

NATICK BOARD OF HEALTH
REGULATION CHAPTER 6
KEEPING OF LIVESTOCK AND BEES

SECTION 1. AUTHORITY

This Regulation is adopted pursuant to Massachusetts General Laws Chapter 111, Sections 31 and 155

SECTION 2. PURPOSE

This Regulation is promulgated to provide minimum standards for the keeping of animals and bees in the Town of Natick in order to enable residents to participate in responsible, small-scale agricultural activities while protecting public health, safety, and welfare in Natick, Massachusetts.

This Regulation is not intended to regulate the use of land for commercial agriculture. Commercial agriculture may be limited by Town of Natick Zoning Ordinances and Bylaws to activities of five (5) acres or more or on parcels of two (2) acres or more if the sale of products produced from the agricultural use on the parcels annually generates at least \$1000.00 per acre based on gross sales dollars in areas not zoned for agriculture in accordance with Massachusetts General Laws Chapter 40A, Section 3

SECTION 3. DEFINITIONS

Animal: All animal and livestock which are kept as domesticated animals but excluding the following: household pets as defined herein; research laboratory animals otherwise regulated; and non-exempt wild animals as regulated by Massachusetts General Laws Chapter 131, Section 23 and 321 CMR 9.00

Animal Structure: Any structure used to house, shelter, or contain livestock and animals

Applicant: A person who applies for a permit used to house, shelter, or contain livestock and animals. Applicant shall also be defined as a person keeping bees.

Bee: the honey bee, *Apis mellifera* Linneaus, Africanized honey bee, *Apis mellifera scutellata*, or any other bee of the Genus *Apis*, at all life stages

Board of Health: The Natick Board of Health and/or its designated agent(s)

Cockerel: Young male chicken

Corral: Any pen or enclosure for confining one or more animals

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 a barn and/or stable.

Fencing: Enclosure material installed for privacy or livestock and/or animal containment.

Generally Acceptable Agricultural Practices: Practices that the applicant can demonstrate are consistent with the Massachusetts Department of Agricultural Resources Division of Animal Health's (MDAR's) Generally Acceptable Agricultural Practices (GAAPs). The following are some potential resources, but are not an exhaustive list, that can be consulted to establish compliance with the MDAR GAAPs:

MDAR, <https://www.mass.gov/orgs/massachusetts-department-of-agricultural-resources>

MA Association of Conservation Districts, <https://massacd.wordpress.com/>

UMASS Extension, <https://ag.umass.edu/resources/agriculture-resources>

Hive: Any frame hive, box hive, box, barrel, log gum, skep or other receptacle or container, natural or artificial, or any part thereof, which shall be used or employed as a domicile for honey bees.

Livestock: Animals kept for agricultural purposes, including but not limited to cattle, goats, sheep, swine, equines, camelids, poultry and other fowl.

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.

Rooster: An adult male chicken.

Stable: 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.

Town: Town of Natick

Unsanitary Conditions: The Facility's state of being or condition which is conducive to, or results in, the breeding of flies, creation of offensive odors, rodent infestation, effluent waste or runoff.

Usable area: Land area suitable for the raising of animals such as pastures, fields and wooded uplands. This area does not include wetlands, swellings, 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, Massachusetts General Law, Chapter 131, Section 40 and regulations promulgated pursuant to 310 CMR 10.00 or by the Town of Natick Wetlands Protection Ordinances and By-Laws 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 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.

SECTION 4. PERMIT AND APPLICATION REQUIREMENTS

- A. No person shall keep within the limits of the Town of Natick, in any building or on any premises of which he may be the owner, lessee, tenant, or occupant any livestock or bees without a permit issued by the Board of Health.
- B. The Board of Health will develop procedures to notify owners of Abutting property of the submission of an application.
- C. Roosters or cockerels and non-exempt wild animals as defined by Massachusetts General Laws, Chapter 131, Section 23 shall not be allowed to be kept in any building or on any premises within the limits of the Town of Natick.
- D. The maximum amount of chickens permitted on any premises cannot exceed six (6), unless a request for a variance is granted by the Board of Health.
- E. The permit shall state the limit of animals or hives kept and shall not be transferable as to other animals, assignable, or transferable for the use of other persons or the use of other premises.
- F. The permit shall expire annually on April 30, unless sooner revoked or suspended by the Board of Health after a hearing.
- G. 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.
- H. If a Permit Holder intends to increase the number of Animals, or change in species of Animals to be kept, the Permit Holder shall notify the Board of Health or designated agents. The Board of Health or designated agents will inspect the premises and provide approval or denial in writing.
- I. All permits issued prior to the effective date of this regulation are valid and may be renewed prior to the effective date of this regulation, subject to the prior regulation, provided conditions and agreements contained in the original application have not changed, and that no conditions exist that would be injurious to the public health, safety or welfare. All renewals of permits after the effective date of this regulation shall be subject to this regulation.

