



**GUIDANCE AND RECOMMENDATIONS FOR
CONNECTICUT MUNICIPAL
ZONING REGULATIONS
AND ORDINANCES
FOR LIVESTOCK**





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A PUBLICATION OF

**EASTERN CONNECTICUT RESOURCE
CONSERVATION AND DEVELOPMENT AREA, INC.**

June 2012

Acknowledgements

This guide was produced by Eastern Connecticut Resource Conservation and Development (RC&D) Area, Inc., in collaboration with a number of partners.

We would like to thank the following entities for their cooperation in producing this publication:

- American Farmland Trust
- Connecticut Department of Agriculture
- Connecticut Department of Energy and Environmental Protection
- Connecticut Farm Bureau Association
- University of Connecticut Cooperative Extension

We would like to thank the following individuals for their critical expertise, ideas and edits for this publication:

- Tim Brady, Fairfield County Farm Bureau
- Wayne Budney, New London County Farm Bureau
- Jana Butts, Windham Region Council of Governments
- Phil Chester, Town of Lebanon
- Susan Brett Davis, Lebanon
- Doug Dubitsky, Esq., North Windham
- John Guskowski, CME Associates
- Wayne Kasecek, CT Department of Agriculture
- Jennifer Kaufman, Advocate Program
- Kip Kolesinskas, American Farmland Trust
- Joyce Meader, University of Connecticut Cooperative Extension
- Richard Meinert, University of Connecticut Cooperative Extension
- Jenifer Nadeau, University of Connecticut Department of Animal Science
- Joan Nichols, Connecticut Farm Bureau Association
- Richard Roberts, Halloran & Sage, LLP
- Bruce Sherman, CT Department of Agriculture
- Adam Turner, Town of Colchester
- Joe Wettemann, CT Department of Energy and Environmental Protection

The following individuals assisted in drafting this publication and facilitating input from stakeholders:

- Ben Bowell of American Farmland Trust
- Jiff Martin of University of Connecticut Cooperative Extension.

We are grateful to the USDA Natural Resources Conservation Service for its assistance and financial support for this publication.

Foreword

This guide is intended to provide direction to municipalities in drafting land use regulations related to livestock. Currently local officials have little guidance around livestock owned for either commercial or non-commercial purposes.

Eastern Connecticut RC&D Council and its partners in this guide hope this will be a helpful and widely used resource.

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Livestock Farming in Connecticut Municipalities

1

Throughout the history of agriculture in Connecticut, livestock¹ has played a critical role in shaping the economic development and social life of Connecticut's communities. Livestock production sustained rural farm families, supplied raw products for manufacturing, and provided food exports for markets in adjacent cities.² Today, consumer demand for "locally produced" meat, eggs, poultry, fiber, cheese and other animal products has stimulated a renewed interest in livestock production for both retail and at-home consumption. In fact, the number of farms raising livestock in Connecticut dramatically increased by 37 percent from 2002 to 2007.³

According to the U.S. Department of Agriculture (USDA), 42 percent (2,064 farms) of all Connecticut farms reported sales from livestock, poultry, dairy or

related products in 2007 with a total value of more than \$150 million.⁴ Milk and eggs are two of Connecticut's most valuable crops. Connecticut's dairy farmers produce about 30 percent of fluid milk consumed in the state.⁵ Another large and very important sector of the state's livestock industry is horse farms. Connecticut's equine sector has more than 43,000 horses that are used for a variety of recreational, competitive, and therapeutic purposes. While 88 percent of horses are privately owned, the remaining 12 percent are owned by businesses offering boarding, training and breeding services with a total annual income of \$39 million.⁶

Approximately 37 percent (150,000 acres) of Connecticut's land in farms is dedicated to livestock farming.⁷ Livestock farms not only manage significant pastureland but also land devoted to silage and hay.

Importance of Connecticut Agriculture

Over the past decade, public interest in Connecticut in local farms and foods has skyrocketed. Consumers are interested in expanded access to local foods and farm products through a variety of venues, including schools, institutions, Community Supported Agriculture farms, and year-round farmers markets. Between 2002 and 2007, farms directly marketing to consumers increased by 29 percent to 1,099.⁸

Farms provide additional fiscal benefits as they play an important role in balancing local town budgets. Over 20 years of studies around the country have shown that, even when assessed at its agricultural use value, farmland and other open space consistently generate more public revenue than they require in municipal services.⁹

A 2010 study illustrates the robust nature of Connecticut agriculture: the total economic impact of the industry is \$3.5 billion per year. Farm businesses represent a major job sector with 20,000 workers directly connected to the industry statewide and with many more employed in industries dependent upon a strong farm sector.¹⁰

Connecticut farmland provides a variety of ecosystem services and environmental benefits. A typical farm's cropland, pasture, wetlands, and woodlands act as a natural filter for surface and groundwater and provide not just aquifer recharge areas but habitat for many land and aquatic species, feeding and breeding areas for local bird populations, and stopovers for migrating birds.

Farms and farmland remain cornerstones of many Connecticut communities, linking the past to the future through a landscape of fields and pastures, stone walls and weathered barns shaped by generations of hard-working farm families. By maintaining the rural and historical New England landscape that visitors to Connecticut find so attractive, working farms are integral to the state's \$9 billion travel and tourism industry and its 110,000 jobs.



- seek to regulate animal husbandry, and/or
- create blanket prohibitions on any agriculture activity in dense residential zones.

Restrictions of this sort fail to take into account farm management practices. Inconsistent regulations across town boundaries can also create impediments for farmers who may own or lease land for livestock farming in multiple towns. Finally, overly detailed regulations can result in confusion and a need for enforcement by municipal officials not trained to understand or address livestock management issues.

