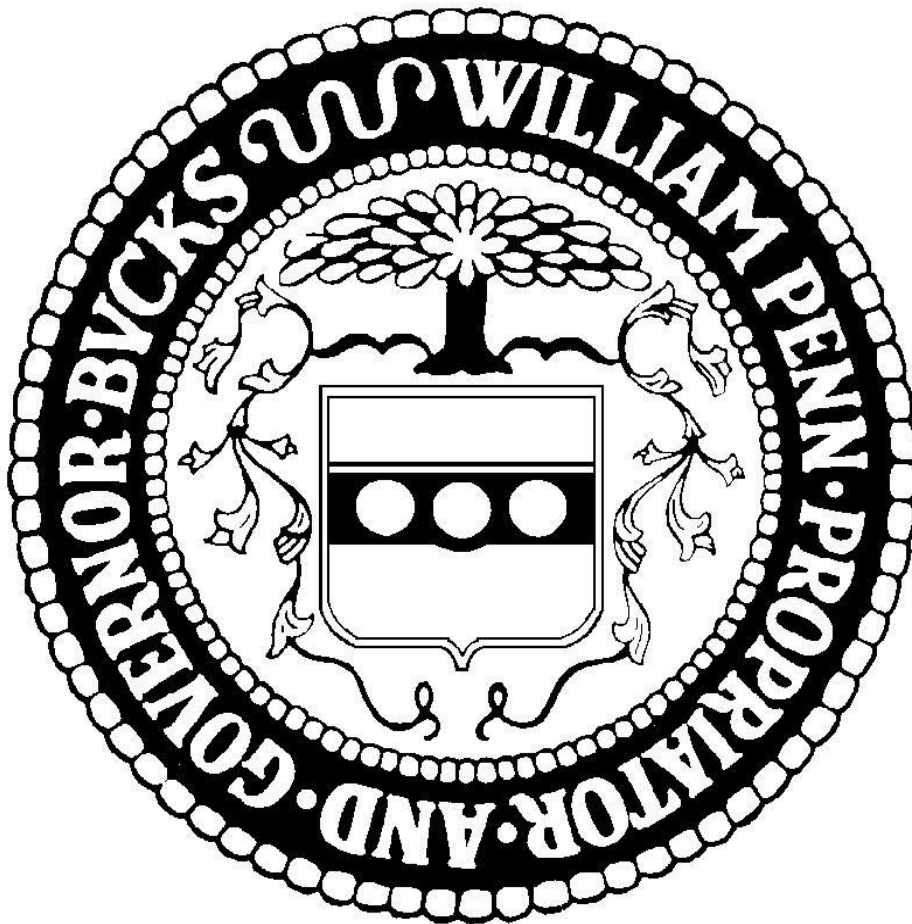


BUCKS COUNTY DEPARTMENT OF HEALTH
RULES AND REGULATIONS
PERTAINING TO
DISEASE VECTOR CONTROL



EFFECTIVE DATE: May 26, 2009

**BUCKS COUNTY DEPARTMENT OF HEALTH
RULES AND REGULATIONS
PERTAINING TO
DISEASE VECTOR CONTROL**

SECTION ONE-GENERAL PROVISIONS

1.1 Legal Authority

Under the provisions of the "Local Health Administration Law", Act No. 315, approved August 24, 1951, P.L. 1304, 16 P.S. § 2150 (b) and (c). The following Rules and Regulations are hereby adopted.

1.2 Provisions

The provisions of these rules and regulations shall apply to all municipalities in Bucks County within the jurisdiction of the Department and shall apply equally to all persons.

Nothing contained in these rules and regulations shall excuse non-compliance with other regulations, ordinances or codes of any local municipal agency relating to rodents or vector control, sanitation, or construction, including the Pennsylvania Pesticide Control Act of 1973 (3 P.S. § § 111-21-111.61), 7 PA. Code, Chapter 128, Pesticides.

1.3 Rules and Regulations

These Rules and Regulations shall supersede the previously adopted Rules and Regulations effective October 1, 1993, entitled, "Rules and Regulations Pertaining to Disease Vector Control".

SECTION TWO-DEFINITIONS

2.1 List of Definitions.

The following definitions shall apply in the interpretation of these Rules and Regulations.

- (a) **Act** - The Pennsylvania Pesticide Control Act of 1973 (3 P.S. § §111.21-111.61).
- (b) **Business Building** - shall mean any structure, whether public or private that is adapted for transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotels and motels, apartment(s), apartment complexes, rooming houses, rented homes, office buildings, public buildings, stores, movie theaters, retail stores, food establishments, grain elevators, abattoirs warehouses, work shops, factories, and all premises sheds, barns and any other structures used for business purposes.
- (c) **Department** - shall mean the Bucks County Department of Health.
- (d) **Extermination** - used herein shall mean, the use of a Certified Pesticide Applicator who is licensed to utilize restricted pesticides in their exterminating

business within the Commonwealth under the regulations, set forth in the Pennsylvania Pesticide Control Act of 1973, and 7 PA Code, Chapter 128.

