

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 8.
ENVIRONMENTAL AND ANIMAL CONTROL
AND PROTECTION.

CHAPTER 21A.
VECTOR-BORNE INFECTIOUS DISEASES CONTROL.

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DISTRICT OF COLUMBIA OFFICIAL CODE
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DISEASES CONTROL.

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CHAPTER 21A. VECTOR-BORNE INFECTIOUS DISEASES CONTROL.

SUBCHAPTER I. GENERAL.

§ 8-2131.01. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Abate" means to eliminate a public health nuisance, or to reduce the degree or intensity of a public health nuisance.
- (2) "District" means the District of Columbia.
- (3) "Person" means any individual; partnership; corporation, including a government corporation; trust association; firm; joint stock company; organization; commission; the District or federal government; or any other entity.
- (4) "Property" means land, including any water thereon, and improvements to land.
- (5) "Public health nuisance" means:
 - (A) Any property, including water, that supports the development, attraction, or harborage of vectors;
 - (B) Any property that has a vessel, container, or other structure holding water that provides a breeding place for vectors; or
 - (C) Any activity that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread of vectors.
- (6) "Vector" means any animal capable of transmitting the causative agent of human or animal disease or capable of producing human discomfort or injury, including mosquitoes, flies, mites, ticks, or other arthropods.

(May 18, 2004, D.C. Law 15-163, § 2, 51 DCR 3683.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 15-163, the "Vector-Borne Infectious Diseases Control Act of 2004", was introduced in Council and assigned Bill No. 15-531, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on February 3, 2004, and March 2, 2004, respectively. Signed by the Mayor on March 18, 2004, it was assigned Act No. 15-409 and transmitted to both Houses of Congress for its review. D.C. Law 15-163 became effective on May 18, 2004.

§ 8-2131.02. PROHIBITED ACTIVITIES.

- (a) No person shall:
 - (1) Cause or allow the open dumping of any tire;
 - (2) Cause or allow the open burning of any tire;
 - (3) Cause or allow the storage of any tire unless the owner or operator of the property where the tire is stored takes measures to prevent the tire from accumulating water by covering or altering the tire; or
 - (4) Cause or allow a tire to be used in playground equipment unless the tire is altered to prevent the accumulation of water.
- (b) No person shall cause or allow standing water on property unless the person takes measures to prevent the breeding or harborage of vectors, including the following:

- (1) Draining or replacing water frequently enough to prevent vector breeding;
- (2) Keeping swimming pools and other open waters used for bathing or swimming sufficiently chlorinated to prevent vector larva from hatching;
- (3) Covering water-bearing containers with fine netting to prevent access by vectors; or
- (4) Applying larvicide to the standing water.

(May 18, 2004, D.C. Law 15-163, § 3, 51 DCR 3683.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-163, see notes following § 8-2131.01.

§ 8-2131.03. INSPECTION.

- (a) The Mayor, acting on the Mayor's own information or observation, or on the information or observation of another person, may inspect occupied or vacant property to investigate an allegation of a public health nuisance.
- (b) Upon the presentation of appropriate credentials to the owner or occupant of the property, the Mayor shall conduct the inspection during reasonable times and in a reasonable manner.
- (c) If the owner or occupant of the property denies the Mayor access for the purposes of this section, the Mayor may apply to a court of competent jurisdiction for a search warrant.
- (d) If, as a result of an inspection, the Mayor determines that a public health nuisance exists, the Mayor may order the owner or occupant to take appropriate action to abate the public health nuisance in accordance with § 8-2131.05.

(May 18, 2004, D.C. Law 15-163, § 4, 51 DCR 3683.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-163, see notes following § 8-2131.01.

§ 8-2131.04. PRIMA FACIE EVIDENCE OF A PUBLIC HEALTH NUISANCE.

The presence of vectors in their developmental stages on a property, or in a vessel, container, or other structure on a property, shall be prima facie evidence of a public health nuisance.

(May 18, 2004, D.C. Law 15-163, § 5, 51 DCR 3683.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-163, see notes following § 8-2131.01.

§ 8-2131.05. ABATEMENT OF A PUBLIC HEALTH NUISANCE.

(a) When the Mayor determines that a public health nuisance exists on a property, the Mayor shall issue a notice of violation to the person alleged to have created the public health nuisance or the owner or occupant of the property. The Mayor may serve the notice of violation on the owner, occupant, or any other responsible person at the premises, deliver the notice of violation by prepaid mail, return receipt requested to the owner or occupant of the property, or post the notice in a conspicuous place on the property in violation. The notice of violation shall include the following:

- (1) The location, date, and time that the public health nuisance took place or that the Mayor investigated the public health nuisance;
- (2) The nature of the public health nuisance;
- (3) The time, not later than 10 days, within which the public health nuisance shall be abated;
- (4) The specific corrective actions the owner or occupant shall take to abate the public health nuisance; and
- (5) A statement that failure to abate the public health nuisance shall constitute a violation of this chapter, with each day of violation constituting a separate offense.

