

The following resolution was adopted by the Board of Health on April 18, 2000. This resolution was utilized by the Department of Health and Mental Hygiene every year since 2000. The Department suspends its use on October 31st of each year because the threat of mosquito breeding during cold weather subsides. From March 15, 2009 through October 31, 2009, the Resolution will again be in full force and effect. The Department intends to again fully exercise the authority granted by the Board of Health Resolution, including the immediate abatement of standing water conditions, to prevent the breeding and proliferation of mosquitoes during the 2009 mosquito season. Therefore, in order to ensure proper public notification, the Department of Health and Mental Hygiene is republishing the Resolution in accordance with §17-148 of the Administrative Code of the City of New York.

Resolution of the Board of Health of the
Department of Health and Mental Hygiene
of the City of New York

At a meeting of the Board of Health of the Department of Health and Mental Hygiene held April 18, 2000, the following resolution was adopted:

Whereas, the Board of Health has taken and filed among its records reports that in areas throughout the City of New York there are sunken lots, property below grade, or other places which are insufficiently drained and where water may accumulate and stagnant water may collect; and

Whereas, upon these and other properties, there are household and other items including, but not limited to, tires, flower pots, household or other containers such as, trash, garbage and recycling containers without drainage holes, roof gutters clogged with leaves or other debris, swimming and wading pools, bird baths, swimming pool covers, outdoor plumbing fixtures and hose bibs dripping water to the ground and other materials, appurtenances and fixtures which allow the accumulation of water; and

Whereas, such accumulations of water create conditions conducive to insect life in general, and to the breeding and nurturing of mosquitoes in particular; and

Whereas, certain mosquitoes have been found to harbor viral diseases, including West Nile Virus/encephalitis, which are transmissible to and may be fatal to humans; and

Whereas, mosquitoes breed rapidly, and the potential presence of West Nile Virus is immediately dangerous to life and health; and

Whereas, the Board of Health regards the aforesaid reports as sufficient proof to authorize the declaration that any accumulations of water in which mosquitoes may breed 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 nuisances is necessary to prevent the breeding and proliferation of infectious mosquitoes; 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; now, therefore, be it

Resolved, that the Board of Health hereby declares that such places having an accumulation of water capable of breeding mosquitoes 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 forthwith abate such nuisances and conditions in effect dangerous to life and health by eliminating such accumulations of water and the conditions conducive to further accumulation, or by otherwise eliminating the capacity of accumulated water to support mosquito breeding; 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.

Resolved further, that this resolution shall take effect immediately.

(As adopted by the Board of Health on April 18, 2000)

A TRUE COPY
Rena S. Bryant
Secretary to the Board of Health