

**MOTION AND VOTE**  
FALL ANNUAL TOWN MEETING  
MILLIS, MASSACHUSETTS  
MONDAY, NOVEMBER 4, 2013

**Article 34**

To see if the Town will vote to amend its General Bylaws by adding a new section, ARTICLE XXII, DOMESTICATED FOWL OR RABBIT REGULATIONS, AS FOLLOWS:

**ARTICLE XXII. DOMESTICATED FOWL OR RABBIT REGULATIONS**

1. Purpose – The purpose of this Article is to insure that the raising or keeping of domesticated fowl or rabbits for private purposes by the owner(s) of residential property is done in a safe and appropriate manner so as not to create a nuisance or detriment to the health, safety and/or welfare of the community. Accordingly, the raising or keeping of domesticated fowl or rabbits shall be subject to the provisions set forth below in addition to and notwithstanding any other applicable local and state regulations.

The provisions of this bylaw shall not apply to farm properties or agricultural operations recognized under MGL Ch. 40A, Section 3.

2. Definitions –“Domesticated fowl” shall mean chickens, geese, ducks, peafowl, turkeys and the like.

3. Regulations - All domesticated fowl or rabbits governed by this by-law shall be raised and kept in a safe and humane manner, consistent with best agricultural practices and as required under all applicable state and local regulations, including, but not limited to, the below. Regulations for the raising and keeping of domesticated fowl or rabbits in Millis under this bylaw may be promulgated by the Board of Health which shall include, but which shall not be limited to, the following. The failure of the Board of Health to adopt regulations under this section shall not waive or invalidate the provisions set forth below:

Regulations for the raising or keeping of domesticated fowl or rabbits shall include, but are not limited to, the following minimum standards:

- Enclosure & Shelter. Domesticated fowl or rabbits shall be confined with fencing or other enclosure sufficient to prevent access to the animals by dogs or other predators. Said enclosure shall contain a minimum of ten (10) square feet of open area per adult animal. Within or attached to any such enclosure shall be provided a covered, predator -proof shelter or roosting structure (e.g. coop, dovecote, hutch, or shed, as appropriate) that is thoroughly ventilated, of sufficient size to admit free movement of the animals, designed to be easily accessed, cleaned and maintained by the owners, and at least 2 square feet per animal in size. As appropriate to the species, animals may be required to be shut into the shelter coop at night, from sunset to sunrise.
- Feed Storage. Feed shall be stored in a secure, rodent- and predator-proof container in a manner that will not attract pests.
- Waste. Waste shall be collected and stored in a covered container and removed from the property at suitable intervals, or composted on site in a manner that will not attract pests or promote disease. No animal waste may be put into household trash.

Odors & Noise. Odors from domesticated fowl or rabbits, their waste, compost, or other related substances shall not be perceptible at the property boundaries. It shall be a violation of these regulations for the owner, custodian, or keeper of any animal governed under these regulations to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature.

4. Registration & Inspections - Prior to acquiring any domesticated fowl or rabbit, the property owner of the proposed site shall file with the Millis Health Department an application describing fully and accurately his or her proposal to raise and keep domesticated fowl or rabbits, and identifying the property involved. If an applicant is anyone other than the owner of the proposed site, the application shall contain the owner’s signature and approval.

The Health Director may require that such applications be made on forms provided by the Millis Health Department. All registration applications shall be reviewed and approved, denied, or approved with conditions by the Health Director after consultation with the Animal Control Officer. Any approval holder, or owner of property subject to such approval, shall thereafter abide by the provisions of the best practice regulations established hereunder and any specific condition(s) imposed under said approval, and, consistent with the laws of the Commonwealth, shall permit annual inspections and such other inspections of the premises as may be required under the provisions of MGL Ch. 129, Section 7.

Except as provided for below, as part of every application made under these regulations, an applicant shall provide a copy of a certified abutter’s list obtained from the Assessor and written notice of his/her intent to raise or keep domesticated fowl or rabbits, to be sent by the Health Director to parties in interest in the manner set forth in MGL Ch. 40A, Section 11. The notice shall fully and accurately describe the location and the proposed number and type of animals, as well as all associated structures and facilities. The notice shall also indicate that abutters have the right to file with the Health Director written comments in support of or objecting to the application, and shall indicate the deadlines, as set forth below, for submission of comments.

No certified abutters list, nor any notice to abutters, nor an administrative hearing shall be required in those instances where a special permit will also be required under the Town's Zoning Bylaw for the keeping or raising of animals subject to an application under this bylaw.

5. Fees - Under the provisions of MGL. Ch. 40, Section 22F, the Health Director is authorized to set reasonable fees for registration and such inspections as may be required hereunder. There shall be no reimbursement or pro-rating of application or inspection fees.~

6. Administrative Hearing - Where no special permit will be required under Millis' zoning for the keeping or raising of animals for which application is also being made under this Article, the Health Director shall not act on said application until more than fourteen (14) working days have passed since the mailing of notice to abutters. If at the end of that period the Health Director has received written comments whereby the owner(s) of a majority of the abutting properties have expressly requested so in writing, the Health Director shall schedule and hold, within thirty (30) days of the deadline for receiving abutter comment, an administrative hearing for the purpose of taking public testimony regarding the proposal. The Health Director shall give written notice of the time and place of the hearing, not less than seven (7) days prior to the hearing, to the applicant by certified mail, to abutters and parties in interest by mail, by posting with the Town Clerk, and by publication once in a newspaper of local circulation.

7. Decision – Following the close of an administrative hearing, the Health Director shall within five (5) working days render a decision in writing based upon compliance of the proposal with best practices and such other factors of public health and welfare as the Health Director may deem appropriate. In approving an application, the Health Director may, following consultation with the Animal Control Officer, impose any reasonable conditions, safeguards and limitations including conditions above and beyond those specified in the best practices regulations developed under this section, as well as those which may be required under existing zoning and/or other regulations.

8. Violations – Violation of this Article may be subject to a penalty of \$25.00 for each offense, with each day the violation continues constituting a separate offense. In the alternative or in addition to the foregoing, this Article may be enforced by any means available at law or equity.

9. Enforcement – Enforcing persons shall be the Animal Control Officer or the Health Director.

10. To the extent any of the provisions herein conflict with or are determined to conflict with state law, state law shall prevail, however the remaining provisions of this Article shall remain in full force and effect.

PASSED BY MAJORITY VOTE that the Town amend its General By-Laws as detailed in Article 34  
**(Added November 4, 2013)**

A True Copy Attest:

/s/ Lisa Jane Hardin  
Lisa Jane Hardin  
Millis Town Clerk