



Cambridge  
Public Health  
Department

## **CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HENS**

**WHEREAS**, the Cambridge Public Health Department promotes healthy eating, local food resiliency, and sustainable local food initiatives; and

**WHEREAS**, the keeping of hens provides local egg production; and

**WHEREAS**, minimum standards are necessary to promote the responsible care and welfare of hens to minimize disease transmission; and

**WHEREAS**, minimum standards are necessary to protect the health, safety, and welfare of local residents and the environment;

**NOW THEREFORE**, the Cambridge Public Health Department promulgates the following regulation to protect the health and quality of life of Cambridge residents, workers, students, and visitors.

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### **Section 1. Purpose**

The purpose of this regulation is to protect the public health of Cambridge residents, workers, students, and visitors while promoting healthy and safe local food access through support of urban agriculture initiatives.

### **Section 2. Authority**

This regulation is adopted under the authority of M.G.L c.111 §31 and §122.

### **Section 3. Definitions**

**Abutter**: shall mean the owners or tenants of the property which adjoins the lot upon which hens will be kept, whether or not said properties are separated by a public way

**Chicken**: shall mean any breed of the domestic species *Gallus gallus domesticus*

**Coop**: shall mean a structure for the keeping or housing of hens

**Hens**: shall mean a domestic female chicken of the species *Gallus gallus domesticus*



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Henhouse: shall mean an enclosed structure or coop for hens (see also “coop”)

HPAI: shall mean Highly Pathogenic Avian Influenza

Manure Management Plan: shall mean a plan for the handling of manure. The plan shall address cleaning, composting, storage, utilization and removal of manure

MDAR: shall mean the Massachusetts Department of Agricultural Resources

MDPH: shall mean the Massachusetts Department of Public Health

MSPCA: shall mean the Massachusetts Society for the Prevention of Cruelty to Animals

Noise: shall mean sound of sufficient intensity and/or duration as to (a) cause a nuisance, (b) is injurious or, on the basis of current information potentially injurious to human health, or (c) unreasonably interferes with the comfortable enjoyment of life and property

Owner: shall mean the permit holder and/or the person who keeps and maintains hens (hen keeper)

Pen: shall mean the enclosed outdoor space for hens (see also “run”)

Pest: shall mean any unwanted creature, including vermin, that would seek access to chicken feed, such as mice or rats

Pest Management Plan: shall mean a plan that adequately defines measures that shall be taken by the hen owner to minimize the presence of rodents, insects, and predators

Predator: shall mean any creature that would seek to harm or consume hens

Property owner: shall mean every person who alone or severally with others: (1) has legal title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or (2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (3) is a mortgagee in possession of any such property; or (4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or (5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. Owner also means every person who operates a rooming house.

Public health nuisance: shall mean unreasonable interference with or that which is injurious to the health, safety, hygiene, and comfort of the general public. Public health nuisance conditions include



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but are not limited to that which is unsanitary, by means of accumulation of organic waste, combustible or non-combustible inorganic waste materials, or contributes to disease transmission, noise, odor, or other filth or health hazards. See also M.G.L c.111 §122.

Rooster: shall mean a male chicken of the domestic species *Gallus gallus domesticus*

Run: shall refer to pen and/or a completely enclosed outdoor area designed to allow hens access to the outdoors while providing protection from pests and predators

Runoff: shall mean water from natural or unnatural sources that flow over the surface of the ground

Unsanitary Conditions: shall mean any condition that is conducive to or results in a disease transmission pathway, is injurious or potentially injurious to human health, or reasonably interferes with the health and safe enjoyment of life and property. Unsanitary conditions may include, but are not limited to the following: filth, public health nuisance, the presence or attraction of vermin or pests, breeding of insects, offensive odors, rodent infestation, runoff, and noise.

