

**PART ELEVEN  
PUBLIC HEALTH CODE**

**TITLE NINE  
OTHER REGULATIONS**

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**ARTICLE 1151  
WEEDS**

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CROSS REFERENCES  
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**1151.01 DEFINITIONS**

For the purpose of this article, the following terms shall have the meaning respectively ascribed to them in this section:

1. **Weeds** includes all rank vegetable growth including but not limited to grass, ragweed, dandelion and miscellaneous other vegetation commonly referred to as weeds or brush which exhale unpleasant noxious odors or pollen, or which may conceal filthy deposits or serve as breeding places for mosquitoes, other insects or vermin.
2. **Person** means an individual, partnership, firm or corporation and the singular includes the plural who is the owner, is holding, or is in possession of any real estate on which weeds are growing. (11818 §1 8/18/70)

**1151.02 NUISANCE DECLARED**

No person owning, holding or in possession of any real estate shall allow or maintain on any lot or tract of land, within the boundary of the City any growth of weeds to a height of over one (1') foot and such growth of weeds is hereby declared to be a nuisance, injurious to the health, cleanliness, comfort, and safety of the residents of the City. (11818 §2 8/18/70)

**1151.03 VIOLATION NOTIFICATION AND REMEDY**

The City shall notify a person in writing of the violation of this article. In the event of the failure of the person so notified to cut and destroy or remove such weeds within five (5) days after having been so notified, the City may cut, destroy or remove or have such weeds cut, destroyed or removed, and bill such person for the cost thereof in accordance with Section 1151.04. In the event of subsequent violations in the same calendar year the City shall be authorized to cut, destroy or remove or to have such weeds cut, destroyed or removed without further notification to the person and bill such person for the cost thereof in accordance with Section 1151.04. In case of neglect or refusal by the person to pay such bill within thirty (30) days, the bill shall be subject in all respects to the general law provided for the filing and recovery of municipal liens. (11818 §3 8/18/70)

**1151.04 COST OF REMEDY**

The cost for weed violation remedy service of the City as mentioned in Section 1151.03 shall be as follows:

The person shall be billed for the cost thereof, at the rate to be established by the Business Administrator, which would compensate the City for both direct and indirect costs and expense incurred in cleaning such property. (11818 §4 8/18/70)

**1151.99 PENALTY**

Any person violating the provisions of this article shall, upon each and every conviction be fined not more than Three Hundred (\$300.00) Dollars or imprisoned not more than ninety (90) days or both. (11995 §1 2/21/73)

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**ARTICLE 1155  
COCKROACH AND VERMIN CONTROL**

- 1155.01 Definitions
- 1155.02 Prohibiting Conditions Conducive Cockroach and Vermin Life
- 1155.03 Investigation of Premises Believed to Harbor Cockroach and Vermin Life
- 1155.04 Right of Entry
- 1155.05 Determination of Cockroach or other Vermin Infestation
- 1155.06 Notice to Exterminate
- 1155.07 Liability for the Spread of Cockroaches and Vermin
- 1155.08 Methods of Extermination
- 1155.09 Period of Time Required for Proper Extermination
- 1155.10 Right of Inspection
- 1155.99 Penalty

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**1155.01 DEFINITIONS**

As used in this article certain terms are defined as follows:

1. **Cockroach (roach)** means any or all of the many types of cockroaches including but not limited to the German cockroach, the Oriental cockroach (frequently referred to as a "waterbug"), the American cockroach, the brown-banded cockroach and any other less common varieties.
2. **Vermin** means any harmful or disease-bearing insects which constitute a present or potential danger to the public health and which tend to entrench themselves within dwelling units and other buildings to reproduce their kind therein.
3. **Infestation** means cockroaches or other disease bearing insects in sufficient numbers within a given area so as to present a danger to the public health or to human inhabitants residing nearby. (12196 §1 7/7/76)

**1155.02 PROHIBITING CONDITIONS CONDUCIVE TO COCKROACH AND VERMIN LIFE**

A. No owner, tenant or other responsible person shall create or maintain any condition within an apartment, house or other building, commercial or otherwise, yard or lot, which would tend to encourage cockroach or other vermin life. This prohibition includes all those unsanitary housekeeping practices which provide ready access to any vermin of a food supply and harborage beyond any reasonable standards set forth in existing health and housing codes. It shall be the responsibility of the Bureaus of Health or Housing to make any determination as to what constitutes unsanitary housekeeping practices which might encourage and perpetrate cockroach and vermin life.

B. A judgment that conditions conducive to cockroach and vermin life exists within an apartment, house or other building, commercial or otherwise, may be made by the City regardless of whether the specific conditions found are explicitly covered by existing City ordinances. (12196 §1 7/7/76)

**1155.03 INVESTIGATION OF PREMISES BELIEVED TO HARBOR COCKROACH AND VERMIN LIFE**

It shall be the responsibility of either the Bureaus of Health or Housing or both to investigate any property, whether apartment, house or other building, occupied or vacant or any other area which is believed to harbor cockroach or other vermin life. Such investigation shall be warranted when either a formal complaint is lodged with the City or the City has reason to believe, based on personal observation, information received or evident conditions that cockroach or vermin life exists at a given location. (12196 §1 7/7/76)

**1155.04 RIGHT OF ENTRY**

The City shall have the right of entry into or onto any property for the purpose of conducting an investigation to determine the possible existence of cockroaches and other vermin at any reasonable time. The owner or occupant of any property shall be asked for verbal permission for such entry for this purpose. Consideration shall be afforded any owner or occupant so that if the time is not convenient, a future appointment may be set for the inspection of the property. If it becomes apparent, however, that entry is being unduly postponed or if entry is refused, the City shall have the right to secure any and all remedies available to it including the application for a search warrant to any appropriate judicial officer which would permit the City to enter the property without the permission of the owner or occupant. The City shall not be liable if the actual presence of

cockroaches or other vermin is not found. The City shall have the right upon such inspection to require the responsible party to comply with eliminating any conditions found that would tend to promote cockroach and vermin life. (12196 §1 7/7/76)

#### **1155.05 DETERMINATION OF COCKROACH OR OTHER VERMIN INFESTATION**

A. The Bureau of Health or Housing shall have the authority to determine whether an infestation exists in a given property. Such a determination shall be based on first observation of cockroach or other vermin or observing signs of their concealed presence.

B. One cockroach or other vermin shall not in and of itself constitute an infestation nor shall it be labeled as an infestation by the City. The presence of one cockroach or other vermin may be viewed as a threat of future infestation, and shall be deemed justification for the issuance of an order by the City to exterminate. (12196 §1 7/7/76)

#### **1155.06 NOTICE TO EXTERMINATE**

A. The City through its Bureau of Health or Housing may order extermination of cockroaches or other vermin at a specific property or location. Notice shall be served on the responsible party to comply within a specified time.

B. The responsibility for extermination shall be that of the property owner unless the prohibited conditions exist in a tenant occupied single-family dwelling unit or unless only one unit is affected in a multi-unit building. The responsibility then lies with the tenant of this single unit. (12196 § 7/7/76)

#### **1155.07 LIABILITY FOR THE SPREAD OF COCKROACHES AND VERMIN**

No person shall knowingly move household furnishing from a cockroach or other vermin-infested dwelling unit into another dwelling unit within the City unless such furnishings are free from infestation. No person shall transport cockroaches or other vermin in this manner or allow an infestation to develop within a residential or commercial unit without taking corrective action, which results in the elimination of the prohibited condition. It shall constitute a violation of this article if a person when required to do so fails to undertake corrective action to eliminate a cockroach or vermin infestation and that failure results in such infestation being spread to neighboring property. (12196 §1 7/7/76)

#### **1155.08 METHODS OF EXTERMINATION**

A. If an infestation has been determined by the Bureau of Health or Housing to exist at a given location or property and notice has been served to correct this prohibited condition, the responsible party shall take whatever action is deemed necessary by the City to effect compliance. This may include utilization and implementation of the expert services of a trained professional exterminator. Liability for damages or human injury shall lie with the responsible party or his agent.

B. The City reserves the right to exterminate, utilizing qualified City personnel, or to have exterminated under agreement with a professional exterminator, any property not in compliance with this article whose owner cannot be located or who does not comply with any order to exterminate. The City shall bill the property owner and place a lien against the property for any expense incurred and unpaid. (12196 §1 7/7/76)

#### **1155.09 PERIOD OF TIME REQUIRED FOR PROPER EXTERMINATION**

A. The period of time required for proper extermination shall depend upon the type of cockroach or vermin subject to extermination and the residuals (life) of the pesticides used. Such determination may be made by the Bureau of Health or by any qualified professional exterminator.

B. It shall be borne in mind that egg sacs of cockroaches are not affected by most pesticides and that the incubation period for some cockroaches could exceed two (2) months during colder temperature periods. The term "extermination" includes both the destruction of live cockroaches and vermin and their offspring. (12196 §1 7/7/76)

#### **1155.10 RIGHT OF INSPECTION**

The Bureau of Health or Housing shall have the right to inspect any property to insure compliance with the conditions of this article. (12196 §1 7/7/76)

#### **1155.99 PENALTY**

Any person violating any provision of this article shall be fined not more than Three Hundred (\$300.00) Dollars or imprisoned not more than ninety (90) days, or both. (12196 §1 7/7/76)