

AUTHORITY

The Board of Health, Town of Ashby, Massachusetts, acting under the authority of Chapter 111, Sections 31 and 122 of the General Laws, and any amendments or additions thereto and by any power thereto enabling, have in the interest of and for the preservation of the public health duly made and adopted the regulations for the maintenance of large animals within the Town.

DEFINITIONS

Abutting Lot: A lot that shares a common border with the lot in question, or that is located directly across a public way from a portion of the lot in question.

Dwelling: any building or shelter used or intended for human habitation.

Horse: any solid-hoofed animal including, but not limited to, a horse, donkey, pony, burro or mule.

Large Animals: Any animal that commonly weighs more than 150 pounds at maturity. Without limitation, large animals may include horses, sheep, pigs, swine, and cows. For the purposes of these regulations, large animals do not include dogs, regardless of size.

Owner: shall mean every person who alone, or jointly, or severally with others has legal title to any facility, or has care, charge, custody, or control of any facility including but not limited to agents, executors, administrators, trustees, lessees or legal representatives.

Potable Water Supply Well: For the purpose of this regulation only, “potable water supply well” shall refer only to a well that provides the principal potable water supply for the principle structure on the property.

Large Animal Housing: A structure used to house large animals.

Stable: A building used to house horses.

Vermin: any of various insects, bugs, or small animals regarded as objectionable because of their destructive or disease-carrying nature including but not limited to flies, mosquitoes, lice, and rats.

Wetland: Any area subject to protection under M.G.L. Ch. 131, S. 40, 310 CMR 10.00, the Wetlands Protection Act. Note that this includes, without limitation, land under water (streams and lakes).

APPLICABILITY

No person shall maintain large animals anywhere in the Town of Ashby except in compliance with these regulations, unless a variance for the non-compliance has been issued by the Board of Health.

VARIANCES

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. Variances shall be granted only under the following conditions:

- Strict enforcement of these Regulations will constitute an unreasonable hardship,
- The granting of the variance shall not in any way impair the public, the environment or animal health, and
- the decision of the Board of Health shall not conflict with the intent of these regulations

The Board may impose any conditions it deems appropriate to protect the public, the environment and animal health. Any variance granted by the Board of Health shall be in writing.

INSPECTIONS

Any large animal housing or manure management area shall be subject to inspection by the Board or its agent at any reasonable time.

EFFECTIVE DATE

These regulations will go into effect April 15, 2005.

REQUIREMENTS

All manure and other large animal waste byproducts must be maintained and in such a way that they do not become a nuisance to abutters or the public.

No person owning, leasing or controlling a stable or large animal housing structure shall willfully or through negligence, cause, suffer, allow or permit:

- drainage or liquid effluent containing urine and/or fecal matter from a large animal or large animals to be discharged in runoff, or to flow the surface of the ground onto neighboring property, public way, wetland or watercourse.
- any unsanitary condition, defined as that state of being of large animal housing and associated facilities which, in the opinion of the Board of Health, is conducive to or results in excess of: breeding of flies; creation of malodors; vermin infestation; liquid effluent; runoff ; disease carriers; noise; dust in such concentration and of such duration as to be a nuisance or injurious or, on the basis of current information, potentially injurious to human health; or unreasonably interfere with the comfortable enjoyment of life and property.

All stalls and floors shall be kept clean and dry, free from accumulated manure, have ample bedding and be treated as necessary to control odor and prevent the attraction and breeding of flies.

Grain stored on, at, or proximate to large animal housing facilities shall be kept in moisture-proof, rodent-proof containers.

Manure piles must be located at least 100 feet from existing potable water supplies on abutting properties.

Manure piles must be located outside the 100-foot vegetated buffer zone to wetland resource areas.

Manure and soiled bedding shall be handled and treated as necessary to prevent the escape of odors and the attraction and/or breeding of flies and/or vermin. Manure stockpile locations shall be carefully chosen to maximize the distance from, and minimize the impacts on, abutting properties and watercourses, and with due consideration of slopes and the prevailing winds.

The Board may require that manure shall be treated with lime or other odor-reducing agents to minimize odors, and/or be treated for fly control.

Any large animal housing for housing pigs or swine, and/or any enclosure for housing pigs or swine, constructed after the effective date of these regulations must be located at least 125 feet from the principal occupied structure, in existence at the time of construction of the large animal housing, on each adjoining property.

