

Rehoboth Stable Rules and Regulations

Revision - October 10, 2002

Regulation Proposal on Vote of Board — October 8, 2002

Public Informational Meeting, October 10, 2002

Vote of Board, October 29, 2002

Review by Selectmen November 4, 2002

Review by Town Attorney, October 6, 2003

Vote of Board, October 9, 2003

Effective Date, November 10, 2003

Filed in the office of the Town Clerk:

October 29, 2003
DATE:

10:57 a.m.
TIME:

Kathleen J. Carmichael
Kathleen J. Carmichael, Town Clerk

TOWN OF REHOBOTH STABLE REGULATIONS

ARTICLE 1.0 - Stable license required

1.01 - No person shall erect, occupy or use for a stable any building or any portion thereof or any other facility within the Town of Rehoboth without first obtaining a license authorizing such use from the Board of Health. The owner of the land on which the stable is, or is to be, located or his agent ("the Applicant") shall make application for such license. A public hearing, with party in interest notification, shall be held by the Board of Health before a license may be issued for five (5) or more equine. Such public hearing shall take place within twenty-one (21) days following the receipt of a stable license application. The Applicant shall, at the Applicant's expense, notify by certified mail, return receipt requested, all parties in interest as to the time, place and location of the public hearing at least seven (7) days before the date of the public hearing. The Applicant shall deliver to the Board of Health at or before the public hearing evidence of the names and addresses of all the parties in interest and of the mailing by certified mail to all parties in interest. The stable license application shall be granted after such public hearing upon a finding of the Board of Health that the stable will not create excessive noise or odor to parties in interest. The decision of the Board of Health shall take place within fourteen (14) days subsequent to the close of the public hearing, and a copy of the decision shall be sent by regular mail to the Applicant and to those parties in interest who request at the public hearing to receive a copy of the decision.

1.02 - All Massachusetts General Laws (MGL) pertaining to the licensing and keeping of equine are available at the Board of Health office. These stable regulations do not exempt the Applicant from complying with all Massachusetts General Laws and all regulations promulgated thereunder, Rehoboth Zoning Bylaws and Rehoboth General Bylaws.

1.03 - Commercial farms, as defined by Massachusetts General Laws, shall be subject to these regulations except to the extent that these regulations are superseded or pre-empted by said Massachusetts General Laws and any regulations promulgated thereunder.

ARTICLE 2.0 - Restriction on keeping equine

2.01 - No person shall maintain equine in the Town of Rehoboth except in a stable for which the Board of Health has issued a license.

ARTICLE 3.0 - Location requirements

3.01 - No stable shall be constructed closer than 50 feet from the property boundary line, closer than 100 feet from any existing well used as a source of drinking water or closer than 100 feet from bordering vegetative wetlands as that term is defined in Title 310 of the Code of Massachusetts Regulations.

3.02 - No manure storage area, whether for temporary storage or composting, shall be closer than 100 feet from any existing well or proposed well, closer than 50 feet from any property boundary line, closer than 50 feet from any bordering vegetative wetlands as that term is defined in Title 310 of the Code of Massachusetts Regulations, closer than 200 feet from a river as that term is defined in Title 310 of the Code of Massachusetts Regulations or closer than 150 feet from the legal limit or layout of a public way.

3.03 - An existing stable shall be exempt from these location requirements if it has been licensed and used as a stable within five (5) years previous to the date of filing of a stable license application. The Applicant bears the burden to show that the existing stable complies with this provision.

ARTICLE 4.0 - Minimum standards

4.1 - All stables for which the Board of Health issues a license shall meet the following requirements:

- (a) All stables must be operated in such a way that they do not become a nuisance as that term is used in Massachusetts General Laws, Chapter 111, Section 122.
- (b) All stalls and floors shall be kept clean and dry, be free of accumulated manure, have ample bedding and be treated to control odor and prevent the attraction of flies. The stable must be a weatherproof structure, at least three-sided and of adequate size for the total number of equine. The adequacy of stall configuration will be dependent on the equine to be housed and shall be evaluated by the Health Agent. It is strongly recommended that stalls be in accordance with the size of the equine housed in them, such that, the equine are able to stand and lie down. When building a 3 sided shelter, a southerly-facing structure should be considered for the wellbeing of the animals.
- (c) Manure shall be handled and treated as necessary to prevent the escape of odors and the attraction of flies. No manure shall be allowed to accumulate and create a nuisance.

