

## **MOSQUITO CONTROL COMMISSION**

### ***Excerpt from the County Code:***

Sec. 9.5-29. Commission--Membership and officers.

The mosquito control commission shall be administered by three (3) members, one of which shall be the state health commissioner or his designee, who shall serve as chairman, and the remaining two (2) members shall be appointed by the board of supervisors of Gloucester County. The mosquito control commission shall appoint a secretary either from the membership of the commission or otherwise and fix his compensation and employ all personnel as may be necessary or required. (Ord. of 7-5-95)

### ***Excerpt from the IMMP:***

#### **1.0 Local Plan Authority**

This IMMP is intended to specifically address mosquito control measures implemented under the authority of the Gloucester County Mosquito Control Commission (GMCC). The GMCC was established in accordance with the requirements of Section 32.1-187 of the Code of Virginia which provides the authority for the governing body of a County to create mosquito control districts. The districts thereby established are to be administered by a commission of three members, per Code of Virginia Section 32.1-189. County of Gloucester ordinances define the extent of the mosquito control districts as well as the make up of the GMCC in Chapter 9.5 "Health and Sanitation", Article II "Mosquito Control Districts".

The referenced ordinance clarifies in detail the specific boundaries of the established mosquito control districts. There are five distinct mosquito control districts, all generally located on the southern half of Gloucester County. The individual districts established by ordinance located within the referenced section of the County of Gloucester Code of Laws include:

- "Chiskiake Village, York River Pines, and York Shores Mosquito Control District"
- "Powhatan Chimney Mosquito Control District"
- "York Mosquito Control District"
- "Dunlap Woods Mosquito Control District"
- "Abingdon Mosquito Control District"

The same three member commission serves each of the five mosquito control districts with the chairman of the GMCC required by ordinance to be the state health commissioner or his designee with the remaining members being appointed by the Gloucester County Board of Supervisors. The chairman of the GMCC has historically been the Director of the Three Rivers District of the Virginia Department of Health.

The County of Gloucester Board of Supervisors has the authority to levy annually a "special tax" on all real and personal property located within the mosquito control districts in an amount not exceeding twenty-five cents (\$0.25) per hundred dollars (\$100) of assessed valuation (ordinance Sec. 9.5-38). Funds collected from the special tax are allocated to an enterprise fund established for the sole purpose of implementing this IMMP. The special tax rate, as set by the board of supervisors, may vary over time based on the assessed valuation within the districts and the revenue needed to cover the expenses of the limited mosquito control program. The mosquito control program is administered within the County departmental structure by the Department of Public Works, Mosquito Control Division, which is funded solely through the special tax and restricts activities to within the mosquito control districts.

**ARTICLE II. - MOSQUITO CONTROL DISTRICTS**

**DIVISION 1. - CHISKIAKE VILLAGE, YORK RIVER PINES AND YORK SHORES MOSQUITO CONTROL DISTRICT**

**Sec. 9.5-21. - Creation and boundaries.**

There is hereby created a mosquito control district within the County of Gloucester, comprised of the following subdivisions in the Gloucester Point Magisterial District;

Chiskiake Village as depicted on the following plats of survey, recorded in [the] clerk's office of the circuit court of said county as indicated: Plat dated August 19, 1975, recorded in Clerk's Plat Book 9, page 13; Plat dated January 12, 1978, recorded in Clerk's Plat Book 12, page 121; and Plat dated March 26, 1984, recorded in Clerk's Plat Book 25, page 56.

York River Pines as depicted on the following plat of survey, recorded in the clerk's office of the circuit court of said county as indicated: Plat dated September 23, 1965, recorded in Clerk's Plat Book 3, page 308.

York Shores as depicted on the following plats of survey, recorded in the clerk's office of the circuit court of said county as indicated; Plat dated October 6, 1926, recorded in Clerk's Plat Book 1, page 1; Plat dated April 16, 1957, recorded in Clerk's Plat Book 1, page 385; and Plat dated March 9, 1964, recorded in Clerk's Plat Book 3, page 173.

(Ord. of 10-30-2000)

**Sec. 9.5-22. - Name.**

The said mosquito control district shall be named and hereafter called Chiskiake Village, York River Pines and York Shores Mosquito Control District.

(Ord. of 10-30-2000)

**Sec. 9.5-23. - Taxation.**

The Board of Supervisors of Gloucester County Shall have the power to levy annually a special tax on all real and personal property subject to local taxation within the territory located within the mosquito control district in an amount not exceeding twenty-five cents (\$0.25) per one hundred dollars (\$100.00) of assessed valuation, or at such rate as may be permitted under Section 32.1-194 of the Code of Virginia of 1950 as the same may be amended from time to time, for the use and purposes of the said mosquito control district.

