

CHAPTER 405 ANIMALS
§405-9 POULTRY
REGULATIONS GOVERNING POULTRY

The following regulations adopted by the Fairhaven Board of Health on March 11, 2026 shall 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 are being adopted in accordance with provisions of Massachusetts General Laws Chapter 111, § 155 and § 31. Legally recognized Farms as defined in Fairhaven's By-Laws shall be exempt from these regulations.

Poultry Permit:

No person, or firm, within the Town of Fairhaven 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 applicants for a Poultry License, to keep or maintain poultry, shall be submitted to the Fairhaven Health Department Office on a form supplied by the Fairhaven Board of Health. All applications shall be accompanied by a plan depicting the property to be used, with the names, addresses and letters of all abutters; the exact location of the facilities, showing exact distance in feet from all habitable dwellings, property lines, and any other facilities as defined under location. All applications shall be accompanied by a statement indicating the methods to be maintained to keep the facilities clean, free from vermin, malodors, and run-off.

Restrictions:

No roosters or Guinea hens are permitted on licensed premises unless authorized by the Board of Health and so stated on the valid license. Roosters may be allowed for breeding purposes only (two week maximum) but authorization must be obtained by the Board of Health first. It shall be adequate cause for refusing or revoking a license if one or more abutters issue a complaint of a rooster or Guinea hen. All pigeons shall be confined to their loft except for twice daily flock exercise periods and training. Birds must be under the handlers' control at all times Flight activities shall not adversely affect adjacent properties. The number of pigeons kept shall be in accordance with loft sized "accepted standard practice" for maintaining good sanitary pigeon husbandry.

“Grandfathering”:

No applicant shall be considered “grandfathered” from these regulations and must comply to the fullest extent with them.

Fee:

The fee for a poultry license shall be determined as follows:

Chickens:

1-5 bird(s): \$10.00;

5-10 birds: \$20.00

Pigeons:

1-50 bird(s): \$25.00;

>50 birds: \$50.00

A poultry license shall expire annually on December 31st of each year. A license is non-transferable. Location coop setbacks shall be in accordance with The Town of Fairhaven Shed Permit application. Also, each application must comply with the Zoning District regulations i.e. Historical District, Flood Plain Zone, Water Resource Protection District, Conservation Commission and any Homeowners' Association Deed Restrictions.

Construction of Poultry Building:

All coops, lofts, aviaries, hutches, or other structures used to house and maintain poultry shall be properly, substantially, and cosmetically constructed in accordance with accepted practices. Buildings should be discreet and blend into the property landscape. An aviary shall be provided to fulfill the birds' instinctive need to forage; it shall be substantial and adequate enough to prevent wild bird, vermin or predator intrusion. The poultry structure shall be well ventilated, draft-free and dry. It shall be constructed to prevent predation.

Screening: All windows, doors and vents shall be screened.

Maintenance:

The interior of the coop shall be kept clean and dry at all times. The coop shall be kept free of manure build-up and odor free. There should never be any offensive odor from a well-maintained coop. There should be adequate places for each bird to roost off the floor and in accordance with accepted standards for good poultry husbandry. There should be adequate nest boxes lined with straw or shavings to allow hens to deposit their eggs. Feed and watering stations and shall be cleaned daily and maintained in a sanitary condition. Watering stations should be covered. Bird baths may be provided in the aviary on an intermittent basis but open water containers on a continuous basis are not permitted.

Storage of Feed:

All feed shall be stored in metal or heavy plastic containers. The containers should be insect, vermin, and predator proof. All feed must be kept dry, as well as free of contamination and mold.

Manure Removal and Disposal:

An adequate plan for manure and waste disposal shall accompany the annual application and be maintained.

Restrictions of Premises:

With the exception of pigeons, poultry shall not be allowed to stray or forage outside the area of the facilities provided.

Inspection of Premises and further regulations on pages 3 to 4, no changes.

RENEWAL OF LICENSE:

Application for the renewal of a Poultry License shall be made on a form provided by the Health Department's Office. All such licenses shall expire on the 31st day of December next following the date of issue, unless otherwise sooner revoked, suspended or modified, 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:**ORDERS:**

- (1) 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 the 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, modifying 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.

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 affect 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.

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. Failure to register poultry will be the cost of the permit.

Violations:

First offense- \$25.00 (for each violation)

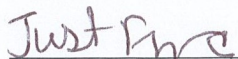
Second offense- \$50.00 (for each violation)


Third and subsequent offenses- \$100 and possible suspension or revocation of permit after Board of Health review.

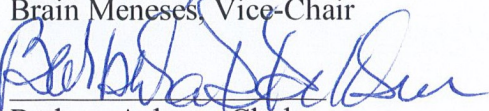
EFFECTIVE DATE OF ADOPTION:

The regulations contained herein became effective as of March 11, 2026

SIGNED:


Justine Frezza, Chair


Brian Meneses, Vice-Chair


Barbara Ackson, Clerk