

EXPLANATION OF THE MAIN DIFFERENCES BETWEEN THE ORIGINAL 1989 KEEPING OF ANIMALS REGULATION AND THE NEW REVISED ONE

The Hamilton Health Department staff and Board of Health members are responsible for administering and enforcing the Board's regulations, one of which is "Chapter VIII Minimum Standards for Keeping of Animals" adopted in 1989.

Over the past several years, the staff and Board have struggled to try to interpret this regulation and answer questions from Hamilton animal owners about this regulation. We have found the regulation inconsistent, ambiguous, confusing, difficult to interpret, and very difficult to enforce. Hence, almost a year ago, the Health Department staff and the Board members resolved to revise the regulation so as to (1) base it on good animal husbandry practices, reasonable environmental and public health standards; (2) make it clear, consistent and understandable and; (3) ensure that Town Counsel approved it as legal and enforceable. Those are the ONLY reasons for our effort to revise this regulation.

The latest revision of the regulation represents the culmination of that effort. So, what are the main differences between the 1989 regulation and this revised one?

Under the old regulation, horse owners were required to obtain a Keeping of Animals (KOA) permit, even if they boarded their horse at a permitted and licensed stable. That amounts to duplicate permitting. The revised regulation exempts from obtaining a KOA permit owners who legally board their horse at a permitted and licensed facility. The Stable manager/owner is required to obtain a KOA Permit and Stable License for all animals kept (boarded) at that facility.

The revised regulation specifies various state vaccination, immunization and veterinarian test results for large animals whereas the old regulation did not.

The old regulation required a minimum of approximately 2 acres of property to keep a horse. The revised regulation requires a minimum of one acre to keep a horse.

The old regulation did not specifically address how many chickens or other poultry could be kept on a property above which number a KOA permit was required. The revised regulation requires a permit and license regardless of the number kept.

The old regulation did not explicitly specify that a KOA permit fee and a stable license fee must be paid as a condition of renewal of the permit and license. The revised regulation does so.

The old regulation provided no explanation of the basis on which an application for renewal of a permit or license would be reviewed. The revised regulation does so.

The old regulation specified no minimum size of property (except for horses) required for keeping of animals nor any maximum number of animals on a given size property. The revised regulation does so.

The revised regulation specifies detailed procedures for (1) amendments to existing permits/licenses, (2) requests for variances, (3) appeals to Board decisions, (4) enforcing the regulation and (5) imposition of penalties for violations. The old regulation did not clearly do so.

This revised regulation does NOT impose any restrictions on what an animal owner may do with their animal off their property.