(d) All stables must be adequately ventilated.

(e) Grain feed must be stored in weather-tight, rodent-proof containers.

ARTICLE 5.0 – New license application

5.01 - Application for a stable license shall be in writing and upon a form obtained from the Board of Health. Each application shall include the following:

- (a) A plot plan, drawn roughly to scale, reflecting the lot where the building to be used as a stable is to be located. This plan must also show the general contour and drainage of the land, property lines, the location of surrounding sewerage systems, wells, structures and bordering vegetated wetlands within 100 feet of the proposed stable, rivers within 200 feet of the proposed stable and public ways within 150 feet of the proposed stable include the intended areas for storage of manure and grain feed storage.
- (b) The number of equine to be kept in the proposed stable. If application is for 5 or more equine, there shall be a public hearing before the Board of Health as described in Article 1, Subsection 1.01. Such a public hearing before the Board of Health shall also take place when the number of equine increases to five (5) or more on a current license. All requirements are available at the Board of Health office.
- (c) A floor plan of the proposed stable showing the dimensions and location of stalls and feed storage facilities.

ARTICLE 6.0 – Issuance of license

6.01 - Prior to the issuance of any new stable license, the Health Agent shall inspect the premises to determine if the stable, intended manure storage areas and intended grain storage area are within compliance with these regulations.

6.02 – Upon a license being issued, it shall be posted in a visible, prominent place in the stable and must be available to town officials upon request.

6.03 These Stable Regulations do not negate or supersede any required filings to other Boards or Commissions within the Town of Rehoboth, i.e., Conservation Commission, Planning Board, Building Inspector, Zoning Board of Appeals, etc.

ARTICLE 7.0 – Term of license

7.01 – A stable license shall expire on March 31 of each year, unless sooner revoked.

ARTICLE 8.0 - License renewal and License Transfer

8.01 – A renewal application is an application to renew an existing license. A renewal application must be made on the form provided by the Board of Health. All renewal applications, accompanied by the renewal fee, shall be filed by the Applicant with the Board of Health in March. At the discretion of the Board of Health, a renewal application shall be accepted for processing in April if accompanied by the renewal fee and a Twenty-five (\$25.00) Dollar late fee. Renewal applications shall show any changes from the last previous application. A renewal application shall not be the subject of a public hearing unless the Board of Health determines that any change warrants such a public hearing or that these stable regulations require a public hearing.

8.02 – Licenses do not follow the conveyance of real estate. An application for the transfer of the license should be made within thirty (30) days after the conveyance of real estate. The Applicant shall list upon the application his full name and address, the name and address of the former owner and the date on which the transfer of real estate took place. If the stable was a licensed stable in good standing at the time of transfer of ownership, then the current property configuration and usage will be said to meet the requirements of these regulations.

8.03 – Inspection prior to renewal is not required unless the Board of Health has acted upon a complaint concerning the stable, manure storage areas, grain storage areas or in general the keeping of equine during the previous license term. This regulation does not negate the yearly stable inspections by the Animal Control Officer.

ARTICLE 9.0 – License waivers

9.01 -The Board of Health may, in any particular case, where such action is in the public interest and is not inconsistent with the intent and purpose of these stable regulations, grant a waiver on any section of these regulations. When a waiver has been granted, the specifics must be listed on the stable license.

ARTICLE 10.0 - Existing structures

10.01 - A new application for a stable license for an existing structure which is to be converted into a stable must meet the location requirements of Section 3.01 of these stable regulations unless the Board of Health approves a waiver in accordance with Article 9.0 of these regulations. The Applicant may be required to appear before other town boards or commissions as recommended by the Board of Health to secure a waiver before a license can be issued.

10.02 - An existing stable not currently licensed shall be exempt from the location requirements of Section 3.01 if the stable was in use and licensed as a stable within five (5) years prior to the date on which a stable license application is received by the Board of Health; however, the owner of the land or his agent must file an application for a license pursuant to Section 1.01, subject to the exemption from the location requirements. An existing stable which is not exempt from the location requirements shall be the subject of an application pursuant to Section 1.01.

