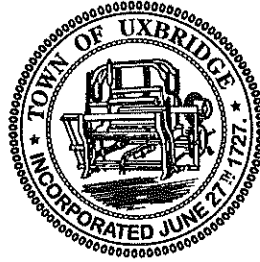


Michael Morrisette, Chairman
Dr. David Tapscott, Vice Chair
Dr. Joann Lindenmayer, Member
Nancy Centrella, Administrative Assistant
Dr. Kristin Black, Health Agent



TOWN OF UXBRIDGE
BOARD OF HEALTH
21 South Main Street, Room 204
Uxbridge, MA 01569
508-278-8600 ext. 8
boh@uxbridge-ma.gov

Minutes of the Uxbridge Board of Health meeting held on Wednesday, October 23, 2019 at 5:00 pm in the Board of Selectmen Meeting Room, 21 South Main Street, Uxbridge, MA

Present: Michael Morrisette, Chair, David Tapscott, Vice Chair and Joann Lindenmayer, Member
Also present, Nancy Centrella, Admin. Assistant, Kristin Black, Director (absent)

Meeting called to order: The time being 5:04 pm and the meeting duly posted with a quorum present, Chairman Morrisette called the meeting to order.

PUBLIC HEARINGS

The public hearing was continued from October 1, 2019

1. **Discuss Revisions to Article XIV – Minimum Sanitation Standards for Private and Semi-public Wells**
David presented his final draft that is ready to submit to Town Counsel. He highlighted some key points that will make the revisions more specific and easier to understand.

Public Comment – Ray Talke asked if a well permit would be required for repairs of existing wells. The board agreed that no, a permit would not be required for regular maintenance repairs of existing wells (pump, well head, etc.). David will add this to the revisions for Counsel.

Motion: David Tapscott moved to close the public hearing to discuss the revisions to Article XIV – Minimum Sanitation Standards for Private and Semi-Public Wells. Joann Lindenmayer seconded and the motion was passed unanimously with a vote of 3-0-0.

2. **Discuss Revisions to Article IX – Minimum Standards for the Keeping of Animals, Farm and Domestic Pets in Other than Stock Yards**
Joann spoke again with a resident who would like to provide some feedback to the board at our next meeting. Joann will be also be meeting with Deputy Chief Tancrell regarding fire safety of kennels. This public hearing will remain open and continue to our next scheduled meeting.

BUSINESS

1. **Update on Title 5 Agent**
Steve Donatelli has not been officially signed on yet. We are waiting on his insurance and tax information. Steve has his lawyer working on his LLC, and cannot do any other paperwork until he has that in place. We are hoping to have that taken care of next week so the new Town Manager will be able to sign his contract. In the meantime, Margaret Bacon is still providing all services for us.
2. **Sustainable Materials Recovery Program (SMRP)**
On Oct. 9th we received confirmation of our 2019 award of \$3500 through the RDP (Recycling Dividends Program). We earned 10 points at \$350 per point. These funds can be used for a wide range of recycling initiatives in town and we still have approximately \$2500 from last year's award available. The board will discuss ways to spend the money as it relates to recycling, perhaps on educational materials, textile bins, etc.

Minutes of the Uxbridge Board of Health meeting held on Wednesday, October 23, 2019 at 5:00 pm in the Board of Selectmen Meeting Room, 21 South Main Street, Uxbridge, MA

3. Municipal Trash Program

The enterprise account that was originally created for this program back in 2007 was rescinded at Town Meeting on 10/22/2019. Going forward, if we were to bring this to the table again, it should be presented at a Special Town Meeting as a whole package, account & program together. The board agreed that we will wait until the new Town Manager is in place and he can decide if this is worth moving forward.

***Motion:** David Tapscott moved to defer action on the municipal trash and recycling program at this time. Joann Lindenmayer seconded and the motion was passed unanimously with a vote of 3-0-0.*

4. MA Arbovirus update – Central MA Mosquito Control Project

The board did not voice an opinion on this project presented at town meeting because of lack of data provided regarding effectiveness. Given that the motion to go forward with the project failed at town meeting, David is going to look into private companies and the possibility of doing something regionally with some surrounding towns. Joann is working with Susan Franz on the next MVP grant proposal, and they may be able to take advantage of some of the services CMMCP has to offer, such as monitoring and surveillance and also public education.

5. Green Communities Update

Because McCloskey School was transferred to the town at Town Meeting, a new project is proposed to help decommission the building using the remaining \$27,000 in green community funds. Kristin is working on this with Michael Gallerani. Also, all McCloskey steam traps will be cleaned and repaired with costs fully covered by an Eversource incentive program in the next 30 days.

6. RSC Update

They have a new member who will work with Mary McDonald to try to get the schools back on track with a recycling and possibly composting program. They will reach out to the Green Team leaders (both old and new), to help get these programs going. David is working on textile recycling and Orlando is working on a possible curbside composting program that will not be municipal. Also, they will have a library program with Mass Save. A company that contracts with Mass Save will be there for an informational session regarding home energy audits and residents can sign up at the meeting if they are interested.

CITIZEN'S FORUM

Ray Talke addressed the board with his concerns regarding the Central MA Mosquito Control Project. He said his main issues were with effectiveness and toxicity of the chemicals to amphibians. He was pleased with the board that they will be looking into other alternatives to chemicals.

ADMINISTRATIVE

Approval of Meeting Minutes: 10/1/2019

***Motion:** David Tapscott moved to accept the October 1, 2019 minutes as written. Joann Lindenmayer seconded and the motion was passed unanimously with a vote of 2-0-1 (Michael Morrisette abstained because he was absent at that meeting).*

ANY OTHER MATTER THAT MAY LAWFULLY COME BEFORE THE BOARD

Nancy attended a meeting with admins from other surrounding towns to discuss best practices, share forms and talk about many of the issues that each town faces. They may meet quarterly as schedules allow.

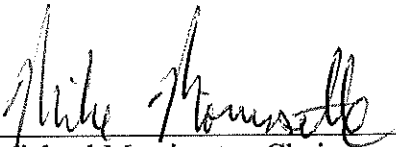
Minutes of the Uxbridge Board of Health meeting held on Wednesday, October 23, 2019 at 5:00 pm in the Board of Selectmen Meeting Room, 21 South Main Street, Uxbridge, MA

ADJOURNMENT 5:45 pm

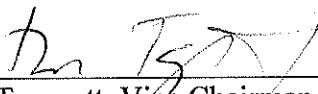
Motion: *Joann Lindenmayer moved to adjourn the meeting. David Tapscott seconded and the motion was passed unanimously with a vote of 3-0-0.*

Attachments:

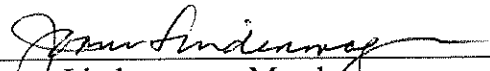
- Draft revised regulations to Article XIV
- Draft revised regulations to Article IX
- Sign in sheet



Michael Morrisette, Chairman



David Tapscott, Vice Chairman



Joann Lindenmayer, Member



Uxbridge Town Hall
21 South Main Street, Room 204
Uxbridge, MA 01569
508-278-8600 x8 p
508-278-8604 f

**TOWN OF UXBRIDGE
BOARD OF HEALTH**

Oct. 23, 2019

Sign-In Sheet

	NAME (please PRINT)	ADDRESS
1.	RAY TALKER	172 W. HARTFORD AVE.
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

ARTICLE XIV
MINIMUM SANITATION STANDARDS FOR PRIVATE AND SEMI-PUBLIC WELLS

Under Chapter 111, Section 31, of the Massachusetts General Laws, the Uxbridge Board of Health hereby adopts the following regulations to protect the health of residents of the Town of Uxbridge who are served by private and semi-public wells. These regulations replace any and all existing regulations previously adopted by the Board of Health regarding the construction and/or abandonment of wells, except as to those matters currently pending. Any condition that existed prior to the effective date of these regulations shall not be grandfathered or regarded as exempt from these regulations.

14.0 PURPOSE

These regulations are intended to protect the public health and general welfare of the residents of the Town of Uxbridge by ensuring that wells are constructed in a manner which will [public health by ensuring the potability of water, ensure an adequate water supply and protect the groundwater through appropriate construction of wells.](#)

14.1 DEFINITIONS

For the purpose of these rules and regulations:

AGENT means any person designated and authorized by the Board to execute these regulations.

APPLICANT means any person who intends to have a private well constructed.

AQUIFER means a water bearing formation or group of formations or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

BEDROOM means any room intended primarily for sleeping and consisting of floor space of no less than 70 square feet, electrical service, ventilation and at least one window.

BOARD means the Board of Health of the Town of Uxbridge, Massachusetts or its authorized agent.

