

BOARD OF HEALTH

TOWN OF PAXTON

REGULATION

**Relative to the exhibition, raising or keeping of animals and birds within the
Town of Paxton.**

AUTHORITY

**These regulations are made under the authority granted to Boards of
Health by General Law of Massachusetts Chapter 111.**

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SECTION 1
DEFINITIONS

For the purpose of these regulations, the following words and phrases are defined and shall be construed as hereinafter set out phrases are defined and shall be apparent from the context that a different meaning is intended.

- 1.1 **Animal:** shall mean any animal poultry bird, reptile, fish, any other dumb creature, any age, or any sex.
- 1.2 **Cattle:** shall mean all domesticated quadrupeds including sheep, goats, bovine animals, horses, mules, donkeys and swine of any age or any sex.
- 1.3 **Bird:** shall mean any bird including parrots, parakeets, canaries, crows, falcons, game birds and peacocks of any age or any sex.
- 1.4 **Poultry:** shall mean domesticated birds including chickens, turkeys, ducks, guinea fowl, pheasants and pigeons of any age or any sex.
- 1.5 **Rodents:** shall mean any animal of the order of Rodentia, including rabbits, guinea pigs, hamsters, chinchillas and squirrels of any age or any sex.
- 1.6 **Pet Shop:** shall mean any store or department of any store, or any place of business where dogs, cats, monkeys, rodents, birds, reptiles, fish or any other small animals used as household pets or for domestic purposes are kept for sale or hire.
- 1.7 **Stable:** shall mean any building, lot, structure, enclosure, premises, or portion thereof where cattle are kept or maintained for any purpose.
- 1.8 **Aviary:** shall mean any enclosure, cage, building, lot structure or

- premises or portion thereof where more than four birds of any species are kept or maintained for any purpose.
- 1.9 **Apiary:** shall mean any building, lot, structure, enclosure, or premises or portion thereof where more than three hives of bees are kept or maintained for any purpose.
- 1.10 **Dog Kennel:** shall mean any building, lot, structure, enclosure or premises or portion thereof where more than three dogs are kept or maintained for any purposes.
- 1.11 **Cat Kennel:** shall mean any building, lot, structure, enclosure or premises or portion thereof where more than four cats are kept or maintained for any purpose.
- 1.12 **Department Store:** shall mean any store keeping a great variety of goods arranged in several departments.
- 1.13 **Health Board:** shall mean Health Board of the Town of Paxton, Massachusetts.

SECTION 2

PERMITS

- 2.1 No person, firm or corporation shall engage in the business of buying, selling, dealing, boarding or training, of birds, cattle, poultry, rodents, dogs, cats, reptiles, or other small animals used as household pets or used for purposes without first obtaining a permit as hereinafter provided.
- 2.2 Any person, firm or corporation desiring to engage in any such business shall make written application for a permit to do so. The application shall state the location at which it is intended or desired to carry on such business as well as a description of the premises.
- 2.3 It shall be the duty of the Board of Health to cause an examination to be made for the premises named and described in such application for the purpose of determining the fitness and suitability of such premises from the public health standpoint.
- 2.4 No person shall erect to use for an apiary, aviary, cat kennel, dog kennel or stable any part of a dwelling unit except as hereinafter provided. Existing dwellings used in part as a veterinary hospital may be permitted to operate as such, provided that no room or enclosure used for animals shall communicated directly with rooms used for domestic purposes.
- 2.5 Any person, firm or corporation desiring to maintain a kennel for any reason must first obtain a permit from the Board of Health. Such permit will be renewed biennially.

BUILDING TO HOUSE ANIMALS

- 3.1 The use of a building or shelter for animals as hereinbefore provided shall not violate existing zoning by-laws and regulations of the Paxton Planning Board.
- 3.2 The building shall be erected in compliance with all rules and regulations.
- 3.3 Wherever accumulation of manure might constitute a health hazard or nuisance to the neighborhood, a ventilated pit or cellar for the storage of manure shall be provided. Construction shall be of brick; concrete or stone laid in cement and shall be watertight. Removal of manure shall be at regular and frequent intervals.
- 3.4 Each such building shall be provided with adequate light and ventilation.
- 3.5 Coops, hutches or other such buildings used to house poultry, rabbits or other such animals shall be situated not less than twenty-five (25') feet from any dwelling.
- 3.6 Poultry runs or enclosures for rabbits and other small animals shall be situated not less than fifteen (15') feet from adjoining property lot line, or the line of any street, court, or passageway.
- 3.7 All poultry, goats rabbits and such small animals shall be kept in an either approved building or enclosure of adequate size.
- 3.8 No garbage or refuse food shall be fed to animals unless it be put either into a proper receptacle or upon a cement or other water proof surface, said receptacle or surface shall be kept clean.

- 3.9 All coops hutches and other structures and all appurtenances thereto, shall be of substantial construction and so arranged, places and maintained as not to afford a harbor, shelter, or feeding area for rats or mice. With respect to hutches, structures and appurtenances:
- a. They shall be kept dry, well ventilated and with windows so place as, if possible, to admit sunlight.
 - b. Any perches therein shall be kept clean.
 - c. Nests shall be movable and cleaned at frequent intervals.
- 3.10 Drinking receptacles shall be kept clean and shall be supplied with water at all times.

