



Town of Upton

Regulations Governing Animals

AMENDED 4/23/09, 6/27/11, 10/18/18

I. PURPOSE AND AUTHORITY

The Upton Board of Health, in the interest of and the preservation of public health, sets forth the following regulations for the keeping of animals in the town of Upton. These regulations are made and adopted by the Board of Health of the Town of Upton, Commonwealth of Massachusetts, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws, and amendments or additions thereto.

II. DEFINITIONS - For the purpose of these regulations, the following definitions apply.

Abutter: Owners or tenants of land that adjoins the side or rear lot lines of the property where animals are house, as certified by the Town Assessor's office.

Board of Health: The appropriate and legally designated health authority of the town.

Bovine: Cow, oxen, cattle, buffalo, kudus

Equine: horses, ponies, donkeys, asses, zebras

Animals requiring a BOH permit: Bovine, Equine, goats, sheep, alpacas, llamas, pigs, deer, and poultry

Managed Waste: a manure stockpile or compost pile containing manure

Manure: Feces and urine from large animals

Permit: Written authorization from the Board of Health for the keeping of animals/poultry

Poultry: chickens, ducks, turkeys, geese, quail, other fowl

Runoff: any liquid or solid suspended in liquid 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, creates offensive odors, rodent infestation, or Liquid effluent or runoff.

Watercourse: Any stream, 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.

III. REGULATION 1 – PERMITS

All residents wishing to keep any animal with less than 5 acres in the town of Upton are required to first obtain a permit for a fee of \$10.00 from the Board of Health office. A permit for poultry *only* is free of charge. These permits are conditional upon annual barn inspections conducted by the local animal control officer. Permits are renewable every two years and are not transferable. Unsanitary conditions may be a cause of revocation or denial of such a permit.

IV. REGULATION 2 – LAND AREA REQUIREMENTS

From the date of enactment of these regulations, keeping of all animals in the town of Upton requires the following lot size before a permit can be issued. All land must be owned by the Applicant requesting the animal permit. If more than one lot is owned by applicant, the lots must be joining in order to be considered:

- 25,000 sq.ft. or under – not allowed
- More than 25,000 sq. ft but less than one acre – not allowed, special permit may be requested from BOH.
- At least one acre but less than two – no more than two animals.
(Commercial use may be allowed by a special permit from required local boards)
- Two to five acres – up to two animals per acre. Commercial use may be allowed by a special permit from required local boards.
- Over five acres – No restrictions to the number of animals, providing all other provisions of these regulations are adhered to.

V. REGULATION 3 - MANURE MANAGEMENT

- 1 Manure will be managed. Manure will be collected on a regular, preferably daily, basis from animal housing and paddocks. The collected manure will be (a) placed in a manure stockpile, (b) added to a compost pile or (c) spread in a pasture in a manner consistent with good agricultural practices and USDA guidelines
- 2 Manure or managed waste must *not* be located within 100' to a potable water supply well or a designated wetland.
- 3 Managed waste must *not* be located closer than 40' to the lot line of an abutter. (closed containers may replace 40' set back with prior approval from the B.O.H.)
- 4 In order to minimize migration of manure constituents, managed waste will be located in areas: free of storm water run-off from any structure, be graded to keep surface water from running over or through the managed waste and not be subject to seasonal flooding.

- 5 In order to facilitate disposal or management by equipment, managed waste will be located in areas accessible to needed equipment and where the travel path of equipment can be prohibited from traversing the sewage soil absorption system.
- 6 In order to control odors, managed waste will be: kept under cover; or composted; or removed off site on a sufficiently regular basis.
- 7 In order to control manure fly populations, managed waste will be: kept under cover; or composted; or removed off site on a sufficiently regular basis; or treated with fly parasites; or provided with fly traps.

VI. VARIANCES

Any request for a variance from these regulations shall be submitted to the Board of Health in writing. The request shall clearly state the variances sought and the reasons. No variance shall be granted except after the applicant has notified all required abutters by certified mail at the applicants own expense, at least 10 days before the Board of Health meeting at which the variance request will be heard. The notification shall state the specific variance sought and reasons, and the time, date and place of the hearing.

Variances shall only be granted under the following conditions: (A) strict enforcement of the regulation will constitute manifest injustice to the applicant and (B) the granting of the variance shall not in any way impair the public health, the environment of animal health. The Board may impose any conditions it deems appropriate to protect the public health, environment and animal health.

VII. PENALTIES

Any person who the Board of Health finds in violation of these regulations or who fails to comply with any order by the Board of Health to remedy such violation shall be subject to a fine of \$100.00 for each day such violation exists.

VIII. SEVERABILITY

If any provision of these regulations or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to this provision (s) and the remainder of these regulations shall remain valid and effective. These regulations were adopted by vote of the Town of Upton, MA Board of Health at a public hearing held on February 23, 2009 and are to be in full force and effect on and after April 2, 2009. These regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board of Health with notice as provided by law, on its own motion or by petition.

UPTON BOARD OF HEALTH

Stedman Briggs, Al Holman, Marsha Paul