

CITY OF BROCKTON
HEALTH DEPARTMENT
RULES AND REGULATIONS-
KEEPING OF CHICKENS, OTHER FOWL
AND DOMESTIC FARM ANIMALS

October 3, 2017
Regulations 2017-1

Section 1 Authority

These Regulations are adopted under authority of M.G.L. Chapter 111, Section 31, Section 122 and Section 155, and Chapter 129, et al, and Chapter 128 where applicable, as reasonable health regulations designed to protect and improve the health and quality of life of those who reside within the City of Brockton. These Regulations shall take effect as of the date of their approval by majority vote of the Board of Health and publication in the local newspaper, as indicated below and supersede all previous Regulations adopted by the Board of Health relative to the keeping of domestic farm animals and fowl.

Section 2 Statement of Purpose

The purpose of these Regulations is to protect the public health, safety and welfare by establishing minimum standards relative to the keeping of domestic farm animals and fowl, including without limitation minimum standards relative to drainage, ventilation, size and character of stalls and other structures for the keeping of domestic farm animals and fowl, bedding, number of animals and storage and handling of manure.

Section 3 Definitions

Abutters: owners of abutting land or property per Assessor's Office. A person will only qualify as an abutter for the purpose of these Regulations if they possess an ownership interest in the abutting land. Only applies to domestic farm animals.

Accessory structure: a structure subordinate to the principle building on the same lot and serving domestic farm animal and fowl related use.

Domestic Farm Animals: all mammals including but not limited to horses, ponies, donkeys, cattle, goats, sheep, equines, rabbits, and guinea pigs which are kept or harbored as domesticated animals provided that the following shall be exempt under these regulations: dogs, cats, rodentia up to five in number, exotic birds, fish, reptiles and amphibians.

Applicant: one who applies for a license to keep one (1) or more domestic farm animals or fowl and who is responsible for their care.

Board of Health or "The Board": the Brockton Board of Health and its authorized agents.

Chicken: the common domestic fowl (*Gallus gallus domesticus*) or its young.

Coop: A structure with indoor area where the fowl can sleep and nest.

Corral: any pen, or enclosure for the confining of one or more domestic farm animals.

Dwelling: any building, shelter or structure used or intended for human habitation, including any attached garage.

Exotic: refers to an animal not native to this region and/or country that requires a state or federal permit to keep.

Facility: the total accommodations to be used for the keeping or housing and care of one or more domestic farm animals or fowl including but not limited to a barn, stable, pen, coop, or loft.

Fowl: shall include chickens, roosters, capons, hens, turkeys, pheasants, swans, doves, pigeons, guinea fowl, ducks and geese other than wild species.

Fowl facility: a coop and the attached run.

Hen: an adult female fowl.

Household pets: animals that are normally kept inside an owner's residential dwelling or commercial building including but not limited to dogs, cats ferrets, fish, domesticated or exotic birds, certain reptiles and guinea pigs, hamsters and mice.

Keeping of domestic farm animals and fowl license: refers to a license issued for the keeping or housing of domestic farm animals and fowl in accordance with the provisions of these Regulations.

Movable run: mobile, fully-enclosed fencing; also known as a "chicken tractor."

Swine: a hog, boar, sow, including pigs, piglets, and pot bellied pigs.

Run: a fully enclosed, fenced area connected to the coop.

Immunizations: all domestic farm animals shall be immunized against rabies, when appropriate for that species. It is also recommended that horses be immunized for EEE, WNV, tetanus, strangles, influenza and Rhino. It is also recommended that a Coggins test be conducted as circumstances dictate.

Lot: a parcel of land, which is or may be occupied by a building and accessory structure, including open spaces required under this Article. "Lot" includes the words "plot" or "parcel"

Other: other animals may be reviewed on a case by case basis to determine how many animals will qualify for a license.

Dead Animals: Dead animals shall be disposed of or incinerated at an appropriate facility, within a reasonable time after death. Storage of deceased animals shall be in such a way as to prevent odors and attraction of vermin.

Building/Coop (see structure).

Manure Management Plan (MMP): is a plan for the handling of manure, but shall not apply to the normal deposition of wastes by animals in pastures.

Noise: sound of sufficient intensity and/or duration as to cause a nuisance, be injurious to or, on the basis of current information, potentially injurious to human health, or unreasonably interfere with the comfortable enjoyment of life and property. This definition shall be subject to M.G.L. Chapter 111 § 125A.

