



**MECKLENBURG COUNTY HEALTH ORDINANCE
RULES GOVERNING RAT CONTROL**

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MECKLENBURG COUNTY HEALTH ORDINANCE RULES GOVERNING RAT CONTROL

Be it ordained by the Mecklenburg County Board of Commissioners (while exercising the powers of the Board of Health, which powers it has assumed and conferred upon itself by action taken pursuant to G.S. 153A-77) that the following regulations governing the control of rats of public health significance through the elimination of food and harborage for rats, proper storage of foods and foodstuffs, rat proofing of certain buildings, maintenance of buildings in a rat free condition, and eradication of established rat populations (of public health significance) for the express purpose of protecting the public health, are hereby adopted pursuant to Chapter 130A-39(a) of the General Statutes of North Carolina. These regulations shall apply throughout Mecklenburg County, North Carolina including, but not limited to, all cities and towns, whether incorporated or unincorporated.

SECTION 1: PURPOSE

It is the intent of these regulations to control and reduce the rat population of Mecklenburg County by modifying the environment to create conditions adverse to the continued reproduction, colonization, and existence of rats. The Mecklenburg County Health Department shall establish an effective program of rodent control, including, but not limited to, alleviation of insanitary conditions, elimination of food and harborage, rat proofing of certain buildings, rat eradication, proper storage of foods and foodstuffs, maintenance of premises in a rat free condition, application of rodenticides, and elimination of all other conditions found to be supportive of rat populations. This shall be accomplished through education, onsite inspections, public information, conciliation, persuasion, and these having failed, by administrative and judicial proceedings, for the explicit purpose of controlling rats, the presence of which constitute a danger to the public health, impair the comfort and convenience of the residents, and jeopardize enjoyment of life and property.

SECTION 2: DEFINITIONS

- (a) "Board of Commissioners"** means the Mecklenburg County Board of Commissioners.
- (b) "Building"** means any structure, whether public or private, which is devoted to or designed for occupancy of any kind, for the transaction of business of any nature, for the rendering of professional services, for amusement, for the display, sale, or storage of goods, wares, or merchandise, or for the performance of work or labor.
- (c) "Burrow"** means a below ground nest or harborage for rats.
- (d) "Debris"** means the worthless remains that result from destruction or breaking down of anything.
- (e) "Director"** means the Health Director for Mecklenburg County. The term also means the authorized representative of the Director.
- (f) "Evidence of Rats"** means the natural presence of rat runs, burrows, fecal droppings, rubmarks, gnaw marks, tail drag marks, tracks or other signs which may be associated with the presence or rats, as well as the visual sighting, hearing, smelling, or otherwise sensing of the presence of rats.
- (g) "Garbage"** means the refuse of animal or vegetable matter from household, businesses, or any other activity.

(h) "Harborage" means any place which provides shelter or protection for rats, thus favoring their reproduction, presence, or continued existence on the premises.

(i) "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.

(j) "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 rat may enter.

(k) "Owner" means the person owning the building or premises.

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

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

(n) "Rat" means a long tailed rodent belonging to the genus Rattus, including the Norway Rat and Roof Rat.

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

(p) "Rat-Proof Container" shall mean a garbage can or other container reasonably impervious to rats.

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

(r) "Rat-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 rats from exiting through openings or breaks.

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

(t) "Rubmark" means a dark, sometimes greasy mark formed from contact by the rat's body.

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

(v) "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 Mecklenburg County, shall be free of rats and maintained in a rat-free condition. Rat harborages shall be eliminated, buildings shall be maintained in a rat-proof condition, foods and foodstuffs shall be stored and handled so as to be inaccessible to rats, and, where rat infestation is evident, effective measures of rat eradication shall be instigated by the person occupying 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 rat-free and rat-proof containers, compartments, or rooms unless stored in a rat-free and rat-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 rats. Foods for human consumption shall not be left on floors, counters, or otherwise exposed so as to provide food for rats. When feeding birds, the feed should be kept at all times on raised platforms which are made inaccessible to rats. Bird food shall not be placed on the ground when there is evidence of rats 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 rats. All garbage and small dead animals shall be placed and stored in rat-proof containers until collected.

