



<b>Title: Infestation and Rodent Harborage</b>
<b>Number: 2018-01-01</b>
<b>Rule Chapter: Nuisance</b>

## SECTION I – GENERAL PROVISIONS

**1.01 Purpose.** The purpose of this rule is to provide an effective process to protect, preserve, and promote the physical and mental health, and social wellbeing of Mesa County residents by implementing measures to prevent and control the incidence of communicable and non-communicable diseases, to reduce environmental hazards to health, and to maintain adequate sanitation and public health. Further, the purpose of this rule is to ensure the keeping of dwellings in a condition that helps to prevent infestation and rodent harborage.

### **1.02 Implication to health<sup>1</sup>.**

*Rodents* destroy property, spread disease, compete for human food sources, and are aesthetically displeasing. Rodent-associated diseases affecting humans include plague, murine typhus, leptospirosis, rickettsialpox, and rat-bite fever.

*Cockroaches* are considered an allergen source and an asthma trigger for humans. Cockroaches produce a repulsive odor that can be detected in infested areas. The sight of cockroaches can cause considerable psychologic or emotional distress in some individuals. They do not bite, but they do have heavy leg spines that may scratch.

*Fleas* as disease vectors are those that carry murine typhus and bubonic plague. Fleas serve as intermediate hosts for some species of dog and rodent tapeworms that occasionally infest humans. They also may act as intermediate hosts of filarial worms (heartworms) in dogs.

*Fly* presence is a sign of poor sanitation. Houseflies specifically are considered a greater threat to human welfare because of their close association with humans, their abundance, and their ability to transmit disease. Each housefly can easily carry more than 1 million bacteria on its body. Some of the disease-causing agents transmitted by houseflies to humans are *Shigella spp.* (dysentery and diarrhea = shigellosis), *Salmonella spp.* (typhoid fever), *Escherichia coli*, (traveler's diarrhea), and *Vibrio cholera* (cholera).

*Mosquitoes* deposit eggs on moist surfaces, such as mud or fallen leaves, which may be near water but dry. Later, rain or high tides re-flood these surfaces and stimulate the eggs to hatch into larvae. Other species deposit their eggs directly on the surface of still water in ditches, street catch basins, tire tracks, streams that are drying up, and fields or excavations that hold water for some time. This water is often stagnant and close to the home in discarded tires, ornamental pools, unused wading and swimming pools, tin cans, bird baths, plant saucers, and even gutters

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<sup>1</sup> Healthy housing manual. (2006). retrieved from <https://www.cdc.gov/nceh/publications/books/housing/housing.htm>



and flat roofs. Larvae grow rapidly and emerge one week later as flying adult mosquitoes. Most mosquito species have many generations per year, and their rapid increase in numbers becomes a problem. Mosquito borne diseases include Lyme disease and West Nile Virus. Mosquitoes are also capable of transmitting a few diseases, including eastern equine encephalitis and St. Louis encephalitis.

## **SECTION II – AUTHORITY**

### **2.01 C.R.S. §25-1-506. County or district public health agency.**

3(b)(V) To investigate and control the causes of epidemic or communicable diseases and conditions affecting public health;

3(b)(VIII) To investigate and abate nuisances when necessary in order to eliminate sources of epidemic or communicable diseases and conditions affecting public health;

3(b)(XIII) To make necessary sanitation and health investigations and inspections, on its own initiative or in cooperation with the state department, for matters affecting public health that are within the jurisdiction and control of the agency.

### **2.02 C.R.S. §25-1-508. County or district boards of public health - public health directors.**

(c) (I) To select a public health director to serve at the pleasure of the county or district board.

### **2.03 C.R.S. §25-1-5095. County and district public health directors.**

(2) In addition to the other powers and duties conferred by part 5 or by the agency, a public health director has the following powers and duties:

(a) To administer and enforce: (I) The public health laws of the state and, as authorized by the provisions of title 25 or article 20 of title 30, C.R.S., the public health orders, rules, and standards of the state department or the state board; and (II) The orders and rules of the county or district board;

(b) To exercise all powers and duties conferred and imposed upon agencies not expressly delegated by the provisions of Title 25 part 5 to a county or district board; (c) To hold hearings, administer oaths, subpoena witnesses, and take testimony in all matters relating to the exercise and performance of his or her powers and duties.

