

## **Article 4: Disease Control — Nuisances**

### **Division 3: Animals**

*(Amended 2-10-1953 by O-5486 N.S.)*

#### **§44.0300 San Diego County Animal Control Ordinance Adopted**

- (a) The animal control ordinance of the County of San Diego, California, under Title 6, Division 2, Chapter 6 of the San Diego County Code of Regulatory Ordinances, adopted by the Board of Supervisors, hereafter referred to as the County Code, a copy of which is on file in the Office of the City Clerk of the City of San Diego as Document No. 20937, is hereby adopted by reference, and incorporated as the Animal Control Ordinance of the City of San Diego, and made a part hereof as if fully set out in this Division; provided, however, that any of the provisions of the County Code as herein adopted which are in conflict with any of the other provisions of this Division shall be superseded by the provisions of this Division.
- (b) Any person who violates a provision of the County Code as adopted and incorporated hereinabove shall be charged with a violation of the applicable section of the County Code and upon conviction said person shall be punished as prescribed by Section 12.0201 of the San Diego Municipal Code, irrespective of whether the County Code specifies that that violation is a misdemeanor or an infraction.
- (c) All hearings under this Division shall be conducted in accordance with County Code section 62.684.
- (d) Definitions. Whenever the following terms appear within the text of the County Code, they shall have the following definitions:
  - County* means *City* or its designee, its agents or employees.
  - County animal shelter* means a *City* animal shelter.
  - Department* or the *County Department of Animal Services* means the *City* or its designee, its agents or employees.
  - Director* or the *Director of the County Department of Animal Services* means the *City* or its designee, its agents or employees.
  - Unincorporated areas of the County* means *City*.
- (e) The *City* authorizes any animal control officer, humane officer, peace officer, *enforcement official*, or any other *City* employee or designee to enforce the provisions of this Division. Humane Officer has the same meaning as in California Corporations Code section 14502.

- (f) The *City* may enter into a contract with any public agency, organization, or organizations for the administration and enforcement of provisions of this Division. The contracting public agency or organization shall be the *City's* designee for purposes of administering and enforcing this Division.
- (g) The provider of animal control services for the *City* is authorized to collect fees and fines on behalf of the *City*, in accordance with this Division and state law. The provider of animal control services for the *City* is authorized to deposit fees and fines collected on behalf of the *City* in accordance with the terms of the contract in subsection (f), and is not required to deposit these fees and fines daily with the City Treasurer, as mandated by City Charter section 45. The City may approve programs whereby the provider of animal services waives or reduces fees when the City determines that such programs benefit the public by encouraging animal adoption, helping prevent cruelty and neglect to animals, or providing animals in need with medical care, provided such waivers and fee reductions are consistent with applicable law.
- (h) All fees and fines applicable to implementation and enforcement of this Division shall be assessed according to the established rates kept in the fee schedule on file in the Office of the City Clerk, or as mandated by state law.

*(Amended 8-10-1993 by O-17956 N.S.)*

*(Retitled from "San Diego County Animal Control Ordinance – Adoption by Reference" to "San Diego County Animal Control Ordinance Adopted" and amended 5-15-2018 by O-20937 N.S.; effective 7-1-2018.)*

## **§44.0301**

### **Permit**

No person shall bring or maintain within the City any domestic animals as defined in Section 44.0318 until or unless a permit therefor has been obtained from the Health Department, and such animals shall be kept in conformity with the requirements of this Division.

*(Amended 10-22-1953 by O-5820 N.S.)*

## **§44.0303**

### **Denial and Revocation of Permits**

Permits for the maintenance of domestic animals may be denied or revoked in whole or in part or conditionally by the Director of Public Health upon finding that, because of any of the conditions mentioned in the preceding section or because of the ineffectiveness of sanitation measures or a particular or peculiar hazard connected with the animal or animals involved, the public health and welfare will be endangered unless such action is taken.

*(Amended 3-16-1987 by O-16829 N.S.)*

**§44.0304     Public Nuisance and Abatement**

The bringing or maintenance within the City of any animals in contravention of this Division is, in addition to being a misdemeanor, hereby declared to be a public nuisance and the Director of Public Health or Director of Animal Control, is hereby authorized, directed and empowered to summarily abate any such public nuisance by any means reasonably necessary, including but not limited to the destruction of the animal or animals involved.

