not limited to horses, ponies, mules, donkeys, cattle, llamas, goats, sheep, deer and buffalo. For the purposes of issuing a Permit for a given number of Grazing Animals the following shall be considered equivalent and each will be regarded as a single "Grazing Animal" as follows:

Horse, Pony, Mule, Donkey	1	Cattle, Buffalo	1
Llama	3	Sheep	5
Goats	5	Deer	5

Grazing Animals, not specifically addressed above, will be reviewed on an individual basis prior to issuing a Permit. For licensing Grazing Animals, juvenile animals not yet weaned residing on the property with their maternal parent will not count as an additional Grazing Animal and will not require an additional or amended Permit.

- h.** **Pigs** are any swine not kept as household pets. For the purposes of licensing Pigs, juvenile animals not yet weaned residing on the property with their maternal parent will not count as additional Pigs and will not require an additional or amended Permit. (This definition does not include pot-bellied pigs).
- i.** **Penned Animals** are animals normally kept in a confined area out of the residential dwelling, including but not limited to poultry, waterfowl, rabbits or pigeons and excluding Grazing Animals and Pigs. For the purposes of licensing Penned Animals, under six (6) months of age residing on the property with their maternal parent will not count as additional Penned Animals and will not require an additional or amended Permit.
- j.** **Household Pets** Household pets are animals that are normally kept inside a residential dwelling or commercial building, including but not limited to dogs, cats, ferrets, pot-bellied pigs, fish, domesticated or exotic birds and various small rodents.
- k.** **Non-impervious Land** (NIL) is land in which precipitation is allowed to directly fall and penetrate into the soil, excluding any buildings, paved driveway, patios, decks, walkways, overhangs, shelters, swimming pools, or other barriers preventing the free flow of precipitation into the ground.
- l.** **Manure Management Plan** (MMP) is a plan for the handling of manure and other wastes as outlined in Section 7 of these regulations.
- m.** **Property** shall be any property used by the permit holder or applicant including but not limited to personally owned, family owned or leased property.

Section 2: Animal Permit: Initial Application

- a) Prior to keeping any animals, other than Household Pets within the Town of Walpole, the Person owning or keeping the animals must apply to the BOH for a Permit. The applicant must complete the application online at <https://walpolema.viewpointcloud.com> along with an application fee of \$25.00 for penned animals, \$50.00 for grazing animals.

The following are required with the application;

- a.** The number and type of animals to be kept (which would be included on the written application)
- b.** A plan, drawn to scale, which includes the following information:
 - The size of the entire lot or lots on which animals will be kept
 - Existing and planned structures, fences and wells clearly designated
 - The proposed Manure Management Plan (MMP), subject to Board of Health approval (See Section 7).
 - Distances of animal stable, pen, coop or housing from all Abutters, boundaries and dwellings
 - Distances of corrals or paddocks from all Abutters boundaries and dwellings

- Any streams, ponds or wetlands on the lot or lots in which animals will be kept and the 100 year flood plain (maps available at Town Hall)
- The boundaries or areas covered by Walpole's Water Resource Protection Overlay District (map available at Town Hall) with each area clearly designated on the plan.
- A list of all Abutters to the Property (available at the Town Hall from the Board of Assessors Office).

