



CITY OF MELROSE

HEALTH DEPARTMENT

Board of Health

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Regulations for the Keeping of Animals

1. *Purpose*

As the Melrose Board of Health is responsible for the protection of the public health in Melrose, these regulations are promulgated to protect the health and safety of the public as well as the animals in Melrose.

2. *Authority*

These regulations are adopted in accordance with the provisions of Massachusetts General Laws Chapter 111, Sections 31 and 155.

3. *Definitions*

ABUTTER shall mean the owner of properties physically abutting a property

ANIMAL SHELTERS AND CORRALS shall include all stables, coops, pens, piggeries, cages, and any other means of protecting an animal from the environment or for containing an animal.

BOARD shall mean the Melrose Board of Health

PERSON shall mean a person, persons, association, partnership, trust, company, corporation or other legal entity.

POULTRY shall include, but is not limited to, chickens, guinea fowl, peafowl, pheasants, partridges, quail and turkey.

SWINE shall not include pot-belly pigs kept as pets.

YARD -- A portion of a lot, upon which the principal building is situated, unobstructed artificially from the ground to the sky and having at least two sides open to lot lines.

YARD, FRONT -- A yard extending for the full width of the lot between the front line of the nearest building wall or building part not specifically excluded by § 235-25 and the front lot line.

YARD, REAR -- A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the

rear lot line.

YARD, SIDE -- A yard extending for the full length of a building between the nearest building wall and the side lot line.

4. *License*

4.1 No person shall keep within the limits of the City of Melrose, in any building or on any premises of which he is the owner, lessee, tenant, or occupant, any horse, cattle, sheep, goats, swine, poultry, or pigeons without first obtaining a license from the Board.

4.2 Said license shall not be transferable as to other animals nor assignable for the use of other persons nor as to the use of other premises.

4.3 Said license shall expire on December 31 of each year. Fees for such license shall be included in the Board of Health Fee Schedule.

4.4 No license shall be issued for more than 14 pigeons or 6 poultry per property.

5. *Application*

5.1 Any person desiring to obtain a license shall file a written application with a form provided by the Board.

5.2 Such application shall include, but not be limited to the following:

- a) Name, mailing address and telephone number of the owner of the property;
- b) Name, mailing address and telephone number of the occupant of the property;
- c) Number and types of animals to be housed
- d) Source of each animal
- e) Written verification that each abutter has been notified of the applicant's intent and informed that they have the right to express grievances, is any, to the Board at or before the Public Hearing
- f) A plot plan which includes topographical information, size of lot with structures present as well as structures planned for the use of intended animals (including fences and wells), distances of animal housing and enclosures from all abutters' structures and property lines, any other conditions which could influence the safety and health of the community if said animal(s) were kept on the applicant's premises.
- g) A written plan for the disposal of manure.

5.3 The burden shall be upon the applicant to establish that the granting of such a license shall not be detrimental in any way to the public welfare and would not endanger the safety or health of the community, and that the said applicant has sufficient knowledge, ability, and resources to properly care for said animal(s).

6. *Construction and Construction Changes*

Any person who proposes to remodel a building or portion thereof, which is being used as an animal housing facility or who proposes to construct a new building, which is intended to be used in whole, or in part, as an animal housing facility shall, prior to such remodeling, renovating, or construction, submit to the Board a new application for a license, as specified in Section 5.

7. *Animal Shelters and Corrals*

7.1 All horses, cattle, goats, sheep, swine, poultry, and pigeons shall be provided suitable shelter

and corral space. All shelters and corrals shall be kept clean and free of decaying food, filth, dirt, and stagnant water, and shall be free of exposed nails and other items dangerous to the animal.

7.2 No person shall erect or use as a stable any building unless use is licensed by the Board and complies with all applicable Building Codes and Zoning Ordinances.

7.3 All shelters shall be of sound construction, well lighted, and have adequate ventilation, either, mechanical or natural, with no access points for rodents or stray animals.

7.4 All glass windows and ventilation openings shall be screened for fly control and for animal safety.

7.5 All electrical apparatus, including light bulbs, shall be provided with a suitable safety guard to help protect animals from injury.

7.6 All buildings used to shelter horses, cattle, sheep, goats or swine shall have at least one square foot of window glass for each 500 cubic feet of interior space.

7.7 Each stable shall contain at least 160 square feet for each animal.

7.8 All buildings used to shelter horses, cattle, goats or sheep shall have a ceiling at least seven feet high but not less than one foot above the head of any animal sheltered there. Every roof shall be water and weather tight.

7.9 All shelters and corrals shall have sufficient drainage to prevent the collection of water inside said confines. No shelter or corral shall be located in an area subject to flooding.

7.10 All shelters and corrals for horses, cattle, sheep, goats, and swine shall be supplied with an adequate and potable water source.

7.11 Floors shall consist of any material acceptable to the Board. This shall include hardwood, concrete, or a thin layer of sand and clay over a gravel base.

7.12 Walls shall be suitably treated with whitewash, paint or other materials approved by the Board to prevent absorption of odors and waste.

7.13 When shelter for more than one animal is provided, stalls or other adequate separation shall be provided. Animals shall be grouped according to their lifestyles and different species shall be separated as needed.

7.14 Any person wishing to remodel or construct a building or any portion thereof which is currently or will be used as a stable or other animal shelter shall submit plans to do so in duplicate to the Board for approval prior to any construction. After approval is obtained, all work shall begin within 30 days of approval and be completed within 90 days of the issuance of the building permit.

