

**MEMORANDUM**

December 3, 2013

TO: Health and Human Services Committee

FROM: Linda McMillan, Senior Legislative Analyst *lmc*

SUBJECT: **County Response to Reports and Presence of Rats**

At this session, the Committee will receive an overview of the County's responsibilities regarding complaints about rats. Clark Beil and Kenneth Welch of the Department of Health and Human Services' Licensing and Regulatory Section will provide the presentation. The presentation will discuss how the County response to a complaint about a rat problem, how they work with property owners and communities if a problem is identified, and the responsibilities of property owners and businesses.

County Code Chapter 39 (©11-14) provides rules regarding rat control and assigns inspections and enforcement to DHHS. The law says, "It shall be unlawful for any owner to allow his property to be infested with rats or to be in such condition as to contribute to existing or potential rat infestations." In addition, Chapter 26, Housing and Building Maintenance Standards, which is enforced by the Department of Housing and Community Affairs requires, "each occupant of a dwelling containing a single dwelling unit must exterminate any insects, rodents, or other vermin in or on the premises. Each occupant of a dwelling unit or individual living unit in a dwelling containing more than one unit must exterminate if that unit is the only infested unit. The owner must exterminate if the infestation: (A) includes more than one unit or the shared or common areas of a dwelling, or (B) was caused by the owner's failure to maintain the dwelling in a rat-proof or reasonably insect-proof condition."

Problems associated with rodents (rats and mice) include:

- Contamination of food which can make people sick,
- Multiple germs that can be transmitted by rodents in their saliva, fecal droppings, and urine,
- Allergic reactions in some people, and
- House fires that can be caused when rodents chew on wires.

Controlling rodents and addressing existing problems is critical because they breed very quickly. Rats and mice can mature in 2 to 5 months and can produce up to six litters in one year.

Attached as background for this discussion is information available on the County's website including: the information provided regarding 311 (©1); the information sheet "Control of Rats and Mice" (©2-5); and a second information sheet that is found in the DHHS' Food and Facilities Licensing section (©6-10).

The information sheet from the County notes that rats and mice have no respect for economic level or status but look for food sources and places to live. It urges residents

**DO NOT:**

- Store garbage outside in plastic bags,
- Allow birdseed to accumulate on the ground,
- Leave pet food outside,
- Leave ripe fruit and vegetables under trees or in the garden to decay,
- Place food scraps in compost piles,

In addition, the information describes how to clean areas and fill holes to help eliminate rodents and how trapping or baiting should be pursued.

Call 311 To Get It Done!  
Visit [montgomerycountymd.gov/311](http://montgomerycountymd.gov/311)  
For Emergency: 911 | Out of County: 240-777-0311



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## All Services

### Mice Rats or Rodent Complaints

Elimination and control of mice and rats is the responsibility of the property owner, if mice or rats or other rodents are in a private home. If mice, rats, or rodent infestation is in rental property, complaint should be referred to Department of Housing and Community Affairs.

Rodents in hotels/motels in Montgomery County are investigated by Licensure and Regulatory (L&R) Office within Health and Human Services the county. However, the cities of Rockville and Gaithersburg take complaints in their respective jurisdictions. Inquires and complaints for these cities should be directed to: 240-314-8330, Rockville: 301-258-6340 in Gaithersburg.

Other complaints are received and investigated by the Montgomery County Department of Health and Human Services, L&R Office. Rat complaints should be sent via a service request (SR) to the L&R Office. See web site for further information. You may also visit Licensure & Regulatory Services at 255 Rockville Pike, 1st Floor, Suite 100, Rockville, MD 20850 between the hours of 8 AM and 4 PM Monday through Friday. For information on bedbugs, see URL 2. For information on pesticide usage, contact: 800.858.7378.

Find more information from the following link(s):

[Rat Control General Information](#)

[CDC Environmental Health - Bed Bug Information](#)

[Create Service Request](#)

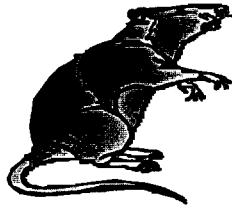


# CONTROL OF RATS AND MICE

Rats and mice have no respect for economic level or status. You may be very careful about how you store your household garbage but if you let the apples from your tree lie on the ground or feed your dog outside, you are inviting rodents to dinner. Rats and mice have adapted to live in close association with people where they cause tremendous damage and spread disease.

