

**ARTICLE 151**  
**RODENTS, INSECTS, AND OTHER PESTS**

**§151.01 Definitions.**

When used in this article:

- (a) **Conditions conducive to pests** means conditions of property construction, operation and maintenance in occupied or vacant property that promote or allow for the establishment of pest populations, their feeding, breeding and proliferation, and foster the creation of harborage conditions. Such conditions may include but are not limited to: the presence of weeds or other vegetation that are sources of food or shelter for rodents; accumulation of refuse and other material in or on which pests may find shelter, hide or nest; the presence of cracks, gaps or holes in building exteriors or interiors that enable the free movement of pests; the presence of food or water accessible to, and capable of, sustaining a pest population; or unsanitary conditions that attract pests.
- (b) **Harborage** means any condition that provides shelter or protection for rodents, insects or other pests.
- (c) **Person in control** means the owner, part owner, managing agent or occupant of premises or property, or any other person who has the use or custody of the same or any part thereof.
- (d) **Pest** includes any unwanted member of the Class Insecta, including but not limited to mosquitoes, or of the Order Rodentia, including but not limited to the Norway rat, and any other unwanted plant, animal or fungal life that the Department determines is a pest because it is destructive, annoying or a nuisance.
- (e) **Pest management** means ongoing prevention, monitoring and pest control activities and the elimination of rodents, insects or other pests from any building, lot, premise or vehicle. This includes, but is not limited to, the elimination of conditions conducive to pests and the use of traps and, when necessary, the use of pesticides.
- (f) **Pesticide** means (1) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and (2) any substance or mixture of substances intended as a plant regulator, defoliant or desiccant, as defined in Environmental Conservation Law §33-0101 (35), or successor law, and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. §136.
- (g) **Premises or property** means a commercial, private or public building or structure, including all rooms within the property as well as all public areas, halls, stairs, cellars, roofs, shafts, court yards, alleys and areas surrounding the structure. It shall also include all vacant lots, parks, streets and vehicles.

**§151.02 Prevention and pest management measures.**

- (a) *Properties shall be free of pests.* All premises capable of attracting or supporting rodents, insects and other pests shall be kept free from rodents, insects and other pests, and from any conditions conducive to pests. The person in control of such premises shall take such measures as may be necessary to prevent and control the harborage and free movement of rodents, insects or other pests.
- (b) *Waste shall be managed to prevent pests.* All garbage and other waste and recyclable materials shall be deposited in tightly covered, watertight receptacles made of a material type and grade that is resistant to rodents, insects and other pests until such time that

garbage and waste materials are moved to an area for a scheduled pickup, at which time they shall be placed in a suitable bag or other container acceptable to the Department, and to the City Departments of Sanitation and Housing Preservation and Development.

Receptacles used for liquid waste shall be constructed to hold contents without leakage.

- (c) *Pest management plans.* When the Department determines that, because of pest infestation or conditions conducive to pests, a written pest management plan is required, it shall order that a person in control of the premises write such a plan, maintain the plan in effect for such time as the Department shall specify, maintain a copy of the plan on the premises where the infestation or conditions were observed, and make a copy available, upon request, to the Department and, when specified by the Department, to occupants of the premises. In commercial and residential premises, when specified by the Department, the person in control of the premises shall post a sign at the building entrances stating that the pest management plan is in effect and identifying a location on the premises where a copy of the plan may be inspected. The plan shall include the following:
- (1) Pest management strategies that will be employed on such premises;
  - (2) A schedule for routine inspections, determined by the person in control, for conditions conducive to pests and the presence of pests;
  - (3) Actions to be taken when pests are present;
  - (4) Instructions to premises' occupants, tenants or other users on how to report the presence of pests to person(s) in control of the premises, with a notice conspicuously posted at building entrances indicating that such instructions are available and where occupants may obtain a copy;
  - (5) The name(s) and contact information for pest management businesses and/or professionals employed or contracted by the persons in control; and
  - (6) A log of visits by pest management professional(s) and the names of pesticides, if any, applied on each visit.
- (d) *Elimination of conditions conducive to pests and to the presence of pests.* When the Department determines that a premises has pests or conditions conducive to pest life, it may order person(s) in control to take such action as be required by the Department, including, but not limited to, the following:
- (1) Physically remove pest nests, waste, and other debris by vacuuming, washing surfaces, or otherwise collecting and discarding such debris.
  - (2) Eliminate existing routes of pest movement by sealing and repairing holes, gaps, and cracks in walls, ceilings, floors, molding, baseboards, around conduits, and around and within cabinets by the use of sealants, plaster, cement, wood or other durable materials.
  - (3) Eliminate existing harborages for pests by clearing interior and exterior debris and garbage, and clearing dense weeds, shrubs and other vegetation, if necessary.
  - (4) Remove existing sources of water for pests by draining standing water; repairing drains to prevent further accumulation of water; repairing leaks in faucets and plumbing; and maintaining the impermeability of roofs, ceilings, and exterior and interior walls.
  - (5) Eliminate existing sources of food for pests by keeping the property free of all types of waste and by regularly cleaning and maintaining areas where waste is stored and/or compacted before its removal.

- (e) The use of pesticides shall not substitute for pest management measures required by this section.

**§151.03 Elimination of standing water.**

- (a) Persons in control of premises other than a wetland regulated by federal, state or local law shall keep such premises free of accumulations of standing water.
- (b) Except for a wetland regulated by federal, state or local law, the Department may order the person(s) in control of any property including, but not limited to, a sunken lot, property below grade, excavation or any other place where standing water may collect, to fill in or drain such property or to employ other methods to prevent conditions conducive to the breeding or harborage of mosquitoes and other pests in a manner consistent with federal, state and local law.

**§151.04 Enforcement by the Department and other City agencies.**

Without limiting the authority of the Department, in addition to the Department, the City Departments of Buildings, Housing Preservation and Development and Sanitation are authorized to enforce this Article.

**§151.05 Notices of violation.**

- (a) *Designation of Environmental Control Board.* In accordance with §1049-a (c)(2) of the Charter, a notice of violation ("NOV") citing a violation of any provision of this Article may be made returnable to the Environmental Control Board in addition to the Administrative Tribunal established pursuant to Article 7 of this Code.
- (b) *Service of a notice of violation.* A notice of violation shall be served by delivery to an owner or other person in control of property or premises, upon a member of the partnership, limited liability company or other group, upon an officer, director or managing agent of a corporation, or upon any other person of suitable age and discretion owning or in control of such property. Service may be made to such person(s) at the address of the premises that is the subject of the NOV or at such person's last known residence or business address,
  - (1) By personal delivery in accordance with Article 3 of the New York Civil Practice Law and Rules or Article 3 of the Business Corporation Law; or
  - (2) By mail delivered by the U.S. Postal Service or by any other type of mailing service. Documentation of mailing shall be sufficient proof of service of the notice of violation.