

PEPPERELL BOARD OF HEALTH REGULATIONS STABLING OF HORSES

DRAFT

A. DEFINITIONS

Regulated Animals: Horses, stabled within the Town of Pepperell.

Stable: Any building, enclosure, premises or portion thereof where regulated animals over twenty (20) pounds, other than house pets, are kept.

Wetland: Any wetland resource area as defined in 310 CMR 10.000 with the exception of floodplains.

B. REGULATIONS FOR ISSUING OF GENERAL PERMITS

1. No person shall keep within the limits of this town, in any building, or on any premises of less than 5 acres which he may be the owner, tenant, or occupant, **two or more horses**, without a permit from the Board of Health.
2. All permits shall expire annually, on December 1 and may be revoked, for cause & after due process by the Board of Health. No permit shall be transferred except with the approval of the Board of Health.
3. The Board of Health will notify the Conservation Commission of all new stable permit applications. **Any stable within 100 feet of a wetland requires approval of the Conservation Commission.**
4. A permit will be issued only to someone who resides at the location for which the permit is requested.
5. Before a permit can be granted, an Animal Inspector or Officer of the Board of Health is to visit the property to determine fitness and suitability of the site.
6. The owners or persons in control of any buildings or premises, in which horses are kept, shall keep the buildings and premises clean and free from decaying food, filth, dirt, stagnant water, and animal wastes and shall provide a suitable plan, approved by the Animal Inspector for the storage and disposal of manure. No manure area shall be located within:
 - 100 (one-hundred) feet of wetlands or watercourse as defined in Massachusetts General Laws Ch. 131, §40.
 - 50 (fifty) feet of a lot line or public way without special Board of Health permission.
 - 100 (one-hundred) feet of wells for potable water.
7. Manure shall be spread upon land only when such land is in condition to plow.

B. REGULATIONS FOR ISSUING OF GENERAL PERMITS (Continued)

8. Area Requirements for the keeping of horses will be eighty thousand square feet (80,000 S.F.) of suitable land. A maximum of three (3) horses will be allowed on eighty thousand square feet (80,000 S.F.). An additional twenty thousand square feet (20,000 S.F.) of suitable land will be required for each additional horse provided that the granting of such permit will not adversely affect the public health, safety and welfare. Under no circumstances shall a horse be allowed to roam free; nor should it be left tethered, unless attended by a responsible person. Repeated violation of this regulation will result in suspension of this permit. Fencing shall be post and board or split rail or wire or other suitable fencing material to contain animals.
9. No paddock, pen or animal exercise area shall be located over the leaching facility of a subsurface sewage disposal system without the permission of the Board of Health.
10. No stable or shelter shall be occupied or used within the Town, without first obtaining a permit from the Board of Health. Each stable shall be located on land with good drainage ability and not subject to flooding. No stable or shelter shall be built within one hundred (100) feet of any wetlands, 100 (one hundred) feet from any well, and 100 (one hundred) feet from occupied dwelling of abutter. No pasture corral or pen shall be located within twenty-five (25) feet of a wetland. No building shall be used as a stable if it is within ten (10) feet of a property line.
11. All permitted animals must be confined to their permitted property unless under the control of an authorized handler.
12. Adequate food and water supply must be available.
13. Inspection: If the Animal Inspector finds deficiencies upon routine inspection, or upon complaint received by the Health Department, a re-inspection is conducted. If such inspection confirms the validity of such complaint, a representative of the Board of Health may at his/her discretion issue a written order to the person or persons having control of the premises to correct the offending deficiencies. Failure to comply with said warning or repeat offenses may result in revocation of permit, fines and/or penalties.

C. REGULATIONS FOR STABLING OF HORSES ON PARCELS OF LAND OF FIVE ACRES OR MORE

1. Animals and premises shall be subject to inspection and taking of yearly census by an authorized agent of the Board of Health from time to time.
2. The owner or agent of owner of animals must reside on the property where the animals are stabled. Leases of working farms are acceptable.
3. Items 4 through 10, inclusive, of Section B shall apply under this section.

D. ADMINISTRATION

Application

Application shall be made to the Board or its Agent in a form provided by the Board.

New:

For the initial license application under this Regulation, a sketch shall be submitted locating stable, paddock(s) and manure area, and any septic system, private or public well, surface watercourses and any wetlands within 100 (one hundred) feet of the stable, paddock(s) and/or manure area. Additionally, lot lines and abutting streets shall be shown on the sketch.

Each application shall also include a proposal for the storage, handling and disposal of manure.

A new application for a stable license shall be submitted 60 (sixty) days prior to:

- any change in the location of the stable, paddock(s) or manure area; or
- if the areas of the original stable, paddock(s) or manure area are increased; or
- if any new stable, paddock(s) or manure area(s) are built or established; or
- if ownership of the stable changes.

Renewals:

If any WRITTEN AND SIGNED complaints are received regarding a permitted premise, and are investigated and verified by the Animal Inspector within the year prior to the renewal date, a re-inspection must be completed one (1) month prior to the renewal date. The Animal Inspector will then submit a detailed written report to the Board who will review the information and act on the renewal application.

A \$5.00 late filing fee shall be imposed on all permits, which are renewed more than sixty (60) days late.

Exemptions:

Permitted, pre-existing, non-conforming uses may continue to operate unless complaints are received and substantiated by the Board of Health. Such situations will then be reviewed and resolved, as the situation requires. If a permit and license of an existing facility are not obtained within one year of promulgation of these regulations, an existing facility will be treated as a new facility when obtaining a Stable License.

E. ENFORCEMENT

The Board of Health may deny, revoke, suspend, or refuse to renew a permit or license by the Pepperell Board of Health Animal Inspector or Assistant Animal Inspector upon finding cause that the person has:

- Violated any provision of Massachusetts General Laws, Ch. 272, §77 or 78A;
- Violated any provision of this Regulation;
- Violated a quarantine order

No permit shall be denied, suspended, or renewal thereof refused except by decision of the Board of Health after a Hearing.

Appeal

Any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

Penalties

Violators of any provision of this regulation shall, upon conviction be fined \$150 (one hundred fifty dollars). Each day's failure to comply with an order shall constitute a separate offense.

F. SERVABILITY

If any section, paragraph, sentence clause or phrase of the foregoing rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not effect the remaining portion of these regulations, which shall remain in full force and effect: and to this end the provisions of these regulations are hereby declared severable.

G ADOPTION AND EFFECT

These rules and regulations were adopted by _____ vote of the Board of Health, Town of Pepperell, Pepperell, Massachusetts and are to be in full force and effect on and after _____ and shall, before said effective date, be published in a newspaper with general circulation in this town and a copy thereof shall be deposited with the office of the Town Clerk.

Janice M. Boutotte
Chairperson

James J. Gallagher

Conrad F. Eaton