

Article 1303: VECTOR CONTROL

(Adopted June 12, 2006)

1303.1 INTENT AND PURPOSE:

It is the intent of this section to prevent, control and/or reduce the spread of vector borne disease in the Town of Kingston by eliminating potential vector breeding areas.

1303.2 DEFINITIONS:

- A. Breeding Area.** Any condition, which provides the necessary environment for the birth or hatching of vectors.
- B. Collection of Water.** Water contained in ditches, pools, ponds, streams, excavations, holes, depressions, open cesspools, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, roof gutters, reservoirs, vessels, receptacles of any kind or other containers or devices which may hold water.
- C. Extermination.** The control and elimination of vectors by eliminating their harborage places; by removing or making inaccessible material that may serve as their food; by poisoning, spraying, fumigating, fogging or larviciding or trapping, or by any other recognized and legal vector elimination method which is not injurious to human health or the safety of domestic animals.
- D. Garbage.** All waste, animal or vegetable, such as but not limited to waste material and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels resulting from the handling, preparation, cooking, serving or non-consumption of food, and all other deleterious substances.
- E. Harborage.** Any place where vectors can live, nest or seek shelter.
- F. Infestation.** The presence of vectors within or contiguous to a structure or premises.

- G. Nuisance.** For the purpose of this Part, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located, or shall cause or result in annoyance or disturbance to persons beyond the boundaries of such property; interference to the health and/or safety of the person beyond the boundaries of such property; and/or disturbance to or interference with the peaceful use of the property of others in the Town, in any case taking into consideration the location of the use or condition, and the nature and condition of the surrounding neighborhood. This includes, but is not limited to the retention on any premises of any of the following: Junk, trash or debris; abandoned, discarded or unused objects or equipment such as but not limited to automobiles, furniture, paper, cardboard, plastic, glass, crockery, scrap metal, tires, stoves, refrigerators, freezers, cans or containers.
- H. Occupant.** Any person who, alone or joint/severally with others:
1. Shall have legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof.
 2. Shall have charge, care or control of any premises, dwelling or dwelling unit, as owner, lessee, or agent of the owner, or an executor, administrator, trustee, assignee of rents or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.
- I. Owner.** The actual owner, agent or custodian of the property whether an individual, partnership, association or corporation.
- J. Person.** Any natural person, firm, partnership, association, corporation, company or organization of any kind.
- K. Premises.** All areas of a property, including all interior, exterior, grounds and yard spaces.

- L. Refuse.** Waste, rubbish, garbage, trash or any material of any kind that has been discarded, rejected, cast aside or thrown away as worthless, except body wastes.
- M. Structure.** Any man-made construction or building, which is located on any part of the premises.
- N. Vector.** A rodent, insect or vermin species capable of transmitting a disease or infection.
- O. Vectors.** Includes but shall not be limited to rats, mosquitoes, cockroaches, flies, ticks, etc.
- P. Vector Harborage or Vector Source.** Any area, interior or exterior, where vectors can live, nest, breed or seek any form of shelter.
- Q. Vector Proofing.** A form of construction to prevent the ingress or egress of vectors to or from a given space or building or from gaining access to food, water or harborage. This term shall include but not be limited to rat proofing, fly proofing, mosquito proofing, etc.

1303:3 PROHIBITED ACTS:

- A.** No person shall deposit any refuse, dead animals, decaying matter or organic substance of any kind in or upon any private lot, street, avenue, alley, ravine, ditch or gutter or into any of the runs, creeks or bodies of water within or bounding the Town of Kingston so that the same shall or may afford food, harborage or breeding areas for rats, mosquitoes or other vectors.
- B.** No person shall deposit or permit to accumulate in or upon any premises, improved or vacant, or on any open lot or public area any lumber, boxes, barrels, bottles, cans, glass, containers, scrap iron, wire, metal articles, pipe, broken stone or cement, broken crockery, broken plaster or rubbish of any kind, unless the same is kept in approved covered receptacles or placed on open racks that are elevated not less than 18 inches above the ground and evenly piled or stacked or disposed of as may be approved by the Town.

- C. No person shall have, keep, maintain, cause or permit any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated or maintained effectually so as to prevent such breeding.

1303.4 PROPER POOL MAINTENANCE:

Pools located within the Town of Kingston shall be properly maintained to prevent the existence or presence of any water in which mosquito larvae may mature and grow or exist.

1303.5 POOL COVERS:

Any pool cover must be maintained in a way so as to prevent the collection of stagnant rainwater.

1303.6 PROPER STORAGE OF TIRES:

Tires shall be stored in a totally enclosed structure or must be covered to prevent the existence or presence of any water in which mosquito larvae may mature and grow to exist. If stored outside, tires must be stored off the ground and covered in a manner to prevent standing water.

1303.7 UNUSABLE TIRES:

Any tires that cannot be used shall be considered waste material and must be disposed of in a proper and lawful manner to prevent the collection of stagnant rainwater in said tires.

1303.8 ENFORCEMENT; VIOLATIONS AND PENALTIES:

- A. Any person who violates any provision of this regulation shall be subject to a fine of \$100.00 per day for each day the violation is found to exist.
- B. Each day that a violation continues or exists shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.
- C. In cases of extended noncompliance or in cases of a clear and present danger to the health, safety or general welfare of the citizenry, the Health officer of the Town of Kingston shall be empowered to exercise any of the following actions, in

accordance with, and pursuant to the authority granted by RSA 147:4 and RSA 147:6 or their statutory successors:

1. Order the correction of the violation by the municipal staff;
2. Engage a qualified contractor to correct the violation;

D. Reimbursement for municipal costs incurred in the correction of violations shall be recouped from the owner and/or occupant in any of the following actions in accordance with, and pursuant to the authority granted by R.S.A. 147:7-b or its statutory successor:

1. Attaching a municipal lien on the cited property;
2. Civil action against the owner and/or occupant;

1303.9 SEVERABILITY:

Should any section or provision of this regulation be declared by a Court of appropriate jurisdiction to be invalid, such decision shall not invalidate any other section or provisions of this regulation.

Article 1303 of the rules and regulations of the Kingston Board of Health (Vector control) shall take effect after its adoption, approval, and publication in accordance with, and pursuant to the authority granted by RSA 147:1.