

**Town of Millville**  
**Board of Health**  
**Regulations**  
**Keeping of Animals**

**Section One:**  
**Definitions**

**Abutter:** Shall mean the owners or tenants of property which adjoin the lot upon which animals are to be kept whether or not said properties are separated by a public way.

**Animal:** For the purpose of these regulations, animal is to mean *all animals* except dogs, cats, and domestic animals normally kept in the home.

**Commercial Pet Shops:** Commercial pet shops must be licensed by the Massachusetts Department of Agriculture.

**Paddock:** Any pen or enclosure for confining animals.

**Dwelling:** Any building or shelter used or intended for human habitation or periodic human activity.

**Facility:** The total accommodations to be used for the keeping and care of animals and fowl, including but not limited to barns, Facilities, paddocks, and other indoor or outdoor enclosures.

**Feed:** A food mixture or preparation used for consumption by animals, kept at or proximate to a Facility.

**Fowl:** As used in these regulations, shall mean all members of the bird family, and shall include chickens, roosters, capons, hens, turkeys, pigeons, peafowl, guinea fowl, ducks, swans, and geese (other than wild species).

**Garbage:** The term garbage shall be deemed to include produce offal and waste matter from markets, hotels, restaurants, and schools; decaying or perishable vegetable or animal matter, as well as domestic and household scraps.

**Unsanitary Conditions:** The state of being of a Facility which, in the opinion of the Board of Health, is conducive to, or results in, breeding of flies, creation of offensive odors, rodent infestation, liquid effluent or runoff containing contaminants which might reach surface of subsurface water bodies.

**Lots:** An area of land in one ownership, with definite boundaries used or available for use as the site of one or more buildings.

**Noise:** Sound of sufficient intensity and/or duration as to (a) cause a nuisance, (b) is injurious or, on the basis of current information, potentially injurious to human health, or (c) unreasonably interfere with the comfortable enjoyment of life and property.

**Runoff:** Water from rain or melted snow that flows over the surface of the ground.

**Vermin:** Any of various insects or small animals regarded as objectionable, destructive or disease carrying – including but not limited to flies, mosquitoes, lice, and rats.

**Wild Animals:** Wild Animal shall not be permitted except by the expressed consent of the Board of Health and other appropriate State and Federal areas of jurisdiction.

## **Section Two: Regulations**

**Regulation 1.** No person shall keep or allow to be kept within the limits of the Town of Millville in any building or on any premises on which he/she may be the owner, lessee, tenant or occupant any animal or fowl, except family pets, without applying for and receiving a permit from the Board of Health.

**Regulation 2. Permit To Erect.** No person shall erect any Facility in the Town of Millville until he/she has presented an application to the Board of Health and has received such permit. No permit will be issued for a Facility to be constructed on any plot containing less than 2 acres (87,120 square feet). This permit must be presented to the building inspector when applying for a building permit. No permit shall be issued which would involve a violation of the zoning bylaw of the town.

**Regulation 3.** No person shall use any building in the Town of Millville as a Facility until he/she has presented an application to the Board of Health, and the license has been granted.

**Regulation 4.** No person shall keep or allow to be kept any number of domestic animals which shall constitute a nuisance.

**Regulation 5.** Each Facility shall be furnished with an adequate and safe water supply, both for feeding and cleaning purposes, additionally, it must be well ventilated and kept clean at all times; with adequate drainage so as to remain dry and clean in a manner satisfactory to the Board of Health. Any animal grain feed that is stored on, at, or proximate to the Facility shall be stored in a generally accepted manner, including sealed, moisture proof, vermin proof containers when appropriate.

**Regulation 6.** Dead animals shall be buried, incinerated, or otherwise disposed of in such a way as to prevent attraction of flies and prevent odors; and such disposal shall be made within 24 hours. This regulation shall not apply to slaughtered animals for human consumption.

**Regulation 7.** No owner of a Facility for the keeping of one or more animals, shall willfully or through negligence, suffer, allow, or permit an infestation of insects or

vermin at said Facility. The continuance of an infestation of vermin at or near the Facility beyond a date specified by the Board of Health, when the owner has been ordered by the Board of Health to abate any such infestation in a safe and sanitary manner, shall be cause for initiation of legal proceedings to eliminate said conditions.

**Regulation 8.** Farm animals shall be kept in an area securely fenced as to prevent escape there from. At no time will animals be allowed to roam from the permitted unattended lot. Swine will be kept in areas approved by the Board of Health and are properly secured.

**Regulation 9.** Permits will describe each area where animals will be kept, and will specify the maximum number of animals.

**Regulation 10. Swine.**

**10.1** Garbage shall be fed to swine only on platforms which are watertight and constructed as to prevent spilling onto ground.

**10.2** Platform shall be portable as to allow cleaning of ground.

**10.3** Ground around feeding area shall be treated in a manner as to prevent noisome odors and attraction of flies.

**10.4** Platform shall be maintained in good repair.

**10.5** Platform shall be cleaned daily.

**10.6** Mulch shall be periodically removed and replaced with clean sand.

**10.7** Garbage for feeding of swine shall be stored only in a watertight container, and shall be covered in use or when empty. Permanent containers shall be equipped with proper drainage.

**Regulation 11. Disposal of Manure.**

**11.1** No owner or occupant of a Facility shall allow quantities of manure to accumulate or remain uncovered outside of a Facility.

**11.2** No person shall remove or carry manure through any public or private street in a vehicle which will allow manure to be dropped on the street.

**11.3** Manure above ground must be covered with earth or acid phosphate or other deodorizing materials so as to prevent the escape of noisome odors and prevent attracting flies.

**Regulation 12. Inspection.** The Animal Inspector, Agent of the Board, or Member of the Board of Health shall have the right to make an inspection by appointment.

**Regulation 13. Revocation of Permits.** Every permit granted for occupancy of a Facility may be revoked at any time when it appears to the Board of Health that such

revocation is necessary to protect the public health and safety or that the conditions of the permit have been violated.

**Regulation 14. Variances.** The Board of Health may vary application of any provision of this regulation with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided that the decision of the Board of Health shall not conflict with the spirit of these minimum standards. All variances will be in writing; a copy while it is in effect shall be available to the public.

**14.1 Variance, Grant of Special Permission, Expiration, Modifications, Suspension of:** A variance or modification authorized to be made by this article may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder has been notified in writing, and has been given the opportunity to be heard in conformity with requirements for an order and hearing.

**Regulation 15. Penalties.** Any person who shall violate any provision of these regulations for which penalty is not otherwise provided shall forfeit a fine of \$100.00 for the first offense, a fine of \$200.00 for the second offence, and a fine of \$300.00 for subsequent offences. Each day of the violation shall constitute a separate offense. Each twenty-four hour period after notice of violation, and failure to correct such violations, shall be considered a separate violation and as such is subject to additional penalties, at the discretion of the Board.

**Regulation 16. Appeals.** Any person to whom an order has been served pursuant to this regulation may request a hearing before the Board by filing a written petition within seven days. Upon receipt of such petition, the Board of Health shall schedule a hearing within 30 days.

**Regulation 17. Severability.** If any section, paragraph, sentence, clause, or phrase of these rules and regulations is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate and distinct provision and such decision shall not affect the validity of the remaining portions of these regulations which shall remain in force and effect.

Adopted October 1, 2008

Millville Board of Health

Thomas Houle, Chairman\_\_\_\_\_

David Stanley, Vice-Chairman\_\_\_\_\_

Dustin Ciccarelli, Member\_\_\_\_\_