



Town of Dennis
Health Department

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Animal Regulations

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Section I Authority

In order to better protect the public health and to provide for the care and well-being of the Town's animals, the Board of Health of the Town of Dennis, in accordance with and under the authority granted by Massachusetts General Law (M.G.L.) Chapter 111, § 31, has promulgated and voted to adopt the following regulation for the keeping of animals and livestock. This regulation supersedes the current Town of Dennis Animal Regulation.

Section II Definitions

- 2.1 **Animal** Any creature, wild or domestic (bird, fish, poultry, reptile, etc.) of any age or any sex.
- 2.2 **Animal Shelter** Any building or structure where an animal is sheltered or maintained, or any portion of a building used for this purpose.
- 2.3 **Barn** Any animal shelter used specifically to shelter or maintain bovine, caprine, or ovine animals, or llamas.
- 2.4 **Bovine** Of, relating to, or resembling a ruminant mammal of the genus Bos, such as an ox, cow, or buffalo.
- 2.5 **Caprine** Of, relating to, or characteristic of a goat.
- 2.6 **Coop** Any animal shelter used specifically to shelter or maintain poultry.
- 2.7 **Dog Kennel** Any pack or collection of dogs on a single premise, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale; also including any pack or collection of more than four (4) dogs, 3 months old or over, owned or kept by a person on a single premise irrespective of the purpose for which they are maintained; and also including the enclosure containing them.
- 2.8 **Enclosure** Any fenced-in area including, but not limited to, any corral, exercise area, kennel, paddock, pen, or the like used to contain animals.
- 2.9 **Equine** Of or belonging to the family Equidae, which includes the horses, asses, and zebras.
- 2.10 **Farm Animal** Any animal which are normally and have historically been kept and raised on farms in the United States. This term includes, but is not limited to, any bovine, caprine, equine, ovine, or porcine animal; llamas; poultry; or rabbits of any quantity, sex, and/or age.
- 2.11 **Feeding and Baiting** The placing, exposing, depositing, distributing, or scattering, directly or indirectly, of shelled, shucked, or unshucked corn, wheat, or other grain; bread; salt; or any other feed or nutritive substances, in any manner or form so as to

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- constitute for waterfowl a lure, attraction, or enticement to, on, or over any such areas where such feed items have been placed, exposed, deposited, distributed, or scattered.
- 2.12 **Horse** For the purposes of this regulation an equine animal having a height at the withers of 14.2 hands (58”) or greater.
- 2.13 **Hutch** Any animal shelter used specifically to shelter or maintain rabbits.
- 2.14 **Ovine** Of, relating to, or resembling sheep.
- 2.15 **Person** Any individual, partnership, corporation, firm, association, or group, owning property or carrying on an activity covered by this regulation.
- 2.16 **Piggery** Any animal shelter used specifically to shelter or maintain porcine animals.
- 2.17 **Pony** For the purposes of this regulation an equine animal having a height at the withers of less than 14.2 hands (58”).
- 2.18 **Porcine** Of or resembling swine or a pig.
- 2.19 **Poultry** Domesticated birds generally kept for the purpose of collecting their eggs or slaughtering for their meat and/or feathers. Examples include, but are not limited to: chickens, doves, ducks, emus, geese, guinea fowl, ostriches, peafowl, pheasants, pigeons, rheas, swans, and turkeys.
- 2.19 **Rabbitry** Any collection of at least four (4) domestic rabbits over the age of 12 weeks on a single premises, whether maintained for breeding, sale, or any other purpose; also, the animal shelter used specifically to shelter or maintain such a collection.
- 2.20 **Stable** Any animal shelter used specifically to shelter or maintain equine animals.
- 2.21 **Wetland** As defined in M.G.L. Ch. 131, § 40, 310 CMR 10.00, and the Town of Dennis Wetlands Bylaw.

Section III General

3.1 Animal Care

- a. All animals kept in the Town of Dennis shall be provided with the appropriate food, water, and shelter in accordance with their characteristic needs and with generally recognized and accepted practices. All animals shall be subject to monitoring to protect against abuse. All animals kept in the Town of Dennis shall be effectively controlled so as not to become a nuisance or a danger to their own or the public health. Allowing animals and/or animal waste to pollute any wetland or waterway is prohibited. No animal by-products, other than processed, shall be used to feed any animal in the Town of Dennis.

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- b. Animals shall always have access to an adequate drinking water supply.
- c. Animal enclosures shall be of sufficient strength to restrain all animals.
- d. Barbed wire shall not be used for any animal enclosure.
- e. Free range poultry and fowl shall be maintained on the premises of the owner.
- f. The floor surfaces of all animal shelters shall be constructed so as to be easily cleanable.
- g. All equipment used at any feed station shall be of easily cleanable materials.
- h. Every equine animal shall have stable facilities and no equine animal shall be allowed to remain out of doors at all times without having access to proper shelter.

