

RULES AND REGULATIONS GOVERNING HORSES AND STABLES

The Board of Health, Town of Plymouth, Massachusetts acting under the authority of Chapter III, Sections 31, 155, 156 and 157 of the General Laws of the Commonwealth of Massachusetts; and any amendments or additions thereto, and by any other powers thereto enabling, have in the interest of and for the preservation of the public health duly made and adopted the following regulations for the establishment, maintenance and operation of stables within the Town.

SECTION 1.

Regulations entitled "Regulations for the Keeping of Horses and Licensing of Stables" adopted by a vote of the Plymouth Board of Health on May 6, 1974 with an effective date of May 9, 1974, are hereby repealed in its entirety and replaced by the following:

SECTION 1A.

Regulations entitled "Regulations for the Keeping of Horses and Licensing of Stables" adopted by a vote of the Plymouth Board of Health on April 12, 2004 with an effective date of July 1, 2004, are hereby repealed in its entirety and replaced by the following:

SECTION 1B

Regulations entitled "Regulations for the Keeping of Horses and Licensing of Stables" adopted by a vote of the Plymouth Board of Health on January 11, 2012 will go into effect immediately:

SECTION 2.

Prior Use. Any stable operating with a properly issued Board of Health permit prior to the effective date of these regulations is exempt. All others are to conform as here specified.

2a. Farms: Any stable operating under Massachusetts General Law, Title XVI, Chapter 111, Public Health shall be permitted to be relicensed when new ownership complies with both State and Local town regulations.

SECTION 3.

Permit. When issuing permits under these rules and regulations for persons wishing to keep one horse, the Board of Health may at its discretion, grant said permit without a public hearing. Said permit may be revoked for cause after a public hearing if justification as determined by the Board of Health determines that a show cause hearing is required.

SECTION 4.

Public Notice, Hearing. The Board of Health will place one public notice in a local newspaper listing applications for new permits on or about the 30th of each month. The applicant shall pay the cost of the public notice at the time of their filing for said permit. A time and date will be established for a public hearing as specified by the Health Department. All permits will be approved or disapproved no later than 30 days after said public hearing (see section 3).

SECTION 5. (Definitions)

- a. Persons: Shall include an individual, partnership, corporation, firm, associates or group, including a city, town, county or other governing units.
- b. Stable: The building and other enclosures used to keep one or more horses, and store the food supplies and equipment normally associated with the keeping of such horse and/or horses.
- c. Horse: The word horse shall include ponies, foals, mules and any other solid hoofed animal.

- d. License – Permit: For the stable and horse or horses. Exemption: Stables falling under the State's Farming and Agriculture regulations.
- e. Enclosure: An enclosure is a fenced area and/or corral associated with stabling of such animals.
- f. At Large: Any such animal shall be deemed loose unless it is under control, when it is outside of its stable and/or enclosure, and is not staked out.
- g. Day-hopping: Temporary visiting of a licensed animal for not more than twenty-four (24) hours.
- h. Densely populated: Areas, as determined by the Board of Health
- i. Property lot: Square feet does not include dwellings (sect. 9)
- j. Dwellings: Every building or shelter (existing or proposed) used or intended for human habitation or periodic activity; e.g.: garage, storage buildings, etc.
- k. Family – Descent and descendants: The word "family" means all descendants of a common progenitor, or those who are of the same lineage, or descent from one common progenitor. Members of a family may be defined in a decedent's will.
- l. Farming and Agriculture: As defined by Mass. General Laws, Chapter 128, Section 1A.
- m. Pasture: Land covered with grass or other vegetation consumed by animals.
- n. Useable Land: Land area suitable for the keeping of animals including but not limited to pastures, fields and wooded uplands.

SECTION 6.

Permit - License. No person shall stable within the limits of this Town in any building or on any premises of which he may be the owner, lessee, tenant or occupant, any horse or horses without a permit from the Board of Health. Such person shall disclose whether he is the owner of the premises where the horse shall be stabled and if not the owner, he shall state the name and address of the owner of the premises along with written authorization from said owner of record to stable said horse or horses. Said authorization is to be notarized and contain all information deemed relevant by the Board of Health.