CERTIFIED LABORATORY means any laboratory currently certified by the Massachusetts Department of Environmental Protection for drinking water. Provisional certification shall also qualify.

CROSS-CONNECTION means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other, water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

[DRAWDOWN](#) means the level of water in a well measured from the ground level at the end of the pumping test.

HYDROFRACTURING means a process whereby water is pumped under high pressure into a well to fracture the surrounding rock thereby increasing the well yield.

MA DEP refers to the Massachusetts Department of Environmental Protection

POTABLE WATER means water that is tested by a state certified laboratory and satisfies state drinking water standards for culinary and domestic purposes.

PRIVATE WATER SUPPLY means any water systems serving or intended to serve for human consumption or for domestic uses on one lot.

PRIVATE WELL means any dug, driven, or drilled hole with a depth greater than its largest surface diameter developed to supply water intended and/or used for human consumption and are not subject to regulation by 310 CMR 22.00, DEP drinking water regulations.

PUMP TEST is a procedure used to determine the characteristics of a well and adjacent aquifer by installing and operating a pump.

REGISTERED WELL DRILLER means any person registered with [MA DEP](#) to dig or drill wells in the Commonwealth of Massachusetts.

REQUIRED VOLUME means the volume of water necessary to support the household's daily needs based on the number of bedrooms: Number of Gallons Needed Daily = (Number of bedrooms + 1) x (110 gallons/Bedroom) x 2 (safety factor)

SEMI-PUBLIC WATER SUPPLY means any water system serving or intended to serve water for human consumption or for domestic uses or purposes to multiple dwellings or two or more units or to more than one multiple dwelling under a single ownership and located on the same lot, and are not subject to 310 CMR 22.00 DEP drinking water regulations for Public Water Supply.

STATIC WATER LEVEL means the level of water in a well, measured from ground level, under non-pumping conditions.

YIELD means the volume of water produced by the aquifer into the well space in a specified time period. The yield in gallons per day is calculated from the Pump Test in the following manner:

$$\text{Gallons/minute} \times 60 \text{ minutes/hour} \times 24 \text{ hours/day} = \text{gallons/day}$$

WASTE SITE means any location at which there has been the disposal or discarding of garbage, refuse, sludge from a wastewater or water supply treatment plant, air pollution control facility and other materials including solid, liquid, semi-solid or contained gaseous material, resulting from industrial commercial, mining and agricultural operations. A waste site includes a location at which there has been the disposal or discarding of hazardous waste, as defined by MA DEP in CMR 40.0000 (Massachusetts Contingency Plan).

14.2 WELL CONSTRUCTION PERMIT

- A. The property owner or his designated representative shall obtain a permit from the Board of Health prior to the commencement of installation, alteration or repair or decommissioning of a private well. Wells and irrigation wells from which the water is not intended for human or animal consumption or for the irrigation of foods or food ingredients are not exempt from the permitting process and must meet the same requirements as the drinking water well.
- B. The application should include:
 - 1. Property owner(s)'s name and address.
 - 2. Well driller's name and proof of valid MA registration.
 - 3. A plan with a specified scale, signed by a registered surveyor or engineer, showing the location of the proposed well in relation to existing or proposed above or below ground structures. Such plan shall include subsurface fuel storage tanks, public ways, utility right-of-ways and any other sources of potential pollution.
- C. No private wells shall be constructed, altered or repaired without an approved permit application from the Board. The Board reserves the right to require decommissioning of any well installed in violation of these regulations.
- D. Each permit shall expire six (6) months from the date of issuance unless revoked for cause. Permits may be extended at the discretion of the Board of Health and provided that a written request is received by the Board prior to the expiration date. No additional fee shall be charged.
- E. Permits are not transferable in any instances. That includes a change in ownership or driller. If there is a change in driller, then the new driller is responsible for signing an authorization of this change with the Board.
- F. The permit shall be displayed at the well construction whenever work on the well is taking place.

14.3 WELL CONSTRUCTION AND LOCATION

- A. Pursuant to 313 CMR 3.00, Water Well Diggers and Drillers Registration Regulations, no person in the business of digging or drilling shall construct a well unless registered with the MA DEP.
- B. The recommendations of the latest edition of the MA DEP Private Well Guidelines will be employed as a guidance document for permitting private wells.
- C. In locating a private well, the applicant shall identify all potential sources of contamination which exist or are proposed within 200 feet of the site. When possible, the private well shall be located up-gradient of all potential sources of contamination and shall be as far removed from potential sources of contamination as possible, given the layout of the premises.
- D. Each private well shall be accessible for repair, maintenance, testing, and inspection.
- E. The proposed private well must be located on the lot which it serves and must meet these minimum distance requirements:

P 3-7

<u>Distance From</u>	<u>Feet</u>
Leaching facility	100
Leaching reserve area or existing cesspool	100
Septic Tank	50
Any structure or dwelling	20
Property Line	10
Street	25
Driveway	25
Public/Private Way	25
Rights-of-Way	15
Stable/manure storage	100
Storm drain	25
Underground storage tank	200
Wetland	50
Waste disposal site or landfill	1,000
Center line if extended vertically shall clear any projection from an adjacent structure by at least	5
Normal high-water mark of any lake, pond, river, stream, ditch or slough	25 laterally

- F. Any new private well must be located in areas above the 100-year flood plain.
- G. All lines from a private well shall be:
1. Located a minimum of 10 feet from a building sewer constructed of durable corrosion-resistant material with watertight joints, or 50 feet from a building sewer constructed of any other type of pipe.
 2. Pressure water supply lines shall be installed at least 10 feet from and 18 inches above any sewer line.
 3. Whenever water supply lines must cross sewer lines, both pipes shall be constructed of class 150 pressure pipe and should be pressure tested to assure water tightness."
- H. The Board reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above or to increase the above distances when the Board deems it necessary. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.
- I. The Board may refuse to issue a permit if it deems that the locations of the proposed private well will unreasonably interfere with the probable future installation or repair of a septic system on a neighboring lot of land, or for any reason which may be contrary to sound public health policy as determined by the Board of Health.
- J. No person shall allow the connection of any building, or other facility, to the municipal water supply and to a private supply concurrently. Such constitutes a cross-connection and is prohibited.

- K. When the Board determines that the supply of potable water from privately operated wells may be jeopardized with respect to drinking water quality and/or supply due to prolonged drought and potentially affect the health of those using such wells, the use of private wells for irrigation purposes may be prohibited until such time as the Board determines.
- L. The Board may require the connection to a municipal water line, where available, when it determines that the water supply from a private well may not meet standards of potability contained in this regulation.

14.4 WATER QUALITY

- A. The water sample to be tested shall be collected at the pump discharge or from a disinfected tap in the pump discharge line. In no event shall a water treatment device be installed prior to sampling.
- B. The laboratory performing the testing must collect such samples. The original results of the water quality tests, chain of custody, and verification of the laboratory's certification for the parameters analyzed must be submitted directly to the Board within four weeks of sampling. In no event shall a water treatment device be installed prior to sampling. The Board or its agent shall review the water quality test in a timely manner and determine whether to issue a Water Supply Certificate (see Section 14.6).
- C. The US EPA Drinking Water Standards for Primary and Secondary Drinking Water Maximum Contaminant Levels (MCL's) and MA DEP Guidelines shall be used as the guidelines for private water supplies. A water quality test indicating the results of all parameters listed in Section E shall be submitted to the Board prior to issuing a Water Supply Certificate and signing an occupancy permit. A Water Supply Certificate shall be issued only if all Primary MCL's are not exceeded. A Conditional Water Supply Certificate may be issued if Secondary MCL's are exceeded.
- D. If the initial test is reviewed and it is determined that a Water Supply Certificate will not be issued based on water quality, and a filter or other treatment system is necessary, a second representative sample for laboratory analysis must be collected in accordance with Section 14.4 (B) above after the treatment system is installed. The second sample shall be retested for all parameters which caused the decision to not issue the Water Supply Certificate. The Board may require that other parameters be tested also.
- E. The following parameters shall be tested:
1. Total Coliform bacteria
 2. E. Coli
 3. Turbidity
 4. Total dissolved solids
 5. Hardness
 6. pH
 7. Color
 8. Arsenic
 9. Copper
 10. Chloride
 11. Chlorine
 12. Iron
 13. Lead
 14. Manganese
 15. Nitrate
 16. Nitrite
 17. Radon
 18. Sodium
 19. Sulfate
 20. Volatile organic compounds (VOC's) (using EPA method 524.2)
- F. Testing for additional elements or potential contaminants may be required at any time at the discretion of the Board.
- G. The Board may require that any private well drilled within 500 feet of a landfill, waste site, or 21E site conduct a water quality analysis of synthetic organic chemicals (SOC's)

H. All costs and laboratory arrangements for collections of water samples and testing are the responsibility of the applicant.

