



**TOWN OF COHASSET, MA**  
Board of Health

**Rules and Regulations Governing Horses, Stables, Cloven-Hoofed Livestock, Fowl and Poultry**

Promulgated:  
June 1, 1972

Revised:  
January, 1987  
February 14, 1989  
October 14, 2014

For more information about ~~Permitting~~ <sup>ANIMALS</sup> Wells, or for clarification about the requirements of these regulations, please contact the Cohasset Board of Health at:  
(781) 383-4100 x. 119 phone  
[boh@cohassetma.org](mailto:boh@cohassetma.org) email

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## A. INTENT

The intent of these regulations is to establish reasonable health regulations in order to minimize sources of disease transmission, the prevalence of public health nuisances, and the environment in the Town of Cohasset.

## B. AUTHORITY

These regulations are promulgated pursuant to the authority granted to the Cohasset Board of Health pursuant to M.G.L. Chapter 111, Sections 31, 155, 156, and 157.

M.G.L. Chapter 111, Section 31 states that "Boards of Health may make reasonable health regulations."

M.G.L. Chapter 111, Section 155 states that "No person shall erect, occupy or use for a stable any building in a city, or in a town having more than five thousand inhabitants, unless such use is licensed by the board of health, and in such case, only to the extent so licensed ... the board of health of such a city or town may make such regulations or orders as, in its judgment, the public health requires relative to drainage, ventilation, size and character of stalls, bedding, number of animals and storage and handling of manure in any stable in its city or town."

M.G.L. Chapter 111, Section 156 establishes minimum setback distances between livery stables and stables for taking or keeping horses and carriages for hire or to let and a "church or meeting house erected and used for the public worship of G-d ..."

M.G.L. Chapter 111, Section 157 establishes penalties for violation of Sections 155 and 156.

## C. DEFINITIONS

Abutter means any PERSON who resides, or is the OWNER of, any land within one hundred (100) feet of the APPLICANT's LOT line.

Accessory Structure means any STRUCTURE that is subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Agent means any PERSON designated and authorized by the BOARD to implement and enforce, in whole or part, these regulations. To the extent provided by the BOARD, the AGENT shall have the full authority of the BOARD and shall be directly responsible to the BOARD, and under its discretion and control.

Animal means any animal that is subject permitting by these regulations. This includes, but is not limited to: solid-hoofed ANIMALS, CLOVEN-HOOFED ANIMALS, FOWL, POULTRY, and EXOTIC ANIMALS.

Applicant means any PERSON who applies for a permit, pursuant to these regulations.

At Large means any such ANIMAL that is not under control when it is outside of its FACILITY

Board means the Board of Health of the Town of Cohasset, Massachusetts, or its authorized AGENT. The BOARD is also known as the Cohasset Board of Health.

Building means any STRUCTURE or portion thereof, either temporary or permanent, having a roof or other covering forming a STRUCTURE for the shelter of persons, animals or property of any kind.

Cloven-Hoofed Animal means any mammal in the order Artiodactyla. Examples of CLOVEN-HOOFED ANIMALS are cattle, deer, goats, swine, and sheep.

Coop means any STRUCTURE for the keeping or housing of poultry or any other types of fowl.

Corral means any pen or enclosure used for the confinement of one (1) or more animals.

Dayhopping means the temporary visiting of a PERMITTED ANIMAL for not more than twenty-four (24) hours.

Dwelling means any building, shelter, or STRUCTURE that intended for human habitation

Exotic means any ANIMAL that is not native to this region and / or country.

Facility means the total accommodations to be used for the keeping, housing, and/or care of one or more ANIMALS. Examples of a facility include, but are not limited to: barn(s), STABLE(S), COOP(S), PEN(S), loft(s) or CORRAL(S).

Fowl means any bird(s) used for show, food, or hunted as game.

Horse means any member of the belonging to the Equidae family of the Equus ferus species. Horses include ponies, colts, mules, donkeys, and any other solid-hoofed ANIMALS.

Household Pet means any domesticated ANIMAL that is normally kept inside of a DWELLING. Examples of HOUSEHOLD PETS include, but are not limited to: dogs, cats, ferrets, fish, other domesticated or EXOTIC birds, certain reptiles and rodents.