- J. An applicant for a Permit to Keep Bees shall provide documentation, acceptable to the Board that he/she completed a course in beekeeping or possesses a combination of training and experience deemed acceptable by the Board. It is the applicant's responsibility to comply with all applicable provisions of Massachusetts General Laws Chapter 128 §§32-36A and 38 and 330 CMR 8.00: APIARY INSPECTION REGULATIONS.
- K. The Board reserves the right to suspend the issuing of Permits during times of confirmed animal disease outbreaks, such as, but not limited to, avian influenza.
- L. No person, corporation, company, establishment, group, or agency shall keep, conduct, or operate within the Town, any pony ring or ride, circus, rodeo, animal act or exhibition, Wild and Exotic Animal show or exhibition, reptile show or exhibition, or any similar event without first obtaining a Temporary Permit from the Board of Health. Applicants for a Temporary Permit shall submit a completed application at least 14 days prior to the first day of the event and include:
 - 1) An animal waste clean-up plan
 - 2) A plot plan that included dimensions of where the Animals will be kept, the locations of primary residence and other dwelling areas, structure(s) including fences.
A hand-drawn plot plan is acceptable so long as it is of sufficient detail and quality to allow for Board of Health review.
- M. Acceptance of a Permit to keep Animals pursuant to this Section shall be deemed consent for the Board of Health or designated agents, Animal Inspector, or Animal Control Officer to enter and inspect all Facilities and Animal Structures on the property.
- N. The creation of reoccurring Nuisance conditions may result in revocation of a Permit.

SECTION 5. GENERAL REQUIREMENTS

- A. The owner or persons in control of any buildings or facilities, in which livestock are kept, shall keep the building and facilities clean, sanitary and free of stagnant water. All buildings, facilities, stables, coops, stalls, corrals, and premises shall be disinfected and put in such condition as may be ordered by the Board of Health.
- B. All livestock shall be kept and sheltered in accordance with Generally Acceptable Agricultural Practices to maintain Facilities in a sanitary manner at all times and to eliminate the creation of a Nuisance or Unsanitary Condition.
- C. All livestock shall be treated in a humane manner at all times. This includes access to fresh food, potable water, and protection from the elements.

- D. All new structures must comply with the applicable setback requirements for the zoning district in which such structures are located as set forth in the Town of Natick Zoning Ordinances and Bylaws, aside from protection accorded by Massachusetts General Law, Chapter 40A, Section 3 and the Wetlands Protection Act, 310 CMR 10.00.
- E. All hen houses shall be located as directed by the Board of Health or its agents. No hen house or yard shall be located within fifty (50) feet of any dwelling nor within fifteen (15) feet of any property line nor within fifteen (15) feet of the line of any street, except by special permission of the Board of Health. The above minimum distance requirements may be enlarged or increased in any particular case at the discretion of the Board of Health.
- F. The keeping of swine and the location for keeping same shall be controlled and determined directly by the Board of Health.
- G. All permitted animals shall be confined to the property, preferably in an enclosed area, for which a permit is granted unless the permit holder has documented in writing to the satisfaction of the Board of Health, including obtaining any necessary permissions, arrangements for such animals to be kept elsewhere (i.e. for grazing, pest control, etc.).
- H. Unless conducted in a commercial facility that is licensed by the United States Department of Agriculture or Massachusetts Department of Public Health, slaughtering of any Animal is prohibited in the Town of Natick.
- I. All persons keeping bees must maintain hives in accordance with Best Management Practices. This includes, but is not limited to Massachusetts Beekeepers Association Best Management Practices.

SECTION 6. CONSTRUCTION AND CONSTRUCTION CHANGES

- A. No person shall erect, occupy, use rebuild, reconstruct, alter or structurally change a stable, accessory structure or corral intended for housing or confining of animals without submitting an initial or revised plan to the Board for its review and approval. This section shall not apply to repairs.
- B. It is the responsibility of the applicant to comply with the Town of Natick Zoning Ordinances and Bylaws and applicable sections of the building code when conducting construction or construction changes referenced in Section 5.

SECTION 7. PENALTIES

- A. Criminal Complaint - Whoever violates any provision of these rules and regulations may be penalized by indictment or on complaint brought in the District Court. Except as may otherwise be provided by law, and as the District Court may see fit to impose, the maximum penalty for any violation of these provisions shall be \$300.00 for each offense.
- B. Non-Criminal Disposition - Whoever violates any provision of these rules and regulations may, in the discretion of the Health Agent, be penalized by a non-criminal complaint in the District Court pursuant to the provisions of the Massachusetts General Laws, Chapter 40, Section 21D. For the purpose of this provision the penalty to apply in the event of a violation shall be as follows:
- 1) \$50.00 for the first offense; \$100.00 for the second offense; \$200.00 for the third offense; and \$300.00 for the fourth and each subsequent offense.
 - 2) Each day on which a violation exists shall be deemed to be a separate offense.

SECTION 8. SEVERABILITY

Each provision of this regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

SECTION 9. EFFECTIVE DATE

This Regulation shall be effective on May 15, 2024.

NATICK BOARD OF HEALTH



Donald J. Breda, PE, Chair



Karla A. Sangrey, PE, Vice Chair



Peter A. Delli Colli, DMD, Clerk