

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)

SECTION 1: AUTHORITY

These Regulations are adopted pursuant to the authority granted to the Uxbridge Board of Health by Massachusetts General Laws (M.G.L.) Part 1 Title XVI Chapter (c.) 111, Section (§) 31, which provides that "Boards of Health may make reasonable health regulations," and M.G.L. Part 1 Title XVI c. 111, §155, "Licensing of stables in cities and large towns."

- A. In the event of a conflict between these regulations and any other federal, state or local law concerning the maintenance of facilities and/or the keeping of animals, the more stringent requirements shall apply.
- B. In the event that any section, subsection, paragraph, or provision of these regulations is declared illegal or unconstitutional by a court of competent jurisdiction, the remaining portions thereof shall remain in full effect.

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, through issuance of a permit, 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 these regulations shall be construed as preventing the provision of more than minimum standards for the keeping of animals as defined herein.
- C. These regulations are not intended to regulate the use of land for commercial agriculture as defined by Uxbridge Zoning Bylaws.

SECTION 3: SUPPLEMENTARY DEFINITIONS

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

Abutter: Owners of the land or property adjacent to 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.

Animal: All animals and livestock which are kept as domesticated animals, including exempt wild animals under 321 [Code of Massachusetts Regulations 9.00](#) (321 C.M.R. 9.00), "Exemption List" but excluding the following: (1) companion animals as defined herein; (2) research laboratory animals otherwise regulated; and (3) non-exempt wild animals as regulated by [M.G.L. Part 1 Title XIX c. 131 § 23](#)..

Animal Structure: Any structure used to house, shelter or contain livestock and 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 pursuant to these regulations to keep one or more animals.

Barn and Animal Inspector: the Municipal Barn and Animal Inspector, serving as an agent of the Massachusetts Department of Agricultural Resources (MDAR) and working for the Board of Health, and authorized to conduct annual inspections at any property in the Town of Uxbridge that houses livestock, including poultry.

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

chicken coop: a small shelter, often wooden, in which a small number of poultry are housed.

Chronic nuisance conditions: property on which three or more nuisance activities occur or exist during any sixty-day period. Each day shall constitute a separate nuisance activity.

Companion animal: animals that are primarily kept indoors for non-agricultural, non-commercial 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.

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, ferret, poultry or other domesticated beast or bird.

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

Enforcement Officer: the Board of Health's designated agent or the Barn and Animal Inspector.

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, and hutches.

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" 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. 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) 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

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 Uxbridge Board of Health or designee.

Livestock: Any animal which is ordinarily kept for agricultural purposes, including but 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.

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.

Stable/barn: An accessory building or structure used for the shelter and/or feeding of one or more animals, which does not include a chicken coop.

Stall: A compartment in a stable used for the keeping of one or more 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 the Department of Environmental Protection Inland Wetlands Orders, [310 CMR 10.00](#) or pursuant to [Section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1341](#).

Wild and exotic animals: Any animal not normally found or kept as a domesticated animal, and which requires 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 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 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 state building code.
- 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 operations upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance.”

SECTION 5: PERMITTING AND APPLICATION REQUIREMENTS

A. PERMIT TO KEEP ANIMALS

- 1. A permit is required for any person keeping livestock as defined in this regulation 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.

- ii. The keeping of fewer than eight (8) female chickens shall not require a permit.
 - iii. The keeping of roosters, cockerels and non-exempt wild animals, in accordance with M.G.L. c. 131, Section 23 is prohibited within the Town of Uxbridge, unless otherwise allowed by law or through an agricultural exemption pursuant to M.G.L. c. 40A, § 3.
- 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 6 of this regulation, and has passed inspection by the Building Inspector, where applicable, and Barn Inspector or other agent of the Board of Health.
 - 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, where applicable, and Barn Inspector or other agent of the Board of Health, 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, plan or fee 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 (FMP); and
 - iii. Pests (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 as indicated on the Uxbridge Board of Health published fee schedule.
- 4. Temporary permits
 - a. No person shall keep, conduct or operate within 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. Conditions for granting a permit to keep animals
 - a. The Agent of the Health Department/Barn Inspector shall visit the property before any permit is granted, to determine the fitness of the property for 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 of proper abutter notification for new permit applications.
 - c. The permit shall not be transferable as to other animals, or assignable or transferable for the use of other persons or the use of other premises.
 - d. The permit shall expire on December 31 of the first full calendar year after 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.
 - 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.
 - g. The permit will state the maximum allowable number of animals as determined by the Board and/or the Health Agent. Determination will be made on a case-by-case basis.
- 6. Pre-existing Permits
 - a. All permits issued prior to the effective date of this regulation, as revised on April 6, 2022 are valid..

