

TOWN OF YARMOUTH

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BOARD OF HEALTH

Chapter 202

STABLES

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HISTORY: Adopted by the Annual Town Meeting of the Town of Yarmouth on April 7, 1981 by Article 16. (1) Amendments noted where applicable.

AUTHORITY: The Board of Health of the Town of Yarmouth, acting under the authority of Sections 21, 122, 143 and 155 of Chapter 111 of the Massachusetts General Laws and amendments and additions thereto, and by any other power thereto, enabling and acting thereunder, and in accordance therewith, have, in the interest of and for the preservation of the public health, duly made adopted the following regulations for the control of horses in the Town of Yarmouth.

202-1 Definitions

As used in this regulation, the following terms shall have the meanings indicated:

BOARD OF HEALTH – The appropriate and legally designated health authority of the Town of Yarmouth or its authorized agent or representative.

CORRAL - Any pen or enclosure for confining animals.

FARM ANIMALS – All sheep, goats, ponies, horses, bovine animals, mules, donkeys and llamas of any age or any sex. Swine are prohibited.

NOISE – Sound of sufficient intensity and/or duration as to:

- a. cause of nuisance
- b. be injurious or, on the basis of current information, potentially injurious to human health, or
- c. unreasonably interfere with the comfortable enjoyment of life and property.

PERSON – Every individual, partnership, corporation, firm, association or group, including any governmental unit owning property or carrying on an activity regulated by this regulation.

STABLE – Any building, lot, structure enclosure, premises or portion thereof where a farm animal or animals are kept or maintained for any purpose (See Chapter 111, Section 155 of the General Laws).

UNSANITARY CONDITIONS – The state of being of a facility which, in the opinion of the Board of Health, is conducive to or results in breeding of flies, creation of offensive odors, rodent infestation, liquid effluent or runoff.

202-2 Location Requirements

- A. Area Requirements – The minimum lot size shall be one (1) acre. There will be a maximum of two (2) farm animals per acre. Each additional farm animal will require a ½ acre of land.
- B. Stable, corrals and paddocks shall be located not less than 100 feet from any building or structure used for human habitation and 200 feet from any church or meeting house erected and used for the public worship of God, any school, public building, playground, hospital, nursing home or rest home, except upon written permission of the Board of Health. In the case of any church or meeting house erected and used for the public worship of God, written consent of the religious society or parish worshipping therein is also required.
- C. Stables, corrals and paddocks shall be located not less than 50 feet from any adjoining property lot lines or the line of any street, court or passageway.
- D. Stables, corrals and paddocks shall be located not less than 250 feet from the high water mark of any source of drinking water supply or any tributary thereof, not less 250 feet from the high water mark of any open waters flowing directly or ultimately into any source of water supply or not less than 250 feet from the high water mark of any source of shellfishing. In this case, “shellfishing” means the taking of clams, oysters or mussels.
- E. Stables, corals and paddocks shall be located not less than 50 feet from any room where milk is handled.
- F. Stables, corrals and paddocks shall not be less than 100 feet to wetlands.

202-3 Construction

Stable buildings shall be made of durable construction to protect from damage by rodents, termites and dampness.

- A. Floors: Floors in horse stalls shall be paved with wooden blocks sealed in asphalt or other material such as sand or concrete approved by the Board of Health and shall be sloped to facilitate proper drainage. Floors in the feed and tack rooms should be of a concrete construction.
- B. Hose Bib Water Outlets: The stable shall be provided with a sufficient number of hose bib water outlets so that the stable can be hosed down and maintained in a clean condition.
- C. Living and Sleeping Quarters: Stables shall not be used for human habitation.
- D. Water Trough: A drinking water trough shall be provided in the corral area for the animals.
- E. Corrals and Paddock: Corrals and paddock areas should be gently sloping to minimize standing pools of surface water. Area drains should be installed whenever possible.
- F. Feed Storage: Grain feeds shall be stored in covered metal or metal lined bins or containers.
- G. Insect Control: Whenever necessary, insecticides should be applied to the interior walls, ceilings and stall areas and to the exterior of the stable building in order to control fly populations. Space sprays and resin strips impregnated with insecticide may also be used.
- H. Screening: Openings to the outer air shall be effectively screened against the entrance of flies and other flying insects.
- I. Manure Storage: A ventilated, watertight storage facility constructed of concrete or other durable material shall be provided for the storage of manure and so located as to promote regular removal of manure from inside the stable. Manure shall be placed in the manure storage container. No manure or used bedding shall be permitted to remain within the stable more than forty eight hours. All manure from the stable and corral area shall be removed weekly from the property. Small amounts of compost may be allowed on the property if maintained and free of odors and insects.
- J. Water Supply: An adequate quantity of water of safe, sanitary quality shall be provided for each stable.
- K. Lighting and Ventilation: Each stable shall be provided with adequate light and ventilation.

