

VOID

ORDINANCE 2009-14

RODENT CONTROL

VOID

SECTION 1: PURPOSE

The purpose of this ordinance is the control and reduction of rodents within Riesel, Texas through the modification and elimination of conditions which allow for the continued reproduction, colonization, and existence of rodents. The City of Riesel will have primary responsibility for enforcement. The Waco McLennan County Public Health District will provide technical assistance and support to inspectors/enforcement officers for Riesel, Texas who enforce this *ordinance*.

SECTION 2: DEFINITIONS

- (a) "Building" means any structure, whether public or private, that is for a residential, office, commercial or industrial use.
- (b) "Burrow" means a below ground nest or harborage for rodents.
- (d) "Debris" means the worthless remains that result from the destruction or breaking down of anything.
- (e) "Director" means the Director of the Waco McLennan County Public Health District. The term also means the authorized representative of the Director.
- (f) "Enforcement Officer" shall mean Waco McLennan County Public Health District or a designated representative.
- (g) "Evidence of Rodents" means the natural presence of rodent runs, burrows, fecal droppings, rubmarks, gnaw marks, tail drag marks, tracks or other signs which may be associated with the presence of rodents, as well as the visual sighting, hearing, smelling, or otherwise sensing of the presence of rodents.
- (h) "Garbage" means the refuse of animal or vegetable matter from households, other activity.
- (i) "Harborage" means any place which provides shelter or protection for rodents, thus favoring their reproduction, presence, or continued existence on the premises.
- (j) "Occupant" means the person who has the use of or occupies any building or any part thereof or who has the use or possession, actual or constructive, of the premises, whether the actual owner or tenant. In the case of vacant buildings or vacant portions of a business building, or in case of occupancy in whole or in part by the owner, the owner of the building shall be deemed to be, and shall have the responsibility of an occupant of such building.
- (k) "Opening" means any opening in the foundation, sides of walls, ground or first floor, basement, chimneys, eaves, grills, windows, ventilators, walk grates, elevators of a building, and any pipes, wires, or other installations through which a rodent may enter.
- (l) "Owner" means the person owning the building or premises.

(m) "Person" means individuals, firms, partnerships, associations, public or private institutions, municipalities, political subdivisions of the State of Texas, governmental agencies, and public or private corporations.

(n) "Premises" means a parcel of real property, including all buildings located thereon.

(o) "Rodent" means rats and mice in the order *Rodentia*. This shall include, but is not limited to, rats and mice belonging to the family *Muridae* (which includes the Norway rat, roof rat, and house mouse) and belonging to the family *Cricetidae* (which includes the deer mouse, the white footed mouse, and the cotton rat).

(p) "Rodent Eradication" means the elimination or extermination of rodents from premises and from rodent harborages of any kind by measures such as baiting, fumigation, or trapping and, where necessary, rodent-proofing such that the premises and rodent harborages are completely freed of rodents, and there is no evidence of rodent infestation remaining.

(q) "Rodent-Proof Container" shall mean a garbage can or other container reasonably impervious to rodents.

(r) "Rodent-Proofing" means to prevent the ingress of rodents into buildings from the exterior or from one building to another. It consists of the closing, with material impervious to rodent gnawing, of all openings in the exterior walls, ground or first floors, basements, roofs, and foundations that may be reached by rodents from the ground by climbing or by burrowing.

(s) "Rodent-Tight Condition of Sewers" means the condition achieved by the construction and maintenance of sewer lines, manholes, and all other parts of the sewer system in such a manner as to prevent rodents from exiting through openings or breaks.

(t) "Refuse" means material rejected or thrown aside as worthless.

(u) "Rubmark" means a dark, sometimes greasy mark formed from contact by the rodent's body.

(v) "Run" means a narrow pathway of beaten earth and vegetation swept clear of debris by the frequent travel of a rodent.

(w) "Trash" means any accumulation of waste materials no longer of any use, including, but not limited to paper, sweepings, dust, rags, bottles, cans, or cardboard.

SECTION 3: GENERAL PROVISIONS

All premises within Riesel, Texas shall be free of rodents and maintained in a rodent-free condition. Rodent harborages shall be eliminated, buildings shall be maintained in a rodent-proof condition, foods and foodstuffs shall be stored and handled so as to be inaccessible to rodents, and, where rodent infestation is evident, effective measures of rodent eradication shall be instigated by the occupant of the premises or in the absence of an occupant, by the owner.

SECTION 4: STORAGE AND HANDLING OF FOOD AND FOODSTUFFS

All food for human consumption and feed for animals and fowl shall be stored in rodent-free and rodent-proof containers, compartments, or rooms unless stored in a rodent-free and rodent-proof building. Feed for animals and fowl shall not be left on the ground, on the floor or left in feed pans, trough, and other feeder containers any longer than necessary to feed the animals and fowl unless such feeder equipment is made inaccessible to rodents. Foods for human consumption

shall not be left on floors, counters, or otherwise exposed so as to provide food for rodents. When feeding birds, the feed should be kept at all times on raised platforms which are made inaccessible to rodents. Bird food shall not be placed on the ground when there is evidence of rodents on the premises or on nearby premises.

SECTION 5: STORAGE AND DISPOSAL OF GARBAGE, REFUSE, AND DEBRIS

No person shall place, leave, dump, or permit to accumulate any garbage, refuse, debris, or trash on any premises, alley, or roadway, so as to afford food or harborage for rodents. All garbage, including dead animals, shall be placed and stored in rodent-proof containers until collected.

