



# TOWN OF WINTHROP BOARD OF HEALTH

## Regulation of the Winthrop Board of Health Regarding the Keeping of Animals

### **A. Purpose**

As the Winthrop Board of Health is responsible for the protection of the public health, these regulations are promulgated to protect the health and safety of the public as well as animals in the Town of Winthrop.

Therefore, it is the intention of the Winthrop Board of Health to regulate the keeping of animals. The Board may impose any conditions it deems appropriate to protect the public, the environment, and animal health.

### **B. Authority:**

This regulation is promulgated pursuant to the authority granted to the Winthrop Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

### **C. Definitions**

For the purpose of this regulation, the following words shall have the following meanings:

1. Abutter - the owner of properties physically abutting a property
2. Board - the Winthrop Board of Health
3. Person - a person, persons, association, partnership, trust, company, corporation or other legal entity.
4. Poultry - shall include, but is not limited to, chickens, ducks, guinea fowl, and turkeys.
5. Shelter - any coop, pen, cage, hive, or any other means of protecting an animal from the environment or for containing an animal.
6. Wild Animal – an animal which has not been domesticated or tamed.
7. Yard – A portion of a lot, upon which the principal building is situated.

### **D. Prohibitions:**

The following types of animal species shall be prohibited from being kept or housed in Winthrop:

1. Roosters
2. Poisonous Reptiles

3. Cows
4. Horses
5. Goats
6. Sheep
7. Swine
8. Llamas
9. Wild Animals

**E. Directives:**

1. No public nuisance or unsanitary condition shall be allowed to exist in the keeping of any classification of animal. All shelters shall be kept clean and free of decaying food, filth, dirt, and stagnant water.
2. No person shall keep any poultry or beehive(s) without first obtaining a permit from the Health Department.
3. All animals shall be cared for in a humane manner. It shall be illegal to abuse, either physically or by neglect, any animal. The Board or its agent may at any time cause an animal to be removed from the custody of any person when it is determined that the health, safety or welfare of the animal or the general public is endangered. Any costs incurred by the Town of Winthrop, when seizing and caring for an animal under this regulation, shall be borne by the animal owner.
4. Regarding the keeping of Poultry:
  - a. Roosters may not be kept in the Town of Winthrop.
  - b. The maximum number of chickens on any given lot shall be six (6).
  - c. Each chicken must have a minimum of 2.5 square feet of enclosed living space.
  - d. All coops shall be located at least ten (10) feet from any side or rear property lines.
  - e. Coops shall not be located in the front yard of any property.
  - f. All chickens shall be kept in an approved shelter, run, or enclosure.
  - g. All chickens must remain in an enclosure while unattended.
  - h. Shelters shall be furnished so as not to contribute to or cause unsanitary conditions, with adequate ventilation, and a safe supply of water for feeding and cleaning purposes.
  - i. Manure shall be removed frequently and shall not be stored to create an unsanitary condition. Manure shall be kept at least ten (10) feet from any property line and ten (10) feet from any dwelling unit.
5. Regarding the keeping of Bees:
  - a. The maximum number of hives on any given lot shall be two (2).
  - b. No hive shall exceed twenty (20) cubic feet.
  - c. All hives shall be located at least ten (10) feet from any side or rear property lines.
  - d. Hives shall not be located in the front yard of a property.
  - e. No hive shall be located closer than ten (10) feet from a public sidewalk.
  - f. The beekeeper must otherwise comply with all Mass. General Laws pertaining to

beekeeping (330 CMR 8.00)

**F. Animal Keeping Permit**

1. Permits shall be neither transferrable nor assignable to other persons or other premises.
2. Permits granted hereunder shall be for a term of two years, unless sooner revoked.
3. Any person who wishes to apply for a permit shall complete a written application on a form provided by the Inspectional Services Department.
4. A plot plan which includes the following must be submitted with the application: lot plan with structures present, as well as structures planned for the use of intended animals; distance of animal housing and enclosures from all abutters' of the applicant's property structures and property lines.
5. Written permission of the property owner if the permit will be issued to a tenant of the property.
6. Permits issued in accordance with this regulation shall be contingent upon an examination of the permit holder's animals and premises by the animal control officer of the Town or his/her designee, to ascertain the general good health of the animal(s) and the suitability of the structure(s).
7. Permits may be revoked or suspended by the Board of Health if it is determined that:
  - a. The presence of the animal(s) on the premises are dangerous to the public safety or the public health, or if it creates a public nuisance; or
  - b. The animals are not properly cared for; or
  - c. Facts contained in the application or as represented by the permit holder to the Board of Health are inaccurate; or
  - d. The permit holder is keeping animals in addition to those for which the permit is issued.
8. The following will be grounds for immediate suspension or revocation of a permit to keep animals:
  - a. Cruel treatment of animals
  - b. Using animals for illegal purposes (i.e., fighting)
  - c. An outbreak of a communicable animal disease as determined by the animal control officer, or a veterinarian licensed in the Commonwealth of Massachusetts
  - d. Unsanitary conditions which, in the opinion of the Inspectional Services Department, create a health or safety hazard

**G. Violations**

1. Violations of this regulation shall carry the following penalty with each day the offense continues constituting a separate offence:
  - a. In the case of the first violation, a fine of fifty dollars (\$50.00).
  - b. In the case of a second violation within 24 months of the date of the current violation, a fine of one hundred dollars (\$100.00)

c. In the case of three or more violations within a 24-month period, a fine of two hundred dollars (\$200.00) and the Board of Health may suspend all Animal Keeping Permits of the Violator.

