



Office of the City Attorney

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January 18, 2024

Memorandum

To: O&L Committee
From: Brian Running
Re: Amendments to Municipal Code §13.01, the Rat Control Ordinance

This proposal began with a request by the Department of Community Development to remove references to the “Health Department” from Mun. Code §13.01, the rat control ordinance. This was an obsolete reference from long ago, and the City does not have a health department any longer. Because our standard practice is to update ordinances completely whenever we do any work on them, this proposal is a top-to-bottom refreshing of the section. This is particularly timely in light of the recent increase in rat sightings in the City.

All references to the “Health Department” have either been deleted or changed to refer to the Department of Community Development.

The definition of “Rat Harborage” has been broadened somewhat. As odd as it seems, the term “rat harborage” is the accepted term in the world of pest control.

The definition of “Hardware Cloth” now specifies ¼ inch as the allowable mesh size.

Subsection (2) is simplified, and requires Department orders to specify the actions required to come into compliance, so there’s no doubt about what needs to be done by the owner.

Subsection (3) changes the emphasis from “feeding places” to “food sources.” Controlling food sources is the essential element of rat control.

Subsection (7) adds enforcement provisions, including injunction. There is also a cross-reference in Chapter 17, the Building Maintenance Code, that requires elimination of Rat Harborage, so enforcement can take place under that chapter, too.

Here’s a red-lined draft, followed by the proposed ordinance putting all of this into effect:

13.01 ~~Control of Rats~~Rat Control.

(1) Definitions. As used in this section, the following capitalized terms shall mean are defined as follows:

(a) Department means the City of Waukesha Department of Community Development.

~~(a)~~(b) “Owner,” “Manager” or “Tenant.” means any individual or entity having ownership, possession, occupancy, or control of real property, including but not limited to a~~Whenever any person shall be in actual possession as tenant, or have charge, care or control of any property within the City, as manager, superintendent, executor, personal representative, administrator, trustee, guardian or agent, such person shall be deemed to be the owner of such property within the meaning of this section and shall be bound to comply with the provisions of this section, and notice to such person of any order or decision of the Health Department shall be good and sufficient notice, as if such person were actually the owner of such property, except that whenever an entire premises or building is occupied as a place of business such as a store, factory, warehouse, rooming house, junk yard, lumber yard or any other business under a single management, the person in charge of such business shall be considered the owner or manager.~~

~~(b)~~(c) “Rat-Rat-Proof Container.” means aA covered container constructed made of or lined with concrete, or metal, or lined with metal or other material that is impervious to rats, having and with openings into the container a tight-fitting cover sufficient to prevent the entrance entry of rats.

~~(e)~~(d) “Rat Proofing.” means Closing-closing any openings in buildings and other structures, foundations and openings under and around doors, windows, vents, and other places, which that could provide means of entry for rats, with concrete, metal, or other material impervious to rats, sufficient to prevent their entriesheet iron, hardware cloth or other types of rat proofing material approved by the Health Department.

~~(d)~~(e) “Rat Harborage.” means Any any place where rats live can find shelter, store or consume food, orand nest.

~~(e)~~(f) “Hardware Cloth.” means Wire-galvanized steel wire screening mesh with spacing no greater than ¼ inch, sufficient to block the entry of rats.of such thickness and spacing as to afford protection against the entrance of rats and mice.

- (2) **Elimination of Rat Harborages.** ~~Whenever accumulation of rubbish, boxes, lumber, scrap metal, car bodies, or any other materials provide creates rat Rat harborageHarborage, tThe Owner of anythe premises on or in which athe Rat Harborage exists person owning or in control of such materials shall, upon written ordernotice from the Health Department, cause the materials to be removed or stored so as to eliminate the rat-Rat harborageHarborage. Orders from the Department shall specify the actions required to eliminate the Rat Harborage. Firewood, L_lumber, and similar materials shall be neatly and compactly piled and .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 storing, of the materials.~~

