



**TOWN OF HANOVER
BOARD OF HEALTH
HANOVER, MA 02339**

ANIMAL REGULATIONS

Section 1-1 Authority

These regulations are adopted under the authority of MGL Chapter 111, Section 31, as reasonable health regulations designed to protect and improve the health and quality of life of those who reside within the Town of Hanover. The following regulations pertain to the keeping of animals.

Section 1-2 Statement of Purpose

Whereas minimum standards to promote the responsible care and welfare of animals, protection of the public health, and environmental protection are considered necessary for the health, safety and welfare of the community, the Hanover Board of Health has adopted these regulations.

Section 1-3 Definitions

Abutters: Owners of abutting land or property within one hundred (100) feet of the applicant's property line. A person will only qualify as an abutter for the purpose of this regulation if they possess an ownership interest in the abutting land.

Animal: Animals such as cattle, goats, sheep, swine, equines, llamas, poultry, pigeons, livestock or any animal normally found on a farm or other agricultural use.

Applicant: One who applies for a permit to keep one or more animals.

Board of Health: The Hanover Board of Health.

Corral: An enclosure for the confining of one or more animals.

Domesticated Animals: Animals that are normally kept inside an owner's residential dwelling or commercial building including but not limited to dogs, cats, ferrets, pot-bellied pigs, fish, domesticated or exotic birds, certain reptiles to include snakes and guinea pigs, hamsters, and mice.

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

Facility: The total accommodations to be used for the keeping or housing and care of one or more animals, including but not limited to a barn and stable.

Fencing: Installed for the purpose of privacy or domestic animal containment.

Grandfathered: Pre-Existing Conditions to include fencing, corrals, barns, stables, etc that existed with a Barn & Stable permit issued by the Board of Health before the adoption of this regulation or when the

property was purchased or conditions that existed before the adoption of regulations or the issuance of Barn & Stable permits by the Board of Health are considered to be grandfathered and can remain so long as they are not altered or enlarged without the necessary approvals.

Manure Management Plan (MMP): Is a plan for the handling of manure. The MMP shall address cleaning, composting, storage, utilization and removal of manure.

Run-In Shed - A Run-in shed is a roofed, three-sided, free-access structure that offers protection to animals from wind, rain, snow, and the summer sun.

Stable: Means an accessory building or structure used for the shelter and/or feeding of one or more animals.

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

Structure: Any structure other than the owner's primary residence on the same lot and serving an animal related use with the intent being to provide shelter for animals or other related use.

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

Wetlands: Land area or surface area so defined by Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, section 40 and regulations promulgated pursuant thereto at 310 CMR 10.00 or pursuant to Section 404 of the Federal Water Pollution Control Act, U.S.C. 1341.

Wild & Exotic Animals: Any animal not normally found or kept as a domesticated animal, including but not limited to poisonous reptiles, alligators, monkeys, lions and tigers.

Section 1-4 General Requirements

All applications must be submitted to the Board of Health for review and approval and meet the criteria set forth in Section 1-5 of this regulation. Applicants must make sure that the setbacks listed below are met and are shown on their site or plot plan for approval.

A. Corrals or any other type of enclosure meant for animal containment shall be a minimum of twenty (20') from the property line.

B. All structures must comply with the setbacks as set forth in the Town of Hanover Zoning By-Laws, Massachusetts Department of Environmental Protection Regulations and the Wetland Protections Act 310 CMR Section 10.00.

Section 1-5 Permit and Application Requirements

A permit is required for anyone keeping one or more Animals as defined in this regulation. At time of application; the applicant shall provide the Board of Health with the following documents:

A. Application(s) for a permit for the purpose of keeping animals shall be submitted on a form supplied by the Board of Health for each location where animals are kept in the Town. Such application shall be accompanied by the following information:

1. Full name, address, and telephone number of the applicant
2. Location - street address of the premises to be used
3. Number and species of animals to be kept.
4. Animals shall be vaccinated and/or tested for diseases as required by the Massachusetts Department of Agricultural Resources, Division of Animal Health. Proof of such tests and vaccinations shall be made available to the Board of Health or its agent upon request.
5. A plot plan, acceptable to the Board, showing the lot borders with dimensions of area where the animals will be kept. Also required on the plot plan are the locations of the primary residence, structure(s), abutting structure(s), corrals, septic system, private wells and wetlands.
6. A written Management Plan for the following:
 1. Manure Management Plan
 2. Storage of feed
 3. Pest Control

B. The initial applicant/application shall meet and receive zoning clearance from the Hanover Building Commissioner.

C. The initial applicant/application shall meet and receive conservation clearance from the Hanover Conservation Officer.

D. In a case where a variance is requested, the applicant shall notify the adjacent property abutters by certified mail or direct contact by the applicant, that a variance has been requested of the Board of Health in conjunction with a permit to keep animals. A copy of the notification sent to the abutters and proof of notification (the green card) shall be provided to the Board of Health.

