

# REVERE BOARD OF HEALTH REGULATION FOR THE KEEPING OF CHICKENS

**WHEREAS**, the Revere Board of Health seeks to promote the creation of urban agriculture initiatives to support local access to healthy food; and

**WHEREAS**, the Revere Board of Health recognizes the benefits of local food sources as a sustainable practice capable of delivering food of high quality at low cost,

**NOW THEREFORE**, the Revere Board of Health promulgates the following regulation to protect the health of Revere residents, workers, and visitors.

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## Section 1. Purpose

The purpose of this regulation is to protect the public health of Revere residents, workers, and visitors while promoting healthy and safe local food access through regulation of the keeping of chickens.

## Section 2. Authority

This regulation is adopted under the authority of M.G.L. ch. 111, §§ 31 and 122, Revere Revised Ordinance 17.16.470, and pursuant to any other authority conferred by state or local laws on the Revere Board of Health. Pursuant to this authority, the Board of Health designates the city of Revere Health Department or the Department of Municipal Inspections (a/k/a Inspectional Services Department) and its Inspectors to carry out its role in the administration and enforcement of this regulation.

## Section 3. Definitions

Accessory structure: Shall mean a structure incidental to and located on the same lot with a principal building.

BOH: Shall mean the city of Revere Board of Health.

Chicken: Shall mean the common domestic fowl - *Gallus gallus domesticus*.

Coop: Shall mean an enclosed structure with indoor area where chickens can roost and lay eggs.

Hen: Shall mean a mature female domestic chicken.

Run: Shall mean an outdoor enclosed area that chickens are confined to that is connected to a coop.

Pests: Shall refer to rodents, vermin, and insects, including vectors that transmit diseases to humans, such as flies and mosquitoes.

Person: Shall mean a person, persons, association, partnership trust, company, corporation, or other legal entity.

Predator: Shall mean any creature that would seek to harm or consume chickens, including but not limited to, dogs, cats, coyotes, birds of prey, racoons, and skunks.

Property Owner: Shall mean every person who has legal title or the right to occupy or control any parcel of land, whether built upon, vacant or otherwise.

Rooster: Shall mean a male domestic chicken.

#### **Section 4. General Requirements**

- a. All persons keeping chickens in Revere shall do so in compliance with all applicable federal, state, and local laws, rules and regulations including, but not limited to R.R.O. Title 17, Section 16.470.
- b. Persons who keep chickens shall not do so in a manner that would constitute a nuisance as set forth in M.G.L. ch. 111, § 122 or result in any unsanitary condition.
- c. No roosters or crowing hens are permitted.
- d. The number of hens shall be limited to six (6).
- e. The BOH or its agent may order the removal of the chickens upon a determination that the chickens pose a health risk or nuisance.

#### **Section 5. Structure Requirements for Keeping Chickens**

- a. A coop must have a minimum interior floor surface of at least two (2) square feet per chicken.
- b. A run area is required and must have a minimum ground surface area of at least ten (10) square feet per chicken.
- c. Structure can have a maximum height (at the highest point of structure) of eight (8) feet.
- d. Entire structure (coop and run) must be less than 120 square feet and must comply with all state and local building codes (including electrical and plumbing permits, if needed).
- e. Consistent with R.R.O. 17.16.260(F)(1), coop and run structure must be located at least two (2) feet from rear property line and five (5) feet from side property line and follow all municipal building and setback requirements.
- f. Coop and run structure is not permitted in front or side yards.

g. Coop and run structure shall be located more than 200 feet from the high-water mark of any known source of drinking water supply or any tributary thereof, and more than 50 feet from any well.

h. Coop and run structure must be constructed securely to exclude pests and predators and must be completely enclosed.

## **Section 6. Management Requirements for Keeping Chickens**

a. Perceptible noise from chickens at the property boundary must conform to the existing noise ordinance, R.R.O. 9.08.050 – 090.

b. Chicken bedding and waste must be discarded as per existing municipal waste regulations (R.R.O 8.06.020) or composted on-site responsibly, in an appropriate composting container.

c. Odors from chickens, manure, or other chicken-related substances shall not be perceptible at the property boundaries.

d. Any person keeping chickens must always do so in a humane manner, including but not limited to, access to fresh food and water, protection from predators, threats, and harm, and protection from elements as needed. Coop and run must be kept clean and well maintained.

e. All chickens shall be confined to the license holder's property at all times.

f. Necessary measures must be taken to prevent a buildup of pest and rodent populations due to the presence of chickens on the property.

g. Hens may not be kept in the home unless on a temporary basis for health or safety reasons, so long as hens are kept in a suitable "hospital" or "quarantine" cage setup.

h. Chicken feed must be kept stored in pest-proof containers and/or kept within the pest-proof coop and run structure at all times.

i. Chickens shall not be butchered within sight of neighbors and meat must not be sold.

j. When a chicken dies it must be disposed of in a sanitary manner:

i. Secured in a triple-layered plastic wrap or bags and disposed of with municipal waste as per regulations, or

ii. Taken to veterinarian for disposal, or

iii. Buried in backyard, at least two (2) feet deep, not within 50 feet of water drinking water source including a well, with heavy objects placed on top of burial site

k. In the event of unexpected die off of more than one (1) chicken in the flock within two (2) weeks of each other, licensee must report event to the BOH within two (2) business days.