## COMMON RAT (Norway or Sewer)

Small ears  
Small eyes



14" to 18" from nose to tail tip  
Fecal droppings: 1/2" to 3/4", long, capsule shaped  
long, rod shaped

## HOUSE MOUSE

Large Ears  
Small Head



Pointed Nose

5" to 7" from nose to tail tip  
Fecal Droppings: 1/8" to 1/4"

The two most common rodents encountered by citizens of Montgomery County are the Norway rat and the house mouse. Both of these rodents are good jumpers, climbers, swimmers and gnawers.

The Norway rat is a burrower, usually nesting in a dirt burrow up to 150 feet from its food supply.

The house mouse usually nests indoors within stored materials, but can also live outside, burrowing in areas around fields and lawns. Mice often become a problem where they enter homes in the fall seeking warmth. Mice occupy a small territory, traveling only 10 to 30 feet from their nests for food.

## CHECKING FOR RATS AND MICE

The most important signs of rodents are burrows, droppings, tracks, runways, gnawing, urine stains, odor, live or dead rodents, nests and rodent-gnawed food. Rodents are more apt to be seen or heard shortly after dark and in the early morning.

Look for rat burrows, especially around concrete slabs and building foundations, under materials stored outdoors and along fencerows or embankments. A rat's ground burrow will have an irregularly rounded opening, 2 to 3 inches in diameter. A mouse's burrow is much smaller. An active burrow entrance will be hard-packed and clear of leaves and other debris.

To find out if the burrow is active, loosely fill the opening of the hole with dirt. If a rat is still present, it will reopen the hole. Remove droppings and check to see if more appear. Do not completely fill or destroy burrows until after the rodents have been exterminated. Rats **cannot** be eliminated by blocking their burrows.

Rodents use the same runways to move from place to place. Active runways will be clean and smooth, frequently following along a wall or fence. Along well-used runways, the oils from the rodent's fur leave dirty, greasy rub marks on the areas they frequently touch.

Because the incisor teeth of rodents grow continuously, they must gnaw to keep them worn down. You may find gnawed wood or other items.

## **RODENT PROOFING**

Rodents can enter homes through open or unscreened doors and windows, ventilators, floor drains, cracks and breaks in foundations and holes around electric conduits and pipes where they enter foundations or go through floors and walls. Rats and mice require only a very small opening to gain entry.

Rats can gnaw a hole if they find a chipped or indented edge from which to start. Close all openings and cover edges that can be chewed with gnaw-proof materials such as sheet metal, cement or hardware cloth.

Doors should close tightly with no gaps at the bottom. All windows, especially basement windows near ground level should have tight fitting screens.

Seal openings around pipes or conduits. Where pipes enter wood, nail sheet metal around the pipe. Where pipes enter masonry, force heavy hardware cloth or steel wool into the opening, and then fill with concrete.

## **ELIMINATING FOOD SOURCES**

- DO NOT store garbage outside in plastic bags. Plastic garbage bags are not rodent-proof. Plastic bags should only be used inside garbage cans with tight fitting lids.
- DO NOT allow birdseed to accumulate on the ground. Do not leave pet food outside. Store pet food or birdseed in container with a tight fitting lid.
- DO NOT leave ripe fruit and vegetables under trees or in the garden to decay.
- DO NOT place food scraps in compost piles.
- DO remove any piles of debris or building material such as old brick or boards that may provide shelter for rodents.
- DO clear brush, weeds and heavy ground covers, especially around foundations.

## TRAPPING

Rodent snap traps or glue boards can be useful in situations where poison baits could be hazardous to children, pets or wildlife, or where it is important to remove odor-causing carcasses.

If possible, purchase a snap trap with an enlarged bait trigger. To bait the trap, smear peanut butter in the center of the trigger. Other baits are bacon, oatmeal, gumdrops and apples.

A glue board is a tray containing a non-toxic strong adhesive. When a rodent steps onto the tray, it is held there by the glue and can then be disposed of. Bait can be added to the middle of the glue board or the board and bait can be placed inside a bait box. Always follow the manufacturer's directions.

