



## TOWN OF WAYLAND

41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

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### ANIMAL REGULATIONS (Revised December 2007)

The Board of Health 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

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 Board of Health. Any such permit shall require annual renewal by January 1<sup>st</sup> and may be revoked by the Board at any time for reasonable or good cause. The licensing fee shall be established by the Board of Health and made known at the Board of Health office. The permit is not transferable.
2. All applications for a permit to keep animals and/or live fowl shall be submitted on a form supplied by the Board of Health and shall be accompanied by an accurate plot plan showing the property to be used, the name, addresses and distance measurements of all dwellings and structures of all abutters and those directly opposite on a public or private way (refer to attached sketch), 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 Board may from time to time require.
3. 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 therein.
4. For initial permits, new construction, and/or permit modification, a hearing by the Board of Health shall be held. When the Board notifies an applicant that a hearing will be held, then the applicant must supply to the Board 7 (seven) days prior to the hearing, a copy of the letter notifying abutters of the hearing, subject, time and place, and return receipts of certified mailing to abutters and those directly opposite on a public or private way.

SECTION II. APPLICABILITY

- A. **DEFINITIONS:** For the purpose of this regulation the following definitions shall apply:
1. Animals -- including but not limited to hooved animals such as alpacas, llamas, horses, ponies, mules, donkeys, pigs, goats, sheep, swine, bovines, cattle, buffalo, and oxen and other hooved or non-hooved animals.
  2. Live Fowl -- including but not limited to live fowl such as chickens, pigeons, roosters, capons, hens, turkeys, pheasants, guinea fowl, ducks and geese, peacocks, peafowl and other than wild or domestic live fowl species.
  3. Person -- Every individual, partnership, corporation, firm, association or group.
  4. Stable -- A structure or building having stalls and/or compartments in which animals such as alpacas, llamas, horses, ponies, mules, donkeys, pigs, goats, sheep, swine, bovines, cattle, buffalo, and oxen, camels, and other hooved or non-hooved animals are housed.
  5. Shelter -- A structure or building for housing small animals.
  6. Coop -- A structure or building in which live fowl such as chickens, pigeons, roosters, capons, hens, turkeys, pheasants, guinea fowl, ducks and geese, peacocks, peafowl and other than wild or domestic live fowl species are housed.
- B. **LOCATION and SETBACK RESTRICTIONS:**
1. No animal and/or live fowl covered by these regulations shall be kept on any lot less than one acre.
  2. No animal and/or live fowl covered by these regulations shall be kept within 150 feet of an adjacent dwelling.
  3. 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.
  4. No animal and/or live fowl covered by these regulations shall be kept within 250 feet of any pond of area greater than 12 acres.
  5. Roosters shall be kept in a darkened enclosure from 9:00 p.m. to 7:00 a.m. Monday through Friday and from 9:00 p.m. to 8:00 a.m. Saturday and Sunday.

## C. HOUSING:

1. Animals such as alpacas, llamas, horses, ponies, mules, donkeys, pigs, goats, sheep, swine, bovines, cattle, buffalo, and oxen and other hooved or non-hooved animals are required to be appropriately sheltered from the weather.
2. The Board of Health reserves the right to require shelter as appropriate for any other animal and/or live fowl it deems necessary.

## D. APPLICATION

1. An Application must be obtained from the Board of Health office for initial permits, new construction, and/or permit modifications. At the time of obtaining the Application form, the Applicant must request to obtain a hearing date from the Board of Health or its designee. The hearing date will be determined by the Board of Health or its designee based on anticipated lead times, regulatory requirements, future Board of Health meeting dates, and the Applicant's stated abilities to assimilate and deliver all required information.
2. For new and initial permits, new construction, and/or permit modification, a hearing by the Board of Health shall be held. Seven (7) copies of a fully completed Application accompanied by seven (7) copies of ALL required documentation and information must be received and accepted by the Board at least 7 (seven) days prior to the targeted hearing date; otherwise the hearing may be rescheduled or postponed. As determined by the Board of Health and/or its representatives, incomplete application packages may not be accepted.
3. It is the applicant's sole responsibility to provide all required data in the timelines specified.
4. The Board of Health may require additional documentation and/or information during the hearing process.

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 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. 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.

2. A ventilated, watertight storage facility constructed of concrete or other durable material shall be provided for the storage of manure and so located as to promote regular removal of manure from inside the stable. Manure shall be removed from the stable at least daily and shall be placed in the manure storage container. No manure or used bedding shall be permitted to remain uncontained outside the stable more than 48 hours. Manure 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.

#### SECTION IV. ENFORCEMENT

1. The Wayland Board of Health and/or its designees shall investigate complaints and/or violations of these regulations and determine what if any further action.
2. The provisions of Title 1 of the State Environmental Code shall govern the enforcement of these regulations.

#### SECTION V. VARIANCE

1. The Board of Health 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 Board of Health shall not conflict with the spirit of these minimum standards. Any variance granted by the Board of Health shall be in writing.
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 Board of Health expresses its 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.

#### SECTION VI. SEVERABILITY

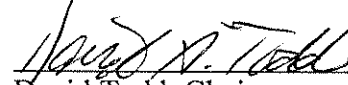
Each of these regulations shall be construed as separate to the end that if any regulation or sentence, clause, or phrase thereof shall be held invalid for any reason, the remainder of that regulation and all other regulations shall continue in full force.

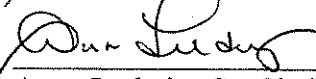
SECTION VII. ADOPTION AND EFFECT


These regulations were adopted by the Wayland Board of Health on October 16, 2007 and supersede the previous regulations promulgated on Sept. 15, 1983, and further updated July 14, 1988 and July 21, 1988. These regulations are to be in full force and effect upon publication.

January 31, 2008  
Publication Date

BOARD OF HEALTH  
TOWN OF WAYLAND

  
\_\_\_\_\_  
David Todd, Chair

  
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Anna Ludwig, Co-Chair

  
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Arnold Soslow, M.D.