14.5 RENTED OR LEASED PROPERTY OR CHANGE OF OWNERSHIP

A. Property Rentals

1) The owner of every well used for drinking water serving a property which is rented or leased shall have its water tested at a Massachusetts certified laboratory at a minimum of once a year for coliform bacteria, E Coli bacteria, nitrate, nitrite, pH, sodium and iron."

2) The owner of the rental property shall post results of all water quality tests and possible health effects within the main lobby or front entry window of the apartment. Said results shall be made available to all tenants of the property and the Board. The Board will review the results in a timely manner and resulting decisions to change or revoke the Water Supply Certificate will be made available to the property owner and tenants of the property:

B. Change of Ownership

1) Prior to selling, conveying, or transferring title to the real property, the owner shall have tested the water of every private drinking water well serving the property. This water quality test shall have been performed not more than one (1) year prior to transfer of property. Results of the water quality testing shall be submitted to the Board prior to property transfer. The Board or its agent will review the results in a timely manner and resulting decisions to change or revoke the Water Supply Certificate will be made available to the property owner and tenants of the property.

Exemptions from 14.5 B follow those exemptions which are part of Title Five (CMR 15.301). The Board shall not require testing of a private drinking well if selling, conveying, or transferring title to the real property if it is residential property, and the transaction is between the following relationships:

(1) between current spouses;

(2) between parents and their children;

(3) between full siblings; and

(4) where the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least one of the designated beneficiaries is of the first degree of relationship to the grantor.

2) In addition, the owner shall give copies of all water test results (regardless of age) and any action taken by the Board of Health based on these results, to any buyer and/or broker identified with the transfer and any current and future tenants of the property. If there is no buyer at the time the water is tested, a copy of all water test results must be given by the owner to the buyer within 10 days of the property being put under agreement.

C. Responsibilities of Realtors and Mortgage Lenders

1) Any real estate agent, broker or other person representing the owner(s) of a residential property which is served by one or more private wells and offered for sale, shall provide that property owner with a copy or summary of this regulation.

2) Any banker, mortgage lender or other person accepting a loan application from the prospective buyer of a residential property served by one or more private well should provide that person with a copy or summary of this regulation.

14.6 WATER QUANTITY

- A. A completed MA DEP approved Well Completion report (well driller report) shall be submitted to the Board by the driller within 30 days of drilling the private well. The results of the pump test recorded on this report must be received and reviewed by the Board prior to use of the water supply.
- B. Required volume: The well must be documented by pump test to have a daily yield at least as great as the required volume of water defined by the number of bedrooms, as follows: Number of gallons needed daily = (number of bedrooms + 1) x (110 gallons/bedroom) x 2 (safety factor). The aquifer supplying the well must be documented to yield water (gallons/day) into the well at a rate sufficient to produce the required volume in a 24-hour period. (see Definitions: Yield)
- C. All wells shall be tested in the following manner:
1. The well shall be pumped for a minimum of four hours.
 2. The well must be capable of producing an amount greater than 0.5 gallons per minute.
 3. The depth of the well, the pre-pump static level, and draw down level shall be measured from ground level.
 4. At least the Required Volume must be pumped during the test.
 5. Following the pump test the water level recovery must be documented at a time interval no more than 24 hours after the termination of the pump test. The recovery depth measured from ground level and the time interval of the measurement from termination of the pump test shall be recorded.
 6. Following the pump test the water level in the well must be shown to recover to within 85% of the pre-pumped static water level within a 24-hour period.

24-hour yield calculation:

- (1) The volume of water necessary to support the household's daily need shall be determined using the following equation: (number of bedrooms plus one) x (110 gallons per bedroom) x (safety factor of 2)
- (2) The storage capacity of the well shall be determined using measured static water level and the depth and radius of the drill hole or casing = (standing water in feet) x (gallons per foot)
- (3) The required volume shall be calculated by adding the volumes of water in part one (1) and part two (2) above. It is this volume of water that must be pumped from the well within a twenty-four (24) hour period.

24-hour yield examples:

- (1) Example 1: For a 1-bedroom house with a well that is eight (8) inches in diameter and contains 200 ft. of standing water:
 - (a) [(1 bedroom + 1 bedroom) = (2 bedrooms)] x (110 gallons per bedroom) x (2) = 440 gallons needed daily.
 - (b) The volume of an 8 inch well is 2.60 gallons for every foot of length. Therefore, (200 ft. of standing water) x (2.60 gal/ft.) = 522 gallons.
 - (c) 440 gallons + 522 gallons = 962 gallons that must be pumped from the well in 24 hours or less to demonstrate suitable capacity.
- (2) Example 2: For a 4-bedroom house with a well that is six (6) inches in diameter and contains 100 ft. of standing water:
 - (a) [(4-bedroom house + 1 bedroom) = (5 bedrooms)] x (110 gallons per bedroom) x (2) = 1100 gallons needed daily.
 - (b) The volume of a 6 inch well is 1.48 gallons for every foot of length. Therefore, (100 ft. of standing water) x (1.48 gal/ft.) = 148 gallons.
- (3) 1100 gallons + 148 gallons == 1248 gallons that must be pumped from the well in 24 hours or less to demonstrate suitable capacity."

- D. The results of the pump test and water quality test must be received and reviewed by the Board prior to use of the water supply.

14.7 WATER SUPPLY CERTIFICATE

- A. The issuance of a Water Supply Certificate by the Board shall certify that the private well may be used as a drinking water supply. A Water Supply Certificate must be issued for the use of a private well prior to the issuance of an occupancy permit for an existing structure or prior to the issuance of a building permit for new construction which is to be served by the well.
- B. The following shall be submitted to the Board to obtain a Water Supply Certificate:
1. A Well Construction permit pursuant to Section 14.2 of these regulations
 2. **A fully completed copy of the Well Completion report (well driller report) required by the Mass DEP and pursuant to Section 14.5 of these regulations.**
 3. A copy of the Water Quality Report required pursuant to Section 14.4 of these regulations.
- C. Upon the receipt and review of the above documents, the Board or its agent shall make a final decision on the application for a Water Supply Certificate. A final decision shall be in writing and shall comprise of one of the following actions:
- D.
1. Issue a Water Supply Certificate
 2. Deny the applicant a Water Supply Certificate and specify the reasons for the denial.
 3. Issue a conditional Water Supply Certificate with those conditions which the Board deems necessary to ensure fitness, purity and quantity of the water derived from that private well. Said conditions may include but not be limited to requiring treatment or additional testing of the water.

14.8 DECOMMISSIONING REQUIREMENTS

- A. The property owner shall be responsible for ensuring that all abandoned wells and test holes or borings associated with private well installation are properly plugged. Only registered well drillers may plug abandoned wells, test holes, or borings.
- B. The owner of a private well shall decommission the well if the well meets any of the following criteria:
1. Construction of the well is terminated prior to completion of the well.
 2. The well owner notifies the Board that the use of the well is to be permanently discontinued.
 3. The well has been out of service for at least three (3) years.
 4. The well is a potential hazard to public health or safety and the situation cannot be corrected.
 5. The well is in such a state of disrepair that its continued use is impractical.
 6. The well has the potential for transmitting contaminants from the land surface into an aquifer or from one aquifer to another and the situation cannot be corrected.
- C. The well shall be filled with neat cement grout, sand cement grout, concrete or bentonite grout, or in such a manner as to prevent it from acting as a channel for pollution into the groundwater, and in compliance with the recommendations in the latest edition of the Department of Environmental Protection Well Guidelines.
- D. The decommissioning of a well shall be done only by a registered well driller.**
- E. Proof of decommissioning must be provided to the Board of Health within thirty (30) days of completion. Such proof shall consist of:**
1. **A Decommissioned Well Report approved by the MA DEP**
 2. **Itemized receipts from purchasing the material used to fill the well**
- F. No person shall allow a well to be left uncovered or in an unsafe condition.

14.9 MORATORIUM

- A. There shall be a moratorium on new wells and blasting, within a 3,000-foot radius and for an indefinite period of time, from the junction of Kempton Road and the Millville town line.
- B. Blasting performed as part of the process of providing Town water to affected homes within the 2,500-foot radius will be exempt from Section 14.8 A.

14.10 VARIANCES

The Board may vary the application of any provision of these regulations to any particular case when in its opinion the enforcement thereof would manifest an injustice, provided that the decision of the Board of Health shall not conflict with the spirit of these regulations and the applicant has proved that the same degree of public health and environmental protection can be achieved without strict application of a particular provision(s). The applicant for any variance shall pay for any advertising and/or mailings required for processing the variance.