Place traps or glue boards only in hidden, out-of-the-way places where children and pets can't touch them. It is very important to place traps or glue boards in the pathways normally used by the rodents. Traps should be placed perpendicular to a wall or runway with bait next to the wall.

## BAITING

There are single feeding and multiple-feeding poison baits. Multiple-feeding, anticoagulant baits must be eaten repeatedly for several days before the rodent dies. This offers some protection for a child or pet that may accidentally eat the bait. Single-feeding baits can kill a rodent after only one feeding although it may take up to five days for death to occur if the bait is an anticoagulant.

DO NOT place poison bait or bait packs in the open. Make sure children or pets cannot reach the bait. Place the bait in commercially available bait boxes or fasten down a board or length of pipe to conceal it and keep it dry. Be sure to read and follow all the directions on the package. **REMEMBER--baits are toxic poisons!**

Rats are wary of new objects and foods in their environment, so bait boxes or traps may be avoided at first. **Check the bait daily and replace it as needed.**

Although mice are not suspicious of new foods, they can be difficult to control with anticoagulant baits. Mice are nibblers so they may not eat enough to get a lethal dose. Also, some mice are resistant to certain anticoagulants.

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If you have rats nesting on your property, you will need the cooperation of your neighbors since chances are they too are sheltering or inadvertently feeding rats. You can contact a qualified pest control company to handle the rodent control for you or you can do the job yourself.

*You can contact the Department of Health and Human Services' Rat Control Office at 240-777-3986 to speak with a sanitarian who is trained and experienced in rodent control.*

Department of  
**HEALTH AND HUMAN SERVICES**  
Building A Healthy, Safe and Strong Community -  
One Person at a Time



## Food and Facilities Licensing

### Environmental Health - Rat Control (Vector Control)

This unit enforces the regulations associated with the elimination and control of rats. In Montgomery County, rat elimination and control is the responsibility of the property owner. Complaints are received and investigated by the Montgomery County Department of Health and Human Services, Licensure and Regulatory Services section.

***"It shall be unlawful for anyone to allow their property to be infested with rats or to be in such condition as to contribute to an existing or potential rat infestation." Chapter 39 of the Montgomery County Code.***

If you suspect that there are rats on your property or an adjacent property, call the Licensure & Regulatory Services section at 240-777-3986. If rat problems are found, the owner of the property or tenant is given written notice of what the inspection found and outlines what is required to eliminate the problem. A specific time frame for correcting the problem is established. Licensure and Regulatory Services DOES NOT BAIT OR PROVIDE BAIT TO PROPERTY OWNERS.

#### Why Rat Control is Important

Rats are known carriers of disease and when living in close proximity to human, a public health problem can develop. They also cause economic damage by destroying food sources, stored grain supplies and property.

#### How to Inspect, Prevent and Respond to Rats

##### Step One: Look for Evidence

- Anyone can inspect for rats. Walk around your property and look for evidence of rat activity. Fill out an inspection form to document inspection findings. You can give this to your landlord or pest management professional for follow-up.
- Rats come out at night, so walk around outside with a flashlight after dark. This will help you see where rats are going, so you can check for burrows when it gets light.
- Look for places where rats live. Most rats live in nests or burrows. Burrows are holes in dirt or concrete from one to four inches wide, with smooth edges. Burrows can be found under bushes and plants. They will often have an entrance and exit hole.
- Look for droppings. Droppings are often found close to garbage. If they're moist and dark, it's a sign that rats are in the area.

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- Look for holes and gnaw marks on wood and plastic garbage cans.
- Check walls and grass for signs of runways. Rats run along the same path many times a day, leaving dark greasy track marks along walls and worn down paths in grass.

## **Step Two: Clean Up**

Cleaning up and getting rid of clutter is an easy and effective way to prevent rats.

### **Wash Away Droppings and Track Marks**

Rats communicate and attract each other through their urine and droppings.

- Sweep up droppings, and clean up dark greasy track marks. Wash down the area with water and a mild bleach solution (one part bleach, 10 parts water).
- Talk to your neighbors and work together to clean up, so rats don't move from one place to another.

### **Get rid of Clutter**

Clutter gives rats lots of places to hide, sleep, nest and reproduce.