(Ord. of 10-30-2000)

**Sec. 9.5-24. - Commission—Membership and officers.**

The mosquito control commission shall be administered by three (3) members, one of which shall be the state health commissioner or his designee, who shall serve as chairman, and the remaining two (2) members shall be appointed by the Board of Supervisors of Gloucester County. The mosquito control commission shall appoint a secretary either from the membership of the commission or otherwise and fix his compensation and employ all personnel as may be necessary or required.

(Ord. of 10-30-2000)

**Sec. 9.5-25. - Same—Authority, powers and duties.**

The said mosquito control district commission and the Board of Supervisors of Gloucester County shall have such powers and perform such duties as are authorized under Article 4, Chapter 6 of Title 32.1 of the Code of Virginia of 1950 (entitled "Mosquito Control District") as the same may be amended from time to

time; the mosquito control district commission is authorized to receive from the state board of health annual contributions not exceeding ten thousand dollars (\$10,000.00) or such amounts as may be authorized under the aforesaid provisions of the Code of Virginia.

(Ord. of 10-30-2000)

#### DIVISION 1A. - POWHATAN CHIMNEY MOSQUITO CONTROL DISTRICT

##### Sec. 9.5-26. - Creation and boundaries.

There is hereby created a mosquito control district within the County of Gloucester, and the boundaries thereof shall include Powhatan Chimney Subdivision as depicted on the following plats of survey, recorded in the clerk's office of the circuit court of said county as indicated: Plat dated August 10, 1977, recorded in Clerk's Plat Book 11, pages 132 and 133; plat dated August 10, 1977, recorded in Clerk's Plat Book. 13, page 73; and plat dated February 1, 1984, recorded in Clerk's Plat Book 20, pages 748-A and 748; and shall also include the following parcels located in the Fosque Lane area: Tax Map #45-78, now or formerly owned by James E. Carmine; Tax Map #45-75E, now or formerly owned by Tricia Peck; Tax Map #45-79A, now or formerly owned by Michael Lane; Tax Map #45-75D, now or formerly owned by John Hasty; Tax Map #45-75B, now or formerly owned by George Simmons; Tax Map #45-75F, now or formerly owned by Roger D. Jones; Tax Map #45-75, now or formerly owned by Ronald West; Tax Maps #45-76, #45-76A and #45-76B now or formerly owned by Gregory Kilnock/Bank of the Commonwealth Ind. Ret. Acct; Tax Maps #45-75A, #45-75G, and #45-75H, now or formerly owned by John Earl Hayes, Jr.; Tax Map #45-75M, now or formerly owned by Clement Bodner; Tax Map #45-75L, now or formerly owned by Sheree McMahon; Tax Map #45-79, now or formerly owned by Kevin Belvin; Tax Map #45-75C, now or formerly owned by Don Hurt; Tax Map #45-75N, now or formerly owned by Bernard J. Zwinak; Tax Map #45-71C, now or formerly owned by Michael A. Noah; Tax Map #45-75K, now or formerly owned by John Rollins; Tax Map #45-75J, now or formerly owned by James Thomas Perrin, Sr.; Tax Map #45-71B, now or formerly owned by Charles M. Given; and Tax Map #45-74B, now or formerly owned by Carla Smith.

All as shown on that certain map entitled "Powhatan Chimney Mosquito Control District" a copy of which is included in the records of the July 6, 2004 meeting of the board of supervisors.

(Ord. of 7-5-95; Ord. of 7-6-2004(3))

##### Sec. 9.5-27. - Name.

The said mosquito control district shall be named and hereafter called Powhatan Chimney Mosquito Control District.

(Ord. of 7-5-95)

##### Sec. 9.5-28. - Taxation.

The board of supervisors of Gloucester County shall have the power to levy annually a special tax on all real and personal property subject to local taxation within the territory located within the mosquito control district in an amount not exceeding twenty-five cents (\$0.25) per one hundred dollars (\$100.00) of assessed valuation, or at such rate as may be permitted under Section 32.-1-194 of the Code of Virginia of 1950 as the same may be amended from time to time, for the use and purposes of the said mosquito control district.

(Ord. of 7-5-95)

##### Sec. 9.5-29. - Commission—Membership and officers.

The mosquito control commission shall be administered by three (3) members, one of which shall be the state health commissioner or his designee, who shall serve as chairman, and the remaining two (2) members shall be appointed by the board of supervisors of Gloucester County. The mosquito control

commission shall appoint a secretary either from the membership of the commission or otherwise and fix his compensation and employ all personnel as may be necessary or required.