14.11 ENFORCEMENT AND PENALTIES

- A. Any member of the Board, or its agents, or other person designated by the Board of Health, may enforce this section. Any violation of this regulation, or the regulations of the MA DEP or of the Laws of the Commonwealth of Massachusetts by the permittee shall be grounds for suspension, modification, or revocation of the permit.
- B. Criminal complaint. Whoever violates any provision of these rules and regulations may be penalized by complaint brought in the District Court or Housing Court. Each day on which a violation exists shall be deemed to be a separate offense.

14.12 SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of these regulations shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect, and to the end the provisions of this Code are hereby declared separable.

14.13 FEES

Fees will be paid with a check made payable to the Town of Uxbridge to cover current applicable fees. In the event a well is installed, altered or repaired before a well permit is obtained, there will be an additional fee for the well permit.

14.14 EFFECTIVE DATE

These regulations were adopted by vote of the Uxbridge, Massachusetts Board of Health, at their regularly scheduled meeting held on _____ and are to be in full force and effect on and after _____. Before said date, these regulations shall be published and a copy thereof be placed on file in the Board of Health Offices and filed with the Department of Environmental Protection, Bureau of Resource Protection. These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petition.

14.15 DISCLAIMER

The issuance of a well permit shall not be construed as a guarantee by the Board or its agents that the water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use.

RULES AND REGULATIONS RELATIVE TO
THE KEEPING, RAISING AND EXHIBITION
OF ANIMALS WITHIN THE TOWN OF
UXBRIDGE (formerly Article IX. Minimum
Standards for the Keeping of Animals, Farm and
Domestic Pets in other than Stock Yards)

Commented [O1]: The minimum standards have been extended to include exhibition of animals (as does Weymouth)

SECTION 1: AUTHORITY

This Regulation is pursuant to the authority granted to the Uxbridge Board of Health by **Massachusetts General Laws (M.G.L.) Chapter (c.) 111, Section (§) 31**, which provides that "Boards of Health may make reasonable health regulations," and **M.G.L. c. 111, §155**, "Licensing of stables in large cities and towns."

- A. The provisions of this regulation shall be interpreted in accordance with **M.G.L. c. 140§§136-174E**. In the event of a conflict between these regulations, or any provisions thereof, the **General Laws shall take precedence**.
- B. In the event that one or more portions of these regulations are deemed invalid, the remaining ordinances or portions thereof shall remain in full effect.
- C. The definitions contained in **MGL. c. 140 §136A** are incorporated by reference, and apply to this chapter where applicable, except when otherwise specified in Section 3.

Commented [O2]: Shouldn't Uxbridge regulations take precedence?

SECTION 2: PURPOSE

- A. As the Uxbridge Board of Health is responsible for the protection of public health, safety and welfare in Uxbridge, and the health of the public is dependent upon the health and welfare of animals and the environment, these regulations are promulgated to provide for the orderly licensing and regulation of domestic animals, to provide minimum standards for their well-being and safe keeping, to prevent and/or punish the improper care and training of said animals, to assist planning for potential disaster and bioterrorism events, and to enable residents to have the opportunity to participate in the growing national trend for responsible, small scale agricultural production and commercial enterprises involving animals that do not meet the definition of commercial agriculture.
- B. Nothing in this regulation shall be construed as preventing the provision of more than minimum standards for the keeping of animals as defined herein.

Commented [O3]: The USDA, CDC and other federal agencies and certain states recognize this relationship and refer to it as "One Health."

Commented [O4]: Town of Holyoke

Commented [O5]: Town of Palmer

- C. This regulation is not intended to regulate the use of land for commercial agriculture as defined by **Uxbridge Zoning Laws**.

SECTION 3: SUPPLEMENTARY DEFINITIONS

For the purpose of these regulations the following words shall have the following meanings:

Abutter: Owners of the abutting land or property within three hundred (300) feet of the Applicant's property line. A person will only qualify as an abutter, for the purpose of this regulation, if s/he possesses an ownership interest in the abutting land or property.

Commented [O6]: For ZBA review; if this is consistent with them this definition can be dropped

Alter: to neuter, spay, sterilize or otherwise render an animal permanently unable to procreate.

Animal: Any live vertebrate or invertebrate species, domesticated or wild, excluding *Homo sapiens*, but including the following: companion animals as defined herein; research laboratory animals otherwise regulated; and non-exempt wild animals as regulated by M.G.L. c. 131 §23 and Code of Massachusetts Regulations Title 321 9.00 (C.M.R. 321 9.00), "Exemption List."

Animal control center: any facility including pounds or shelters operated by or on behalf of the Town of Uxbridge for the purposes of impounding and caring for animals held under the authority of this regulation or the laws of the Commonwealth of Massachusetts.

Animal Control Officer: any person designated by the Town of Uxbridge to enforce this regulation or, or M.G.L. c. 140 §§ 137 to 174E, inclusive. Agents of an animal control center as defined in this regulation shall also be considered animal control officers.

Animal Structure: Any structure used to house, shelter or contain domesticated animals including, but not limited to stables, barns, pens, piggeries, coops, cages, hutches, and kennels.

Applicant: A person who applies for a permit from the Board of Health to keep one or more animals; a person who applies for a permit to erect a stable/barn from the Town of Uxbridge Zoning Board and Building Department; a person who applies for a license to keep one or more dogs after all conditions for licensing have been met; a person who applies for a personal or commercial kennel license after all conditions for licensing have been met.

Barn and Animal Inspector: The Municipal Barn and Animal Inspector serves as an agent of the Massachusetts Department of Agricultural Resources (MDAR) and is directed to conduct annual inspections at any property in town that houses livestock, including poultry.

Commented [O7]: But the Barn and Animal Inspector works for the BoH so how to reference this?

Board of Health or "the Board": The Uxbridge Board of Health and/or its designated agent(s).

Commercial agriculture:

Commented [O8]: Find and insert definition from MGL

Commercial animal establishment: any stable, kennel, shelter, pet shop, auction, riding school, zoological park, circus or animal exhibition where animals are housed, maintained and/or raised for the purposes of making or intending to make a profit.

Commented [O9]: MA Model Municipal bylaws

Commercial dog kennel: a kennel used for the boarding, training, or breeding of

Companion animal: Animals that are primarily kept indoors for non-agricultural, noncommercial purposes, including but not limited to dogs, cats, ferrets, pot-bellied pigs, fish, domesticated or exotic birds, guinea pigs, rabbits, hamsters, and mice.

Corral: Any pen or enclosure for confining one or more animals.

Department: the Massachusetts Department of Agricultural Resources.

Dog Kennel: any building, structure, enclosure or premises or portion thereof where more than three dogs are kept or maintained for any purpose, including a commercial boarding or training kennel, commercial breeding kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

Commercial boarding or training kennel: an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animals; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of Chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

Commercial breeding kennel: an establishment, other than a personal kennel, where animals are bred, housed, maintained and/or raised for the purposes of making or intending to make a profit through sale or exchange to wholesalers, brokers, private individuals, or pet shops.

Commented [O10]: I added this to the State's definition

Domestic charitable corporation kennel: a facility operated, owned or maintained by a domestic charitable corporation registered with the department or an animal welfare society or other nonprofit organization incorporated for the purposes of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

Personal kennel: a pack or collection of more than three but not more than six (6) dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individual by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

Veterinary kennel: a veterinary hospital or clinic that boards domesticated animals for reasons in addition to medical treatment or care; provided, however, that "veterinary kennel" shall not include a hospital or clinic used solely to house domesticated animals that have undergone treatment or observation by a licensed veterinarian or will do so only for the period of time necessary that accomplish that veterinary care.

Dog Kennel License: permit issued under authority of the Clerk of the Town of Uxbridge to keep three or more dogs in a personal kennel, commercial boarding or training kennel, or commercial breeder kennel.

Dog license: A permit to keep a dog that is conferred upon a resident of the Town of Uxbridge by the Town Clerk after all conditions for licensing have been met.

Domesticated animals: Animals of a species of vertebrate that have been domesticated by humans so as to live and breed in a tame condition and which depend on humankind for survival. Domesticated animals shall include, but not be limited to any equine or bovine animal, burro, llama, goat, sheep, swine, dog, cat, rabbit, poultry or other domesticated beast or bird.

Dwelling: Any building, structure or shelter used or intended for human habitation.

Education: non-profit groups, institutions or individuals who engage in teaching and instructing with intent and the effect of imparting knowledge to others through oral presentations and/or written hand-outs, the sole purpose of which is to teach without entertainment, or entity deemed educational by the Animal Control Officer, in consultation with the Board of Selectmen.

