

**MOSQUITO ERADICATION**

**Act of Jul. 10, 1935, P.L. 641, No. 226**

**Cl. 16**

**AN ACT**

Providing for the eradication of mosquitoes; authorizing the establishment of county mosquito extermination commissions, after popular referendum, and the appointment of their members by the county commissioners; prescribing the powers and duties of such commissions.

**Compiler's Note:** Section 2901 of Act 130 of 1955 provided that Act 226 is repealed insofar as it relates to counties of the third through eighth class.

Section 1. Be it enacted, &c., That whenever citizens of a county, equal in number to at least ten per centum of the highest vote cast for any office at the last preceding general or municipal election, shall petition the county commissioners for the establishment of a county mosquito extermination commission or for the abolishment of an existing county mosquito extermination commission, the county commissioners shall, at the next general, municipal, primary, or special election occurring more than thirty days after the filing of such petition, submit to the voters of the county the question whether or not a mosquito extermination commission shall be established in the county or whether or not the existing mosquito extermination commission in the county shall be abolished, as the case may be. Such question shall be printed on the ballot or ballot labels in the form provided by the general election laws for the submission of such questions. The vote on such question shall be counted, returned, and computed in the manner prescribed by the general election laws.

(1 amended May 21, 1943, P.L.483, No.215)

Section 2. If a majority of the voters, voting upon such question, shall vote in favor of the establishment of such commission, the county commissioners shall, within thirty days thereafter, appoint a mosquito extermination commission for such county, consisting of five members. The members first appointed shall hold office for terms of one, two, three, four, and five years, respectively, as specified in their certificates of appointment. Annually thereafter, the county commissioners shall appoint one member of such commission to serve for a term of five years. Vacancies in the membership of such commission shall be filled by the county commissioners for the unexpired term. The members of such commission shall serve without compensation. No person, employed by such commission, shall be a member thereof. The commission shall annually choose a chairman from among its members.

Where the question is whether or not an existing mosquito extermination commission shall be abolished, if a majority of the voters voting upon the question shall vote in favor of the abolishment thereof, the county commissioners shall, within thirty days thereafter, dismiss from further employment the members of the existing mosquito extermination commission and all the employes thereof.

(2 amended May 21, 1943, P.L.483, No.215)

Section 3. It shall be the duty of the county commissioners to provide the mosquito extermination commission with a suitable office, where its maps, plans, documents, records, and accounts shall be kept, subject to public inspection at such times and under such reasonable regulations as the commission may determine.

The mosquito extermination commission shall have power to appoint a secretary for such commission, and to employ such other officers and employes as such commission deems necessary to carry out the purposes of this act, and as the county commissioners may authorize. The compensation of such secretary, officers, and employes shall be fixed by the salary board in counties where such board exists, otherwise by the county commissioners.

The mosquito extermination commission shall have power, with the approval of the county commissioners, to prescribe the duties of such officers and employes, and to make rules and regulations for carrying out the provisions of this act.

Section 4. (a) The Secretary of Agriculture of the Commonwealth of Pennsylvania is hereby authorized and empowered to cooperate with and assist each mosquito extermination commission in the effective carrying out of its plans and work. He shall be a member ex-officio of each such commission and may authorize a deputy to attend its meetings as his representative. He and his said deputy shall serve without compensation, except that the necessary expenses actually incurred by them in the attendance at meetings of said commissions shall be allowed and paid by the Commonwealth, as a part of the expenses of the Department of Agriculture. He shall furnish the said commissions with such surveys, maps, information and advice as they may require for the prosecution of their work, or as in his opinion will be of advantage in connection therewith.

(b) The mosquito extermination commission, acting as an agency of the county under the authority of the county commissioners, shall have power to eliminate all breeding places of mosquitoes, on private or public property, within the county for which such commission is appointed, and to do and perform all acts, including entry upon private or public property, and to carry out all plans which, in the opinion and judgment of such commission, may be necessary or proper for the elimination of breeding places of mosquitoes, or which will tend to exterminate mosquitoes within said county.

(c) Any water, in which mosquito larvae breed, is hereby declared a public nuisance and subject to abatement as such. Whenever any such breeding place exists on any lands in the county other than meadow or marsh lands subject to the ebb and flow of the tide, which breeding place should, in the opinion of the mosquito extermination commission, be abated the commission shall, in writing, order the owner or owners of such lands to abate the same within a reasonable period, and in a manner, to be specified in such order. If, at the expiration of such period, such order has not been complied with, or if the owner or owners of such lands cannot be ascertained or found, the commission shall, at once, abate said nuisance and may assess all or part of the cost of such abatement against the lands on which such breeding place exists. The commission may file municipal liens for said assessments within the time and in the manner provided by law, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

(4 amended May 21, 1943, P.L.481, No.214)

Section 5. No order of abatement shall authorize, nor shall the commission itself employ, any method of extermination which shall in anywise affect waters used and useful in the supply of water to the public, whether by a municipality or a water supply company.

Section 6. (a) Each mosquito extermination commission shall, on or before the first day of January in each year,

submit to the county commissioners a detailed estimate of the money required for the ensuing year, and a plan of the work to be done, and the methods to be employed. The county commissioners shall have power to approve, modify or alter such estimates, plans and methods, but not to decrease the amount of money estimated to be required therein, without giving to the mosquito extermination commission, in writing, their reason for such action.

(b) The county commissioners shall have power, and it shall be their duty, to appropriate annually, for the use of the commission, the amount of money so approved, modified or altered by them: Provided, That in no year shall the amount, so appropriated, exceed one-fourth of one mill on each dollar of the assessed value of taxable real estate in the county. The sums, so appropriated, or so much thereof as may be required, shall be paid out, from time to time, by the county treasurer on the orders of the county commissioners.

(c) It shall be the duty of each mosquito extermination commission annually, on or before the first day of February of each year, to submit to the Secretary of Agriculture and to the county commissioners of the county, a report setting forth the amount of moneys expended during the previous year, the methods employed, the work accomplished and any other information which in its judgment may be pertinent.

(6 amended May 21, 1943, P.L.481, No.214)

Section 7. The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 7.1. This act shall not apply to counties of the first class.

(7.1 added May 21, 1943, P.L.481, No.214)

Section 8. This act shall become effective immediately upon its final enactment.