Town of Abington
Board of Health
Abington MA 02351

REGULATION for Registering of Animals

Section 1: Authority

These regulations are adopted under the authority of Massachusetts General Laws (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 Abington. The following regulation pertains to the registration of animals.

Section 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 Abington Board of Health has adopted this Regulation.

Section 3: Definitions

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 Abington Board of Health.

Corral: any pen or fenced outdoor enclosure used for the confinement of one (1) or more animals.

Domesticated Animals: Animals that are normally kept inside an owner's residential dwelling or commercial building as personal pets, including but not limited to dogs, cats, ferrets, pot-bellied pigs, fish, domesticated or exotic birds, and enclosed snakes, 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.

Feed management plan: A plan for the keeping and management of food for animals kept at a property~~feed~~.

Keeper: any person with custody, management and control of an animal, for any period of time, on property in the Town of Abington. A person does not have to own the animal to be considered its keeper if the requirements of this definition are met.

DRAFT

Keeping of Animals Permit or "Permit": A permit issued by the Board for the keeping of one or more animals in accordance with the provisions of this regulation.

Manure Management Plan (MMP): ~~Is~~ ~~A~~a plan for the handling of manure generated by animal kept at a property. The MMP shall address cleaning, composting, storage, utilization and removal of manure.

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.

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

Pest Management Plan: A plan which adequately defines the measures that shall be taken by the keeper of animals~~owner~~ to minimize the presence of rodents, insects and pests, and to minimize the creation of odors and other nuisances.

Stable: The building and other enclosures used to keep one or more horses and store the food supplies and equipment normally associated with the keeping of such horse and/or horses.

Wild and exotic animals: Any animal not normally found or kept as a domesticated animal or farm 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 as defined as non-domesticated by Massachusetts General Laws, Chapter 131, Section 23 and 321 CMR 9.00. Wild and exotic animals are prohibited in the Town of Abington.

Section 4: General Requirements

No person shall own or keep or allow any other person to own or keep any animal on real property in the Town of Abington unless said animal(s) are~~Town of Abington residents who own one or more animals as defined in this regulation are required to~~ register~~ed~~ ~~said animals~~ with the Board of Health on an annual basis in accordance with this regulation.

Section 5~~6~~: Exceptions

Domesticated animals 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 5: ~~Permit and~~ Registration Application Requirements

~~The Permit Application will require names and contact information of the people who own and/ rent the property where animals will be kept. A description of the feed and pest management plan will be included in the Application. At time of application; the applicant shall provide the Board of Health with the following documents:~~

Commented [GJC1]: In most places this is referred to as a "registration". I recommend that you choose either permit or registration to be consistent. I changed it to registration where saw permit, but it doesn't matter which one.

DRAFT

A. ~~Application(s) for a permit for the purpose of keeping animals~~ A Registration Application 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, email and telephone number of the applicant.
2. Full name, address, email and telephone number of all owners of the property.
3. Emergency contact name and contact information.
4. Location - street address of the premises to be used
5. Number ~~and~~ of each species of animals to be kept.
4. ~~Acknowledgement~~ Documentation that animals are up to date on required vaccinations and/or tests.
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 written Management Plan for the following:
    a. Feed Management Plan
    b. Manure Management Plan
    c. Pest Management Plan

6. A plan of the facility, showing the property lines, the area where the animals will be kept, the location of all structures, the location of any wells and septic systems within 300 feet of the area where the animals will be kept, and the marking of any wetland resource areas.

B. An applicant must comply with all federal, state and local regulations and bylaws, including but not limited to the Town of Abington Zoning Bylaw, the Wetlands Protection Act and the Town of Abington Stormwater Bylaw.~~-~~

C. Fees for registrations~~permits~~ shall be determined by the Board of Health's fee schedule and shall be subject to annual review. An application will not be considered complete unless it is accompanied by the required fee.

Commented [GJC2]: Please note that G.L. c. 111, s. 155 requires that fees for stable licenses be approved by Town Meeting and they are capped at $40.00. In my opinion, this regulation can be interpreted as applying to the animals and the property, in addition to the stable, and that the fee is not attributable to the stable portion of the registration. Please note, however, that this argument may be subject to challenge.

D. Registrations~~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 registration~~permit~~ holder must apply for a renewal of the ~~permi~~registration~~t~~ at least thirty (30) days prior to the expiration of said registration~~permit~~. Any changes from the previous registration~~permit~~ shall be provided on a renewal application.

E. Any animals kept within the limits of the Town of Abington must be kept within the confines of a corral or other type of enclosure approved by the Board of Health, and they shall have adequate shelter from the weather. 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 6: Exceptions**~~

~~Domesticated animals 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~~

DRAFT

~~that result in an order of public nuisance or recognized hazard to the health and welfare of the community.~~

Section 7: Animal Health and Safety

All animals shall be cared for in a humane manner. It shall be illegal to abuse, either physically or by neglect, any animal. The Abington 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.

