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OFFICE OF BOARD OF HEALTH
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WESTPORT BOARD OF HEALTH
PIGGERY REGULATION
(Amended Eff. 2/01/2018)

1. AUTHORITY

This regulation is enacted under the authority of, but is not limited to, one or more of the following: Massachusetts General Laws, Chapter 111, Sections 30, 31, 122, 122A, 127, 143, 155, and 187 and 310 CMR 11.02. Pursuant to Chapter 111, Section 143, the Board of Health may require public site assignment hearings.

2. PURPOSE

This regulation has been enacted to ensure that the operation of a piggery will not cause a nuisance or have an adverse effect on the public health, safety, and environment, or the health and safety of pigs maintained in the Town of Westport. It supersedes the "Piggery Regulation" amended 9/1/14, and the "Pig Regulation Less Than 5" amended 9/1/14.

3. DEFINITIONS

Board - the Town of Westport Board of Health.

Breeding Operation - a piggery at which a boar capable of impregnating a sow and a sow are located together.

Health Agent/Agent - any person duly appointed by the Westport Board of Health.

Large Piggery - the keeping of five or more pigs, not including piglets as defined herein, by an Operator at Site for any period of time.

M.G.L. – Massachusetts General Law.

Operator - means the owner of the pigs as well as any agent(s) or designee(s) of said owner who is responsible for the care and maintenance of the pigs and piggery.

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

Pigs – pigs including piglets.

Piglets - the young of pigs less than 12 weeks old.

Piggery Permit - a permit for the operation of a Piggery.

Piggery Site - the area of land within which the Piggery is located.

Site Owner - the person who owns the land the Piggery is located on.

Small Piggery - the keeping of four or less pigs.

Town – the Town of Westport, Massachusetts.

4. PERMIT

- a) **Permit Requirement.** No person shall own, lease, license or operate a Piggery on property located within the Town of Westport without first obtaining a valid Piggery Permit from the Board of Health. All piggery permits shall expire on December 31st of each year unless sooner revoked. The Board of Health may require approval from the Building Department, Zoning Board of Appeals and/or Conservation Commission prior to the issuance of the permit.
- b) **On-Site Resident.** No permit shall be issued or pigs kept on a site unless the Operator or a designee of the Operator who is responsible to operate the piggery resides on the property where piggery is located.
- c) **Inspection Agreement.** The applicant acknowledges the right of the Board of Health and its Agents to inspect the piggery as a condition of receiving or renewing a permit or in response to a complaint.
- d) **Permit Application Content.** A complete new or renewal application on a form established by the Board of Health accompanied by the effective fee must be submitted by the Site Owner or Operator. The application will include such information as the Board deems necessary to ensure the operation will not cause a nuisance or have an adverse effect on public health, safety or the environment or pigs' health or safety. The information required for a complete application may include, without limitation, ownership and contact information, maps and/or drawings locating buildings, water supplies and surface waters; the maximum number of pigs, and feeding and manure management plans. An incomplete application will be rejected with no right to a hearing. Any change in the names or contact information of the Owner and Operator must be provided to the Board within 48 hours of said change. All new or renewal applications will be subject to an inspection by the Health Agent.
- e) **Breeding Operation.** An application, which includes a breeding operation, must be for a Large Piggery regardless of the maximum of pigs located on the site. No breeding is allowed on a Small Piggery.
- f) **Certification.** The application shall require the applicant to certify that the information provided is true and accurate to the applicant's best knowledge and belief. Submission of a knowingly false or inaccurate application or any supporting information to an application is a violation of the regulations and will cause the application to be rejected without a hearing or constitute grounds to revoke the permit.

- g) **Public Hearing for a Large Piggery (Only).** No new permit for a Large Piggery shall be granted until after a public hearing. No public hearing is required for a Small Piggery. Notice of the hearing as prepared by the Board, shall be published at the applicant's expense in a newspaper distributed within the Town at least seven days prior to the hearing and by certified mail by the applicant to all abutters, including those persons owning property directly across any road or way upon which the premises is located. Each applicant shall file with the Board a written statement stating the information required to be included in the notice. Such notice shall give the time and place of the public hearing, the name and address of the public hearing, the name and address of the applicant, the exact location of the proposed piggery and the number of pigs proposed to be kept in such piggery.
- h) **Board Authority.** The Board may grant or deny the application, request additional information and place reasonable conditions on the granting, or renewal of a permit to ensure that the operation complies with the regulation, and will not otherwise cause a nuisance or have an adverse impact on public health or safety, the environment or pigs'/piglets' health or safety. Any permit may be revoked at any time by the Board for cause as may be determined at the sole discretion of the Board.