*(Amended 3-16-1987 by O-16829 N.S.)*

**§44.0304.1    Committing Nuisance**

No person shall allow a dog in his/her custody to defecate or to urinate on public property or any improved private property other than that of the owner or person having control of the dog. It shall be the duty of all persons having control of a dog to curb such dog in order to carry out the intent of this section. The failure to do so and to immediately remove any feces to a proper receptacle constitutes a violation of this section. Unsighted persons while relying on a guide dog shall be exempt from this section.

*(“Committing Nuisance” added 3-16-1987 by O-16829 N.S.)*

**§44.0305    Wild Animals and Other Prohibited Species**

- (a) No person shall offer for sale, give away, bring into or maintain within an area coming within the jurisdiction of this ordinance, any lion, tiger, bear, monkey, wolf, cougar, ocelot, wildcat, skunk, ferret or other members of the family Mustelidae, venomous reptile; any “rear fanged” snake (Family Colubridae); any lizards of the Family Helodermatidae (Gila monsters and Mexican beaded lizards); any monitorilizards species (Family Varanidae that attain an adult weight over ten (10) pounds or an adult overall length over three (3) feet; any member of the Order Crocodilia, or other such wild animals (ferae naturae), irrespective of their actual or asserted state of docility, tameness or domesticity. The County Director of Animal Control may impound any such animal and dispose of it in a humane manner in accordance with the applicable provisions of the County Code.
- (b) Exceptions — This section shall not apply to:
  - (1) Legally operated zoos or circuses unless the County Veterinarian, the County Health Officer or the Director of Animal Control shall give forty-eight (48) hours advance notice that by reason of inadequate caging or other means of protection of the public from such animals or by the ineffectiveness of sanitation measures or by a particular hazard connected with the animal or animals involved, the public health and welfare will be endangered.

- (2) Any service or helping animal, pursuant to a permit issued by the Director of Animal Control, that is trained or being trained to assist a physically disabled person by the augmentation of one or more of the senses of touch, taste, smell, hearing or sight, provided such training is or has been done under the auspices of a recognized organization that regularly provides such animals for such purposes. Such animals shall be kept and maintained subject to the provisions of this Division.
- (3) Any person who keeps any boa and/or python snakes less than 3. feet and/or 15 pounds or the owner or caretaker of any boa and/or python greater than 3. feet and/or 15 pounds who complies with all federal, state and local laws, regulations, and permit requirements affecting such animals. The owner or caretaker of any such snakes greater than 3. feet and/or 15 pounds shall also:
  - (A) Keep the animals at all times in cages or enclosures of such size and construction or confined in such a manner as to preclude the possibility of escape. Such cages, enclosures, or confinement shall be of such size as to permit the animals reasonable freedom of movement;
  - (B) Keep the cages or enclosures in a clean and sanitary condition at all times;
  - (C) Provide the animal(s) with adequate food, water, shelter, and veterinary care;
  - (D) Keep the animal(s) in a manner so as not to threaten or annoy any person of normal sensitivity;
  - (E) Take adequate safeguards to prevent unauthorized access to the animals and to preserve animal and public health, safety, and welfare. In the event of an escape, immediately notify the Department and make every reasonable effort to recapture the animal(s);
  - (F) Upon request by the Department make his/her animal(s), premises, facilities, equipment, and any necessary permit(s) available for inspection for the purpose of ascertaining compliance with the provisions of this section;
  - (G) Reimburse the Department for all costs incurred in enforcing the provisions of this section when a violation is found, and shall be responsible for any injury, or any damage to private or public property caused by the animal(s).

- (c) Location and Transportation. Such animals shall be kept upon or transported in escape-proof enclosures to private property which the animals' owner or the person who has a right to control the animal, owns or has a right to possess or use. All other transportation is prohibited unless authorized by the Department.

