

MARLBOROUGH BOARD OF HEALTH
REGULATION XVI:
RULES AND REGULATIONS RELATIVE TO RAISING
OR KEEPING OF ANIMALS WITHIN THE
CITY OF MARLBOROUGH

SECTION 1: SCOPE

The following regulations are promulgated by the Marlborough Board of Health in order to allow the keeping of animals within the City of Marlborough in such a way as to not create public nuisances, inconveniences and to prevent the spread of disease including but not limited to rabies. Notwithstanding any existing provisions of the Massachusetts General laws and any provisions of the Code of the City of Marlborough.

SECTION 2: DEFINITIONS

- A: ANIMAL - Any animal (poultry, bird, reptile, fish, rodent or any other creature) of any age or any sex
- B: BIRD - any bird, including but not limited to parrots, parakeets, canaries, crows, falcons, game birds and peacocks
- C: POULTRY - domesticated birds, including but not limited to chickens, turkeys, ducks, geese, guineas fowl, pheasants and pigeons
- D: PET SHOP - 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 are kept for sale
- E: AVIARY - any building, cage structure, enclosure, or premises or portion thereof where more than four birds of any species are kept or maintained for any purpose
- F: DEPARTMENT STORE - any store keeping a large variety of goods arranged in several departments
- G: BOARD OF HEALTH - appointed Board of Health of the City of Marlborough or any of its agents or employees
- H: FARM ANIMALS - including but not limited to: sheep, goats, llamas/alpacas, cattle, donkey, mule, swine, equines and poultry

SECTION 3: PERMITTING

- A. PERMIT TO KEEP DOGS (see Chapter 85-2)

B: APPLICATION FOR PERMIT TO KEEP FARM ANIMALS

- 1: Each application shall be in writing upon a form to be furnished by the Board of Health, and shall contain such information as the Board of Health may require.
- 2: Each application must be accompanied by a plot plan, building plan, and/or statement as to how and where the animals are to be kept on the premises.

C: EXEMPTIONS FROM PERMITTING

- 1: Veterinary hospitals, medical research facilities, commercial pet shops, animal pounds or shelters conducted by recognized animal humane societies, and animal pounds or shelters conducted by the City of Marlborough shall be exempted from permitting.

D: STANDARDS FOR PERMITTING

- 1: The applicant must control at least one acre of land to be considered by the Board of Health for permitting of large farm animals.
- 2: A hearing relative to the issuance of an Animal Permit or stable license will be conducted at a regularly scheduled Board of Health meeting.

E: REVOCATION

- 1: A PERMIT TO KEEP ANIMALS may be revoked at any time, after a hearing, when it appears to the Board of Health that such revocation is necessary to protect the public health or safety, when chronic nuisance exist, or when conditions of the permit or license have been violated.
- 2: A PERMIT TO KEEP ANIMALS may be suspended at any time, when in the opinion of the Board of Health or its agents such suspension is necessary to protect the public health or safety.

F: DURATION OF PERMIT OR LICENSE

- 1: A PERMIT TO KEEP ANIMALS shall continue in effect indefinitely unless specifically stated on the permit.
- 2: All holders of a PERMIT TO KEEP ANIMALS shall on or about the first of every year, file an affidavit furnished by the Board of Health listing the types and numbers of animals kept on the licensed premises as of the first of the year.
- 3: Failure to return affidavit by January 15th of each year will result in automatic revocation of the PERMIT.

SECTION 4: ANIMAL HOUSING AND STRUCTURES

- A: Drinking fountains shall be kept clean and shall be supplied with water at all times.
- B: The structure and surrounding premises used to keep animals shall be well-ventilated, maintained as to discourage flies and other vermin, maintained free from obnoxious odors and maintained in a clean and sanitary condition.

SECTION 5: PROHIBITED ACTS

- A: No roosters or other calling birds shall be kept on any premises unless permission for such keeping is specifically granted by the Board of Health.
- B: No garbage or refuse food shall be fed to animals.
- C: No animal shall be permitted to enter the kitchen or dining area of any licensed food establishment except as hereinafter provided. Nothing in this Regulation shall be construed as to prohibit physically challenged persons from using dogs as aides in entering and leaving public dining areas in licensed food establishments.
- D: It shall be unlawful for the owner or person having custody of any animal, either willfully or through failure to exercise due care or control, allow any such animal to commit any nuisance upon the public.

SECTION 6: VACCINATION AGAINST RABIES

- A: Whoever is the current owner or keeper of a mammal, three months or older, shall be required to have such animal vaccinated against rabies by a licensed veterinarian if a license vaccine is available for that species. In the course of an inspection such owner or keeper of said mammal shall produce a veterinarian's certificate stating the date of vaccination of the animal, and the duration of immunity provided by the vaccine, as stated in Mass General Laws Chapter 140, Section 145B.

- B: Enforcement:

Violations of this Regulation may be enforced as provided by MGL Chapter 111, Section 31; Chapter 111. Section 155 and/or the use of Non-Criminal Disposition.

Except when otherwise provided by law, prosecutions for offense under this regulation shall be made by the Board of Health or any of its agents.

PAGE 4

C: SEVERABILITY:

If any section, paragraph, sentence, clause or phrase of these Rules and Regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portions of these Rules and Regulations which shall remain in full force and effect and to this end the provisions of these Rules and Regulations are hereby declared severable.

D: FINES/VIOLATIONS:

1st offense - written and/or verbal warning then 7 days to comply with rabies vaccination proof for every animal living at this address

2nd offense - \$25 per animal/per day/per offense

3rd offense - hearing with Board of Health, date/time for such hearing to be determined by the Board of Health, fine and/or any corrective actions to be determined at such hearing

This regulation will be effective immediately.

MARLBOROUGH BOARD OF HEALTH
MAY 12, 2005

JOHN ROWE, CHAIRMAN

JOHN TSELIKIS, MEMBER

DR. KEVIN COZZI, MEMBER