



TOWN OF WESTPORT
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OFFICE OF BOARD OF HEALTH
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ANIMAL SITE REGISTRY REGULATION

1. AUTHORITY

This regulation is enacted under the authority of, but is not limited to, one or more of the following: Massachusetts General Laws (M.G.L.), Chapter 111, Sections 30, 31, 122, 122A, 127, 143, 155, and 187.

2. PURPOSE

This regulation has been enacted to ensure that the locations where animals kept in the Town of Westport are known to public officials responsible for the protection of public health and safety and emergency planning, help ensure these sites are inspected in accordance with the Massachusetts Department of Agricultural Resource's livestock inspection program (Barn Book), the purpose of which is to ensure the health and safety of the animals, and to provide that said animals are kept in a manner and under conditions that will not cause harm or the threat of harm to the public health and safety.

3. DEFINITIONS

Barn Book Inspections – the livestock inspection program under the jurisdiction of the MDAR. Inspections are conducted by Board of Health staff who are MDAR-appointed animal inspectors.

Board of Health or Board – the Town of Westport Board of Health and its designated agents.

Companion Animal – an animal or animals that are primarily kept indoors in a residential dwelling for non-commercial purposes including, but not limited to, dogs, cats, ferrets, fish, domesticated or exotic birds, guinea pigs, hamsters, mice and other similar animals not used for human consumption. Companion animals are not livestock.

Livestock – animals kept for agricultural purposes including, but not limited, to cattle, goats, llamas, sheep, pigs, equines (e.g. horses, mules and donkeys), camelids, rabbits, poultry or fowl. This term does not apply to companion animals, wild and exotic animals or bees.

MDAR or Massachusetts Department of Agricultural Resources – the state agency responsible for, among other responsibilities, state laws, regulations and guidelines related to animals.

Person – an individual, partnership, corporation, firm, association, trust or group, including but not limited to, private, non-profit and government entities.

Poultry or Fowl – includes but is not limited to chickens, ducks, guinea fowl, peafowl, pheasants, partridges, quails and turkeys.

Registrant – the property owner or other responsible person who files a registration form pursuant to this regulation to keep livestock on their property.

4. REGISTRATION

A. Registration:

1. Any person who owns or leases property in the Town of Westport on which livestock is kept shall register that premises by completing and filing a registration form with the Board of Health.
2. There is no registration filing fee.
3. Registration is required only once.
4. The registration form must be filed within the deadlines set out in Section 4 (C).
5. The registrant must update the registration by notifying the Board in the event of changes in the contact information or additional livestock types, other than those previously identified on the registration form, that are kept on the property.
6. The Board must be notified of the change in contact information or additional animal types within 30 days from the date the change occurs.
7. A form that is incomplete or inaccurate will be not be considered a valid registration.

B. Registration Form Content:

The registration form shall be approved by the Board of Health. A completed form shall contain the following information: the property owner's name and address, the animal owner's name and address (if different from the property owners), the types of livestock kept at the property, a range of the numbers of livestock, and the owner's contact information. The form will require the registrant to certify that the information provided is true and accurate to the best of their knowledge and belief.

C. Filing Deadlines:

A completed registration form shall be filed:

1. On or before January 7, 2020, or 30 days after the date the first livestock arrive on the property, whichever is the later date; or
2. On a date after the above date in accordance with an order from the Board of Health.

D. Registration Confidentiality:

The information provided on the registration form shall not be provided to any person, other than those listed below, except as directed by the Secretary of the Commonwealth in accordance with the Public Records Law, MGL c 66, §10, or a court of competent jurisdiction. The Board of Health may provide registration information to the following:

1. Town of Westport Police and Fire Departments as necessary for the performance of their respective duties.
2. Animal Inspectors appointed by MDAR.

5. SEASONAL LIVESTOCK LOCATIONS

Subject to the requirements of the law, an MDAR appointed inspector may conduct inspections at reasonable hours at locations that keep livestock only for a limited period of the year outside of the months when Barn Book inspections are conducted (October through December).

6. ENFORCEMENT

- A. The owner of a property on which livestock is kept without a valid registration shall be considered to be in violation of this regulation. Every day the violation continues shall be considered a separate offense.
- B. Prior to assessing a penalty, the Board of Health shall notify the person(s) in writing of the requirement to file a complete registration form, the number of days in which a completed registration form must be filed and the amount of the penalty for non-compliance. If a completed registration form is not filed within the time period set out in the notice or as otherwise ordered by the Board, the Board may assess the penalty.
- C. If a violation is not corrected within the time period set out in the notice or as otherwise ordered by the Board, the person shall be subject to a \$10.00 penalty plus an additional \$5.00 a day penalty for each day the violation continues thereafter.
- D. Non-Criminal Disposition:
The Board or its authorized agents shall enforce the regulations and orders and may pursue all civil remedies for violations. Violations of the regulations may be enforced by non-criminal disposition as set forth in M.G.L. c. 40, §21D and the Town of Westport by-laws.
- E. Orders:
The Board or its agents may issue a written order to enforce the provisions of this regulation in addition or as an alternative to a penalty. The Board may seek judicial enforcement of such orders.
- F. Mediation:
The Board will forward a copy of the notice of penalty and order to the Agricultural Commission to review and mediate the matter. If the Commission chooses to take up the matter, it shall report its findings and recommendations to the Board in accordance with the provisions of Town of Westport By-Law Article LIV, Right to Farm.
- G. Right to a Hearing:
Persons accused of violating this regulation, objecting to an order or requesting an exception to the provisions herein may request a hearing before the Board of Health in writing within ten (10) days of being notified of a violation. No daily penalties will be assessed during the period associated with a hearing request.

7. SEVERABILITY

Each of these regulations shall be construed as separate. To the end, that if any regulations, clause or phrase thereof, should be held invalid for any reason, the remainder of the regulations and all other regulations shall continue to be in force.

8. EFFECTIVE DATE

This regulation shall be effective as of November 25, 2019. The regulation will remain in effect until modified or repealed by the Westport Board of Health.

TOWN OF WESTPORT BOARD OF HEALTH

Philip M. Weinberg, Chairman

Date

Tanja Ryden, Vice-Chair

Maurice E. May, Secretary