## **Section 7. License Required**

No person shall keep chickens in Revere without obtaining a license to do so from the BOH.

### **Section 8. License Application Requirements**

Each person proposing to keep chickens shall submit an application to the BOH that shall include the following:

- a. Applicant name, address, and contact information.
- b. A scale drawing (hand-drawn or electronic) of the property, which depicts the proposed coop and run location, dimensions of each, and proximity to property lines and accessory structures.
- c. Written consent of the property owner(s), if applicant is not the property owner.
- d. Written verification of all immediate abutters to the address on application stating they have been notified of the applicant's intent and informed that they have the right to express concerns to the BOH at public hearing where application is being considered for issuance or renewal.
- e. Application must also include
  - i. Detailed waste management plan that includes cleaning practices for coop and run structure, feed and water containers, and
  - ii. Detailed plan for dealing with sick chickens including plan for veterinary care,and
  - iii. Detailed emergency plan in event chickens need to be evacuated or temporarily relocated.
- f. The applicant shall apply for a license on the form to be provided by the BOH. All materials submitted in a license application shall be considered part of any license issued by the BOH.
- g. After a license to keep chickens has been issued, no modifications to plans submitted in support of an application to obtain said license shall be made unless such modified plans have been approved by the BOH.
- h. Licenses issued by the BOH are personal to the licensee and shall not be transferable. A new license application must be submitted to the BOH whenever there is a new owner seeking to keep chickens on said property. Any sale or transfer of the property that houses chickens shall require immediate written notification by the person to the BOH. If the new property owner does not consent to the continued keeping of chickens at the property, the licensee shall cease the keeping of chickens at the property and promptly surrender any license to the BOH.
- i. The license application fee for the issuance of a license shall be fifty (\$50) dollars and shall be due at the time the applicant submits the license application to the BOH.

### **Section 9. Renewals**

a. All licenses to keep chickens may be renewed annually. A person seeking to renew a license to keep chickens shall submit an application for renewal to the BOH no later than March 1<sup>st</sup> of each year. The applicant shall apply for a renewal on a form provided by the BOH. Failure to timely apply for a renewal of license shall result in the termination of the license

b. The application fee for a license renewal shall be twenty-five (\$25) dollars and shall be due at the time the applicant submits the application to the BOH.

#### **Section 10. Notification**

Upon receipt of a complete application for the issuance of a license for the keeping of chickens, the BOH shall provide written notification to the applicant and the owner of the property where the chicken keeping is proposed. Such notice shall provide the date and time of the public hearing of any such application or request. Such notification shall be made by certified mail, return receipt requested.

#### **Section 11. Hearings**

a. The BOH shall conduct a public hearing to consider the issuance, suspension, and revocation of licenses.

b. The BOH shall conduct public hearings as needed. Two hearing officers shall constitute a quorum for the purpose of convening a hearing and of conducting the business of the BOH pursuant to this regulation.

c. The BOH shall not consider any application for a license or renewal of a license unless the BOH has received applications that are complete.

d. The BOH shall not issue a license if the BOH determines the keeping of chickens poses a health risk of nuisance to the public or to a person(s) who lives directly adjacent to or at the property where chicken keeping is proposed. In making its determination, the BOH shall provide evidence of such risk. "Health risk" shall mean the likely possibility of physical injury or harm to one or more person(s) caused by the keeping of chickens.

e. Health Inspectors or other staff of the Department of Municipal Inspections (a/k/a Inspectional Services) or Public Health Department shall present his or her recommendations to the BOH at a public hearing as to whether a license should be issued, suspended or revoked.

f. The BOH, in its sole discretion, may approve or reject the entirety or portions of an application for the issuance of a license or may require modifications to any of these before any such issuance is approved.

g. An applicant for the issuance of a license or any licensee subject to suspension or revocation shall have a right to be heard at a public hearing before the BOH prior to the BOH rendering a decision.

h. The BOH may promulgate guidance for orderly procedure at hearings and for the proper implementation of the BOH's responsibilities under this regulation.