Lot means an area or parcel of land in one ownership defined by metes and bounds or boundary lines in a recorded deed or recorded plan. A parcel shall not be designated a lot unless it meets the requirements of the Cohasset Zoning Bylaws.

Manure Management Plan ("MMP") means a plan for the handling and disposal of manure, or other ANIMAL excrement.

Nuisance means an act or failure to perform a legal duty which causes or permits a condition to exist which injures or endangers the public health, safety or welfare of the inhabitants of the Town of Cohasset.

Owner means a PERSON who, alone or together with other persons, has legal title to a parcel of land and/or STRUCTURE.

Pen means any STRUCTURE for the keeping or housing of one or more ANIMALS.

Permit means a PERMIT to keep ANIMALS or a STABLE permit

Person means any individual, corporation, company, association, trust, or partnership.

Poultry means any domesticated or semi-domesticated bird, including chickens, ordinarily kept for food or eggs.

Rodent means any ANIMAL of the order Rodentia, including rabbits, guinea pigs, hamsters, chinchillas, and squirrels.

Runoff means any water from natural or unnatural sources that flows over the surface of the ground.

Stable means the BUILDING or other enclosures used to keep one (1) or more HORSES, CLOVEN-HOOFED ANIMALS, POULTRY or FOWL, and to store the food supplies and equipment normally associated with the keeping of such ANIMALS.

Stall means a compartment in a STABLE used for the keeping of one (1) or more ANIMALS.

Structure means a combination of materials, whether wholly or partially level with, above or below the surface of the ground, whether permanent or temporary, assembled at a fixed location to give support, shelter or enclosure such as a building, framework, retaining wall, stand, platform, bin, fence with a height of six (6) feet or greater (above grade), parking area sign, flagpole, or mast of an antenna or the like.

Swine means all porcine animals, including pot-bellied and other "pet" pigs. (330 CMR 11.01)

Vector Management Plan ("VMP") means a plan that adequately defines the measures that shall be taken by the APPLICANT in order to minimize the presence of NUISANCES and VERMIN.

Vermin means various small animals or insects that are destructive, objectionable, annoying or injurious to health and are often difficult to control, include but not limited to cockroaches, bed bugs, lice, fleas, mosquitoes, ticks, flies, mice and rats.

Wetland or Waterway means any land area or surface area so defined by applicable statutes, bylaws, regulations, or policies of the Commonwealth of Massachusetts or the Town of Cohasset.

Wild Animal means any ANIMAL not normally found or kept in a domesticated state, including, but not limited to: poisonous reptiles, alligators, monkeys, lions, tigers, raccoons, possum, or fisher cats.

**D. PERMIT TO KEEP ANIMALS, REQUIRED**

1. No PERSON shall STABLE or otherwise keep and / or maintain any of the ANIMALS above the quantity / quantities listed below within the limits of the Town of Cohasset without first obtaining a PERMIT to keep ANIMALS from the BOARD:

<u>Animal</u>	<u>Quantity</u>
Horses	1
Cattle	1
Cloven-hoofed animals (other than cattle and rabbits)	2
Rabbits	6
Fowl (except roosters and peacocks)	12
Roosters	0
Swine	0
Exotic Animals permitted (with or without a permit)	0

by M.G.L. c. 131 § 23 and 321 CMR 9.01

2. All PERMITS shall be issued to the PERSON having possession of the FACILITY.
3. Each PERMIT to keep ANIMALS shall expire on April 30 of the corresponding year, annually.
4. Prior to initial issuance of a PERMIT to keep ANIMALS, the APPLICANT must submit an application on a form approved by the BOARD, as well as all corresponding plans and fees required by the BOARD. Said application shall be reviewed for approval by the BOARD at a regular, scheduled, meeting. Said application must be submitted to the BOARD no less than fifteen (15) calendar days prior to the next regularly-scheduled meeting of the BOARD. In addition, all ABUTTERS must be notified of the application for a PERMIT, on a form approved by the BOARD, no less than ten (10) calendar days prior to the date of the meeting where the application will be reviewed. Documentation of said notice shall be in the form of:
  - a. Documentation from the United States Postal Service (USPS) indicating that the notice was sent by certified mail, return receipt requested. This may be in the form of a signed green, return receipt, or a printout from the USPS website that shows that delivery was attempted, but not successful. The receipt date and / or other documentation from the USPS shall indicate that the delivery attempt was no less than ten (10) calendar days prior to the date of the BOARD meeting where the application will be reviewed; or

