

**CITY OF PEABODY
AN ORDINANCE AMENDING CHAPTER 14
"HEALTH AND SANITATION"
OF THE CODE OF THE CITY OF PEABODY**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEABODY AS FOLLOWS:

SECTION ONE: The Code of the City of Peabody adopted on January 9, 1986, and amended, is hereby further amended as follows:

BY CREATING A NEW ARTICLE III ENTITLED RODENT CONTROL AS FOLLOWS:

SECTION 14-30 Permits for buildings and earthworks

1. All permits issued by the Building Commissioner for earth displacement and land clearing activities on residential and commercial property will be subject to a separate fee designated for rodent control. Such fees are to be set by the Peabody City Council and reviewed every three (3) years.
2. In addition to the fee required above, building permits issued for certain activities will require the implementation of an Integrated Pest Management Plan as a condition of the permit. IPM plans must be submitted to the Health Department and implemented a minimum of 14 days prior to the start of the project. IPM plans will be required for:
 - a. Demolition
 - b. Renovation or construction work on abandoned properties (as defined in Section 7-81 of the Ordinance)
 - c. Large-scale commercial projects valued at over \$1,000,000
 - d. Construction of residential subdivisions
3. Responsibility for pest prevention and management remains with the permit holder, even when a commercial service is part of the permit holder's IPM program.

SECTION 14-31 Permits for street openings and utility installation

1. All permits issued by the Department of Public Services for the following activities will be subject to a separate fee designated for rodent control. Such fees are to be set by the Peabody City Council and reviewed every three (3) years.
 - a. The disturbance of an existing underground utility within the paved right-of-way of a distance greater than 500 linear feet;
 - b. The installation of a new underground utility within the paved right-of-way greater than 500 linear feet;
 - c. The disturbance of an existing underground utility outside of the paved right-of-way greater than 250 feet;
 - d. The installation of a new underground utility outside of the paved right-of-way greater than 250 feet;
2. In addition to the fee required above, permits issued by the Department of Public Services for the following activities will require the implementation of an Integrated Pest Management Plan as a condition of the permit. IPM plans must be submitted to the Health Department and implemented a minimum of 14 days prior to the start of the

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project. The 14-day advance period may be waived by the Director of the Department of Public Services in emergency situations. IPM plans will be required for:

- a. The disturbance of an existing underground utility within the paved right-of-way of a distance greater than 1,500 linear feet;
 - b. The installation of a new underground utility within the paved right-of-way greater than 1,500 linear feet;
 - c. The disturbance of an existing underground utility outside of the paved right-of-way greater than 750 feet;
 - d. The installation of a new underground utility outside of the paved right-of-way greater than 750 feet;
3. Disturbance shall be defined as excavating the earth immediately around an existing utility. The length of disturbance shall be measured by the overall linear length of excavation required to unearth the utility. Activities that do not require the excavation of soil shall not be considered disturbance for the purposes of this ordinance.
 4. Responsibility for pest prevention and management remains with the permit holder, even when a commercial service is part of the permit holder's IPM program.

SECTION 14-32 Permits for dumpsters

1. All permits issued by the Fire Department for dumpsters on residential and commercial property will be subject to a separate fee designated for rodent control. Such fees are to be set by the Peabody City Council and reviewed every three (3) years. Dumpsters associated with building projects for which the building permit rodent control fee has been assessed are exempt from this additional fee.
2. In addition to the fee required above, dumpster permits will require the implementation of an Integrated Pest Management Plan as a condition of the permit. IPM plans must be submitted to the Health Department and updated annually before a permit will be issued by the Fire Department.
3. Responsibility for pest prevention and management remains with the permit holder, even when a commercial service is part of the permit holder's IPM program.

SECTION 14-33 Permits for food establishments

1. All permits issued by the Health Department to operate a food establishment will be subject to a separate fee designated for rodent control. Such fees are to be set by the Peabody City Council and reviewed every three (3) years.
2. All applicants to the Health Department for a permit to sell retail food or operate a food service establishment are required to develop and provide an Integrated Pest Management Plan as a condition of the permit. IPM plans must be submitted to the Health Department and updated annually.
3. Responsibility for pest prevention and management remains with the permit holder, even when a commercial service is part of the permit holder's IPM program.
4. Temporary food service applicants are exempt from these requirements.
5. Establishments not required to hold a local food establishment permit, but which serve, store, process, or distribute food on-site, including but not limited to food manufacturing facilities, food distribution facilities, breweries, and retail

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establishments exempted under the Federal Food Code, are also subject to the requirements for a rodent control fee and IPM plan.