Nuisance: shall mean any condition including, but not limited to, noise, offensive odor, attraction or breeding of insects, an environment supporting growth of vermin, presence of rodents, or any other condition having public health or environmental significance. This definition shall be subject to M.G.L. Chapter 111 § 125A.

Owner: every person who alone or jointly with one or more other persons has legal title to any lot, building, structure, dwelling or dwelling unit.

Pen: a structure for the keeping or housing of one or more domestic farm animals or fowl.

Pest Management Plan (PMP): is a plan, which adequately defines the measures that shall be taken by the owner to minimize the presence of rodents, raccoons, foxes, and insects.

Pigeons: member of the Columbidea family of birds that include 'racing', 'fancy', and 'sporting' pigeons.

Poultry: refers to domesticated or semi- domesticated birds including chickens and avian species, ordinarily kept for food or eggs.

Rodentia: includes domestic rats, mice, guinea pigs, hamsters, ferrets, chinchillas, and other members of the family Rodentia.

Runoff: water from natural sources that flows over the surface of the ground.

Stable: building or structure used for the shelter and/or the feeding of one or more domestic farm animals.

Stall: a compartment in a stable used for the keeping of one or more domestic farm animals.

Structure: an assembly of materials forming a construction for use including but not limited to open sheds, shelters, stables and coops.

City: means the City of Brockton

Unsanitary Conditions: the state of being or condition of any facility which, in the judgment of the Board of Health, are conducive to or results in excessive breeding of flies, creation of offensive odors, rodent infestation, liquid effluent, contaminated runoff, and/or noise, in such concentrations and/or such duration as to cause a nuisance, be injurious, or that may be considered potentially injurious to human health.

Section 3 Terms and Conditions

The keeping of fowl is subject to the following conditions:

- A. The coop shall, as a general rule, allow each hen two (2) s.f. of interior floor room for smaller birds like chickens and guinea hens and six (6) s.f. of interior floor room for larger birds like geese and turkey. The final determination as to the number of hens a coop can adequately accommodate, however, rests with the Board of Health.
- B. The run shall, as a general rule, allow each hen five (5) s.f. of room for smaller birds like chickens and guinea hens and fifteen (15) s.f. of room for larger birds like geese and turkey.
- C. Except when under personal control, hens shall be confined at all times within a fowl facility or movable run.

- D. All outdoor roaming areas for hens shall be sufficiently enclosed and screened from the street and neighboring properties. Hens shall be confined to the subject property and not allowed to wander onto other properties including City owned land.
- E. The fowl facility shall be located in the rear or side yard of a property, and shall comply with the setback requirements of the zoning district in which it is located.
- F. No fowl facility shall be located closer than ten (10) feet from the residence on the property.
- G. Fowl shall not be kept within the living area of the residential structure, or attached garage except for medical, quarantine or brooding reasons.
- H. A fowl facility, and the property on which the fowl facility is located, shall be maintained in a condition such that the facility or fowl do not produce noise or odor or any other type of situation that creates a nuisance for adjoining properties.
- I. Fowl facilities will be located in a well-drained area that does not discharge on a public way or neighbor's property.
- J. Waste shall either be composted with carbonaceous material such as hay, bedding, or leaves or stored in a sealed container until it is removed from the property. Waste may not be disposed of in "yard waste" bags and containers.
- K. Fowl facilities shall be cleaned at least on a weekly basis.
- L. Feed must be stored in a rodent-proof container.
- M. NO ROOSTER(S) OR CROWING HENS SHALL BE KEPT WITHIN THE CITY LIMITS.
- N. Coops shall be cleaned regularly to maintain sanitary conditions and thoroughly disinfected three times a year.
- O. All pigeons shall be confined to their coop except for limited periods necessary for exercise, training, and competition. At no time shall pigeons be allowed to perch or linger on buildings or the property of others.
- P. Coops shall be cleaned regularly to maintain sanitary conditions and thoroughly disinfected at least three times per year.

Section 4 General Requirements

4.1 For the purpose of Licensing mature domestic farm animals, the following shall be

considered equivalent and each will be regarded as a single animal unit. Additional animals must be approved by the Board.

Additional domestic farm animals up to a total of two (2) shall not be permitted unless the lot contains a minimum of two thirds (2/3) of an acre per each additional domestic farm animal per below:

- Horse 1 / per acre
- Donkey 1 / per acre
- Mule 1 / per acre
- Pony 1 / per acre
- Cow 1 / per acre
- Goat 2 / per acre
- Sheep 2 / per acre

Swine: The keeping of swine within City Limits is expressly prohibited.