Planning and Zoning for Agriculture

As with small businesses generally, a supportive municipal environment is important to the success of local farms. Each municipality's Plan of Conservation and Development (POCD) is the primary document through which communities express the type of future they would like to see for their town. Many municipalities refer to agriculture in their POCD and may cite the contributions of local farms to rural character, scenery, and historical significance. However, regulations intended to implement a POCD may and sometimes do conflict with the plan's vision of a supportive environment for farming.

Regulations that address issues specific to agriculture and provide the flexibility needed to accommodate growth and change in farm businesses can help foster viable farms and encourage new ones. Zoning regulations can impact farm businesses in a variety of contexts such as limits on signage and retail sales. In many cases farmers raising livestock may sell their products—raw milk, eggs, wool, manure compost, young animals, and more—directly to consumers to maximize profits and ensure the viability of their business. For a full discussion and recommendations for signage, on-farm retail, farm stands, and farm stores, see *Planning for Agriculture* at: www.CTPlanningForAgriculture.com.

Municipal Restrictions on Livestock Farming

The incursion of non-agricultural development into traditionally agricultural areas has led many towns to introduce restrictions on livestock ownership. Some have adopted local regulations that:

- limit the number of animals per acre,
- require minimum acreage to own an animal,
- establish buffer requirements,
- prohibit certain classes of livestock,
- impose special permit requirements on livestock farming,

¹ In this publication the term “livestock” is used broadly and refers to animals raised for an agricultural purpose, such as food, fiber, or labor; the term “livestock” includes poultry and horses. Although aquaculture is an important sector of livestock production in Connecticut, this guide does not attempt to provide recommendations on land use regulations for this agricultural product.

² From the 17th century to the early 20th century, livestock farming evolved as the state's largely self-sufficient rural communities grew, as transportation routes to non-farming population centers improved, and as manufacturing industries gradually matured. Horses and oxen were used to clear land and harvest crops; sheep supplied wool for the textile industry; cattle, poultry and pigs were raised for commercial and at-home consumption; dairy cows supplied milk for a mix of butter, cream, and cheese manufacturing needs. (E.H. Jenkins, *A History of Connecticut Agriculture*, 1926.)

³ USDA National Agricultural Statistics Service (NASS), *2007 Census of Agriculture*, 2009.

⁴ Ibid.

⁵ Connecticut Milk Regulation Board, CT Department of Agriculture.

⁶ University of Connecticut, *HorsePower*, 2007.

⁷ USDA NASS, *2007 Census of Agriculture*, 2009. Figure includes: 45,337 acres of pasture; 24,174 acres for production of silage; and 81,269 acres for production of hay.

⁸ USDA NASS, *2007 Census of Agriculture*, 2009.

⁹ American Farmland Trust, Farmland Information Center, *Fact Sheet: Cost of Community Services*, 2010; Town of Lebanon and Green Valley Institute, *Build-Out Analysis and Cost of Community Services*, 2007. Research in nine Connecticut towns shows that for each dollar of property tax revenue generated by working lands, on average only 37 cents is required in municipal services. Conversely, for each dollar generated by residential properties, \$1.12 is required to pay for municipal services associated with those properties.

¹⁰ University of Connecticut, *Economic Impacts of Connecticut's Agriculture Industry*, 2010

State Guidance on Livestock Farming

2

The State of Connecticut has long recognized the importance of agriculture and its unique nature as a land use. State laws and regulations that govern agriculture place the authority to regulate farm activities with various state agencies, including the CT Department of Agriculture, CT Department of Energy and Environmental Protection, and CT Department of Public Health. State policies are intended to strike a balance between protecting natural resources and ensuring public health, while allowing agriculture to grow as an industry.¹¹

State law related to livestock production provides useful guidance for town officials seeking to develop municipal land use regulations. **Whenever possible, municipalities should consider using state agriculture definitions in their municipal regulations to avoid creating inconsistent regulations that may hamper farm businesses.**

Of particular importance, this section will focus on the following concepts embedded in state statutes:

- Definitions of Agriculture, Farming, and Farms
- Definitions of Livestock and Poultry
- Right to Farm
- Powers of Commissioner of Agriculture and “generally accepted agricultural practices”

2.1. Definition of Agriculture

The Connecticut General Statutes (CGS) provide a definition of “agriculture” and “farming” that includes the “raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife” as well as numerous other activities, both intrinsic and incidental to ordinary farming operations (CGS § 1-1(q)). In the same statute, the term “farm” is defined to include farm

buildings, accessory buildings, temporary structures and other structures used for the raising of animals. These statutory definitions do not distinguish between commercial and non-commercial farms. Municipal wetland and watercourse regulations use CGS § 1-1(q) definitions as well.

A common issue in municipal regulations is the lack of definitions or use of inconsistent definitions for certain agriculture-related terms. Some municipalities have created regulations that apply to narrowly defined subsets of agriculture, such as “livestock.” These definitions narrow the scope of land uses considered “farming” and “agriculture”, or limit the types of farming allowed.

Municipalities may attempt to distinguish between non-commercial and commercial definitions of agriculture. This can be a vague and artificial distinction for livestock farming. Farmers may not rely on the sales of their livestock as their sole source of income; however they may still have a need to sell livestock or agricultural products derived from their livestock.

Recommendation:

Municipalities should make use of the state statutory definitions of “agriculture,” “farming,” and “farm.” CGS § 7-131v requires municipal zoning commissions to use the state’s definition of agriculture when considering the impact of zoning regulations upon agriculture. In addition, zoning regulations should not attempt to distinguish between “commercial” and “non-commercial” farms.