Vermin: shall refer to rodents and insects, including disease vectors such as flies and mosquitos

### **Section 4. Application & Permits**

1. No person shall keep hens in Cambridge without first obtaining a permit from the Cambridge Public Health Department.
  - a. Each applicant shall submit a site plan review application to the Department which must include the following items:
    - i. Applicant name and contact information
    - ii. Scale drawing (hand drawn or electronic) which includes the following information:
      1. Size of the lot/property
      2. Proposed location and exact dimensions of coop and pen
      3. Location of existing structures on property, including fences, and indication of distance of coop and pen from all abutters
      4. Proposed location of food and water, and feed storage
    - iii. Details regarding the proposed structure and construction of coop and pen, including type and nature of building materials and hardware needed
    - iv. Manure management plan
    - v. Pest management plan



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- vi. Proposed number of hens and estimated square footage per hen for the coop and pen
- vii. Written (signed) consent of property owner of record
- viii. Written (signed) statement from hen keeper (applicant), which shall include:
  1. An agreement to not abandon hens in case of rental contract termination or sale of property; and
  2. A written contingency plan to transfer ownership of hens(s) to another owner or sanctuary if necessary; and
  3. Acknowledgment that hens cannot be surrendered to Cambridge Animal Control at any time
- b. Total number of proposed hens shall comply with Cambridge Zoning Ordinance requirements
  - i. Any request for a variance shall be submitted in writing to the Department and be subject to Department approval (see section 12.00)
- c. Application Review
  - i. The Department will review complete applications and may require additional information or clarifying statements to aid in review of application or suggest modifications to plans for final approval
  - ii. The applicant shall notify abutting neighbors of application via certified letter
  - iii. An applicant or abutter may submit a written request for a hearing with the Department within seven (7) business days of notification for the purpose of reviewing plan and design considerations and suggested modifications
- d. Permit Approval
  - i. Any modifications of plans after permit is issued shall require written notification to the Department and shall require re-approval;
  - ii. All permits issued by the Department shall be nontransferable
    1. Any sale or transfer of property shall require written notification from the permit holder to the health department immediately
    2. A new permit application must be submitted to the Department by any new owner seeking to keep hens on said property
2. Permit application and renewal fees (TBD)
3. Permit Renewal schedule
  - a. All permits shall be renewed annually and shall expire on **December 31 (TBD)** of each calendar year
  - b. Permit renewal applications must be submitted to the Department at least 3 weeks before expiration date



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### Section 5. Operations & Practice

1. No roosters shall be kept in Cambridge at any time
2. All applicable Cambridge Zoning Ordinance requirements shall be in compliance
3. The location of the coop and pen shall be subject to the following requirements
  - a. No less than 100 feet from a Wetland as defined by M.G.L. c.131 §40
  - b. No less than 100 feet from any public drinking water supply
  - c. Placement and features shall be designed to prevent runoff beyond the property line
4. All applicable requirements of 330 CMR 5.00 (MA Poultry regulation) shall be in compliance.
5. Owners shall follow MDAR best management practices and recommended biosecurity measures for backyard poultry keepers.
  - a. Measures may include but are not limited to the following: adequate coop ventilation; protection from the elements, drafts, and moisture; appropriate litter/coop floor substrate; adequate nutrition, food supply, and access to potable water; appropriate manure management and predator/pest control; adherence to requirements for buying, transporting, exhibiting and selling hens; *Salmonella pullorum* testing and *Mycoplasma* screening; obtaining birds from a reputable source; appropriate vaccination against infectious diseases; and quarantine requirements for introduction of new birds to an established flock.
6. The following conditions shall apply to waste and manure management:
  - a. Waste may be composted with carbonaceous/organic material such as hay, bedding, or leaves
  - b. Should the weather be too cold, or composting is not otherwise possible, waste must be stored in a sealed container until proper disposal
  - c. Bi-weekly cleaning of henhouses is required; more frequent cleanings may be required as needed to prevent odor or nuisance conditions
7. All coops shall be elevated above ground level and employ gap-free construction using the proper gauge wire ( $\leq 1/2$ " hardware cloth) to prevent access to rodents and other vermin
8. All coops shall be marked with owner's name and contact information
9. All hens shall have access to fresh potable water daily; stagnant water is not permitted
10. Hens shall be kept in enclosed coops and pens at all times unless actively supervised
  - a. Hens shall be kept segregated from interaction with migratory waterfowl
  - b. All hens must be confined to the permit holder's property at all times to prevent wandering and straying onto other properties
11. Unsanitary conditions and/or public health nuisance conditions shall not be permitted, including, but not limited to perceptible odor or noise at the property boundary



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- a. Investigation of noise complaints is subject to the jurisdiction of the Cambridge License Committee
12. All owners shall be required to notify the Department of any changes to the plan submitted in the original permit application, in accordance with Section 4 of this regulation

### **Section 6. Predator & Pest Control**

1. All chicken feed shall be stored securely in a moisture-proof container inaccessible to rodents, pests, and predators, inside the primary structure
2. All feed leftover from feeding shall not remain in an area accessible to rodents, pests, and predators after dusk
3. All regulations and best practices shall be followed in compliance with section 5.00 of this regulation

