

**TOWN OF WEST SPRINGFIELD
BOARD OF HEALTH**

REGULATIONS FOR THE KEEPING OF HENS

I. Definitions.

- A. Abutter** – owner of property that borders on and directly touches the property border of the applicant as well as owners of property directly opposite the applicant on any public or private street or way.
- B. Board** – The Board of Health of the Town of West Springfield or its designee.
- C. Hen** – a female chicken. “Chicken” may also be used to refer to hens.
- D. Henhouse (or Coop)** – a structure designed to house hens.
- E. Facility** – the complete area designated for hen keeping on the applicant’s plan, including the henhouse and pen.
- F. Pen (or Run)** – a completely enclosed outdoor area designed to allow hens access to the outdoors while providing protection from predators.
- G. Predator** – any creature that would seek to harm or consume hens.
- H. Pests** – any unwanted animal that would seek access to hen feed, such as mice or rats.
- I. Rooster** – a male chicken.
- J. Surface Water** – all waters other than groundwater, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and vernal pools.

II. Regulation and Permit Process.

- A. Permit Required.** No person shall keep hens within the limits of the Town of West Springfield, in any building, or on any premises of which s/he is the owner, lessee, tenant or occupant, without first obtaining a permit from the Board, except on commercial farms which meet the requirements of Massachusetts General Law, Chapter 40A, Section 3 and/or Massachusetts General Laws Chapter 128, Section 1A.
- B. Initial Application.** Initial applications for a permit to keep hens shall be made in writing, on Town approved forms, to the Board of Health, and shall provide, under oath, such information as the Board of Health may require, including, but not limited to, the following:
 - i. The name and address of the applicant and the intended place of hen keeping in West Springfield.

- ii. Number of hens to be kept; no adult hens in excess of the specified number on initial application shall be kept. The addition of any new hens requires an applicant to submit an amended application to the Board for approval.
- iii. A plan drawn to scale, which includes the following information: size of entire lot with existing structures as well as the henhouse and pen, including fences; distance of henhouse and pen from all abutters.
- iv. Confirmation from the West Springfield Building & Planning Department that the proposed structures for keeping the hens as shown on the submitted plan comply with zoning requirements.
- v. A written Management Plan for the following:
 - a. Manure Management to address cleaning, composting, storage, utilization and removal of manure;
 - b. Storage of feed; and
 - c. Pest Control to define the measures that shall be taken by the owner to minimize the presence of rodents, insects and pests, and to minimize the creation of odors and other nuisances.
- vi. Name of the principal veterinarian for the hens.
- vii. If the property where the hens are to be located is owned by multiple owners, written statements signed by all property owners granting permission for the keeping of hens. If the property where the hens are to be located is rented or leased, the applicant shall provide a written statement signed by all property owners granting permission for the keeping of hens.
- viii. Under the provisions of M.G.L. c 40, § 22F, the Director of Public Health is authorized to set reasonable fees for permit applications and such inspections as may be required. There shall be no reimbursement or prorating of application or inspection fees.

C. Action by Health Department on Initial Permit.

- i. Upon receipt of all of the required application material as defined above, the Board shall inspect the property.
- ii. The Board shall, within thirty (30) days from the date of the inspection: (1) grant the permit; (2) grant the permit under such terms and conditions as it deems appropriate in the public interest; or (3) deny the permit. Notice of the Board's decision shall be mailed to the applicant within seven (7) business days of the decision and will include any conditions imposed by the Board.
 - a. If the permit is issued, it shall be issued to the owner of the property or the tenant of the property with the written permission of the property owners. If permission from the property owners is rescinded, the permit shall expire in thirty (30) days or sooner if the permit holder no longer resides at the permitted address.
 - b. The issuance of such permit does not in any way relieve the permit holder of the necessity to comply with other laws and regulations concerning zoning and construction.

D. Permit Term & Renewal.

- i. Permits will be valid from the date of issue until December 31 of the same calendar year.

- ii. Renewal applications, including any required renewal fee, must be received by the Health Department no later than December 1 annually to ensure uninterrupted operation. If a permit holder fails to timely apply for a renewal of the permit, the permit holder's application shall be treated as an application for a new permit.

III. Requirements for Keeping Hens.

A. Facility Standards.

- i. Hens shall not be kept in any residence or part thereof intended for human habitation.
- ii. The facility for hen keeping shall not be designed and/or constructed in a manner that would likely endanger the animals or promote unsanitary conditions.
- iii. Each facility shall have a supply of potable water available to the structure for drinking and cleaning purposes.
- iv. Each facility shall be adequately ventilated, provide protection from the weather and the elements, and provide food and clean water.
- v. All facilities for the keeping of hens shall be securely fenced to prevent the escape of hens therefrom. At no time shall hens be allowed to roam unattended from the facility.
- vi. Where appropriate, an adequate structurally sound dry shelter for hens shall be maintained within the pen.
- vii. The facility in which the hens are kept shall be maintained in such a manner as to prevent the spread of infectious or contagious diseases.
- viii. The owner and/or permit holder shall maintain the facility in a clean, sanitary, and presentable condition, free from decaying food, filth, feces, vermin infestation, and stagnant water.
- ix. Food shall be stored in a sealed, moisture-proof and vermin-proof containers, when appropriate
- x. Dead hens shall be disposed of within a reasonable time, but in no event, more than forty-eight (48) hours after death. The temporary storage of deceased hens shall be in such a way to prevent odors and attraction of vermin.

