



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 Commissioner of Public Health for the City of Cambridge (“Commissioner”) promulgates the following regulation to protect the health and quality of life of Cambridge residents, workers, students, and visitors.

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 regulation of the keeping of hens.

Section 2. Authority

This regulation is adopted under the authority of M.G.L c.111 §31 and §122, Chapter 147 of the Acts of 1996 (also codified as M.G.L. c. 111 App. §3-8), and pursuant to any other authority conferred by state or local laws on the Commissioner.

Section 3. Definitions

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

Coop: shall mean a structure for the keeping or housing of Hens.

Hen Keeper: shall mean a person granted a permit by the Commissioner to keep Hens.

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

Hen Run: shall refer to a pen and/or a completely enclosed outdoor area designed to allow Hens access to the outdoors while providing protection from Pests.

Henhouse: shall mean an enclosed structure for housing Hens.



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HPAI: shall mean Highly Pathogenic Avian Influenza.

Manure Management Plan: shall mean a plan for the handling of manure generated by Hens.

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) Be 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.

Pests: shall refer to rodents, Predators, and insects, including disease vectors such as flies and mosquitos.

Pest Management Plan: shall mean a plan that provides adequate measures to be taken by the Hen Keeper to minimize the presence of Pests.

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

Property Owner: shall mean every person who has legal title or the right to occupy or control a parcel of land, vacant or otherwise where Hen Keeping will be practiced.

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.

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

Section 4. Requirements.

a. All persons keeping Hens in Cambridge shall do so in compliance with all applicable federal, state and local laws, rules and regulations including, but not limited to, the Cambridge Zoning Ordinance and this Regulation.

b. No person shall cause Unsanitary Conditions (as defined by M.G.L c.111 §122) through the keeping of Hens.

c. Any person keeping Hens in Cambridge shall comply with the applicable requirements of 330 CMR 5.00 et seq. (Massachusetts Poultry regulations)



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Section 5. Standards for Hen Keeping.

- a. Numbers; Roosters.
 - i. Where Hen Keeping occurs, there shall be no more than six (6) Hens on a lot unless explicitly authorized by the Commissioner or their designees,
 - ii. No person shall allow Roosters to be kept in Cambridge at any time.
- b. Hen Enclosures.
 - i. Hens must be kept within an enclosure consisting of a Henhouse and a Hen Run (collectively “Hen Enclosures”). Hens may roam freely on a lot under supervision of a Henkeeper. Hen Keepers shall not allow Hens to wander or stray onto other lots.
 - ii. A Hen Enclosure shall be built in conformance with all applicable building, health, and safety codes and the Cambridge zoning ordinance.
 - iii. All Hen Enclosures shall be located no less than one hundred (100) feet from a Wetland as defined by M.G.L. c.131 § 40.
 - iv. All Hen Enclosures shall be sited such that all areas beneath the enclosure drain into the lot and not onto adjacent lots. Henhouses and Hen Runs shall be placed to prevent runoff beyond the lot line.
 - v. All Hen Enclosures shall be located at least five (5) feet from a property line, but may be closer to the lot line if there is a solid wall, fence, or similar barrier separating any Hen Enclosure from an adjacent lot.
 - vi. Henhouses shall be constructed according to the following standards:
 - 1. Minimum interior floor area of two (2) square feet per Hen;
 - 2. Minimally enclosed by walls on all sides and a roof overtop. Walls and roofs may be constructed out of any material that adequately excludes Pests and predators;
 - 3. Walls, roofs, and Henhouse doors must lay flush against each other, so as to eliminate gaps and entry points for Pests;
 - 4. Interiors must be accessible for regular cleaning. Walls or roofs may be removable for temporary access.
 - 5. Must be marked with Hen Keeper’s name and contact information.
 - vii. Hen Runs shall be constructed according to the following standards:
 - 1. Shall have a minimum interior floor area of four (4) square feet per Hen;



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2. Minimally enclosed by walls on all sides and a roof overtop. Walls and roofs may be constructed out of any material that adequately excludes Pests and predators;
3. Walls, roofs, and entryways must lay flush against each other, so as to eliminate gaps and entry points for Pests;
4. Interiors must be accessible for regular cleaning. Walls or roofs may be removable for temporary access;
5. May be directly attached to a Henhouse or standalone;
6. If directly connected to a Henhouse, the connection must be made flush against the Henhouse, and have minimum one (1) door separating the Henhouse from the Hen Run, such that Pests which have accessed either structure may not reasonably enter the other;
7. If standalone, must have a door that stands flush against the walls so as to eliminate gaps and entry points for Pests.

viii. All Hen Enclosures shall implement structural controls to exclude Pests. As structural controls should be tailored to the needs of each hen enclosure, structural controls shall be approved case-by-case by the Commissioner or their designees. Proposed controls must reasonably eliminate gaps and points of entry for Pests, without inhibiting the cleaning and maintenance of the structure. A combination of structural controls may be required for approval. Examples of approved control measures may include, but are not limited to:

