

*Soverille 2025 (adjusted 2011)*

**Sec. 11-38. Rodent control.**

a. (a)

*Purpose.* It is the purpose of this section to limit the population growth, and prevent the potential spread of infectious and contagious diseases by rats, mice, and other rodents (hereinafter referred to as "rodents").

b. (b)

*Definitions.* As used in this section, the following words and phrases shall have the meanings ascribed to them in this section:

1. (1)

**Exterminate** means to eliminate rodents through methods utilized by a licensed pest control management company.

2. (2)

**Exterminator** means an individual duly licensed by the Commonwealth of Massachusetts to exterminate and in good standing.

3. (3)

**Infestation** means the recurrent presence, as determined by burrows, droppings, gnaw marks, tracks and other physical evidence, of rodents that is determined to be a threat to public health.

c. (c)

*General requirements.*

1. (1)

All premises and places shall be maintained free from rats, mice, and other rodents; and it is unlawful for the owner and/or occupant thereof to fail to take such reasonable preventive and remedial measures for such purposes as shall be prescribed by the superintendent of inspectional services or board of health.

2. (2)

The owners and/or occupants of premises shall:

1. a.

Implement rodent-proofing and extermination measures as set forth below to prevent rats, mice, or other rodents from gaining access to or coming into contact with food and water sources, including food products, animal food, or bird food; and

2. b.

Prevent the accumulation of materials stored in a manner capable of providing food or harborage for rodents, including, but not limited to, garbage, litter, excrement, filth, lumber, tree limbs, firewood, motor vehicle bodies or parts, construction or demolition debris, appliances, waste wood, scrap metal, overgrown vegetation, decaying animal or vegetable matter, and animal waste any other articles that provide shelter and protection for rodents.

d. (d)

*Duty to implement rodent-proofing and extermination.*

1. (1)

*Rodent infestation.* If evidence of a rodent infestation occurs, a property owner and/or occupant shall take all necessary measures at the expense of the owner and/or occupant to eradicate the infestation and prevent future infestation. In addition, the owner and/or occupant of the property shall perform all eradication measures as reasonably required by the superintendent of inspectional services or board of health, including, but not limited to, rodent-proofing and/or extermination by a duly licensed exterminator.

2. (2)

*Permitted work.* The superintendent of inspectional services is authorized to promulgate regulations regarding mandatory rodent extermination measures in advance of demolition, construction and land clearing projects on private property. The superintendent of public works is authorized to promulgate regulations regarding mandatory rodent extermination measures in advance of subsurface work in the public right-of-way and on private streets. Where rodent control is determined necessary, an extermination program shall begin on the project at least seven days prior to the start of work, unless waived by the respective superintendent. The extermination program must continue until substantial completion of the project unless otherwise waived by the respective superintendent.

e. (e)

*Correction orders.* If an inspection reveals a violation of this section, the superintendent of inspectional services or board of health shall issue a correction order. Such order shall be in writing and shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Any owner and/or occupant served with a correction order under this section shall comply with the order within a period determined by the superintendent of inspectional services or board of health, but not to exceed 21 days.

f. (f)

*Right of entry of superintendent of inspectional services or board of health.* Whenever necessary to make an inspection to enforce or determine compliance with the provisions of this section, or whenever the superintendent of inspectional services or board of health has cause to believe that a violation of any provision of this section has been or is being committed, the superintendent of inspectional services, inspectors from the inspectional service department and the board of health shall have authority to enter any land, building, structure, or premises at reasonable times to inspect the same, provided such entry is consistent with the constitutions of the United States and the Commonwealth of Massachusetts. If entry is refused, the superintendent of inspectional services or board of health shall have recourse to the remedies provided by law to secure entry, including, but not limited to, obtaining a search warrant. Under these conditions, the superintendent of inspectional services or board of health and such authorized personnel may inspect the interior and exterior of buildings, other structures, or parcels on which a building has been demolished or is being constructed to determine evidence of rodent harborage and rodent infestation and when any evidence is found indicating the presence of rodents or openings through which rodents may enter such buildings or structures, to report such evidence to the inspectors who shall serve the owner, agent or occupant of such building, structure or parcel, with written notice to abate the conditions found.

g. (g)

*Area baiting requirements and hearings.* If the board of health has cause to believe that a specified geographic area has a rodent infestation, then the board of health, may schedule a public hearing upon 14 days' prior written notice to landowners within the identified area and 300 feet around, and after a public hearing, may require that the all landowners within the geographic area bait their property and/or take other remedial measures on such conditions and terms deemed necessary by the board of health.

h. (h)

*Adoption of rules.* The superintendent of inspectional services is authorized to adopt rules consistent with this section for the purpose of carrying out and enforcing its provisions.

i. (i)

*Violations.* It is unlawful for any owner or occupant of real property to fail to comply with the requirements of this section or any order of the superintendent of inspectional services or board of health issued to carry out or enforce the requirements of this section. The provisions of this section may be enforced by the superintendent of inspectional services or board of health, by a noncriminal disposition pursuant to G. L. c. 40, s. 21D. Each violation of a provision of this section is a separate and distinct offense and in a case of a continuing violation, each day that the violation continues constitutes a separate offense. Any person, firm, corporation, association or other entity violating any provision of this article shall be punished in accordance with section 1-11 of this Code. Any interested person may request, in writing, a hearing before a municipal hearing officer to contest the issuance of a fine, as provided in Chapter 106 of the Acts of 2008. The imposition of penalties herein prescribed shall not preclude the city from instituting other remedies to abate violations of this ordinances as permitted by law, including, but not limited to criminal proceedings, application for equitable relief, or receivership proceedings

j. (j)

*Failure to comply – Work by City – Lien on property.* If an owner and/or occupant fails to comply with this section after notice given hereinbefore set forth, the city may cause the work to be performed, and charge the owner of the property and place a lien against the property for expenses incurred.

(Ord. No. 2006-12, 9-28-2006; Ord. No. 2007-10, 5-24-2007; Ord. No. 2011-08, 10-13-2011)

Effective on: 10/13/2011