Possible language for regulation:

Definition of Agriculture and Farming: The terms “agriculture,” “farming,” and “farm” shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

2.2. Definitions of Livestock and Poultry

The Connecticut General Statutes defines the term “livestock” as “any camelid or hooved animal raised for domestic or commercial use” (CGS § 22-278). The term “poultry” is defined in statutes as “any species of domestic fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl and game birds raised for food production, breeding, exhibition or sale” (CGS § 22-326s(5)). Both statutory definitions are broadly inclusive in order to promote the continued viability of livestock operations in this state.

Recommendation:

Municipalities should make use of the statutory definitions of “livestock” and “poultry” to limit potential disparities in the interpretation and enforcement of regulations and because it helps create consistency across municipal boundaries.

Possible language for regulation:

Definition of Livestock: The terms “livestock” shall have all those meanings set forth in Section 22-278 of the Connecticut General Statutes, as amended.

Definition of Poultry: The term “poultry” shall have all those meanings set forth in Section 22-326(s)(5) of the Connecticut General Statutes, as amended.

2.3. Right to Farm

Connecticut General Statute Section 19a-341 states that, notwithstanding any municipal ordinance to the contrary, “no agricultural operation shall be deemed to constitute a nuisance” provided the operation is following generally accepted agricultural practices (CGS § 19a-341). This law is often referred to as the state’s Right to Farm law. Odors, dust, and noise as a result of livestock farming can be minimized, but are unavoidable. Complaints regarding odors, dust, noise or other nuisances related to a farming operation should be referred to the CT Department of Agriculture. Generally accepted agricultural practices are discussed further in 2.4, below.

The state’s Inland Wetlands and Watercourses Act also permits most farming activities—including grazing—in wetlands and watercourses “as of right” (CGS § 22a-40).

Recommendation:

A number of Connecticut communities have enacted local right to farm ordinances that reaffirm the state right to farm statute. These ordinances do not create any additional protections for farmers but help maintain a supportive environment for farmers while reminding town residents that living in and around farms means occasional odors, dust, and noise.

Possible language for regulations:

See the Town of Lebanon Ordinance on the following page.

It demonstrates the use of the state’s definition of agriculture, reinforcement of the right to farm, and a recognition of the Commissioner of Agriculture’s authority to determine generally accepted agricultural practices.

2.4. Powers of the Commissioner of Agriculture and “generally accepted agricultural practices”

Standards and management practices for agriculture frequently change as new practices are developed and advances in science are made. Under state law, the Commissioner of Agriculture has specifically been granted authority to determine “generally accepted agricultural practices” (CGS § 19a-341).¹² While not defined in statutes, generally accepted agricultural practices are those methods of managing a farm operation that do not violate federal, state, or local laws; damage public health, safety, and welfare; and that are customary in the agricultural industry. Generally accepted agricultural practices are management practices recognized by various governmental agencies and departments, such as the CT Department of Agriculture, the CT Department of Energy and Environmental Protection, University of Connecticut Cooperative Extension, and the USDA Natural Resources Conservation Service.

A number of state laws regulate agricultural management practices. For example, all farm operations, including livestock farms, are subject to the state’s water pollution control statutes (CGS § 22a-430, 22a-471, 22a-471(a)), as well as the Connecticut Public Health Code, which specifically prohibits creating a nuisance caused by flies.¹³

Town of Lebanon

Right-To-Farm Ordinance

Be it ORDAINED that the electors of the Town of Lebanon at a duly warned Special Town Meeting to be held on August 25, 2009:

Section I: Purpose and Intent

Agriculture plays a significant role in Lebanon's heritage and future. The Town officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy. This Right to Farm ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within Lebanon by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

It is the declared policy of the Town of Lebanon to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and for its natural and ecological value. It is hereby further determined that whatever impact may be caused to others through generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community and society in general.

Section II: Definitions

The terms "agriculture" and "farming" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

Section III: Right to Farm

No present or future agricultural operation conducted or maintained in a manner consistent with accepted agricultural practices, which is engaged in the act of farming as defined in this ordinance, shall become or be considered a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural operations may occur any day or night provided such activities do not violate applicable health, safety, fire, zoning, wetlands, life safety, environmental or building codes and regulations and shall include, without limitation:

- 1) The incidental noise from livestock or farm equipment used in generally acceptable farming practices;
- 2) Odors from livestock, manure, fertilizer or feed;
- 3) Dust and fumes associated with normally accepted farming practices;
- 4) The use of agricultural chemicals provided such chemicals and the method of their application conform to practices approved by the State of Connecticut; and
- 5) Irrigation and water management associated with generally accepted farming practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commission[er] of Agriculture or his/her designee shall be prima facie evidence that such operations follow generally accepted agricultural practices. Nothing contained in this ordinance shall restrict the powers of Lebanon's Inland Wetlands Commission, Planning and Zoning Commission, Building or Health Departments under Connecticut General Statutes.

Recommendation:

Zoning regulations should avoid detailed sections about livestock management and, instead, simply reference "generally accepted agricultural practices." This authority is granted to the state Department of Agriculture. Relying on expertise at the CT Department of Agriculture is preferable to creating regulations for municipal officials who are not trained to address livestock management issues.

Possible language for regulations:

Farming and agriculture, as defined under Connecticut General Statute § 1-1(q), is allowed by right. All livestock operations shall follow generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his/her designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.



¹¹ State laws that pertain to agriculture include the Definition of Agriculture, Inland Wetlands and Watercourses Act, Right to Farm Law, Connecticut Public Health Code, Water Pollution Control regulations, Connecticut Fertilizer Law, as well as animal and anti-cruelty statutes.

¹² Connecticut statutes also use the term "Generally Accepted Agricultural Practices" in reference to potential contamination of groundwater from the application of pesticides (CGS § 22a-43), and cruelty to animals (CGS § 53-247).