Any large animal housing constructed after the effective date of these regulations must be located at least 100 feet from a potable water supply well on each adjoining property, provided that the well is the principal water supply for the property and was in existence at the time the large animal housing is constructed.

REQUIREMENTS APPLICABLE TO STABLES AND LARGE ANIMAL HOUSING STRUCTURES CONSTRUCTED AFTER JUNE 1, 2005

No stable or large animal housing structure shall be constructed without first obtaining a building permit for the stable or structure from the Ashby Building Inspector. Each stable or large animal housing structure shall be constructed in accordance with applicable zoning regulations, which at the time of passage of these regulations include setbacks of at least 25 feet from the property line and 75 feet from the road frontage.

Each stable or large animal housing structure shall be located at least 50 feet from a residence that exists on an abutting lot on the date the building permit for the structure to be used as a stable is obtained. A stable or large animal housing structure that is used for housing pigs, swine or more than six other large animals shall be located at least 125 feet from a residence that exists on an abutting lot on the date the building permit for the structure to be used as a stable or large animal housing is obtained.

Each stable or large animal housing structure shall be located at least 100 feet from a potable water supply well that exists on an abutting lot on the date the building permit for the structure to be used as a stable or large animal housing is obtained, provided that said well is the principal water supply for the main building on the abutting lot.

No stable or large animal housing structure, corral, or paddock may be located on top of the leaching field for a subsurface sewage disposal system.

Each stable or large animal housing structure shall be located on well-drained land not susceptible to flooding. In no case shall a stable or large animal housing structure be located on impervious soil, or on ground on which stagnant water can collect.

All construction within 100 feet of a wetland resource area is subject to the approval of the Conservation Commission. In addition to any requirements or limitations imposed by the Conservation Commission, the following requirements shall apply:

- There shall be at least a 25 foot vegetated buffer zone between corral or paddock fences and wetlands and/or streams. No corrals or paddocks shall be constructed to include wetland areas or streams.
- Streams may not be included in corrals or paddocks, but these may have a corridor across a stream to allow livestock to pass from one pasture to another, if necessary. Crossings shall be located in areas where the streambed is stable or where the grade can be controlled to provide a stable condition.

Stream crossings shall be located and constructed to discourage livestock from loafing in the stream. Crossing shall provide a way for normal passage of water, fish and other aquatic animals within the channel during all seasons of the years.

All cuts and fills for the stream crossing shall have stable side slopes. Where fords are involved, care must be taken not to change the flow of water at any time. Allowances must be made for both flood and drought conditions. No fill may be placed in a wetland resource for any reason at any time without Conservation Commission approval.

- The Conservation Commission will provide specific guidance on construction of bridges, culverts and fords.
- Ponds and vernal pools fall under the same restrictions as the wetland resource areas. A pond can be inside a pasture if it is not a vernal pool and is not connected to other wetland resource areas.

VIOLATIONS

If a violation of any of these standards continues after the owner ordered by the Board of Health, the Animal Inspector, or the Board's Agent to abate such violation, such continuation shall be cause for initiation of legal proceedings to eliminate said conditions.

Penalties or punishment for violation of any of these rules and regulations shall be as prescribed in Chapter 111 Sections 31 and/or 122 of the General Laws of the Commonwealth of Massachusetts, and any amendments or additions thereto or any other applicable statute.

SEVERABILITY

So far as the Board of Health may provide, each section of the rules and regulations shall be construed as separate to the end that if any section, item, sentence, clause or phrase shall be held invalid for any reason, the remainder of these rules and regulations shall continue in full force and effect.

APPEAL

Any person to whom any order pertaining to these large animal regulations is served shall have the opportunity to request a hearing before the Board. The request shall be in writing.

DEAD ANIMALS

Dead animals shall be buried, professionally cremated, or disposed of promptly in such a way as to prevent the attraction of flies and the generation of odors. If an animal must be destroyed, it shall be done in a humane matter. If buried, the animal shall be put in a hole, the bottom of which shall be above high groundwater and covered with at least four (4) feet of compacted dirt. The burial site shall be at least fifteen (15) feet from property lines and one hundred (100) feet from any well or wetlands.

These regulations were adopted by unanimous vote of the Board of Health in a duly posted regular meeting on _____.