(Ord. of 7-5-95)

**Sec. 9.5-30. - Same—Authority, powers and duties.**

The said mosquito control district commission and the board of supervisors of Gloucester County shall have such powers and perform such duties as are authorized under Article 4, Chapter 6 of Title 32.1 of the Code of Virginia of 1950 (entitled "Mosquito Control District") as the same may be amended from time to time.

(Ord. of 7-5-95)

**DIVISION 2. - YORK MOSQUITO CONTROL DISTRICT**

**FOOTNOTE(S):**

--- (2) ---

**Editor's note—** Inclusion of an ordinance Sept. 24, 1986, as Div. 2, §§ 9.5-31—9.5-35, has been at the discretion of the editor.

**Sec. 9.5-31. - Creation and boundaries.**

There is hereby created a mosquito control district within the County of Gloucester, and the boundaries thereof shall be identical to the boundaries of the York Magisterial District of said county as defined in an ordinance adopted by the board of supervisors of Gloucester County on May 19, 1981, as will appear in the Gloucester County Code, Chapter 7, Article II, Division 1, section 7-38.

(Ord. of 9-24-86, § 1)

**Sec. 9.5-32. - Name.**

The said mosquito control district shall be named and hereafter called York Mosquito Control District.

(Ord. of 9-24-86, § 2)

**Sec. 9.5-33. - Taxation.**

The board of supervisors of Gloucester County shall have the power to levy annually a special tax on all real and personal property subject to local taxation within the territory located within the mosquito control district in an amount not exceeding twenty-five cents (\$0.25) per one hundred dollars (\$100.00) of assessed valuation, or at such rate as may be permitted under Section 32.1-194 of the Code of Virginia of 1950 as the same may be amended from time to time, for the use and purposes of the said mosquito control district.

(Ord. of 9-24-86, § 4)

**Sec. 9.5-34. - Commission—Membership and officers.**

The mosquito control commission shall be administered by three (3) members, one of which shall be the state health commissioner or his designee, who shall serve as chairman, and the remaining two (2) members shall be appointed by the board of supervisors of Gloucester County. The mosquito control commission shall appoint a secretary either from the membership of the commission or otherwise and fix his compensation and employ all personnel as may be necessary or required.

(Ord. of 9-24-86, § 3)

**Sec. 9.5-35. - Same—Authority, powers and duties.**

The said mosquito control district commission and the board of supervisors of Gloucester County shall have such powers and perform such duties as are authorized under Article 4, Chapter 6 of Title 32.1 of the Code of Virginia of 1950 (entitled "Mosquito Control District") as the same may be amended from time to time; the mosquito control district commission is authorized to receive from the state board of health annual contributions not exceeding ten thousand dollars (\$10,000.00) or such amounts as may be authorized under the aforesaid provisions of the Code of Virginia.

(Ord. of 9-24-86, § 5)

#### DIVISION 2A. - DUNLAP WOODS MOSQUITO CONTROL DISTRICT

##### Sec. 9.5-36. - Creation and boundaries.

There is hereby created a mosquito control district within the County of Gloucester, and the boundaries thereof shall be identical to those of the Dunlap Woods Subdivision as depicted on the following plats of survey, recorded in the clerk's office of the Circuit Court of the county as indicated. Plat dated January 29, 1986, recorded in the Clerk's Plat Book 21, page 258; plat dated June 20, 1996, recorded in the Clerk's Plat Book 23, page 164; and plat dated May 8, 1997, recorded in the Clerk's Plat Book 23, page 335, 336.

(Ord. of 7-1-97)

##### Sec. 9.5-37. - Name.

The mosquito control district shall be named and hereafter called Dunlap Woods Mosquito Control District.

(Ord. of 7-1-97)

##### Sec. 9.5-38. - Taxation.

The board of supervisors of Gloucester County shall have the power to levy annually a special tax on all real and personal property subject to local taxation within the territory located within the mosquito control district described in section 9.5-36, above, in an amount not exceeding twenty-five cents (\$0.25) per one hundred dollars (\$100.00) of assessed valuation, or at such rate as may be permitted under Section 32.1-194 of the Code of Virginia of 1950 as the same may be amended from time to time, for the use and purposes of the said mosquito control district.