The Board may determine unit(s) to any domestic farm animal not specifically listed above.

4.2 A building, coop or stable shall be located no less than six (6) feet from a side lot line or 10 feet from a rear lot line, and shall not be located in the front yard or side yard bordering a public way, unless the side yard is screened by a fence acceptable by the Board.

4.3 50 feet from any well used as public or private drinking water supply.

4.4 Section 4 of these Regulations shall not apply to parcels of 5 acres or more in area.

4.5 A building, coop or stable shall be located no less than ten (10) feet from any habitable structure located on the property where the shelter is kept and must be at least fifteen (15) feet from a neighboring primary dwelling.

Section 4 shall not apply to Board of Health approved buildings, coops or stables in existence on the effective date of these Regulations.

Section 5 Licensing

5.1 A license is required for anyone keeping one (1) or more domestic farm animals or fowl as defined in these Regulations. At time of application; the applicant shall provide the Board of Health with the following documents:

- A. Application(s) for a license for the purpose of keeping domestic farm animals. A completed application with the following information:
 1. Full name, address, and telephone number of the applicant
 2. Location-street address of the premises to be used
 3. Number and species of domestic farm animals and fowl to be kept. No domestic farm animals or fowl in excess of the specified number on initial application shall be kept. The addition of any new domestic farm animal or fowl requires an applicant to make application for a modification of said permit with the Board of Health.
 4. Applicant shall submit to the Board of Health a copy of all required immunization certificates if required upon request.
 5. A diagram, acceptable to the Board, showing the lot borders with dimensions of area where the domestic farm animals or fowl will be kept and used by domestic farm animals, location of accessory structure(s), principle structure(s), abutting structure(s), conforming fences and barriers, any wetlands located on the lot of the housing for the one (1) or more domestic farm animals or

fowl, location of any septic system on the premises, location on any private wells within the perimeter of the area where the one (1) or more domestic farm animals or fowl will be kept or within fifty (50) feet of the perimeter, showing location of manure containers, and drainage details. Also the plan shall show the locations of all lots and with the houses.

- B. For the initial application for a license to keep domestic farm animals after the effective date of these Regulations, the applicant shall notify the abutters by certified mail or written notification signed by abutters indicating that they have been notified that an application has been filed at the Board of Health for a permit to keep domestic farm animals. A copy of the notification sent to the abutters and proof of notification (the green card) shall be provided to the Board of Health.
- C. Fee for a license shall be thirty dollars for a period of three years beginning as of the date of publication in the city newspaper. Any license holder must apply for a renewal of the license at least forty-five (45) days prior to the expiration of said license. Any changes from the previous license shall be provided on a renewal license.
- D. Exotic and Wild animal(s) shall not be kept within the City of Brockton limits without expressed written approval of the Board of Health and shall be in accordance with Massachusetts General Laws.
- E. No person shall propose or erect, remodel, occupy, or use a stable, or accessory structure intended for the housing of domestic farm animals or fowl unless and until he/she has submitted an initial or revised plan to the Board of Health for review and the same has been approved.
- F. Licenses are not transferable.
- G. An applicant must comply with all federal, state and local regulations and bylaws.

Section 6 Facility Standards

- 6.1 A building, coop or stable shall not be constructed, and/or maintained in a manner that promotes or results in unsanitary conditions.
- 6.2 A building, coop or stable shall have a supply of water available for drinking and cleaning purposes.
- 6.3 A building, coop or stable shall be adequately ventilated, provide protection from weather elements and include food and water supplies.
- 6.4 All facilities for the keeping of domestic farm animals and fowl shall be securely fenced. Domestic farm animals or fowl at no time shall be allowed to roam unattended from the facility.
- 6.5 An adequate structurally sound dry building, coop or stable shall be maintained within the facility.
- 6.6 The facility shall be maintained in such a manner as to prevent the spread of infectious or contagious diseases, and shall be kept in a clean and sanitary condition, free from decaying food, filth, vermin infestation and stagnant water.
- 6.7 Food shall be stored in sealed, moisture-proof and vermin-proof containers.
- 6.8 Dead domestic farm animals and fowl shall be disposed of or incinerated in compliance with applicable law, within a reasonable time but in no event more than forty-eight (48) hours after death.

6.9 The operator of the facility shall comply with all applicable provisions of M.G.L. c. 129 regarding Livestock Disease Control.

