



TOWN OF MENDON
BOARD OF HEALTH
18 Main Street
Mendon, MA 01756

Alan Greenberg | Chairman
Tom Fichtner | Vice-Chairman
Joyce Gilmore | Member

RESIDENTIAL ROOSTER REGULATIONS

[Adopted 05-10-2023, Effective 05-10-2023; Amended 12-06-2023, Effective 12-06-2023]

Section 1. Authority

These regulations are adopted pursuant to the authority granted to the Mendon Board of Health by Massachusetts General Laws (M.G.L.) Part 1 Title XVI Chapter (c.) 111, Section 31, which provides that “Boards of Health may make reasonable health regulations.”

Section 2. Purpose

This regulation is intended to apply a standard for the housing & keeping of residential roosters in the event of the Board of Health receiving a complaint(s) related to excessive rooster noise that is determined to be negatively impacting the wellbeing of neighbors, which would then subject the property owner to comply with these Residential Rooster Regulations as described. This is aside from the protection accorded by the town of Mendon’s Right to Farm By-Law, M.G.L. c. 40A, Section 3 and M.G.L. c. 128, Section 1A.

Section 3. Definitions

For the purpose of these regulations the following words shall have the following meanings:

Abutters – Owners of the land or property adjacent to the Applicant’s property line. A person will only qualify as an abutter, for the purpose of this regulation, if they possess an ownership interest in the abutting land or property

Board – The Board of Health of the Town of Mendon

Commercial Farm – A farm as defined by M.G.L., c. 40A, Section 3

M.G.L. – Massachusetts General Laws

Noise Nuisance – Sound of sufficient intensity and/or duration as to cause a nuisance, be injurious to, or, on the basis of current information, potentially injurious to human health, or unreasonably interfere with the comfortable enjoyment of life and property.

Order – A written order as sent by the Board of Health or its duly appointed agents and/or staff, requiring some action or cessation of action by the recipient(s)

Rooster – A male specimen of the common domesticated chicken, otherwise known as members of the Genus *Gallus*

Section 4. General Requirements

- A. All new structures must comply with the applicable setback requirements for the zoning district in which such structures are located as set forth in Mendon’s Zoning By-Laws, aside from protection accorded by M.G.L., c. 40A, Section 3
- B. The rooster shall be kept between the hours of 9:00 pm and 7:00 am in a fully enclosed structure/coop designed to minimize noise and light.

Section 5. Enforcement

- A. In the event of an initial complaint of a noise nuisance, the Agricultural Commission of Mendon will act upon the complaint, as mediator between the person or persons having control of the premises and the Board, to assist in education and assistance, where applicable, on properly maintaining a rooster on the premises.
- B. If the noise nuisance continues and/or if there is a violation of this regulation, a designated agent of the Board may issue an Order to the person or persons having control of the premises to correct the offending deficiencies.

- C. As an alternative to an Order or if a person does not comply with an Order and such Order is not modified or withdrawn, the Board may commence an enforcement action to correct such violation(s), including the removal of the noise nuisance from the premises under M.G.L., Sections 122 & 123.
- D. In accordance with M.G.L., c. 111, Section 31, any violation of this regulation shall be subject to fines. Each day the violation continues shall be considered a separate offense. Nothing contained herein shall preclude the Board from seeking equitable relief to enforce this regulation.
- E. Any person to whom an Order has been served pursuant to this Section shall have the opportunity to request an appearance before the Board. A request must be made in writing within fourteen (14) days after the Order has been served. For the purposes of this Section, an Order shall be deemed to have been served on the date of receipt, except as stated otherwise on the Order. At the scheduled appearance, the person served with the Order shall be given an opportunity to present evidence and show why an Order should be modified or withdrawn.

Section 8. Variances

- A. Variance to any section of this regulation may be requested in writing to the Board. When such a request is received, an appearance before the Board shall be scheduled in twenty-eight (28) days, if not sooner.
- B. Variances shall be granted only under the following conditions:
 - i. Strict enforcement of this regulation will constitute a manifest injustice, and
 - ii. The granting of the variance shall not in any way impair the public health and safety or the environment.
 - iii. Variance to pre-existing rooster properties in compliance with Section 4.
- C. The Board may impose any conditions, safeguards and other limitations on a variance when it deems it appropriate and reasonable to protect the public health and safety or the environment.

Section 9. Severability

If any provision of these regulations is declared by a court of competent jurisdiction to be invalid or not enforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

Section 10. Effective Date

The effective date of these regulations shall be implemented immediately upon a Board of Health Meeting and the determination of a majority vote.

VOTE OF THE MENDON BOARD OF HEALTH TAKEN ON DECEMBER 6, 2023.

ALL THOSE IN FAVOR:

Alan Greenberg • Chairman
Tom Fichtner • Vice-Chairman
Joyce Gilmore • Member

ALL THOSE OPPOSED:

NONE