1. Nineteen (19) gauge hardware cloth or similar material with gaps no more than one half (1/2) inch, attached to the base of the Hen Enclosure and buried horizontally or vertically into the dirt a minimum of six (6) inches, and overlapping at edges to eliminate gaps;

2. Elevation of the Hen House at least eight (8) inches off the ground, with appropriate equipment and planning to maintain hygiene underneath the elevated area;

3. Nineteen (19) gauge hardware cloth or similar material with gaps no more than one half (1/2) inch, that run underneath finished floors or buried under dirt floors, and overlapping at edges to eliminate gaps.

ix. Hen keepers shall also comply with the standards for Henkeeping as set forth in Articles 2.000, 4.000, 5.000, and 23.000 of the Cambridge Zoning Ordinance.

c. Care and Maintenance of Hens.



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i. Hens shall have access to fresh potable water daily. Fresh water provided to Hens shall be emptied and refilled on a constant basis to prevent stagnant water from serving as a breeding ground for mosquitoes.

ii. Hens shall be kept segregated from interaction with migratory waterfowl such as ducks and geese to prevent HPAI transmission.

iii. Any Hen that contracts HPAI shall be subject to response actions directed by state officials pursuant to the Commonwealth of Massachusetts HPAI Multi-Agency Coordination and Operations Plan. Such a response may include quarantine, control zone restrictions, depopulation, decontamination, disposal and/or clearance requirements.

iv. Due to the risk of salmonella infection young children (<5 years) shall not be involved in the care and maintenance of Hens. Individuals with compromised immune systems are encouraged to consult a physician prior to engaging in the care and maintenance of Hens.

v. All practices shall comply with state requirements per M.G.L c.272 §77 for the humane treatment of animals.

vi. Cruelty to animals is prohibited. Reports of cruelty to animals are subject to investigation by MSPCA Law Enforcement.

vii. Vaccines and medicines, including antibiotic medications, for Hens shall be provided only by a licensed veterinarian. Vaccines and medicines may be administered by a Henkeeper at the discretion of a licensed veterinarian.

d. Sanitary Operation.

i. Hen Keepers shall follow MDAR best management practices and recommended biosecurity measures for backyard poultry keepers. Measures may include but are not limited to the following: adequate Henhouse ventilation; protection from the elements, drafts, and moisture; appropriate litter/Henhouse 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.

ii. Every person who keeps Hens in Cambridge shall have an approved Manure Management Plan. The Manure Management Plan at a minimum shall provide that:

1. waste must be composted with carbonaceous/organic material such as hay, bedding, or leaves;



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2. waste must be stored in a sealed container until it can be properly disposed if cold weather prevents the composting of such waste or if it is not otherwise possible; and

3. Henhouses are cleaned bi-weekly unless more frequent cleanings are required to prevent odor or Unsanitary Conditions.

iii. Every person who keeps Hens in Cambridge shall have an approved Pest Management Plan. The Pest Management Plan at a minimum shall provide that:

1. all Hen feed shall be stored securely in a moisture-proof container inaccessible to Pests;

2. all Hen feed left over from feeding shall not remain in an area accessible to Pests; and

3. any Henhouse and Hen Run shall be kept free of decaying or rotting food, filth, Pests and stagnant water.

Section 6. Application & Permits

a. Permit. No person shall keep Hens in Cambridge without first obtaining a permit from the Commissioner.

b. Application Requirements.

Each person proposing to keep Hens shall submit an application to the Commissioner which must include:

i. the applicant's name and contact information;

ii. a drawing (hand drawn or electronic) which depicts:

1. the size of the lot;

2. the proposed location and dimensions of any Henhouse and Hen Run;

3. the location of existing structures on the lot, including fences and the distance of Henhouse and Hen Run from existing structures on the lot and from all adjacent lots; and

4. the proposed location of feed storage, and if relevant, water storage.

iii. Details regarding the proposed structure and construction of Henhouse and Hen Run, including type and nature of building materials and hardware needed, and structural controls implemented to exclude Pests;



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- iv. A proposed Manure Management Plan;
- v. A proposed Pest Management Plan;
- vi. The proposed number of Hens to be kept;
- vii. A signed consent of Property Owner allowing the keeping of Hens on the lot;
- viii. A signed statement by the Hen Keeper (applicant), which shall include:
 - 1. an agreement by the Hen Keeper to not abandon the Hens in the event that the Hen Keeper's right to use the lot has been terminated due to sale of the lot or expiration of a tenancy;
 - 2. a written contingency plan to transfer ownership of Hens(s) to another owner or sanctuary, if necessary; and
 - 3. Acknowledgment that the Hen Keeper will not surrender such Hens to The Cambridge Animal Commission at any time.

c. Application Review

- i. The Commissioner will only consider applications that are complete. The Commissioner or his or her designee may require additional information from an applicant in order to aid in review of any such application.
- ii. There may be one or more inspections conducted by the Commissioner's designees during the permit application process.
- iii. The Commissioner may approve or reject portions of an application or require modifications to an application before it is approved.
- iv. Applicants shall provide the Commissioner with evidence that an applicant has provided notification to all adjacent lot owners of any application to keep Hens. This shall include a copy of the correspondence as well as a list of addresses which received this correspondence.

d. Permit Modifications and Non-Transferability

- i. After a permit to keep Hens has been issued, modifications may be made to a plan or structure so long as said modifications are in compliance with all applicable federal, state and local laws, rules and regulations including, but not limited to, the Cambridge Zoning Ordinance and this Regulation. Henkeepers shall notify the Commissioner or their designee of any major changes to the Hen Enclosure or daily caretaking operations.
- ii. Any permit to keep Hens issued by the Commissioner shall be not be transferable.