- (e) **Infestation** - shall mean the presence of any disease vector on a premise or premises located within the County of Bucks in numbers great enough to pose a hazard to the public health.
- (f) **Insect Proofing** - as used herein shall mean construction to prevent the ingress of insect vectors into a building from the exterior, or from one building or establishment to another, utilizing materials designed to inhibit insect infestation through any and all actual or potential openings in exterior walls, foundations, basements, drain and pipe fittings and window and door openings.
- (g) **Municipality** - means a Township or Borough.
- (h) **Person** - shall include any individual, landowner (which is defined as any person holding title to or having a proprietary or equitable interest in either surface or subsurface rights), landlord, lessor, land occupier (including but not limited to easement owner, tenant, lessee or occupant of a structure or land, whether the landowner or not, any corporation, including public or private corporation for profit or not for profit, association, partnership firm, trust, trustee, estate, executor, executrix, administrator, administratrix or other fiduciaries, department board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by the law as the subject of rights and duties, and any agent for any individual or corporation or other legal entity set forth above. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment the term "Person" shall include all of the above set forth individuals and entities as well as members, officers, and/or employees of any corporation, an association, partnership or firm and the officer, directors of any local agency, municipality, municipal authority and/or political subdivision and the supervisors, councilmen, of any political subdivision public or private corporation for profit or not for profit.
- li) **Premise** - shall mean a lot, plot or parcel of land including the building(s) thereon.
- (j) **Rat Harborage** - shall mean any condition which provides food, shelter, or water for rats.
- (k) **Rodent Proofing** - as used herein shall mean construction to prevent the ingress or egress of rats and mice into or out of a building, or from one building or establishment to another, utilizing materials impervious to rodent gnawing on all actual or potential openings in exterior walls, ground floors, basements, roofs and foundations, that may be reached by climbing or by burrowing.
- (l) **Vector** - shall mean any rodent, insect or other animal, excluding man, which is capable of carrying or harboring a disease infectious to man.

SECTION THREE - RESPONSIBILITY

3.1 Maintaining Premises Against Vector Conditions.

No person(s) shall maintain or permit to be maintained, or allow the accumulation on any premises, either improved or vacant, rented or owned, public, private or governmental, any garbage, rubbish, trash, organic matter, decaying organic matter,

or stagnant or standing water which may provide a food or water source for rodents, flies, mosquitoes or other vectors.

It shall further be unlawful under the same circumstances for a person(s) to permit the accumulation of junk, refuse, lumber, wood and tree cutting piles, barrels, bottles, cans, containers or similar discarded materials in such a manner as to provide nesting materials, harborage and breeding sites for rodents, mosquitoes or other vectors.

3.2 Storage of Wood, Lumber, Building Materials.

All, wood, lumber, building materials and containers used for storage of junk or refuse must be stored or stocked at a minimum of eighteen (18) inches above the ground and twelve (12) inches from interior and exterior building walls to preclude nesting and hiding sites for rodents.

3.3 Correction of Harborage Conditions.

All conditions contributing to or creating food, water and harborage situations as enumerated in Section 3, paragraphs 3.1 through 3.4 of these Rules and Regulations shall be removed and/or eliminated by the responsible person(s) whether voluntarily or upon inspection and notification by this Department.

3.4 Proper Storage of Garbage and Refuse Materials.

All garbage, organic matter, refuse, vegetable materials, and small dead animals which provide food and harborage for rodents, flies and other vectors must be stored in covered rodent proof containers of the type prescribed by this Department until proper disposal has been completed.

3.5 Issuance of Written Notification

Whenever the Department, through written notice and/or order, notifies the person responsible for any premise in writing that there is evidence of rat, mosquito or other vector infestation of the premises, said person, shall immediately institute exterminating and rat proofing measures in a manner satisfactory to the Department and shall continually maintain such measures in a satisfactory manner until the premises are declared by the Department to be free of infestation. Written certification of extermination services received or rendered must be supplied to this Department. Unless said measures are undertaken within a time deemed reasonable by the Department, or by written extension of time granted by the Department, it shall be construed as a violation of the provisions of these Rules and Regulations and appropriate person(s) shall be held responsible.

3.6 Maintenance of Premises.

All owners of rat proofed premises are required to maintain the premises in a rat proofed condition and to repair all breaks or leaks in the rat proofing that may occur without a specific order from the Department.

SECTION FOUR - OCCUPIED, ABANDONED or VACANT PREMISES

4.1 Extermination Prior to Demolition, Construction or Alterations of Buildings.

It shall be unlawful for any person(s), within the County of Bucks to demolish, tear down, begin construction on or alter in a any way building or premise which is infested with rodents or other vectors until extermination of said vectors is carried out to the

satisfaction of the Department, and in compliance with the PA. Pesticide Control Act of 1973.

4.2 Maintenance of Rodent/Vector Proofing of Business Buildings.

It shall be unlawful under these Rules and Regulations for any person to remove and/or fail to restore in like condition the rodent and/or vector proofing from any business building for any purpose. Further, it shall be unlawful for any person to make any new openings in business buildings that are not closed or sealed against rodent vector entry.