(b) Upon receipt of a notice of violation, the person responsible for the property shall abate the public

health nuisance within the time specified in the notice of violation. The Mayor may grant additional time to abate the public health nuisance upon a request from the responsible person and a good faith showing that the person has made an effort to abate the public health nuisance and that a longer time for abatement is necessary.

(May 18, 2004, D.C. Law 15-163, § 6, 51 DCR 3683.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-163, see notes following § 8-2131.01.

§ 8-2131.06. CORRECTIVE ACTIONS BY DISTRICT TO ABATE A PUBLIC HEALTH NUISANCE.

(a) Subject to the availability of appropriations, the Mayor may undertake actions to correct certain health hazards that have resulted from the development, attraction, or harborage of vectors, including cleanup, abatement, and preventive measures, if the following conditions exist:

(1) The District needs to take an action in order to protect human health; and

(2) One or more of the following conditions exist:

(A) The action is required to protect public space;

(B) No person can be found who is the owner of the property in question, and is capable of proper implementation of the required corrective action within 30 days of the posting of notice on the property in question that violation of this chapter has occurred, or shorter period, if so determined by the Mayor, as may be necessary to protect human health;

(C) A situation exists that requires immediate action by the Mayor to protect human health; or

(D) The responsible party has failed or refused to comply within 30 days of a mayoral order for compliance.

(b) If the District incurs costs for undertaking any corrective or enforcement action to abate development, attraction, or harborage of vectors, all parties found to be liable by the Mayor shall be jointly and severally liable to the District government for the costs incurred by the District. In addition to any other enforcement action, the Mayor may assess any reasonable costs for correcting the condition and any related expenses as a tax against the property, carry the tax on the regular tax rolls, and collect the tax in the same manner as real estate taxes are collected.

(May 18, 2004, D.C. Law 15-163, § 7, 51 DCR 3683.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-163, see notes following § 8-2131.01.

§ 8-2131.07. VECTOR-BORNE INFECTIOUS DISEASES CONTROL FUND.

(a) There is established the Vector-Borne Infectious Diseases Control Fund ("Fund") as a nonlapsing, revolving fund, to be administered by the Mayor as an agency fund as defined in § 47-373(2)(l), to be used exclusively for the purposes stated in subsection (b) of this section.

(b) Disbursements from the Fund may be used by the District to undertake actions to correct certain public health hazards that have resulted from the harborage of vectors, including cleanup, abatement, and preventive measures, in accordance with § 8-2131.06(a), and to cover the administrative and operational costs incurred by the District in the implementation of the corrective actions..

(c) The Fund shall be financed through fines, civil penalties, costs and judgments recovered, and monies received as reimbursement by the District government pursuant to this chapter and regulations promulgated by the Mayor.

(d) The Fund shall be accounted for under procedures established pursuant to subchapter V of Chapter 3 of Title 47.

(e) Nothing in this section shall be construed to make the District government responsible for corrective action costs to any person in excess of the monies in the Fund.

(May 18, 2004, D.C. Law 15-163, § 8, 51 DCR 3683.)

HISTORICAL AND STATUTORY NOTES

For Law 15-163, see notes following § 8-2131.01.

§ 8-2131.08. PENALTIES.

A violation of this chapter or the rules issued under authority of this chapter shall be a civil infraction for the purposes of Chapter 18 of Title 2. Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this chapter, or the rules issued under authority of this chapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction shall be pursuant to Chapter 18 of Title 2.

(May 18, 2004, D.C. Law 15-163, § 9, 51 DCR 3683.)

HISTORICAL AND STATUTORY NOTES

For Law 15-163, see notes following § 8-2131.01.

§ 8-2131.09. RULES.

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this chapter.

(May 18, 2004, D.C. Law 15-163, § 10, 51 DCR 3683.)

HISTORICAL AND STATUTORY NOTES

For Law 15-163, see notes following § 8-2131.01.

Delegation of Authority

Delegation of Authority Pursuant to the Vector-Borne Infectious Diseases Control Act of 2004, see Mayor's Order 2005-145, September 30, 2005 (53 DCR 318).

SUBCHAPTER II. MOSQUITO CONTROL AND ABATEMENT.

§ 8-2141.01. ANNUAL MOSQUITO CONTROL AND ABATEMENT PLAN.

Beginning March 31, 2013, and annually thereafter, the Department of Health shall develop and submit to the Council a mosquito-abatement plan, delineated by ward, for the following fiscal year to prevent and abate the infestation of mosquitoes, which shall, at a minimum, include a:

- (1) Determination of which wards are in greatest need of mosquito abatement;
- (2) Plan of action to eliminate the habitats of immature mosquitoes and control immature and adult mosquitoes;
- (3) Plan to ensure that eradication measures are not injurious to pets or wildlife; and
- (4) Delineation of the costs associated with the entire plan.

(Sept. 20, 2012, D.C. Law 19-168, § 5022, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012", was introduced in Council and assigned Bill No. 19-743, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to both Houses of Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Miscellaneous Notes

Short title: Section 5021 of D.C. Law 19-168 provided that subtitle C of title V of the act may be cited as "Mosquito Control and Abatement Annual Plan Act of 2012".