

**FULTON COUNTY CODE OF ORDINANCES AND CODE OF RESOLUTIONS**

**CHAPTER 34 - HEALTH AND SANITATION**

**ARTICLE IX – RAT CONTROL**

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## ARTICLE IX RAT CONTROL

### Sec. 34-426. Definitions.

The following terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Approved* means allowed or accepted by the department.

*Certified pest control applicator* means a person who is currently licensed by the Department of Agriculture in the State of Georgia to perform pest control for rats.

*Commercial structure* means any building or structure, whether public or private, that is adapted for occupancy, for transaction of business, for rendering professional service, for amusement or entertainment, for the display, sale, or storage of goods, wares or merchandise, for the performance of work or labor, including hotels, apartment dwellings, rooming houses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns and other similar structures on premises used for business purposes.

*Demolition* means the act of demolishing, razing, tearing down, or destruction of any building or structure and the removal of all materials of same.

*Department* means the Fulton County Department of Health and Wellness, the director of the department, or its authorized representative.

*Ectoparasite* means a parasite, such as a flea, tick, mite, or other insect vector, that lives outside of and on the host body.

*Occupant* means the person that uses or occupies any buildings or property or a part thereof, whether the actual owner, tenant, or lessee. In the case of a vacant building or any portion of a building or property, the owner, agent, or other person having custody of the building or property shall have the responsibilities of an occupant of the building or property.

*Owner* means the person(s) who has legal ownership of a building or property that also includes also agents for the buildings or other responsible person(s) having custody or managerial control. In the case of a commercial structure or property leased or rented, with a clause in the contract specifying that the lessee or tenant is responsible for maintenance, repairs, or other work, then the lessee or tenant will be considered the “owner” and shall have the responsibilities of the owner of the building or property.

*Person* means any individual, permit holder, owner, partnership, corporation, or association, and may extend and apply to bodies including governmental agencies.

*Rat* means any of numerous rodents (*Rattus* and related genera) differing from the related mice by considerably larger size and by anatomical details.

**Sec. 34-426. Definitions (cont.)**

*Rat control* means block sanitation, conducting community surveys, distribution of rat bait and/or rat traps, or other such methods as may be approved by the department to control rats.

*Rat harborage* means any condition under which rats may find shelter or protection, or any condition which is conducive to rat breeding.

*Rat-proofing* means a form of building construction which will prevent the ingress of rats into buildings through the exterior walls, ground or first floors, basements, roofs, sidewalk gratings, sidewalk openings, foundations, and other places that may be reached and entered by rats by climbing, burrowing, crawling, or otherwise.

(Res. of 8-12-81(2), § 30-2-6.01)

Cross reference-Definitions generally, § 1-2.

**Sec. 34-427. Commercial structures.**

(a) *Rat-proofing*. The owners of all commercial structures shall have such buildings rat-proofed and kept rat-proofed in accordance with this article.

(b) *Maintaining rat-proofing*. All commercial structures hereafter erected, enlarged, or repaired shall be rat-proofed and maintained in a rat-proofed condition in accordance with this article.

(c) *Accumulation of materials*. No owner of any commercial structure or property shall store, place, or allow to accumulate any materials which may serve as a food, water or source harborage source for rats.

(d) *Harborage*. Whenever conditions inside, outside, or under any commercial structure or on any property provide harborage for rats such that the department deems it necessary that such harborage be eliminated, the department shall order the owner to take actions toward the elimination of the harborage, as the department, in its discretion, deems essential.

(Res. of 8-12-81(2), § 30-2-6.02)

**Sec. 34-428. Duties of owners of commercial structures.**

(a) *Owner responsibilities*. The owner of any commercial structure and/or property comply with the following requirements:

(1) *Solid waste storage*. Store all solid waste in a rat-proof metal container or a type approved by the department, pending removal in accordance with the Fulton County Code of Ordinances and Code of Resolutions, Article X, entitled “Solid Waste”, which is incorporated herein as reference.

**Sec. 34-427. Commercial structures.(cont.)**

(2) *Harborage prohibited.* Keep commercial structures and/or properties free of trash, debris, rubbish, salvage or similar materials that provide harborage for rats.

(3) *Maintenance of rat-proofing.* Maintain commercial structures and/or properties in a rat-free condition by providing a program of rat control approved by the department.