- b. A copy of the notice to ABUTTERS, signed and dated by the ABUTTERS no less than ten (10) calendar days prior to the date of the BOARD meeting where the application will be reviewed.
  - c. Documentation that all required ABUTTER were notified shall be provided to the BOARD by submission of a certified ABUTTERS list, as obtained from the Cohasset Board of Assessors' office
5. All ABUTTER concerns received during and / or prior to the BOARD meeting where the application will be reviewed shall be taken into account by the BOARD when determining whether to initially grant a PERMIT or not.
6. During the BOARD meeting where the application will be reviewed, the BOARD may assign any reasonable restrictions necessary to comply with the intent of these regulations.
7. Said PERMIT shall list the maximum number(s) of each of the above-listed ANIMALS permitted to be kept and / or maintained at the FACILITY.
8. With the exception of a PERMIT to keep a rooster and /or peacock, PERMITS shall be renewed, annually, by submission of a form, as approved by the BOARD, which certifies that the number of ANIMALS has not grown above the limit listed on the PERMIT. No fee shall be required for the renewal of a PERMIT to keep ANIMALS.
9. Renewal of a PERMIT to keep a rooster and / or peacock may be obtained following the procedures for initial permitting, listed in Section D(4), on an annual basis, with the exception that no fee shall be required for the application for said PERMIT.
10. Failure to submit the certification required by Section D(8) and / or Section D(9) prior to the expiration date listed in Section D(2), shall result in revocation of the PERMIT. Upon revocation of a PERMIT, the APPLICANT must submit the required items for initial issuance of a PERMIT, as described in D(4), including but not limited to payment of all applicable fees, as approved by the BOARD.
  - a. Except under emergency conditions, a PERMIT to keep and / or maintain ANIMALS may be suspended and / or revoked by the BOARD at any time, following a public hearing for which the APPLICANT was given at least three (3) calendar days' notice of said hearing. Notice may be delivered by first class mail and / or certified mail – return receipt requested.
  - b. The BOARD may suspend and / or revoke a PERMIT to keep and / or maintain ANIMALS without a hearing if, in its opinion, egregious, unsanitary conditions are present at the STABLE (emergency conditions). If a PERMIT to keep and / or maintain ANIMALS is revoked and / or suspended, due to emergency conditions, the APPLICANT may file a written appeal of this decision to the BOARD. Said written appeal must be received by the BOARD no more than ten

(10) business days after said suspension and / or revocation to the BOARD's office, located at 41 Highland Avenue, Cohasset, MA 02025. Failure to submit said written appeal shall serve as acknowledgment and acceptance of responsibility for said emergency conditions.

11. EXOTIC ANIMALS shall not be kept within the Town of Cohasset without the expressed written approval of the BOARD, in accordance with all applicable laws.

12. PERMITS to keep and / or maintain ANIMALS are not transferrable.

#### E. STABLE PERMIT, REQUIRED

1. No PERSON shall STABLE or otherwise keep and / or maintain any ANIMALS within the limits of the Town of Cohasset without first obtaining a STABLE PERMIT from the BOARD.

2. All PERMITS shall be issued to the PERSON having possession of the FACILITY.

3. Each STABLE PERMIT shall expire on April 30 of the corresponding year, annually.

4. Prior to initial issuance of a STABLE PERMIT, the APPLICANT must submit an application on a form approved by the BOARD, as well as all corresponding plans and fees required by the BOARD. Said application shall be reviewed for approval by the BOARD at a regular, scheduled, meeting. Said application must be submitted to the BOARD no less than fifteen (15) calendar days prior to the next regularly-scheduled meeting of the BOARD. In addition, all ABUTTERS must be notified of the application for a PERMIT, on a form approved by the BOARD, no less than ten (10) calendar days prior to the date of the meeting where the application will be reviewed. Documentation of said notice shall be in the form of:

a. Documentation from the United States Postal Service (USPS) indicating that the notice was sent by certified mail, return receipt requested. This may be in the form of a signed green, return receipt, or a printout from the USPS website that shows that delivery was attempted, but not successful. The receipt date and / or other documentation from the USPS shall indicate that the delivery attempt was no less than ten (10) calendar days prior to the date of the BOARD meeting where the application will be reviewed; or

b. A copy of the notice to ABUTTERS, signed and dated by the ABUTTERS no less than ten (10) calendar days prior to the date of the BOARD meeting where the application will be reviewed.