- a. A permit to stable a horse or horses on property is not transferable from person to person or place to place. Exception is when a permit stays in a family name and family member remains as occupant on property, and/or property remains "Farming and Agriculture". Any title change shall be reported to the Plymouth Board of Health.
- b. An annual permit for each stable shall cost \$40.00. Exemption: any stable subject to the State's Farming and Agriculture regulations, Massachusetts General Laws, 128 and regulations promulgated pursuant to Massachusetts General Laws, Chapter 128.

SECTION 7.

Application Process. An application for a permit to keep a horse or horses shall be submitted on a form supplied by the Board of Health. With the application there should be a drawing submitted showing the location of any source of drinking water (wells, etc.), surface water supplies (reservoirs) or tributaries to reservoirs, including streams, ponds, marshes, open and subsurface drains, adjacent dwellings, cesspools, and septic systems within one hundred (100) feet of the stable and corral. The application shall also be accompanied with a proposal or

plan to indicate how the property shall be maintained so that it will be kept free from filth, stagnant water, rodents and flies. The plan shall also indicate the location and dimensions of fencing, the location of residence, direct abutters and property lines. Existing plan of building and sewage system may be used in support of stable plan.

SECTION 8.

Immunization. All horses shall be immunized according to the Massachusetts Department of Food & Agriculture 330 CMR 16.00: Horses. All health records shall be available upon request for the Board of Health Animal Inspector. Any person applying for a stable license for the first time must provide the Board of Health with immunization records for all horses and a complete description of the horse sufficient for identification purposes.

SECTION 9 *.

Property, Lot. No permit for a stable for a single horse shall be issued unless the lot of land on which the stable is erected or is to be erected contains at least 25,000 square feet of usable land. No such permit shall be issued for two (2) horses to be kept on any lot of land that contains less than 50,000 square feet nor for three (3) on any lot of land that contains less than 70,000 square feet and for each additional horse and additional 20,000 square feet of land shall be necessary.*

*Any property with five (5) or more acres meeting the Agricultural standards will be reviewed on a case by case basis. A farm that has been operating under the regulations governing all horses licensing in the Town of Plymouth for a period of three (3) or more years, having demonstrated the ability to maintain pastures, abutters and animals in a manner that is conducive to the health and well being of all concerned, May apply for an administrative review to increase the license up to fifty percent (50%) increase in the number of horses allowed under the current regulation for all horse licensing.

The review will require validation of the necessary infrastructure to safely maintain the animals. The infrastructure being reviewed would be safe pasture area (not forested), shelter and available clean water source.

*Contiguous property under common ownership or control may be used to satisfy all area requirements of this section.

SECTION 10.

Stable. All horses shall be provided with stabling as specified by these regulations in order to obtain permits and/or licenses required by the Board of Health to keep a horse or horses.

- a. Any person who proposes to remodel a building or a portion thereof, which is being used as a stable, or who proposes to renovate any existing stable, or who proposes to construct a new building which is to be used in whole or part as a stable, shall prior to such remodeling, renovating or construction, notify the Board of Health.
- b. Each stable shall be furnished with an adequate and safe water supply, both for feeding and cleaning purposes. Each corral area shall have a water receptacle and it shall be kept as sanitary as possible.
- c. Each corral shall have a safe fence appropriate and adequate to contain the horse(s). Stall doors and paddock gates must be supplied with horse proof latches.
- d. Stables and corrals for horses shall be kept clean in accordance with Massachusetts Department of Food & Agriculture 330 CMR 16.00: Horses. Manure depending upon the operation and size can be disposed of in several different ways. Please inform the Board of Health which type of manure maintenance you will be doing at your stable.