¹³ Connecticut Public Health Code, Chapter II Environmental Health. 19-13-B1. Conditions specifically declared to constitute public nuisances. The following conditions are specifically declared to constitute public nuisances: (c) Barns or stables, hogpens, chicken yards or manure piles or accumulations of organic material so maintained as to be a breeding place for flies.

Agricultural Commissions

Many Connecticut municipalities have created a formal town commission or committee to both provide farmer input into town policies that impact local agriculture and to help develop initiatives that will keep farming in the community viable. "Agricultural Commissions" are typically advisory commissions created by ordinance, with no regulatory or enforcement authority. As an alternative to a formal agricultural commission, a municipality may consider appointing an informal advisory board or group of representatives to serve as the voice of agriculture in municipal affairs.

Agricultural commission functions may vary by town, but most are established to help identify issues of concern to farmers, to raise public awareness of the benefits of local farms and working lands, and to identify ways in which towns can support the businesses and land use needs of local farms. An agricultural commission can help to see that the needs of agriculture are considered and integrated into town policies and regulations. For example, an agricultural commission can provide input on a POCD or on zoning regulations, or to identify farmland that the town may wish to protect. A commission can facilitate the resolution of farmer-neighbor conflicts, sponsor farmers markets or town celebrations of agriculture, and serve as a clearinghouse for information on state and federal agricultural programs.

Many commissions are taking an active role in establishing community farms and gardens, bringing agricultural education activities into the community, and developing marketing and tourism materials to promote local agricultural businesses and destinations as a part of building local economic development.



Specific Guidance on Livestock Farming

3

Connecticut farmers typically manage multiple farmland parcels and are accustomed to using careful land use management practices in order to maintain soil and plant health, nutrient management, and to maximize efficiency.¹⁴ Thus animal housing, growing of feedstock, and management of manure may take place on multiple parcels. Livestock farming should not pose environmental risk or threat to public health if managed responsibly. A municipality choosing to regulate livestock farms should employ guidelines for livestock farming that focus on site suitability, reasonable setbacks, and generally accepted agricultural practices for manure management, rather than acreage needs or animal units.

livestock.¹⁵ Unfortunately, municipalities have often relied on animal density formulas (setting minimum acreage requirements or establishing the number of allowable animals per acre), regardless of the suitability of a site for livestock. (see Site Suitability below). While animal density formulas were originally based on the pasture yield needed to support animals' nutrient needs, they do not take into account modern feeding and husbandry methods—including rotational grazing, measured feed rations (grown off site), and dedicated exercise programs. Animal density formulas also create enforcement issues, raising the expectation that zoning enforcement officers will spend their days literally counting sheep.

3.1. Animal Density

Neither the state's definition of agriculture (CGS § 1-1(q)) nor the state's land use value assessment law (CGS § 12-107b(1)) set minimum acreage requirements for farming, including the raising of

Recommendation:

Municipal zoning regulations should not contain minimum acreages or lot sizes for the raising of livestock, or animal density formulas. They should instead focus on setbacks, buffers, and site suitability.

Site Suitability

Land parcel characteristics that contribute to site suitability include the degree of slope, location, and surface water runoff. Farming—including the grazing of animals—is allowed “as of right” under Connecticut’s Inland Wetlands and Watercourses Act (CGS § 22a-40).

Slope: Sites with steep slopes should be avoided or improved to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions for keeping of animals. Areas with a steep slope may be used for certain agricultural production activities, such as grazing, if properly maintained so that soils are not exposed and buffers are used to filter and trap nutrients before they enter surface waters.

Location: Animals should be kept in a location that does not negatively impact an on-site sewage disposal system or water supplies

Surface Water Runoff: Surface water runoff systems should be designed to avoid contamination of water supplies and should comply with CT Department of Energy and Environmental Protection water quality standards.

3.2. Setbacks and Buffers

Setbacks and other buffers create a physical separation between land uses that can help prevent land use conflicts and potential nuisance lawsuits. However, some communities require excessively large setbacks that effectively eliminate opportunity for even small-scale livestock production. Large setbacks are not needed when farmers are following generally accepted agricultural practices.

3.2.a. Buffers for New Residences

Recommendation:

To minimize conflicts between existing farms and new residences, towns can require that new building lots abutting farmland have landscaped buffers along property lines to create a sight barrier as well as help reduce the impact of odors, noise, and dust from farms. An agricultural buffer could be part of the open space requirement and maintained by the non-farming lot owners. The burden of setbacks should not be placed on existing farm operations but rather on adjacent new residential development to avoid the potential for future conflict.

Possible language for regulations:

Agricultural Buffer for New Residences: A 100-foot agricultural buffer is required where a new residence is proposed adjacent to agricultural land. The agricultural buffer shall be considered part of the open space. The planting of trees and shrubbery may be required as part of an agricultural buffer.

3.2.b. Setbacks for Livestock Buildings

Recommendation:

Zoning regulations could include reasonable setbacks for buildings that are used to house and shelter animals. If a town chooses to enact setbacks for livestock buildings, some livestock owners may be forced to seek a variance for small or oddly shaped parcels. It is important that setbacks not be treated as zero-activity buffers; a building setback should not hinder the movement of animals up to the property line. Towns may choose to be less restrictive by applying the setback to only the portion of a building used to house or shelter livestock.

There is specific guidance from the state on setbacks for a pigsty (enclosure for raising pigs), see 3.2.c. below. For the raising of small food-producing animals, including hens, rabbits, bees, ducks, sheep, and goats, see 4.2 below.

Possible language for regulations:

Any building used for the housing and shelter of livestock shall be no less than 100 feet from any property line.