Commented [O11]: Town of Weymouth

Entertainment: any organization which uses animals to perform tricks or participate as accompaniments in performances for the amusement of an audience.

Commented [O12]: Town of Weymouth

Facility: The total accommodations to be used for the keeping and care of one or more animals, including but not limited to land and any accessory or animal structure such as, but not limited to one or more barns, stables, pens, piggeries, coops, cages, hutches, and kennels.

Euthanize: to take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the **American Veterinary Medical Association *Guidelines on Euthanasia***.

Fencing: Enclosure material installed for the purpose of privacy or animal containment.

Feed Management Plan (FMP): a plan for the handling of animal feed. The FMP shall address feed type, storage and removal.

Generally acceptable agricultural practices (GAAPs): Practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources (MDAR) Bureau of Animal Health's "Best Management Practices"¹ and, if deemed necessary by MDAR, the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) and the Animal Rescue League (ARL) of Boston.

Commented [O13]: Town of Reading

Hearing authority: shall mean the Board of Health.

Hutch: a pen, box or cage, typically with a wire mesh front, or an enclosed coop for keeping rabbits or other small domesticated animals.

Licensing authority: the clerk of the Town of Uxbridge.

Livestock: Any animal which is ordinarily kept for agricultural purposes and not as pets, such as for the consumption of their meat, eggs, milk, skins, fur, or labor, for profit or otherwise. Livestock animals include, but are not limited to cattle, goats, sheep, swine, equines, camelids, rabbits, poultry and other fowl.

Manure Management Plan (MMP): A plan for the handling of manure. The MMP shall address cleaning, composting, storage, utilization, transportation and removal of manure so as to minimize nuisance complaints and threats to the health of the public and other animals.

Permit holder: Any person who has met the conditions of this regulation and has received a permit issued by the Board of Health to keep animals; any person who has met the conditions of this regulation and has received a permit issued by the Town of Uxbridge Zoning Board and Building Department to erect a stable, barn, and personal or commercial dog kennel.

Permit to Erect an Animal Structure: A permit issued by the Board of Health to erect a structure used to house, shelter or contain domesticated animals including, but not limited to barns, stables, pens, piggeries, coops, cages, hutches, commercial and personal dog kennels.

Commented [O14]: Should this apply to cages, hutches, maybe chicken coops?

¹ Generally acceptable agricultural practices (GAAPs) are site-specific, feasible practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources Division of Animal Health's (MDAR's) Generally Acceptable Agricultural Practices (GAAPs). The following are resources that can be consulted to establish compliance with MDAR GAAPs: MDAR: <https://www.mass.gov/service-details/agricultural-best-management-practices-bmps>; UMASS Extension: <http://ag.umass.edu/resources/agriculture-resources>; UNH Cooperative Extension: https://extension.unh.edu/resources/files/Resource000471_Rep493.pdf

Permit to Keep Animals: A permit issued by the Board for the keeping of one or more domesticated animals, in accordance with the provisions of this regulation.

Person: Every individual, partnership, corporation, firm, association, group, or other entity including a city, town, county, or other governmental unit, owning, leasing, renting or occupying property or carrying on an activity regulated by this regulation.

Pest Management Plan (PMP): A plan, which adequately defines the measures that shall be taken by the owner to minimize the presence of rodents, insects and pests, and to minimize the creation of odors and other nuisances from manure, food, and disposal of animals and animal parts, except as it applies to livestock animals slaughtered on the premises for human consumption.

Shelter: a public animal control facility or other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

Stable/barn: An accessory building, enclosure, premises or portion thereof used for the shelter and/or feeding of one or more livestock animals.

Stall: A compartment in a stable used for the keeping of one or more livestock animals.

Swine: any of various stout-bodied short-legged omnivorous artiodactyl mammals (family Suidae) with a thick bristly skin and a long flexible snout, especially a domesticated one descended from the wild boar excepting pigs kept primarily indoors as companion animals.

Usable area: Land area suitable for the raising and keeping of animals such as pastures, fields and wooded uplands. This area does not include wetlands, dwellings, or any other area(s) as may be restricted by town, state or federal law, regulations or guidelines.

Wetlands: Land area or surface area so defined by the Wetlands Protection Act, M.G.L. c. 131 §40 and regulations promulgated pursuant to 310 CMR 10.00 or by the [city/town] Wetlands Protection [ordinance/bylaw] or pursuant to Section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1341.

Commented [O15]: Add any relevant ZBA bylaw

Wild and exotic animals: Any animal not normally found or kept as a domesticated animal, and which require a permit to keep issued by either a federal or state wildlife

agency, including but not limited to deer, poisonous reptiles, alligators, monkeys, lions and tigers defined as non-domesticated by **M.G.L. c.131 §23** and **321 CMR 9.00**.

SECTION 4: GENERAL REQUIREMENTS

- A. All applications for permits and licenses must be submitted to the Board of Health for review and approval and shall meet the criteria set forth in Sections 5 and 6 of this regulation.
- B. All animal structures must comply with the applicable setback requirements for the zoning district in which such structures are located as set forth in the Uxbridge Zoning Bylaws, aside from protection accorded by M.G.L. c. 40A, §3 and the Wetlands Protection Act, 310 CMR 10.00.
- C. All animal structures must comply with the applicable building codes of the Town of Uxbridge.
- D. All permitted animals must be confined to the property by secure fencing to prevent the escape of animals unless the permit holder has documented in writing to the satisfaction of the Board, including obtaining any necessary permissions, arrangements for such animals to be kept elsewhere (i.e. for grazing, pest control, etc.).
- E. In accordance with M.G.L. c. 111, §125A, “. . . the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or noise from livestock or farm equipment used in normal, generally accepted farming procedures or from plowing or cultivation operation upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance.”

Commented [O16]: Will need to work with Building Department to specify codes for these structures, including lighting, heat, water, ventilation and fire protection

SECTION 5: PERMITTING AND LICENSING

- A. PERMIT TO KEEP ANIMALS
 - 1. A permit is required for any person, corporation, establishment, group or agency keeping livestock as defined in this regulation, or more than three dogs, except on commercial farms which meet the requirements of M.G.L. c. 40A, §3 and/or M.G.L. c. 128, §1A, and except as indicated in sections (i and ii) below.
 - a. Exemptions from permitting
 - i. Veterinary medical hospitals, medical research facilities, commercial pet shops, animal control centers owned and/or managed by recognized humane societies, and animal control centers managed by the Town of Uxbridge shall be exempted from permitting.

Commented [O17]: May want to add poultry and free-roaming cats/Trap-Neuter-Release Programs at a later date

- ii. The keeping of fewer than eight (8) chickens shall not require a permit.
- 2. Conditions for permit application
 - a. Said permit shall require that any structure where animals are to be kept has been erected and is being maintained in accordance with minimum standards for the safe keeping and welfare of animals as set out in Section 5 of this regulation, and has passed inspection by the Building Inspector, agent of the Board of Health, and the Animal Control Officer and/or Barn Inspector.
 - b. No person shall use any building in the Town of Uxbridge to house, shelter or contain animals as defined herein until s/he has presented a petition upon a prescribed form to the Building Inspector, agent of the Board of Health, and the Animal Control Officer and/or Barn Inspector, and a permit to keep one or more animals has been granted.
- 3. Application(s) for a permit to keep animals shall be submitted on a form supplied by the Board of Health for each location where animals are kept in Uxbridge. Such application(s) shall be accompanied by the following information, and will be deemed incomplete if any information is missing.
 - a. Name, mailing address, phone numbers and email addresses of all owners of the property.
 - b. Location – street address of the premises to be used to keep animals.
 - c. Species of animals to be kept and number of each species by age and sex.
 - d. A plot plan, with topographical information, size of lot with structures present (primary residence, septic systems and private wells) as well as structures planned for the use of intended animals (including fences and corrals), dimensions of the area where animals will be kept, and distances of animal housing and enclosures from all abutters' structures, property lines and wetlands. A hand-drawn plot plan is acceptable so long as it is of sufficient detail, including actual dimensions, and quality to allow for Board review.
 - e. A written management plan appropriate to the species of animals kept, for the following:
 - i. Manure (MMP):
 - ii. Feed management plan (FMP); and
 - iii. Pest Management Plan (PMP).
 - f. If the permit holder intends to increase the number and species of animals to be kept prior to the end of the permit year, the permit holder must first notify the Board of Health and the Board may require a public hearing if the Board believes that the increase will materially change the application upon which the permit is based.