- L. Restriction to Premises: Horses, bovine animals, mules, donkeys, sheep and goats shall be kept either in an approved building or in a corral or paddock of adequate size and animals shall not be permitted to be at large outside the building or enclosure. Any such animal shall be deemed to be at large when it is off the premises or outside of the building or enclosure owned by or rented by its owner and unaccompanied by the owner, agent or employee of the owner or the caretaker.

202-4 License Required; Fee

Any person desiring to keep or maintain for any purpose farm animals, as defined in this regulation, shall make written application for a stable license on forms provided by the Board of Health. No person shall be granted a license for a stable unless he complies with the requirements of this regulation and Section 155 of Chapter 111 of the Massachusetts General Laws. The license fee shall be established by the Board of Health.

The stable permit is non transferable. The new applicant must submit a written request addressing how variances will be addressed and what steps will be taken for compliance of the intent of the regulations. The Board will review each request on a case by case basis.

202-5 Submission of Plans Required

When a stable or corral is hereafter constructed or extensively remodeled or when an existing structure is converted for use as a stable, properly prepared plans by a professional land surveyor with building specifications for such construction, remodeling or alteration, showing layout and arrangement of the facility, shall be submitted to the Board of Health before such work is begun. Such application shall also show the location of stable and corral, property lines, houses within 100 feet of proposed stable and corral and written description of the premises and such other information as the Board of Health may require.

202-6 Denial of Permit

Persons denied a permit for a stable license shall be notified in writing by the Board of Health. Such notice shall specify the reason for such action and may suggest remedial action necessary to obtain approval for issuance of a permit. A person shall be notified of his right to a hearing. (See Article I, Regulation 8, of the State Sanitary Code.)

202-7 Renewal of Permit or License

Application for renewal of a permit or license shall be made to the Board of Health on a form prescribed by the Board of Health. All permits and licenses shall expire on the 31st day of December next following the date of issue, unless sooner revoked or suspended, or unless the holder of such permit changes the location of the stable or sells, assigns, transfers or otherwise disposes of such stable or his interest.

202-8 Posting of License

The stable license shall be posted conspicuously on the premises.

202-9 Examination of Premises

The Board of Health or its duly authorized representative shall examine the premises named and described in the application for the purpose of determining the fitness and suitability of the premises for such stable in meeting the requirements of this regulation.

202-10 Conditions on Issuance of License

No license for a stable shall be granted until the stable is erected and is in compliance with all laws, ordinances, rules and regulations.

202-11 Orders, Contents; Service

- A. Orders: If an examination reveals the existence of a violation of this regulation, the Board of Health may order the person responsible to comply with the violated provisions within a specified time, or if an examination fails to comply with the provisions of this regulation so as to endanger or materially impair the health or well being of the public, the Board of Health may, as it considers necessary, issue an order which revokes or suspends the permit or license as required by this regulation. Every order authorized by this regulation shall be in writing.
- B. Contents of Order: An order shall:
 - 1. Include a statement of the violation or the defect and may suggest action which, if taken, will effect compliance with this regulation.
 - 2. Allot a reasonable time for any action it requires.
 - 3. Inform the person to whom it is directed of his right to a hearing and to whom the request shall be made.
- C. Service: Orders issued under the provisions of this regulations shall be served in accordance with Article I of the State Sanitary Code.

202-12 Hearing

The hearing provisions of Article I of the State Sanitary Code shall apply to this regulation.

202-13 Appeal

The appeal provisions of Article I of the State Sanitary Code shall apply to this regulation.

202-14 Variance


The variance provisions of Article I of the State Sanitary Code shall apply to this regulation.

Each applicant can apply to the Board for variances from the regulation. Variances from the regulation will be reviewed on a case by case request. Each written request will be reviewed for its intent on compliance with the regulation in protecting wetlands, abutters and the public from nuisances. The request shall also contain the applicant's proposal to meet the intent of the regulation.

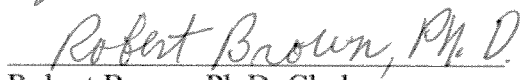
202-15 Penalties

The penalty provisions of Article I of the State Sanitary Code shall apply to this regulation.

This regulation is to take effect on the date of publication of this notice in a local newspaper.


Benjamin Gordon, MD, Chairman


Helen Shah, DNSc, Vice Chair


Robert Brown, Ph.D, Clerk

Patrick McDermott


Ann Greenbaum, RN

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