(Ord. of 8-5-97)

##### Sec. 9.5-39. - Commission—Membership and officers.

The mosquito control commission shall be administered by three (3) members, one of whom shall be the state health commissioner or his designee, who shall serve as chairman, and the remaining two (2) members shall be appointed by the board of supervisors of Gloucester County. The mosquito control commission shall appoint a secretary either from the membership of the commission or otherwise fix his compensation and employ all personnel as may be necessary or required.

(Ord. of 7-1-97)

##### Sec. 9.5-40. - Same—Authority, powers and duties.

The mosquito control district commission and the board of supervisors of Gloucester County shall have such powers and perform such duties as are authorized under Article 4, Chapter 6 of the Title 32.1 of the Code of Virginia of 1950 (entitled "Mosquito Control District") as the same may be amended from time to time.

(Ord. of 7-1-97)

### DIVISION 3. - ABINGDON MOSQUITO CONTROL DISTRICT

#### FOOTNOTE(S):

--- (3) ---

Editor's note— Ord. of April 5, 1988, §§ 1—5, did not specifically amend the Code, hence inclusion herein as Div. 3, §§ 9.5-41—9.5-45, was at the discretion of the editor. Section 6, providing for an effective date (April 6, 1988) has been omitted from codification.

#### Sec. 9.5-41. - Creation and boundaries.

There is hereby created a mosquito control district within the County of Gloucester and the boundaries thereof shall be all that area in the Abingdon Magisterial District as defined in an ordinance adopted by the board of supervisors of Gloucester County on May 19, 1981, as appears in the Gloucester County Code, Chapter 7, Article II, Division 1, section 7-33, located on the east side of U.S. Route 17.

(Ord. of 4-5-88, § 1)

#### Sec. 9.5-42. - Name.

The said mosquito control district shall be named and hereafter called Abingdon Mosquito Control District.

(Ord. of 4-5-88, § 2)

#### Sec. 9.5-43. - Taxation.

The board of supervisors of Gloucester County shall have the power to levy annually a special tax on all real and personal property subject to local taxation within the territory located within the mosquito control district in an amount not exceeding twenty-five cents (\$0.25) per one hundred dollars (\$100.00) of assessed valuation, or at such rate as may be permitted under Section 32.1-194 of the Code of Virginia of 1950 as the same may be amended from time to time, for the use and purposes of the said mosquito control district.

(Ord. of 4-5-88, § 4)

#### Sec. 9.5-44. - Commission—Membership and officers.

The mosquito control commission shall be administered by three (3) members, one of which shall be the state health commissioner or his designee, who shall serve as chairman, and the remaining two (2) members shall be appointed by the board of supervisors of Gloucester County. The mosquito control commission shall appoint a secretary either from the membership of the commission or otherwise and fix his compensation and employ all personnel as may be necessary or required.

(Ord. of 4-5-88, § 3)

#### Sec. 9.5-45. - Same—Authority, powers and duties.

The said mosquito control district commission and the board of supervisors of Gloucester County shall have such powers and perform such duties as are authorized under Article 4, Chapter 6 of Title 32.1 of the Code of Virginia of 1950, (entitled Mosquito Control District) as the same may be amended from time to time; the mosquito control district commission is authorized to receive from the state board of health annual contributions not exceeding ten thousand dollars (\$10,000.00), or such amounts as may be authorized under the aforesaid provisions of the Code of Virginia.

(Ord. of 4-5-88, § 5)

# Code of Virginia

§ 32.1-187. Counties, cities and towns may create mosquito control districts.

The governing body of any county, city or town, either alone or jointly with one or more other counties, cities or towns, may create one or more mosquito control districts. A mosquito control district may comprise the whole or any part of the county, city or town or combination thereof creating such district, except that no mosquito control district in a county shall include the territory within an incorporated town within such county except by agreement with such town.

(Code 1950, § 32-379; 1950, p. 87; 1979, c. 711.)

§ 32.1-188. Consolidation of districts.

The governing body of any city which has established more than one mosquito control district pursuant to § 32.1-187 may, by ordinance, consolidate such districts under a single commission which may function under the appropriate city department or other agency as determined by the local governing body.

(Code 1950, § 32-379.1; 1973, c. 501; 1979, c. 711; 1981, c. 354; 2002, cc. 224, 233.)

§ 32.1-189. Mosquito control commission; composition; appointment of members.

A. Each mosquito control district shall be administered by a commission of three members, one of whom shall be the Commissioner or his designee, except as provided for a consolidated city mosquito control commission in subsection B. The Commissioner or his designee shall serve as chairman of each such commission. Where a mosquito control district consists of territory wholly within one political subdivision, the governing body of that political subdivision shall appoint the other two members of the commission; where a mosquito control district shall consist of territory in two political subdivisions, the governing body of each such political subdivision shall appoint one member; and where any mosquito control district shall, by agreement between political subdivisions, consist of territory lying within more than two political subdivisions, the remaining two members of the commission for that district shall be appointed by the Commissioner from the residents of such district.