- b. All renewals of permits subsequent to the effective date of this regulation shall be subject to this regulation, as revised on April 6, 2022.

B. KEEPING ANIMALS IN A STABLE OR BARN

1. 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 Building Inspector.
2. The permit to erect a stable/barn shall be applied for separately from a permit to keep animals.
3. 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.
4. 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.
5. 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 a regularly scheduled Board of Health meeting to determine whether the suspended stable/barn permit should be revoked.

SECTION 6: 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 below.
- 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; and
 3. The granting of the variance shall not conflict with the spirit of the minimum standards contained in these Regulations.

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 7: HEARINGS

- A. Any hearings under this Regulation will be conducted at a scheduled Board of Health meeting.

- B. All variance requests will be considered by the Board only after the Board conducts a public hearing.
- C. Notice of the public hearing relative to variance requests shall be sent by registered mail to each of the persons appearing upon the assessors' most recent valuation list as the owners of the property abutting on the premises where the permit is intended to be exercised. 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 a copy of the notice mailed and a sworn statement that the applicant has mailed notice to each abutter by first class mail or a return receipt from the United States Postal Service for each mailing.
- 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 at least fourteen (14) days in advance of the intended action and has been given the opportunity to be heard at a meeting of the Board of Health.

SECTION 8: PERMIT CONDITIONS, SUSPENSION AND REVOCATION

- 1. It shall be a condition for maintaining any permit granted under this regulation that any holder of such permit shall grant access and permission to the Health Agent and/or Barn Inspector to inspect all animals and the premises where such animals are kept at any time. The Health Agent and/or Barn Inspector shall provide reasonable notice of any inspections, and such inspections shall be at reasonable times.
- 2. The permit applicant acknowledges that the MDAR's Division of Animal Health requires that if an animal exhibits symptoms consistent with and/or is diagnosed with a disease designated in its reportable disease program, it must be reported to MDAR's reportable disease program.
- 3. 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.
- 4. No person who has been convicted of any crime involving cruelty to animals shall maintain a permit of any kind under this regulation.

5. A permit issued under this regulation to any person who has been convicted of any crime involving cruelty to animals under the provisions of this regulation or a violation of any provision of M.G.L. Chapter 272 §§ [77](#), [80 1/2](#), [80A](#), [94](#) or [95](#) shall be void, and shall immediately be surrendered to the authority issuing such permit.
6. The permitting authority may suspend or revoke any permit granted under this regulation if the person or entity holding the permit:
 - 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 Health Agent and/or Barn Inspector for inspections to determine compliance with this regulation;
 - c. Is shown to have withheld or falsified any information on the permit application.
7. No person shall erect, occupy, use, rebuild, reconstruct, alter or structurally change a stable, accessory structure or corral intended for housing or confining animals without submitting an initial or revised plan to the Board or its Agent for its review and approval.
8. It is the responsibility of the applicant to comply with the Town's Zoning Bylaws and applicable sections of the building code when conducting construction or construction changes referenced above.
9. Any person or commercial animal establishment whose permit has been denied or revoked shall cause any and all animals covered by said permit to be placed in accordance with applicable laws within 7 days of such denial or revocation.
10. Any person or commercial animal establishment whose permit has been denied or revoked may reapply after the conditions upon which the denial or revocation were based have been corrected, and any outstanding fines have been paid to the Town of Uxbridge, notwithstanding Section 8(4) above and any other laws or restrictions.

