

**TOWN OF MASHPEE
BOARD OF HEALTH**

POULTRY REGULATION

Viruses, predators, birds of prey, rodents and insects are all a serious threat to poultry. Domestic poultry are especially vulnerable to the highly pathogenic avian influenza. The keeping of poultry is allowed when and as permitted by the Board of Health at locations which meet current zoning requirements. The Board of Health hereby adopts the following regulation:

- I. **AUTHORITY:** Massachusetts General Laws, Chapter 111, Section 31 and Chapter 125, Section 15.
- II. **DEFINITIONS:**
 - a. Poultry - Domesticated animals of the poultry family including but not limited to chickens, hens, turkeys, roosters, ducks, geese, pheasants, guinea fowl, peafowl, partridges, quail, pigeons, doves, etc. For the purpose of this regulation, ratites (ostriches, emus and large flightless birds) shall be included as members of the poultry family.
 - b. Noise – A sound made by poultry that is plainly audible at a distance of one hundred fifty (150') feet or more from which it is produced, at a time after 10:00 pm and before 8:00 am.
- III. **POULTRY REGISTRATION:** The registration period shall be January 1st to December 31st inclusive. The annual poultry registration shall be submitted on an on-line application form at the Board of Health website. The Poultry Registration is not transferable.
- IV. **RESTRICTIONS:**
 - a. No rooster shall be kept or maintained on the registered premises unless the property is five (5) acres or more.
 - b. The number of poultry shall comply with the Mashpee Zoning By-Laws.
- V. **LOCATION:** Coops, hutches, runs, buildings or other type structures, used to house or maintain poultry shall be located:
 - a. Not less than 25 feet from any dwelling used for human habitation.
 - b. Not less than 150 feet from any potable domestic well.
 - c. Not less than 40 feet from any adjoining property lines.

- d. Not less than 50 feet from any front lot line.
 - e. Not less than 150 feet from any adjoining property lines or the lines of any public or private roadway on a parcel of five (5) acres or more.
- VI. **BUILDINGS:** All coops, hutches, buildings, or other such structures used to house or maintain poultry shall be properly constructed, designed, arranged, located and maintained with proper ventilation to maintain a dry environment and adequate space for ease of cleaning and proper living conditions for the poultry. All outside enclosures shall be covered (solid roof, netting, chain-link-fence, etc).
- VII. **MAINTENANCE:** The interior of coops, hutches, buildings or other such structures shall be cleaned as necessary so a nuisance does not occur. Nests or roosts shall be movable and shall be cleaned frequently.
- VIII. **STORAGE OF FEED/GRAIN:** All poultry feed and/or grain shall be maintained in watertight metal, plastic or concrete containers and maintained in a clean and sanitary manner. Feeding troughs shall be cleaned on a regular basis and also be maintained in a clean and sanitary condition.
- IX. **MANURE STORAGE AND DISPOSAL:** Waste matter shall be removed on a regular basis to maintain a sanitary facility. A ventilated, watertight storage facility constructed of concrete or other material approved by the Board of Health, shall be provided for the storage of all poultry waste matter.
- X. **COMPOSTING:** Board of Health approval shall be obtained prior to allowing composting on-site.
- XI. **WATER SUPPLY:** A supply of potable drinking water shall be made available at or near the facility for the purposes of feeding and cleaning.
- XII. **RESTRICTED TO PREMISES:** Poultry shall not be allowed to stray or forage outside the area of the facilities so provided.
- XIII. **INSPECTION OF PREMISES:** The Animal Inspector or duly authorized agent, acting in an official capacity for the Board, shall inspect the facilities on an annual basis or as necessary to ensure such facility's compliance with the provisions of this regulation.
- XIV. **NUISANCE:** The keeping of poultry shall not cause a nuisance in accordance with MGL Chapter 111, Section 122. Sounds meeting the noise definition in Section II of this regulation shall be considered a nuisance. Repeated, documented violations of noise between 10:00 pm and 8:00 am shall be considered a nuisance. Abatement orders including, but not limited to, removal of the poultry from the property may be issued.

XV. ENFORCEMENT: Enforcement designees for this regulation are the Animal Inspector or any duly authorized agent, acting in an official capacity, for the Board.

XVI. PENALTIES: Whoever violates this regulation or hinders any duly authorized person from exercising the authority conferred hereunder or by local or general laws shall be punished by a fine of not more than twenty-five (\$25) dollars per day for the first offense, fifty (\$50) dollars per day for the second offense and one hundred (\$100.00) dollars per day for the third offense, and any subsequent offense.

XVII. SEVERABILITY: If any section, paragraph, sentence, clause or phrase of these rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared severable.

XVIII. VARIANCES: The Board of Health may, in its discretion, waive compliance with a particular requirement of this regulation when:

1. The enforcement of the regulation would result in manifest injustice; and
2. The applicant has proved that the same degree of protection of the public health, safety and welfare can be achieved without strict application of the particular provision. Any alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board of Health.

XIV. EFFECTIVENESS:

This regulation shall become effective upon publication in a newspaper of general circulation.

Per Order Of,
Mashpee Board of Health

Brian Baumgartel, Chairman
Ernest Virgilio, Co-Chairman
Vacant, Clerk

Adopted: June 28, 2019

Revised: November 3, 2022 (Adv 12/2/22)