- (3) **Elimination of Rat ~~Feeding Places~~Food Sources.** No person shall place, or allow to accumulate, any materials that may serve as ~~a~~ food for rats, in a ~~site location~~ accessible to rats. Any ~~solid waste or recyclable materials~~ that may serve as food for rats shall be stored in ~~ratRat-proofProof containersContainers~~. Feed for birds, fowl and animals shall be ~~stored in a Rat-Proof building or in a Rat-Proof Container~~kept where it is not accessible to rats.
- (4) **Extermination.** Whenever ~~Rat Harborages~~, rat holes, burrows, or other evidences of ~~the presence of rats infestation~~ are found on any premises or in any building within the City, the ~~ownerOwner or manager~~ of such ~~property premises or building~~ shall, ~~upon within 10 days of delivery of~~ notice from the ~~Health~~Department, exterminate the rats or cause the rats to be exterminated, ~~within 10 days~~. The ~~ownerOwner, manager or tenant~~ shall cause ~~the~~rat holes or burrows to be filled.
- (5) **Rat-Proofing.** The ~~ownerOwner, manager or tenant~~ of any building in the City shall make such building reasonably ~~ratRat-proofProof~~, replace broken basement windows, and when necessary cover ~~the~~basement window openings with ~~hardwareHardware clothCloth or other suitable material for~~sufficient to preventing rats from entering the building through such window openings. The ~~ownerOwner, manager or tenant~~ of any premises upon which sheds, barns, coops, or buildings are located shall eliminate ~~the all ratRat harborages~~ ~~Harborages~~ from within ~~and or~~ under such structures by ~~ratRat-proofingProofing~~, raising the buildings above ground, or ~~by~~ some other suitable method. ~~Such sheds, barns, coops, or other buildings shall be razed as deemed necessary by the Health Department if the ownerOwner, manager or tenant fails to ratRat-proofProof said buildings within 10 days after receiving written notice from the said Health Department.~~
- (6) **Inspection by ~~Health Officers~~Department.** The ~~Health~~Department shall investigate all reported ~~ratRat harborages~~ ~~Harborages~~ and ~~also in its regular food inspection calls~~ shall inspect ~~said the~~ premises for ~~all other~~ potential ~~Ratrat~~ ~~Harborages~~harborages and feeding places.
- ~~(6)~~(7) **Enforcement.** Any person who violates any provision of this section or any order issued hereunder shall be subject to a penalty as provided in §25.05 of the Municipal Code. Each day of continuing violation shall be deemed to be a separate violation. In addition, the Department may seek injunctive relief enjoining the continued violation of this section.

City of Waukesha, Wisconsin

Ordinance No. 2024 – _____

**An Ordinance Amending Section 13.01 of the Waukesha Municipal Code,
Regarding Rat Control**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Section 13.01 of the Waukesha Municipal Code is amended to read in its entirety as follows:

13.01 Rat Control.

(1) Definitions. As used in this section, capitalized terms are defined as follows:

- (a)** Department means the City of Waukesha Department of Community Development.
- (b)** Owner means any individual or entity having ownership, possession, occupancy, or control of real property, including but not limited to a tenant, manager, superintendent, executor, personal representative, administrator, trustee, guardian or agent.
- (c)** Rat-Proof Container means a covered container made of or lined with concrete, metal, or other material impervious to rats, having a tight-fitting cover sufficient to prevent the entry of rats.
- (d)** Rat Proofing means closing any openings in buildings and other structures that could provide means of entry for rats, with concrete, metal, or other material impervious to rats, sufficient to prevent their entry.
- (e)** Rat Harborage means any place where rats can find shelter, store or consume food, or nest.
- (f)** Hardware Cloth means galvanized steel wire mesh with spacing no greater than $\frac{1}{4}$ inch, sufficient to block the entry of rats.

(2) Elimination of Rat Harborages. The Owner of any premises on or in which a Rat Harborage exists shall, upon written order from the Department, eliminate the Rat Harborage. Orders from the Department shall specify the actions required to eliminate the Rat Harborage. Firewood, lumber, and similar materials shall be neatly and compactly piled and raised at least a foot above the ground.

- (3) **Elimination of Rat Food Sources.** No person shall place, or allow to accumulate, any materials that may serve as food for rats in a location accessible to rats. Any solid waste or recyclable materials that may serve as food for rats shall be stored in Rat-Proof Containers. Feed for birds, fowl and animals shall be stored in a Rat-Proof building or in a Rat-Proof Container.
- (4) **Extermination.** Whenever Rat Harborages, rat holes, burrows, or other evidence of the presence of rats are found on any premises or in any building within the City, the Owner of such premises or building shall, within 10 days of delivery of notice from the Department, exterminate the rats or cause the rats to be exterminated. The Owner shall cause rat holes or burrows to be filled.
- (5) **Rat-Proofing.** The Owner of any building in the City shall make such building reasonably Rat-Proof, replace broken basement windows, and when necessary cover basement window openings with Hardware Cloth sufficient to prevent rats from entering the building through such window openings. The Owner of any premises upon which sheds, barns, coops, or buildings are located shall eliminate all Rat Harborages from within or under such structures by Rat-Proofing, raising the buildings above ground, or some other suitable method.
- (6) **Inspection by Department.** The Department shall investigate all reported Rat Harborages and shall inspect the premises for all other potential Rat Harborages and feeding places.
- (7) **Enforcement.** Any person who violates any provision of this section or any order issued hereunder shall be subject to a penalty as provided in §25.05 of the Municipal Code. Each day of continuing violation shall be deemed to be a separate violation. In addition, the Department may seek injunctive relief enjoining the continued violation of this section.

Section 2. All ordinances, or portions of ordinances, inconsistent with this ordinance are hereby repealed.

Section 3. This Ordinance shall be effective the day after its publication.

Passed the _____ day of _____, 2024.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk