

**CITY OF WEST ALLIS
ORDINANCE O-2022-127**

**ORDINANCE TO REPEAL AND RECREATE ABATEMENT PROCESSES FOR
RODENT CONTROL**

REPEALING SECTION 7.14 AND CREATING SECTION 7.145

WHEREAS, the board of health recommends enactment of this ordinance to promote the control of rats to avoid animal-borne diseases and to assure a safe level of sanitation, human health hazard control, and health protection for the community;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **REPEAL** “7.14 Rat Control” of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

~~7.14 Rat Control~~ (*Repealed*)

1. Definitions.

- a. Owner or Manager. Within the meaning of this section, the owner is the title holder of record. The manager is the one in actual possession, charge or control of any property within the City as tenant, agent, trustee, guardian, executor or administrator. Notice to a manager shall be good and sufficient notice both as to the manager and the owner.
- b. Rat Proof Container. A rat-proof container shall be a container constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rats, and openings into the container, such as doors, shall be tight fitting to prevent the entrance of rats.
- c. Rat-Proofing. Rat-proofing shall consist of closing openings in building foundations and openings under and around doors, windows, vents and other places, which could provide means of entry for rats, with concrete, sheet iron, hardware cloth or other types of rat-proofing material approved by the Commissioner of Health.
- d. Rat Harborage. Rat harborage shall mean any place where rats can live and nest without fear of frequent molestation or disturbance.
- e. Hardware Cloth. Hardware cloth shall mean wire screening of such thickness and spacing as to afford reasonable protection against the entrance of rats and mice.

2. Elimination of Rat Harborages. Whenever accumulations of rubbish, boxes, lumber, scrap metal, car bodies or any other materials provide rat harborage, the person, firm or corporation owning or in control of such materials shall cause the materials to be

removed or the materials shall be stored so as to eliminate the rat harborage. Lumber boxes and similar materials shall be neatly piled. These piles shall be raised at least a foot above the ground. When the owner of the materials cannot be found after reasonable search, the owner or manager of the premises on which the materials are stored shall be responsible for disposal or proper piling of the materials.

3. Elimination of Rat Feeding Places. No person, firm or corporation shall place or allow to accumulate any materials that may serve as food for rats in a site accessible to rats. Any waste materials that may serve as food for rats shall be stored in rat-resistant containers. It shall be the responsibility of the occupant or the owner of record to see that the premises are kept free of material which could provide food for rats. **[Ord. O-2014-0021, 4/1/2014]**
4. Extermination. Whenever rat holes, burrows or other evidences of rat infestation are found on any premises or in any building within the City, it shall be the duty of the owner or manager of such property to exterminate the rats or to cause the rats to be exterminated. Within ten (10) days after extermination, the owner or manager shall cause all of the rat holes or burrows in the ground to be filled with earth, ashes or other suitable material.
5. Rat Proofing. It shall be the duty of the owner or manager of any building in the City to make such building reasonably rat-proof, to replace broken basement windows and, when necessary, to cover the basement window openings with hardware cloth or other suitable material for preventing rats from entering the building through the window openings.
The owner or manager of any premises upon which sheds, barns, coops or similar buildings are located shall eliminate the rat harborages from within and under such buildings by rat-proofing, raising the buildings above the ground or by some other suitable method.

SECTION 2: **ADOPTION** “7.145 Rodent Control” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

7.145 Rodent Control(*Added*)

1. Rodent Harborages. The following conditions are declared rodent harborages:
 - a. An outdoor trash container that has holes in the container material, an improperly closed lid, or a defect that makes it otherwise accessible to rodents
 - b. Accumulations of junk and clutter in an area that is accessible to rodents
 - c. Overgrown vegetation and loose brush piles
 - d. Deteriorated buildings or structures with potential access points for rodents
 - e. Any other condition that tends to provide shelter for non-domesticated rodents
2. Rodent Food Sources. The following conditions are declared a rodent food source:
 - a. Unmaintained or unprotected fruiting plants or gardens
 - b. Accumulation of or unabated pet feces