Facilities shall be maintained so that they will be kept free from filth, stagnant water, rodents and flies, and other conditions likely to create a public nuisance or danger to persons or animals on the property.

Section 8: Severability

So far as this Board of Health may provide each section of these rules and regulations shall be construed as separate to the end if any section, sentence, clause or phrase shall be invalid for any reason the remainder of these rules and regulations shall continue in full force.

Section 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 week for a violation in accordance with MGL Chapter 111.~~

~~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.~~

~~D. 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.~~

A. **Suspension, Modification or Revocation of Registration**

1. The Board or its Agent(s) shall investigate all allegations of violations of this Regulation and other applicable laws concerning the keeping of animals and may take such actions that are deemed necessary for the protection of the health of persons and animals using the subject property, for the protection of public health and safety and for the prevention of nuisances.

2. Upon verification of the conditions described in paragraph 1 of this section, the Board's Agent may issue an order to correct the offending condition. The order shall identify the violation or condition and specify a time for taking corrective action. Any registration holder issued an order to correct may request a hearing in accordance with Section 10 of this Regulation.

DRAFT

3. A registration or variance granted under this Regulation may be modified, suspended or revoked for cause, by the Board of Health, provided that a hearing has been held by the Board after seven (7) days' notice to the registration holder, except in the case of emergency as set out below. Notice shall be given by first class mail sent to the address shown on the most recent application. For purposes of this section, cause for modification, suspension or revocation of a registration shall mean any violation of this Regulation, nuisance conditions caused by the keeping of animals, violations of any statutes or regulations relating to the keeping of animals, or any condition which constitutes a threat to public health and/or the health or safety of the animals.

4. Whenever the Board of Health Agent has determined that an emergency exists in accordance with the following paragraph, the Agent may summarily suspend or modify any registration, without prior notice or hearing, and issue an order stating the existence of the emergency and ordering that the registration be immediately suspended or modified, as specified therein. In the case of a summary suspension or modification, the registration holder may request a hearing before the Board of Health, in writing, within seven (7) days after the service of the order and a hearing shall be granted as soon as practicable, provided however, that such a request for hearing shall not stay or in any way modify the terms of the emergency order. At such hearing, the Board may affirm, modify or rescind the Agent's order. The Agent's order will be deemed final if no timely appeal is taken.

5. Cause for Emergency: The following shall be grounds for emergency suspension or modification of a registration or a variance: unsanitary conditions, which in the opinion of the Board of Health or its agent, are creating a hazard to public health, safety or welfare, or that are threatening the health, safety and welfare of the animals, that is so immediate that no delay in suspension or modification of the permit can be permitted.

6. If a registration is suspended or revoked, all animals shall be from the Property within a time frame ordered by the Board or its Agent.

B. **Enforcement/Penalties**

1. Whoever violates any provision of this regulation and/or any condition in a registration or order issued by the Board or its agent may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If noncriminal disposition is elected, then the non-criminal fine for each such violation, if not otherwise specified, shall be:

First Offense:	Written Warning
Second Offense:	$100
Third:	$200
Fourth and subsequent offense:	$300

3. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

DRAFT

4. Whoever violates any provision of this Regulation and/or any condition in a permit or order issued by the Board of Health or its agent may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the penalty for each violation or offense shall be as set forth in Massachusetts General Laws, Chapter 111, Section 157 (a fine of five dollars for each day such violation continues) for violations with respect to stables, and Massachusetts General Laws, Chapter 111, Section 31 (a fine of not more than one thousand dollars for each violation). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

5. The Town may enforce this regulation or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

6. ~~E.~~ 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 one or more Animals to ensure compliance with these regulations.

Section 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 11: Variance

The Board of Health may vary any section of this Regulation with respect to any particular case when, in its opinion: (1) the enforcement thereof would do manifest injustice; and, (2) the applicant has proved that the same degree of ~~environmental~~ protection for public health, the environment and the safety of the animals required under these rules and regulations can be achieved without strict application of the particular section.

Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. No variance request shall be considered until ~~except~~ after the applicant has notified all directly affected abutters of all property at least ten (10) days before the Board of Health meeting at which the variance will be on the agenda. The notification shall state the specific variance sought and the reasons therefore.

The Board may impose conditions, safeguards and limitations, both of time and use to which the variance pertains. If the rights authorized by a variance are not exercised within one (1) year from the grant of such variance, they shall lapse.

Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of the variance shall be available to the public at all reasonable hours in the office of the Board of Health while it is in effect.

Section 12: Effective Date

DRAFT

Regulation entitled "*Regulation for Requiring the Registration of Non-domesticated Animals*" adopted by a vote of the Abington Board of Health on ~~January 5, 2026~~ will go into effect immediately.

Aaron Christian, Chair _____

Katie VanNest, Vice-Chair _____

Susan Ferreira-Emery _____

Carol Dolan _____

Lisa Raymond _____

Commented [GJC3]: Please note that a summary of the regulation must be published once in a newspaper of general circulation in the town before it takes effect. G.L. c. 111, s. 31.

DRAFT