SECTION 6: RAT HARBORAGE

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

When there is evidence of rats 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 Director

The person who placed such objects upon the premises; and

The occupant of the premises, if the objects are in or on a part of the premises which the occupant occupies or controls; and

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 is 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.

When there is evidence of rats in and around useful materials, such as firewood, lumber, or building material, indicating the presence of a rat harborage, and the Director requests, the owner of such useful material shall store them at least fifteen (15) inches above ground. If the owner of such useful materials cannot be found after inquiry, the Director may treat them as abandoned property and either sell the useful materials at public auction and pay the net proceeds of the sale into the general fund of the County, or send the useful materials to a designated landfill for disposal, or give the useful materials to any governmentally owned agency located in the County for use by that agency"

SECTION 7: RAT-PROOFING

The owner of any building shall be responsible to rat-proof that building when evidence of rats exist in, under, or around said building, and the Director cites to the owner or to the owner's rental agent for the building, such evidence and also requests that the owner rat proof the building. 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 rat-proofing shall be sufficient to stop the ingress of rats into buildings from the exterior and from one building to another.

All buildings shall be maintained free of rats and in a rat-free condition. 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 rats and in a rat-free condition. It shall be the responsibility of the owner of a building to maintain free of rats and in rat-free condition the unoccupied parts of his or her building and the parts of such building over which a non-owner occupant does not exert control.

SECTION 8: FAILURE TO RESTORE RAT-PROOFING MATERIALS:

NEW OPENINGS TO BE SEALED

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

SECTION 9: DEMOLITION, MOVING OR REMOVING BUILDINGS

Whenever any person desires to demolish, move or remove, in whole or in part, any building or structure, such person shall first obtain approval from the Director, in a manner designated by the Director, stating that the premises are free of rats before beginning work on the demolition, moving or removing of said building or structure. Fees may be assessed for inspections required to obtain approval. Prior to the demolition or moving of the building, or as approved by the Director, it shall be the duty of the owner to remove all rat harborages from the premises where the building is or was located.

If the proposed demolition or moving of a building, or part thereof, is not commenced within sixty (60) days, or as designated by the Director, after the issuance of the aforesaid approval by the Director, the same shall be deemed null and void, and before proceeding with said demolition or removal, a new approval and/or permit shall be obtained.

SECTION 10: SEWERS

The owner or person responsible for the maintenance of a sewer system or any portion thereof shall maintain to the greatest extent possible said system in a rat-tight, rat-free condition at all times. Whenever the owner or responsible person is notified by the Director that there is evidence of rat infestation in the sewer, that person shall institute rat eradication measures immediately and shall maintain the eradication measures in a satisfactory manner until the sewers are rat free.

New sewer lines must be constructed and all existing ones maintained in such a manner as to prevent the exit of rats from sewers. Whenever the owner or responsible person is notified by the Director that there is evidence of rats burrowing or otherwise exiting from the sewer system, that person shall institute with reasonable dispatch the necessary repairs to the said sewer line to prevent the exit of rats.

SECTION 11: RIGHT OF ENTRY-INSPECTION

The Director 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 obtained, an administrative search and inspection warrant shall be obtained pursuant to G.S. 15-27.2. However, if an imminent hazard exists, no warrant is required for entry upon the premises.

SECTION 12: PENALTIES AND REMEDIES

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor in accordance with NCGS 14-4 and punished by a fine not to exceed five hundred dollars (\$500.00).

The Director may bring a civil proceeding in the Mecklenburg County Superior Court to enforce the provisions of this Ordinance in accordance with Article 1 Part 2 of Chapter 130A of the General Statutes of the State of North Carolina.

SECTION 13: 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 14: PRIOR RULES REPEALED

All ordinances, rules, and regulations heretofore adopted by the Mecklenburg County Board of Health regulating rat control are hereby repealed.

SECTION 15: EFFECTIVE DATE

These regulations shall be in full force and effective from and after May 18, 1999.