### **Section 7. Health & Disease Concerns**

1. In compliance with section 5.10a of the regulation, interaction of hens with wild waterfowl (e.g., ducks, geese) shall be avoided, to the extent feasible, to prevent HPAI transmission
2. In the unlikely event of a confirmed positive case of HPAI in a domestic flock, response actions shall proceed as directed by state officials under the Commonwealth of Massachusetts HPAI Multi-Agency Coordination and Operations Plan, including applicable quarantine, control zone restrictions, depopulation, decontamination, disposal and/or clearance requirements
3. Young children (<5 years) and people with compromised immune systems are at highest risk of salmonella infection and should not be involved in the care and maintenance of hens

### **Section 8.00 Humane Treatment**

1. All practices shall comply with state requirements per M.G.L c.272 §77 for the humane treatment of animals
  - a. Reports of cruelty to animals are subject to investigation by MSPCA Law Enforcement
2. The coop and pen shall be kept sanitary, free from decaying or rotting food, filth, vermin infestation, and stagnant water
3. All best practices as enumerated in section 5.00 of the regulation shall be in compliance



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### **Section 9.00 Sale of Eggs**

1. Farm fresh eggs offered for sale must be stored and maintained at 45°F or less in accordance with MDPH and MDAR requirements
2. Sale of any cooked or processed eggs, egg products, or any other type of food products requires a retail food permit with the City of Cambridge Inspectional Services Department (ISD) in compliance with the MA Food Code 105 CMR 590.

### **Section 10.00 Inspections**

1. The Department or designated agent(s) for the Department shall be the chief enforcement officer of this regulation and shall have the authority to issue violations, enforcement orders, and penalties.
2. There shall be one or more initial inspections during the permit application and review phase to determine permit approval
3. There shall be at least one annual routine inspection
4. Inspections by the chief enforcement officer shall also take place upon the following:
  - a. Written or telephonic complaint
  - b. Any changes or modifications to plan or ownership as outlined in Section 4 of this regulation
  - c. Re-inspections upon violations
  - d. As needed to ensure to assure safe and sanitary operations

### **Section 11.00 Violations, Enforcement Orders & Penalties**

1. Written notice of any violation of this Regulation shall be given to the owner of the hens and property owner by the chief enforcement officer, and shall:
  - a. Specify the nature of the violation and the schedule for compliance
  - b. Order any corrective actions that must be undertaken to bring to compliance, and
  - c. Order any preventative measure required to avoid future violations.
2. Any permit holder or licensee may request a hearing by written request to the Department within 10 days of receipt of written notice of violations.
3. If the Department, or its agent, determines that the hens cause disturbances on, or damage to neighboring property or public areas, the Department or its agent may require that the hens be relocated, at the owner's expense, immediately



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4. If, under the judgment of the Department, a condition of imminent public health hazard exists the Department shall issue an immediate cease and desist order; other actions may include, but are not limited to suspension or revocation of permit
5. Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provided by M.G.L c.40 §21D. If non-criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty as follows:
  - a. First Offense - \$25.00
  - b. Second Offense - \$50.00
  - c. Third Offense - \$100.00
  - d. Fourth and Further Offenses - \$300.00
  - e. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
6. Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in a court of competent jurisdiction as provided by M.G.L. c.218 §26. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
7. The Department may suspend, revoke, or decline to renew a permit for cause after reasonable notice to the licensee of the grounds for the proposed action.

#### **Section 12.00 Variances**

1. The Department may vary the application of any provision of this regulation with respect to any particular case, when, in the Department's opinion, the enforcement thereof would do manifest injustice; provided that the decision does not jeopardize public health or the environment and shall not conflict with the intent and spirit of this regulation.
2. A request for a variance shall be submitted in writing. The Department may ask for supporting evidence in order to consider the variance request. The request shall not be deemed complete until all such requested evidence has been received by the Department.
3. Any variance granted under this section may be subject to qualification, revocation, suspension, or expiration. A variance granted may be revoked, modified, or suspended in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard in accordance with this regulation.
4. Any variance granted by the Department shall be in writing. A copy of any such variance, while it is in effect, shall be available to the public at all reasonable hours at the Department. A copy of the variance shall also be on file with the permit holder.





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### **Section 13.00 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 the 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 regulations are hereby declared to be severable.

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