



LINCOLN COUNTY BOARD OF HEALTH LOCAL RULES GOVERNING MOSQUITO CONTROL



Be it ordained by the Lincoln County Board of Health that the following regulations governing the control of mosquitoes through removing, filling, draining, emptying, treating, altering, or otherwise eliminating mosquito breeding sources, for the express purpose of protecting the public health, are hereby adopted pursuant to Chapter 130A-39(a) of the General Statutes of North Carolina. These regulations shall apply throughout Lincoln County, including, but not limited to, all cities and towns, whether incorporated or unincorporated.

SECTION 1: PURPOSE

It is the intent of these regulations to control and reduce the mosquito population of Lincoln County by removing, draining, treating, altering, or otherwise eliminating all breeding sources for mosquitoes. The Lincoln County Health Department shall establish an effective program of mosquito control, including, but not limited to, 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. This shall be accomplished through the processes of education and public information, conference, conciliation, persuasion, and these having failed, by administrative and judicial proceedings for the explicit purpose of controlling the breeding of mosquitoes, the presence of which constitute a danger to the public health, impair the comfort and convenience of the residents, and jeopardize enjoyment of life and property.

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 area capable of sustaining the reproduction of mosquitoes.
- (c) "Board of Health" means the Lincoln County Board of Health.
- (d) "Director" means the Health Director for Lincoln County. The term also means the authorized representative of the Director.
- (e) "Evidence of Mosquito Breeding" means the natural presence of mosquito larva, pupa, or their remains.
- (f) "Insecticide" means a chemical agent which kills or prevents the reproduction of insects.
- (g) "Larva" means the immature, fully aquatic stage of mosquito development in which the insect appears as a small, wingless, worm-like form.
- (h) "Larvicide" means a chemical agent which kills or prevents the reproduction of mosquito larvae.
- (i) "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.
- (j) "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.

- (k) "Owner" means the person owning the building or premises.
- (l) "Person" means individuals, firms, partnerships, associations, public or private institutions, municipalities, political subdivisions of the state of North Carolina, governmental agencies or public or private corporations.
- (m) "Premises" means a parcel of real property, including all buildings and structures located thereon.
- (n) "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.

SECTION 3: GENERAL PROVISIONS

All premises within Lincoln County shall be maintained in such a manner as to prevent the breeding of mosquitoes on the premises. Artificial containers, ditches, streams, flooded areas, and all other such sources of standing water or other liquid where mosquitoes are breeding, 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.

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

Breeding sources for mosquitoes shall be eliminated or treated by one or more of the following methods as shall be approved by the Director.

- (a) Filling, draining, removing, or otherwise eliminating the breeding source.
- (b) Completely emptying the breeding source of all water at least every seven (7) days or as approved by the Director. Where an artificial container is a water basin (e.g. swimming pool) designed to hold 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 approved by the Director.
- (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) 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 and as approved by the Director.

SECTION 5: RIGHT OF ENTRY – INSPECTION

The Director 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 pursuant to G.S. 15-27. However, if an imminent hazard exists, no warrant is required for entry upon the premises.

SECTION 6: PENALTIES AND REMEDIES

- (a) Any person who violates any provision of these rules shall be guilty of a misdemeanor in accordance with NCGS 14-4 and punished by a fine not to exceed five hundred dollars (\$500.00)
- (b) The Director may bring a civil proceeding in the Lincoln County Superior Court to enforce the provisions of these rules in accordance with Article 1 Part 2 of Chapter 130A of the General Statutes of the State of North Carolina.

SECTION 7: SEVERABILITY

If any provision or clause of these rules shall be declared invalid, such declaration shall not invalidate any other provision or clause of these rules.

SECTION 8: PRIOR RULES AND REGULATIONS REPEALED

All ordinances, rules, and regulations heretofore adopted by the Lincoln County Board of Health regulating mosquito control are hereby repealed.

SECTION 9: EFFECTIVE DATE

These regulations shall be in full force and effective from and after February 1, 2002.

These proposed rules were approved on December 4, 2001, by the Lincoln County Board of Health to be posted to the public for a 10-day comment period in accordance with NCGS 130A-39. Public comments should be submitted in writing by 5:00 p.m., Monday, January 7, 2002, to:
Margaret B. Dollar, M.Ed.
Public Health Director
151 Sigmon Road
Lincolnton, NC 28092

With no public comments received, the Lincoln County Board of Health unanimously approved these rules at its meeting on January 8, 2002, to be effective Feb. 1, 2002. The rules were presented to the Lincoln County Board of Commissioners for their information at the January 21, 2002 Commission meeting.

Dr. Karen Miller, DVM 1-8-02
Chairman - Lincoln County
Board of Health