- c. Feeding of wild animals in violation of West Allis Municipal Code § 7.12(8).
 - d. Stagnant or standing water sources
 - e. Improper outdoor storage or distribution of materials containing potential food sources (including but not limited to seeds or shells, garbage, water sources, or consumables).
 - f. Any other condition that would provide a food or water source for non-domesticated rodents.
- 3. Public Nuisance. Any rodent harborage or rodent food source is a public nuisance.
- 4. Owner's Duty. The owner of real property shall remove any rodent harborage or rodent food source on the owner's property, and exterminate any rodent infestation to the acceptable industry standards of professional not contrary to Integrated Pest Management practices.
- 5. Land Disturbance. The owner of real property where new construction, demolition, or other land disturbance is to occur shall comply with any rodent control or abatement requirements ordered by the health commissioner or code enforcement director.
- 6. Preventative Measures. The owner of real property shall:
 - a. Maintain the integrity of structures on that property to prevent a rodent harborage or rodent food source.
 - b. Maintain sanitary conditions on the property by adequate cleaning, trash removal, and use of rodent-proof containers constructed of concrete or metal, or the container shall be lined with metal or other material that is impervious to rats or rodents, and openings into the container, such as doors, shall be tight fitting to prevent the entrance of rodents.
 - c. Seal entry points into buildings and maintain landscaping that does not encourage rodent harborage
 - d. If a non-domesticated rodent is observed on the property, utilize reasonable methods to remove the rodent to include professional pest control services or to abate the issue to the acceptable industry standards not in conflict with professional Integrated Pest Management practices.
- 7. Abatement by City
 - a. Non-Summary Abatement. The health commissioner or code enforcement director may issue an order by posting a copy of the notice on the property's main entrance or sending by 1st class mail or email a copy of the notice to any owner of real property to remove a rodent harborage or rodent food source by a compliance date at least 10 days after the date the order is sent, or a compliance date at least 3 days from the date of an order that is personally served on the owner of real property. The order shall identify the rodent harborage or rodent food source as a nuisance and inform the owner that a fee may be imposed if the City abates the nuisance.
 - i. If the rodent harborage or rodent food source still exists on the compliance date, the city may enter the property and abate the rodent harborage or rodent food source, and implement necessary procedures to exterminate the rodent infestation. If the property owner objects to the city's entry on to the property, the city may obtain a special inspection warrant to make entry.

- ii. Any person affected by an order under this subsection may, prior to the compliance date, obtain an order restraining the city and its agents or employees from entering on the premises to abate the nuisance and serve that restraining order upon the city clerk.
 - iii. The cost of any abatement expenses shall be a lien on the property served and may be collected as a special charge pursuant to Wis. Stat. 66.0627.
 - b. Summary Abatement. The City may summarily enter real property through its employees or agents to remove a rodent harborage or rodent food source without prior notice to the property owner under the following conditions:
 - i. A rodent harborage or rodent food source exists on the property
 - ii. The rodent harborage or rodent food sources is located in an area that is accessible without going through a building, gate, fence, or other obstruction.
 - iii. The method of abating the nuisance does not cause a loss of more than de minimis value.
 - iv. The City does not seek payment or reimbursement for the cost of abating the nuisance.
 - v. Upon abating the nuisance, the City leaves a notice informing the owner or occupant of the actions taken to abate the nuisance.
8. Penalties. Any person who violates any provision of this section shall forfeit up to \$500 for each day the violation exists.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL AUGUST 02, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Vince Vitale	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Tracy Stefanski	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Marty Weigel	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Suzzette Grisham	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Danna Kuehn	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Thomas Lajsic	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Dan Roadt	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Rosalie Reinke	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Ald. Kevin Haass	<u> </u>	<u> </u>	<u>X</u>	<u> </u>

Attest

Presiding Officer



Rebecca Grill, City Clerk, City Of
West Allis



Dan Devine, Mayor City Of West Allis

