

Chapter 159

Stables and Livestock Keeping

§159-1 Purpose and Authority

The Board of Health of the Town of Williamstown, acting under the authority of Sections 31, 122-125A, 143, and 155-158 of Chapter 111; and sections 7, 19 and 23 of Chapter 129 of the Massachusetts General Laws and amendments and additions thereto, and by any other power thereto, enabling and acting thereunder, and in accordance therewith have, in the interest of and for the preservation of the public health, duly adopted the following regulations for the control of livestock animals in the Town of Williamstown.

§159-2 Definitions

Abutter. The owners or tenants of property which adjoin the lot upon which livestock is to be kept whether or not said properties are separated by a public way.

Animal. See Livestock

Commercial Stable. A stable operated for commercial purposes including riding schools or boarding.

Board. The Williamstown Board of Health, or its designated agents.

Board of Health. The Williamstown Board of Health

Corral. Any pen or enclosure for confining animals, including, but not limited to cages and coops

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 livestock, including but not limited to, stable and corral.

Feed. A food mixture or preparation, and hay, used for consumption by livestock, kept at or proximate to a facility.

Fowl. All members of the bird family, and shall include chickens (i.e. roosters, capons, hens,) turkeys, pigeons, peafowl, ducks, guinea, swans, and geese (other than wild species).

Horse. Any solid-hoofed animals including, but not limited to, a horse, donkey, pony or mule.

Housing. Any structure used for the keeping of livestock. Housing does not include perimeter fencing.

Impervious Material. Soils having a percolation rate greater than sixty (60) minutes per inch drop, and including but not limited to ledge, hardpan, clay, peat, loam and organic matter.

Livestock. For the purpose of these regulations, livestock is to mean all animals except dogs, cats, and domestic animals normally kept in the home, and including fowl, that are kept or harbored as domesticated animals. Livestock includes, but is not limited to,

horse, goat, cattle, sheep, pig, goose, duck, rabbit, chicken, pigeon, emu, ostrich, turkey, peacock, llama, and alpaca, or any number or combination thereof.

Lot. An area of land, 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

- 1) cause of nuisance,
- 2) be injurious or, on the basis of current information, potentially injurious to human health, or
- 3) unreasonably interfere with the comfortable enjoyment of life and property.

Owner. Every person who alone, or jointly, or severally with others

- 1) has legal title to any lot, dwelling or dwelling unit, or
- 2) has care, charge, or control of any lot, dwelling or dwelling unit as agent, executor, executrix, administrator, trustee, lessee, or guardian of the estate of the holder of legal title.

Each such person thus representing the holder of legal title is bound to comply with the provisions of these regulations as if he were the owner.

Person. Every individual, partnership, corporation, firm, association, or group, including a city, town, county, or other governmental unit, owning property or carrying on an activity regulated by these regulations.

Responsible Party. The person owning or overseeing the facility and/or livestock.

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

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.

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

Watercourse. Any stream, storm drain, pond, lake, or other body of water drained by a stream, dry ditch, or other depression that will permit drainage water to empty into any open waters of the Commonwealth.

Wild Animals. Any animal not normally found or kept as a domesticated animal. Federal or State Permits are required to house and/or care for wild animals.

§159-3 General Requirements

- A. Keeping of livestock is limited to those areas allowed by the Code of the Town of Williamstown, Chapter 70, Zoning, use regulation schedule 70.3
- B. The keeping of livestock shall be in accordance with Chapter 70 Zoning, 310 CMR 10.00 The Wetlands Protection Act [note: Agriculture defined in section 10.04], 310 CMR 15.000 (Title 5), The Code of the Town of Williamstown, Chapter 164 - Wells, or any other applicable state or local regulation.

- C. No fox, skunk, mink, raccoon, chinchilla, or other fur-bearing animals shall be raised for commercial purposes anywhere within the town.
- D. Fences, coops, cages, etc. shall be maintained to prevent escape of livestock onto public ways, adjacent property, or areas not deemed part of the farm pastures or facilities, including, but not limited to, dwellings, lawns, and vegetable gardens. Any defect or condition that causes livestock to escape will be repaired in a timely manner not to exceed 24 hours.
- E. Unless otherwise noted, livestock will be maintained in accordance with the University of Massachusetts Extension Service Livestock and Poultry Best Management Practices.
- F. Spacing and housing guidelines for livestock shall be as specified in Table 1.