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1. If a lot that houses a Henhouse is sold or transferred to a new Property Owner, the Hen Keeper shall immediately provide written notification of the same to the Public Health Department.

2. If the Property Owner of a lot changes, a copy of the property owner's written consent to Henkeeping on their property shall be provided to the Public Health Department if the new owner wishes to apply to continue Henkeeping on the property.

e. Permit Application and Renewal Fees

i. Application Fee shall be \$50

ii. Renewal Fee shall be \$25.

f. Permit Renewal Schedule

i. All permits to keep Hens may be renewed annually by the Commissioner in his or her sole discretion and shall expire annually on April 30th.

ii. Permit renewal applications must be submitted to the Commissioner no later than three (3) weeks before expiration date.

iii. The Commissioner or his or her designee shall conduct at least one (1) annual routine inspection. The property owner consents to such inspections as a condition of the permit.

Section 7. Sale of Eggs

a. Farm fresh eggs offered for sale must be stored and maintained at 45°F or less in accordance with MDPH and MDAR requirements

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 8. Inspections

a. The Commissioner or designated agent(s) for the Commissioner shall be the enforcement officer of this regulation and shall have the authority to issue violations, enforcement orders, and penalties.

b. There shall be one or more initial inspections during the permit application and review phase to determine permit approval.

c. There shall be at least one annual routine inspection.



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- d. Inspections by the enforcement officer shall also take place upon the following:
 - i. Complaint submitted to the Public Health Department;
 - ii. Any changes or modifications to plan or ownership as outlined in Section 4 of this regulation;
 - iii. Re-inspections upon violations;
 - iv. As needed to ensure to assure safe and sanitary operations;
- e. Following inspection by a designated agent of the Commissioner, or the Inspectional Services Department, or Animal Control Program, or Department of Public Works, if an ongoing Pest issue has been identified, the Commissioner or their designees may require the Henkeeper to implement additional structural controls or amend their Pest Management Plan and Manure Management Plan to address the issue.

Section 9. Violations, Enforcement Orders & Penalties

- a. Authority to enforce this Regulation shall be held by the Commissioner or his or her designees.
- b. Any violation of this Regulation may be enforced by the Commissioner or his or her designees, in the manner provided in M.G.L. c. 111, § 187.
- c. The Commissioner, or his or her designee may inspect any Hens, Henhouse or Hen Run at any time to investigate whether there has been a violation of this Regulation.
- d. Written notice of any violation of this Regulation shall be given to the violator, Hen Keeper and the Property Owner by the Commissioner or his or her designees, and shall:
 - i. Specify the nature of the violation and the schedule for compliance;
 - ii. Order any corrective actions that must be undertaken to bring to compliance, and;
 - iii. Order any preventative measure required to avoid future violations.
- e. Any person aggrieved by a decision of the Commissioner may request a hearing to review said decision. Such requests shall be in writing and received by the Commissioner no later than ten (10) days following the issuance of the Commissioner's decision.
- f. If the Commissioner determines that any Hens cause disturbances on, or damage to neighboring property or public areas or that there has been a violation of this Regulation, the Commissioner, or his or her designee may issue a cease and desist order and may require that the Hens be immediately relocated, at the Hen Keeper's expense.



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g. If, the Commissioner, determines that the keeping of Hens or any Henhouse or Hen Run poses Unsanitary Condition, the Commissioner may issue a cease and desist order and may require that the Hens be immediately relocated, at the Henkeepers expense

h. Any person who 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:

- i. First Offense - \$25.00
- ii. Second Offense - \$50.00
- iii. Third Offense - \$100.00
- iv. Fourth and Further Offenses - \$300.00

v. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

i. Any person who 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.

j. The Commissioner may suspend, revoke, or decline to renew a permit for cause after reasonable notice to the permit holder of the grounds for the proposed action.

Section 10. Variances

a. The Commissioner may vary the application of any provision of this regulation with respect to any particular case, when, in the Commissioner's sole discretion, 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.

b. A request for a variance shall be submitted in writing. The Commissioner 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 Commissioner.

c. 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



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in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard by the Commissioner in accordance with this Regulation.

d. Any variance granted by the Commissioner 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 office of the Commissioner. A copy of the variance shall also be on file with the permit holder.

Section 11. 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.

Effective March 21st, 2024.

Last updated April 22nd, 2024.