3.2 **Minimum Lot Size**

- a. No animal shelter shall be located on any lot having less than twenty thousand square feet (20,000 ft²) of area, unless a variance is granted by the Board of Health. The Board of Health shall reserve the right to review the health conditions on any proposed or existing site where animals have been or proposed to be kept.
- b. Property of less than eighty thousand square feet (80,000 ft²) shall not keep a rooster over the age of 16 weeks.
- c. Property of less than twenty thousand square feet (20,000 ft²) shall not keep more than 12 poultry or fowl over the age of 16 weeks with the exception of brooding chicks in number up to but not in excess of 25.

3.3 **Location:** No animal shelter shall be located less than **two hundred (200) feet** from the high water mark of any open waters flowing directly or ultimately into any source of potable water supply. Except on written permission of the Board of Health, no animal shelter shall be located less than **two hundred (200) feet** from any:

- a. church or meeting house erected and used for the public worship of God (written consent of the religious society or parish worshipping therein is also required),
- b. school,
- c. public building,
- d. playground,
- e. hospital,
- f. nursing home, or
- g. rest home.

Section IV Setbacks for Animal Shelters

All animal shelters and enclosures shall comply with the dimensional requirements of the Town of Dennis Zoning Bylaws and with the setbacks contained in the following table. A site plan of the property showing the proposed location of the animal shelters and enclosure, including setbacks and grades, shall be submitted for review and approval. Lot size alone shall not constitute an affective bar to the issuance of a license provided the Health regulations are observed reasonably well and the Board of Health shall reserve the right to review health conditions on any proposed or existing sites where animals have been or shall be kept.

Minimum Distance Requirements

	Barn	Coop	Kennel	Piggery	Rabbitry	Stable	Composted Manure Pile
Abutter's Property Line	25 ft.	10 ft.	10 ft.	25 ft.	10 ft.	25 ft.	30 ft.
Private Potable Water Supply Well	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Public Potable Water Supply Well	400 ft.	400 ft.	400 ft.	400 ft.	400 ft.	400 ft.	400 ft.
Wetland	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.

Section V Construction

5.1 Barns and Stables

- a. All barns and stables shall have, in a conspicuous location, a class 1 fire extinguisher (a minimum of a 5 lb. ABC or the equivalent) which is pressure tested annually or has a gauge.
- b. All barns and stables shall be of durable construction and shall be kept structurally sound, free from decay and damage, and in a clean and sanitary condition, free from insect and rodent infestation.
- c. All stalls and pens shall be constructed according to the guidelines of the Massachusetts Farm Bureau and the United States Department of Agriculture (USDA).
- d. **Head-clearance**
 1. All horses shall have a minimum of eight (8) feet head-clearance.
 2. All ponies shall have a minimum of six (6) feet head-clearance.
 3. All other equine animals shall have a minimum head-clearance commensurate with their size.
- e. **Stall Size**
 1. All stalls for horses 16 hands in height or less shall be a minimum of eight feet square (8' x 8') so that a horse within shall have room to comfortably lie down or turn around fully.
 2. All stalls for horses exceeding 16 hands in height, e.g.,

- warmbloods, draft horses, etc., shall be a minimum of twelve feet square (12' x 12').
3. All stalls for foaling or for a broodmare with a foal at her side shall be a minimum of ten feet square (10' x 10').
 4. All stalls or other equine animals shall be commensurate with their size.
- f. **Light and Ventilation:** Each stall should have at least one (1) window that can be opened for ventilation. It shall be covered with heavy-gauge wire or bars on the inside to prevent breakage and injury to the animal.
- g. **Floors: *Basic Criteria***
1. **Excellent:** Stall rubber matting over a proper base material.
 2. **Good:** Two (2) to three (3) inch thick wooden planks space laid over good drainage material.
- h. **Bedding:** Bedding shall be cleaned in a routine manner and changed in a timely manner.
- 5.2 **Coops:** All coops, nest boxes, and other poultry housing shall be kept structurally sound, free from decay and damage, and in a clean and sanitary condition, free from insect and rodent infestation.
- 5.3 **Dog Kennels:** All dog kennels shall be kept structurally sound, free from decay and damage, and in a clean and sanitary condition, free from insect and rodent infestation.
- 5.4 **Piggeries**
- a. In addition to the requirements set forth in Section IV above, all buildings and pens, runs, or other enclosures used to house or confine pigs shall be located in accordance with M.G.L. Ch. 111, § 143.
 - b. **Maintenance of Facilities:**
 1. All piggeries shall be kept structurally sound, free from decay and damage, and in a clean and sanitary condition, free from insect and rodent infestation.
 2. Brood houses shall be cleaned daily.
 3. Refuse, including uneaten food and manure, shall not be allowed to accumulate on the premises or kept in such a manner as to create odors noticeable off the premises.
 - c. **Ventilation:** All buildings used to house pigs shall be properly ventilated.
 - e. **Garbage and the Storage of Garbage:**
 1. All garbage, regardless of previous processing, shall be thoroughly heated to at least 212°F (100°C) for at least thirty (30) minutes before being fed to the pigs unless treated in some other manner which shall be approved, in writing, by the Massachusetts Department of Food and Agriculture as being equally effective.

