

sale, together with all fines, charges, fees and other expense chargeable against said animal, according to the schedule of charges hereinafter specified, shall be delivered to the Treasurer of The City of San Diego, together with a full description of the animal sold as aforesaid, and said Poundmaster shall deliver to the purchaser of any animal sold as aforesaid, a bill of sale therefor, which shall vest title to said animal in the purchaser.

In the event the animal is not claimed by the owner, and there are no bidders at the aforesaid sale, the owner's interest in said animal shall be foreclosed; and the Poundmaster may dispose of said animal by any method provided for by Section 44.0313.

*(Renumbered from Sec. 44.31.3 on 2-10-1953 by O-5486 N.S.)*

**§44.0341 Rat Control — Premises shall be Rat-Proof and Free of Rats**

It shall be unlawful for any person within the corporate limits of the City of San Diego to construct, maintain, operate, or permit to exist any building or other structure or premises wholly or partly in his possession or under his control, which is not rat-proof and free of rats in accordance with the provisions of this Article.

*(Renumbered from Sec. 46.01 on 2-10-1953 by O-5486 N.S.)*

**§44.0342 Rat Control — Authority of the Health Officer**

- (a) The Health Officer is authorized to make frequent and unannounced inspections of all buildings, structures, and premises within the corporate limits of The City of San Diego for the purpose of determining signs or existence of rat infestation and compliance with this ordinance. The Health Officer is directed to make periodic inspections of all business buildings in the City as frequently as the number of personnel permit. No person shall interfere with or refuse to permit such inspection.
- (b) The Health Officer is authorized to order by written notice the owner, occupant, agent, or any other person in charge, management, or custody of a building, structure, or premises showing any evidence that rats are or have been present, to have said building, structure, or premises rat-proofed at once as herein provided. He may in addition order such other rat control measures as he may deem necessary to eliminate all rats, other rodents, and rat-harborages present. The written order or notice shall specify the time, in no event less than fifteen (15) days, for completion of the rat-proofing or rat-stoppage work.
- (c) The Health Officer is authorized to make inspections during the course of and upon completion of any construction, repair, remodeling, or installation of any building, structure, or premises to insure compliance with the provisions of this Article, and no person shall interfere with or refuse to permit such

inspection. Furthermore, should the construction, repair, remodeling or installation fail to comply with the standards or provisions of this Article, such work shall be altered according to the directions of the Health Officer.

- (d) The Health Officer is authorized to notify the owner, occupant, agent, or any other person in charge, management, or custody of a building, structure, or premises that there is evidence of rat or other rodent infestation and to order in writing such person or persons to institute immediately appropriate measures for freeing the premises each occupier or controls of all rats, other rodents and rat-harborages. The written order or notice shall specify the time, in no event less than five (5) days, for institution of the rat eradication work.
- (e) Whenever the Health Officer finds that satisfactory rat-proofing of any rat infested building or premises is impossible or impracticable, or whenever the owner or occupant of such premises or building shall fail to commence such rat-proofing as the Health Officer may order in writing, within the time specified in such order, or whenever the owner or occupant of such premises or building shall fail to carry to completion all such rat-proofing with reasonable diligence, the Health Officer is authorized and directed to prosecute any or all legal or equitable actions for the abatement of the nuisance created by such rat infestation and/or the condition of such building or premises. The existence of a condition of rat infestation in or on any building or premises, and the existence of any building or premises in such condition as to provide shelter, protection, or food for rats, are each declared hereby to be and constitute a public nuisance.
- (f) Any person who fails to comply with the order of the Health Officer within the time specified therein, or within the time to which a written extension may have been granted by the Health Officer, shall be deemed guilty of a misdemeanor.

*(Renumbered from Sec. 46.02 on 2-10-1953 by O-5486 N.S.)*

**§44.0343 Rat Control — Basements and Cellars shall be Kept Rubbish Free**

Basements and cellars shall be kept free of all rubbish and debris at all times, and all merchandise or other materials stored therein shall be so kept or piled that they will not provide a place of harborage for rats.

*(Renumbered from Sec. 46.03 on 2-10-1953 by O-5486 N.S.)*

**§44.0344 Rat Control — Rat Burrows**

All rat burrows found in the ground or elsewhere shall be effectively treated, destroyed and rat-proofed as the Health Officer may direct.

*(Renumbered from Sec. 46.04 on 2-10-1953 by O-5486 N.S.)*

**§44.0346 Special Precautions for Docks and Wharves**

All docks and wharves in The City of San Diego shall be specially protected by wire or metal screens, netting, guards, or other materials and procedures designated or approved by the Health Officer so installed as to prevent rats from gaining entrance to such docks or wharves at either high or low tide from vessels anchored or moored alongside or from other sources. All food products and other goods, wares, and merchandise stored in or on docks or wharves shall be kept, stored, and specially protected as to prevent rats from gaining access thereto or coming in contact therewith.

*(Renumbered from Sec. 46.06 on 2-10-1953 by O-5486 N.S.)*

**§44.0347 Rat Control — Public Market and Stands**

Public, curb, or farmers' markets and other markets in which fruits, vegetables, meats, or any other food products are exposed or offered for sale on racks, stands, platform, or in vehicles alongside, shall have floors paved with concrete, asphalt, or other material impervious to rats for the entire surface area of the market. Display racks, stands, or platforms on which foods are displayed or offered for sale shall be at a distance of not less than eighteen (18) inches from the floor and shall be so constructed that rats cannot hide or harbor therein or thereunder.

