

Waco, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> [Chapter 16 - NUISANCES](#)
>> [ARTICLE V. - MOSQUITO CONTROL](#) >>

ARTICLE V. - MOSQUITO CONTROL 1771

[Sec. 16-146. - Purpose.](#)

[Sec. 16-147. - Definitions.](#)

[Sec. 16-148. - General provisions.](#)

[Sec. 16-149. - Methods of eliminating and treating mosquito breeding sources.](#)

[Sec. 16-150. - Right of entry—Inspection.](#)

[Sec. 16-151. - Health district action.](#)

[Sec. 16-152. - Notice.](#)

[Sec. 16-153. - Penalties and remedies.](#)

[Secs. 16-154—16-170. - Reserved.](#)

Sec. 16-146. - Purpose.

It is the intent of these regulations to control and reduce the mosquito population by removing, draining, treating, altering, or otherwise eliminating breeding sources for mosquitoes. The goal is to establish an effective program of mosquito control through such things as the elimination or treatment of breeding sources for mosquitoes, elimination of identified mosquito populations, and alleviation of all other such conditions found to be conducive to the reproduction or continued existence of mosquitoes.

(Ord. No. 2009-876, § 2, 5-19-09)

Sec. 16-147. - Definitions.

Artificial container means any bucket, barrel, tire, bottle, tub, tank, gutter, bird bath, swimming pool, ornamental pond, flower pot, jar or any other such manmade items capable of collecting water.

Breeding source means any condition capable of sustaining the reproduction of mosquitoes. This shall include both artificial container and natural conditions or containers.

Director means the Director of the Waco McLennan County Public Health District. The term also means the authorized representative of the director.

Enforcement officer shall mean director or a designated representative.

EPA means the U.S. Environmental Protection Agency.

Evidence of mosquito breeding means the natural presence of mosquito larva, pupa, or their remains.

Insecticide means a chemical agent which kills or prevents the reproduction of insects.

Larva means the immature, fully aquatic stage of mosquito development in which the insect appears as a small, wingless, worm-like form.

Larvicide means a chemical agent which kills or prevents the reproduction of mosquito larvae.

Mosquito means a small long legged, two winged insect of the family Culicidae, in which the female of the species is distinguished by a long proboscis for sucking blood.

Occupant means the person who has the use of or occupies any building or any part thereof or who has the use or possession, actual or constructive, of the premises whether the owner or tenant. In the case of vacant buildings or vacant portions of a building, or in case of occupancy in whole or in part by the owner, the owner of the building shall be deemed to be, and shall have the responsibility of an occupant of such building.

Owner means the person owning the building or premises.

Natural body of water means any spring, stream, pond, lake, or wetland that was historically present in a natural state but may have been physically altered over time. A pond built in an area where there was no surface water or wetland present is not a natural body of water.

Person means individuals, firms, partnerships, associations, public or private institutions, municipalities, political subdivisions of the State of Texas, governmental agencies, and public or private corporations.

Premises means a parcel of real property, including all buildings and structures located thereon.

Pupa means the immature, fully aquatic stage of mosquito development immediately following the larval stage and preceding the adult form in which the insect appears as a small, wingless, worm-like shape with a greatly enlarged head.

Stock tank means a man made pond or artificial container used to provide drinking water for livestock such as cattle or horses.

(Ord. No. 2009-876, § 2, 5-19-09)

Sec. 16-148. - General provisions.

- (a) All premises within the city shall be maintained in such a manner as to prevent the breeding of mosquitoes on the premises. Artificial containers, ditches, streams, and all other such sources of standing water or other liquid that serve as breeding sources must be removed, drained, treated, altered, maintained, or otherwise eliminated by the person occupying the premises or, in the absence of an occupant, by the owner, in such a manner as to prevent the breeding of mosquitoes.
- (b) Where there is evidence of mosquito breeding, effective methods of eliminating and treating mosquito breeding sources shall be instigated by the person occupying the premises, or in the absence of an occupant, by the owner, within 48 hours after discovering or being informed of the evidence of mosquito breeding on the premises.
- (c) The owner or occupant of a premise with a natural body of water shall not be responsible for maintaining such natural body of water to eliminate mosquito breeding, but shall cooperate

with city and Health District officials in eliminating the breeding source if the natural body of water is suspected of or has been determined to be a breeding source.

