

ORDINANCE NO. 2016- 13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 8 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA ENTITLED "HEALTH AND HUMAN SERVICES," BY ADDING A NEW ARTICLE VI TO BE ENTITLED "MOSQUITO CONTROL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners finds and declares, that to achieve and maintain sufficient levels of arthropod control as will protect human health and foster the highest quality of life in Leon County, serves an increasingly important public purpose; and

WHEREAS, the enjoyment of natural attractions in Leon County is further facilitated by reducing the number of pestiferous and disease carrying arthropods; and

WHEREAS, the Board of County Commissioners finds that conducting arthropod control utilizing methods that are consistent with protecting the environment also serves an important public purpose.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEON, FLORIDA, as follows, that:

Section 1. Chapter 8 of the Code of Laws of Leon County, Florida, is hereby amended by adding a new Article VI to read as follows:

ARTICLE VI. MOSQUITO CONTROL

Sec. 8-160. Intent.

The intent of the Board of County Commissioners of Leon County, Florida, in adopting this Ordinance is to:

- (a) protect and safeguard the safety, health and welfare of the people of Leon County;

1 (b) achieve and maintain such levels of arthropod control as would protect human
2 health and safety and further the highest quality of life for the people of Leon County, and
3 facilitate the enjoyment of the County's natural attractions by reducing the number of pestiferous
4 and disease carrying arthropods;

5 (c) designate a County official and manner by which a declaration of a local threat to
6 public health shall be accomplished, and to authorize certain actions relating thereto; and

7 (d) conduct mosquito control in a manner consistent with the protection of the
8 environment and ecological integrity of all lands and waters throughout Leon County, and to
9 maximize to the fullest extent possible source reduction and bio-control and to implement
10 aduaticiding activities, implemented using integrated pest management methodologies to
11 maximize control efforts without unreasonable adverse effect on the environment.

12 **Sec. 8-161. Legislative Authorization.**

13 This Ordinance is enacted in the interest of the public health, safety, and general welfare
14 of the citizens and inhabitants of Leon County, Florida, pursuant to Article VIII, Section 1(g) of
15 the Florida Constitution and including, but not by way of limitation, Chapters 125 and 388,
16 Florida Statutes.

17 **Sec. 8-162. Jurisdiction.**

18 This Ordinance shall be effective within the jurisdictional boundaries of Leon County,
19 Florida, including the municipal limits of the City of Tallahassee.

20 **Sec. 8-163. Definitions.**

21 The following words, terms and phrases, when used in this Article, shall have the
22 meanings ascribed to them in this section, except where the context clearly indicates a different
23 meaning.

1 (a) *Adulticide* means a pesticide intended to affect an adult arthropod.

2 (b) *Arthropod* means those insects of public health or nuisance importance, including
3 all mosquitoes, midges, dog flies, house flies, yellow flies, and sand flies.

4 (c) *Arthropod control pesticide* means any substance or mixture of substances
5 intended for preventing, destroying, repelling or mitigating any arthropod as defined herein.

6 (d) *Biologically highly productive* means those public lands that make exceptionally
7 high beneficial contributions to the overall ecology of a region or area.

8 (e) *Environmentally sensitive* means public lands that have special ecological values
9 and which values may be lost to a substantial degree by the application of certain pesticides or
10 other practices used in the control of arthropods.

11 (f) *Source reduction* means the physical land or water management of arthropod
12 breeding areas to reduce the area's suitability for arthropod breeding.

13 **Sec. 8-164. Declaration of Threat to Public Health.**

14 (a) In the event that prudent action is necessary to ensure the health, safety and
15 welfare of the community during a public health emergency, when a declaration of a threat to
16 public health has been made by the State Health Officer or a mosquito or other arthropod
17 declaration has been made by the Commissioner of Agriculture encompassing areas falling
18 within the jurisdictional boundaries of Leon County, the Chairman of the Board of County
19 Commissioners, or the Vice-Chairman in his or her absence, or the County Administrator, or his
20 or her designee, in the absence of the Chairman and Vice-Chairman, is hereby designated and
21 empowered to proclaim a declaration of local threat to public health that requires immediate and
22 expeditious action.

(b) A declaration of local threat to public health shall be made by proclamation of the Chairman of the Board, or the Vice-Chairman in his or her absence, or by the County Administrator, or his or her designee, in the absence of the Chairman and Vice-Chairman. The declaration of local threat to public health shall continue for a period of time running current with the declaration of threat to public health issued by the State Health Officer or mosquito or arthropod declaration issued by the Commissioner of Agriculture or, until the Board of County Commissioners finds that the threat or danger no longer exists and terminates the declaration of local threat to public health proclamation.

Sec. 8-165. Powers and duties.

