

1 May 19, 2006

2 Before the Board of Health of King County, Washington

3 RULES AND REGULATIONS NO. 06-01

4 An amendment for the protection of the public health against the spread of disease to
5 humans by animals including rodents; establishing a zoonotic disease prevention title
6 within the Code of the King County Board of Health (“BOH”) by amending King County
7 Board of Health Rules and Regulations (“R&R”) 04-01 Section 2 (part) and BOH
8 8.02.010, 8.02.020, 8.02.040, R&R 30 as amended and BOH 8.04.060; adding new
9 chapters to BOH Title 8; adding new sections to BOH Chapter 8.04; and recodifying
10 BOH 8.02.010, 8.02.020, 8.02.030, and 8.02.040; enacted pursuant to RCW 43.20.050
11 and 70.05.060, including the latest amendments or revisions thereto; and repealing the
12 Seattle Health Code as codified in sections 10.24.040, 10.24.050, 10.24.060, and
13 10.24.070 of the Seattle Municipal Code, adopted by the Metropolitan King County
14 Council pursuant to Ordinance 12098, Section 3.
15

16 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

17 NEW SECTION. SECTION 1. There is hereby added to BOH Title 8 a new section to read as
18 follows:

19 **Citation.** This title may be cited and referred to, and shall be known as, the “King County Board of
20 Health Zoonotic Disease Prevention Regulations.”

21 NEW SECTION. SECTION 2. There is hereby added to BOH Title 8 a new section to read as
22 follows:

23 **Purpose and policy.** A. Authority is established under RCW Chapter 70.05 for the control and
24 prevention of zoonotic disease. This title is enacted as an exercise of the Board of Health powers of King
25 County to protect and preserve the public peace, health, safety and welfare. Its provisions shall be liberally
26 construed for the accomplishment of these purposes. This title governs the prevention of zoonotic disease
27 and includes rabies control and rodent control provisions.

28 B. It is expressly the purpose of this title to provide for and promote the peace, health, safety and
29 welfare of the general public, and not to create or otherwise establish or designate any particular class or

1 group of persons who will or should be especially protected or benefited by the terms of this title.

2 C. Nothing contained in this title is intended to be or shall be construed to create or form the basis
3 for any liability on the part of King County, or its officers, employees or agents, for any injury or damage
4 resulting from the failure of any person subject to this title to comply with this title, or by reason or in
5 consequence of any act or omission in connection with the implementation or enforcement of this title on
6 the part of King County by its officers, employees or agents.

7 NEW SECTION. SECTION 3. There is hereby added a new section to BOH Title 8 to read as
8 follows:

9 **Enforcement and rulemaking authority.** Except as specifically otherwise provided in this title,
10 the director shall have the authority to enforce the provisions of this title in accordance with chapter 1.08 of
11 this code. The director is also authorized to adopt rules consistent with the provisions of this title for the
12 purpose of enforcing and carrying out its provisions.

13 NEW SECTION. SECTION 4. There is hereby added a new section to BOH Title 8 to read as
14 follows:

15 **Imminent and substantial dangers.** Notwithstanding any other provisions of this title, the
16 director may take immediate action to prevent an imminent and substantial danger to the public health by
17 any zoonotic disease.

18 NEW SECTION. SECTION 5. There is hereby added a new section to BOH Title 8 to read as
19 follows:

20 **Definitions.** The definitions in this section apply throughout this title unless the context clearly
21 requires otherwise.

22 A. Director. “Director” means the director of the Seattle-King County Department of Public
23 Health or the director’s duly authorized representative.

1 B. Vector. "Vector" means an organism capable of transmitting a pathogen, and includes insects
2 and rodents.

3 C. Zoonotic disease or zoonosis. "Zoonotic disease" or "zoonosis" means a disease or infection
4 communicable from vertebrate animals to humans, including any such disease transmitted by intermediate
5 insect vectors such as mosquitoes, fleas, or ticks.

6 SECTION 6. Sections 1, 2, 3, 4, and 5 of this rule are directed to be codified as a new chapter of
7 general provisions in BOH Title 8.