7.15 Bedding shall consist of hay, straw, shredded newspapers, or other like substance but shall not contain any animal fiber or textile fiber waste.

7.16 All corrals shall at all times have adequate shade for the animals, whether by tree or shelter.

7.17 Manure shall be removed from shelters and corrals at least once a day, and as often as needed to avoid a large accumulation. Manure shall not be allowed to accumulate in corrals and shall be removed as needed.

7.18 Manure shall be stored in such a manner as to control fliers and odors.

7.19 All feed shall be properly stored and shall be adequately protected so as to keep the food source free of contaminants and rodents.

7.20 No shelter or corral shall be within 10 feet of a lot line.

7.21 A minimum land area of 26,780 square feet shall be required for one goat or sheep and one acre for one horse or cattle with an additional 10,000 square feet required for each additional animal required.

7.22 No shelter, corral, or enclosure shall be in the front or side yard.

8. *Animal Health and Safety*

8.1 All animals shall be cared for in a humane manner. It shall be illegal to abuse, either physically or by neglect, any animal. The Board or its agent may at any time cause an animal to be removed from the custody of any person when it is determined that the health, safety or welfare of the animal or the general public is endangered. Any costs incurred by the City of Melrose when seizing and caring for an animal under this regulation shall be borne by the animal owner.

8.2 All horses shall be immunized against Eastern Equine Encephalitis and Tetanus with proof supplied annual prior to issuance or renewal. No permit shall be issued without proof of immunization.

8.3 All cattle and horses shall be immunized annual against rabies, with proof provided by the Board prior to the issuance of renewal of any permit.

9. *Poultry*

9.4 Any person with a license for poultry will comply with MGL 272 section 80D

9.5 All poultry shall be purchased from S. pullorum clean sources from National Poultry Improvement Plan (NPIP) participants. Chicks must originate from S. pullorum clean stock.

9.6 The shelter must be cleaned and then disinfected after every flock change.

9.7 All chickens must remain in an enclosure. All outside enclosures must be covered for protection against pests and predators.

9.8 New birds must be in a separate pen as far from the resident birds as possible for at least 14 days.

9.9 Each chicken must have a minimum of 2.5 square feet of enclosed living space.

10. *Special animal provisions*

10.1 No rooster shall be kept in the City of Melrose.

10.2 No poisonous snakes shall be kept in the City of Melrose.

10.3 No animal regulated herein shall be left tethered unless attended by a responsible person.

10.4 Where pigeons are kept, every effort shall be taken to minimize flying or roosting on, above, or proximate to abutting properties.

11. *Complaints*

11.1 Upon the receipt of a written complaint, the Board or its agent shall investigate the matter and provide a written response to the complainant and licensee. If it is determined that a hearing should be held, such hearing will be conducted as noted in Section 13.

12. *Variances*

12.1 Variance to any of these regulations may be requested in writing to the Board. When such a request is received, a hearing shall be scheduled and held in accordance with the requirements of Section 13.

12.2 Variances shall be granted only under the following conditions:

- a) strict enforcement of these regulations will constitute a manifest injustice, AND
- b) the granting of the variance shall not in any way impair the public, the environment, or animal health.

12.3 The Board may impose any conditions it deems appropriate to protect the public, the environment, and animal health.

13. Hearing

- 13.1 When a written request for a variance or a complaint is received, a Public Hearing shall be required.
- 13.2 The Public Hearing shall be held at the next scheduled Board of Health meeting but in no case earlier than 14 days of the request.
- 13.3 The applicant of a variance shall notify all abutters of the property as noted in Section 5.2 of these regulations.
- 13.4 The Public Hearing shall be advertised in a Legal Notice in a local paper at least 7 days in advance of the date of the hearing. The cost of the Legal Notice for a variance shall be borne by the applicant.
- 13.5 Any person to whom an Order to Correct is received shall have the opportunity to request a hearing before the Board. The request shall be in writing and received in the office of the Health Department within seven (7) days of the date is served.

14. Penalties

- 14.1 Any person found in violation of these regulations shall be fined, upon conviction, not more than \$1,000 per violation.
- 14.2 Any person who is issued a license by the Board and is found to be in violation of these or any other applicable regulation, may be subject to the immediate suspension or revocation of said license.
- 14.3 These regulations may be enforced by the use of the Non-Criminal citations as put forth in MGL Chapter 40, section 21D and City of Melrose Revised Ordinances Section 1-21. Fines shall be \$50 for the first violation, \$100 for the second violation, and \$150 for the third and any subsequent violation.
- 14.4 Each section of these regulations shall constitute a separate offense. Each day of non-compliance shall constitute a separate and new offense.

15. Severability

If any provision of these regulations is declared invalid or not enforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

16. Effective date

These regulations will take effect June 1, 2019

Public Hearing May 17, 2012
Vote by Board of Health July 18, 2012
Legal Notice August 2, 2012
Certified copy sent to MassDEP July 19, 2012

Revisions
Public Hearing October 4, 2012
Vote by Board of Health October 4, 2012
Legal Notice November 8, 2012

Certified copy sent to MassDEP November 1, 2012

Legal Notice May 3, 2019

Public Hearing May 9, 2019

Vote by Board of Health May 9, 2019

Legal Notice May 23, 2019

Attested copy sent to MassDEP May 15, 2019