2. After written notification from the Board or its agent noting violations of this regulation, the permit holder shall have ten (10) working days, or such time as noted in the notification, to correct such violations. Failure to correct such violations shall result in the permit holder being subject to fines and penalties as outlined in this regulation.

#### **H. Non-Criminal Disposition**

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue.

Each day any violation exists shall be deemed to be a separate offense.

#### **I. Enforcement**

Enforcement of this regulation shall be by the Winthrop Board of Health or its designated agent(s).

After written notification from the Board, any person housing or keeping animals without a permit shall within twenty-four (24) hours remove said animal(s) from the premises until such time as a permit is issued.

#### **J. Complaints**

Any person who desires to register a complaint pursuant to the regulation may do so by contacting the Winthrop Board of Health or its designated agent(s). The Board or its agent shall investigate the matter.

If it is determined that a hearing should be held, such hearing will be conducted as noted in Section L. Hearing.

#### **K. Variances**

Variances to any part of this regulation may be requested in writing to the Board. When such a request is received, a hearing shall be scheduled and held in accordance with the requirements of Section L. Hearing.

Variances shall be granted only under the following conditions:

- a) strict enforcement of this regulation will constitute a manifest injustice, AND
- b) the granting of the variance shall not in any way impair the public, the environment, or animal health.

The Board may impose any conditions it deems appropriate to protect the public health.

#### **L. Hearing.**

When a written request for a variance or a complaint is received, a Public Hearing shall be required.

The Public Hearing shall be held at the next scheduled Board of Health meeting but in no

case earlier than 14 days of the request.

**M. Severability**

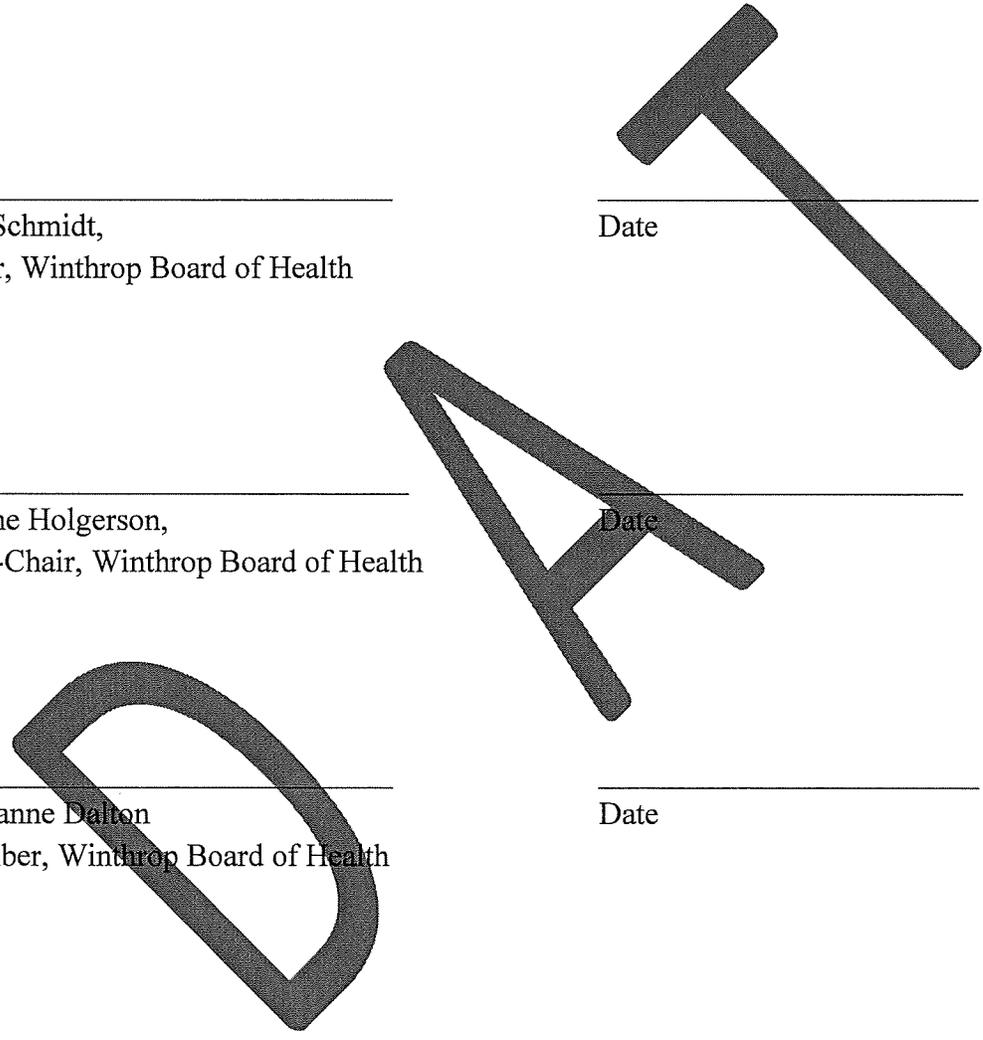
If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

**N. Effective Date**

This regulation shall take effect on xxxxxxxx 1, 2023.

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Bill Schmidt,  
Chair, Winthrop Board of Health

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Date



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Jeanne Holgerson,  
Vice-Chair, Winthrop Board of Health

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Date

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Marianne Dalton  
Member, Winthrop Board of Health

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Date