Table 1: Spacing and Housing Guidelines*

	HORSE	BEEF COW	DAIRY COW	DAIRY GOAT	PIG	SHEEP	CHICKEN /FOWL	RABBIT	TURKEY
Unit	1 horse	1 cow	1 cow	1 goat	1 pig	1 sheep	1 fowl	2 rabbits	1 turkey
Enclosed Housing Area per Animal	Tie stalls 45 sq. ft. 5' x 9' - Box stall 12' x 8' Or 10' by 10'	50-75 sq. ft.	50-75 sq. ft.	20-25 sq. ft.	48 sq. ft. w/exercise yard; 100 sq. ft. without exercise yard	15-20 sq. ft.	3-4 sq. ft.	7-8 sq. ft. (30" x 36" x18")	6 sq. ft.
Exercise Yard Area per Animal	200 sq. ft	75-125 sq. ft min. 150 sq. ft.	75-125 sq. ft	50 sq. ft	200 sq. ft	50 sq. ft	10 sq. ft	N/A	20 sq. ft
Pasture Area per Animal	1-2 acres	1-2 acres	1-2 acres	0.2-0.3 acres	12-14 sows/ acre/ rotationa l pasture	0.2-0.3 acres	N/A	N/A	100 sq. ft
Type of Housing	Enclosed ventilate d barn or open 3-sided barn	Open Front 3- sided barn	Open Front 3- sided barn or enclosed Stanchion Barn	Enclosed Barn with Removabl e Side Panels or Windows	Enclosed Barn Huts, shed, hutches or lean- to	Open front 3- sided shed	Enclosed Barn	All wire cages (wooden nest boxes)	Enclosed Barn
Fencing	Electric Wooden Rail Woven Wire	Barbed Electric Woven Wire	Barbed Electric Woven Wire	Electric Woven Wire	Electric Woven Wire	Electric Woven Wire	Chicken Wire	N/A	Chicken Wire

*Adapted from the University of New Hampshire Cooperative Extension "Housing and Space Guidelines for Livestock"

- G. A supply of fresh water shall be available to the livestock at all times and at or near the facility for feeding and cleaning. Adequate, nutritional food will be made available to all livestock to maintain health and good condition.
- H. Wild animals can be housed only by those permitted to their care by appropriate State and Federal areas of jurisdiction.
- I. The Animal Inspector/Animal Control Officer, the Health Inspector, and/or a licensed Veterinarian or Animal Care Specialist appointed by the Board shall have the right to make an inspection in accordance with Chapter 129, sections 7, 19 and 23, and Chapter 111, sections 16, 122 and 143.

§159-4 Sanitation Requirements

- A. No person owning, leasing, or controlling the management of a facility for the keeping of livestock, shall willfully or through negligence, cause, suffer, allow or permit:
 - 1) the floor and/or the ground of the facility for the keeping of livestock to be designed, constructed, and/or maintained as to cause or contribute to unsanitary conditions at said facility. Adequate dry bedding and bedding areas will be made available.
 - 2) drainage or liquid effluent containing urine and/or fecal matter from any animal kept at said facility to be discharged in runoff, or to flow over the surface of the ground on to neighboring property, public way or watercourses.
- B. Adequate shelter will be available and maintained to keep livestock out of the wind and elements. Housing will follow standard size guidelines.
- C. Management and disposal of manure and soiled bedding shall be such as to best management practices to minimize odors, breeding of flies, and the attraction of vermin. It shall be the responsibility of the owner to store and/or dispose of said waste in a safe and sanitary manner consistent with acceptable farm practices.
- D. Livestock shall be maintained in a clean and healthy condition.
- E. No owner of a facility for the keeping of livestock shall willfully or through negligence, cause, suffer, allow, or permit an infestation of insects or vermin at said facility. Control of these pests shall be with the use of USDA approved compounds. The continuance of an infestation of vermin at or near the facility beyond a date specified by the Board of Health shall be subject to fines and enforcement allowed by these regulations.
- F. Dead livestock shall be promptly buried, incinerated, or disposed of in such a way as to prevent the attraction of flies and prevent odors. Burial will be not less than 6 feet below grade, covered by not less than 30 inches of soil and manure to aid decomposition.

§159-5 Enforcement

- A. The Board shall have the authority to enforce these regulations and permits issued thereunder by:
 - 1) inspection and investigation;

- 2) the issuance of violation notices and administrative orders;
 - 3) and/or civil and criminal court actions.
- B. Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or corporation, violates any of the provisions of these regulations is subject to a fine as stated in Chapter 1, General Provisions, Article II, Non-criminal Disposition, of the Code of the Town of Williamstown. Each day of violation, after written notice, is a separate violation.

§159-6 Waivers

The Board of Health may, in its discretion, waive compliance with a particular requirement of these regulations when, in its opinion:

- A. The enforcement of the regulation would do manifest injustice; and
- B. The applicant has proved that the same degree of protection of the public health, safety and welfare can be achieved without strict application of the particular provision. Any alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board of Health.

§159-7 Appeals

- A. Any person or persons aggrieved by any order issued under this chapter may appeal by filing a written petition for hearing to the Board of Health, which must be received within ten days after the day the order was served.
- B. The hearing shall be commenced not later than 14 days after the receipt of a petition.
- C. At the hearing the petitioner and other affected parties shall be given an opportunity to be heard, to present witnesses or documentary evidence, and to show why an order should be modified or withdrawn. Failure to hold a hearing within the time period specified herein shall not affect the validity of any order.
- D. The Board of Health shall sustain, modify, or withdraw the order and shall inform the petitioner.
- E. Any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

§159-8 Severability

If any portion, or sentence, clause or phrase of this regulation shall be held invalid for any reason, the remainder of this regulation shall continue in full force and effect.

§159-9 Effective Date

The effective date for this chapter is