(a) A proclamation declaring a local threat to public health shall be the authority for taking any measures to do any and all things necessary for the control and elimination of all species of mosquitos and other arthropods of public health importance, including but not limited to:

(1) provide for source reduction measures to reduce arthropod breeding areas and to use pesticides registered by the Department of Agriculture, but only in such quantities as may be necessary to control mosquito breeding and not be detrimental to fish life; and

(2) provide for ground spraying and aerial spraying of insecticides, and draining and covering known habitats of arthropods and mosquitos.

(b) The County shall follow all Department of Agriculture rules and regulations adopted and promulgated under Chapter 388, Florida Statutes, concerning criteria regarding ground spraying and aerial spraying on private lands of pesticides, petroleum products, or other substances for control of arthropods of public health importance which minimize the potential

1 for substantial adverse effects to environmentally sensitive and biologically highly productive
2 public lands caused by such airborne substances, and requirements that all arthropod control
3 pesticides, including adulticides and herbicides, be used only in accordance with the registered
4 label and labeling or be otherwise accepted by the United States Environmental Protection
5 Agency or the Department of Agriculture.

6 **Sec. 8-166. Enforcement.**

7 The County Administrator, or designee, is empowered to enforce the provisions of this
8 Article and rules promulgated in accordance with these provisions by commencing and
9 maintaining all proper and necessary actions and proceedings, including but not limited to, the
10 designation of mosquito control officers to carry out the powers and functions of the County as
11 set forth in this Article, and may perform or cause to be performed any and all things necessary
12 for the control and elimination of all species of mosquitos and other arthropods of public health
13 importance.

14 **Sec. 8-167. Right of Entry upon Premises.**

15 (a) *Generally.* For the purpose of enforcing the provisions of this Article, designated
16 mosquito control officers may at all reasonable times enter in and upon any public or private
17 property upon the consent of the property owner or occupant of same.

18 (b) *State of Emergency.* For the purpose of enforcing the provisions of this Article,
19 designated mosquito control officers may enter in and upon any public or private property absent
20 the consent of the property owner or occupant of same, provided emergency declarations have
21 been issued as follows:

1 (1) a proclamation has been issued declaring a local state of emergency in
2 accordance with Section 252.38, Florida Statutes and the Emergency Management
3 Ordinance; and

4 (2) a declaration has been issued declaring that a threat to public health exists
5 as the result of the discovery in the human or surrogate population of the occurrence of an
6 infectious disease that can be transmitted from mosquitoes or other arthropods to humans.

7 **Sec. 8-168. Interlocal Agreements.**

8 The County Administrator or his designee shall have the authority to cooperate with
9 Federal and State agencies and to enter into interlocal agreements with other public entities, as
10 the County Administrator may deem necessary to carry out and enforce the provisions of this
11 Article.

12 **Sec. 8-169. Authority to Adopt Standard Operating Procedures.**

13 The County Administrator, or designee, is hereby delegated the authority to adopt and
14 promulgate standard operating procedures for the administration and enforcement of the
15 provisions of this Article.

16 **Sec. 8-170. Penalty for Damage to Property or Operations.**

17 Whoever shall willfully damage any of the property of the County or any works
18 constructed, maintained or controlled by the County, or who shall obstruct or cause to be
19 obstructed any of the operations of the County or appointed mosquito control officers under this
20 Article, or who shall knowingly or willfully violate any provisions of this Article, or any rule or
21 regulation promulgated under the provisions of this Article, shall be guilty of a misdemeanor of
22 the second degree, punishable as provided in Section 775.082 or Section 775.083, Florida

1 Statutes, or guilty of a violation of this Code and subject to the penalties provided under Section
2 1-9 of this Code.

3 **Sec. 8-171. Non-Limitation of Powers.**

4 Nothing herein shall be deemed to be a limitation on the authority or powers of the
5 County to perform mosquito control activities in the absence of a declaration that a local threat to
6 public health exists.

7 **Section 2. Severability.** If any provisions or portion of this Ordinance is declared by
8 any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all
9 remaining provisions and portions of this Ordinance shall remain in full force and effect.

10 **Section 3. Conflicts.** All ordinances or parts of ordinances in conflict with the
11 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the
12 extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended,
13 which provisions shall prevail over any parts of this ordinance which are inconsistent, either in
14 whole or in part, with the said Comprehensive Plan.

15 **Section 4. Effective Date.** This ordinance shall take effect according to law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
County, Florida this 18th day of October, 2016.

LEON COUNTY, FLORIDA

By: Bill Proctor
Bill Proctor, Chairman
Board of County Commissioners

ATTESTED BY:

Bob Inzer
Clerk & Comptroller
Leon County, Florida



By: _____

John Stott, Deputy Clerk

APPROVED AS TO FORM:
Leon County Attorney's Office

By: _____

Herbert W. A. Thiele
Herbert W. A. Thiele
County Attorney