SECTION 9: MINIMUM STANDARDS FOR THE KEEPING OF ANIMALS

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. Owners shall comply with all Federal, State, and local laws pertaining to treatment of animals, including, but not limited to, laws prohibiting abuse, cruelty, animal fighting, violence or abandonment, and those laws requiring reporting of communicable diseases.

3. All livestock shall be provided space and conditions according to the generally acceptable agricultural practices for that species as defined in this regulation.
4. 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.
5. All glass windows and ventilation openings shall be screened for fly control.
6. 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.
7. All shelters and corrals shall be supplied with an adequate and potable water source.
8. When shelter for more than one animal is provided, stalls or other adequate separation according to GAAPs for that species shall be provided.
9. All corrals shall at all times have adequate shade for the animals, as appropriate for that species as determined by GAAPs.
10. Manure shall be stored in such a manner as to control flies and odors.
11. All feed shall be properly stored and shall be adequately protected so as to keep the food source free of spoilage, contaminants and rodents.
12. Appropriate measures shall be taken to minimize fire hazards, and shall include the placement and routine maintenance of the appropriate number of smoke detectors.

SECTION 10: 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.

- F. In accordance with M.G.L. c. 111 § 31, whoever violates any reasonable health regulation, made under authority of this section, for which no penalty by way of fine or imprisonment, or both, is provided by law, shall be punished by a fine of not more than one thousand dollars. Agents of the Board of Health or its designee shall have the power to enforce the provisions of this regulation.

SECTION 11: ENFORCEMENT

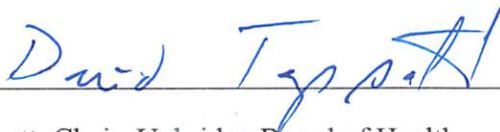
- G. This regulation shall be administered and enforced by the Board and/or its authorized agents, including but not limited to, the Uxbridge Police Department.
- H. The Board may make criminal complaint in any court of competent jurisdiction or may refer enforcement to the District Attorney, the Attorney General, or other appropriate law enforcement agency. The Board may also seek injunctive relief and civil penalties in any court of competent jurisdiction for violation of any regulation or in any other manner provided by M.G.L. c. 111 § 187.
- I. 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.
- J. 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.
- K. 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, unless it poses a risk to the public health or safety or health or safety of the animal(s).

SECTION 12: SEVERABILITY

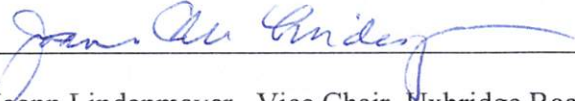
- A. If any provision of this regulation is declared by a court of competent jurisdiction to be invalid or not enforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

SECTION 13: EFFECTIVE DATE

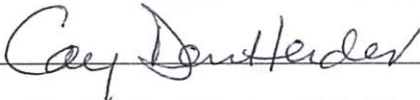
Signed this 13 day of April, 2022



Dr. David Tapscott, Chair, Uxbridge Board of Health



Dr. Joann Lindenmayer, Vice Chair, Uxbridge Board of Health



Dr. Cay DenHerder, Member, Uxbridge Board of Health

Legal Notice:

Public Hearing:

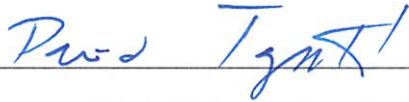
Vote by Board of Health:

Legal Notice:

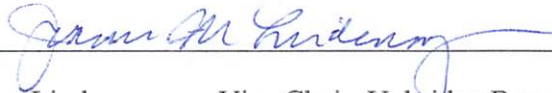
Certified copy to Massachusetts Department of Environmental Protection:

SECTION 13: EFFECTIVE DATE

Signed this 13 day of April, 2022



Dr. David Tapscott, Chair, Uxbridge Board of Health



Dr. Joann Lindenmayer, Vice Chair, Uxbridge Board of Health



Dr. Cay DenHerder, Member, Uxbridge Board of Health

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