3.2.c. Setbacks for Swine

The Connecticut Public Health Code (Section 19-13-B23(a)) requires setbacks for pigs. However, such setbacks are measured from adjacent dwellings, not from property lines. The Code states that a pigsty (enclosure for raising pigs) must be 300 feet from any adjacent dwelling. A gestation and farrowing barn on a property which has been in continuous use as a farm for at least 50 years may continue provided it is 200 feet from any adjacent dwelling (CGS § 19a-341a).

3.2.d. Setbacks for Fencing

State statutes allow, and in certain limited circumstances may require, property owners to fence up to the property line (CGS § 47-43).

Recommendation:

Since the fencing needs of animals vary greatly based on type, size, and age of the animals, local regulations should not attempt to specify fencing construction, height, or location.

3.2.e. Other Requirements for Livestock, Buildings and Structures

The shelter and enclosure needs for livestock vary greatly depending on the animal species and the farming operation. Shelters may be permanent, temporary or even trees and other natural windbreaks, and the size needed may vary based upon the access to outside lots and overall management of the farm. Regulations should allow the landowner to erect or install any number of structures that are appropriate for the farm use as long as setbacks and other dimensional requirements are met.

Recommendation:

The shelter and enclosure needs of livestock are an issue of animal husbandry and should not be addressed in municipal zoning regulations. A “plot plan” may be required, however, as part of a building permit for any permanent structure that will be used to house livestock. Permanent structures would not include moveable shelters for poultry, for example, that are designed to be relocated on the lot periodically. In most cases, a licensed surveyor should not be required for this process unless the structure will be very large or if the setback line is in question.

3.3. Manure Management

Poor management of livestock manure and wastewater can create issues and complaints from neighbors in regard to odors, flies, and contamination of well and surface water. Farmers who follow generally accepted agricultural practices related to the collection, storage, land application, and removal of livestock manure and control runoff can prevent potential issues and nuisances.

Various state agencies regulate management of manure and waste water from livestock agriculture. They have the expertise and authority to properly enforce manure and water management practices in order to protect human health and natural resources. Livestock owners must comply with generally accepted agricultural practices through the Right to Farm Law (CGS § 19a-341); CT Department of Energy and Environmental Protection water pollution control statutes (CGS § 22a- 430), and the State of Connecticut Public Health Code.

For planning purposes, livestock owners are encouraged to consult the guidance presented in the CT Department of Energy and Environmental Protection’s “Manual of Best Management Practices for Agriculture.” Technical and financial resources are available to help develop farm conservation plans and design and install conservation practices through the USDA Natural Resources Conservation Service. Connecticut’s five Conservation Districts may also be able to assist in the development of farm conservation plans.

Recommendation:

Municipalities should avoid prescribing manure management practices through zoning regulations. Municipal officials should instead focus on ensuring livestock operators are aware of resources to aid in manure

management (see Assistance to Livestock Operators on Manure Management below). Since best management practices are constantly evolving, zoning regulations should not mandate strict adherence to any particular management technique. In some cases, site plans may be required for engineered waste management systems.

Problems associated with a farm’s manure management should be referred to the CT Department of Agriculture first. The CT Dept. of Agriculture may need to rule on whether the farm is following generally accepted agricultural practices. University of Connecticut Cooperative Extension and USDA Natural Resources Conservation Service specialists may be able to help with best management practices to address manure management issues. Concerns about water quality are within the purview of the CT Department of Energy and Environmental Protection. Problems with flies are within the purview of the local public health district.

¹⁴ In fact, farm parcels in Connecticut tend to be relatively small; 30 percent of farms - more than 1,400 - in the state are comprised of fewer than 10 acres, and another 20 percent of farms - more than 1,000 - are fewer than 30 acres. USDA NASS, 2007 Census of Agriculture, 2009.

¹⁵ Under some zoning regulations, a parcel could be classified as a farm or farmland under state law but not under municipal zoning regulations due to minimum acreage requirements.

Assistance to Livestock Operators on Manure Management

CT Department of Agriculture

- Financial assistance to implement nutrient management plans through the Environmental Assistance Program (EAP)
- Opinion on “generally accepted agricultural practices” on a case-by-case basis
- Technical assistance and guidance for composting

CT Department of Energy and Environmental Protection

- Planning guidance through the “Manual of Best Management Practices for Agriculture”
- Review and approval of manure management plans developed by the Natural Resources Conservation Service and partners for producers participating in cost share programs such as the Environmental Quality Incentives Program (EQIP)
- Review and approval of manure management plans developed for producers who are required to have such a plan on a case-by-case basis

University of Connecticut Cooperative Extension

- Technical assistance on best management practices for nutrient management, odor and fly control, and water quality

USDA Natural Resources Conservation Service

- Financial assistance to help develop conservation plans and design, inspect, and install the necessary conservation practices and management plans
- Technical assistance to develop farm conservation plans and design conservation practices
- Development of Comprehensive Nutrient Management Plans (CNMPs) in partnership with CT DEEP, CT Department of Agriculture, and University of Connecticut Cooperative Extension
- Development and maintenance of standards for the design and installation of conservation practices to reduce impacts from animal agriculture. Available through the Electronic Field Office Technical Guide (EFOTG) at www.ct.nrcs.usda.gov/technical.
- Planning guidance through “2011 Good Horse Keeping Best Practices Manual for Protecting the Environment.” Available through the Connecticut Natural Resources Conservation Service office.

Connecticut Conservation Districts

- Technical assistance to assess the farm and assist in the development of the conservation plan and Comprehensive Nutrient Management Plan.