- Remove (and recycle) piles of newspapers, paper bags, cardboard and bottles.
- Clear out your basement and yard.
- Store items away from walls and off the ground.

### **Control Weeds and Shrubs**

Rats are often found in burrows under bushes and plants.

- Keep tall grass, bushes, shrubs and mulch away from building foundations.
- Pull out ivy around burrows.
- Keep ground bare six inches from buildings, and trim under shrubs.
- Make space between plants, and avoid dense planting.
- Keep gardens free of weeds and trash.

## **Step Three: Starve Them**

Rats only need one ounce of food each day. Don't make your garbage their food.

### **Manage your garbage**

- Bring garbage cans and bags to the curb as

close to pickup time as possible. Leaving them out overnight invites rats.

- Make sure you have enough garbage cans to hold trash between pickups.
- Use hard plastic or metal cans with tight fitting lids.
- Insist that tenants put garbage *inside* cans

#### Keep Food Away

- Keep all food in tightly sealed containers.
- Do not put food out for stray cats, pigeons or squirrels.
- Rats are attracted to seed spilled from bird feeders-use a catch tray under the feeder.
- Rats are also attracted to dog food and dog droppings, stored food and seed, fallen fruit, garden vegetables, discarded food, garbage and recycling bins, compost piles, and natural fruits such as mulberries, black cherries, crabapples, apples and pears.

#### Step Four: Shut Them Out

Rats chew holes into buildings, and can squeeze through cracks and holes as small as a half inch. To keep rats out for good, seal all holes and cracks in foundations, walls, floors, underneath doors and around windows. Most repairs can be done by maintenance staff, superintendents, handy men or pest control professionals. Materials are inexpensive and available at most hardware stores.

#### Seal Cracks and Small Holes

- Seal cracks and small holes with caulk. Or use roofing cement – it's durable and easily applied with a caulking gun.
- Close gaps under doors with rodent resistant metal door sweeps.
- Close window gaps with metal flashing
- Put screens on vents, especially on lower floors.

#### Fill Large Gaps and Holes

- Use mortar or ready-mix cement to fill gaps and holes in cement and stone foundations. Cover large holes with metal lathe or screening, then seal with mortar or cement.
- Cover floor drains and vents with heavy duty metal screening, secured with masonry nails or cement.
- Install sheet metal kick plates on the lower

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exterior of doors where rats have been gnawing or entering the building. Install metal thresholds underneath.

- Use door sweeps to keep gaps under doors smaller than a quarter inch.
- Consider installing heavy gauge sheet metal between foundations and the ground.
- Seal pipes leading into walls with escutcheon plates (“pipe collars”). Check pipes regularly for leaks

#### Close Inactive Burrows

An inactive burrow will often have leaves, cobwebs or other debris around the entrance. These burrows should be closed so rats cannot get back in.

- Close burrows in soil by filling with soil and tamping down with a shovel, or by stepping on them.
- Close burrows in cracked or broken sidewalks with metal filler and cement.

#### Step Five: Wipe Them Out

Rodent bait is an effective way to wipe out rats but applying these poisons is a job for professionals. If you live in your own home without tenants, the law allows you to place rodent bait yourself. But commercial and multiunit property owners must hire a pest control company – it is against the law for them to place their own

Make sure your pest control company follows these guidelines:

- Always read and follow the manufacturer’s label, and use the smallest effective amount of bait.
- Use disposable gloves when handling bait, and wash your hands afterwards.
- Use secured bait chunks (called bait “blocks”) inside tamper resistant bait stations. Secure or anchor bait stations to the ground or fence with cement, caulk or wire.
- Place bait stations on the same path as rats normally travel – often along building walls and fence lines. Since rats always travel on the same path, they’re more likely to eat from stations along it.
- Use a funnel to place loose pellet bait into burrows. This will help ensure pellets are placed deep into the burrow, so rats cannot push them out.
- Bagged bait should not be used in burrows or bait stations. Rats can push or carry them out of burrows or stations, where children, pets or wildlife can get to them.
- Store and place bait stations where children and pets cannot reach them.
- Never use a product that doesn’t have a U.S. Environmental Protection Agency (EPA) Registration Number.
- Replace bait after it has been eaten. Leave bait stations and bait in place for

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at least two weeks after all rat activity has stopped. Monitor on a monthly basis.

