

TOWN OF LANESBOROUGH BOARD OF HEALTH

ANIMAL REGULATION 2016-02 – Amendment 1

SECTION 1 – Purpose: To protect the public health of the Town of Lanesborough, the Board of Health hereby adopts this Regulation to control the amount of certain domesticated animals and fowl including, but not limited to, rabbits, turkeys, geese, ducks, hens, chickens, roosters over 4 months of age, pigeons, and other fowl and animals within certain areas of the Town, but excluding dogs and cats. The intent of this Regulation is to enhance the quality of life of the Town’s citizens and to protect the general public from damage, injury or illness that may be caused by unregulated animals and fowl.

SECTION 2 – Animal Regulation: To protect the public health and safety of Town residents, the raising or keeping of rabbits or fowl, including chickens (hens but not roosters over 4 months old) for private purposes by the owner(s) of property located in Residential and Residential Agricultural Zoning Districts, shall be permitted and regulated under the provisions of this Regulation and other applicable local and state laws and regulations. The provisions of this Regulation shall not apply to farm properties or agricultural operations recognized under MGL Ch. 40A, Section 3.

1. All individuals who keep certain domestic animals and fowl, as set forth in this Regulation, shall engage in standard management practices to minimize the risk to public health and safety. Information or assistance on these practices is available from the Massachusetts Department of Agricultural Resources.

Notwithstanding, standard management practices, however, any coop or similar enclosure used for the keeping of fowl shall provide at least two (2) square foot of interior floor space for each individual animal.

The final determination as to the number of fowl or animals a coop can adequately accommodate, however, rests with the Town’s Animal Control Officer.

2. Property owners on lots less than two acres in size in the Town’s Residential and Residential-Agricultural Zoning Districts may keep animals and fowl, as defined in this Regulation, provided that the following requirements, as well as any other legal requirements, including Board of Health permitting requirements, are met:
 - a. No more than six (6) individual animals or fowl, as defined in this Regulation, may be permitted on lots less than a half acre in size. No roosters over the age of four (4) months old may be kept. Animals or fowl must be penned within the set-backs specified in this regulation.
 - b. No more than twelve (12) individual animals or fowl, as defined in this Regulation, may be permitted on lots between a half acre and one acre in

size. No roosters over the age of four (4) months old may be kept. Animals or fowl must be penned within the set-backs specified in this regulation.

- c. No more than twenty-four (24) individual animals or fowl, as defined in this Regulation, may be permitted on lots between a one and two acres in size. No roosters over the age of four (4) months old may be kept. Animals or fowl must be penned within the set-backs specified in this regulation.
- d. Setbacks. The fowl or animal coop or enclosure shall be located in the rear or side yard of the property and shall not be located within the setback areas specified below. The following setback requirements shall apply based on the number of permitted fowl animals located at a specific property covered by this Regulation:
 - e.
 - i. Between one (1) and six (6) fowl or animals- 25' foot setback requirement;
 - ii. Between seven (7) and twelve (12) fowl or animals- 35' foot setback requirement; and
 - iii. Between thirteen (13) and twenty-four (24) fowl or animals- 50' foot setback requirement.
- f. Any person or persons who have in their possession or control any domestic animal or fowl shall keep said animal on the premises at all times and the premises shall be kept free of offensive odors and filth at all times. Property owners and/or occupants are responsible for the disposal of all animal waste.
- g. Any failure to conform to these requirements, found by the Board of Health or its Agents, shall be abated without delay by the person or persons responsible, who shall also remove any of said animals or birds entirely if it is decided by the Board of Health that there is no other satisfactory way to abate the nuisance.
- h. A residential property owner may not sell any, meat or other products from animals or fowl kept under the provisions of this Regulation, for commercial purposes and may only be used for personal use. Eggs are excluded from this provision.

Section 3- Enforcement and Penalties:

- 1. The Animal Control Officer and/or the Board of Health or their designees shall enforce the provisions of this Regulation.

2. Violation of this Regulation may be subject to a penalty of up to \$100.00 for each offense, with each day the violation continues constituting a separate offense.

Section 4- Compliance Deadline: Existing property owners subject to this Regulation shall have two (2) months to comply with its requirements.

Section 5 – Variance: The Board of Health may, in its sole discretion, vary the provisions of this Regulation if, after a hearing, the Board finds that the requested variance is not more detrimental to the public health than full compliance with these Regulations.

Such variance shall only be granted following notice to abutters within 300 feet of the property at issue, be subject to yearly renewal.

Notice shall be at the sole cost of the individual applying for the variance.

Section 6- Severability: The provisions of this Regulation shall be deemed severable, so that the invalidity of any one provision of the Regulation shall not affect the validity of another provision, and if any part of this bylaw shall be adjudged unconstitutional, inconsistent with state law, or otherwise invalid, such judgment shall not affect any other valid part of this Regulation.