Livestock for Educational Projects & Small Plot Farming

4

4.1. Youth organizations (such as FFA, 4-H) and Other Agricultural Education Projects

FFA students often choose to raise livestock as part of their required high school curriculum to satisfy their Supervised Agricultural Experience. Younger children are introduced to the raising and care of animals through local 4-H clubs. These invaluable projects teach youth about responsibility and decision-making and provide training for careers in animal science, veterinary science, and livestock production. Overly restrictive zoning regulations may unintentionally limit or eliminate these educational and training opportunities.

Recommendation:

Zoning regulations should permit the raising of livestock for FFA, 4-H and other student projects provided generally accepted agricultural practices are followed.

4.2. Small Plot Farming (including Urban Backyards)

In recent years there has been a growing interest in “backyard farming,” where urban and suburban residents replace their lawns with fruit and vegetable gardens, edible landscapes, bee hives, and protein producing sources (e.g., hens for fresh eggs). The trend reflects a consumer perception that locally grown food (especially grown in one’s backyard) is healthier, tastier, and environmentally sustainable. For low-income households, access to healthy foods can be a chronic issue for which small plot farming can offer an important solution. To illustrate, New Haven recently revised its zoning regulations to allow up to six hens on any property for non-commercial use.

Recommendation:

Municipalities should allow intensive use of small residential parcels for some types of food production - even raising livestock. Provided generally accepted agricultural practices are followed, raising livestock is an appropriate land use. (Food producing animals could also be kept as pets but owners would still need to follow generally accepted agricultural practices.)

Sample Ordinances

Although not all of the following examples fit into Connecticut’s legal framework, the following sample ordinances are useful to consider as models for zoning that would allow the raising of food producing animals on small plots—including hens, rabbits, bees, ducks, goats, and sheep.

4.3.a. Hens [from New Haven, Connecticut]

- 1) No more than six (6) hens may be kept on any property located in residence zoning districts as a non-commercial accessory use.
- 2) The use shall be confined to a fenced enclosure of no more than 200 square feet in area, located in a rear yard. The fenced enclosure shall be at least 25 feet from any street line, at least 15 feet from any residential dwelling and at least five feet from any property line. In the instance that more than one distance requirement shall apply, the greater distance requirements shall apply.
- 3) Any portion of the enclosure located closer than ten feet to a property boundary or directly visible from a street line at any distance shall be screened by either a fence or a landscaped buffer of at least four feet in height.
- 4) A building shall be required for the hens. Any building used for this purpose shall be located at least ten feet from any lot line. All such buildings shall be constructed and all food products kept so as to prevent offensive odors and the presence of pests and predators.
- 5) No rooster shall be kept on any property.
- 6) The keeping of hens shall be conducted in a manner consistent with and in compliance with the Health Code of the City of New Haven.

4.3.b. Bees [from Seattle, Washington]

A. It shall be the duty of any person, firm or corporation having honey bees, *apis mellifera* on its property to maintain each colony in the following condition:

1. Colonies shall be maintained in movable-frame hives.
2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming.
3. Colonies shall be re-queened following any swarming or aggressive behavior.

B. All colonies shall be registered with the Director of Agriculture pursuant to RCW 15.60.030 prior to April 1st of each year.

4.3.c. Chickens, Rabbits and Similar Animals [from Cleveland, Ohio]

Section 347.02 Restrictions on the Keeping of Farm Animals and Bees

(a) Purpose. The regulations of this section are established to permit the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

(b) Poultry, Pigeons, Rabbits and Similar Animals. The keeping of poultry, pigeons, rabbits and similar animals, and enclosures for the keeping of such animals, shall be governed by the following regulations.

(1) In Residential Districts. In Residential Districts, the following regulations shall apply.

A. Number. No more than six (6) such animals may be kept on a parcel of land that is 4,800 square feet or less in area. One additional such animal may be kept for each additional five hundred (500) square feet of parcel area in excess of 4,800 square feet.

B. Setbacks. The enclosures or coops housing such animals may not be located in front yard or side street yard areas and shall not be located within eighteen (18) inches of a property line nor within five (5) feet of a dwelling on another parcel nor within five (5) feet of the permitted placement of a dwelling on an adjoining vacant parcel. No animals shall be kept in required front yard areas.

4.3.d. Ducks and Goats [from Denver, Colorado]

The Food Producing Animals (FPAs) Ordinance (CB11-0151) allows for up to 8 chickens or ducks (or any combination of such fowl), plus 2 dwarf goats to be raised on a property.

Animal Control Regulations

- 1) A one-time \$20 'restricted livestock or fowl license' is required.
- 2) "Dwarf goat" means Nigerian Dwarf or African Pygmy breeds of goat only
- 3) No intact male goats older than 6 weeks (intact means not neutered), no roosters, no drakes (male ducks)
- 4) Must have 16 square feet of permeable ground for each chicken or duck ("permeable" means dirt, grass, mulch – water can pass through; NOT concrete, decks, patios, balconies, garage floor, etc.)
- 5) Must have 130 square feet of permeable ground for each dwarf goat
- 6) There must be adequate shelter from weather and from predators
- 7) There must be adequate fencing in the yard to prevent animals' escape

Zoning Regulations for Keeping FPAs

- 1) All shelter structures must be separated from residence(s) on abutting zone lots by a minimum of 15 feet
- 2) If there is more than 1 residence on a zone lot (e.g., 2 units in a duplex structure), the shelter must be separated from the residence that is not the animal-keeper's residence by a minimum of 15 feet
- 3) Animals must be kept on the rear 50% of the lot
- 4) Slaughtering of animals is prohibited
- 5) Moveable shelters, not permanently attached to the ground are allowed without a zoning permit, but still subject to the minimum 15 feet separation. Shelters that are permanently attached to the ground will require a zoning permit and may require a building permit if over 120 square feet in area or greater than 8 feet in height. Permanent shelters must comply with applicable zoning standards for a detached accessory structure building form.