Section 3: Action by the Board of Health on the Initial Application for a Permit

- a. Upon the receipt of the completed application, and the documentation listed in Section 2, the Approving Authority shall inspect the property.
- b. The Board of Health will then notify the applicant of the date and time of the Board of Health meeting, at which time their application will be reviewed. It will then be the applicant's responsibility to notify their abutters of the date and time of this meeting. Verification that all abutters have been notified, not more than thirty (30) but no less than fourteen (14) days in advance of the hearing before the Board of Health, of the applicant's intent. Such verification shall be in the form of a signed and dated letter or a receipt from the U.S. Post Office that each abutter has received a certified letter. This verification must include a copy of the letter sent or distributed. This will provide an opportunity for the applicant and abutters to express their concerns, questions, support or opposition to the application at the meeting or in the form of a letter received by the Board of Health prior to the meeting. The Board of Health may require the applicant to furnish additional information required by the Board of Health to make a determination whether to grant the permit.
- c. The burden shall be on the applicant to establish that the granting of a Permit shall not be detrimental in any way to the public health or welfare and will not endanger the health, safety or drinking water supplies of the community.
- d. The Board of Health shall act on the application for an Animal Permit and shall notify the applicant within one week of the decision of the outcome and any conditions imposed by the Board of Health if the Permit is granted.
- e. The Board of Health shall issue a Permit to the applicant if the applicant, to the satisfaction of the Board of Health, has demonstrated that the proposed keeping of animals complies with the regulations attached herein. If a Permit is issued, it will be issued to the owner of the property or the tenant of the property with written permission of the owner.
- f. Permits for the keeping of animals are issued for a specific number and type of animal(s). Permits are not transferable to the use of other premises or person(s).

Section 4: Modification of Permits

- a. At the discretion of, and subject to inspection by, the Approving Authority, the Board of Health or Health Agent may allow the applicant to modify its permit by changing the number and type of animals specified on the Permit. Modifications may be subject to notification of Abutters and/or appearances before the Board.
- b. All permit holders are subject to a minimum of one annual inspection, whether animals are present or not.
- c. Any renovations to an existing building/enclosure used as a Stable, Pen, Coop, Housing, or construction of a new building/enclosure, which is utilized in whole or in part as the aforementioned, must be done in accordance with Town of Walpole building requirements with duplicate plans submitted to the Health Agent for approval.

Section 5: Corral or Paddock – Sizes and Distances, Fencing and Containment

For purposes of determining whether the proposed number of animals will have a detrimental impact on public health, welfare, and the bordering water supplies of the community, the applicant shall demonstrate that the following guidelines are either complied with or not applicable to their application.

- a. The lot on which the Grazing Animal will occupy must have a minimum of 30,000 square feet of NIL plus 2500 square feet of NIL for each additional Grazing Animal authorized on the animal permit.
- b. The minimum square feet of NIL made available in a paddock or corral for each Grazing Animal shall be 2,000 square feet for the first Grazing Animal plus 300 square feet for each additional Grazing Animal.
- c. The lot on which Pigs occupy must have a minimum of 20,000 square feet of NIL. The minimum square feet of space made available for each Pig shall be:
 - 100 square feet of pen space for each Pig in a confinement management system or
 - 900 square feet of NIL for the first Pig and 300 square feet for each additional Pig in a pasture management system.
- d. All fencing must be adequate to contain the animals being confined and constructed in compliance with Town of Walpole Zoning regulations.
- e. All unattended animals, with the exception of pigeons and other flight birds, must be confined to the Permit Holder's property at all times to prevent wandering and straying on other property.
- f. Pigeons are permitted to fly free in accordance with standard industry practices but shall be managed in such a way as to not cause harm and to minimize intrusion to other property.
- g. No animals or birds (i.e. roosters, guinea hens, etc.), if creating a noise nuisance (as verified by the Board of Health or their designee), shall be permitted.

Section 6: Stable, Pen, Coop or Housing Construction (also applies to remodeling or adding to existing structures)

All Stables, Pens, Coops or Housing must conform to the following:

- a. Adequate permanent shelter is required to protect Grazing Animals or Pigs from the elements
- b. All Primary Stables, Pens, Coops or Housing used to contain Grazing Animals or Pigs must:
 - Be a minimum of 50 feet from any lot line and a minimum of 100' from an abutters dwelling.
 - Where stalls are provided; ensure that stalls are large enough to enable the animal to stand up, lie down and to protect them from the elements.
 - Provide fresh food, clean water, adequate air space and ventilation per animal.
 - Compliance with the above regulations will be determined by BOH or their designee based on guidelines as set forth by recognized organizations such as the MSPCA or the MA Department of Agricultural Resources Division of Animal Health.
- c. All Housing for Pinned Animals must:
 - Provide adequate protection for the animals from the elements.
 - Provide for the animals, fresh food, water, adequate air space and adequate ventilation.