B. Notwithstanding the provisions of subsection A, in the event of consolidation of city mosquito control districts and commissions pursuant to § 32.1-188, such consolidated commission may consist of no more than fifteen commissioners, one of whom shall be the Commissioner or his designee who shall serve as the chairman of the consolidated city mosquito control commission.

(Code 1950, § 32-380; 1979, c. 711; 2002, cc. 224, 233.)

§ 32.1-190. Powers of commission; oath and terms of members; vacancies.

Each mosquito control commission district shall be a body politic and corporate and shall have all the powers necessary to carry into effect all of the provisions of this article. Each member of any such commission shall take and subscribe to the oath prescribed by § 49-1. The term of each commission member other than the Commissioner or his designee shall be four years and thereafter until his successor has been duly appointed and qualified. A vacancy other than by expiration of term shall be filled for the unexpired term by the authority originally making the appointment.

(Code 1950, § 32-381; 1979, c. 711.)

§ 32.1-191. Secretary of commission.

A mosquito control commission shall appoint its secretary either from the membership of such commission or otherwise and shall fix his compensation. The commission may require bond of its secretary in excess of the funds which may come into his hands and conditioned upon the faithful application of such funds.

(Code 1950, § 32-382; 1979, c. 711.)



§ 32.1-192. Further powers of commission.

Each mosquito control commission is empowered to employ all necessary personnel and to perform all acts necessary to control and eliminate mosquitoes in the district but such actions shall be subject to private property rights in the areas in which the work of the commission is performed.

(Code 1950, § 32-383; 1979, c. 711.)

§ 32.1-193. Eminent domain.

Each mosquito control commission is vested with the power of eminent domain to the extent necessary to carry out the provisions of this article. Condemnation proceedings shall be instituted and conducted in the name of the mosquito control commission for the district in which such property is located or the district for which its acquisition is deemed necessary and shall be conducted as prescribed by Chapter 2 (§ 25.1-200 et seq.) of Title 25.1.

(Code 1950, § 32-384; 1979, c. 711; 2003, c. 940.)

§ 32.1-194. Special tax authorized.

The governing body of any county, city or town, the whole or a part of whose territory is contained within a mosquito control district, is hereby authorized and empowered to levy annually a special tax upon all real and personal property subject to local taxation within the territory located within such county, city or town which is a part of such mosquito control district of not exceeding 25 cents per \$100 of assessed valuation thereof, and all funds received from any tax levy so made shall be paid to the mosquito control commission for the mosquito control district in which the property subject to such levy is, and shall be expended by such mosquito control commission for the purposes authorized by this article.

(Code 1950, § 32-385; 1979, c. 711.)

§ 32.1-195. Contributions from Board.

The Board is hereby authorized to contribute annually to any mosquito control commission a sum not more than 25 percent of the gross amount obtained by such commission annually from any special tax levy authorized by this article or contributed to such commission annually by direct appropriation of any county, city, town or combination thereof, but any such amount so contributed by the Board shall not exceed \$10,000 in any 1 year; except that where separate mosquito control commissions have been consolidated pursuant to § 32.1-188, such maximum amount shall be computed so as to allow a contribution to that consolidated district in an amount not less than was received prior to such consolidation by all of the separate districts.

(Code 1950, § 32-386; 1974, c. 475; 1979, c. 711.)

§ 32.1-196. Disposition of funds not needed for mosquito control.

Whenever funds accumulated by a mosquito control district are determined by the commission for such district to be no longer needed for the control of mosquitoes, such commission may transfer such funds as follows: (1) funds contributed by the Board, to the state treasury, (2) funds contributed by a county, city or town, to the treasury of such county, city or town, and (3) funds contributed by levy of a special tax upon property, to the treasury of the county, city or town wherein such property lies.

(Code 1950, § 32-386.1; 1970, c. 391; 1979, c. 711.)

§ 32.1-197. Compensation and expenses of members of commission.

The members of any mosquito control commission shall receive no salary for their services as such but shall receive necessary expenses incurred while actually engaged in discharge of their duties, to be paid out of the funds under the control of such commission; provided, however, that if any member shall be appointed secretary for his commission, he may be paid, and shall be entitled to receive, such compensation as the commission may determine.

(Code 1950, § 32-387; 1979, c. 711.)