B. Nuisance Control.

- i. Noise.
 - a. No roosters (male chickens) are permitted.
 - b. Perceptible noise from hens at the property boundary must conform to all existing noise laws and regulations.
- ii. Odor.
 - a. Odors from hens, manure, or other hen-related substances shall not be perceptible at the property boundaries.
 - b. If possible, waste must be composted with carbonaceous material such as hay, bedding, or leaves. If the weather is too cold, or composting is otherwise not possible, waste must be stored in a sealed container until disposal.
 - c. Weekly cleaning of facilities is required, more frequent cleanings may be required as needed to prevent odor, the attraction of vermin or disease.

- iii. Other.
 - a. All hens shall be confined to the permit holder's property at all times to prevent wandering and straying onto other properties.

C. Predator and Pest Control.

- i. Hen feed must be stored securely in a rodent-proof container.
- ii. Hen feed leftover from feeding may not remain past dusk in an area accessible to rodents or other pests.
- iii. Henhouse construction
 - a. Henhouse and attached pen must be constructed securely so as to exclude predators.
 - b. The pen must be completely enclosed, including aviary netting or other predator-proof material across the top of the pen.
 - c. Henhouse and food sources must be constructed and stored so as to exclude pests.
- iv. Necessary measures must be taken to prevent a buildup of pest or rodent populations due to the presence of hens on the property.

D. Health & Disease Concerns.

- i. Hens must be enclosed and segregated from wild migratory fowl. Hens may only be allowed out of the enclosure into a securely fenced area when supervised.
- ii. All henhouses shall be located not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, or any surface water and not less than 50 feet from any well.
- iii. The Board may order the removal of the hens upon a determination that the hens pose a health risk.
- iv. Hens may not be slaughtered on a residential property.
- v. If a hen dies, it must be disposed of promptly in a sanitary manner.

E. Humane Treatment.

- i. Hens must be treated in a humane manner at all times, including access to fresh food, water and protection from the elements as needed.
- ii. Hens shall not be subject to debeaking or forced moulting.
- iii. The henhouse must have a minimum interior floor surface of at least three (3) square feet per bird.
- iv. A pen area is required and must have a minimum ground surface of at least ten (10) square feet per bird.

F. Non-Commercial Use Only. Hens permitted under this Regulation shall be kept for personal use only; no permit holder shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

IV. Enforcement.

A. Grounds for Denial, Revocation or Refusal to Renew a Permit.

- i. The Board may deny, revoke or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for revocation or refusal to renew:
 - a. Any actions which would indicate that the health or safety of the public would be at risk;
 - b. Fraud, deceit or misrepresentation in obtaining a license or its renewal;
 - c. Any present or past violation of these Regulations or any applicable federal, state or local law or regulation;
 - d. Keeping of hens without a permit; and
 - e. Other cause which the Board may determine would render the license holder or applicant unfit to keep hens.
- ii. The Board shall notify an applicant or permit holder, in writing, of any violation of the Board's regulations, for which the Board intends to deny, revoke, or refuse to renew a license. The applicant or license holder shall have seven (7) calendar days after receipt of such written notice in which to correct the violation(s). The Board may deny, revoke or refuse to renew a license if the applicant or license holder fails to comply after said seven (7) days.

B. Non-Criminal Disposition. The provisions of these Regulations may also be enforced through any other lawful means in law or in equity by the Board or the Mayor or their duly authorized agents, or the Animal Control Officer, and by any available means in law or equity, including but not limited to enforcement by non-criminal disposition and Section 7-100 of the Ordinances of the Town of West Springfield. Each day a violation exists shall constitute separate violation. When enforced through non-criminal disposition, the penalties shall be as follows:

- i. Twenty-Five Dollars (\$25.00) for the first offense;
- ii. One Hundred Dollars (\$100.00) for the second offense;
- iii. Three Hundred Dollars (\$300.00) for the third and all subsequent offenses.
- iv. Only offenses which have occurred within the two (2) years preceding the date of violation shall be used in calculating the number of offenses for purposes of this section.

C. Board's Discretion. The Board may use its discretion in determining whether the facts surrounding an offense warrant a penalty which is more lenient or severe than that suggested in subsection (A), and the provisions of subsection (A) shall not be construed so as to limit the Board's authority to consider alternative dispositions, or further conditions on a permit, or alternate penalties.

V. Permit Holder's Right of Appeal.

- A.** A permit holder may appeal a decision of the Board to suspend or revoke a permit pursuant to G.L. c.249, §4.
- B.** A permit holder may appeal a non-criminal disposition pursuant to G.L. c. 40, §21D.