Section 7 Manure Management

The following are requirements for the keeping and maintenance of manure and fecal matter within a building, coop or stable. The license holder shall have a manure management plan (MMP) for their facility. The MMP requirements will be supplied to the license holder by the Board of Health.

- 7.1 Drainage or liquid effluent containing urine, fecal matter and manure from any building, coop or stable shall not be discharged in runoff, or flow over the surface of the ground onto a neighboring property, public way, watercourse or wetlands. Water including such drainage or liquid effluent, shall not become stagnant or collect or create a ponding effect upon said facility.
- 7.2 The owner and/or license holder of the building, coop or stable shall provide for the composting and/or sanitary storage and disposal of all waste, fecal matter and manure other than the normal deposition of wastes by animals in pastures.
- 7.3 Manure and soiled bedding from buildings, coop or stables shall be stored and disposed of so as to minimize odors, breeding of flies, and the attraction of vermin. Manure from buildings, coop or stables shall be collected and kept in suitable containment area or receptacle at a single location. This location shall be chosen to maximize the distance from abutting properties and wetlands and with due consideration of the prevailing winds.
- 7.4 The following requirements shall apply to the use, accumulation and/or disposal of manure from buildings, coops or stables:
 - A. The accumulation, stock piling, and storage of manure from buildings, coops and stables is prohibited outside of the containment area or a receptacle.
 - B. No manure storage area shall be closer than the distances shown to the components listed in the following table. The distances shown are minimum distances and may be increased with the Board's approval where required by conditions particular to the location.

- Wetland-150' or as governed by M.G.L. Chapter 131, Section 40
- Surface/subsurface drains-100'
- Abutting dwellings-20'
- Side & rear lot lines-6'
- Public or private roadway- 30'
- Tributary to a public water supply-200' or as governed by M.G.L. Chapter 131, Section 40
- Private water supply- 50'
- Public water supply-500'

However, no portion of a stable, corral, or manure storage area shall be located, within the Zone 1 of a Public Water Supply.

- C. The dimensions and/or drainage conditions of a particular lot may, in the opinion of the Board or its authorized agents, require off-property disposal of manure from buildings, coops or stables. In such cases, the manure shall not be put out for general town trash collection. It shall be the responsibility of

the owner and/or license holder to dispose of manure in a safe and sanitary manner and not be allowed to accumulate in excess of time frame allowed under MMP on property or interior of an accessory structure.

- D. Subject to applicable law, the Board or its authorized agents may allow the composting of manure generated at a facility upon specific written Board approval.

Section 8 Pest Management

The owner and/or permit holder is responsible to implement a Pest Management Plan for the facility. This plan requires approval by the Board of Health or its authorized agent and will be performed by a licensed pest control operator if required by applicable law. Extermination shall be performed as deemed necessary by the Board of Health or its authorized agent or a licensed pest control operator.

Section 9 Variance/Hearing

- 9.1 Any person whose application for a license or license renewal has been revoked or denied may request a hearing before the Board of Health by submitting a written request within ten (10) days of said denial. The Board of Health shall set a time and place for said hearing within fourteen (14) days of receipt of the request.
- 9.2 The Board of Health may, after a public hearing, grant a variance to the application of these Regulations when, in its opinion, the enforcement thereof would do manifest injustice, and the applicant has demonstrated that the public health, safety and welfare will be adequately protected without strict application of particular provisions of these Regulations.
- 9.3 Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. The request shall contain all the information needed to demonstrate to the Board that, despite the issuance of a variance, the public health, safety and welfare will be adequately protected. Any grant or denial of a variance shall be in writing and shall contain a statement of the reasons for approving or denying the variance. A variance may be revoked, modified or suspended, in whole or in part, only after the holder thereof has been notified in writing and has had an opportunity to be heard, except in the case of an emergency as defined in Section 13.3.

Exceptions

- 9.4 The Board may revoke a license where the Board has issued an order of public nuisance.

Section 10 Compliance with Animal Health Requirements

- 10.1 It is required that all domestic farm animals be immunized in accordance with the requirements of the US Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) and the Massachusetts Department of Agricultural Resources, Bureau of Animal Health.

10.2 Owner must comply with conditions required to address an outbreak of communicable domestic farm animal or fowl diseases as determined by USDA, APHIS and/or the Massachusetts Department of Agricultural Resources, Bureau of Animal Health.