Contact an Expert Directory

5

Several state and federal agencies across Connecticut have been given the authority to regulate agriculture and the keeping of livestock. Staff in these agencies are experts and are available to assist farmers and municipalities. When questions or concerns arise concerning issues related to the keeping of livestock, contact one of the experts listed below for guidance.

Generally Accepted Agricultural Practices

- CT Department of Agriculture:
(860) 713-2500
www.ct.gov/DOAG

Water Quality and Wetlands

- CT Department of Energy and Environmental Protection:
(860) 424-3000
www.ct.gov/dep
- USDA Natural Resources Conservation Service:
(860) 871-4011
www.ct.nrcs.usda.gov

Manure Management

Note: Fly issues associated with manure management should be referred to the CT Department of Agriculture first for assessment and resolution of the issue. The CT Department of Agriculture will assist local and district health departments when evaluating a manure management practice and/or fly issue that may be within their legal jurisdiction.

- CT Department of Agriculture:
(860) 713-2500
www.ct.gov/DOAG
- University of Connecticut Cooperative Extension:
(860) 486-9228
www.extension.uconn.edu
- USDA Natural Resources Conservation Service:
(860) 871-4011
www.ct.nrcs.usda.gov
- Connecticut Conservation Districts:
www.conservect.org

General Site Suitability

- USDA Natural Resources Conservation Service:
(860) 871-4011
www.ct.nrcs.usda.gov
- Connecticut Conservation Districts
www.conservect.org

Animal Health and Husbandry

- General livestock: University of Connecticut Cooperative Extension:
(860) 486-9228
www.extension.uconn.edu
- General Livestock: CT Department of Agriculture:
(860) 713-2500
www.ct.gov/DOAG
- Horses: Horse Environmental Awareness Program (HEAP):
www.ct.nrcs.usda.gov/programs/rc&d/km_heap-program.html
- Horses: University of Connecticut Cooperative Extension Equine Specialist:
(860) 486-4471
<http://animalscience.uconn.edu/equine/extension/generalInformation.php>

General Farm Resources

- Connecticut Farm Bureau Association:
(860) 768-1100
www.cfba.org

Selected Connecticut General Statutes

A

Definition of Agriculture: CGS § 1-1(q)

<http://www.cga.ct.gov/2011/pub/chap001.htm#Sec1-1.htm>

§ 1-1. Words and phrases. (q) Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

Local and Regional Agricultural Councils: CGS § 7-131 (v)

<http://www.cga.ct.gov/current/pub/chap433.htm#Sec22-278.htm>

§ 7-131v. Local and regional agricultural councils. (a) Any municipality may, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, establish a local agricultural council to: (1) Provide information to local farmers and to municipal boards and commissions about the benefits of a balance between agriculture and other land uses; (2) educate municipal officials about agricultural laws and safety issues; (3) identify grant sources for farmers and municipalities; (4) enable a common understand-

ing of agriculture among all municipal departments; (5) provide information and guidance about zoning issues relating to agriculture; (6) support local, regional and state vocational agricultural programs concerning agricultural matters; (7) provide conflict resolution and advisory services; (8) identify innovative opportunities for agriculture; and (9) create a climate that supports the economic viability of agriculture in the municipality.

(b) Any two or more municipalities may form a regional agricultural council for the purposes set forth in subsection (a) of this section by vote of the legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, of each municipality.

(P.A. 11-188, S. 1.)

Definition of Livestock CGS § 22-278

<http://www.cga.ct.gov/current/pub/chap433.htm#Sec22-278.htm>

§ 22-278. Orders and regulations for control of livestock diseases.

For the purposes of this chapter “livestock” is defined as any camelid or hooved animal raised for domestic or commercial use. The Commissioner of Agriculture is authorized, subject to sections 4-168 to 4-174, inclusive, to make orders and regulations concerning the importation, transportation, trailing, riding, driving, exhibiting, examining, testing, identification, quarantining or disposing of livestock to prevent the spread of contagious and infectious diseases among livestock and to protect the public from such diseases as may be transmissible to human beings, either directly or through the products of such animals, and orders and regulations for the conservation of livestock the products from which are used for food or clothing. The commissioner shall give notice of any such order to any person named therein by leaving a copy of such order with, or at the last-known place of abode of, such person, if a resident of the state; if not a resident of the state, by leaving a copy with, or at the last-known place of abode of, an agent of such person, or the person having custody of the animals described in such order, if within the state, or by forwarding a copy of such order by registered or certified mail addressed to the last-known address of the person named therein. The commissioner, in case of emergency, may give notice of any regulation limiting or prohibiting the importation, transportation, trailing, riding, driving, exhibiting or disposing of livestock on any highway by publishing a copy of such regulation in a newspaper published or having a substantial circulation in the town in which the highway affected by such regulation may be located. The commissioner shall give notice of any such order or regulation to any common carrier named therein or affected thereby by leaving a copy of such order or regulation with the president, secretary or treasurer of the company acting as common carrier, or by leaving a copy with any person or firm

acting as a common carrier, or at the last-known residence of any such person or a member of such firm in charge of any office of such carrier. The commissioner is authorized to employ assistants needed to enforce any such order or regulation. Any person or any officer or agent of any corporation who violates any provision of any such order or regulation, or who obstructs or attempts to obstruct the commissioner or any assistant engaged in the discharge of any duty hereunder, may be fined not more than one hundred dollars or may be assessed an administrative civil penalty in accordance with section 22-7.

Definition of Poultry CGS § 22-326s

<http://www.cga.ct.gov/current/pub/chap434.htm#Sec22-326s.htm>

§ 22-326s (5) "Poultry" means any species of domestic fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl and game birds raised for food production, breeding, exhibition or sale.

