

Methuen Board of Health
Article 4A
“Regulation on the Keeping of Chickens”

Section 4-1. Authority

These regulations are adopted under the authority of MGL chapter 111, section 31, as reasonable health regulations designed to protect and improve the health and quality of life of those who reside within the City of Methuen. These regulations shall take effect as of the date of their approval as indicated below.

Section 4-2. Statement of Purpose

Whereas minimum standards for the keeping of chickens offer protection for the health of the public, animal welfare and the environment and are considered necessary for the welfare of the community, the Methuen Board of Health has adopted these regulations.

Section 4-3. Definitions

Abutting Property means any parcel of land directly opposite on any public or private street or way, and parcel of land within three hundred (300) feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding the land of any such Owner is located in another city or town.

Accessory Structure means a Building which is incidental to the main building on the same lot and which is devoted exclusively to an accessory use to the main lot.

Applicant means a Person who applies for a permit to keep one or more chickens from the Board of Health

Board of Health or Board means the Methuen Board of Health or its authorized agent or representative

Building means a combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons, animals or property. For the purposes of this definition, “roof” shall include an awning or similar covering, whether or not permanent in nature.

City means the City of Methuen and its officers, agents and employees.

Chicken means a member of the Gallus Gallus domesticus family

Coop means a Building for the keeping or housing of poultry.

Department means the Methuen Inspectional Services Office.

Dwelling means any Building, shelter or structure used or intended for human habitation.

Effluent means sanitary sewage discharged into the environment, whether or not treated.

Fowl means birds for food, hunted as game, or used for racing.

Impervious material means soils having a percolation rate greater than sixty (60) minutes per inch drop, using standardized methods listed in 310 CMR 15 (Title 5).

Lot means a parcel of land, which is or may be occupied by a building and accessory structure. "Lot" includes the words "plot" or "parcel."

Nuisance means any condition including, but not limited to, noise, offensive odor, attraction or breeding insects, an environment supporting the growth of vermin, presence of rodents, or any other condition having public health or environmental significance.

Occupant means every person living or sleeping in a dwelling.

Owner means every person who alone or severally with others:

- (1) Has legal title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or
- (2) Has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- (3) Is a mortgagee in possession of any such property; or
- (4) Is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or
- (5) Is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. Owner shall also mean every person who operates a rooming

Permit means a Keeping of Chicken Permit issued by the Board of Health in accordance with these regulations.

Poultry means any domesticated or semi-domesticated birds including fowl ordinarily kept for food or eggs.

Runoff means water from natural or unnatural sources that flows over the surface of the ground.

Unsanitary Conditions means the Lot's state of being or condition which, in the judgement of the Board of Health, are conducive to, or results in (but is not limited to): breeding of flies; creation of offensive odors; rodent infestation; liquid effluent; runoff; and or noise; in such concentrations and/or such duration as to cause a nuisance; be injurious; may be considered potentially injurious to human health; or unreasonably interfere with the health and safe enjoyment of life and property.

Vermin means, but is not limited to, insects, bugs, and/or rodents.

Watercourse means any river, stream, drain, pond, lake, or other body of water drained by a stream, dry ditch, or other depression that will permit drainage water to empty into any waters of the Commonwealth.

Wetlands means land area or surface area so defined by Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and regulations promulgated pursuant thereto at 310 CMR 10.00 or pursuant to Section 404 of the Federal Water Pollution Control Act, U.S.C. 1341.

Section 4-4. Site Requirements

The following requirements must be met to apply for a permit to keep on or more chickens.

- A. Any structure used for the housing of chickens shall comply with all dimensional regulations wherein the property is located, in accordance with the City's Comprehensive Zoning Ordinance.
- B. Any structure used for the housing of chickens within one hundred (100) feet of a wetland may be required to receive approval from the Conservation Commission. All owners of chickens must comply with Commonwealth of Massachusetts law and regulations.
- C. Chickens must be confined to the owner's property.
- D. All Coops must be raised no less than six (6) inches from the ground.
- E. If the Applicant is not the Owner of the affected Lot, a written authorization to keep chickens, from the Owner, must be provided to the Board of Health as part of the application package.