ARTICLE 11.0 - Cease and Desist Orders/Removal of Nuisances

11.01 - Pursuant to Massachusetts General Laws Chapter 111, Section 122, The Board of Health may immediately remove or prevent a nuisance, source of filth and/or cause of sickness related to any stable, manure pile and/or grain feed area within the Town of Rehoboth which may, in the opinion of the Board of Health, be injurious to the public health. The Board of Health may issue cease and desist orders to stable license holders or owners of property for which no license has been issued regarding stables, manure piles and/or grain feed areas which are in violation of these stable regulations or which may, in the opinion of the Board of Health, be injurious to the public health. The failure of a stable license holder to obey a cease and desist order may be grounds for suspension or revocation of the stable license. The Board of Health may take any action allowed by Massachusetts law to prohibit or enjoin any violation of these regulations or to prohibit or enjoin the continued existence of any nuisance, source of filth and/or cause of sickness which may, in the opinion of the Board of Health, be injurious to the public health, including but not limited to seeking judicial relief.

11.02 - Any stable which has been the subject of a license revocation shall not be licensed within five (5) years subsequent to the license revocation unless the Board of Health, in its discretion, votes to issue a stable license and upon such conditions as it may impose. Such conditions, and the fact that such license was issued within five (5) years subsequent to a license revocation, shall be placed on the license.

ARTICLE 12.0 – INSPECTIONS

12.01 – The granting of a stable license confers upon any member of the Board of Health, or the Board of Health agent, the right to enter upon the real estate of a stable license holder at any reasonable time and with reasonable prior notice for the purpose of inspecting stables, manure piles and/or grain feed areas. Further, the granting of a stable license confers upon any member of the Board of Health, or the Board of Health agent, the right to enter upon the real estate of the stable license holder, with reasonable prior notice, to investigate a written or oral complaint received by the Board of Health relating to these stable regulations. A member of the Board of Health, or the Board of Health agent, shall attempt to carry out any such inspection within seven (7) days of the receipt of such complaint.

ARTICLE 13.0 – VIOLATIONS

13.01 – Upon receipt of a Notice of Violation of these regulations, the license holder shall correct such violation within the time specified in the Notice of Violation. Failure to correct such violations within the time specified will result in the license holder being subject to fines and penalties set forth in these stable regulations, and may be grounds for the suspension, revocation and/or non-renewal of a stable license.

13.02 – The penalty for non-compliance with these stable regulations is Five (\$5.00) Dollars for each day such violation continues after the receipt of a Notice of Violation. The penalty for stabling more equine than allowed by a stable license shall be Five (\$5.00) Dollars for each day such violation continues after receipt of a Notice of Violation.

13.03 – Pursuant to Chapter F, Article I Section Three (3) of the Town of Rehoboth General By-laws, violations of these stable regulations may, in the discretion of the "enforcing person", be enforced in accordance with the provisions of Massachusetts General Laws, Chapter 40D, Section 21D.

ARTICLE 14.0 – REVOCATION / SUSPENSION OF LICENSE

14.01 – The Board of Health may revoke or suspend a stable license at any time without a hearing in the event it appears to the Board of Health that such revocation or suspension is necessary to immediately protect the public health or safety because of the evidence of a nuisance as that term is used in Massachusetts General Laws Chapter 111, Section 122. In all other cases, a stable license may be revoked or suspended by the Board of Health after a public hearing which is at least seven (7) days subsequent to a Notice of Revocation or Suspension Hearing being sent by regular mail to the Applicant, upon a finding that the Applicant has caused, or allowed, a

Amendment to Rehoboth Stable Rules and Regulations
Revision - October 10, 2002

ARTICLE 18.0 - LICENSE FEE

18.01 License fee: 1 to 4 horses Ten (\$10.00) Dollars, 5 to 9 horses Twenty (\$20.00) Dollars, 10 or more horses Forty (\$40.00) Dollars.

18.02 - Inspection fee for a stable license: Twenty five (\$25.00) Dollars.