*(Amended 7-16-1990 by O-17497 N.S.)*

**§44.0306 Agricultural and Non-Agricultural Areas — Definitions**

Agricultural areas, for the purposes of this division only, shall be any areas zoned AG-1-1, AG-1-2, AR-1-1, AR-1-2, IL-3-1, and IH-2-1, as defined by Chapter 13, Article 1 of this Code. Non-agricultural areas shall be all other areas within the City.

*(Amended 8-16-1962 by O-8706 N.S.)*

*(Amended 2-22-2012 by O-20139 N.S.; effective 3-23-2012.)*

**§44.0307 Cattle, Goats and Sheep**

- (a) It is unlawful to bring or maintain, within a non-agricultural zone within the City, any cattle, bovine animals, goats, or sheep.
- (b) Section 44.0307(a) shall not apply to the following:
- (1) Dairies or dairy farms licensed during the month of July 1953.
  - (2) Any goats brought in temporarily, to privately-owned non-agricultural zones for the purpose of performing brush management in accordance with the Land Development Code section 142.0412.
  - (3) The keeping of miniature goats on a premises zoned for a single dwelling unit or developed with a single dwelling unit consistent with the following requirements.
    - (A) Miniature goats are those goats commonly known as Pygmy, Dwarf, and Miniature Goats.
    - (B) All miniature goats shall be dehorned.
    - (C) Male miniature goats shall be neutered.
    - (D) No more than, and no less than, two miniature goats shall be kept on the premises, except that offspring may be kept onsite for up to twelve weeks from birth.
    - (E) Miniature goats shall be housed in a shed designed to be:

- (i) Predator proof;
  - (ii) Thoroughly ventilated;
  - (iii) Easily accessed and cleaned;
  - (iv) Watertight and draft free;
  - (v) A minimum of ten square feet of interior space; and
  - (vi) Located outside of all required setbacks as established by Chapter 13, Article 1 of this Code.
- (F) Direct access from the shed to an outdoor enclosure shall be provided with the outdoor enclosure designed to be:
- (i) Secured with a minimum five-foot tall fence;
  - (ii) A minimum area of 400 square feet;
  - (iii) Secured from the outside in a manner that prevents the miniature goats from escaping;
  - (iv) Free of objects that would enable the goats to climb out of the enclosure; and
  - (v) Easily accessed and cleaned.
- (G) Goat's milk, goat's cheese, and other goat-related food products shall be for personal consumption only; sale of such products is prohibited.
- (c) Property owners shall remove and properly dispose of droppings from cattle, goats or sheep as needed to prevent accumulation, to avoid a health or sanitation problem, or the breeding of flies, and to prevent discharge into the *Storm Water Conveyance System*, as defined in section 43.0302.

*(Amended 8-30-1962 by O-8718 N.S.)*

*(Amended 9-19-2005 by O-19413 N.S.; effective 10-19-2005.)*

*(Amended 1-15-2008 by O-19698 N.S.; effective 2-14-2008.)*

*(Amended 2-22-2012 by O-20139 N.S.; effective 3-23-2012.)*

**§44.0308 Horses**

No person shall bring or maintain within the City any horse, unless (a) the number of dwelling units within a one– fourth mile wide belt surrounding the corral, pasture or stable within which such horse is kept, is less than 300 units; and (b) 10,000 square feet of such stable, pasture area, or corral or combination thereof is provided for up to two (2) horses with an additional 5,000 square feet for each horse in excess of two (2); and (c) in the event more than four (4) horses are to be maintained, the permit therefor has authorized or has been amended to authorize the maintenance of such additional horses; and (d) no residence or dwelling exists except such as are owned, maintained or occupied by the owner of such horses within a 75 foot wide belt surrounding the stable, corral or pasture within which such horse is kept. Upon receiving notification from the County Health Department that a horse is being kept in violation of part (a) of this section, as amended in 1975, a holder of a permit under Section 44.0301 or Section 44.0302 of this Code shall have a twelve (12) month grace period starting from the date of such notification in which to remove the horse or horses.