Section 4-5. Standards of Care

- A. Chickens must have access to fresh food and potable water;
- B. Chickens shall not be subject to debeaking or forced moulting;
- C. Structures used for the housing of chickens must have a minimum interior floor surface of two (2) square feet per chicken;
- D. A pen area must be provided for chickens;

- E. A pen area must have a minimum ground surface area of five (5) square feet per chicken;
- F. Structures used for the keeping of chickens shall be ventilated, of sufficient size and design, and constructed of material to accommodate the poultry in a safe and health manner and provide protection from the elements;
- G. Structures used for the keeping of chickens must be maintained in a clean and sanitary manner, free from decaying food, filth, feces, vermin infestation and stagnant water;
- H. There must be at least one roosting bar within the structure;
- I. The structure shall be inaccessible to any predator at night; and
- J. Food shall be stored in sealed, moisture proof and vermin proof containers.

Section 4-6. Prohibitions

The following are prohibited by the Board of Health:

- A. The keeping of a rooster or roosters;
- B. The keeping of more than six (6) chickens, except on an Agricultural use as described in Section VI-B(5)(g) of the Methuen Comprehensive Zoning Ordinance.
- C. The home slaughtering of chickens.
- D. The keeping of chickens inside a dwelling.
- E. The keeping of chickens in a front yard or side yard, as defined in the Methuen Comprehensive Zoning Ordinance.
- G. Chickens are not allowed to leave the property.

Section 4-7 Permit and Application Requirements

A Permit shall be required for anyone keeping one or more chickens as defined in this regulation.

- A. At the time of application; the Applicant shall provide the Board of Health the following documents:
 - (1) A site plan indicating: all property lines; all existing structures (Principal and Accessory) on the Lot; the proposed Coop location; all setbacks described in Section 4-4 of these regulations; the proposed location of any runs; any body of water or surface Watercourses located within one hundred (100) feet of the Coop; location of any septic system on the Property; location of any private water supplies within one hundred (100) feet of the proposed Coop location; location of all Zone II for public water supplies for the proposed Coop location; proposed location of all manure and feed container;
 - (2) Design sketches of the proposed Coop in sufficient detail to describe the materials and dimensions of the Coop;
 - (3) A written manure management plan;

- (4) A written vermin control plan using Integrated Pest Management practices; and
- (5) A written predator control plan.

B: Application(s) for a Permit shall be submitted on a form supplied by the Department for each location where chickens are kept in the City. Such application shall be accompanied by the following information:

- (1) Full name, address, and telephone number of the Applicant;
- (2) Full name, address, and telephone number of the Owner;
- (3) Location/street address of the premises to be used;
- (4) Number of chickens to be kept;
- (5) Property barriers such as fencing or other appropriate measures shall be installed on areas of the property where the chickens shall exist. These barriers shall be secured in such a fashion as to prevent the escape of chickens.
- (6) The initial application shall meet and receive zoning clearance from the Department.

C. A hearing before the Board of Health shall be scheduled not more than thirty (30) calendar days, following the submission of all application documents prior to initial Permit issuance. The Department shall inform the Applicant the date, time, and location of said hearing.

D. Prior to issuance of the initial Permit, the Applicant shall notify the Owner(s) of all Abutting Property, by Certified Mail (return receipt requested) of their intention to keep Chickens on the Lot, using a form provided by the Department. Said notice shall include the date, time, and location of the hearing. Proof of mailing shall be provided to the Board of Health at the hearing.

E. Fees for permits shall be determined by the Board of Health's fee schedule and shall be subject to annual review.

F. Permits shall expire on November 30th of each year, unless sooner revoked by the Board of Health upon violation of any provisions of these regulations. Application for renewal of a Permit is the responsibility of the holder of the Permit.

G. Any person(s) who have had a Permit denied or revoked shall be ordered to remove all unlicensed chickens from the property within a time frame determined by the Board of Health.

H. No person shall propose, erect, or remodel a structure for the housing of chickens unless and until he/she has submitted a plan to the Board of Health

for review and the same has been approved. All other necessary City permits must also be obtained.