For more information about pesticides, call the National Pesticide Information Center at (800) 858-7378.

Certain information provided with permission by the New York City Health Department.

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Print

Montgomery County Code

## Chapter 39. Rat Control. [Note]

§ 39-1. Definitions.

§ 39-2. Reserved

§ 39-3. Inspections by director; when warrants required; right of entry.

§ 39-4. Rat infestations prohibited; notice of violation; extermination by director; appeal from order of director.

§ 39-5. Public property.

§ 39-6. Effect of chapter on other laws and ordinances.

§ 39-7. Regulations.

§ 39-8. Penalties for violations.

### Sec. 39-1. Definitions.

For the purpose of this Chapter, the following words and phrases have the following meanings:

*Commercial exterminators:* A private operator engaged in the business of rodent control and extermination.

*Director:* The Director of the Department of Health and Human Services or Director's designee.

*Extermination:* The elimination of all rats from a given area, generally accomplished by using poisons, gas or traps, as permitted by existing laws or regulations.

*Harborage:* Any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence on any premises. Harborage can be structural, incidental or temporary.

*Infestation:* The presence of one or more rats that have established residence in any given area. Observation of live rats, active rat burrows, rat droppings or rat runways or tracks shall be considered prima facie evidence of rat infestation.

*Owner:* Any owner, occupant, lessee, agent, operator, partnership, corporation or any other person or persons in custody of the premises as defined herein.

*Premises:* All buildings, land area, foliage, fences or other appurtenances found on any given piece of property.

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*Rat*: Any of the domestic rodents order *Rodentia*, family *Muridae*. *genus Rattus*, subspecies *Norwegicus* or *Rattus*, *Alexandrinus* or *Frugivorus*.

*Rat feeding*: Any condition which provides food for rats, including but not limited to stored food, garbage, pet food, wild bird feed, vegetable gardens and fruit trees.

*Ratproofing*: Changing structural details and sealing openings to prevent or render more difficult the entry of rats into buildings. (1971 L.M.C., ch. 48, § 1; 1972 L.M.C., ch. 16, § 13; 1981 L.M.C., ch. 4, § 1; 1995 L.M.C., ch. 13, § 1.)

**Editor's note**-Section 5 of 1995 L.M.C., ch. 13, reads as follows: "Sec. 5. A regulation that implements a function assigned to the Department of Health and Human Services by 1995 LMC ch. 13 continues in effect but is amended to the extent necessary to provide that the regulation is administered by the Director of the Department of Health and Human Services."

### **Sec. 39-2. Reserved.**

**Editor's note**-Sec. 39-2, relating to the applicability of this chapter, derived from 1971 L.M.C., ch. 48, § 1, was repealed by § 24A of 1985 L.M.C., ch. 31. See § 2-96.

### **Sec. 39-3. Inspections by director; when warrants required; right of entry.**

The director is authorized and directed to take such actions as are necessary to identify and eliminate rat infestations and to require the correction of conditions contributing to rat infestations.

(a) The director is hereby authorized and empowered to enter onto any property in the county for the purpose of making inspections to determine the existence of a rat infestation. Prior to such inspection, the director shall give notice either orally or in writing of his intention to conduct an inspection and obtain the consent of the owner to the inspection. The director is empowered to enter property for inspection without prior notice where an emergency exists or the property is open to the public.

(b) If the owner refuses to consent to such inspection, the director shall, prior to any entry or inspection, obtain a warrant for such inspection. The warrant shall be obtained by a written application, signed and sworn to by the director, setting forth the purpose of the inspection and the address or location of the dwelling or property to be inspected. When, upon such application, it shall appear to any judge of the circuit court of Montgomery County or to any judge of the district court for Montgomery County or to any commissioner of Montgomery County that there is probable cause to believe that there is a violation of any provision of this chapter, then such judge or commissioner may forthwith issue a warrant directed to the director authorizing him to enter and inspect such property. The warrant shall state that any inspection made thereunder shall be made within thirty (30) calendar days from the date of issuance thereof; and after the expiration of such thirty-day period, the warrant shall be void. (1971 L.M.C., ch. 48, § 1; 1972 L.M.C., ch. 16, § 5; 1981 L.M.C., ch. 4, § 1.)