5. SITE LOCATION AND SETBACKS

- a) **Dwelling House.** No pigs shall be kept less than 100 feet from the nearest dwelling house on any abutting property, including property across any private or public street or way. All disposal areas shall be 500 feet from an abutting dwelling.
- b) **Roadway Distance.**
 - (i) **Large Piggery.** No pen or enclosure shall be located within 150 feet of any public or private road or way. All manure disposal areas shall be at least 500 feet from any highway.
 - (ii) **Small Piggery.** No pen or enclosure shall be located within 100 feet of any public or private road or way.
- c) **Drinking Water.** All manure disposal or storage areas shall be at least 100 feet from any groundwater well used as a potable water source. No piggery shall be located, constructed or maintained so that any part of which is within 250 feet of the high-water mark of any drinking water supply or any tributary thereof, or within 250 feet of any open water flowing directly or ultimately into any source of water supply.
- d) **Wetland Distance.** No piggery shall be located, constructed or maintained so that any part of it is within 100 feet of a wetland resource area without prior approval of the Westport Conservation Commission.

6. OPERATIONS

- a) **Small Piggery Exceptions.** The provisions below *do not* apply to Small Piggeries:

- (i) The 250-foot setback distance from the Westport River or its tributaries.
 - (ii) The requirement for adequate personnel.
 - (iii) The requirements for feeding structures used in indoor and outdoor pens.
- b) **Nuisance.** All piggeries shall be suitably isolated and maintained in such a manner that no nuisance or condition which is either harmful to the inhabitants or may cause an adverse effect to the public health, safety or the environment will result.
- c) **Infestation.** All areas shall be kept in such a manner that prevents the infestation of the pigs or piglets with internal parasites and the premises with external parasites or vermin and in such a manner that prevents the spread of infectious or contagious diseases.
- d) **Fencing.** The free ranging of pigs upon the land without barriers or fencing is prohibited. Fencing shall be adequately designed, installed and maintained to restrict the movement of pigs at all times of the year.
- e) **Quarantine Confinement.** In the event a quarantine of the pigs is issued, the Operator shall confine the pigs subject to the quarantine in a manner that allows for the testing of the animals as prescribed by the Massachusetts Department of Agriculture (MDAR). The Operator shall take all other actions as directed by the Board or MDAR to implement the quarantine.
- f) **Personnel (Large Piggery Only).** Adequate personnel shall be employed at all times for proper maintenance and operation of the piggery.
- g) **Shelter.** Adequate shelter from the weather shall be provided that reflects the maximum number of pigs stated in the permit. Buildings shall be of substantial construction, properly ventilated, and designed so that accumulations of offensive material can be readily removed. All buildings used for the housing of pigs shall be kept in a clean and satisfactory condition. Breeding buildings shall be cleaned daily.
- h) **Water Source.** A water supply adequate for animal consumption and cleaning purposes shall be provided.
- i) **Feeding Bins.** All methods of feeding shall be designed in such a way that pigs can be excluded from the feeding bins or feed areas.
- j) **Indoor Pens (Large Piggery Only).** For indoor pens, watertight troughs of cement or metal, kept in good repair, shall be provided for feeding purposes and these troughs must be thoroughly cleaned every day.
- k) **Outdoor Pens (Large Piggery Only).** If outdoor pens or runs are provided, the pigs shall be fed from platforms built of heavy watertight material flat on the ground or on skids one foot above the ground, so arranged that the platform can be readily moved and the ground at the earlier location plowed in. If the feeding platform is elevated, the space

between the ground and the platform shall be kept clean and clear and no food shall be allowed to accumulate about the platform or the ground.