8 SECTION 7. R&R 04-01, Section 2, and BOH 8.02.010 are each hereby amended to read as
9 follows:

10 **Purpose and scope of chapter.** A. Authority is established under RCW Chapter 70.05 for the
11 control and prevention of the spread of dangerous, contagious, or infectious disease. This ~~((title))~~ chapter is
12 enacted as an exercise of the Board of Health powers of King County to protect and preserve the public
13 peace, health, safety, and welfare. Its provisions shall be liberally construed for the accomplishment of
14 these purposes. This ~~((title))~~ chapter governs the protection of human health and safety against the spread
15 of rabies from infected animals.

16 B. ~~((It is expressly the purpose of this title to provide for and promote the health, safety and
17 welfare of the general public, and not to create or otherwise establish or designate any particular class or
18 group of persons who will or should be especially protected or benefited by the terms of this title.~~

19 C.) It is the specific intent of this ~~((title))~~ chapter to place the obligation of complying with its
20 requirements upon owners and other persons entitled to possession of dogs, cats, ferrets and other animals,
21 and/or other persons designated by this ~~((title))~~ chapter within its scope, and no provision of nor term used
22 in this ~~((title))~~ chapter is intended to impose any duty whatsoever upon King County or any of its officers or
23 employees, for whom the implementation or enforcement of this ~~((title))~~ chapter shall be discretionary and

1 not mandatory.

2 ~~((D. Nothing contained in this title is intended to be nor shall be construed to create or form the~~
3 ~~basis for any liability on the part of King County, or its officers, employees or agents, for any injury or~~
4 ~~damage resulting from the failure of any person subject to this title to comply with this title, or by reason or~~
5 ~~in consequence of any act or omission in connection with the implementation or enforcement of this title on~~
6 ~~the part of King County by its officers, employees or agents.))~~

7 SECTION 8. R&R 04-01, Section 2, and BOH 8.02.020 are each hereby amended to read as
8 follows:

9 **Definitions.** ~~((In construing the provisions of this title, except where otherwise plainly declared or~~
10 ~~clearly apparent from the context, words shall be given their common and ordinary meaning. In addition,~~
11 ~~the following definitions shall apply.))~~ The definitions in this section apply throughout this chapter unless
12 the context clearly requires otherwise.

13 A. "Animal control authority" means the county or municipal animal control agency, acting alone
14 or in concert with other municipalities, having authority for the enforcement of the animal control laws,
15 ordinances or regulations of the state, county, or municipality, and the shelter and welfare of animals.

16 B. "Caretaker" means any person authorized by the owner to provide daily management of an
17 animal, including but not limited to maintaining the animal in a controlled or confined manner in
18 accordance with applicable statutes and regulations, and providing the animal with food, water, shelter,
19 sanitary services, and health care as required.

20 C. "Cat" means an animal of the genus species *Felis domesticus*.

21 D. ~~((("Director" means the director of the Seattle King County Department of Public Health or the~~
22 ~~director's authorized representative.~~

23 E.)) "Dog" means an animal of the genus species *Canis familiaris* and excludes wolf-dog hybrid

1 animals.

2 ((F-)) E. "Euthanize" means to humanely destroy an animal by a method that involves
3 instantaneous unconsciousness and immediate death or by a method that causes painless loss of
4 consciousness and death during the loss of consciousness.

5 ((G-)) F. "Ferret" means an animal of the genus species *Mustela furo*.

6 ((H-)) G. "Livestock" means farm animals, excluding birds, raised for food or fiber production or
7 kept for recreational purposes, including but not limited to horses, donkeys, mules, cattle, sheep, llamas,
8 alpacas, goats, and pigs.

9 ((I-)) H. "Mammal" means any of a class of warm-blooded vertebrate animals that nourish their
10 young with milk secreted by mammary glands, have skin generally covered with hair, and includes bats.

11 ((J-)) I. "Owner" means any person having legal ownership of an animal.

12 SECTION 9. BOH 8.02.030 is directed to be recodified in BOH chapter 8.04.

13 SECTION 10. R&R 04-01, Section 2, and BOH 8.02.040 are each hereby amended to read as
14 follows:

15 **Exemption from ((title)) chapter.** The provisions of this ((title)) chapter shall not apply to dogs
16 and cats in the custody of a research facility registered or licensed by the United States Department of
17 Agriculture and regulated by 7 United States Code 2131, et seq.