*(Amended 4-17-1975 by O-11558 N.S.)*

**§44.0308.1 Stables and Barns**

- (a) The floors of all stables and barns shall be kept free from excreta, and in a sanitary condition.
- (b) Droppings in corrals shall be raked and cleaned daily.
- (c) All manure shall be stored in fly and water tight boxes or bins and removed from the premises weekly.
- (d) Stable or barn structures shall conform to good building practices and the building code requirements.
- (e) Adequate fencing shall be provided to contain the animals.

*(“Stables and Barns” added 8-30-1962 by O-8718 N.S.)*

**§44.0309 Hogs, Pigs, Swine**

- (a) Purpose and Intent

The Council being aware of the reflection on surrounding property values and of the general annoyance or nuisance created by hog ranches and similar operations, it is the legislative intent that no additional such operations be permitted nor that any existing operation be enlarged, that operations existing prior to annexation to the city be permitted to continue only when they do not affect or annoy neighboring properties, and that this section be strictly interpreted and enforced.

(b) Regulation of

No person shall bring or maintain any hogs, pigs or other swine within the city; provided that, where the keeping of any such animals was lawfully established and existing in an area thereafter annexed to The City of San Diego, such keeping may, without enlargement, be continued, if, but only if, a zone variance, as provided by Chapter 10, Article 1, Division 5 of the Municipal Code, and a health department permit are obtained and maintained as hereinafter set forth.

*(Amended 6-23-1986 by O-16672 N.S.)*

**§44.0309.1 Swine, Zone Variance Required**

Before the Director of Public Health may accept an application for a health permit to maintain hogs, pigs, or other swine within the city, the applicant must produce for the Director's examination evidence of a valid zone variance for such operation at the particular location for which it is requested or that the location is in a zone permitting such operation.

*(“Swine, Zone Variance Required” added 8-30-1962 by O-8718 N.S.)*

**§44.0309.2 Swine, Permit Application**

The applicant for a health permit to maintain swine within the city shall state his name, the owner's and/or operator's name if different from his, the location where the swine will be maintained, and such additional information as required by the provisions herein relating thereto or as may be requested by the Director of Public Health.

*(“Swine, Permit Application” added 8-30-1962 by O-8718 N.S.)*

**§44.0309.3 Swine, Minimum Standards**

No permit for maintaining swine within the city shall be granted unless all of the following requirements are met:

- (a) All feeding shall consist only of dry grain dispensed by feeding devices approved by the Director of Public Health, or by grazing upon growing hay or grain, or by any combination thereof.
- (b) No portion of the operation shall be within one-half mile of any improved subdivision consisting of 20 or more homes.
- (c) No portion of the operation shall be within one-half mile of a public school.
- (d) No operation shall be permitted where 30 or more homes are within one-half mile of any portion thereof, unless the Director of Public Health finds that because of topography and/or prevailing winds such operation is of no annoyance to neighbors within that area.

- (e) There shall be no evidence of the present existence of rats or similar vermin about the premises.
- (f) There shall be no evidence of mosquito breeding.
- (g) There shall be no evidence of an excessive amount of flies.
- (h) Adequate drainage shall be provided.
- (i) All stalls, pens, sties, buildings, etc. shall be constructed of material of sufficient strength to confine the swine therein.
- (j) Buildings, fences, floors, etc. shall be maintained in a clean, repaired condition.
- (k) All waste material shall be removed daily, or oftener if sanitation or odor conditions require.
- (l) All waste material shall be disposed of in such manner as not to create sanitation problems nor to be offensive to neighboring residents.
- (m) No odor offensive to neighboring residents shall be permitted to emit from the premises.
- (n) The Director must find that no complaints have been registered against the operation or that any complaints so registered are without any valid basis in health, sanitation or nuisance.
- (o) The Director must determine that the operation does not endanger the public health and welfare.
- (p) The Director of Public Health shall determine the adequacy of drainage, whether evidence exists of vermin, flies, mosquito breeding, and whether there has been compliance with the other above standards, and his determination thereon shall be final.

(“*Swine, Minimum Standards*” added 8-30-1962 by O-8718 N.S.)

#### **§44.0309.4 Swine, Maximum Density**

The Director of Public health shall determine the maximum number of swine permitted within an operation or any portion thereof which maximum shall be compatible with the standards herein set forth. However, in no case shall this provision allow an enlargement of any operation.

