

## EXISTING ORDINANCE

### 9.04.010 NUISANCES AFFECTING PUBLIC HEALTH

No owner, occupant or person in control of any property in the city shall cause or permit to remain on said property any stagnant water, overgrowth of vegetation or accumulation of debris in a manner deemed by a public health agent, an employee of the ~~Inspectional Services or Health and Human Services departments, Department of Permits, Inspections and Planning~~ or an employee of the Public Works Department to provide a harborage for pests or the creation of a nuisance; provided that the provisions of this section shall not apply to any area determined by the Conservation Commission to be protected wetland.

The Board of Health, ~~Director of Health and Human Services, Director of Inspectional Services~~ or ~~their designated~~ agents may order, in writing, the removal or abatement of any said condition within a reasonable time.

This ordinance may also be enforced, after failure to comply with an order by the Board of Health, in the manner provided under Mass. Gen. Laws ch 40 § 21D and shall be punishable as follows:

First offense	\$50.00
Second offense	\$100.00
Third/subsequent offense	\$200.00

Each twenty-four period during which a violation exists shall constitute a separate offense and a separate and additional fine shall be imposed for each twenty-four hour period during which a violation exists.

In addition to enforcement under Mass. Gen. Laws ch 40 § 21D, the city may take all other remedies available at law and equity.

### PROPOSED ADDITIONS:

Notwithstanding the previous paragraph, a residential landowner may use ~~one or more~~ a rain barrels to collect rainwater runoff from a roof ~~or gutter~~ provided the collection meets ~~all of the following criteria: conditions.~~

1. A rain barrel shall be defined as a vessel for capturing water that includes an inflow and outflow spout, a mesh screen cover, and having the sole purpose of collecting and storing rainwater.
2. The rain barrel must be mosquito- and tamper-proof, either with a tight-head drum design, or with inlet screening ~~contains~~ that includes a 1/16" mesh cover on all openings. Barrels with contoured/concave tops, open tops, large-mesh screens, or any other feature that allows surface water pooling may not be used. ~~a screen or other cover that prevents it from harboring for mosquitoes or other pests and being accessed by children,~~
3. ~~Each~~The rain barrel ~~must be~~ no larger than 55 gallons, ~~and must be securely elevated one foot off the ground, with no outflow spigots facing any structure's foundation or draining into abutting property. sits at least one foot from the ground atop a base sturdy enough to hold the weight of the rain barrel when full and that prevents it from tipping,~~ and must be securely elevated one foot off the ground, with no outflow spigots facing any structure's foundation or draining into abutting property.
4. The water is used only for non-potable purposes such as gardening and not for direct human consumption such as drinking or washing dishes unless an approved filtration system is installed.,~~and~~
5. For any barrel that does not empty from the bottom, owners must ~~The owner~~ once a year empty~~ies~~ all water from the barrel and cleans out silt and dirt.
6. Homemade rain barrels may be used, provided they are no larger than 10' x 10' in size and meet all the above requirements.

## MINUTES FROM MAY 7, 2024

Paper 179-24 was introduced into the record by Chair Linehan and then the discussion on rain barrels and pollinator gardens was handed over to BOH Director Chris Webb. Director Webb explained the minimum requirements to meet the definition of a rain barrel is that it have a spout in/spout out, mesh screen, and the sole purpose of collecting and storing rainwater. Also, residents who keep rain barrels should be made aware that the water they collect is not drinkable unless a proper filtration system is in use because there may be residuals from the roof and gutters in the water. Any ordinance speaking to the proper use of rain barrels should include direction that additives, fertilizers, organic or otherwise, should not be pre-added to the barrel.

Director Webb's biggest concern with rain barrels is a scenario where someone has multiple buckets across their property with no lid—this is the breeding grounds for mosquitoes and the West Nile Delta Virus, something previously found in the city. While we want to push for a Green Malden, we also want to people utilizing the tools properly.

There are not many cities/towns in Massachusetts with a specific pollinator ordinances in place but there is guidance from the National Wildlife Federation with a policy guide for cities and towns that says you can either cap the height of all plants or ask people to register their gardens with natural organizations and then showcase the certification.

Director Webb heard out Councillors' questions and concerns and agreed to come back to the next meeting with language for further review. The size of barrels may not exceed 10'x10' since that would require a building permit. Pollinator gardens must have some type of definition or standard so people aren't just using it as a way to justify unkempt and overgrown landscaping.