18 SECTION 11. BOH 8.02.010, 8.02.020, and 8.02.040, as amended by this rule, are directed to be
19 recodified in BOH chapter 8.04, and the chapter to be entitled, "Rabies."

20 SECTION 12. NEW SECTION. There is hereby added to BOH chapter 8.04 a new section to read
21 as follows:

22 **Citation.** This chapter may be cited and referred to, and shall be known as, the "King County
23 Board of Health Rabies Regulations."

1 SECTION 13. R&R 30, Section 6, as amended, and BOH 8.04.060 are each hereby amended to
2 read as follows:

3 **Enforcement.** Subject to the provisions of section 8.04.070 of this ~~((title))~~ chapter, the director
4 shall have the authority to enforce the provisions of this ~~((title))~~ chapter in accordance with ~~((Chapter))~~
5 chapter 1.08 of this code. The director is also authorized to adopt rules consistent with the provisions of
6 this ~~((title))~~ chapter, and to notify and request the assistance of the appropriate animal control authority for
7 the purpose of enforcing and carrying out its provisions.

8 NEW SECTION. SECTION 14. There is hereby added to BOH Title 8 a new section to read as
9 follows:

10 **Citation.** This chapter may be cited and referred to, and shall be known as, the “King County
11 Board of Health Rodent Control Regulations.”

12 NEW SECTION. SECTION 15. There is hereby added to BOH Title 8 a new section to read as
13 follows:

14 **Purpose and scope of chapter.** A. This chapter is enacted as an exercise of the Board of Health
15 powers of King County to protect and preserve the public peace, health, safety, and welfare. Its provisions
16 shall be liberally construed for the accomplishment of these purposes. This chapter governs the protection
17 of human health and safety against the spread of dangerous, contagious, or infectious diseases by rats, mice,
18 and other rodents.

19 B. It is the specific intent of this chapter to place the obligation of complying with its requirements
20 upon owners and occupants of land, buildings, or other structures, and other persons designated by this
21 chapter within its scope, and no provision of nor term used in this chapter is intended to impose any duty
22 whatsoever upon King County or any of its officers or employees, for whom the implementation or
23 enforcement of this chapter shall be discretionary and not mandatory.

1 NEW SECTION. SECTION 16. There is hereby added to BOH Title 8 a new section to read as

2 follows:

3 **Definitions.** As used in this chapter, the following definitions shall apply:

4 A. Approved. “Approved” as applied to articles, materials, or methods means such articles,
5 materials, or methods as are approved by the director for use in rodent proofing or eradication.

6 B. Eradication. “Eradication” means the elimination or extermination of rodents within or upon
7 land, a building or other premises by any or all methods as approved by the director, including but not
8 limited to poisoning, trapping, or obtaining the professional services of a licensed pest control operator so
9 that the land, building, or premises are free of rodents. Eradication includes the removal of evidence of
10 rodent infestation, including but not limited to rodent droppings and burrows, to facilitate monitoring and
11 verification that eradication has been completed.

12 C. Harborage or rodent harborage. “Harborage” or “rodent harborage” means any condition that
13 provides shelter and protection for rodents. Harborage includes but is not limited to lumber, limbs, motor
14 vehicle bodies or parts, construction or demolition debris, overgrown vegetation, appliances, junk, waste
15 wood, scrap metal, or unlawfully deposited or stored garbage, litter, decaying animal or vegetable matter, or
16 any other articles that are deposited or maintained in an unlawful manner and that provide shelter and
17 protection for rodents.

18 D. Infestation or rodent infestation. “Infestation” or “rodent infestation” means the presence of
19 rodents on the premises as determined by the director to constitute a threat to the public health.

20 E. Material impervious to rodents. “Material impervious to rodents” means material used for
21 preventing rodents from gaining access into premises, including but not limited to glass, wood,
22 noncorrosive steel or iron and noncorrosive metal screen, concrete, masonry, steel wool, or other material
23 approved for exclusion of rodents from the premises.

1 F. Opening. "Opening" means any opening in a building or structure, including but not limited to
2 the foundation, basement, crawlspace, ground floor or any other floor, exterior and interior walls, decks,
3 porches, attics, roofs, chimneys, eaves, grills, windows, vents, vent pipes, ventilators, sidewalk grates and
4 other sidewalk openings, elevators, and space around any pipe, wire, or other installations connected with
5 buildings through which rodents can enter.

