

NYS Public Health Law Article 15

Municipal insect control

§ 1500. Municipal insect control. 1. **The board of health of a municipality may take all necessary and proper steps for the control of mosquitoes,** flies, black flies, punkies, ticks, and other insects detrimental to health within its jurisdiction which may require community action for the destruction or control of such insects.

2. Any accumulation of water in which mosquitoes are breeding, or are likely to breed, is hereby declared to be a nuisance.

§ 1501. Municipal mosquito control; costs to owner and municipality.

1. **Whenever the board of health of a municipality shall determine that any accumulation of water wherein mosquito larvae breed, constitutes a nuisance or a danger or injury to life or health, the owner or owners of the premises on which the breeding place is located shall bear the expense of its suppression or removal,** or so much thereof as the local board of health shall determine to be equitable as hereinafter provided.

2. **If the local board of health of a municipality shall determine that, owing to the natural conditions which are favorable to the breeding of mosquitoes and owing to the benefit to be secured to the public by the suppression of such conditions, a part of the expense of such suppression or removal shall be borne by the owner of such premises and a part thereof by the municipality wherein the premises are situated,** such owner or occupant may proceed to suppress or remove such breeding place and shall be reimbursed by the municipality for such proportion of the reasonable expense of such suppression or removal as the board of health shall have determined should be borne by the municipality.

3. For the purpose of ascertaining the actual cost of such suppression or removal, the board of health of the municipality or its duly authorized agents may at all times have access to the premises whereon the work is being carried on; and the owner of the premises shall furnish to such board of health such information as the board of health may deem necessary or desirable for the purpose of ascertaining such

actual cost.

4. If in any such case the owner of the premises shall not proceed, within a reasonable time, to suppress or remove such breeding place, the board of health of the municipality may proceed to suppress and remove the same, and for such proportion of the expense of such suppression and removal as the board of health shall have determined to be equitable, an action may be maintained against such owner, and the same shall become a first lien upon the premises.

Municipal mosquito control; costs; assessment on property benefited

Public Health (PBH) CHAPTER 45, ARTICLE 15, TITLE 1

§ 1502. Municipal mosquito control; costs; assessment on property benefited. 1. If a local board of health of a municipality shall (a) determine, in its discretion, that, owing to the natural conditions which are favorable to the breeding of mosquitoes and owing to the benefits to be secured to the public by the suppression of such conditions, some part or all of the expenses of suppressing or removing a breeding place for mosquitoes should, in equity be borne by the owners of the property which will be benefited by such suppression; or, (b) deem it necessary, in order to suppress or remove any such breeding place, that any swamp, bog, meadow or other low or wet lands within the municipality over which said board has jurisdiction, shall be drained and that it is necessary, in order thereto, that a ditch or ditches or other channel for the free passage of water should be opened through lands belonging to a person or persons other than the owners of the lands whereon such breeding place shall be located, such local board of health shall make application to the state water power and control commission to construct and complete such channels and ditches for the free passage of water, or to do such other act or thing as such local board of health shall have determined to be necessary upon such lands in order to suppress or remove such breeding place, and to apportion, assess and collect the amount of the cost thereof from the owners of the lands which will be benefited by the suppression and removal of such breeding place.

2. The state water power and control commission shall proceed, construct and complete such channel and ditches, or do such other act or thing as may be necessary, and apportion, assess and collect the cost of the same from the owners of the lands benefited by such suppression or removal, in the manner provided for the drainage of any swamp, bog, meadow or other low or wet land and the apportionment, assessment and collection of the cost of such drainage, by the conservation law.

3. In any case where, under the provisions of this article the state water power and control commission is to determine what property is benefited and to what extent said property is benefited by the suppression or removal of any such breeding place, such commission shall not be restricted in their determination to property immediately adjoining the premises whereon such breeding place is located; and, in apportioning the benefit to any property, such commission may consider any circumstances by reason whereon any property will be benefited by the suppression and removal of such breeding place.