

RULES AND REGULATIONS GOVERNING POULTRY

These regulations are adopted by the Plymouth Board of Health under the authority of MGL Chapter 111 sections 31, 122, 123 and 125 as reasonable health regulations designed to protect the health and welfare of the residents of the Town of Plymouth.

Whereas certain minimum standards are necessary to promote and ensure the protection of the public health and welfare, the Board of Health has adopted these regulations pertaining to the raising or keeping of poultry in the Town of Plymouth. These regulations shall not apply to any animals kept or maintained on land which meets the criteria for exemption under MGL Chapter 40A section 3 for land for the primary purpose of commercial agriculture” or under chapter 63 of the Town of Plymouth Bylaws.

SECTION 1 (Definitions)

Persons - includes but is not limited to an individual, partnership, corporation, firm, associates or group, including a city, town, country or other governing units.

Poultry - turkeys, hens, chickens, roosters, guinea hens, ducks and geese of any age and sex.

Rooster - a male chicken.

Facility - the area of any premises where poultry is kept including all structures and fencing.

Structure - any coop, shed, hutch or other building used to house poultry.

Noxious Odor - an offensive odor that unreasonable interferes with the enjoyment by the public of life or the use of property.

Manure Management - the process of handling and disposing of manure and soiled bedding but excluding the normal deposition of wastes by poultry in pastures, fields, yards or runs.

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

Authorized agent - include but is not limited to municipal employees with police powers, Board of Health members, Health Department personnel, animal control officers and Inspectional Services personnel.

Abutter - all properties within 300 feet from the applicant’s property line.

SECTION 2

No person shall keep a rooster.

SECTION 3

Restriction to Premises. Poultry shall be contained or controlled by restriction of movement to the owner's property only. At no time shall poultry be allowed to roam onto abutting properties or roadways.

SECTION 4

Nuisance Prevention. The owner or operator of property upon which poultry are kept shall provide for adequate control, using generally accepted methods, to prevent nuisances related to the keeping poultry.

Therefore it shall be a violation of these regulations to allow noise from poultry to be clearly audible at twenty-five (25) feet from the property line of the premises where the poultry is kept. It shall be a violation of these regulations if persistent noxious odors are perceptible beyond the property line of the premises where poultry is kept. It shall be violation of these regulations if the property and/or facilities where the poultry is kept, is maintained in a manner that would contribute to an infestation of vermin.

SECTION 5

Feed Storage. Feed is to be stored on property where poultry is kept in a tightly covered and secured, vermin proof plastic or metal container.

SECTION 6

Structures. All Structures shall be located a minimum of ten (10) feet from the property line of the premises where the poultry is kept and a minimum of 10 feet from a traveled way. All Structures shall be of durable construction and shall be designed so as to prevent the harborage of rodents.

Maintenance. All Structures shall be cleaned regularly and maintained in such a manner as to prevent the build up of manure or soiled bedding. Fenced enclosures/runs should be limed and tilled as needed to avoid the build up of noxious odors. No trash, rubbish or debris shall be stored or allowed to accumulate in an area used for raising or keeping of poultry.

Manure Management. All manure, soiled bedding material or waste shall be contained in an area at least twenty (20) feet from the property line of the premises where the poultry is kept and at least fifty (50) feet from potable water wells and at least one hundred (100) feet from waterbodies that contribute to public water supplies.

SECTION 7

Violations. If upon written complaint or observation of the Health Agent or other authorized agent of the Town of Plymouth it is found that a violation has occurred on property where

poultry is kept a citation may be issued and may contain fines based on the following schedule with seven days passing between each offense.

In the case of a 1st Violation a warning shall be issued

In the case of a 2nd Violation within twelve (12) months of a previous 1st violation a fine of \$25.00 will be issued

In the case of a 3rd Violation within twelve (12) months of a previous 2nd violation a fine of \$50.00 will be issued

Each Subsequent Violation: \$100.00

Non-Criminal Disposition. In addition to the other methods of enforcement available herein or under the General Laws, in accordance with the provisions of Article II of the Plymouth Code. Section 1-3, the provisions of these Rules and Regulations may also be enforced by the Health Director and his or her designees, by non-criminal complaint pursuant to the provisions of G.L. c. 40, §21D.

In the event the owner and/or operator of the property upon which poultry is kept and upon which a violation is found is unwilling or unable to address the nuisance(s) the Health Agent may issue an abatement order requiring a suitable reduction in the number of poultry kept on the property or their removal.

SECTION 8

Variances. The Board of Health may vary any section of these Rules and Regulations with respect to any particular case, when in its opinion: (1) the enforcement thereof would do manifest injustice; and, (2) the applicant has proved that the same degree of public health required under these rules and regulations can be achieved without strict application of the particular section. Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. No Variance request shall be considered until after the applicant has notified all Abutters by certified mail at his own expense at least ten (10) days before the Board of Health meeting at which the variance will be on the agenda. The notification shall state the specific variance sought and the reasons therefore. Proof of mailing of said notification to all applicable Abutters must be filed with the Board of Health prior to the hearing. The Board, in approving a variance, may impose conditions, safeguards and limitations, both of time and use to which the variance pertains. If the rights authorized by a variance are not exercised within one (1) year from the grant such variance, they shall lapse. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of the variance shall be available to the public at all reasonable hours in the office of the Town Clerk or the office of the Board of Health while it is in effect.

SECTION 9

Right to a Hearing. Any person aggrieved by a Board of Health order 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 health department within seven (7) days of receipt of said order.

SECTION 10

Severability. If any provision of these Rules and Regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Effective Date:

The Rules and Regulations on Poultry were adopted by a unanimous vote by the Plymouth Board of Health at the April 12, 2017 meeting. The effective date of these regulations shall be April 12, 2017.