Public Hearing held Tuesday, May 17, 2011 at Regular Board of Health meeting

6/14/11
Karl S. Simon

Richard L. Lortz
Tony Cauch
Jordan Khourey
K. M. Knight

violation or violations of these stable regulations. A Notice of Revocation or Suspension shall forthwith thereafter be sent by regular mail to the Applicant. Revocation or suspension of a stable license may take place in addition to any other penalty, fine or action by or on behalf of the Board of Health.

ARTICLE 15.0 – SEVERABILITY

15.01 - Each of these Articles and Sections of the stable regulations shall be construed to be separate to the end that if any Article, Section, Subsection, item, sentence, clause or phrase shall be held invalid for any reason, the remainder of these regulations shall continue in full force and effect.

ARTICLE 16.0 – REPEALER

16.01 – All previous rules and regulations relating to stables in the Town of Rehoboth are repealed upon adoption of these stable regulations.

ARTICLE 17.0 – ADOPTION

17.01 - These stable regulations shall be adopted by a vote of the Rehoboth Board of Health. These regulations will be in full force and effect as of the date a summary of these stable regulations are published once in a newspaper of general circulation in the Town of Rehoboth and a complete copy of the Stable Regulations is filed with the Town of Rehoboth Town Clerk.

ARTICLE 18.0 – LICENSE FEES

18.01 – License fee: Three (\$3.00) Dollars per equine, not to exceed a total amount of Forty (\$40.00) Dollars.

18.02 – Inspection fee for a stable license: Twelve (\$12.00) Dollars.

ARTICLE 19.0 - DEFINITIONS

19.01 - Feed storage – All opened grain feed must be stored in weather-tight, rodent-proof containers.

19.02 – Maintenance – All equine facilities will be maintained in conformance with these regulations and the regulations promulgated pursuant to Massachusetts General Laws, and in such a manner as not to constitute a nuisance or danger to the public health.

19.03 - Manure management - Includes the manure in the stalls, manure storage areas and compost areas. The manure is usually mixed with bedding such as shredded paper, shavings, straw or other appropriate material that is used for the absorption of urine, odor control and comfort of the animals. Refer to Massachusetts Horse Management and Composting Resource Guide for proper manure management. The management of manure shall be such as to minimize odors, breeding of flies and attraction of vermin.

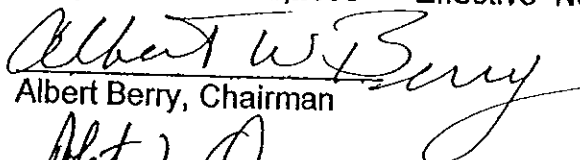
19.04 - Nuisance - Thing, person or act that causes or may cause injury to the public health (MGL Chapter 111 Section 122).

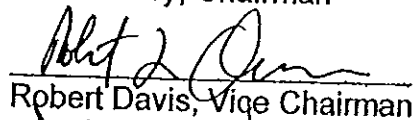
19.05 - Party in Interest - Any landowner whose property shares a boundary with or is within 100 feet of the Applicant's property.

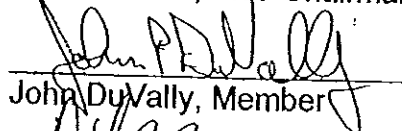
19.06 - Person - Includes an individual, partnership, limited partnership, limited liability partnership, corporation, limited liability corporation, or any other entity.

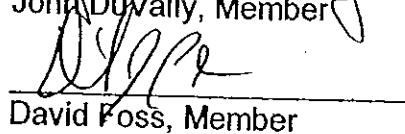
19.07 - Stable - A weatherproof shelter, at least three sided, of adequate size for the total number of equine.

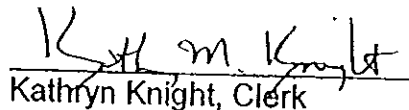
Adopted October 9, 2003 - Effective November 10, 2003


Albert Berry, Chairman


Robert Davis, Vice Chairman


John DuVally, Member


David Foss, Member


Kathryn Knight, Clerk

Rehoboth Board of Health

Rec'd 10-29-03
10:57 a.m.
Kathleen J. Carmichael
Town Clerk

REHOBOTH, MA
OFFICE OF THE TOWN CLERK

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