

DRAFT
Minimum Standards for the Keeping of Animals
(ANIMAL KEEPING REGULATIONS)
(Revised December 28, 2023)

The Board of Health (BoH) of the Town of Wayland, acting under the authority of Chapter 111, Sections 31 and 155 of the General Laws and Amendments and Additions thereto, and by any other power thereto enabling, and acting thereunder, have, in the interest of, and for the preservation of the public health and welfare of the townspeople and the avoidance of nuisance conditions, duly made and adopted the following rules and regulations.

SECTION I. PERMIT TO KEEP ANIMALS AND/OR LIVE FOWL

1. Any owner or other person or persons who maintain any domestic or wild animal (except dogs, which are regulated under other town regulations and By-Laws, and domestic cats) and/or live fowl which require a building, shelter, or other structure other than the main house occupying the lot, must obtain a written permit from the BoH. Any such permit shall require annual renewal by July 1 and may be revoked by the BoH at any time for reasonable or good cause. The permitting fee shall be established by the BoH and made known at the Health Department office. The permit is not transferable.
2. The Health Agent shall have the authority to act in lieu of the BoH for the following matters:
 - a. Complaints of nuisance/noise or odor
 - b. Animal Keeping without a permit
3. All commercial ventures must go to the BoH for approval.
4. For application process please reference the Animal Keeping Application to do list. Permits that involve barns and stables, riding rings, or other shelters if deemed necessary by staff; require an engineered plan drawn to scale and in some cases a plot plan. For all other permits a plan done using Town GIS or other scalable method may be accepted. It shall be the applicant's responsibility to ensure that all applicable building permits are obtained for construction of any associated structure and to verify that all applicable zoning laws are adhered to. Additional information may be required.

SECTION II. APPLICABILITY

A. DEFINITIONS: For the purpose of this regulation the following definitions shall apply:

1. Animals – all domesticated animals and livestock, including, but not limited to, hooved animals, such as alpacas, llamas, horses, ponies, mules, donkeys, pigs, goats, sheep, bovines, cattle, buffalo, and oxen, and non-hooved animals.
2. Live Fowl – domesticated birds, including, but not limited to, chickens, pigeons, capons, hens, turkeys, pheasants, guinea fowl, ducks and geese, peacocks, peafowl and other than wild or domestic live fowl species. **Roosters are not allowed.**
3. Person- every individual, partnership, corporation, firm, association or group.
4. Stable- a building in which domestic animals are sheltered and fed.
5. Shelter- a structure or building for housing animals.
6. Coop- a structure or building in which Live Fowl are housed.

7. Abutters- with respect to the permit applicant, those dwellings adjacent to and across from the permit applicant's dwelling or property on a public or private way.
 - a. For densely populated neighborhoods the Health Agent may require notification to those dwellings that may not be an abutter as defined, but the property may lay closer than/within the 150 foot set-back of the proposed location of the animal keeping structure (if any).
8. Integrated Pest Management Plan- IPM. A plan for management of pests.
9. Pest- A general term for organisms (rats, insects, etc.) which may cause illness or damage or consume food crops and other materials important to humans.
An organism that is considered a nuisance to man, most usually having pathogenic properties.

B. LOCATION and SETBACK RESTRICTIONS:

1. No animal and/or live fowl covered by these regulations shall be kept within 150 feet of an adjacent dwelling.
2. No animal and/or live fowl covered by these regulations shall be kept within 25 feet of property line and street right of way line.
3. No animal and/or live fowl covered by these regulations shall be kept within 100 feet of any pond or water body.

C. HOUSING:

1. Animals are required to be appropriately sheltered from the weather.
2. The minimum requirement for housing shall be an open shed, offering maximum protection with a weatherproof room and at least three sides, enough head room for the animal to be housed and floored with any material that can be kept clean and dry, with proper drainage provided.
3. The BoH may, as a condition of issuance of a permit to keep animals, require shelter as appropriate for any other animal and/or live fowl it deems necessary.

D. APPLICATION PROCESS

The applicant shall review these regulations AND the guidance document which outlines the process and documents required for the application ("to do list"). All forms and guidance documents can be obtained on the Health Department website; <https://www.wayland.ma.us/health-department>.

1. **Form.** Applications for a permit to keep animals and/or live fowl shall be submitted on a form supplied by the Health Department and shall be accompanied by a plan (or plot plan if required) showing the property to be used, the name, addresses and distance measurements of all dwellings and structures of all abutters, the proposed or existing location of the structure to house animals, location of fencing, location of any animal and/or live fowl waste storage, and any other information which the Health agent or BoH may require.
2. **Content.** The application shall specify the actual number of animals and/or live fowl which are to be kept within such area. No animals or live fowl in excess of the number approved, if any, shall be kept on the permitted property.
3. **Review.** Once submitted, the completed application and plan will be reviewed by a Health Agent. Note: incomplete applications will not be reviewed until all required documentation is provided.

