

ORDINANCE # 2016-04 - MOSQUITO CONTROL

SECTION 1: PURPOSE

It is the intent of these regulations to control and reduce the mosquito population by removing, draining, treating, altering, or otherwise eliminating breeding sources for mosquitoes. The goal is to establish an effective program of mosquito control through such things as the elimination or treatment of breeding sources for mosquitoes, elimination of identified mosquito populations, and alleviation of all other such conditions found to be conducive to the reproduction or continued existence of mosquitoes. The **CITY OF RIESEL** will have primary responsibility for enforcement. The Waco McLennan County Public Health District will provide technical assistance and support to inspectors/enforcement officers for the **CITY OF RIESEL** who enforce this *ordinance/order*.

SECTION 2: DEFINITIONS

(a) "Artificial Container" means any bucket, barrel, tire, bottle, tub, tank, gutter, bird bath, swimming pool, ornamental pond, flower pot, jar or any other such manmade items capable of collecting water.

(b) "Breeding Source" means any condition capable of sustaining the reproduction of mosquitoes. This shall include both artificial container and natural conditions or containers.

(c) "Director" means the Director of the Waco McLennan County Public Health District. The term also means the authorized representative of the Director.

(d) "Enforcement Officer" shall mean ^{City}Secretary or a designated representative. [Each city or the County needs to designate an enforcement officer, who will be the person with primary responsibility for enforcement of the ordinance.]

(e) "EPA" means the U.S. Environmental Protection Agency.

(f) "Evidence of Mosquito Breeding" means the natural presence of mosquito larva, pupa, or their remains.

(g) "Insecticide" means a chemical agent which kills or prevents the reproduction of insects.

(h) "Larva" means the immature, fully aquatic stage of mosquito development in which the insect appears as a small, wingless, worm-like form.

(i) "Larvicide" means a chemical agent which kills or prevents the reproduction of mosquito larvae.

(j) "Mosquito" means a small long legged, two winged insect of the family Culicidae, in which the female of the species is distinguished by a long proboscis for sucking blood.

(k) "Occupant" means the person who has the use of or occupies any building or any part thereof or who has the use or possession, actual or constructive, of the premises whether the owner or tenant. In the case of vacant buildings or vacant portions of a building, or in case of occupancy in whole or in part by the owner, the owner of the building shall be deemed to be, and shall have the responsibility of an occupant of such building.

(l) "Owner" means the person owning the building or premises.

(m) "Natural body of water" means any spring, stream, pond, lake, or wetland that was historically present in a natural state but may have been physically altered over time. A pond built in an area where there was no surface water or wetland present is not a natural body of water.

(n) "Person" means individuals, firms, partnerships, associations, public or private institutions, municipalities, political subdivisions of the State of Texas, governmental agencies, and public or private corporations.

(o) "Premises" means a parcel of real property, including all buildings and structures located thereon.

(p) "Pupa" means the immature, fully aquatic stage of mosquito development immediately following the larval stage and preceding the adult form in which the insect appears as a small, wingless, worm-like shape with a greatly enlarged head.

(q) "Stock tank" means a man made pond or artificial container used to provide drinking water for livestock such as cattle or horses.

SECTION 3: GENERAL PROVISIONS

All premises within the **CITY OF RIESEL** shall be maintained in such a manner as to prevent the breeding of mosquitoes on the premises. Artificial containers, ditches, streams, and all other such sources of standing water or other liquid that serve as breeding sources must be removed, drained, treated, altered, maintained, or otherwise eliminated by the person occupying the premises or, in the absence of an occupant, by the owner, in such a manner as to prevent the breeding of mosquitoes. Where there is evidence of mosquito breeding, effective methods of eliminating and treating mosquito breeding sources shall be instigated by the person occupying the premises, or in the absence of an occupant, by the owner, within 48 hours after discovering or being informed of the evidence of mosquito breeding on the premises. The owner or occupant of a premise with a natural body of water shall not be responsible for maintaining such natural body of water to eliminate mosquito breeding, but shall cooperate with {city or County} and Health District officials in eliminating the breeding source if the natural body of water is suspected of or has been determined to be a breeding source. The owner or occupant of premises with a stock tank shall manage the stock tank to minimize breeding of mosquitoes without using any substance that will impair the use of the water for livestock.