(Res. of 8-12-81(2), § 30-2-6.03)

**Sec. 34-429. Duties of owners and occupants of dwelling units.**

(a) *Owner/occupant compliance.* Owners and occupants of dwelling units shall times comply with the following requirements:

(1) *Property condition-owner.* The owner of a dwelling containing two (2) or more dwelling units shall maintain the shared or public areas of the dwelling and property thereof in a clean and sanitary condition.

(2) *Property condition-occupant(s).* The occupant(s) of a dwelling or dwelling unit shall maintain those parts of the dwelling, dwelling unit, and property thereof that the occupant(s) occupies or controls in a clean and sanitary condition.

(3) *Extermination of rats.* The owner of a dwelling containing a single dwelling unit shall be responsible for the extermination of rats on their property. The occupant(s) of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for the extermination of rats whenever their dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever a rat infestation is caused by failure of the owner to maintain a dwelling or dwelling unit in a rat-proof and/or rat-free condition, extermination shall be the responsibility of the owner. Whenever a rat infestation exists in two (2) or more dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.

(4) *Accumulation of materials-harborage.* No occupant or owner of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide harborage for rats outside any dwelling or dwelling unit. Stored materials shall be stacked neatly at least eighteen inches (18") above the ground. Vehicles shall have fully inflated tires or other means to maintain the minimum normal, bottom of vehicle to ground clearance.

(5) *Accumulation of materials-food and water.* No owner or occupant of a dwelling, dwelling unit or property, either vacant or occupied shall store, place, or allow to accumulate any materials which may serve as a food, water or harborage source for rats.

(Res. of 8-12-81(2), § 30-2-6.04)

**Sec. 34-430. Rat-proofing requirements.**

(a) *Rat-proofing.* The owner shall maintain their buildings in a rat-proof condition and shall repair any breaks in the rat-proofing.

(b) *Maintenance of rat-proofing.* The occupant, owner, contractor, public utility company, plumber, or other person shall not remove the rat-proofing from any building for any purpose and then fail to restore the building to a satisfactory, rat-proof condition or to make any new openings that are not closed or sealed against the entry of rats.

(c) *Rat-proofing materials.* Materials used for rat-proofing shall include cement, concrete, brick masonry laid in cement mortar, sheet metal, and twenty (20) gauge or thicker wire cloth screen having a mesh of one-half inch (1/2") or less. All materials for rat-proofing shall be of such strength and thickness as to be impervious to rat-gnawing. Windows and other openings for light or ventilation that may be reached or entered by rats shall be covered with wire cloth screen as described above with a metal frame. All exterior doors shall be protected against the gnawing of rats by the use of materials described above. When closed, all exterior doors shall have a maximum clearance between doors, doorsills and jambs not exceeding three-eighths of an inch (3/8").

(Res. of 8-12-81(2), § 30-2-6.05)

**Sec. 34-431. Demolition of buildings.**

(a) *Demolition procedure.* Whenever any building or structure has been scheduled for demolition, the owner shall provide written documentation from a certified pest control applicator or other approved person declaring the building or structure and property thereof to be rat-free prior to any demolition of said building or structure. An inspection shall be conducted by the department prior to the demolition to verify compliance with this article if no valid, written documentation has been provided.

**Sec. 34-432. Education program.**

(a) *Department education program.* An educational program shall be conducted by the department, which includes block sanitation, community surveys, distribution of rat poison and traps and the proper administration of same, and other means for the elimination of rats and the control of ectoparasites on or from rats.

(Res. of 8-12-81(2), § 30-2-6.07)

**Sec. 34-433. Penalty for violation of article.**

Any person, who violates any provision of this article, shall be guilty of a misdemeanor. Each and every violation of the provisions of this article shall constitute a separate offense.

(Res. of 8-12-81(2), § 30-2-6.08)

State law reference - Punishment for misdemeanors generally, O.C.G.A. § 17-10-3; maximum punishments which may be imposed for violations of county ordinances, O.C.G.A. § 36-1-20(b).

**Sec. 34-434. Repeal and effective date.**

All regulations and parts of regulations in conflict with this article are hereby repealed, and this article shall be in full force and effect immediately upon its adoption and its publication as provided by law.

(Res. of 8-12-81(2), § 30-2-6.09)

**Sec. 34-435. Unconstitutionality clause.**

Should any section, paragraph, sentence, clause, or phrase of this article be declared unconstitutional or invalid for any reason, the remainder of this article shall not be affected thereby.

(Res. of 8-12-81(2), § 30-2-6.10)