c. Documentation that all required ABUTTER were notified shall be provided to the BOARD by submission of a certified ABUTTERS list, as obtained from the Cohasset Board of Assessors' office

Stable Permit  
Annual Permit  
Needs Board  
Holds

5. An application for initial issuance of a STABLE PERMIT must be accompanied by a plot plan, which is stamped by a Registered Professional Engineer and / or Professional Land Surveyor. Said plot plan shall indicate:
  - a. all STRUCTURES;
  - b. the location of the proposed FACILITY;
  - c. location of all ACCESSORY STRUCTURE(S);
  - d. all fences;
  - e. all wetlands;
  - f. the location of an on-site wastewater treatment system (septic system); and
  - g. all proposed drainage plans
6. An application for initial issuance of a STABLE PERMIT shall be accompanied by:
  - a. a written Manure Management Plan;
  - b. a written Vector Management Plan;
  - c. a written Predator Management Plan; and
  - d. a written Noise Management Plan
7. All ABUTTER concerns received during and / or prior to the BOARD meeting where the application will be reviewed shall be taken into account by the BOARD when determining whether to initially grant a PERMIT or not.
8. A STABLE PERMIT shall be renewed by submission of a fee approved by the BOARD, as well as a certification that no changes have been made to the FACILITY from the prior year's STABLE PERMIT, and following an STABLE inspection by the BOARD, as permitted by Section 7 of Chapter 129 of the General Laws of the Commonwealth of Massachusetts. No fee shall be charged for the STABLE inspection.
9. Failure to renew a STABLE PERMIT prior to the expiration date listed in E(3) shall be subject to the Late Renewal and Incomplete Application Policy, as approved by the BOARD.
10. Except under emergency conditions, a STABLE PERMIT may be suspended and / or revoked by the BOARD at any time, following a public hearing for which the



APPLICANT was given at least three (3) calendar days' notice of said hearing. Notice may be delivered by first class mail and / or certified mail – return receipt requested.

11. The BOARD may suspend and / or revoke a STABLE PERMIT without a hearing if, in its opinion, egregious, unsanitary conditions are present at the STABLE (emergency conditions). If a STABLE PERMIT is revoked and / or suspended, due to emergency conditions, the APPLICANT may file a written appeal of this decision to the BOARD. Said written appeal must be received by the BOARD no more than ten (10) business days after said suspension and / or revocation to the BOARD's office, located at 41 Highland Avenue, Cohasset, MA 02025. Failure to submit said written appeal shall serve as acknowledgment and acceptance of responsibility for said emergency conditions.

12. STABLE PERMITS are not transferrable.

#### F. EXEMPTIONS FROM ANIMAL AND STABLE PERMITTING

1. With the exception of the keeping of roosters and / or peacocks, any FACILITIES otherwise regulated, licensed, and / or permitted by the MA Department of Agricultural Resources as a farm are hereby exempted from these regulations.
2. HOUSEHOLD PETS are hereby exempt from the requirements of these regulations.

#### G. MINIMUM LOT SIZES

All FACILITIES must comply with the minimum area requirements of the Cohasset Zoning Bylaws, except, at no time can lots be any smaller than:

1. 25,000 square feet for a single HORSE;
2. 50,000 square feet for two HORSEs;
3. 50,000 square feet, plus an additional 20,000 square feet for each additional HORSE, beyond two;
4. 3 square feet of floor space per mature POULTRY; and
5. All others shall be at the discretion of the BOARD.

#### H. FACILITY CONSTRUCTION

1. The FACILITY shall be of durable construction to protect the BUILDING from deterioration or damage by rodents, termites, and dampness.
2. The OWNER shall provide adequate ventilation that meets the general needs of all ANIMALs at the FACILITY.

FARM  
STATUS  
Exempt  
from Regs  
except Roosters  
Peacocks

3. The FACILITY shall be constructed of materials that provide protection from weather elements;
4. The FACILITY shall be constructed of approved materials. If the flooring is to be made of earth, the OWNER must provide adequate drainage.
5. Each STABLE shall be furnished with an adequate and safe water supply, both for feeding and cleaning purposes.
6. Each CORRAL shall have a water receptacle that is kept as sanitary as possible.
7. Each CORRAL shall have a fence with a height that is approved by the BOARD.
8. All STALL doors and paddock gates must be supplied with horse-proof latches.

#### **I. FACILITY MAINTENANCE**

1. All FACILITIES shall be kept in a clean and sanitary manner so that it will prevent the spread of infectious and / or contagious diseases. Said FACILITY shall be free from decaying food, filth, feces, vermin infestation and stagnant water.
2. Food shall be stored in sealed, moisture-proof and vermin-proof containers, when appropriate.
3. Manure and fouled bedding shall either be stored within covered waste receptacles and properly discarded, with proper frequency of pick-up, or in an above-ground manure box or pit.
4. All manure boxes and pits shall be leak-proof, rodent-proof, and vermin-proof.
5. All manure boxes and pits shall be adequately ventilated.

#### **J. SETBACKS**

The FACILITY shall be located no less than:

1. 100 feet from any Wetland, as defined by M.G.L. c. 131 §40, and any local regulations and / or bylaws;
2. 30 feet from any property line;
3. 30 feet from any public way;
4. 100 feet from any dwelling;

5. 100 feet from any well, public or private;
6. 100 feet away from a on-site wastewater treatment (septic) system's Soil Absorption System;
7. 50 feet from any components of a septic system; and
8. any other setback reasonably required by the BOARD.

#### **K. MANURE MANAGEMENT**

The following are requirements for the keeping and maintenance of manure and fecal matter within the FACILITY. The PERMIT holder is responsible to implement a MMP for the FACILITY. The plan requires approval by the BOARD prior to the issuance of an initial STABLE PERMIT.

1. Drainage or liquid effluent containing urine, fecal matter and manure from ANIMALS kept at said FACILITY is not to be discharged in RUNOFF, or to flow over the surface of the ground onto a neighboring property, public way, Watercourse, or wetland. Water, including drainage, shall not become stagnant or collect or create a ponding effect upon said FACILITY.
2. The OWNER shall provide for the sanitary storage and disposal of all waste, fecal matter and manure related to the keeping of ANIMALS.
3. Management and disposal of manure and soiled bedding shall be such as to minimize odors, breeding of flies, and attraction of VERMIN. Manure shall be collected and kept in suitable pit or receptacle at a single location. This location shall be carefully chosen to maximize the distance from abutting properties and wetlands, and with due consideration of the prevailing winds.
4. All manure shall be stored in a manner that it minimizes all deleterious odors that may affect any ABUTTERS.
5. The accumulation, stock piling, and storage of manure outside of a pit or receptacle is prohibited.
  - a. EXCEPTION: Composting of manure generated by the FACILITY can be performed, following special approval from the BOARD.

#### **L. VECTOR MANAGEMENT**

1. The OWNER is responsible to implement a Pest Management Plan for the FACILITY. The plan requires approval by the BOARD.

2. All work must be performed by a licensed Pest Control Operator, whenever required by Law.

#### **M. DAYHOPPING**

DAYHOPPING may occur at a permitted STABLE and any other PROPERTY if the ANIMAL is well-secured.