- g. Application fee of \$XX.
4. Temporary permits
- a. No person, corporation, establishment, group or agency shall keep, conduct or operate with the Town of Uxbridge, any petting zoo, pony ring or pony ride, circus, rodeo, pet or other animal show, animal acts or exhibitions, wild animal or reptile show or exhibitions without first obtaining a temporary permit to keep animals from the Board of Health.
5. Revocation of permit to keep animals
- a. A permit to keep animals may be revoked at any time, after a public hearing, when it appears to the Board of Health that such revocation is necessary to protect the public health or safety, the well-being and safe keeping of animals, when chronic nuisance conditions exist, or when conditions of the permit to keep animals have been violated.
- b. A permit to keep animals may be suspended at any time when, in the opinion of the Board of Health or its agents, such suspension is necessary to protect the public health or safety or the well-being and safe keeping of the animals being kept.
6. Conditions for granting a permit to keep animals
- a. The Uxbridge Animal Control Officer (for kennels) or Agent of the Health Department/Barn Inspector (for other domesticated animals) shall visit the property before any permit is granted, to determine the fitness of the property for the safety of the public health and the safe and humane keeping of animals. Such inspection shall consist of verifying the suitability of the site, the condition of the facilities, and the suitability of the written management plans, including the MMP, FMP and the PMP, for the number of animals intended to be housed or already housed thereon.
- b. Verification that all abutters have been notified, not more than thirty (3) but not less than fourteen (14) days in advance of the hearing before the Board or its agent, of the applicant's intent to keep animals. Such verification shall be in the form of a signed letter or receipt from the U.S. Postal Service that a certified letter has been received by each abutter.
- c. The permit shall not be transferable to other animals, or assignable or transferable for the use of other persons or the use of or by other premises.
- d. The permit shall expire on December 31 of the calendar year in which it was granted, unless sooner revoked or suspended by the Board after a hearing.
- e. A permit holder must apply for a renewal of the permit at least thirty (30) days prior to the expiration of the permit. If a permit holder fails to apply for a renewal of the permit by that time, the permit holder's application shall be treated as an application for a new permit.

Commented [O18]: Town of Framingham; My preference, rather than to award temporary permits, is to say that no living domesticated or non-domesticated animals shall be displayed for public entertainment or amusement in circuses, carnivals or other similar entities on property owned by the Town of Uxbridge, on Town-owned property under lease, or on private property. As used in this paragraph, "displayed" shall include, but is not limited to, animal acts or performances, animal rides and competitive animal races. This section shall not apply to exhibits deemed educational by the Town of Uxbridge, as determined by the Animal Control Officer, in consultation with the Board of Selectmen (Town of Weymouth)

Commented [O19]: how defined?

Commented [O20]: exempt coops and hutches?

- f. If the permit holder is not the owner of the property, documentation must be provided indicating that the property owner is not opposed to the keeping of animals on the property.

7. Grandfather clause

- a. All permits issued prior to the effective date of this regulation are valid, and may be renewed prior to the effective date of this regulation, subject to the prior regulation, provided conditions and agreements contained in the original application have not changed, and that no conditions exist that would be injurious to the public health, safety or welfare or to the well-being and safe keeping of the animals for which the permit was issued.
- b. The rights afforded by a permit shall terminate when the ownership of the land is sold or there is a transfer of property.
- c. All renewals of permits subsequent to the effective date of this regulation shall be subject to this regulation.
- d. The permit will state the maximum allowable number of animals as determined by the Animal Control Officer and/or the Health Department. Determination will be made on a case-by-case basis.

B. PERMIT TO ERECT STABLE/BARN

- 1. In accordance with M.G.L. c. 11, § 155 and the Town of Uxbridge Board of Health regulations, applicants for permits to keep one or more animals for which GAAPs recommend shelter in the form of a stable or barn, shall be required to obtain a permit to erect a stable/barn from the Board of Health.
- 2. The permit to erect a stable/barn shall be applied for separately from a permit to keep animals.
- 3. Permits to erect a stable/barn must meet all zoning by-laws and applicable building codes in the Town of Uxbridge. No permit will be issued to erect a stable/barn on any plot containing less than 2 acres (87,120 ft²) of land.
- 4. No person shall use any building in the Town of Uxbridge as a stable/barn until it has been inspected and approved by the Board of Health or its agent.
- 5. Except when the applicant controls in excess of five (5) acres of land, direct abutters will be invited to respond in writing and/or attend a hearing relative to the issuance of a permit.
- 6. The permittee or her/his agents must meet minimum standards for housing animals as defined in Sections 5 and 6 of this regulation, and as recommended by the GAAPs.
- 7. A stable/barn permit may be revoked for cause by the Board of Health after a public hearing or suspended without a hearing, if it appears to the Board of Health or its agents that such a suspension is necessary to protect the public health and/or the health and safety of the animals housed therein. In the case of a suspension, a public hearing will be held at the next regularly scheduled Board of Health

Commented [O21]: The building codes will have to change to meet minimum standards as defined in Section 5 below

Commented [O22]: Check with ZBA

meeting to determine whether the suspended stable/barn permit should be revoked.

C. PERMIT TO ERECT A COMMERCIAL DOG KENNEL

1. In accordance with Town of Uxbridge Board of Health regulations, applicants for permits to keep more than six dogs shall be required to obtain a permit to erect a commercial dog kennel from the Board of Health.
2. The permit to erect a commercial dog kennel shall be applied for separately from a permit to keep animals.
3. Permits to erect a commercial dog kennel must meet all applicable zoning by-laws and building codes in the Town of Uxbridge.
4. No person shall use any building in the Town of Uxbridge as a commercial dog kennel until it has been inspected and approved by the Board of Health or its agent and the Animal Control Officer.
5. The permittee or her/his agents must meet minimum standards for housing dogs as defined in Sections 5 and 6 of this regulation.
6. A commercial dog kennel permit may be revoked for cause by the Board of Health after a public hearing or suspended without a hearing, if it appears to the Board of Health or its agents that such a suspension is necessary to protect the public health and/or the health and safety of the animals housed therein. In the case of a suspension, a public hearing will be held at the next regularly scheduled Board of Health meeting to determine whether the suspended stable/barn permit should be revoked.

D. DOG LICENSES licenses

Commented [O23]: Use Holyoke

1. In accordance with M.G.L. c. 140, § 137, any dog that is six months of age or older that is kept in the Town of Uxbridge for more than 60 days shall be licensed. The license application shall include: the name and address of the applicant; a description of the dog; proof of rabies vaccination; or proof of rabies vaccination exemption as defined in Section 6B of this regulation, and the appropriate licensing fee.
2. The owner or keeper of such dog must make application to the licensing authority within 30 days after obtaining a dog over the age of six months, or if obtained prior to reaching the age of six months, within 30 days of the dog reaching six months of age. This requirement shall not apply to a non-resident keeping a dog in the Town for fewer than 60 days.
3. Dog licenses shall be obtained each year, running from April 01 to March 31. Reapplication for a license may be made up to 30 days prior to and up to 30 days after April 01.

4. The registering, numbering, description and licensing of all dogs in the Town of Uxbridge shall be conducted annually in the office of the Town Clerk. Upon acceptance of the application and license fee, the licensing authority shall issue a durable tag stamped with an identifying number and year of issuance. The licensing authority shall maintain records of the identifying numbers of all tags issued, and shall make these records available to the public upon request.
5. Dogs shall be made to wear both identification tags and rabies vaccination tags at all times.
6. Licensing fees
 - a. Unaltered dogs six months of age or older: \$XX
 - b. Unaltered dogs under six months of age: \$XX
 - c. Altered dogs: \$XX, with the following requirement: applicants for an altered dog license shall, as a condition of obtaining such a license, produce one of the following: a certificate issued by the veterinarian who spayed or neutered the dog; or a sworn statement by a veterinarian licensed to practice in Massachusetts, describing the dog, and stating that the veterinarian has examined the dog and that the dog appears to have been spayed or neutered and is incapable of procreation;
7. A dog license fee shall not be required for:
 - a. Seeing-eye dogs or other service dogs as defined by the Americans with Disabilities Act or regulations promulgated thereunder;
 - b. Governmental police dogs;
 - c. Dogs owned by persons 70 years of age or older.
8. Persons and entities exempt from paying license fees are not exempted from the remainder of the licensing scheme defined in this section. Owners of dogs exempt from paying licensing fees are required to apply for a license with the licensing authority, and are required to cause dogs covered under this section to wear tags issued by the licensing authority.
9. Violations
 - a. Owners who fail to obtain a license as required within the time period specified in this Section may be fined not more than \$XX, separate from any licensing fees owed, and the unlicensed dog may be subject to impoundment.
 - b. No person may use any dog license for a dog other than for the dog for which it was issued. Violators may be fined not more than \$XX.
 - c. Any person keeping a dog in the Town of Uxbridge who does not cause such dog to be vaccinated as required by this section may be fined not more than \$XX.