Right-to-Farm: CGS § 19a-341

<http://www.cga.ct.gov/2011/pub/chap368m.htm#Sec19a-341.htm>

§ 19a-341. Agricultural or farming operation not deemed a nuisance; exceptions. Spring or well water collection operation not deemed a nuisance. (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

(b) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances, no operation to collect spring water or well water, as defined in section 21a-150, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable noise from equipment used in such operation provided the operation (1) conforms to generally accepted practices for the collection of spring water or well water, (2) has received all approvals or permits required by law, and (3) complies with the local zoning authority's time, place and manner restrictions on operations to collect spring water or well water.

(c) The provisions of this section shall not apply whenever a nuisance

results from negligence or willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

Powers of Commissioner: CGS § 22-4c

<http://www.cga.ct.gov/2011/pub/chap422.htm#Sec22-4c.htm>

§ 22-4c. Powers of commissioner. Recording and transcription of hearings. Payment of related costs or expenses. (a) The Commissioner of Agriculture may:

(4) provide an advisory opinion, upon request of any municipality, state agency, tax assessor or any landowner as to what constitutes agriculture or farming pursuant to subsection (q) of section 1-1, or regarding classification of land as farm land or open space land pursuant to sections 12-107b to 12-107f, inclusive;

Fencing: CGS § 47-43

<http://www.cga.ct.gov/2011/pub/chap823.htm#Sec47-43.htm>

§ 47-43. Proprietors to maintain. The proprietors of lands shall make and maintain sufficient fences to secure their particular fields. Within cities and adjacent to house lots, a tight board fence four and one-half feet high, an open picket fence four feet high, the opening between pickets not to exceed four inches, or a slat rail fence four feet high, the opening between slats not to exceed six inches, the lower slat not over six inches from the ground, a fence not less than four feet high of chain link galvanized wire not smaller than number nine gauge supported upon galvanized tubular steel posts set in concrete, all end and corner posts to be suitably braced, and all to be substantially erected, or any other fence which in the judgment of the selectmen or other officials charged with the duty of fence viewers is equal thereto, shall be a sufficient fence; in places outside of incorporated cities, a rail fence four and one-half feet high, a stone wall four feet high, suitably erected, a wire fence consisting of four strands not more than twelve inches apart, stretched tightly, the lower strand not more than twelve inches and the upper strand not less than four feet from the ground, with good substantial posts not more than sixteen feet apart, and any other fence which in the judgment of the selectmen is equal to such a rail fence, shall be a sufficient fence. Adjoining proprietors shall each make and maintain half of a divisional fence, the middle line of which shall be on the dividing line, and such fence shall not exceed in width, if a straight wood fence or hedge fence, two feet; if a brick or stone fence, three feet; if a crooked rail fence, six feet; and, if a ditch, eight feet, not including the bank, which shall be on the land of the maker. No ditch shall be made adjacent to a house lot without the consent of the owner of the house.

Discharge into State Waters: CGS. § 22a-430

<http://www.cga.ct.gov/current/pub/chap446k.htm#Sec22a-430.htm>

§ 22a-430. (Formerly Sec. 25-54i). Permit for new discharge. Regulations. Renewal. Special category permits or approvals. Limited delegation. General permits.

[This statute provides DEP with the authority to regulate discharge or runoff of substances such as manure and silage leachate that serve as a source of pollution and to issue orders for abatement. Due to its length, this statute has not been reproduced in this list.]

Connecticut Public Health Code

B

Definition of Nuisance

19-13-B1. Conditions specifically declared to constitute public nuisances

The following conditions are specifically declared to constitute public nuisances:

- (a) Bakeries, restaurants and other places where food is prepared or served that are not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that rats, mice or vermin are present.
- (b) Spoiled or diseased meats, whether exposed and offered for sale or being transported or kept for sale.
- (c) Barns or stables, hogpens, chicken yards or manure piles or accumulations of organic material so maintained as to be a breeding place for flies.
- (d) The discharge or exposure of sewage, garbage or any other organic filth into or on any public place in such a way that transmission of infective material may result thereby.
- (e) Privies not screened against flies in populous districts and privies likely to pollute the ground or surface water from which water supply is obtained.
- (f) Transportation of garbage, night soil or other organic filth except in tight, covered wagons which prevent leakage or access of flies.
- (g) Stagnant water likely to afford breeding places for mosquitoes within a residential district or within a distance of one thousand feet there from.
- (h) Bone boiling, fat rendering establishments, or tallow or soap works, or other trades, when they can be shown to affect public health or produce serious offense.
- (i) Buildings or any part thereof which are in a dilapidated or filthy

shall be accomplished; and if such order is not complied with within the time specified, the facts shall be submitted to the prosecuting authority. Copies of all orders shall be kept on file by the director of health in his office and copies of the same shall be furnished the state commissioner of health on request.

Pigs and Carcass Disposal

19-13-B23. Keeping of animals

(a) No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within three hundred feet of any inhabited house or public meeting house upon property other than that of the proprietor of the pigsty.

(b) The carcass of any dead animal not killed for food shall be removed and disposed of within twenty-four hours after death by burial, incineration or other method approved by the local director of health.

Manure Disposal in Populous Districts

19-13-B21. Garbage and refuse

(b) In populous districts stable manure shall be kept in a covered water-tight pit or chamber and shall be removed at least once a week during the period from May first to October first and during the other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to director of health. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the director of health.

Director of Health Authority in Nuisance Abatement

19-13-B2. Abatement of nuisance

(a) Any local director of health, upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any such nuisance or pollution comes to his attention, shall, within a reasonable time, investigate and, upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.

(b) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance



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