

ARTICLE XIX

MOSQUITO CONTROL

19.1.0 Declaration of Policy

It is hereby declared to be the health policy of the Rockland Health District to suppress and abate all non-essential water sources in which mosquitoes may breed, as this is detrimental to the life and public health of all citizens in Rockland County. It is further the policy of the Rockland Health District to reduce mosquito-breeding potential in essential and non-essential water where it may exist.

19.2.0 Definitions

The following is a list of terms and definitions, which will be used in this Article:

19.2.1 **As-Built**

The term “**as-built**” means a drawing signed by a Licensed NYS Professional Engineer, which depicts actual field conditions.

19.2.2 **Catch Basin**

The term “**catch basin**” means an inlet to a storm drain system that typically includes a grate or curb inlet that permits stormwater to enter. It may also be known as a storm drain or curb inlet.

19.2.3 **Detention Basin**

The term “**detention basin**” means a structure that temporarily stores storm runoff so a controlled outflow can empty the area.

19.2.4 **Dry Well**

The term “**dry well**” means an underground structure that receives stormwater runoff and dissipates water into the ground.

19.2.5 **Essential Water**

The term “**essential water**” means any water that serves an intended purpose and may breed mosquitoes. Examples may include but are not limited to birdbaths, potting containers and horse watering troughs.

19.2.6 **Field Change**

The term “**field change**” means any change made during construction at variance to the approved plan. Elimination of structures such as liners, piping outlet structures or changes in elevation are not field changes.

19.2.7 **Level Spreader**

The term “**level spreader**” means a structure designed to uniformly distribute concentrated flow of stormwater over a large area.

19.2.8 **Non-Essential Water**

The term “**non-essential water**” means any water that serves no intended purpose and may breed mosquitoes. Examples may include but not limited to water found in or on tires, wheelbarrows, buckets, swimming pool covers, poorly graded properties or ill maintained rain gutters.

19.2.9 **Receptacle**

The term “**receptacle**” means any object capable of accumulating water in which mosquitoes may breed. Examples include but are not limited to wheelbarrows, buckets, and plastic containers.

19.2.10 **Recharge Basin**

The term “**recharge basin**” means a basin or pit excavated to provide a means of allowing water to soak into the ground at rates exceeding those that would occur naturally.

19.2.11 **Retention Basin**

The term “**retention basin**” means a structure that receives stormwater runoff and does not discharge directly to a surface water body.

19.2.12 **Suppress**

The term “**suppress**” is the act of reducing mosquito-breeding potential by mechanical, biological or chemical means.

19.2.13 **Stormwater Facility**

The term “**stormwater facility**” means any structure that is intended to receive stormwater runoff. This may include but is not limited to Detention Basins, Retention Basins, Recharge Basins, Catch Basins, Dry Wells, Level Spreaders and Underground Chambers.

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**19.2.14 Underground Chamber**

The term “**underground chamber**” means a structure located below grade that receives stormwater runoff and either discharges that water or permits water to infiltrate into surrounding soils.

**19.3.0 Severability**

If any provision of this Article or its application to any person or circumstance is held to be invalid, the remainder of this Article and the application of that provision to other persons or circumstances will not be affected.

**19.4.0 Powers of the Commissioner**

- 19.4.1 The Commissioner may make, or cause to be made, any investigation or study which, in her opinion, is necessary for enforcing this Article or controlling or reducing mosquito breeding potential within the Rockland Health District.
- 19.4.2 The Commissioner may order the owner, agent or occupant, or any person in possession of any land, structure, or equipment to take whatever action is necessary in the opinion of the Commissioner to bring the land, structure, or equipment into compliance with the provisions of this code.
- 19.4.3 The Commissioner may set additional standards for the suppression of mosquito breeding which are necessary to carry out the purpose of this Article.
- 19.4.4 The Commissioner or her duly authorized representative may enter upon any premises to remove or suppress any non-essential water sources if the owner, agents or occupant fails to comply with any section of this Article.
- 19.4.5 The Commissioner or her duly authorized representative may take actions to suppress mosquito breeding, if the owner, agent or occupants fails to comply with any section of this Article.
- 19.4.6 The owner, agent or occupant in the manner prescribed in Public Health Law Sections 1306 and 1307 shall pay any expense associated with Section 19.4.4 or 19.4.5.

**19.5.0 Commissioner’s Duty to Investigate**

The Commissioner or her duly authorized representative shall receive and explore all complaints made by any inhabitant of the Rockland Health District concerning mosquito nuisances and may request such complaints to be made in writing.

- 19.5.1 The Commissioner or her duly authorized representative may enter upon or within any place or premises, where essential or non-essential water sources exist or are believed to exist in which mosquitoes may breed to inspect or examine same.