Commented [O24]: Town of Holyoke

E. KENNEL LICENSES

1. Persons and entities who intend to keep more than three (3) dogs must apply to the Clerk of the Town of Uxbridge for a kennel license.
 - a. Personal kennel licenses are limited to the keeping of six (6) or fewer dogs.
 - b. Persons or entities intending to keep more than six (6) dogs must apply to the Town of Uxbridge for a commercial dog kennel license and meet all applicable zoning and building codes of the Town of Uxbridge.
2. In the case of an applicant for initial licensure and in the case of an applicant for license renewal, the Town of Uxbridge shall not issue a kennel license until a kennel has passed inspection by an animal control officer.
3. An applicant for a new or renewed kennel license must certify in writing to the Licensing Authority that s/he has read and agrees that the applicant is willing and able to abide by all applicable ordinances and regulations as a precondition to the issuance of any permits.
4. Commercial kennel licenses are not transferable. If there is a change of ownership of a commercial animal establishment, the new owner must apply for a new kennel license.
5. Every facility at a different address shall be considered a separate enterprise and requires a separate permit.
6. Permits for commercial dog kennels shall be for a period of one year, running from XX to XX. Renewal applications may be made 30 days prior to and 30 days after [date]; Application for a permit to establish a new commercial dog kennel under the provisions of this section may be made at any time.
7. Operators of personal kennels who keep their dogs for breeding purposes may elect to license animals within their care individually.
8. Failure to obtain a permit before opening or operating any facility covered by this section may result in a fine of up to \$XX. Each day of operation shall constitute a separate offense.
9. Any person, partnership, or corporation operating a commercial dog kennel who fails to renew the annual permit shall pay a late penalty of \$XX per month prior to such permit being issued.
10. Licensing fees
 - a. Three (3) to six (6) dogs: \$XX
 - b. Seven (7) to ten (10) dogs: \$XX
 - c. Eleven (11) to fifteen (15) dogs: \$XX
 - d. Sixteen (16) to twenty (20) dogs: \$XX
 - e. More than twenty (20) dogs: \$XX;

Commented [O25]: Need to decide the scale and fees here

11. Any person or commercial animal establishment whose license has been denied or revoked shall cause any and all animals covered by said license to be removed within ten days of such denial or revocation. Failure to remove shall result in a fine of \$XX per animal. No part of any permit or license fee shall be refunded.

Commented [O26]: Seven?

F. LICENSE AND PERMIT CONDITIONS, SUSPENSION AND REVOCATION

1. It shall be a condition for the issuance of any permit or license granted under this regulation that any holder of such permit or license shall grant access and permission to the animal control officer and/or barn inspector to inspect all animals and on the premises where such animals are kept at any time. The animal control officer shall provide reasonable notice of any inspections, and such inspections shall be at reasonable times.
2. No person who has been convicted of any crime involving cruelty to animals shall be issued a permit or license of any kind under this regulation for a period of four years from the date of conviction.
3. The Town of Uxbridge or the licensing authority may suspend or revoke any permit or license granted under this regulation if the person or entity holding the permit or license:
 - a. Refuses or fails to comply with this chapter, or any law governing the protection, safety or keeping of animals;
 - b. Refuses to allow access to the animal control officer for inspections to determine compliance with this regulation;
 - c. Is shown to have withheld or falsified any information on the permit or license application.
4. Any person or commercial animal establishment whose license has been denied or revoked shall cause any and all animals covered by said license to be placed or humanely disposed of within ten days of such denial or revocation. Failure to place or humanely dispose of each and every animal shall result in a fine of up to \$XX per animal. No part of any permit or license fee shall be refunded.
5. Any person or commercial animal establishment whose license has been denied or revoked may reapply after the conditions upon which the denial or revocation were based have been corrected, and a \$XX fee has been paid to the licensing authority.
6. Any animal that is kept without a required license or in violation of any other ordinance or state law may be impounded by an animal control officer, as defined in this regulation.

Commented [O27]: Town of Holyoke

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SECTION 6: MINIMUM STANDARDS FOR THE KEEPING OF ANIMALS

A. General

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1. Owners shall provide each of their animals with sufficient good and wholesome food and water, proper shelter, protection from the weather, veterinary medical care when needed to prevent illness and suffering, and otherwise humane care and treatment.
2. No person shall beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal.
3. No person shall keep or place an animal in a location that would cause an unreasonable risk of injury or death to the animal. If an animal is found to be in a location that causes an unreasonable risk to said animal, an animal control officer, police officer or Good Samaritan may use reasonable force to remove the animal from the dangerous situation, impound or cause to be impounded said animal as necessary, and deliver said animal to a veterinarian for treatment. Costs for veterinary medical treatment shall be borne by the owner of said animal.
 - a. Leaving an animal unattended in a stationary or parked car in conditions of extreme hot or cold ambient temperatures sufficient to cause noticeable distress shall be *prima facie* evidence of keeping an animal in a location that causes an unreasonable risk of injury or death. The above stated individuals may use reasonable force to remove the animal from the vehicle, including, but not limited to, breaking the windows of the vehicle, and shall be immune from liability for damage to said vehicle.
4. No person shall cause, instigate, or permit any animal to fight, combat, or otherwise cause violence with another animal or person.
5. Chaining or tethering a dog whether inside or outside shall be subject to M.G.L. c. 140 §174E and Massachusetts Case Law, Commonwealth vs. Trefry (<https://law.justia.com/cases/massachusetts/court-of-appeals/volumes/89/89massappct568.html>).
6. No dog shall be found to be a dangerous dog solely:
 - a. Based upon the barking or growling of said dog;
 - b. based upon the breed of the dog;
 - c. based upon reasonable reaction of the dog as a result of:
 - i. the dog protecting itself, its offspring, another domestic animal, or a person from assault or battery;

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- ii. the person attacked or threatened by the dog was in the process of committing a crime upon the person or the property of the owner or keeper of the dog;
 - iii. the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog;
 - iv. the person attacked or threatened by the dog was at the time of the incident within a fenced-in-area that kept the dog separated from the public, without the express permission of the owner or keeper of the dog;
- d. It shall be a rebuttable presumption that a person under the age of seven years was not committing a crime, provoking the dog, or trespassing, as set forth by **M.G.L. c. 140§ 157(a)(iii)(4)**.
- 7. Communicable diseases and animal diseases with zoonotic potential must be reported as outlined in **M.G.L. c.129 §28 and CMR300.140**.
- 8. No poisonous snake or reptile shall be kept within the town **limits**.

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B. Rabies vaccination of dogs, cats, and ferrets

- 1. Each owner of a dog, cat or ferret that is six months of age or older shall cause such dog, cat or ferret to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions, and shall cause such dog, cat or ferret to be revaccinated at intervals recommended by the manufacturer and in accordance with state law.
- 2. Unvaccinated dogs, cats or ferrets acquired or moved into the Town of Uxbridge shall be vaccinated within in thirty (30) days after the acquisition or arrival of such animal into the Commonwealth or upon reaching the age of twelve weeks, whichever occurs later.
- 3. A dog, cat or ferret shall be exempt from rabies vaccination if a veterinarian has examined the animal and certified in writing that vaccinating the animal at that time would endanger the animal's health because of its age, infirmity, disability, illness or other medical considerations. All rabies vaccination waivers should be reconsidered annually and may be renewed annually following a reassessment of the animal's condition. An animal exempt under this section must be vaccinated as soon as its health allows.

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C. Commercial kennels

- 1. Condition of facilities. The facilities for housing dogs shall be structurally sound and maintained in good repair to prevent injury to the dogs, to contain the dogs, and to restrict the entrance of other animals to the facilities.
- 2. Floors, walls, ceilings. Kennel floors and removable resting boards, if provided, shall be constructed of non-toxic, easily cleaned, water impervious materials. Walls and ceilings shall be painted and kept clean.

