



**TOWN OF HALIFAX  
COMMONWEALTH OF MASSACHUSETTS**

**Regulation of Animal Waste Abatement for the Town of Halifax**

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# TOWN OF HALIFAX

## COMMONWEALTH OF MASSACHUSETTS

### Board of Health

499 Plymouth St., Halifax, MA 02338  
Telephone (781) 293 6768 \* Fax (781) 293 1738

### Animal Waste Pollution Abatement Regulation Adopted June 25, 2003

#### Section 1. Purpose

Whereas:

- In order to reduce the amount of pollutants, specifically fecal coliform, from entering wetlands, other receiving waters or the ground water and in order to reduce health hazards related to animal feces, the Town of Halifax proposes that the person responsible for animals shall be required to dispose of any feces from their animals in the areas and in the manner described in this regulation, and

Whereas:

- The Monponsett Ponds are considered by the Department of Environmental Protection (DEP) to be a tributary to a Public Surface Water Supply,
- Fecal matter may introduce pollutants to the groundwater,
- Fecal matter may introduce pollutants to the Monponsett Ponds,
- At present, street drains in the Town of Halifax are unfiltered,
- At present, street drains in the Town of Halifax lead directly to wetlands and to the Monponsett Ponds,
- Investigations, including water testing, have indicated that street run-off after heavy rains have been responsible for high E.coli counts and closed beaches,
- Surface and groundwater resources in the Town of Halifax contribute to the Town's water supply.

#### Section 2. Scope of Authority

The Town of Halifax Board of Health adopts the following regulation pursuant to authorization granted by M.G.L. s.31 and s.122 and the State's Sanitary Code. Also, M.G.L. c. 111 s.31 is an unusually broad grant of authority, empowering boards of health to adopt reasonable health regulations. The power of boards of health to adopt regulations under section 31 is extensive and provides a comprehensive, separate, additional source of authority for health regulations (Benes et. al.1995).

#### Section 3. Definitions

For the purposes of this regulation, the following words and phrases shall have the following meanings:

Animals Known to Be a Nuisance: For the purposes of this regulation, animals known to be a nuisance for depositing large amounts of fecal matter include ducks, geese and swans.

Buffer Zones of Critical Concern: At present these areas include the property within fifty feet of the Monponsett Ponds, other surface waters, wetlands and street drains. If future testing of the receiving waters, wetlands, surface waters and street drains indicates that abatement of animal waste beyond fifty feet of the Buffer Zone of Critical Concern is necessary, this regulation will be amended to describe and define the modification (s) to the Buffer Zone of Critical Concern.

Department: The Department of Environmental Protection

On-Site Septic System: A system or series of systems, including non-conforming systems, for the treatment and disposal of sanitary sewage below the ground surface on a residential lot. The standard components of a system are: a building sewer, a septic tank to retain solids and scum; a distribution box; a soil absorption system containing distribution lines to distribute and treat septic tank effluent prior to discharge to appropriate subsurface soils; and a reserve area. This term includes tight tanks, shared systems and alternative systems as described in 310 CMR15.000

Person Responsible: For the purpose of this regulation, this term refers to each person who owns, possesses or controls a dog.

Receiving Waters: For the purposes of this regulation, this term refers to the Monponsett Ponds as the bodies of surface water receiving waters from other sources in the watershed such as streams and drains.

## **Section 4. Requirements**

### **A. Means of Removal**

It shall be the responsibility of each person who owns, possesses or controls a dog, to not appear with such dog on any sidewalk, street, park, or other public area without the means of removal of any feces left by such dog.

Furthermore, no person who owns possesses or controls such dogs shall appear on any private property, neither owned nor occupied by said person, without the means of removal of any feces left by said dog.

### **B. Method of removal and disposal.**

(1) For the purposes of this subsection, the means of removal shall be any tool, implement, or other device for the purpose of picking up and containing such feces, unexposed to said person or the public.

(2) Disposal shall be accomplished by transporting such feces to a place suitable and, specifically reserved for the disposal of canine feces, or as otherwise designated appropriate by the agent of the board of health. The container of fecal matter may also be disposed of in a licensed approved trash receptacle.

(3) An On-site Septic System designed for household water and human waste is not designed for animal waste, just as it is not designed for a garbage disposal and, therefore, should not be used for the disposal of animal waste.

**C. Banning the feeding of wild animals.**

For the same environmental and health reasons as stated above, this regulation prohibits the feeding of wild animals known to be a nuisance. Animals known to be a nuisance for depositing large amounts of fecal matter include ducks, geese and swans.

**Section 5. Posting.**

Signs indicating the necessity of animal waste disposal and signs indicating the banning of feeding ducks, geese and swans will be posted in areas of critical concern, such as at public beaches and near street drains.

A. See example of signage in the appendix.

**Section 6. Enforcement.**

This regulation would be enforced through the Board of Health and if necessary, non-criminal disposition (21-D) tickets will be issued, as allowed in the Town's by-laws.

**Section 7. Effective Date**

The effective date of this regulation is the date posted on the front of the regulation, which shall be identical to the date of the adoption of the regulation.

**Section 8. Penalties**

Failure to comply with provisions of this regulation will result in the levy of fines of not less than \$200.00, but no more than \$1,000.00. Each day's failure to comply with the provisions of this regulation shall constitute a separate violation.

Note: Effective 1992, under Chapter 111:Section 31 (violation of health regulation) maximum fines increased from \$500 to \$1,000. and Section 122 (violation of nuisance regulations) maximum fines increased from \$100. to \$1,000.

Adopted June 25, 2003 by the Town of Halifax Board of Health

Signed by:

John Delano, Chairperson

John Weber, Co-Chair

Jeffrey Anderson, Clerk