Section 7: Manure and Bedding

All Town of Walpole Animal Permit Holders must have on file, a Manure Management Plan, approved by the Board of Health. Applicants must file a Manure Management Plan (MMP), approved by the BOH, prior to

issuance of a Permit. The Approving Authority in accordance with standard industry practices will review all plans.

The MMP, submitted by the Permit holder or applicant must contain the following information:

- a. Provide a map, drawn to scale, which shows the location of wells, watercourses, ditches and bodies of water.
- b. Clearing, management and disposal of manure shall be such as to minimize odors, breeding of flies and the attraction of vermin. Manure shall be collected and stockpiled 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.
- c. All animal manure, wastes and soiled bedding must be cleared daily from stalls.
- d. All animal manure and wastes must be cleared from corrals of less than 2,000 square feet at least once a week and as needed from enclosures of greater than 2,000 square feet between May 1st thru September 30th in order to comply with “b” above. Manure and waste shall be cleared from all enclosures as needed or as weather conditions permit from October 1st thru April 30th.
- e. Stockpiled manure, waste and soiled bedding shall be removed from the property at least every two weeks from May 1st thru September 30th and at least monthly from October 1st thru April 30th. The storage of manure, wastes and soiled bedding and the maintenance of pens or corrals for animals shall not interfere with any Abutter’s rights to enjoy their property. The BOH or its agent will investigate any complaints of offensive odor, noise, or pests, (such as rats, mice, insects, flies or mosquitoes) associated with the keeping of animals within the Town of Walpole. The BOH at any time may revoke a permit to keep animals within the Town, or require additional preventive measures in accordance with Section 11 of these regulations.
- f. Manure, waste or soiled bedding must be disposed of by the permit holder and cannot not be placed in the garbage collected by the Town of Walpole.
- g. No manure, wastes and soiled bedding from stables, corrals, coops or pens shall be stored within ten (10) feet from a permit holder’s residence nor within 100 feet from any property line.

Due to a variety of circumstances in which special considerations are necessary for a modified MMP, a Permit holder or Applicant could submit a Manure Management Plan (MMP) customized or modified to account for their individual situation. For example, composting, use as a fertilizer, etc. This revised or modified plan would need to be approved by the BOH prior to issuance of a Permit. The customized or modified MMP is still required to address the points listed above. The Approving Authority in accordance with standard industry practices will review the plan.

Section 8: Health and Sanitation Requirements

- a. No permit holder shall willfully or through negligence, cause, suffer, allow or permit the floor and or ground of the Stable, Pen, Coop or Housing, through design, construction or maintenance, cause or contribute to unsanitary conditions at said facility.
- b. No permit holder shall willfully or through negligence, cause, suffer, allow or permit drainage of any liquid effluent containing urine and/or fecal matter from any animal kept in a Stable, Pen, Coop or Housing to flow over the surface of the ground on to abutting property, public ways, watercourses, bodies of water, or wetland areas.
- c. All animals must be kept clean and in good health.
- d. All opened animal food, except that for household pets, shall be stored in a rodent-proof container.
- e. Whenever necessary, insecticides such as space sprays or resin strips should be applied to the interior walls, ceiling, stall areas and exterior of Stables, Pens, Coops or Housing in order to control the insect

population. All insecticides must be approved by the Dept. of Public Health and the Dept. of Environmental Protection and should be applied in accordance with the instruction for the use of that insecticide.

- f. Bedding shall consist of peat moss, straw, pine wood chips, hay, shavings, sawdust or like absorbent substances but shall not contain in whole or part any wool waste. Bedding should be sufficient to provide absorption of waste materials and adequate comfort for the animal. Pigs should be provided with sufficient bedding to provide warmth in cold weather.

Section 9: Renewals and Inspection

- a. Permits are renewed annually on or before December 31st.
- b. In the event that a resident holds an Animal Permit, and has not had any animals on the property for three years, the existing Animal Permit is no longer eligible for renewal. A new permit must be applied for should the resident choose to house animals again.

