

ORDINANCE NO: 2003- OR- 10

**AN ORDINANCE ESTABLISHING REGULATIONS AND PENALTIES  
FOR THE CONTROL OF MOSQUITOES**

**WHEREAS**, the Administration of the City of Charlestown had deemed the recent nationwide outbreak of Mosquito related illnesses to be a potential threat to the citizens of the City of Charlestown; and

**WHEREAS**, it is advisable for the Common Council for the City of Charlestown an Ordinance establishing standards and regulations for the control of mosquitoes, and

**Now, therefore**, be it ordained by the Common Council of the City of Charlestown, Indiana as follows:

**I.**

**Eliminating Conditions Favorable to Mosquito Growth**

No person(s), business and/or property owner shall own, maintain, or allow to exist, any of the following condition(s) that may harbor or create, or have the potential to harbor mosquitoes:

- (A) Storage of used tires in such a manner that may allow them to accumulate water.
- (B) Maintaining unlicensed, junk, inoperable, or dismantled vehicles.
- (C) Dilapidated structures containing untreated natural wood products, which are exposed to the elements of nature.
- (D) Allowing grass and/or weeds to grow to a height exceeding twelve (12) inches.
- (E) Allowing standing water to pool on any property or structure for a period of time exceeding five (5) consecutive rainfall free days.
- (F) Possessing or storing drums, barrels, cups, bottles and/or open container(s) or other similar water containers which are allowed to retain standing water for a period of time exceeding five (5) consecutive rainfall free days.

**II.**

**Duty to Prevent Proliferation of Mosquitoes**

Anyone owning or occupying properties upon which are located drainage ditches, spillways, water wells, retention basins, detention basins, creeks, ponds, rivers, and/or lakes must maintain that property in such a manner as to discourage prevent the proliferation of mosquito populations by observing the following procedures:

- (A) All refuse and debris in and around such areas must be removed;
- (B) Grass and weeds must not be allowed to reach a height exceeding 12 inches.
- (C) Dead animal carcasses shall be removed within eighteen hours.

### **III.**

#### **Responsibility for the condition of property in violation of this ordinance.**

**Owners/Occupants.** For the purpose of this ordinance, the person responsible for the condition of any premises is the owner of the premises as well as any other person or legal entity using or occupying the same. In case the premises are used or occupied by two (2) or more tenants of a common landlord, or grounds appurtenant to a house occupied by two (2) or more tenants of a common landlord, then the landlord and both tenants shall be responsible. Each tenant, however, is only responsible for that part of the premises that he or she occupies to the exclusion of the other tenant.

**Others Causing Violations.** Any person who has caused to exist, on any premises which he or she is not the owner, landlord, occupant or tenant of, any collection of water in which mosquitoes breed or are likely to breed is responsible, as well as the owner landlord, tenant or occupant, as the case may be.

### **IV.**

#### **Right of entry to enforce ordinance.**

For the purpose of enforcing the provisions of this ordinance, the board of public works, or its designees may, upon having probable cause to believe a violation of this ordinance is or may be occurring, enter in and upon any premises within the city for purposes of an inspection for mosquito control or to effect eradication of mosquitoes.

### **V.**

#### **Prescribed methods of treatment of collections of water in which mosquito's breed or are likely to breed.**

The following is a prescribed method of treatment of collections of water in which mosquitoes breed or are likely to breed, any variation of these prescribed methods must be approved by the board of Public Works, or its designee:

- (A) Screening with wire netting of at least sixteen (16) meshes to the inch each way, or any other material, which will effectually prevent the ingress or egress of mosquitoes.
- (B) Complete emptying every five (5) days of unscreened containers, together with Their thorough drying or cleaning.
- (C) Using a larvicide approved and applied under the direction of the director of the

board of public works and safety or its designee.

- (D) Covering completely the surface of the water with paraffin Oil once every five (5) days.
- (E) Cleaning and keeping sufficiently free from vegetable growth and other obstructions and stocking with mosquito destroying fish.
- (F) Filling or draining to the satisfaction of the board of public works and safety or its designee(s).
- (G) Proper disposal, by removal or destruction, of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

## **VI. Penalties**

**First Violation.** Any person or entity in violation of this ordinance may be fined \$100 for the first day a violation occurs and \$50.00 for each day thereafter in which the property has not been brought into compliance with the requirements of this ordinance.

**Second Violation in 12 Months.** The second (2<sup>nd</sup>) or subsequent violation of this ordinance for the same property, within a 12 month time frame, shall result in the property being declared a severe safety hazard and the owner fined a minimum of Two Hundred Fifty Dollars (\$250) up to One Thousand Dollars (\$1000), for each day the violation continues.

**Right to Enter and Remedy.** If a violation continues for more than seven (7) days after the person responsible for the condition of any the premises has been notified in writing of a violation of this ordinance, then the board of public works and safety may take steps necessary to bring the property(s) into compliance with this ordinance and all necessary cost incurred for that purpose shall be a charge against the owner of the affected property(s).

## **VII. Miscellaneous Provisions**

**Effective date.** This ordinance shall become effective fourteen (14) days after its passage, approval and publication, if publication is required by law.

**Each Section Adopted Separately.** Each section of this ordinance is adopted separately. In the event that any provision, part or section of this ordinance is deemed to be illegal or invalid only that part or section shall be repealed. The remaining parts or sections of the ordinance shall remain in effect.

**Ordinance Subject To Other Laws.** This ordinance does not supercede Federal or State laws, statutes or regulations, except as allowed.

ALL OF WHICH IS ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2003.

	Voted In Favor	Voted Against	Abstained
<u>Bruce M. Bottorff</u> Bruce Bottorff, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Ward Tackett</u> Ward Tackett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Terry Pierce	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Ed Bolly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Michael Anthony Jackson</u> Michael Anthony Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SEEN AND APPROVED THIS 3rd DAY OF March 2003, BY:

G. Robert Hall  
Mayor G. Robert Hall

ATTEST:

3-3-03  
Date

Donna Coomer  
Donna Coomer