

📖 ARTICLE 7: INSECT AND RODENT CONTROL

Section

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📖 § 9-7-1 SHORT TITLE.

This article shall be known and may be cited as the "Albuquerque Insect and Rodent Control Ordinance."

('74 Code, § 6-18-1) (Ord. 2028)

📖 § 9-7-2 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. Any business, residential structure, and non-business building or structure.

EXTERMINATION. The control and elimination of insects or rodents by eliminating their harborage, by removing or by making inaccessible materials that may serve as their food, and by poisoning, spraying, fumigating, trapping, or by any other recognized and legal insect or rodent control method approved by the Mayor.

GARBAGE. The putrescible animal and vegetable wastes resulting from the handling, processing, preparing, cooking, or serving of food.

INFESTATION. The presence of any insects or rodents of such kind or in such numbers as to create a potential health hazard or nuisance.

INSECT AND RODENT HARBORAGE. Any condition which provides shelter or protection for insects and rodents; thus, favoring their multiplication and continued existence in, under, outside a structure or premise.

INSECTS. Members of Class Insecta and such other members of the Phylum Arthropoda as may be considered dangerous or pestiferous by the Mayor.

MAYOR. The Mayor or his designated representative.

OCCUPANT. The individual, partnership, or corporation that has the use of or occupies any building or a fraction thereof, whether the actual owner or tenant of said building. In the case of a vacant building or any vacant portion of a building lot, the owner, lessee, agent or custodian shall have the responsibilities of an occupant.

OWNER. The actual owner of the building, lot, whether individual, partnership or corporation. In the case of a leased building with a clause in the lease specifying that the lessee is responsible for maintenance and repair, the lessee will be considered in such cases as the owner for the purpose of this article.

PERSON. An individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.

REFUSE. Combustible and non-combustible waste material, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, plastics, glass crockery, dust, industrial waste, dead animals, and animal excrement.

RODENT PROOFING. A form of construction to prevent the ingress of rodents into or under buildings or structures from the exterior or from one building or structure to another. It consists essentially of the closing of all openings in the exterior walls, ground or first floors, basements and foundations, that may be reached by rodents from the ground by climbing or by burrowing, with materials or other types of rodent proofing methods approved by the Mayor.

RODENTS. Members of the Order *Rodentia* and such members of the Order *Lagomorpha* as may be considered dangerous or pestiferous by the Mayor.

('74 Code, § 6-18-2) (Ord. 2028; Am. Ord. 80-1977)

 **§ 9-7-3 INSPECTION OF BUILDINGS, PREMISES, AND VACANT LOTS.**

The Mayor is authorized to make such inspections of buildings, lots, and premises, as he deems necessary to investigate and abate insect or rodent infestations or harborages. For the purpose of making such inspections, the Mayor is authorized to enter, examine, or survey at all reasonable times. Such entry shall be made in a manner as to cause the least possible inconvenience to the person in control, and the Mayor shall obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

('74 Code, § 6-18-3) (Ord. 2028)

§ 9-7-4 ENFORCEMENT, SERVING OF NOTICES, AND ORDERS.

Whenever it appears to the Mayor that an insect or rodent harborage or infestation exists, he shall issue and cause to be served on the person in control, a complaint stating the charges in that respect and specifying a reasonable amount of time for abatement. If after such time the Mayor determines that such condition has not been abated the person in control shall be deemed to be in violation of the provisions of this article.

('74 Code, § 6-18-4) (Ord. 2028; Am. Ord. 2513)

§ 9-7-5 ADMINISTRATION OF ORDINANCE.

The Mayor or his designated representative shall be responsible for the enforcement of this article. Rules and regulations to carry out the intent and purpose of this article shall be prescribed by the Mayor pursuant to standards created in this article.

('74 Code, § 6-18-5) (Ord. 2028)

§ 9-7-6 EXTERMINATION MEASURES REQUIRED, AND HARBORAGE NOT PERMITTED.


(A) All buildings, lots, and premises shall be kept free of infestation or harborage. The person in control shall not allow the accumulation of water, refuse, garbage, or other harborage.

(B) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rodents, on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this division, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(C) When any buildings, lots, or premises are so infested, the person in control shall utilize extermination measures in the manner prescribed by law, regulation or manufacturer's directions; provided, however, that the extermination measures prohibited by federal, state or local law or regulation shall not be utilized.

(D) If the person in control of any buildings, lots, or premises is notified in writing as provided and fails to comply with the provisions of this article within ten days, the Mayor may cause such harborage to be removed or have such infestation abated. The actual cost of removal or abatement plus any other penalties or costs allowed by law in connection therewith, under any of the circumstances herein set out, shall become a lien upon the property from which such removal of harborage or abatement of infestation occurs.

('74 Code, § 6-18-6) (Ord. 2028; Am. Ord. 80-1977)

 **§ 9-7-99 PENALTY.**

Any person who violates any provision of this article shall be subject to the general penalty provisions of this code set forth in § [1-1-99](#).

('74 Code, § 6-18-7) (Ord. 2028)