- (d) The owner or occupant of premises with a stock tank shall manage the stock tank to minimize breeding of mosquitoes without using any substance that will impair the use of the water for livestock.

(Ord. No. 2009-876, § 2, 5-19-09)

Sec. 16-149. - Methods of eliminating and treating mosquito breeding sources.

Breeding sources for mosquitoes shall be treated by one or more of the following methods to eliminate the breeding source:

- (1) Filling, draining, removing, or otherwise eliminating the breeding source.
- (2) Completely emptying the breeding source of all water at least every five calendar days. Where an artificial container is a water basin (such as a swimming pool, pond, bird bath, etc.) designed for the purpose of holding water, such containers shall be maintained or altered to prevent mosquito breeding or be removed.
- (3) Treating the breeding source with an effective insecticide and/or larvicide in accordance with the label and/or directions established with the EPA.
- (4) Completely emptying artificial containers of all liquid and storing in an enclosed structure which is constructed in such a manner as to prevent the permanent collection of liquid in said containers.
- (5) Proper disposal, by removal or destruction, of cans, boxes, broken or empty bottles, discarded vehicle tires, and similar objects likely to hold water.
- (6) Maintain all natural or manmade storm or surface water drainways in a manner to prevent the ponding of water sufficient to provide breeding for mosquitoes.
- (7) Other methods proven to be effective in controlling mosquitoes as approved by the enforcement officer.

(Ord. No. 2009-876, § 2, 5-19-09)

Sec. 16-150. - Right of entry—Inspection.

- (a) The enforcement officer shall have the right of entry upon any premises where entry is necessary to carry out the provisions of this article. If consent for entry is not given or obtained, an administrative search and inspection warrant shall be obtained. If an imminent hazard exists, no warrant is required for entry upon the premises.
- (b) The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding therein, and failure to prevent such breeding within three calendar days after notice by the enforcement officer shall be deemed a violation of this article.
- (c) Should the occupant, owner, or other person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the same within three days after due notice has been given to him or her, the Enforcement Officer is hereby authorized to do so, and all necessary cost incurred by him for this purpose shall be charged against the occupant, owner, or other person offending, as the case may be.

(Ord. No. 2009-876, § 2, 5-19-09)

Sec. 16-151. - Health district action.

Where the existence of a mosquito population presents an imminent threat to the health of the community, the director is authorized to take action to enforce this article. The director may notify the owner, occupant or other person responsible for the conditions of actions required to eliminate a mosquito breeding source. Failure to comply with said notice within 48 hours of receiving said notice shall constitute a violation of this article.

(Ord. No. 2009-876, § 2, 5-19-09)

Sec. 16-152. - Notice.

Whenever this article provides for notice to be given to a person, that notice may be given by delivering a written notice to the person or by mailing a written notice to the person.

(Ord. No. 2009-876, § 2, 5-19-09)

Sec. 16-153. - Penalties and remedies.

In addition to any other remedy provide by this article or other law, any person who violates any provision of this article shall be guilty of a class C misdemeanor. Each day the violation exists shall be a separate violation.

(Ord. No. 2009-876, § 2, 5-19-09)

Secs. 16-154—16-170. - Reserved.

FOOTNOTE(S):

⁽⁷⁷⁾ **Editor's note**— Ord. No. 2009-276, § 2, adopted May 19, 2009, repealed former art. V, §§ 16-146—16-151, in its entirety which pertained to similar subject matter, and derived from Code 1967, §§ 17-15—17-20, and adopted a new art. V, §§ 16-146—16-153 to read as herein set out. ([Back](#))