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19.5.2 The owner, agent, or occupant of any premises shall permit sanitary examinations and inspections to be made pursuant to the provisions of this Article, Article I of the Sanitary Code and Title 1 of Article XIII of the Public Health Law. Failure to permit sanitary inspections is a violation of this Article.

19.5.3 The Commissioner shall furnish the owners, agents or occupants of the premises with a written statement of the results and conclusions of an examination or inspection conducted pursuant to this Article upon request.

### **19.6.0 Prohibitions**

It shall be unlawful and a violation of this Article for the owner, agent or occupant of any premises, within the Rockland County Health District, to permit or allow the breeding of mosquitoes to exist in any essential and non-essential water sources on any place or premises.

### **19.7.0 Enforcement**

Any person who violates any of the provisions of this Article, or any order issued by the Commissioner, shall be liable for the civil, administrative and criminal penalties set forth in Article I of the Rockland County Sanitary Code and Section 309 and 348 of the New York State Public Health Law.

### **19.8.0 Prevention and Control**

19.8.1 The owner, agent or occupant of a premises shall store receptacles capable of collecting non-essential water in an enclosed weather tight structure, or in a manner acceptable to this Department. Such receptacle shall be emptied of water prior to storage.

19.8.2 The owner, agent or occupant of a premises shall store tires capable of collecting non-essential water in an enclosed weather tight structure, or in a manner acceptable to this Department. Tires shall be emptied of water prior to storage.

19.8.3 The owner, agent or occupant of a premises shall maintain rain gutters, or other water conveying devices in a manner that prevents standing water, which may provide mosquito-breeding habitat.

19.8.4 The owner, agent or occupant of a premises shall maintain all existing water drainage pipes, swales or devices clear of debris to facilitate water runoff, which may provide mosquito-breeding habitat.

19.8.5 The owner, agent or occupant of a premises shall grade the landscape of the premises in a manner that prevents non-essential water from collecting on the ground surface. Depression, tire ruts, holes, or other areas that accumulate non-essential water shall be filled or graded in a manner to eliminate standing water which may provide mosquito-breeding habitat.

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- 19.8.6 Between April 1 and October 31, the owner, agent or occupant of a premise shall maintain swimming and wading pools and any other objects with similar intent, and associated covering devices in a manner that prevents mosquito breeding. Acceptable methods may include but are not limited to: Free of accumulated water, active circulation and disinfection system, effectively treated with chemical or biological control agent(s) in accordance with NYS Department of Environmental Conservation, exclusion of adult mosquitoes.
- 19.8.7 All chemical or biological treatments performed to gain compliance with any section of this Article must include posting in a conspicuous location adjacent to the treatment area or in a Department approved location. Posting must include the following: Date of application, applicator's name, telephone number, Material used, amount used and a copy of the label, if applicable.
- 19.8.8 The owner, agent or occupant shall take all necessary actions to prohibit mosquitoes from breeding in receptacles, whether containing essential or non-essential water, located on the premises. Actions include but are not limited to daily removal or changing of water, chemical or biological larvicide or other necessary actions.

### **19.9.0 Preventative Measures**

- 19.9.1 Design Plans for new Stormwater facilities within the Rockland Health District must be submitted to and approved by this Office at least 30 days prior to construction.
- 19.9.2 Construction or installation of a stormwater facility without approval as required by Section 19.9.1 is a violation of this Article.
- 19.9.3 Construction or installation of a stormwater facility at variance to approved plans as required by Section 19.9.1 is a violation of this Article.
- 19.9.4 Prior to covering any structures at an approved stormwater facility that will no longer be clearly visible (i.e. dry wells, basin under drain piping or underground chambers etc.), notification must be made to this Office at least 48 hours in advance so that an inspection may be performed.
- 19.9.5 Stormwater facility as-built plans must be submitted to this office within 30 days of completion of any stormwater facility.
- 19.9.6 Failure to maintain a stormwater facility such that the facility does not function as per the design plans is a violation of this Article.
- 19.9.7 A Mosquito Breeding Suppression Plan (MBSP) shall be submitted to and approved by this Office at least 30 days prior to construction of a new stormwater facility. The MBSP shall describe actions to be implemented to reduce mosquito breeding potential at all new stormwater facilities. Effective actions may include, but are not limited to design standards that prevent breeding, chemical or biological treatment or the installation of an aeration system.

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- 19.9.8 Failure to implement the approved Mosquito Breeding Suppression Plan is a violation of this Article.
- 19.9.9 Should mosquito breeding be discovered at a stormwater facility that was constructed prior to the effective date of this code, the Owner will be required to submit and implement an effective Mosquito Breeding Suppression Plan to control the mosquito breeding.
- 19.9.10 The Commissioner shall establish fees for review and approval of Stormwater facilities and Mosquito Breeding Suppression Plans.

**19.10 .0 Effective Date**

The effective date of regulation: July 1, 2000.  
Revised: December 19, 2001, March 27, 2002  
Entire Code Revised: April 16, 2008.