3. Runs and inside pens. Inside or outside runs shall be provided and shall provide sufficient space to allow each animal, regardless of breed, to make normal postural adjustments, e.g., to turn freely and to easily stand, sit, stretch, move their head, without touching the top of the enclosure, lie in a comfortable position with limbs extended, move about and assume a comfortable posture for feeding, drinking, urinating and defecating. Dogs should be able to hold their tails erect when in a normal standing position. Primary enclosures should allow animals to see out but should also provide at least some opportunity to avoid visual contact with other animals.
4. Lighting. Facilities should offer as much natural light as possible. When artificial light is used, it should closely approximate natural light in both duration and intensity except where contraindicated for health reasons as determined by a veterinarian. A means to control the amount of sunlight entering dog quarters during the warm seasons of the year shall be provided.
5. Water facilities. Hot and cold water facilities shall be provided on site.
6. Ventilation. The kennel space shall be ventilated in such a manner as will provide fresh air at all times.
7. Kennel temperature. The kennel temperature shall be maintained at a reasonable and suitable level so as to promote the health and comfort of the type of dog or dogs housed.
8. Sanitation. Environmental sanitation shall be adequate to keep pests and vermin at a minimum.
9. Removal and disposal of excreta. Feces and other excreta shall be removed at least once daily and the runs washed down with hot water and disinfectant cleaner. Excreta shall be disposed of in a sanitary manner.
10. Segregation of dogs. Adult dogs shall be segregated for health, welfare or breeding reasons and any vicious animals shall be removed and caged separately.
11. Isolation facilities. Facilities for isolating dogs under quarantine of treatment for communicable disease shall be in a room or area that is separated from other dog-holding facilities.
12. Segregation of puppy litters. Puppy litters shall be maintained segregated from other litters.
13. Cages. Dogs confined in cages shall be caged individually except where otherwise indicated for health or welfare reasons. Each cage shall be large enough for the dog or dogs housed therein to turn about freely, to stand erect and to lie down in a natural position.
14. Shelter from inclement weather. All dogs shall be provided access to shelter which will protect them against inclement weather, preserve the dog's body

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heat, and keep them dry. The shelter shall be kept clean and in a sanitary condition.

15. Water and food supplies. Dogs shall be provided with clean fresh water and sufficient and wholesome food. Water and water containers shall be kept clean and sanitized.

16. Safety: Appropriate measures shall be taken to minimize fire hazards.

D. **Livestock**

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1. All livestock shall be provided space and conditions according to the generally acceptable agricultural practices for that species as defined in this regulation.
2. All animal structures shall be of sound construction, well-lighted, and have adequate ventilation, either mechanical or natural, with no access points for stray animals.
3. All glass windows and ventilation openings shall be screened for fly control.
4. 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.
5. All shelters and corrals shall be supplied with an adequate and potable water source.
6. When shelter for more than one animal is provided, stalls or other adequate separation according to GAAPs for that species shall be provided.
7. All corrals shall at all times have adequate shade for the animals, as appropriate for that species as determined by GAAPs.
8. Manure shall be stored in such a manner as to control flies and odors.
9. All feed shall be properly stored and shall be adequately protected so as to keep the food source free of spoilage, contaminants and rodents.
10. Appropriate measures shall be taken to minimize fire hazards.

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E. It shall be unlawful to offer as prizes in any contest or game, any animal, bird, fish or reptile.

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SECTION 7: HEARINGS

- A. All hearings relative to the issuance of a Permit to Keep Animals, Permit to Erect a Stable/barn, or Permit to Erect a Commercial Dog Kennel will be conducted at a regularly scheduled Board of Health meeting.
- B. All variance requests will be considered by the Board only after the Board conducts a public hearing. The Board of Health may vary application of any provision of this regulation with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, provided that the decision of the Board of Health shall not conflict with the spirit of these minimum standards. All variances will be in

writing; copies shall be available to the public at reasonable hours in the Office of the Town Clerk and with the Commissioner of Public Health of the Commonwealth.

- C. Notice of the public hearing relative to variance requests shall be provided to all abutters by first class mail at the applicant's expense and by legal notice in a local newspaper of general circulation by the Uxbridge Board of Health. Both forms of notice shall provide for at least fourteen (14) days' notice prior to the public hearing. The applicant shall submit a list of abutters, certified by the Uxbridge Board of Assessors with the variance request and a sworn statement that the applicant has mailed notice to each abutter by first class mail.
- D. The applicant must demonstrate that the issuance of a permit shall not be detrimental in any way to the public welfare and would not endanger the health or safety of the municipality or the wellbeing and safety of animals, and that all applicable requirements of this regulation have been satisfied. The Board may impose conditions, safeguards and other limitations on a permit consistent with the health, safety and welfare of the public and the well-being and safety of the animals being kept.
- E. A variance or modification authorized to be made by this regulation may be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing of the intended action and has been given the opportunity to be heard in conformity with requirements for an order and hearing.
- F. The permit applicant acknowledges that the MDAR's Division of Animal Health requires that if an animal exhibits and/or is diagnosed with a disease designated in its reportable disease program, it must be reported to MDAR's reportable disease program.
- G. It shall be a condition of any permit issued under this regulation that the permit holder shall comply with all applicable federal, state and local laws, regulations and other requirements.

SECTION 8: CONSTRUCTION AND CONSTRUCTION CHANGES

- A. No person shall erect, occupy, use rebuild, reconstruct, alter or structurally change a stable/barn, accessory structure, animal enclosure or commercial kennel intended for housing or confining of animals without submitting an initial or revised plan to the Board for its review and approval.
- B. It is the responsibility of the applicant to comply with Town of Uxbridge zoning bylaws and applicable sections of the building code when conducting construction or construction changes referenced in Section 8A.

SECTION 9: PENALTIES

- A. If there is a violation of this regulation, a designated agent of the Board of Health may issue a written order ("Order") to the person or persons having control of the premises and to the permit holder (if different) to correct the offending deficiencies.
- B. As an alternative to an Order or if a person does not comply with an Order and such Order is not modified or withdrawn, the Board may commence an enforcement action to correct such violation(s).
- C. In accordance with M.G.L. c. 111, § 31, any violation of this regulation shall be subject to fines. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the Board from seeking equitable relief to enforce this regulation.
- D. The Board may suspend, revoke or deny a permit if, after a hearing, a permit holder is found to be in violation of any provision of this regulation.
- E. Any person to whom an Order has been served pursuant to this Section shall have the opportunity to request a hearing before the Board. A request must be made in writing within fourteen (14) days after the Order has been served. For the purposes of this Section, an Order shall be deemed to have been served on the date of mailing, except as stated otherwise on the Order. At the hearing, the person served with the Order shall be given an opportunity to present evidence and show why an Order should be modified or withdrawn.

SECTION 10: VARIANCES

- A. Variance to any section of this regulation may be requested in writing to the Board. When such a request is received, a hearing shall be scheduled in accordance with Section 7 above.
- B. Variances shall be granted only under the following conditions:
 - 1. Strict enforcement of this regulation would constitute a manifest injustice.
 - 2. The granting of the variance shall not in any way impair the public health and safety, the health and welfare of animals, or pollute or contaminate the environment.
 - 3. The granting of the variance shall not conflict with the spirit of these minimum standards.
- C. The Board may impose any conditions, safeguards and other limitations on a variance when it deems it appropriate to protect the safety and health of the public, animals, and the environment.

SECTION 11: ENFORCEMENT

- A. After written notification from the Board of Health noting violations of these regulations, the permittee shall have fourteen (14) working days, or such time as noted in the notification, to correct such violations. Failure to correct such violations shall result in that person being subject to fines and penalties as outlined in these regulations
- B. After written notification from the Board of Health, any person housing or keeping animals without a permit shall within seven (7) days apply for a permit or remove said animal(s) from the premises until such time as a permit is acquired.
- C. Permits issued may be revoked or suspended by the Board of Health if it is determined that:
 - 1. The presence of the animal(s) on the premises are dangerous to the public safety or health or constitute a public nuisance;
 - 2. The animals are not properly cared for;
 - 3. Facts contained in the application or as represented by the permittee to the Board of Health are inaccurate; or
 - 4. The permittee is keeping animals in excess of the number and/or species for which the permit was issued.
- D. The holder of any permit thus revoked or suspended shall be notified of such action by certified mail. Any person so aggrieved may petition the Board of Health for a hearing at the next Board of Health meeting and may be permitted to keep said animal(s) pending the Board's finding.
- E. The penalty for non-compliance with any of these rules and regulations shall be a fine of \$XX/day in which the violation exists.

SECTION 12: SEVERABILITY

- A. If any provision of this regulation is declared by a court of competent jurisdiction to be invalid or not enforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

SECTION 13: EFFECTIVE DATE

Signed this _____ day of _____, 2019

Michael Morrisette, Chair, Uxbridge Board of Health

Dr. David Tapscott, Vice Chair, Uxbridge Board of Health

Dr. Joann Lindenmayer, Member, Uxbridge Board of Health

Legal Notice:

Public Hearing:

Vote by Board of Health:

Legal Notice:

Certified copy to Massachusetts Department of Environmental Protection: