



Cabell-Huntington Health Department

703 Seventh Avenue / Huntington, West Virginia 25701

(304) 523-6483

Michael E. Kilkenny, MD, MS
Physician Director

Cabell-Huntington Board of Health

Regulation Governing Mosquito Control

Be it ordained by the Cabell-Huntington Board of Health that the following regulation 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 WEST VIRGINIA CODE § 16-2-11 (3). This regulation shall apply throughout Cabell County and the City of Huntington, 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 Cabell County and the City of Huntington by removing, draining, treating, altering, or otherwise eliminating all breeding and harborage sources for mosquitoes. The Cabell-Huntington 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, cup, 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 Cabell-Huntington Board of Health.
- (d) "Director" means the Health Officer for the Cabell-Huntington Health Department. The term also means the authorized representatives of the Director.

(e) "Evidence of Mosquito Breeding" means the natural presence of mosquito larvae, pupae, 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 extracting blood meals.

(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 West Virginia, 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 fourth larval stage and preceding the adult form in which the insect appears as a small, wingless, worm-like shape with a greatly enlarged head.

(o) "Harborage" means any condition which provides shelter or protection for mosquitoes, favors their multiplication and continued existence in, under and outside a structure or premises.

(p) "Nuisance" means any act or condition which endangers the public health.

(q) "Source reduction" means the physical and/or water management of mosquito breeding areas to reduce the area's suitability for mosquito breeding.

SECTION 3: GENERAL PROVISIONS

All premises within Cabell County and the City of Huntington shall be maintained in such a manner as to prevent the breeding or harborage 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 or harborage, effective methods of eliminating and treating mosquito breeding sources and harborage areas shall be started by the owner, or the owner's delegee within 72 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 and harborage areas 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. Treatment shall be done once a month between the months of April through October.
- (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 drain ways in a manner to prevent the ponding of water sufficient to provide breeding for mosquitoes.
- (f) Tire business shall properly store tires at each facility in accordance with local, state and federal law. To eliminate potential nuisances of litter, insect breeding, fire hazards and other planning and safety risks, each tire business shall at all times during storage:
 - 1) Store tires in covered or enclosed areas, or under an impermeable cover, in accordance with applicable planning and safety laws, included but not limited to the City's current Fire Code or Property Maintenance Code, to prevent accumulation of water.
- (g) Residential storage of more than four (4) tires is prohibited:
 - 1) Exceptions are for use as swings, planters or playground equipment, provided that the tire(s) are prevented from collecting water.
- (h) Providing and maintaining gutters, leaders or downspouts in good working condition to provide proper drainage of storm water.

(i) Other methods proven to be effective in controlling mosquitoes and as approved by the Director.

SECTION 4: EVIDENCE OF VIOLATION

The presence of significant numbers of adult mosquitoes, mosquito larvae or pupae in collections of water shall be evidence that mosquitoes are breeding there and failure to prevent such breeding within 7 days after notice by the Director shall be deemed a violation of this regulation.

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 Regulation.

SECTION 6: PENALTIES AND REMEDIES

(a) Any person who violates any provision of this regulation shall be guilty of a misdemeanor in accordance with WEST VIRGINIA CODE § 16-2-15 ET SEQ. and may be punished by a fine of not less than two hundred dollars and not more than one thousand dollars.


SECTION 7: SEVERABILITY

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

SECTION 8: EFFECTIVE DATE

These regulations shall be in full force and effective thirty (30) days from and after the date of its adoption.

Adopted April 26, 2016 by the Cabell-Huntington Board of Health



Harriette Cyrus, Chairwoman