6 G. Premises. "Premises" means real property and any appurtenances upon, within, or connected
7 with it, including land, buildings, and structures.

8 H. Rodent-proof or rodent-proofing. "Rodent-proof" or "rodent-proofing" means construction,
9 maintenance, or repair of a building or premises which will prevent rodents from gaining entrance thereto,
10 or from gaining access to food, water, or harborage.

11 NEW SECTION. SECTION 17. There is hereby added to BOH Title 8 a new section to read as
12 follows:

13 **Duty to implement rodent-proofing and eradication; authority of director.** A. The owner or
14 occupant of premises shall:

15 1. Implement rodent-proofing and eradication measures to prevent rats, mice, or other rodents
16 from gaining access to or coming into contact with food, food products, animal food, or bird food;

17 2. Prevent the accumulation of materials capable of providing food or harborage for rodents,
18 including but not limited to garbage, litter, excrement, filth, lumber, limbs, firewood, motor vehicle bodies
19 or parts, construction or demolition debris, appliances, junk, waste wood, scrap metal, overgrown
20 vegetation, decaying animal or vegetable matter, and any other articles that provide shelter and protection
21 for rodents; and

22 3. Maintain all premises free from rats, mice, and other rodents.

1 B. The provisions of this chapter shall not apply to rodents lawfully confined either as pets or in
2 the custody of educational, medical, or other research organizations for educational or research purposes.

3 C. When the director determines it is necessary to prevent or eliminate a rodent infestation, or that
4 it is otherwise necessary for the protection of the public health against the spread of disease from rodents,
5 the director is authorized to order the owner or occupant of premises to take preventive and remedial rodent
6 control measures at the expense of the owner or occupant, including but not necessarily limited to:

- 7 1. Implementing rodent-proofing and/or eradication as set forth in this chapter; and
- 8 2. Completing an approved eradication program prior to building demolition.

9 NEW SECTION. SECTION 18. There is hereby added to BOH Title 8 a new section to read as
10 follows:

11 **Inspection and enforcement.** A. Whenever necessary to make an inspection to enforce or
12 determine compliance with the provisions of this chapter, or whenever the director has cause to believe that
13 a violation of any provision of this chapter has been or is being committed, the director may enter any land,
14 building, structure, or premises at reasonable times to inspect the same, provided such entry is consistent
15 with the constitutions and laws of the United States and the State of Washington.

16 B. The director is authorized to enforce this chapter in accordance with chapter 1.08 of this code.
17 This chapter shall not in any manner limit or restrict the authority of the director to enforce Seattle
18 Municipal Code Chapters 10.01, 10.24, and 10.34, as may hereafter be amended.

19 C. The director is also authorized to adopt rules consistent with this chapter for the purpose of
20 carrying out and enforcing its provisions.

21 NEW SECTION. SECTION 19. There is hereby added to BOH Title 8 a new section to read as
22 follows:

23 **Violation.** It is unlawful for any owner or occupant of real property to fail to comply with the

1 requirements of this chapter or any order of the director issued to carry out or enforce the requirements of
2 this chapter.

3 SECTION 20. Sections 14, 15, 16, 17, 18, and 19 of this rule should be codified as a new chapter
4 on rodent control in BOH Title 8.

5 SECTION 21. Those portions of the Seattle Health Code, as codified in Seattle Municipal Code
6 sections 10.24.040, 10.24.050, 10.24.060, and 10.24.070, adopted by the Metropolitan King County
7 Council pursuant to Ordinance 12098, Section 3, are hereby repealed.

8 SECTION 22. Severability. If any provision of this rule or its application to any person or
9 circumstance is held invalid, the remainder of the rule or the application of the provision to other persons or
10 circumstances is not affected.

11 SECTION 23. Effective date. This rule takes effect thirty days after its adoption.
12
13

14 Adopted this _____ day of _____, 2006.

15 KING COUNTY BOARD OF HEALTH
16 KING COUNTY, WASHINGTON
17
18
19

20 _____
21 Chair

22 ATTEST:
23
24
25
26

27 _____
28 Director of Health

29 BOH – Zoonotic Disease Prevention Title; Rodent Code