



# Town of Upton

## Regulations Governing Large Animals

AMENDED 4/23/09

AMENDED 6/27/11

### I. PURPOSE AND AUTHORITY

The Upton Board of Health, in the interest of and the preservation of public health, sets forth the following regulations for the keeping of animals in the town of Upton. These regulations are made and adopted by the Board of Health of the Town of Upton, Commonwealth of Massachusetts, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws, and amendments or additions thereto.

### II. DEFINITIONS - For the purpose of these regulations, the following definitions apply.

**Abutter:** Owners or tenants of land that adjoins the side or rear lot lines of the property where animals are house, as certified by the Town Assessor's office.

**Board of Health:** The appropriate and legally designated health authority of the town.

**Bovine:** Cow, oxen, cattle, buffalo, kudus

**Equine:** horses, ponies, donkeys, asses, zebras

**Large Animal:** Bovine, Equine

**Managed Waste:** a manure stockpile or compost pile containing manure

**Manure:** Feces and urine from large animals

**Permit:** Written authorization from the Board of Health for the keeping of large animals

**Runoff:** any liquid or solid suspended in liquid that flows over the surface of the ground.

**Unsanitary Conditions:** The state of being of a facility which, in the opinion of the Board of Health, creates offensive odors, rodent infestation, or Liquid effluent or runoff.

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

### III. REGULATION 1 – PERMITS

All residents wishing to keep any large animal with less than 5 acres in the town of Upton are required to first obtain a permit for a fee of \$10.00 from the Board of Health office. These permits are conditional upon annual barn inspections conducted by the local animal control office. Permits are renewable every two years and are not transferable. Unsanitary conditions may be a cause of revocation or denial of such a permit.

#### **IV. REGULATION 2 – BOVINE/EQUINE**

From the date of enactment of these regulations, keeping of all Bovine and Equine in the town of Upton requires the following lot size before a permit can be issued. All land must be owned by the applicant requesting a large animal permit:

- 25,000 sq.ft. or under – not allowed
- 25,001 to one acre – not allowed, special permit may be requested from BOH.
- One to up to two acres – no more than two bovine/equine or combination thereof. (Commercial use may be allowed by a special permit from required local boards)
- Two to five acres – up to two large animals per acre. Commercial use may be allowed by a special permit from required local boards.
- Over five acres – No restrictions to the number of animals, providing all other provisions of these regulations are adhered to.

#### **V. REGULATION 3 - MANURE MANAGEMENT**

- 1 Manure will be managed. Manure will be collected on a regular, preferably daily, basis from large animal housing and paddocks. The collected manure will be (a) placed in a manure stockpile, (b) added to a compost pile or (c) spread in a pasture in a manner consistent with good agricultural practices and USDA guidelines
- 2 Manure or managed waste must *not* be located within 100' to a potable water supply well or a designated wetland.
- 3 Managed waste must *not* be located closer than 40' to the lot line of an abutter. (closed containers may replace 40' set back with prior approval from the B.O.H.)
- 4 In order to minimize migration of manure constituents, managed waste will be located in areas: free of storm water run-off from any structure, be graded to keep surface water from running over or through the managed waste and not be subject to seasonal flooding.
- 5 In order to facilitate disposal or management by equipment, managed waste will be located in areas accessible to needed equipment and where the travel path of equipment can be prohibited from traversing the sewage soil absorption system.

- 6 In order to control odors, managed waste will be: kept under cover; or composted; or removed off site on a sufficiently regular basis.
- 7 In order to control manure fly populations, managed waste will be; kept under cover; or composted; or removed off site on a sufficiently regular basis; or treated with fly parasites; or provided with fly traps.

## **VI. VARIANCES**

Any request for a variance from these regulations shall be submitted to the Board of Health in writing. The request shall clearly state the variances sought and the reasons. No variance shall be granted except after the applicant has notified all required abutters by certified mail at the applicants own expense, at least 10 days before the Board of Health meeting at which the variance request will be heard. The notification shall state the specific variance sought and reasons, and the time, date and place of the hearing.

Variances shall only be granted under the following conditions: (A) strict enforcement of the regulation will constitute manifest injustice to the applicant and (B) the granting of the variance shall not in any way impair the public health, the environment of animal health. The Board may impose any conditions it deems appropriate to protect the public health, environment and animal health.

## **VII. PENALTIES**

Any person who the Board of Health finds in violation of these regulations or who fails to comply with any order by the Board of Health to remedy such violation shall be subject to a fine of \$100.00 for each day such violation exists.

## **VIII. SEVERABILITY**

If any provision of these regulations or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to this provision (s) and the remainder of these regulations shall remain valid and effective. These regulations were adopted by vote of the Town of Upton, MA Board of Health at a public hearing held on February 23, 2009 and are to be in full force and effect on and after April 2, 2009. These regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board of Health with notice as provided by law, on its own motion or by petition.

UPTON BOARD OF HEALTH

Stedman Briggs

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