### **2.04 C.R.S. §25-1-518. Nuisances.**

(1) Removal of nuisances. The county or district Board of Public Health shall examine all nuisances, sources of filth, and causes of sickness, which, in its opinion, may be injurious to the health of the inhabitants, within its town, city, county, or district, and it shall destroy, remove, or prevent the nuisance, source of filth, or cause of sickness, as the case may require.

(2) Expense for abating nuisance. If any property owner, occupant or other responsible person neglects to remove or abate any nuisance or to perform any requirement made by or in accordance with this rule, and if any expense is incurred by the Mesa County Board of Public Health in removing or abating the nuisance or in causing such duty or

requirement to be performed, such expense may be recovered by the board in an action against such person or company. In all cases where the board incurs any expense for draining, filling, cleaning, or purifying any lot, place, or premises, or for removing or abating any nuisance found upon such lot or premises, the board, in addition to all other remedies, may provide for the recovery of such expense, charge the same or such part thereof as it deems proper to the lot or premises upon or on account of which such expense was incurred or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

### **SECTION III – DEFINITIONS<sup>2</sup>**

**3.01 Infestation** shall mean the presence within or around a dwelling of any insects, rodents, or other vermin.

**3.02 Insects** shall mean all species of classes of Arachnida and Insecta (Hexapoda) of the phylum Arthropoda and includes all flies, mosquitoes, bed bugs, crickets, cockroaches, moths, bees, wasps, hornets, yellow jackets, fleas, lice, beetles, weevils, gnats, ants, termites, mites, ticks, spiders, scorpions, and other similar species.

**3.03 Rodent Harborage** shall mean any conditions or place where rodents can live, nest, or seek shelter.

**3.04 Rodent** shall mean any of the order Rodentia including field and wood mice, wood rats, squirrels, woodchucks, gophers, Norway rats (*Rattus norvegicus*), roof rats (*Rattus rattus*), and house mice (*Mus musculus*).

**3.05 Rodentproofing** shall mean a form of construction that will prevent the ingress or egress of rodents to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing, or other methods.

### **SECTION IV – RESPONSIBILITY OF OWNERS AND OCCUPANTS OF DWELLINGS**

**4.01** Every dwelling, multiple dwelling, rooming house, or accessory structure and its included premises shall be maintained in a condition that promotes a rodent/insect-free, and a rodent/insect-proof environment.

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<sup>2</sup> Mood, E. (1986). *A.P.H.A – C.D.C. recommended minimum housing standards*. St. Mary's press.



**4.02** Every occupant of a dwelling unit shall actively eliminate the conditions that lead to pest infestations such as accumulation of food, water, and harborage.

**4.03** Every occupant of a dwelling unit shall be responsible for the control of vermin, insects, and/or rodents on the premises. If infestation is caused by failure of the owner to maintain the premises in a condition that promotes a rodent-proof or insect-proof environment, pest control shall be the responsibility of the owner.

**4.04** No owner or occupant of a dwelling shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials so that rodent harborage exists in or about any dwelling or dwelling unit.

**4.05** No owner or occupant of a dwelling or dwelling unit shall store, place or allow to accumulate any materials that may serve as food for vermin, insects, and/or rodents in a site accessible to them.

**4.06** Every owner and occupant of a dwelling or dwelling unit shall store and dispose of all garbage and other organic waste that might provide food or harborage for insects and/or rodents in a clean, sanitary, and safe manner.

## **SECTION V – INVESTIGATION & COMPLIANCE**

Code Compliance Services may initiate investigation following a citizen complaint, staff observation, or other information revealing a possible public health violation. Investigation and compliance actions will be according to Standard Operating Procedures adopted by Code Compliance Services or Mesa County Public Health.

## **SECTION VI – ENFORCEMENT**

The Board of Public Health may pursue any and all legal actions available to the Board under Colorado law for the enforcement of any violations related to nuisances, sources of filth, or causes of sickness. Actions can include, but are not limited to, criminal and civil actions and penalties, injunctions, and abatement.