

REGULATIONS GOVERNING POULTRY

The following regulations, adopted by the Board of Health on January 29, 1980, govern all animals of the poultry family including, but not limited to, the following: chickens, hens, turkeys, roosters, ducks, geese, pheasants, guinea fowl, quail, pigeons and doves, etc. Such regulations being adopted in accordance with the provisions of Chapter 111, Sections 155 and 31, of the Massachusetts General Laws.

POULTRY PERMIT:

No person, or firm, within the Town of Yarmouth shall keep, or maintain, any so-called poultry without first obtaining a valid license for such from the Board of Health. Such license shall specify the number of poultry to be kept, or maintained, on the licensed premises. No poultry in excess of the number so specified shall be kept, or maintained, therein.

APPLICATION PROCEDURES:

All applications for a Poultry License, to keep or maintain poultry, shall be submitted to the Health Department Office on a form supplied by the Board of Health. All applications shall be accompanied by a plan depicting the property to be used, with the names, addresses, and letters of approval of all abutters; the exact location of the facilities, showing distance (in feet) from all habitable dwellings, property lines, and any other facilities as defined under "LOCATION". All applications shall be accompanied with a statement indicating the methods to be maintained to keep the facilities clean and free from vermin, malodors, and run-off.

RESTRICTIONS:

No rooster shall be kept, or maintained, on the licensed premises unless authorized by the Board of Health, and so stated on the valid license. It shall be adequate cause for refusing or revoking a license if one or more abutters issue a complaint of a roosters presence for reasons of noise.

FEE:

The fee for a Poultry License shall be determined as follows:

1 - 15 poultry: \$25.00
16 or more: \$25.00"

A Poultry License shall expire, annually, on December 31 of each year. A license shall not be transferable.

LOCATION:

Coops, hutches, runs, buildings, or other type structures, used to house, or maintain, poultry shall be located not less than 100 feet from any dwelling used for human habitation, church, school, public building, nursing or rest home, playground, or hospital.

Not less than 50 feet from any adjoining property lines, or the line of any public, or private, roadway.

Not less than 250 feet from the high water mark of any source of potable drinking water, or any tributary thereof; less than 250 feet from the

high water mark of any open waters flowing directly, or ultimately, into any source of drinking water.

Not less than 50 feet from any room where milk is handled.

CONSTRUCTION OF BUILDING:

All coops, hutches, buildings, or other such structures used to house, or maintain, poultry shall be properly constructed and shall be designed, arranged, located, and maintained so as to prevent fly and insect population, the harborage, or shelter, of rats, mice or other rodents, and to minimize, or prevent, malodors. A facility shall also be properly ventilated and kept dry.

SCREENING:

All windows, doors, or other openings shall be screened so as to prevent the entrance, or exit, of flies or other flying insects.

MAINTENANCE:

The interior of coops, hutches, buildings, or other such structures shall be whitewashed (or equivalent treatment) at least once a year.

Nests, or roosts, shall be movable, and shall be cleaned frequently.

Perches, or roosts, and the areas beneath such shall be cleaned frequently and maintained in a sanitary condition.

Feed stations shall be cleaned on a daily basis and maintained in a sanitary condition.

STORAGE OF FEED/GRAIN:

All poultry feed and/or grain shall be maintained in watertight metal or concrete containers which shall be maintained in clean and sanitary conditions. Feeding troughs shall be cleaned on a regular basis and placed upon a cement, or watertight, surface which shall also be maintained in a clean and sanitary condition.

MANURE STORAGE & DISPOSAL:

A ventilated, watertight, storage facility constructed of concrete or other approved material shall be provided for the storage of all poultry waste matter, such being disposed of in a sanitary manner from the premises.

WATER SUPPLY:

A supply of potable drinking water shall be made available at, or near, the facility for purposes of feeding and cleaning.

RESTRICTIONS TO PREMISES:

Poultry shall not be allowed to stray or forage outside the area of the facilities so provided.

INSPECTION OF PREMISES:

The Board of Health, or its duly authorized representative, shall in-

spect the premises, so named and described within the application, for purposes of determining the fitness and suitability of said premises for the keeping, or maintaining, of poultry in meeting with all requirements of these regulations. No license shall be granted until the facilities have been constructed and determined to be in compliance with all laws, ordinances, rules, and regulations, as set forth herein.

POSTING OF LICENSE:

A Poultry License, so granted by the Board of Health, shall be posted, conspicuously, on the premises.

DENIAL OF LICENSE:

Any person, or firm, denied a license for the keeping, or maintaining, of poultry shall be so notified, in writing, by the Board of Health. Such notification shall specify the reason(s) for such denial and may suggest remedial action necessary for procuring approval for the issuance of a license. Such person, or firm, shall be notified of his/her right to a hearing before the Board of Health. [See Article I, Regulation 8 of the Massachusetts State Sanitary Code]

RENEWAL OF LICENSE:

Application for the renewal of a Poultry License shall be made on a form provided by the Health Department Office. All such licenses shall expire on the 31st day of December next following the date of issue, unless otherwise sooner revoked or suspended, or unless the holder of such license changes the location of the facilities, or sells, assigns, transfers, or otherwise disposes of such facilities, or his interest.

ORDERS, CONTENTS AND SERVICE:

- A. ORDERS: If an inspection, of the facilities, reveals the existence of any violation of the regulations contained herein, the Board of Health may order the person, or firm, responsible to comply with violated provision(s) within a specified time, or;
- (2) if an inspection, of the facilities, reveals the failure of the person, or firm, responsible for such facilities, to comply with the provision(s) of the regulations contained herein so as to endanger, or materially impair, the health or well-being of the public, the Board of Health may, as it deems necessary, issue an order revoking, or suspending, such license, in accordance with the provisions of these regulations.
 - (3) Every order so authorized by the regulations contained herein shall be made in writing.
- B. CONTENTS OF ORDER: An order, so issued by the Board of Health, shall:
- (1) include a statement of the violation(s), and may suggest appropriate action which, if taken, will effect compliance with all regulations;
 - (2) allot a reasonable period of time for any action(s) so required;
 - (3) inform the person, or firm, in question of his/her right to a hearing before the Board of Health.
- C. SERVICE: Orders issued under the provisions of the regulations contained herein shall be served in accordance with the provisions of

Article I of the Massachusetts State Sanitary Code.

HEARING:

The hearing provisions of Article I of the MGL shall apply to the regulations contained herein.

APPEAL:

The appeal provisions of Article I of the MGL shall apply to the regulations contained herein.

VARIANCE:

The variance provisions of Article I of the MGL shall apply to the regulations contained herein.

PENALTIES:

The penalty provisions of Article I of the MGL shall apply to the regulations contained herein.

EFFECTIVE DATE OF ADOPTION:

The regulations contained herein become effective as of:

JANUARY 29, 1980

Signed:

TOWN OF YARMOUTH BOARD OF HEALTH

John G. Sears, III, Chairman

Arthur N. Luke

Bradford L. Tallman

Joel Wolfson

Franklin R. Greene