

## Domestic Animal/Livestock Manure Regulation

November 19, 1993 (rev.2/8/94; Rev. 5/1/94; Rev. 10/17/94; Rev. 10/24/94)

Pursuant to Massachusetts General Laws, Chapter 111, Section 31, the Westport Board of Health voted to adopt the following "Domestic Animal/Livestock Manure Regulation, ("Regulation"), effective NOVEMBER 15, 1994.

### Purpose:

The purpose of this regulation is to control pollution resulting from the maintaining of domesticated animals and livestock on farms, commercial operations, and private residences.

### Regulation:

1. Owners of livestock, domestic animals or domestic fowl populations shall prevent said animals from entering and/or polluting and/or from becoming a source of pollution to the maximum extent possible to all lakes, ponds, (as defined in this Regulation), rivers, streams, tidal waters, tidal marshes, great ponds ( as defined by Massachusetts Statue) and/or roads within the Town of Westport and shall prevent said animals from becoming a nuisance or a noisome trade as proscribed in M.G.L.c 111, Section 125A and M.G.L.c 111, Section 143, respectively.

2. (a) In instances where terrain features and/or domestic animals, livestock or domestic fowl populations are such as to prevent the maintaining of perennial vegetative cover, a buffer zone of perennial vegetative cover of a sufficient width as determined by soil type, slope and other contributing factors (such as, but not limited to, NPURG, TR-55, and TR-20 of the USDA soil Conservation Service) shall be maintained adjacent to all lakes, ponds (as defined in this Regulation) rivers, streams, tidal waters, tidal marshes, great ponds (as defined by Massachusetts Statue) and/or roads that are located downgrade and off-site of the facility. Diversionary facilities such as, but not limited to ditches, swales, and berms, and/or settlement basins may be constructed in accordance with USDA Soil Conservation Service approved plans or plans drawn by a professional engineer or agricultural engineer. The Board of Health shall determine that said buffer zone shall be removed from production unless requested otherwise by the property owner but land used as a buffer zone or used for an engineered facility shall not be construed as being taken out of agricultural use nor as land being abandoned. The Board of Health shall endorse any farmer's wish to seek tax relief for the total area of land encompassing said buffer zones.

(b) Construction of said buffer zones and settlement basins shall be the responsibility of the owner of the property on which said animals are kept.

3. Owners of said domestic animals or livestock shall be responsible for any violations of Section (1) of this Regulation and any associated costs resulting from such violations.

**DEFINITION:**

**Pond** - shall be defined as any open body of water which exists at least six months of the year and which has an outlet stream. It shall not include ponds, natural or man made, which exist entirely on a single parcel of land and which has no outlet stream and is used for agricultural purposes.

**Maintain** - Shall include but not be limited to, the seasonal light, intermittent grazing or mowing of buffer zones to harvest or control over-growth provided that intact vegetative cover remains and erosion of slopes shall be repaired and reseeded as needed.

**Pollution** - For the purpose of this Regulation, pollution shall be defined as domestic animal and/or livestock manure, fecal coliform or any other bacteriological contaminant resulting from the raising of domestic animals or livestock.

**VARIANCES:**

1. (a) The Board of Health may issue variances with respect to any provisions of this Regulation, provided the applicant establishes to the Board that such variance will not result in the degradation of the quality of water or the water body proximate to the land or animals applying for any such variance, and will not endanger health and safety of human populations or the environment.

(b) A variance from this Regulations may be requested by notifying the Board of Health in writing. All immediately abutting neighbors shall be notified by the applicant by certified mail. Proof of such notification shall be provided to the Board of Health. The applicant shall be responsible for placing a legal notice in a local newspaper to advertise the hearing at least two weeks prior to the hearing.

**VIOLATIONS:**

Willful violations of any provision of this Regulation shall be subject to a fine of \$50.00 each day any such violation exists shall be deemed a separate violation.

**HEARING:**

Anyone advised that they may be violating any provision of this Regulation may request a hearing before the Board of Health. Requests for a hearing must be received in writing by the Board of Health within ten (10) business days of notification of a violation or any other manner acceptable to the Board.

**SEVERABILITY:**

A determination that any portion or provision of this Regulation is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any variance previously issued thereunder.