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2. A bin or other approved receptacle for receiving garbage shall be provided and shall be tightly covered.
3. Bins, cans, wagons, trucks, and other receptacles for the storage of garbage shall be thoroughly cleaned after the removal of the garbage.

5.5 **Rabbitries**

- a. All rabbitries shall be kept structurally sound, free from decay and damage, and in a clean and sanitary condition, free from insect and rodent infestation.
- b. **Housing:**
 1. Freestanding hutches shall be of sturdy construction to prevent predators from gaining entry.
 2. A section of any freestanding hutch shall be completely enclosed and weatherproofed with an exit to the pen large enough for the rabbit to enter at will.
 3. Freestanding hutches shall be a minimum of three (3) feet above the ground.
 4. Hutches housing more than one (1) rabbit over the age of eight (8) weeks shall be a minimum of four feet square (4' x 4'), with a reasonable amount of room added for each additional animal.
 5. Poultry netting shall not be used for either the flooring or the siding of hutches. One half (½) inch hardware cloth is recommended.
 6. Ground level housing shall follow the same space requirements as freestanding hutches.

- 5.6 **Open Sheds:** Each shed shall be a three-sided, roofed structure built according to State guidelines. The shed shall face south whenever possible.

Section VI Feed Room

The owner shall provide for vermin-proof and insect-free storage of dried animal feed and shall provide refrigeration facilities for the keeping of so-called fresh animal food, edible meat, fish, and poultry.

Section VII Drainage and Waste Disposal

- 7.1 All animal waste shall be either composted on the premises or stored temporarily, i.e. not to exceed two (2) weeks, above-ground. No manure or used bedding shall be permitted to remain outside the barn or stable unless collected in compost piles.
- 7.2 All animal waste stored or composted shall be located to prevent runoff from entering any wetland or waterway, including drainage ditches.

Section VIII Permits and Registration

8.1 **Permit:** No person shall keep or maintain in the Town of Dennis any farm animal without prior approval from the Board of Health or without a permit. For new construction, the applicant is responsible for obtaining the necessary zoning approvals prior to seeking Board of Health approval. The permit shall be renewed annually by January 1st. The following permits shall be required:

Permit Type Required for:

Stable All farm animals

Farm Animal All farm animals except equines

Poultry Poultry only

The Board of Health shall set the fees for these permits annually. The Poultry Permit fee shall not exceed \$5.00.

8.2 **Registration:** The number of animals on the property shall not exceed the total indicated on the permit. Animals up to the age of three (3) months are exempt. Proof shall be presented that all equines have current vaccinations against rabies, tetanus, and eastern equine encephalitis. A negative Coggins Test report shall be required for ponies and horses entering a boarding stable. All bovines, caprines, equines, and ovines shall comply with the Commonwealth of Massachusetts, Department of Food and Agriculture, Division of Animal Health Services health testing requirements. All commercial stables are subject to the rules and regulations of M.G.L. Ch 128, § 2B.

Section IX Inspections

Inspections will be conducted by the Board of Health, Health Director, Health Agents, or Animal Inspector annually or as necessary and shall be during reasonable hours. Failure to correct cited deficiencies may lead to the issuance of fines, the revocation of the Board of Health, or both.

Section X Variances

The Board of Health may vary the application of any provision of this regulation if it finds that the strict application thereof would cause undue hardship to the applicant and that the granting of a variance would not be detrimental to the public health or to the animals. Variances shall be in writing and shall be subjected to such conditions as the Board of Health may judge necessary.

Section XI Penalties

Violations of this regulation will be subject to the provisions of M.G.L. Ch. 40, § 21D, regarding Non-Criminal dispositions, as adopted by the Town of Dennis. Each day's failure to comply shall constitute a separate offense. The specific penalty that is to apply shall be as listed below. Enforcing agents shall include

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Provision	Fine
Section III General	\$25.00
Section IV Setbacks for Animal Shelters	\$50.00
Section V Construction	\$50.00
Section VI Feed Room	\$25.00
Section VIII Drainage and Waste Disposal	\$50.00
Section IX Permits	\$25.00

Enforcing agents shall include the Animal Control Officer; the Animal Inspector; and the Board of Health and its Agents.

Section XII Severability

Whenever possible, this regulation shall be deemed supplementary to and not contradictory to any state and federal regulations. In the event any of the provisions of this regulation shall be held invalid, any such provision shall be deemed to be severed from the others and struck from this regulation, but the remaining provisions shall continue in full force and effect.

BOARD OF HEALTH

Paul J. Covell, Chairman
Diane T. Chamberlain, Clerk
Robert F. Duffy
Joseph E. Bunce

Approved: October 14, 2010

Effective: October 28, 2010