SECTION 6: RODENT HARBORAGE

(a) Conditions which provide rodent harborage shall not exist on any premises. No person shall accumulate or permit the accumulation of boxes, bottles, cans, containers, junk appliances, or other similar objects which afford rodent harborage.

(b) When there is evidence of rodents upon premises, the following persons shall be jointly and severally responsible to remove from such premises objects of the type described in the immediately foregoing paragraph, upon request of the Enforcement Officer:

- (1) The person who placed such objects upon the premises; and
- (2) The occupant of the premises, if the objects are in or on a part of the premises which the occupant occupies or controls; and
- (3) The owner of the premises if the owner leased the part of the premises containing such objects with such objects upon the premises, or the objects are in or on a part of the premises which are vacant or occupied by the owner, or the objects are upon a part of the premises which the owner maintains or controls even though the premises are occupied by another.

(c) When there is evidence of rodents in and around useful materials, such as firewood, lumber, or building material, indicating the presence of a rodent harborage, and the Enforcement Officer requests, the owner of such useful material shall store them at least fifteen (15) inches above ground.

SECTION 7: RODENT- PROOFING

(a) The owner of any building shall be responsible to rodent-proof that building when evidence of rodents exist in, under, or around said building, and the Enforcement Officer gives notice to the owner or to the owner's rental agent for the building of said condition. Nothing contained in the foregoing sentence shall bar any right of action the owner of the building may have against the lessee for breach of the lease, but the owner may not plead the terms of any such lease in bar of the owner's responsibility set forth in the foregoing sentence. Methods and materials used for rodent-proofing shall be sufficient to stop the ingress of rodents into buildings from the exterior and from one building to another.

(b) All buildings shall be maintained free of rodents and in a rodent-free condition.

- (1) It shall be the responsibility of each and every occupant of a building to maintain that portion of the building which he or she occupies or controls free of rodents and in a rodent-free condition. It shall be an affirmative defense that the occupant has provided the Enforcement Officer with a current lease agreement with the owner clearly showing that the owner has responsibility for the repairs required to maintain the building in a rodent free condition.
- (2) It shall be the responsibility of the owner of a building to maintain free of rodents and in rodent-free condition the unoccupied parts of his or her building, the parts of such building over which a non-owner occupant does not exert control, and the parts of such building which any lease or agreement makes the owner responsible for maintaining.

SECTION 8: FAILURE TO RESTORE RODENT-PROOFING MATERIALS: NEW OPENINGS TO BE SEALED

No person shall remove rodent-proofing from any building for any purpose and fail immediately thereafter to restore the same in a rodent-proof condition or to make any new openings that are not immediately thereafter closed or sealed against the entrance of rodents.

SECTION 9: ENTRY FOR INSPECTION & NOTICE BY ENFORCEMENT OFFICER

- (a) The Enforcement Officer shall have the right of entry upon any premises where entry is necessary to carry out the provisions of this Ordinance. If consent for entry is not given or obtained, an administrative search and inspection warrant shall be obtained. If an imminent hazard exists, no warrant is required for entry upon the premises.
- (b) The Enforcement Officer shall give notice in writing that generally identifies the problem observed and states the number of days within which the problem must be corrected. The Enforcement Officer shall normally allow at least seven (7) calendar days for a problem to be corrected. However, if the problem presents an imminent health hazard to persons occupying or using the building, that time may be reduced.
- (c) If the occupant, owner, or other responsible person receiving said notice needs additional time to correct the problem, at least three (3) days before the end of the time period stated in the notice he or she must file a written request with the Enforcement Officer explaining why additional time is needed, stating the amount of time needed, and providing a mailing address and telephone number or email address where he or she may be reached. The Enforcement Officer may deny the request, allow a different number of additional days, or approve the request. Notice of the decision may be made by telephone or email followed by delivery of a written notice of the Enforcement Officer's decision delivered to the person filing the request either by hand delivery or by mail.

SECTION 10: HEALTH DISTRICT ACTION

Where the existence of a rodent population presents an imminent threat to the health of the community, the Director is authorized to take action to enforce this ordinance. Before taking such action, the Director shall notify the Enforcement Office. The Director may then notify the owner, occupant or other person responsible for the conditions of actions required to eliminate rodent harborage or other conditions that allow continued reproduction and colonization by

rodents. Failure to comply with said notice within 48 hours of receiving said notice shall constitute a violation of this ordinance.

SECTION 11: NOTICE

Whenever this ordinance provides for notice to be given to a person, that notice may be given by delivering a written notice to the person or by mailing a written notice to the person.

SECTION 12: PENALTIES

Any person who violates any provision of this Ordinance shall be guilty of a class C misdemeanor, the penalty for which shall be a fine of up to \$200.00. Each day the violation exists shall be a separate violation.

SECTION 13: CONFLICTING PROVISIONS REPEALED

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 14: SEVERABILITY

If any provision or clause of this ordinance shall be declared invalid, such declaration shall not invalidate any other provision or clause of this ordinance.

SECTION 15:

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

PASSED AND APPROVED by the City Council of the City of Riesel, Texas this 12th day of January 2010.

Dave Ross, Mayor
City of Riesel, Texas

ATTEST:

Beth Nolan, City Secretary