SECTION 4: METHODS OF ELIMINATING AND TREATING MOSQUITO BREEDING SOURCES.

Breeding sources for mosquitoes shall be treated by one or more of the following methods to eliminate the breeding source:

(a) Filling, draining, removing, or otherwise eliminating the breeding source.

(b) Completely emptying the breeding source of all water at least every five (5) calendar days. Where an artificial container is a water basin (such as a swimming pool, pond, bird bath, etc.) designed for the purpose of holding water, such containers shall be maintained or altered to prevent mosquito breeding or be removed.

(c) Treating the breeding source with an effective insecticide and/or larvicide in accordance with the label and/or directions established with the EPA.

(d) Completely emptying artificial containers of all liquid and storing in an enclosed structure which is constructed in such a manner as to prevent the permanent collection of liquid in said containers.

(e) Proper disposal, by removal or destruction, of cans, boxes, broken or empty bottles, discarded vehicle tires, and similar objects likely to hold water.

(e) Maintain all natural or manmade storm or surface water drainways in a manner to prevent the ponding of water sufficient to provide breeding for mosquitoes.

(f) Other methods proven to be effective in controlling mosquitoes as approved by the Enforcement Officer.

SECTION 5: RIGHT OF ENTRY - INSPECTION

(a) The Enforcement Officer shall have the right of entry upon any premises where entry is necessary to carry out the provisions of this Ordinance. If consent for entry is not given or obtained, an administrative search and inspection warrant shall be obtained. If an imminent hazard exists, no warrant is required for entry upon the premises.

(b) The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding therein, and failure to prevent such breeding within three (3) calendar days after notice by the Enforcement Officer shall be deemed a violation of this article.

(c) Should the occupant, owner, or other person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same within three days after due notice has been given to him or her, the Enforcement Officer is hereby authorized to do so, and all necessary cost incurred by him for this purpose shall be charged against the occupant, owner, or other person offending, as the case may be.

SECTION 6: HEALTH DISTRICT ACTION **[OPTIONAL SECTION]**

Where the existence of a mosquito population presents an imminent threat to the health of the community, the Director is authorized to take action to enforce this ordinance. Before taking such action, the Director shall notify the Enforcement Office. The Director may then notify the owner, occupant or other person responsible for the conditions of actions required to eliminate a mosquito breeding source. Failure to comply with said notice within 48 hours of receiving said notice shall constitute a violation of this ordinance.

SECTION 7: NOTICE

Whenever this ordinance provides for notice to be given to a person, that notice may be given by delivering a written notice to the person or by mailing a written notice to the person.

SECTION 8: PENALTIES AND REMEDIES

In addition to any other remedy provide by this ordinance or other law, any person who violates any provision of this Ordinance shall be guilty of a class C misdemeanor, the penalty for which shall be a fine of up to \$200.00. Each day the violation exists shall be a separate violation.

SECTION 9: SEVERABILITY

If any provision or clause of this ordinance (*or order*) shall be declared invalid, such declaration shall not invalidate any other provision or clause of this ordinance (*or order*).

SECTION 10: CONFLICTING PROVISIONS REPEALED

All ordinances or parts of ordinances [*or order*] in conflict with the provisions of this ordinance [*or order*] are hereby repealed.

SECTION 11:

It is hereby officially found and determined that the meeting at which this ordinance [*order*] is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required.

PASSED this 16th day of August, 2016.

Ray Fitzpatrick
MAYOR

Attest:

Alisha Hanary
CITY SECRETARY