4.3 Abandoned or Vacant Dwellings.

All abandoned or vacant dwellings and premises must be adequately safeguarded against rodent or other vector infestation by the responsible person(s).

4.4 Vector Conditions at or Adjacent to Business Buildings.

Whenever conditions exist at or adjacent to a business building, which provide such conditions of food, water and/or harborage to encourage vector infestation, said conditions must be removed; failure to comply after due notice shall constitute violation of these Rules and Regulations.

SECTION FIVE - MOSQUITO BREEDING

5.1 Mosquito Breeding Present

Upon notification by the Department in writing that mosquitoes are breeding on a premise or premises, the person(s) responsible shall immediately take measures to rid said premise or premises of the mosquito breeding site or sites, or render said site or sites incapable of supporting mosquito development.

Should measures not be undertaken within a period of time deemed reasonable by the Department, it shall be construed as a violation of these Rules and Regulations.

5.2 Mosquito Abatement

If the Department finds an infestation of mosquitoes on any piece of real property within Bucks County, then the Department will take the following actions:

(a) The Department will issue a written notice sent by certified mail, return receipt requested, or by a national courier service(s) to the owner of a property infested with mosquitoes which will state that the owner of such property has seven (7) days to abate, eliminate and/or remediate the public health nuisance created by a mosquito infestation. The notice shall, at the discretion of the Department, specify the specific manner in which mosquito breeding and/or infestations shall be abated, eliminated and/or remediated. The notice shall also be posted prominently on the real property itself, if the property is deemed to be vacant. The property owner(s) must provide proof of the elimination and/or remediation in the form of receipts from approved pesticide companies, pictures of before and after remediation or other acceptable means.

(b) If after a period of seven (7) days after the Department has delivered such an order to said owner of public or private property, and the material terms of the order have not been complied with, or if the owners of such land cannot be ascertained or found, the Department may enter onto said property containing breeding sites for mosquito larvae and shall take all reasonable steps, including the use of federally

and/or state approved pesticides, to abate the public nuisances of mosquito breeding sites.

(c) Should an infestation recur or not be completely abated, eliminated or remediated, the Department is authorized, without further notice to the owner(s) of a public or private property containing mosquito breeding sites to take such further abatement or elimination steps as may be necessary. Such abatement or elimination procedures shall include, but not be limited to, further application of approved pesticides, the setting of mosquito traps and/or the removal of standing water upon the public or private property.

(d) The Department may take such legal action against the owner of an infested parcel to recoup the cost of any abatement action undertaken pursuant to this regulation, including the filing of a municipal lien in the manner provided by laws for the filing and recovery of costs.

SECTION SIX - EMERGENCY SITUATIONS

Whenever, in the judgment of the Department an emergency exists which requires immediate action to protect the public health, safety, or welfare, an order may be issued, without notice, conference, or hearing, directing the person(s) responsible to take such action to take appropriate action to correct or abate the emergency. If circumstances warrant, the Department may institute proceedings under the Local Health Administration Law, Act 315.

The person(s) responsible may be granted a conference on the matter upon his/her request, as soon as practicable, but such conference shall in no case stay the abatement or correction of such emergency.

SECTION SEVEN - SEVERABILITY

If any section, sub-section, paragraph, clause, or provision of these Rules and Regulations shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining Rules and Regulations as a whole or any part thereof. It is hereby declared to be the intention of the Bucks County Department, the Bucks County Board of Health and the Bucks County Commissioners that the remainder of these Rules and Regulations would have been enacted if such invalid section has not been enacted and that it is their intent, intention and desire that the remaining portion of these Rules and Regulations remain in effect.

SECTION EIGHT - PENALTY PROVISION

8.1 Summary Offenses.

In accordance with the provisions of Act No. 315, approved August 29, 1951 amended, any person who violates any of the provisions of these Rules and Regulations or who interferes with the Health Director or any other agent of the Bucks County Department of Health in discharge of their official duties, or who refuses to permit the Director of the Bucks County Department of Health or his authorized representative to inspect any premises when such inspection is authorized by a properly issued search warrant, shall for the first offense, upon conviction thereof in a summary proceeding before a Justice of the Peace of the County wherein the said offense was committed, be sentenced to pay the courts of prosecution and a fine of not less than Thirty Dollars (\$30.00) nor more than Three Hundred Dollars (\$300.00) and, in default thereof, to undergo imprisonment of not less than then (10) days nor more than thirty (30) days.

8.2 Misdemeanors.

Any person who violates any of the provisions of these Rules and Regulations, or who interferes with the Health Director or any other agent of the Bucks County Department of Health in the discharge of his/her official duties, or who refuses to permit the Director of the Bucks County Department of Health or his authorized representative to inspect any premises when such inspection is authorized by a properly issued search warrant, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or to undergo imprisonment not exceeding one (1) year or both.

8.3 Separate offenses.

For the purpose of this section, violations on separate days shall be considered separate offenses.

Approved Bucks County Board of Health: **April 7, 2009**

Approved Bucks County Board of Commissioners: **May 20, 2009**

Effective Date: **May 26, 2009**