*(Renumbered from Sec. 46.07 on 2-10-1953 by O-5486 N.S.)*

**§44.0348 Rat Control — Storing Food and Feed**

All food or feed kept within the corporate limits of the City of San Diego for feeding humans, horses, cows, pigs, chickens and other animals and fowl shall be kept in rat-free and rat-proofed containers, compartments, or rooms unless the entire building is rat-proofed. Sacks of grain, flour, feed, and other material upon which rats might feed shall be piled in small separate piles away from walls and from other piles, and preferably not resting directly upon the floor, in such a way as to prevent the formation of rat-harborage, even in rat-proof buildings.

*(Renumbered from Sec. 46.08 on 2-10-1953 by O-5486 N.S.)*

**§44.0349 Rat Control — Garbage, Scraps of Food, Etc.**

- (a) The occupants of all buildings, including both business buildings and private residences, shall provide an adequate number of covered metal containers approved by the Health Officer in which all garbage or refuse, consisting of waste vegetables, fish, or animal matter of any kind, including all small dead animals which may serve as rat food, shall be placed and stored so that such items may not be accessible to rats until removed from the premises by the garbage collectors. Partly or completely filled garbage containers shall be tightly covered at all times.

- (b) It shall be unlawful for any person to dump or place on any land or waterway within The City of San Diego any dead animals, butchers' or fisherman's offal, or any waste vegetable, fish, or animal matter, or any other matter whatsoever suitable as food for rats, except upon proper garbage fills designated and approved by the Health Officer or City Manager.
- (c) No garbage, rubbish, trash, or manure shall be placed, left, dumped, or permitted to accumulate or remain in any building or premises in The City of San Diego so that the same shall or may afford food, harborage, shelter, or breeding place for rats.
- (d) All establishments where employees eat lunches, on the premises shall provide a sufficient number of suitable metal containers with tight fitting covers in which the employers shall cause to be placed all remnants of such lunches so that they will not be accessible to rats at any time.
- (e) Whenever there is evidence of rat infestation of any theatre or other place of amusement wherein the audience eats peanuts, popcorn or other foods, the Health Officer may require that all particles or remnants of all such foods shall be removed from the floors of the place of amusement immediately after the last performance each evening.

*(Renumbered from Sec. 46.09 on 2-10-1953 by O-5486 N.S.)*

**§44.0350 Rat Control — Rat Harborage Due to Disorderly Accumulations, Debris, Etc.**

It shall be unlawful for any person to permit any premises, whether improved or unimproved, or any open lot or alley to, accumulate lumber, boxes, barrels, bricks, stones, junk, debris, or similar materials unless same is piled in an even and orderly manner upon racks elevated not less than eighteen (18) inches above the ground and away from walls of buildings or other structures, so that those materials will not afford a shelter or harborage for rats.

*(Renumbered from Sec. 46.10 on 2-10-1953 by O-5486 N.S.)*

**§44.0351 Rat Control — Notices**

All notices and orders required by this Article to be given by the Health Officer to any person shall be given substantially in the following manner: The notice or order shall be in writing and shall state in general terms what is required of the person or persons to whom it is directed; one copy of such notice or order shall be posted in a conspicuous place upon the building or premises to which such notice or order refers, or in lieu of such posting, one copy of such notice or order may be delivered to any person in possession or control of such building or premises, or his agent; one copy of such notice or order shall be delivered personally to, or sent by registered mail addressed to, any person who owns or is in possession or control of such building or premises, or his agent, if the name and address of such person is known to the Health Officer.

*(Renumbered from Sec. 46.11 on 2-10-1953 by O-5486 N.S.)*

**§44.0355 Mosquito Control — Pools of Water Declared Nuisance**

All pools of water, or other places in which mosquitos may breed, or are being bred, are hereby declared to be a public nuisance. The Department of Public Health and its officers are hereby given authority to condemn as a nuisance any such pools of water, or other places in which mosquitos may breed or are being bred, and to order the summary abatement thereof.

*(Renumbered from Sec. 46.20 on 2-10-1953 by O-5486 N.S.)*

**§44.0356 Mosquito Control — Refusal to Abate Nuisance Declared Misdemeanor**

Upon being notified by such Department of Public Health or its officers, of the existence of such pools of water, or other places in which mosquitos may breed, or are being bred, and that the same has been declared a public nuisance, it shall be the duty of the person or persons responsible for the maintenance thereof to forthwith abate such nuisance as directed by said Department of Public Health or its officers, shall be deemed guilty of a misdemeanor.

*(Renumbered from Sec. 46.21 on 2-10-1953 by O-5486 N.S.)*

**§44.0357 Mosquito Control — Abatement of Nuisance by Health Officer**

Upon the neglect or refusal of any owner, occupant, or agent, or other person, having control of the premises, within said City, upon which said nuisance above mentioned exists, to comply with such notice, the Health Officer may abate such nuisance, and the owner, agent, occupant or other person having control of such premises, in addition to the penalty provided by this Code, shall be liable to said City for the cost of such abatement, to be recovered in a civil action in any court of competent jurisdiction within said City.

*(Renumbered from Sec. 46.22 on 2-10-1953 by O-5486 N.S.)*