Section 11 Suspension/Revocation of Permit

11.1 A license granted under these Regulations may be suspended or revoked for cause, by the Board of Health, provided that the hearing has been held by the Board after seven (7) days notice of the suspension or revocation, except in the case of emergency as set out below. Notice shall be given by first class mail sent to the address shown on the most recent application.

11.2 Whenever the Board of Health has determined that an emergency exists under Section 13.3, the Board may, without prior notice or hearing, issue an order stating the existence of the emergency and ordering that the license be immediately revoked or suspended, as specified therein. The license holder may request a hearing within seven (7) days after the service of the order and a hearing shall be granted as soon as practicable, provided however, that such a request for a hearing shall not stay or in any way modify the terms of the emergency order.

11.3 Cause for Emergency: The following shall be grounds for emergency suspension or revocation of a license or a variance to keep domestic farm animals or fowl.

- a.) Unsanitary conditions, which in the opinion of the Board of Health, are creating a hazard to public health, safety or welfare.

Section 12 Enforcement/Penalties

12.1 The Board or its Agent(s) shall investigate violations of these Regulations and may take such action that the Board deems necessary for the protection of the public health and the enforcement of these Regulations.

12.2 If an investigation reveals a violation of these Regulations, the Board or its agents shall order the license holder to comply with the violated provision(s) within fourteen (14) days or such other time period as the Board deems necessary.

12.3 Should the license holder not comply with the Regulations within fourteen (14) days the Board, or its agents, as enforcing person, taking cognizance of a violation of any provision of these Regulations, may as an alternative to initiation of criminal proceedings, seek enforcement through a non-criminal proceeding pursuant to the provisions of M.G.L. c. 40 § 21D. For each violation of a provision of these Regulations the penalty shall be \$50.00 (first offense) \$100 (for second offense) and \$200 (for third and subsequent offenses) per Regulation. Each day the offense occurs shall be considered a separate violation. All fines outstanding must be paid before the re-issuance of an existing license, or a new license.

12.4 The Board of Health may deny, suspend, revoke, or refuse to renew a license for a failure to comply with any provision of these Regulations.

12.5 The person(s) who have had a license denied or revoked shall be ordered to remove all domestic

farm animals and fowl from the property within 15 days of said denial or revocation.

12.6 The continuance of any violations of these Regulations beyond a date specified by the Board of Health, when the owner and/or license holder of the facility has been ordered by the Board of Health or its agent to abate any such violations in a safe and sanitary manner, shall be cause for revocation of license and/or initiation of legal proceedings to eliminate said conditions.

Section 13 Right to a Hearing

Any person or persons 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 with the Board within seven (7) days of receipt of said order.

Section 14 Applicability

The effective date of these Regulations is the date of their approval by a majority vote of the Board and of publication in the local newspaper. These Regulations shall apply to new permit applications filed after that date,

- These Regulations shall apply to new license applications only.
- A license update will be required hereunder for all new structures and/or facilities, any substantial expansion of existing structures and/or facilities, any substantial increase in the number of fowl or domestic farm animals and/or the intensity of the permitted use. As used herein, the term "substantial" means an increase of more than 25% in size of facility or structure and/or increase of more than 25% in total fowl or domestic farm animals.
- In the event of transfer of ownership of a licensed property, the new owner must within thirty (30) days, apply for a new license and will be granted provisions established by previous owner relative to structures, domestic farm animals or fowl type and numbers as contained in previous records on file and as approved by the Board of Health.

Section 15 Severability

If any section, subsection, sentence, clause, phrase or portion of these Regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provisions and such holding shall not affect the validity of the remaining portions thereof. The provisions of these Regulations are hereby declared severable.

Approved: October 3, 2017

Publication: November 24, 2017

Brockton Board Of Health

Application for license for keeping of domestic farm animals and fowl

initial license

Renewal license

Date received _____

Check # _____

FEE \$30.00/3 years
Please make checks payable to
City of Brockton

Applicants Name _____

Applicants Address _____

Applicants Phone # _____

Email _____

Veterinarians Name _____ **Phone** _____

Type of structure (s) _____

Size of lot _____

Species _____ **#** _____

Species _____ **#** _____

Species _____ **#** _____

Mail Application to

Brockton Board of Health
45 School Street
Brockton Ma 02301

**Include with application a copy of
diagram of housing and property lines
pest management plan,
waste management plan
notice to abutters for all farm animals except fowl**

Phone: 508-580-7175
Fax: 508-580-7179
E-mail:
mdrake@cobma.us,

Signature Of Applicant _____

Date _____

All license approval pending a passing inspection