SECTION 14-34 Permits for landfills, transfer stations, recycling facilities, and offal vehicles

1. All permits issued by the Health Department to operate a landfill or transfer station will be subject to a separate fee designated for rodent control. Such fees are to be set by the Peabody City Council and reviewed every three (3) years.
2. All applicants to the Health Department for a permit to operate a landfill or transfer station are required to develop and provide an Integrated Pest Management Plan as a condition of the permit. IPM plans must be submitted to the Health Department along with the permit application and updated annually.
3. All applicants to the Health Department for a permit to remove, transport, or dispose of garbage, offal, or other offensive substances are required to provide a copy of an Integrated Pest Management Plan for the facility where the vehicles are garaged. Such IPM plan must include procedures for surveillance and control activities specific to the vehicles. IPM plans must be submitted to the Health Department and updated annually.
4. Facilities not required to hold a local health department permit, but which receive, store, sort, process, or transfer recyclable materials on-site are also subject to the requirements for a rodent control fee and IPM plan.
5. Responsibility for pest prevention and management remains with the permit holder, even when a commercial service is part of the permit holder's IPM program.

SECTION 14-35 Permits for Keeping of Animals

1. All applicants to the Health Department for a new or renewal permit to keep certain animals (as defined within City Ordinance Section 6-1) are required to provide evidence that the lot and any structures thereon have been assessed by a licensed pest control operator and have been treated for, or are free from, rodents in accordance with State Sanitary Code, 105 CMR, Section 410.550.

SECTION 14-36 Requirements for public property

1. Dumpsters on public properties are subject to the requirement for an IPM plan.
2. IPM plans shall be developed for all public buildings and parks and updated annually.

SECTION 14-37 Content of Integrated Pest Management Plans

1. Integrated Pest Management Plans required under this ordinance must include, at minimum:
 - Names and certifications of licensed pest control operators
 - Initial survey by a licensed pest control operator documenting presence or absence of rodent activity, burrows, and sanitation conditions that could support rodent activity on the site and accessible public areas adjacent to the site.
 - Details about rodent control measures to be implemented on the site, including locations of traps and bait stations, types and amounts of pesticides used, schedule for follow-up monitoring, cleanup of bait stations and rodent carcasses, staff training and notification procedures, and management of

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sources of food, water, and harborage on the site, including vegetation management.

- o Procedures for responding to rodent complaints associated with the site, including name and contact information for management-level individual to respond to complaints.

SECTION 14-38 Enforcement, Penalties and Fines

1. Failure to comply with this ordinance may result in revocation of the permit and/or fines of up to \$300 per day, in accordance with Peabody Board of Health Regulation "Noncriminal Disposition of Ordinance, By-law, Rule, or Regulation Violations."
2. Complaints about rodent activity will be handled by the Health Department.
3. The Building Commissioner, Director of Public Services, Fire Chief, Director of Health, and their designees are the enforcing officers for the permits issued by their offices.
4. All fines collected for violations of the City of Peabody's Ordinance Regarding Rodent Control will go into a designated account to be used for rodent control measures.

SECTION 14-39 Fee Schedule

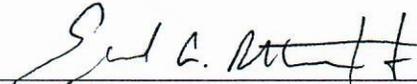
Department	Annual Fees
Health	\$25 per food establishment, food processing or storage facility. \$250 per landfill, transfer, recycling facility \$100 per offal business
Public Services	\$1 per foot up to \$1000 max for utility projects
Fire	\$50 per dumpster
Building	\$250 per permit for commercial projects \$100 per permit for residential projects

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

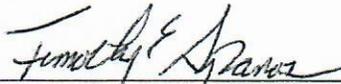
SECTION THREE: This ordinance shall take effect as provided by law.

INTRODUCED	JULY 11, 2019
ORDERED PUBLISHED	JULY 11, 2019
PUBLISHED	JULY 25, 2019
ADOPTED	AUGUST 22, 2019
PUBLICATION OF ADOPTION	SEPTEMBER 5, 2019

SUBMITTED TO HIS HONOR THE MAYOR, AUGUST 28, 2019
APPROVED BY HIS HONOR THE MAYOR, AUGUST 28, 2019



(Hon. Edward A. Bettencourt, Jr., Mayor)

Attest 

(Timothy E. Spanos, City Clerk)