

#### **IC 16-41-34**

Chapter 34. Pest Control: Specific Provisions for Eradication of Rats

#### **IC 16-41-34-1**

**Repealed**

*(Repealed by P.L.142-1995, SEC.32.)*

#### **IC 16-41-34-2**

**Education programs**

Sec. 2. The township trustees and the boards of school trustees of the cities and towns shall make provisions in the public schools under their jurisdiction for the illustrative teaching of the following:

- (1) The dissemination of diseases by rats, flies, and mosquitoes.
- (2) The effects of the dissemination.
- (3) The prevention of diseases by the proper selection and consumption of food.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-34-3**

**Inspections**

Sec. 3. The state department and inspectors appointed by the state department and local health officers and inspectors appointed for the purpose, as provided in this section, may enter into and on all lands, places, buildings, structures, vessels, or watercraft for the purpose of ascertaining whether the places are infested with rats and whether the requirements of this article as to extermination and destruction of the rats are being complied with. A building occupied as a dwelling, hotel, or rooming house may not be entered for that purpose, except between 9 a.m. and 5 p.m. of any day.

*As added by P.L.2-1993, SEC.24.*

#### **IC 16-41-34-4**

**Extermination and destruction**

Sec. 4. (a) The:

- (1) executive of a county, with the consent of the fiscal body of the county; and
- (2) legislative body of a town or city;

whenever the executive or legislative body determines by resolution that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease communicable to humans, or when the executive or legislative body determines that it is necessary to prevent great damage to crops, grain, food, or other property, may appropriate money for the purchase of and may purchase poison, traps, and other materials for the purpose of eliminating and destroying rats in the county, town, or city.

(b) The county, town, or city may employ inspectors who shall prosecute the work of extermination and destruction under the direction of the executive or legislative body or the local health officer or board of health on both private and public property in the

county, town, or city.

(c) The inspectors may when necessary to carry out this article do the following:

- (1) Dig into the ground.
- (2) Remove parts of floors, walls, or other parts of buildings or structures.
- (3) Remove from one (1) place to another on the premises any other property when reasonably necessary to do so.

(d) The inspectors, after taking the necessary steps for the discovery and destruction of rats on any premises, shall restore the premises, as far as may be reasonably practicable, to the condition in which the premises were found.

*As added by P.L.2-1993, SEC.24.*

### **IC 16-41-34-5**

#### **Nuisance abatement; extermination and destruction of rats**

Sec. 5. (a) This section applies to a person who owns, leases, occupies, possesses, or has charge of any:

- (1) land;
- (2) place;
- (3) building;
- (4) structure;
- (5) stacks or quantities of:
  - (A) wood;
  - (B) hay;
  - (C) corn;
  - (D) wheat; or
  - (E) other grains or materials; or
- (6) vessel or watercraft;

that is infested with rats.

(b) If a person fails, neglects, or refuses to proceed to exterminate and destroy the rats, as required by this chapter, the state department or the state department's inspectors, and the local health officer or local board of health and the local board's inspectors shall at once cause the nuisance to be abated by exterminating and destroying the rats.

(c) The expense is a charge against the county, town, or city that has, by the county's, town's, or city's legislative body, ordered the destruction or extermination of rats, and the legislative body shall pay the expense.

(d) When the destruction of rats is ordered by the town or city legislative body, the clerk of the town or city shall at once file with the county auditor a certified statement of the expense of the extermination and the county auditor shall charge the amount expended for destroying rats against the property on which the nuisance was abated. The amount shall be collected as other taxes are collected. When collected the amount shall be paid to the county, town, or city to reimburse the county, city, or town for the amount paid out for the destruction of rats.

*As added by P.L.2-1993, SEC.24.*

### **IC 16-41-34-6**

#### **Inspectors' right of entry; penalty for obstruction**

Sec. 6. (a) A health officer or an inspector appointed under this article may, without a warrant, enter on or into any land, place, building, structure, or premises suspected of being rat infested for the discovery or destruction of rats.

(b) A person who obstructs a health officer or an inspector in the performance of the health officer's or inspector's duties commits a Class C infraction.

*As added by P.L.2-1993, SEC.24.*

### **IC 16-41-34-7**

#### **Allowing infestation; penalties**

Sec. 7. (a) A person who:

(1) owns, leases, occupies, possesses, or has charge of any:

(A) land;

(B) place;

(C) building;

(D) structure;

(E) stacks or quantities of:

(i) wood;

(ii) hay;

(iii) corn;

(iv) wheat; or

(v) other grains or materials; or

(F) vessel or water craft; and

(2) permits the areas listed in subdivision (1) to become rat infested;

commits a Class C infraction.

(b) A person who:

(1) permits an area listed in subsection (a) to become rat infested; and

(2) upon any knowledge or notice, fails to endeavor in good faith to exterminate the rats by poisoning, trapping, or other appropriate means such as that suggested by the state department or local health officers;

commits a Class C infraction.

*As added by P.L.2-1993, SEC.24.*

### **IC 16-41-34-8**

#### **Violations**

Sec. 8. (a) Except as otherwise provided, a person who recklessly violates or fails to comply with this chapter commits a Class B misdemeanor.

(b) Each day a violation continues constitutes a separate offense.

*As added by P.L.2-1993, SEC.24.*