- I. Permits are nontransferable and shall be available to the Board of Health and the Department upon request.

Section 4-8 Board of Health Action upon receipt of application

The Board of Health will perform the following actions upon receipt of an initial application to keep one or more chickens.

- A. Review the application within ten (10) business days;
- B. Perform a site inspection with Applicant present to determine if location is suitable for the keeping of chickens;
- C. Recommend to the Board of Health whether an initial Permit should be granted or denied.
- D. Inform Applicant of any deficiencies within ten (10) business days of inspection. Reason for denial will be stated in the letter.
- E. Provide applicant with information regarding next steps.

Section 4-9. Exemptions

The regulations shall not apply to the following properties or facilities:

- A. Individual properties or facilities that are under the direct care of the Massachusetts Prevention of Cruelty to Animals (MSPCA).
- B. Properties of facilities that are part of farming as defined by MGL Chapter 111, Section 1. Sufficient proof that such property or facility is agricultural as so defined shall include at least one of the following:
 1. A valid Registry of Motor Vehicle farm registration certificate.
 2. A tax certificate for classified forest land pursuant to MGL chapter 61
 3. Farm Viability Plan created in conjunction with the Department of Agricultural Resources
 4. Recorded Agricultural Preservation Restriction
 5. State or Federal income tax returns including Schedules C,D, and F
 6. Special Assessment of real estate taxes pursuant to MGL Chapter 61A
 7. Licenses issued by DAR for operation of production agriculture or farm business

Section 4-10. Enforcement

- A. The Board of Health may deny, suspend, revoke or refuse to renew a permit for failure to comply with the provisions of these regulations.

- B. Any Owner or person in charge of a facility covered by these regulations who fails to comply with these regulations shall be subject to a fine of one hundred dollars (\$100.00) each day or part thereof when a violation occurs shall be considered a separate offense.
- C. The person(s) who have had a permit denied or revoked shall be ordered to remove all animals from the property usually within thirty (30) days or within a time frame determined by the Board of Health.
- D. The continuance of an infestation of vermin at or near the facility beyond a date specified by the Board of Health, when the owner of the facility has been ordered by an agent of the Board of Health to abate any such infestation in a safe and sanitary manner, shall be cause for revocation of permit and/or legal proceedings to eliminate said conditions.
- E. Loose chickens may be subject to removal by the Board, and may result in revocation of a Permit, as determined by the Board.

Section 4-11. Right to a Hearing

Any person or persons whom feel aggrieved by a Board of Health order or decision, that has been served pursuant to any section of these regulations, may request a hearing before the Board of Health by filing a written petition to the Board of Health within seven (7) calendar days or receipt of said order.

Section 4-12 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 or the environment. The process for applying for a variance is as follows.

- A. Request in writing that the applicant desires a variance. Include the reason why the initial permit was denied if known.
- B. The Board of Health will notify the applicant regarding the date of the hearing. The hearing will take place at the next scheduled Board of Health meeting. The applicant may ask for a postponement if not ready to present at the next scheduled Board of Health meeting.
- C. The applicant will obtain an official abutters list from the Methuen Assessor's office.
- D. The applicant will notify the official abutters by certified return receipt mail of the date and purpose of the meeting.
- E. The Board of Health shall be given a copy of the abutters list, the letter that is being sent to the abutters, and return receipt documentation of the letter that was sent.

- F. At the Board of Health Hearing all parties will be allowed to present their information and the Board will make a determination to either grant or deny the variance.

Section 4-13 **Severability**

Each provision of these regulations shall be considered as separate to the extent that if any section, item, sentence, clause, or phrase is determined to be invalid for any reason, the remainder of this regulation shall continue to remain in full force and effect.

Section 4-14 **Adoption and Effect**

These rules and regulations were adopted by unanimous vote of the Methuen Board of Health, on October 7, 2021 and are to be in full force and effect on October 7, 2021. A summarized explanation of the regulations shall be published in a local newspaper of circulation in the City of Methuen and a copy thereof shall be deposited in the office of the City Clerk.

Approved 10/7/2021