SECTION 4
EXAMINATION OF FACILITY

- 4.1 The Board of Health shall make such examination as it deems proper to ascertain the following rules and regulations.
- 4.2 The keeping of animals, or the conduct or operation of the business for which the permit is requested, and at the place set forth in the application, will not violate any bylaw of the Town of Paxton, Massachusetts, or any law of the Commonwealth of Massachusetts.
- 4.3 The keeping of animals, or the conduct or operation of the business, for which the permit is requested, will not constitute a nuisance, or menace to the health, peace or safety of the community.
- 4.4 The premises and establishment where animals are to be kept is maintained in a clean and sanitary condition.
- 4.5 The applicant has not had a permit revoked within one year prior to the application.

SECTION 5
EXAMINATION OF APPLICATIONS

- 5.1 It shall be unlawful for the owner or person having custody of any dog or other animal to permit, either willfully or through failure to exercise due to care or control, any such dog or animal to commit any nuisance upon the sidewalk of any public street or upon the floor of any common hall in any apartment house, tenement house, hotel or other multiple dwelling; or upon any entranceway, stairway or wall immediately abutting a public sidewalk, or upon the entrance floor of any stairway, shop, store, office building, public washing room, or other building used in common by the public.
- 5.2 Dogs, cats, birds or other small animals shall not be sold or held for sale in a room in which a person shall live. Such animals shall not be sold or held for sale in the same place where food or drink is sold for human consumption unless necessary precaution are kept to prevent contamination of the food or drink and the creation of a nuisance. Pet shops operated in a store where food is sold or held for sale shall be at least fifty (50') feet away from any part of the store where food is prepared, kept, or sold. Such animals shall be held for sale in cages within an enclosure provided with self-closing door or openings. The general public shall be prevented from opening animal enclosures.
- 5.3 Birds and animals may be kept on a separate floor of the shop without being enclosed as above provided

- a. There are no open stairways or escalators leading directly to the floor where food is being handles, or
- b. No birds, animals or foods shall be kept within twenty-five (25') feet of such stairway or escalator.
- c. Persons engaging in the care or sale of the birds or animals shall not work as a food handler in food handling establishment sections of the department store.

5.4 All bird and animal waste of whatever description shall be wrapped in paper and kept in a covered metal container prior to disposal.

5.5 If any conditions shall be found adverse to public health, resulting from the keeping or sale of birds and animals, or if any unsanitary conditions are found, resulting from negligence on the part of the dealer, his agents, or employees the permit insofar as license food handlers are concerned shall be subject to suspension or revocation.

5.6 No animal shall be permitted to enter the kitchen or dining area of any public eating or drinking establishment, but nothing herein shall be constructed to prohibit blind persons from using as aides in entering and leaving public dining areas in food establishments.

SECTION 6

ANIMALS, SALE OF – AS NOVELTIES – ON STREETS

- 6.1 It shall be unlawful for any person to display, sell, offer for sale, barter or give away, upon any street or sidewalk or other public place any rabbits, baby chicks, ducklings or other fowl, as pets or novelties.
- 6.2 No person shall sell, offer for sale, barter or display any rabbits, baby chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color.
- 6.3 No person shall sell, offer for sale, barter or give away any rabbits, baby chicks, ducklings, or other fowl except from proper brooder facilities.
- 6.4 This section shall not be constructed to prohibit the display or sale of rabbits, natural chicks, ducklings or other fowl except from proper brooder facilities.
- 6.5 It shall be unlawful for any person to display, sell, offer for sale, barter or give away, upon any street or sidewalk as pet or novelties (1) any fish, turtle, snake, lizard, chameleon or other reptile; (2) any bird, cat, dog, fowl, guinea pig or other animal.
- 6.6 This section shall not be construed to prohibit the display of sale of animals, birds, fish or reptiles legally for sale in licensed pet shops, kennels, aviaries or fish hatcheries.

SECTION 7

FINES

7.1 For the purpose of enforcement, the following fines will be charged for violations of the regulations:

First offense.....Warning

Second offense\$ 25.00

Third offense.....\$ 50.00

Fourth & subsequent offenses.....\$100.00

7.2 Any person has the right of a hearing with the Paxton Board of Health for any fines assessed. Said hearing must be requested within 30 days of notification of assessed fine.

7.3 Failing to pay assessed fines within 30 days of notification will result in doubling the fine due. This section is waived if person assessed fines requests a hearing with the Paxton Board of Health.

SECTION 8

MINIMUM LOT SIZE REQUIREMENTS

- 8.1 For the keeping of cattle, a minimum lot size of 80,000 square feet shall be required without the need of a special permit from the Paxton Board of Health.
- 8.2 For lot sizes less than 80,000 square feet, a hearing must be requested with the Paxton Board of Health for a special permit to keep cattle.

SECTION 9

MISCELLANEOUS

- 9.1 No person, firm or corporation shall engage in the keeping of cattle or poultry without evidence of a successful barn inspection and permit by the Town of Paxton's Inspector of Animals.

SECTION 10

SIGNATORY APPROVAL

The Paxton Board of Health voted on Tuesday, February 2, 1999, to approve these Rules and Regulations relative to the exhibition, raising or keeping of animals and birds within the Town of Paxton.

Effective this 2nd day of February , 1999.

Thomas Carroll, Chairman

David Parent

Judy Hatstat