

Article III

Special Animal Provisions

Section 270-8 ROOSTERS

No rooster shall be kept within the Town of Middleton.

270-9 COMPLAINTS

a) Upon the receipt of a written complaint, the Board or its agent shall investigate the matter and provide a written response to the complainant and licensee. If it is determined that a hearing should be held, such Public Hearing will be conducted as noted in Section 10.

270-10 VARIANCE

a) Variance to any of these regulations may be requested in writing to the Board. When such a request is received, a Public Hearing shall be scheduled and held in accordance with the requirements of Section 270.11.

b) Variances shall be granted only under the following conditions:

- i) strict enforcement of these regulations will constitute a manifest injustice, AND
 - ii) the granting of the variance shall not in any way impair the public, the environment, or animal health.
- c) The Board may impose any conditions it deems appropriate to protect the public, the environment, and animal health. The Board may also require a stamped plot plan from a Professional Land Surveyor, paid for by the person who is requesting the variance. There would be potential for set backs from property lines and wetlands.

270-11 PUBLIC HEARING

a) Any individual, company or corporation aggrieved by an order issued under the authority of these regulations may appeal to the Board by filing a written petition for a hearing with the Board, which must be submitted within seven (7) days of receipt of the order.

b) The Public Hearing shall be held at the next scheduled Board meeting but in no case earlier than fourteen (14) days of the request.

c) The Public Hearing shall be advertised in a Legal Notice in a local paper at least fourteen (14) days in advance of the date of the hearing. The cost of the Legal Notice for a variance shall be borne by the applicant.

d) At the Public Hearing, the petitioner and any other affected parties shall be given an opportunity to be heard, present documentary evidence and to show why the issued order should be modified or withdrawn.

e) Failure to hold a Public Hearing within the specified time frame shall not affect the validity of any order.

f) The Board shall sustain, modify or withdraw an order with a majority vote and shall inform the petitioner in writing within fourteen (14) days of the Public Hearing.

g) Any person aggrieved by the decision of the Board may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

270-12 PENALTIES

a) These regulations may be enforced by the use of the non-Criminal citations:

i) First violation will be written notice to remove the Rooster from the property within 7 days.

ii) Second violation will result in a written Notice of Violation and a fine of \$50.00.

iii) Subsequent violations will result in a written Notice of Violation and a fine of \$100.00. If not in compliance on day 8, the second violation fee of \$50.00 will apply, on day 9 and so forth, the subsequent daily violation fees of \$100 will apply until compliance is met.

270-13 EFFECTIVE DATE

"No roosters shall be kept in the Town of Middleton" as outlined in this document shall take effect immediately following the affirming vote of the Board of Health on 02/05/2025.

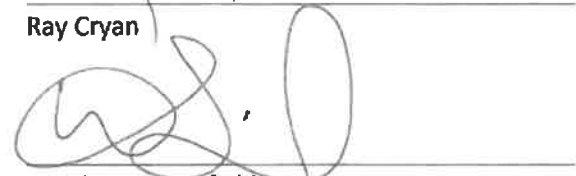
As well as the M.G.L dealing with Public Nuisances.


George Demeitt Chairperson BOH


Paul LeBlanc


Judy Schneider


Ray Cryan


Matthew Greenfield