

ORDINANCE NO. 1106

AN ORDINANCE PERTAINING TO THE RODENT CONTROL

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DWIGHT,
MORRIS COUNTY, KANSAS

Section 1. DEFINITIONS. For the purpose of this ordinance, the following words and phrases shall have the following meaning:

(a) Building Any structure, whether public or private, that is adapted for occupancy as a residence, the transaction of business, the rendering of professional services, amusement, the display, sales or storage of goods, wares or merchandise or the performance of work or labor, including office buildings, public buildings, stores, theaters, markets, restaurants, workshops and all other houses, sheds and other structures on the premises used for business purposes.

(b) Occupant The person that has the use of, control or occupies any business building or any portion thereof, whether owner or tenant. In the case of vacant buildings or any vacant portion of a business building, the owner, agent or other person having custody of the building shall have the responsibilities of an occupant of a building.

(c) Owner The owner of any building or structure, whether individual, firm, partnership or corporation.

(d) Rat harborage Any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside a structure of any kind.

(e) Rat-stoppage A form of rat-proofing to prevent the ingress of rats into buildings from the exterior or from one building to another, consisting essentially of the closing 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, with material or equipment impervious to rat-gnawing.

Section 2. BUILDING MAINTENANCE. All buildings and structures located within the present or future boundaries of the city shall be rat-stopped, freed of rats and maintained in a rat-stopped and rat-free condition.

Section 3. NOTICE TO RAT-STOP; WHEN CITY TO DO WORK. Upon receipt of written notice from the governing body, the owner of any building or structure specified therein shall take immediate measures for the rat-stoppage of such building or structure. The work shall be completed in the time specified in the written notice, which shall be within 15 days, or within the time of any written extension thereof that may have been granted by the governing body.

Section 4. FAILURE TO COMPLY. If the owner fails to comply with such written notice or extension, then the governing body is authorized to take such action as may be necessary to completely rat-stop the building or structure at the expense of the owner, and the city clerk shall submit bills for the expense thereof to the owner of the building or structure. If the bills are not paid within 60 days, the city clerk shall certify the amount

due to the city treasurer and the charge shall be a lien against the property where the work has been done, and the owner shall be promptly billed therefore, The expense thereof shall include the cost of labor, materials, equipment and any other actual expense necessary for rat-stoppage.

Section 5 REPLACE RAT-STOPPAGE It shall be unlawful for any occupant, owner, contractor, public utility company, plumber or any other person to remove the rat-stoppage from the building or structure for any purpose and fails to restore the same in a satisfactory condition or to make any new openings that are not closed or sealed against the entrance of rats.

Section 6. NOTICE TO ERADICATE RATS. Whenever the governing body notifies in writing the owner of any building or structure therefore rat-stopped as hereinabove defined, that there is evidence of rat infestation of the building or structure, the owner shall immediately institute appropriate measures for freeing the premises of rats and instituted within five days after the receipt of notice, and unless continually maintained in a satisfactory manner, the city is hereby authorized to free the building or structure of rats at the expense of the owner of the building and the city clerk shall submit bills for the expense thereof to the owner of the building or structure and of the same are not paid, the city clerk shall certify the amount due from the owner to the city treasurer, and the owner shall be promptly billed therefore. The expense thereof shall include the cost of labor, materials, equipment and any other actual expense necessary for the eradication measures.

Section 7. CONDITIONS CONDUCIVE TO HARBORAGE OF RATS. (a) All food and feed kept within the city for feeding animals shall be kept and stored in rat-free and rat-proof containers, compartments, or rooms unless kept in a rat-stopped building.

(b) It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage or trash in any building or premises so that the same shall afford food and harborage for rats.

© It shall be unlawful for any person to accumulate or to permit the accumulation on any premises or on any open lot any lumber, boxes, barrels, bricks, stone or similar materials that may be permitted to remain thereon and which are rat harborages, unless the same shall be placed on open racks that are elevated not less than 12 inches above the ground, evenly piled or stacked.

(d) Whenever conditions inside or under any building or structure provide such extensive harborage for rats that the health department deems it necessary to eliminate such harborage, he or she may require the owner to install suitable cement floors in basements or to replace wooden first or ground floors or require the owner to correct such other interior rat harborage as may be necessary in order to facilitate the eradication of rats in a reasonable time and thereby to reduce the cost of such eradication.

Section 8. INSPECTIONS The city council or designated person is empowered to make such inspections and re-inspections of the interior and exterior of any building or structure as in his or her opinion may be necessary to determine full compliance with this ordinance.

Section 9. RIGHT OF ENTRY The County Sheriff, County Health Officer or any member of the City Governing Body and/or their authorized agent (s) are authorized to enter upon private property at reasonable hours for the purpose of removing the nuisance.

Section 10. UNLAWFUL INTERFERENCE. It shall be unlawful for any person (s) to interfere with or to attempt to prevent an authorized representative from entering any property for the purpose of removing a nuisance.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF DWIGHT, KANSAS THIS 20th DAY OF JUNE, 2005.

Tony Reynoso Mayor

Attest:

Jean Peterson City Clerk