Section 10: Complaints

- a. Complaints must be submitted in writing, or via email, to the BOH or Approving Authority, and must include the name and contact information for the complainant and a description of the nature of the complaint.
- b. Within five (5) working days of the receipt of a complaint, the Approving Authority shall investigate the matter. The Board of Health or their designee shall provide a written response within seven (7) working days, which contains the findings of the investigation to both the complainant and the Permit holder.
- c. The Approving Authority will investigate any complaints associated with the keeping of animals within the Town of Walpole and may require additional preventive measures to mitigate public health risk.

Section 11: Enforcement

- a. The Approving Authority without prior notification may perform inspections at any reasonable time.
- b. In cases of non-compliance with these regulations or with any additional preventative measures required by the BOH, the BOH will enforce these rules and regulations in the following manner:
1. After written notification from the BOH noting violations of these regulations, the Permit holder shall have ten (10) working days (or such time as is allowed in the notification), to correct such violations. Repeated offenses may be given less time at the discretion of the BOH or the health agent. Failure to correct such violations shall result in that Person being subject to a fine of \$50.00 per day per violation that such an infraction continues, (in accordance with the Town of Walpole Ticketing Non-Criminal Disposition By-Law) and/or revocation of the Animal Permit.
 2. After written notification from the BOH, any Person housing or keeping animals without a Permit shall within twenty-four (24) hours, or such time as is allowed in the notification, remove said animal(s) from the premise until such time as a Permit is issued.
 3. Permits may be revoked or suspended by the BOH if it is determined that any of the following has occurred:
 - Continued keeping of these animals constitutes a public safety or health risk.
 - The animal(s) are not receiving proper care.
 - Inaccurate information given in the application.
 - The Permit holder is keeping animals either not listed on the current Permit or in greater numbers than indicated on the current Permit.

4. The holder of any Permit revoked or suspended, will be notified of such action by certified mail. A person so aggrieved may petition the BOH for a hearing at the next BOH meeting, unless the agenda for the meeting has already been posted, in which case the hearing shall be at the subsequent BOH meeting. The applicant may be permitted to keep the animal(s) on the premises until the BOH hearing, providing that keeping the animal(s) does not pose an immediate threat to the public health and safety, or the welfare of the animal(s). In which case the animal(s) will be removed within twenty-four (24) hours of the receipt of the notice or such time as indicated in the notice.

Section 12: Variances

The Board of Health may issue a variance on an application or any provision of these regulations in any particular case when, in its opinion, the enforcement would manifest an injustice and the issue of a variance will not adversely impact the public health, safety or welfare. Any applicant requesting a variance shall comply with the Permit application requirements outlined in Section 2 and shall submit in writing in the application the regulations from which a variance is sought and the written reasons why the issuance of a variance would be in the public interest.

Section 13: Annual Permit Renewal Fees

The fee for an Animal Permit is based upon the Permit holder's maximum allowable animal numbers as indicated on their permit. Fees are as follows:

- For Pened Animals, such as poultry, waterfowl, rabbits or pigeons, **6 or less is \$10.00.**
- For Pened Animals, such as poultry, waterfowl, rabbits or pigeons, **more than 6 is \$15.00.**
- For Grazing Animals or Pigs, **6 or less is \$30.00.**
- For Grazing Animals or Pigs, **more than 6 is \$40.00.**

Section 14: Grandfather Clause

Anyone keeping animals under an existing Permit issued by the Board of Health, on or before June 30, 2008 shall be subject to these regulations except for provisions relating to setback and lot sizes, unless or until their existing Permit is revoked by the Board of Health (as set forth in Section 11).

Section 15: Severability

If any provision of these regulations are declared invalid or unenforceable, the other provisions shall not be affected by this determination and shall remain in full force and effect.

These regulations were adopted by the Board of Health on February 13, 1973, to become effective on March 12, 1973 and amended June 1, 1976, October 18, 1977, July 18, 1978, October 16, 1980, April 18, 1991, September 29, 1992, May 11, 1993, February 11, 1996, October 28, 1998, August 17, 2000, January 9, 2001, July 8, 2003, August 21, 2003, December 9, 2008, January 27, 2009.