#### **N. DISCARDING OF DEAD ANIMALS**

1. Dead ANIMALS shall be disposed of or incinerated, at an appropriate Facility, within a reasonable time, but in no event more than forty-eight (48) hours after death.
2. Storage of deceased ANIMAL shall be in such a way to prevent odors and attraction of VERMIN

#### **O. ENFORCEMENT**

1. The BOARD has authority to investigate suspected or known violations of these regulations and / or violations of the conditions of any PERMITs issued under the authority of these regulations.
2. The BOARD may take actions, as it deems appropriate, within its authority, for the protection of public health, safety, welfare, or the environment, and to enforce the provisions of these regulations.
3. If any investigation reveals a violation of these regulations, the BOARD may order the OWNER to bring the affected conditions into compliance with these regulations and/or other action within its authority, as the BOARD deems appropriate; including, but not limited to: permit suspension, and / or permit revocation.
4. Any PERSON who violates these regulations shall be fined in accordance with the Cohasset Board of Health Ticketing Regulation, as amended.
5. Any PERSON whose PERMIT is suspended, denied, or revoked, must remove all affected ANIMALS from the PROPERTY within one (1) week of the effective date of said enforcement action. Said ANIMAL(S) shall not return to the FACILITY until such time that permission is granted by the BOARD.
6. The BOARD may reasonably conduct announced, and unannounced, inspections of a FACILITY in order to ensure compliance with these regulations.
7. All expenses incurred by the enforcement of these regulations shall constitute a debt due to the Town of Cohasset.

## **P. RIGHT TO A HEARING**

Any PERSON aggrieved by the BOARD may request a hearing before the BOARD by following the provision(s) listed in Sections D and / or E of these regulations.

## **Q. VARIANCES**

1. The BOARD may grant a variance to any provision(s) of these regulations when, in its opinion, the strict enforcement of these regulations would result in manifest injustice and does not jeopardize public health or the environment.
2. Every request for a variance shall be in writing shall state the specific provision of this regulation from which variance is sought, the reasons for seeking the variance and proof of the notice required below.
3. The request shall also contain the information to establish manifest injustice and equivalent degree of protection.
4. At least ten (10) days prior a hearing regarding an application for a Variance to the Board, the Applicant shall provide notice of their intent to request a variance, as follows:
  - a. by certified mail, return receipt requested to all abutters within one hundred (100) feet of the property line of the property upon which the well will be, or is, located; and
  - b. publication in both the Cohasset Mariner and the Patriot Ledger.
5. The aforementioned notice shall include, at a minimum:
  - a. the name and address of the APPLICANT;
  - b. a statement of the provision(s) of these regulations for which a variance is sought; and
  - c. the reason(s) for seeking said variance(s).
6. A copy of each variance shall be conspicuously posted for thirty (30) days following its issuance, and shall be available to the public at all reasonable hours in the Office of the Town Clerk or the Office of the BOARD.
7. Within the thirty (30) days after issuance of the variance, an Affected Party may file an appeal of the decision to issue a variance. If an appeal of a variance is filed, no work shall be commenced until the court of competent jurisdiction makes a final determination, or the appellant abandons the appeal.

8. No work shall be done under a variance until thirty (30) days from its issuance, unless the BOARD certifies, in writing, that an emergency exists.
9. The BOARD may issue a variance subject to conditions as it deems necessary to public health, safety, welfare or the environment. Any such conditions shall be stated, in writing, in the BOARD's grant of the variance.
10. The BOARD may revoke, modify or suspend, in whole or in part, a variance after the Owner has been notified, in writing, and is afforded an opportunity to be heard.

#### R. SEVERABILITY

If any provision of these regulations or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision(s) and the remainder of these regulations shall remain valid and effective. Any part of these regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulation.


#### S. EFFECTIVE DATE

1. These regulations were adopted by a vote of the Cohasset, Massachusetts Board of Health, at their regularly scheduled meeting on OCTOBER 14, 2014 and are to be in full force and effect on or after JANUARY 1, 2015. These regulations shall supersede all previous versions of similar regulations promulgated by the Cohasset, Massachusetts Board of Health.
2. A copy of these regulations shall be published and a copy placed on file in the Board of Health Office and filed with the MA Department of Environmental Protection in Boston, MA.
3. These regulations, or any portions thereof, may be amended, supplemented or repealed from time-to-time by the BOARD, as provided by law and applicable regulations.

Signed, this 14<sup>th</sup> day of October in the year 2014:

  
\_\_\_\_\_  
Margaret S. Chapman, APRN-BC, Chair

  
\_\_\_\_\_  
Elizabeth L. Kirkpatrick, REM, Clerk

  
\_\_\_\_\_  
Robin M. Lawrence, DDS, MPH, Member