- e. Horses shall be kept in an approved building/shelter in accordance with Massachusetts Department of Food & Agriculture 330 CMR 16.00: Horses. Said animals shall not be permitted to be at large outside the building or enclosure. Any such horse shall be deemed at large when it is off the premises or outside the building or enclosure unaccompanied by the owner, agent or employee of the owner or caretaker.
- f. No stable for which a permit is granted shall be occupied until it is inspected and approved by the Board of Health.
- g. Day-hopping may occur at an approved stable and any other property if the animal is well secured.
- h. A permit granted by the Board of Health may be revoked whenever in the opinion of said Board, revocation is deemed necessary: The permit is not transferable, does not follow the real estate, and terminates when the building ceases to be a stable.
- i. A fine of \$50.00 shall punish whoever violates any provision of the foregoing regulations or order made there under for each day such violations continue.
- j. The stable and corral shall not be less than one hundred (100) feet from the high water mark of any source of drinking water supply or any tributary thereof, nor less than one hundred (100') feet from the high water mark of any open water flowing directly or ultimately into any source of water supply. All stable and corral areas must be 50 feet from any drinking wells. State and local requirements and/or codes may increase these distances, and must be consulted.
- k. Each stable shall be located on land with good drainage and not susceptible to flooding.
- l. Each new stable shall comply with the requirements of the Wetlands Protection Act unless otherwise determined by the Conservation Commission regarding placement abutting any swamp, stream or pond.

SECTION 11.

Corral & Pasture Requirements:

- a. All new corrals shall be a minimum of 50 feet from any public highway. All new pastures shall be a minimum of 10 feet from any public highway. All pastures for farm and agricultural use shall be a minimum of 5 feet from property line.
- b. All plans for corrals/pastures must be submitted to the Board of Health during the license process. Please notify the Board of Health when adding any new corrals and or pastures.

SECTION 12.

Feed Management:

All feed materials in storage shall be kept adequately protected from exposure to rodents.

SECTION 13.

Safety Precautions:

Please comply with Massachusetts Department of Food & Agriculture 330 CMR 16.00: Horses

SECTION 14.

So far as this Board of Health may provide each section of these rules and regulations shall be construed as separate to the end if any section, sentence, clause or phrase shall be invalid for any reason the remainder of these rules and regulations shall continue in full force.

SECTION 15.

Appeal. Any person aggrieved by a decision of the Board of Health in enforcement of these regulations may request a hearing before the Board of Health by filing within seven (7) days following receipt of a written order, a written petition requesting a hearing on the matter. Upon receipt of such petition, the Board of Health shall set a time and a place for such a hearing, and shall inform the petitioner thereof in writing. After the hearing, the Board of Health shall sustain, modify, or withdraw the order, and may suspend or revoke the license or permit and shall inform the petitioner in writing of the decision. If the Board of Health sustains or modified the order, it shall be carried out within the time period allotted in the original order or in the modification. Any person aggrieved by the decision of the Board of Health may seek relief there from in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

SECTION 16.

These rules and regulations were adopted by a vote of the Plymouth Board of Health and are to be in force effective on and after January 1, 2012 and shall be published in a newspaper and a copy thereof shall be deposited in the office of the Town Clerk.

SECTION 17.

Variance Clause. The Board of Health may vary any section of these Health Rules and Regulations with respect to any particular case when, in its opinion: (1) the enforcement thereof would do manifest injustice; and, (2) the applicant has proved that the same degree of environmental protection required under these rules and regulations can be achieved without strict application of the particular section.

Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. No variance request shall be considered until except after the applicant has notified all directly affected abutters of all property lines by certified mail at his own expense at least ten (10) days before the Board of Health meeting at which the variance will be on the agenda. The notification shall state the specific variance sought and the reasons therefore. Proof of receipt of said notification by all applicable abutters must be filed with the Board of Health prior to the hearing.

The Board may impose conditions, safeguards and limitations, both of time and use to which the variance pertains. If the rights authorized by a variance are not exercised within one (1) year from the grant of such variance, they shall lapse.

Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of the variance shall be available to the public at all reasonable hours in the office of the Town Clerk or the office of the Board of Health while it is in effect.

*Revisions were made to the Rules and Regulations on Governing Horses and Stables by the Plymouth Board of Health members on April 12, 2017.