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**Sec. 39-4. Rat infestations prohibited; notice of violation; extermination by director; appeal from order of director.**

It shall be unlawful for any owner to allow his property to be infested with rats or to be in such condition as to contribute to existing or potential rat infestations.

(a) When the director of the department of health shall, by inspection, determine that a rat infestation exists or that conditions contributing to rat infestation exist, he shall give notice of such infestation or condition and shall issue an order of action to be taken. Such notice and order shall:

1. Be in writing.
2. Contain an outline of remedial action.

Such actions may include but are not limited to extermination, removal of food sources, removal of harborage and ratproofing of buildings.

3. Require that any remedial action be initiated within forty-eight (48) hours from the receipt, unless in the opinion of the director conditions require a lesser or greater period of time.

4. Allow a reasonable time thereafter for completion of the remedial action.

5. Be served upon the owner. A notice and order shall be deemed to be properly served if a copy thereof is delivered to him personally or if a copy thereof is sent by certified mail to his last-known address or address on the assessment records of the county; or if a copy thereof is posted in a conspicuous place in or about the property affected by the notice; or if he is served with such notice by any other method authorized under the laws of this state.

(b) If an owner, on whose property evidence of rat infestation exists, fails to initiate extermination of the rats within the time specified in the order from the director or fails to exterminate the rats within a reasonable time after initiating extermination, the director shall be empowered to enter upon such premises for the purpose of extermination of the rats; and the cost of extermination shall be a debt due to the county and shall be collected as other debts. The director is further empowered to contract with commercial exterminators for summary abatement of rodent infestations.

(c) The county board of appeals shall be empowered to hear testimony and decide all appeals taken from order or actions of the director under this chapter. Any persons aggrieved by an order or action of the director made under this chapter may appeal to the county board of appeals within ten (10) days of such order or action. Upon notice, after hearing, the board shall have authority to affirm, modify or reverse the order or action of the director. Such appeal shall not stay execution of the order or action unless the board, upon application, shall grant a stay for such order. (1971 L.M.C., ch. 48, § 1; 1972 L.M.C., ch. 16, § 13; 1981 L.M.C., ch. 4, § 1.)

**Sec. 39-5. Public property.**

The director shall take such action as necessary to control rat populations on publicly owned property throughout the county; provided, that, for any property controlled by any agency, other than the county government, such agency shall be required to reimburse the county for the cost of

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rat control. (1971 L.M.C., ch. 48, § 1; 1972 L.M.C., ch. 16, § 13; 1981 L.M.C., ch. 4, § 1.)

**Sec. 39-6. Effect of chapter on other laws and ordinances.**

This chapter shall not be deemed to repeal or modify or otherwise affect in any manner any other ordinance, resolution, law, rule or regulation of the county; provided, that wherever this chapter imposes more stringent regulations, restrictions, limitations or requirements, the provisions of this chapter shall prevail. Where any violation is also a violation of any other ordinance, resolution, law, rule or regulation of the county, enforcement shall occur under that ordinance, resolution, law, rule or regulation. (1971 L.M.C., ch. 48, § 1.)

**Sec. 39-7. Regulations.**

The county executive is hereby authorized to adopt, under method (2) of section 2A-15 of this Code, and enforce such regulations as he may from time to time find necessary to adopt to carry out the purposes of this chapter to protect the public health, safety and welfare. (1971 L.M.C., ch. 48, § 1; 1984 L.M.C., ch. 24, § 42; 1984 L.M.C., ch. 27, § 26.)

**Sec. 39-8. Penalties for violations.**

Any violation of any provisions of this Chapter or regulations promulgated under this Chapter is a class B violation. Each day a violation continues to exist is a separate offense. Extermination or correction by the Director, at the cost to the owner, does not relieve the owner from prosecution for violation of this Section for failure to obey the orders of the Director of the Department of Health and Human Services. (1971 L.M.C., ch. 48, § 1; 1972 L.M.C., ch. 16, § 5; 1981 L.M.C., ch. 4, § 1; 1983 L.M.C., ch. 22, § 46; 1995 L.M.C., ch. 13, § 1.)

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Notes

[Note] \***Cross reference**-Vermin control in private schools and recreational camps, § 44-33.