

## **STABLE REGULATION**

### **I. PURPOSE**

Due to the health concerns regarding waste and cleanliness that can occur due to the unsanitary keeping of animals, the Board of Health is creating minimum standards for properties on which animals are housed in a stable or barn, to prevent any form of public nuisance and the spread of disease. This regulation further serves the purpose of ensuring the safe handling, care and treatment of animals.

### **II. AUTHORITY**

This regulation is adopted by the Mashpee Board of Health, pursuant to its authority under Massachusetts General Laws, Chapter 111, Section 31, and supersede all previous Stable Regulations adopted by the Board of Health.

### **III. APPLICABILITY**

This regulation shall apply to any property in the Town of Mashpee where the owner/occupant is engaged in the keeping of horses, ponies, bovine animals, mules, donkeys, sheep, llamas, alpacas and/or goats.

### **IV. DEFINITIONS**

Unless the context or subject matter requires otherwise, the following words and phrases shall, for the purposes of this document, have the meanings specified in this section. Words and phrases not defined in this section shall have their conventional meanings unless expressly stated otherwise.

**A stable** shall be defined as any building or structure where one or more horses, cows, mules, donkeys, sheep, llamas, alpaca or goats - are kept or maintained for any purpose and shall include the term barn.

**A pasture** shall be defined as any enclosure serving purposes of grazing and/or exercising and shall include terms such as paddock, turnout, and fencing.

The yearly license fee for a stable (Barn) shall be due January 1<sup>st</sup> of each year.

Application for the license shall include a to-scale plan of the house lot with stable, pasture and all setback distances clearly designated on said plan, including setback to property lot lines and abutter's dwellings.

Any applicant for a stable (barn) license must request a hearing before the Board of Health, with proper notification of abutters, whether or not all setbacks of this regulation can be met.

Licenses will be limited to 2 horses (ponies, etc.) per lot, unless written approval is obtained from the Mashpee Board of Health after a public hearing with notice to all direct abutters.

Only a person who complies with the requirements of the following regulations shall be entitled to receive and retain such a permit.

No individual, partnership, company, or corporation shall maintain a stable within the Town of Mashpee without first obtaining a permit from the Board of Health.

- 1) LOCATION: Stables (Barns) shall be located not less than 100 feet from any building or structure used for human habitation not occupied by the owner or operator of the stable. Stables (Barns) shall be located on the lot in conformance with current Town of Mashpee Zoning Regulations from any adjoining property lot lines or the line of any street, court, or passageway. Stables and pastures shall not be located less than 100 feet from any potable drinking well.
- 2) CONSTRUCTION: Stables shall be of durable construction to protect the building from the deterioration or damage by rodents, termites and dampness and shall have stalls of adequate size so that a horse will have room to comfortably lie down or stand up. For horses, a stall must be provided for every horse, or a variance must be obtained for a lean-to, etc. Stall floors shall be constructed to provide proper drainage of liquid waste and designed to permit easy cleaning. The stable floor for a horse must meet the M.S.P.C.A. requirements: It must be wood (any heavy planking two (2) inches or more in thickness) spaced to allow for drainage, and have sand underneath the flooring. Rubber stall mats will be allowed over properly flooring. Stables shall be properly ventilated.
- 3) MANURE: All applicants must submit a manure management plan to the Board of Health upon application for a license. Said plan will be reviewed by the Board and will be accepted, modified, or denied. In the case of a denial of said plan, no license will be issued. All manure and other horse waste must be maintained in such a way that it does not become a nuisance to abutters or the general public. No person owning, leasing, or controlling a stable shall allow drainage or liquid effluent containing urine and/or fecal matter to be discharged in runoff, or to flow along the surface of the ground, onto neighboring property, streets, wetland, or watercourse. All stalls and floors shall be kept clean and dry, and free from accumulated manure, have ample bedding and be treated as necessary to control odor and prevent the attraction and breeding of flies. Owners of stables must clean the manure from the stable and pasture area at least once per day.

Manure piles must be at least 150 feet from any private potable wells, 400 feet from any public well, and 150 feet from any coastal bank or wetland resource. Manure is to be stored in a covered container or bagged until it is removed from the property. No more than 10 (ten) fifty pound bags of manure, or equivalent, shall be allowed to remain on the premises during any week. Areas of storage will be maintained with lime, or other eco-friendly odor control, if necessary. Some composting on site may be allowed with permission of the Board of Health based on lot size and usage of material.

- 4) LIVING AND SLEEPING QUARTERS: No portion of a stable shall be used for human habitation.
- 5) WATER SUPPLY: There should be adequate potable water source on the property for proper watering of animals and fire protection. A drinking trough shall be provided in the pasture/corral area for the animals, unless there is access to the stall where water will be available.
- 6) CORRALS AND PADDOCKS: Corrals and paddock areas should be gently sloping to minimize standing pools of surface water. Horses that are allowed to roam on land shall be provided with adequate fences so constructed as to safely confine the animal and prevent the animal from eating shrubbery from abutter's land. No horse shall be allowed to be pastured unless said pasture, paddock, corral is at least 50 feet from a residential dwelling (other than that occupied by the stable owner/operator).
- 7) FEED STORAGE: Grain feed shall be stored in covered metal or metal lined bins or containers.
- 8) SCREENING: Openings to outer air shall be effectively screened against the entrance of flies and other flying insects wherever feasible.
- 9) LIGHTING AND VENTILATION: Each stable shall be provided with adequate light (2 windows for sunlight) and ventilation.
- 10) RESTRICTION TO PREMISES: Horses, bovine animals (cows), mules, donkeys, sheep, and goats shall be kept either in an approved stable or in an enclosure of adequate size. Said animals shall not be permitted to be at large outside the premises. Any animal shall be deemed to be at large when it is off the premises and unaccompanied by the owner, agent, or employee of the owner or caretaker.
- 11) VARIANCES: Upon written request and notification of direct abutters, the Board of Health may grant variances these regulations if the Board of Health finds that strict adherence to said regulations causes undue hardship and that the granting of the variance(s) would not be detrimental to public health. All variances shall be granted in writing and shall be subject to conditions, as the Board of Health deems necessary.

12) SEVERABILITY: In the event any portion of this regulation shall be deemed invalid, such portion shall be severed from the rest of the regulation, which shall remain in effect.

13) PENALTIES: Whoever violates this regulation or hinders any duly authorized person from exercising the authority conferred hereunder or by local or general laws shall be punished by a fine of not more than twenty-five (\$25) dollars for the first offense, fifty (\$50) dollars for the second offense and one hundred (\$100.00) dollars for the third offense, and any subsequent offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

These regulations shall become effective upon the date of publication.

Per Order Of,  
Mashpee Board of Health

Ernest Virgilio, Chairman  
John Livingston, Co-Chairman  
Edward Raposa, Clerk

***Revised: June 6, 2023 (Adv 6/9/23)***