



RESOLUTION DATED: JUNE 7, 2016

The Board of Health at its meeting on June 7, 2016, adopted the following Resolution, requiring that all owners of buildings and other premises take all necessary measures to prevent outbreaks of Zika viral disease. In order to ensure proper public notification, the Department of Health and Mental Hygiene is publishing this Resolution in accordance with §17-148 of the Administrative Code of the City of New York.

WHEREAS, Zika virus is an emerging threat to public health that is spreading widely through the Western Hemisphere primarily through the bite of infected *Aedes aegypti* mosquitos; and

WHEREAS, the *Aedes albopictus* mosquito is a related species of mosquito that is present in New York City and which may be able to transmit Zika virus and other diseases as described below; and

WHEREAS, the *Aedes albopictus* mosquito is known to lay its eggs in small amounts of water left standing in clogged gutters and debris or that has accumulated and been left standing on roofs; and

WHEREAS, Zika virus is associated with serious birth defects in infants of mothers who were infected while pregnant; and

WHEREAS, water accumulating containers or in garbage, waste, refuse or clogged gutters that have not been cleaned are breeding grounds for live adult mosquitos that are capable of transmitting Zika virus as well as other acute arboviral infections caused by West Nile virus, Chikungunyavirus and dengue virus to persons, thereby exposing persons in areas adjacent to such water to illness; and

WHEREAS, the Board of Health has taken and filed among its records reports that in buildings and other premises throughout the City there are containers holding water that are insufficiently or irregularly emptied which may serve as breeding places for the *Aedes albopictus* mosquito, a menace to public health capable of transmitting Zika virus and other diseases; and

WHEREAS, lots containing garbage, refuse or waste material in or on which water may collect constitute public nuisances in that they may serve as breeding places for the *Aedes albopictus* mosquito, a menace to public health capable of transmitting Zika virus and other diseases; and

WHEREAS, buildings with gutters that are clogged allowing water to collect or where water has been allowed to accumulate on rooftops constitute public nuisances in that they may serve as breeding places for the *Aedes albopictus* mosquito, a menace to public health capable of transmitting Zika virus and other diseases; and

WHEREAS, the presence of such mosquitos can be immediately dangerous to life and health; and

WHEREAS, at its March 15, 2016 meeting, the Board of Health took proof of the dangerousness of such mosquitos and regards the best way to prevent illnesses from mosquitos is to authorize the declaration that any accumulations of standing water that is not treated to prevent mosquito breeding, or the existence of conditions that may allow such water to accumulate, are in a condition and in effect immediately dangerous to human life and health and constitute a public nuisance; and

WHEREAS, immediate abatement of such nuisance conditions is necessary to prevent the replication of mosquito-borne viral organisms; and

WHEREAS, personal service or service pursuant to subdivisions a or b of §17-148 of the Administrative Code of the City of New York of orders requiring the abatement of such nuisances and conditions in effect dangerous to life and health upon each of the persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York, has a duty or liability to abate such nuisances and conditions, would result in a delay prejudicial to the public health, welfare, and safety.

IT IS THEREFORE RESOLVED, that the Board of Health hereby declares that premises where standing water has or can accumulate are in a condition and in effect immediately dangerous to life and health and constitute a public nuisance; and be it further

RESOLVED, that the Board of Health hereby declares that such nuisances are widespread throughout the City; and be it further

RESOLVED, that all persons who, pursuant to the provisions of Title 17 of the Administrative Code of the City of New York and such other chapters, titles, sections, laws or rules as are applicable thereto, have the duty or liability to abate such nuisances and conditions in effect dangerous to life and health, are hereby ordered to abate such nuisances and conditions in effect dangerous to life and health by removing accumulations of standing water and adopting maintenance programs and plans for cleaning containers, disposing of such water accumulations, and preventing further water accumulation; and be it further

RESOLVED, that in the event that such persons or any of them shall fail to comply with this order within five days after service thereof pursuant to §17-148 of the Administrative Code of the City of New York, the Department of Health and Mental Hygiene is hereby authorized and directed to take all necessary steps to forthwith secure the abatement of said nuisances and conditions in effect dangerous to life and health; and

IT IS FURTHER RESOLVED, that this resolution shall be published in the *City Record* and at least one other newspaper for three days, and be effective in accordance with §17-148 of the Administrative Code of the City of New York, immediately after the third day of its publication.

(As adopted by the Board of Health on June 7, 2016)

A TRUE COPY
ROSLYN WINDHOLZ
Secretary to the Board of Health