(“*Swine, Maximum Density*” added 8-30-1962 by O-8718 N.S.)

**§44.0309.5    Swine, Permit Fee**

A fee, the exact amount which shall be determined by the County and kept on record by the County Department of Health Services and on file in the City Clerk's Composite Rate Book, and shall be made payable to the Director of Public Health Services.

*(Amended 3-7-1983 by O-15914 N.S.)*

**§44.0309.6    Swine, Permit Expiration**

The permit shall expire on December 31st of each year, and must be renewed before expiration thereof. Failure to renew on time shall be a basis for refusal to renew.

*("Swine, Permit Expiration" added 8-30-1962 by O-8718 N.S.)*

**§44.0309.7    Swine, Permit Revocation**

The permit shall be revocable, and shall be revoked for the same reasons that it should be refused.

*("Swine, Permit Revocation" added 8-30-1962 by O-8718 N.S.)*

**§44.0310    Animals in Transit and Dead Animals**

Except as provided in Section 62.700 and 62.701, of the San Diego County Code, nothing in this Division shall be applicable to dead animals or to animals which are in transit through the city for commercial abattoir purposes, provided there is no stoppage while in transit for longer than 24 hours.

*(Amended 2-8-1988 by O-17020 N.S.)*

**§44.0318    Domestic Animals — Definition**

For the purpose of this Division, a domestic animal is defined to be any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep or standard goat.

*(Renumbered from Sec. 44.30.31 on 2-10-1953 by O-5486 N.S.)*

*(Amended 2-22-2012 by O-20139 N.S.; effective 3-23-2012.)*

**§44.0319    Domestic Animals Running at Large**

It shall be unlawful for the owner or person having the control and custody of any such animal to permit the same to run at large within the corporate limits of The City of San Diego.

*(Renumbered from Sec. 44.31.1 on 2-10-1953 by O-5486 N.S.)*

**§44.0320 Domestic Animals — Pasturing Prohibited — Exceptions**

It shall be unlawful for any person owning or having control of any such animal to graze or pasture the same or cause the same to be grazed or pastured, or permit the same to graze or pasture, upon any land within the limits of The City of San Diego, except upon land owned or leased by the owner of such animal, or upon land for which he has secured permission in writing to use for grazing or pasturing such animals. No such animal shall be picketed or staked out in such a manner as to permit it to cross or trespass upon lands of adjoining owners, or upon any traveled street or sidewalk within the said corporate limits of said City; and provided also, that such animal shall be adequately fed and watered and reasonably protected and sheltered against inclement weather.

*(Renumbered from Sec. 44.31.2 on 2-10-1953 by O-5486 N.S.)*

**§44.0321 Domestic Animals — Methods of Disposal — Auction**

Whenever the Poundmaster shall discover, or be notified by any persons that any such animal is grazing or pasturing or running at large or is picketed or staked out so as to permit it to cross or trespass upon the lands of adjoining owners, or upon any traveled street or sidewalk, or is improperly cared for in violation of this article, it shall be his duty and he is hereby directed to immediately take said animal and impound it in the City Pound. Within twenty-four (24) hours thereafter, unless said animal be claimed, he shall, in his discretion, dispose of the animal in accordance with Section 44.0313(d), or he shall notify, by registered mail, the owner or reputed owner, if the name and address of such owner or reputed owner be known to him, and shall cause a notice to be posted in each of three (3) conspicuous public places in The City of San Diego, and shall likewise publish for three (3) consecutive days in the official newspaper of the City, a notice describing such animal so impounded, giving marks or brands, or other distinguishing points thereof, and fixing an hour, date, and place for public auction thereof, which date shall be not less than five (5) nor more than ten (10) days after the first publication of such notice.

Unless the owner thereof comes and claims the same prior to sale thereof and proves ownership of said animal and pays all lawful charges thereon, as hereinafter provided, said Poundmaster is hereby authorized and it is his duty to expose said animals for sale at public auction at the time and place fixed in said notice to the highest bidder for cash. All proceeds of such 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 occupies 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 Harborages 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.)*