### **Section 12. Enforcement and Violations**

a. Authority to enforce this Regulation shall be held by the BOH or its designee.

b. Any violation of this regulation may be enforced by the BOH through its designee Health Inspectors and or Director of Public Health, including any violation for noncompliance of any provisions of the State Sanitary Code (105 CMR 410), and may be subject to the penalties set forth in R.R.O. 1.12 Article III, and 1.16 and/or in the manner provided in M.G.L. ch. 111 § 187.

c. Written notice of any violation of this regulation shall be sent to the chicken keeper and property owner by the BOH, and shall:

- i. Specify the nature of the violation and the schedule for compliance;
- ii. Order any corrective actions that must be undertaken to remedy any violation of this regulation, and
- iii. Order any preventative measures necessary to avoid future violations.

d. Any licensee may request a hearing before the BOH after receiving a notice of a violation. Such request must be made in writing and submitted to the BOH within ten (10) days of receipt of written notice of any violations.

e. At a public hearing in response to a licensee's request for a hearing, the BOH may deny, uphold, or uphold or deny in part, the violation.

### **Section 13. Inspections**

The BOH or its designee may inspect a chicken coop at any time to investigate whether there has been a violation of this regulation. The BOH or its designee shall conduct an inspection when any of the following apply:

a. The BOH has received a written or oral complaint about the keeping of chickens; or

b. The BOH has received an application for the issuance of a license or a request for the modification of any license. There may be one or more inspections conducted by the BOH or its designees during the application process.

### **Section 14. Imminent Health Hazards**

If the BOH or its designees determines that a chicken flock causes an imminent health hazard, the BOH or its designees may require that the chickens be immediately removed at the chicken keeper's expense without a hearing.

## **Section 15. Penalties**

- a. Any person who violates any provision of this regulation may be penalized by a non-criminal disposition process as provided in R.R.O. 1.12, Article III, and 1.16, including applicable fines.
- b. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- c. Any person who violates any provision of this regulation may be penalized by a complaint brought in a court of competent jurisdiction as provided by M.G.L ch. 218, § 26. Except as may otherwise be provided by law and as the court may see fit to impose, the maximum penalty for each violation, consistent with R.R.O. 1.16, shall be three hundred (\$300) dollars. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
- d. A person who keeps chickens shall be wholly liable for any and all costs related to remediating any violation of this regulation as set forth in M.G.L. ch. 111, § 123. Consistent with R.R.O. 1.16, Article III, and Chapter 497 of the Acts of 1991, a lien may be placed on the property of any person who has an outstanding balance due the city from any penalties, fines, assessments, or other charges resulting from violations of any city or state sanitary regulation or code.

## **Section 16. Severability**

If any provision, clause, section, sentence, or paragraph of the above regulation shall be held to be invalid, such invalidity shall not affect the remaining provisions of this regulation. The valid part of any provision, clause, section, sentence, or paragraph shall be given independence from the invalid provisions, and to this end the provisions are hereby declared to be severable.

## **Section 17. Recommendations**

The following section details recommendations and best practices for chicken keeping. These recommendations are meant to help applicants be successful in the keeping of chickens and comply with the above regulations.

- Applicant should familiarize his/herself with educational materials and best practice methods for backyard chicken keeping. Some resources are listed below
  - o [www.yardbirdsbackyardchickens.com](http://www.yardbirdsbackyardchickens.com)
  - o [www.backyardchickens.com](http://www.backyardchickens.com)
- If utilizing a pre-fabricated coop and run structure ensure that it meets the minimum size requirements outlined above before purchase.
- Learn about veterinarians in the area who handle chickens. Become familiar with office hours and contact information.
- If keeping non-mature hens in anticipation that replacement of some of the current mature flock is necessary, no more than 12 hens in total should be kept.

- Ensure easy access to an appropriate amount of pet carriers for entire flock if emergency removal is necessary.
- A coop and run structure with a completely rain-proof roof is highly recommended.
- ½ inch hardware cloth is highly recommended for use throughout the coop and run structure for pest and predator prevention. Bury hardware cloth around the entire perimeter of the structure for further pest prevention.
- ¾ - 1 inch lath screws are recommended when attaching hardware cloth to structure.
- Ensure coop has appropriate natural light and ventilation for both summer heat and winter cold. This includes hardware cloth-covered windows, doors, or other ventilation openings on all 4 walls of structure that open and close completely.
- To ensure appropriate setback requirements are met, request property line assessment from City of Revere Assessor's office. Do not assume that current fence lines or assumed property divisions are correct.
- Use pine shavings for coop floor and nesting boxes instead of straw or hay.
- Wash hands appropriately after handling chickens, bedding, waste and after collecting and cleaning eggs.
- Collect eggs daily.
- Ensure that entire flock has access to clean water and food on a daily basis.
- Rinse and scrub water delivery system and large messes inside coop and run on a weekly or biweekly schedule.
- Clean out all shavings in the coop and nest boxes and replace with fresh shavings on a monthly basis.
- When composting bedding and manure, plan ahead. Often the volume of these materials will be too large for a typical urban compost bin. Become familiar with urban compost providers in the area. Become familiar with appropriate methods of composting.

**Section 18. Effective Date:**

This regulation shall take effect on March 24, 2022

Signatures of BOH members:



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Craig A. Postanza

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