- l) **Garbage Feeding.** No garbage containing meat waste or meat combined with other food waste shall be fed to pigs without first obtaining a permit and complying with the requirement to heat the garbage in accordance with the provisions of M.G.L. c. 129, s. 14B. A copy of the permit shall be provided to the Board prior to the receipt of such garbage for feed.
- m) **Garbage Bins.** A bin for receiving garbage shall be provided, which shall be covered during warm weather. Garbage cans, wagons and trucks shall be thoroughly cleansed after the garbage has been removed therefrom.
- n) **Manure Cleanout.** Manure and refuse in outdoor pens shall be cleaned out at least daily and must be managed so that it will not constitute a nuisance and so that the pigs will not have access to it.
- o) **Manure and Waste Management.** All uneaten garbage, manure and refuse shall be managed to prevent nuisance odors or potentially pollute groundwater or surface water. No manure, garbage or putrescible matter shall, except in the cultivation of and use of soil in ordinary methods of agriculture, be put on the ground within 150 feet of the high-water mark of any water supply. Manure shall not be piled or stacked in a manner where stormwater or flooding will carry the manure into surface waters. In addition, during the fly-breeding season application shall be made daily with some suitable insecticide.
- p) **Manure Spreading.** Manure from piggeries shall be spread upon land only when such land is in condition to plow. Manure so spread shall be plowed under within forty-eight hours.
- q) **Milk Area Restrictions.** Pigs shall be prevented from entering areas where cows are located, including the milk house, milk room or cow yard. Any person who assists in the maintenance of pigs or the cleaning of pens must change into clean outer garments, wash and dry their hands before conducting any milking or milk house functions or hauling milk.
- r) **Solid Waste Rules.** All state and Town laws and regulations pertaining to the transportation and disposal of solid waste, including but not limited to, the prohibition of the burial or burning of manure or solid waste other than permitted agricultural materials, are incorporated herein by reference.

7. INSPECTIONS

- a) **Right to Inspect.** All piggeries will be examined as necessary by an Agent who may issue orders as necessary to ensure the piggery is permitted, located and operated in accordance with these regulations. Inspections may be conducted with or without prior notice to the Operator.

- b) **Access.** Any Agent or designee of the Board of Health in conducting routine inspections or in response to a complaint regarding the operation may enter upon any property at which pigs are located and enter any buildings or parts thereof, enclosures or places in which pigs are kept, occupy or fed to conduct inspections of the operations and the animals to determine if the Piggery is in compliance with these regulations, the permit or any order issued by the Board of Health in regard to the operation or permit.
- c) **Interference.** It is a violation of these regulations to prevent, obstruct or interfere with an inspector or other person having like authority in the performance of any of his duties, or hinder, obstruct or interfere with his making such inspection or examination, or secrete or remove any animal the for the purpose of preventing it from being inspected.

8. ENFORCEMENT

- a) **Non-Criminal/Criminal Disposition.** The Board or its authorized agents shall enforce the regulations and permits and may pursue all civil and criminal remedies for violations. Violations of the regulations may be enforced by criminal complaint in accordance with M.G.L. c. 111, §31B. Violations of the regulations may also be enforced by non-criminal disposition as set forth in M.G.L. c. 40, §21D and the Town by-laws.
- b) **Injunctions.** If a person violates the provisions of these regulations or of any permit, notice or order issued thereunder, the Board may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.
- c) **Procedure.** The following procedure shall govern the notification and assessment of penalties of violations except as otherwise determined by the Board.
 - (i) Notify the person(s) in writing of the nature of the violation(s) and the number of days in which the violation must be corrected.
 - (ii) If a violation is not corrected within the time period set out in the notice, the person shall be subject to a \$100.00 penalty for failing to comply with time period to correct the violation plus a \$10.00 a day penalty for each day the violation continues after the time set in the notice.
- d) **Orders.** The Board, Agent or an Animal Control Officer may issue a written order to enforce the provisions of this regulations thereunder, which may include without limitation:
 - (i) cease and desist from actions in violations of the regulations;
 - (ii) actions to remediate conditions that violate the regulations or otherwise cause a nuisance; or adverse impact on public health, safety, the environment or the health and safety of the animals;
 - (iii) removal of any or all of the animals; and

(iv)suspension and/or termination of Piggery operations and the revocation of the permit.

It is a violation of these regulations not to comply with any lawful order or direction of the Board of Health, its agents or designees.

9. WAIVER OF WATER SOURCE SETBACKS

The Owner or Operator applying for the permit renewal of a piggery that has been permitted since 1984 may, for a period of six months after the effective date of these regulations, apply for a waiver from the setback from a drinking water well. The waiver application shall state the reasons for the request and how granting the waiver will not have an adverse impact on public health or the environment.

10. VARIANCE

The Board of Health may grant a variance to any provision of these regulations when, in its opinion, the strict enforcement would do manifest injustice and does not jeopardize public health, safety or the environment. Any variance for accessory structures granted by the Board of Health will transfer with the sale of the property.

11. APPEALS

The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.

12. 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.

13. EFFECTIVE DATE

This regulation shall be effective as of **February 01, 2018**. The regulation will remain in effect until modified or repealed by the Westport Board of Health.