4. **Variiances.** Applications with requests for variances from offset distances to adjacent dwellings will be reviewed by the BoH at a regularly scheduled meeting. Applications with requests for a variances to the size of the lot can be approved by the Health Agent.
5. **Hearing.** If the application involves complicated or unique circumstances (e.g. commercial ventures, applications that involve construction of a barn, or other instances identified by the Health Agent), then, at the sole discretion of the Health agent, the application shall be submitted to the BoH for further review at a BoH meeting.
6. **Notice to Abutters.** Following the Health Agent review, the applicant shall use the sample letter on the Health Department website and notify abutters of their intent to keep animals by sending a letter via certified mail return receipt at least 10 days before a site visit by a designee of the Health Department. The applicant must verify a date for a site inspection with Health department staff through the following email address: health@wayland.ma.us. Abutter responses, if any, will be reviewed by the Health Agent to determine if there are objections and if BoH review is warranted.
7. **Approval.** If the application complies with Section II.B of these regulations and demonstrates safe and sanitary housing for the Animal or Live Fowl, the Health Agent may approve the application. The Health Agent will notify the applicant within thirty (30) days if the application can be approved without a BoH hearing.
8. An applicant may be notified by the Health Agent within thirty (30) days that a hearing before the BoH is required.
9. **Review.** The BoH shall have the authority to review and amend any permit approved or denied by the Health Agent. Abutters and permit applicants may request review of a permit decision of the Health Agent within ten (10) days of notice of such decision.

SECTION III. SANITATION

1. The owner or other person or persons having control of any existing structure(s), building or buildings hereafter erected or converted into a facility (excluding small dog houses) for the sheltering of animals or live fowl as described in Section II, Applicability, shall keep their facility in a sanitary condition at all times. An IPM shall be provided with the application. An unsanitary condition is that state which includes, but is not limited to, the creation of:
 - a. malodors
 - b. vermin infestations
 - c. runoff of liquid effluent
 - d. disease carriers
 - e. nuisances/noise
 - f. presence of decaying food, filth, stagnant water, in such concentrations and of such duration as to cause a nuisance, be injurious or (on the basis of current information) potentially injurious to public health, or unreasonably interfere with the comfortable enjoyment of life and property, including abutters.
2. A ventilated, watertight storage facility constructed of concrete or other durable material shall be provided for the storage of manure/animal waste and so located as to promote regular removal of manure/animal waste from inside a stable, or shelter. Manure/animal waste shall be removed from the stable, coop, or shelter at least daily and shall be placed in the manure storage container. No

manure/animal waste or used bedding shall be permitted to remain uncontained outside the stable, coop, or shelter for more than 48 hours. Manure/animal waste storage facilities shall be emptied as often as necessary in order to prevent a health nuisance.

Manure storage shall be in compliance with the animal setback requirements listed in Section II.B.1 ,2,3 & 4.

3. No manure storage shall be kept closer than 150 feet from any water course or body of water.
4. Any animal feed that is stored on, at, or proximate to the facility for the keeping of animals shall be stored in closed, moisture-and pest-resistant containers.

SECTION IV. ENFORCEMENT

1. The BOH and/or its designees shall investigate complaints and/or violations of these regulations and determine if any further action is needed.
2. The provisions of Title 1 of the State Environmental Code (310 CMR 11.00, et. seq.) shall govern the enforcement of these regulations, the procedures set forth in said Title 1 being incorporated herein. To the extent the provisions of these regulations or Title 1 conflict, Title 1 shall prevail. Nothing herein shall limit or prevent the BoH and/or its designee from issuing a fine, pursuant to General Laws Chapter 111, Section 31, in the amount of \$100, for any violation of these regulations. Each day the violation continues shall be considered a separate offense.
3. The BoH has delegated to the Health Agent the authority to act in lieu of the BoH when Animals or Live Fowl are found being kept without a permit issued pursuant to these regulations.

SECTION V. VARIANCE

- I. The BoH may vary the application of any provision of these regulations with respect to any particular case, when in its opinion, the enforcement thereof shall do manifest injustice, provided that the decision of the BOH shall not conflict with the spirit of these minimum standards. The Health Agent may approve variances to the size of the lot. Any variance granted by the BOH or its agent shall be in writing. Abutters and permit applicants may request review of a variance decision within ten (10) days of notice of such decision, an appeal period may be considered depending on the circumstances.
2. Any variance or other modification authorized to be made by these regulations may be subject to such qualifications, revocation, suspension or expiration as the BoH expressly grants. A variance or modification authorized to be made by these regulations may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard at a duly-noticed hearing.

SECTION VI. SEVERABILITY

Commented [A1]: Town has not adopted G.L. c. 40 sec. 21D.

Commented [A2R1]: The Board of Health has power to enforce regulations. How should this be worded?

Commented [A3]: Hearing should be held before decision

Each of these regulations shall be construed as separate to the end that if any regulation or sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.

SECTION VII. ADOPTION AND EFFECT

These regulations were adopted by the Wayland Board of Health on XXXXXX and supersede the previous regulations promulgated on Sept. 15, 1983, and last updated in 2008. These regulations are to be in full force and effect upon publication.

Publication Date

BOARD OF HEALTH, TOWN OF WAYLAND-LIST MEMBERS