E. The Board shall review the completed permit application within thirty (30) days of filing. Within twenty-five (25) days of the board reviewing the application, the Board shall issue a decision on the application.

F. Fees for permits shall be determined by the Board of Health's fee schedule and shall be subject to annual review.

G. Permits shall expire on December 31, of each year, unless sooner revoked by the Board of Health upon violation of any of the provisions of these regulations. Any permit holder must apply for a renewal of the permit at least thirty (30) days prior to the expiration of said permit. Any changes from the previous permit shall be provided on a renewal application.

H. Exotic and Wild animal(s) shall not be kept within the Town of Hanover limits without expressed written approval of the Board of Health or its authorized agent and shall be in accordance with Massachusetts General Laws.

I. No person shall erect, occupy or use for a stable, accessory structure or corral intended for the housing or confining of animals unless and until he/she has submitted an initial or revised plan to the Board of Health for review and the same has been approved.

J. Permits are not transferable and shall be posted in a conspicuous area.

K. An applicant must comply with all federal, state and local regulations and bylaws.

L. Any animals kept within the limits of the Town of Hanover must be kept within the confines of a corral or other type of enclosure approved by the Board of Health.

M. Live fowl shall be confined at all times when left unattended. Live fowl shall be allowed to run at large if they are supervised but must stay within the property lines. No rooster shall be kept in a residential area if it constitutes a nuisance.

Section 1-6 Pre-Existing Conditions

Pre-Existing Conditions to include fencing, corrals, barns, stables, etc that existed with a Barn & Stable permit issued by the Board of Health before the adoption of this regulation or when the property was purchased are considered to be grandfathered and can remain so long as they are not altered or enlarged without the necessary approvals. Further, conditions which existed prior to the adoption of regulations by the Board of Health and/or the issuance of Barn & Stable permits shall be considered grandfathered with the issuance of permit by the Board of Health.

Section 1-7 Exceptions

Household Pets shall be excluded from these regulations with the exception that the Board may impose a permit in situations where animals are kept in unreasonable numbers or conditions that result in an order of public nuisance or recognized hazard to the health and welfare of the community.

Section 1-8 Animal Health and Safety

A. All animals shall be cared for in a humane manner. It shall be illegal to abuse, either physically or by neglect, any animal. The Hanover Board of Health or its agent may at any time require the removal of an animal from the custody of any person when it is determined that the health, safety, or welfare of an animal is jeopardized. The Board will assist the Massachusetts Society for the Prevention of Cruelty of Animals (MSPCA) and/or the Animal Rescue League of Boston (ARL) in this process.

B. It is recommended that horses be immunized for Eastern Equine Encephalitis, Tetanus, Strangles, West Nile Virus, Influenza, and Flu Rhino. It is also recommended that a Coggins Test be conducted as circumstances dictate.

Section 1-9 Enforcement

A. The Board of Health may deny, suspend, revoke, or refuse to renew a permit for failure to comply with any provision of these regulations.

B. The Owner, a permit holder, their designee, or Responsible Party in charge of a Facility covered by these regulations who fails to comply with these regulations shall be subject to a fine or penalty of not greater than five dollars (\$5) per day for each violation in accordance with MGL Chapter 111. Each violation of these regulations shall be considered a separate offense.

C. The person(s) who have had a permit denied or revoked shall be ordered to remove all animals from the property within 30 days of said denial or revocation or within a time frame determined by the Board of Health.

E. The continuance of any violation of these regulations beyond a date specified by the Board of Health, when the Owner and/or permit holder of the Facility has been ordered by an agent of the Board of Health to abate any such violations in a safe and sanitary manner, shall be cause for revocation of permit and/or initiation of legal proceedings to eliminate said conditions.

F. The Board of Health, or its authorized agent, upon receipt of a valid complaint may reasonably conduct unannounced inspections of a Facility for the keeping of the one or more Animals to ensure compliance with these regulations.

Section 1-10 Right to a Hearing

Any person or persons aggrieved by a Board of Health order that has been served pursuant to any section of these regulations may request a hearing before the Board of Health by filing a written petition to the health department within seven days of receipt of said order.

Section 1-11 Variance

The Board of Health may grant a variance to any of provisions of these regulations when, in its opinion, the strict enforcement would do manifest injustice and does not jeopardize public health or the environment. Any variance for accessory structures, corrals, fencing or stables granted by the Board of Health will transfer with the sale of the property.

Section 1-12 Severability

Each provision of these regulations shall be considered as separate to the extent that if any section, item, sentence, clause, or phrase is determined to be invalid for any reason, the remainder of these regulations shall continue in full force and effect.

Section 1-13 Adoption and Effect

These rules and regulations were adopted by a unanimous vote of the Board of Health, Town of Hanover, Hanover, Massachusetts, on March 10, 2009 and amended on May 8, 2009. A summary explanation of these regulations shall be published in a newspaper of this town and a copy thereof shall be deposited in the Office of the Town Clerk.