

No. 214

AN ACT

To amend sections four and six of, and to add section 7.1 to, the act, approved the tenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, six hundred forty-one), entitled "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," providing that the Secretary of Agriculture cooperate with, and be a member ex-officio of, the county mosquito extermination commissions; prescribing powers and duties of the Secretary of Agriculture and said commissions; providing that costs of abating nuisances from breeding of mosquito larvae may be assessed against lands where breeding exists; and providing that said act shall not apply to counties of the first class.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections four and six of the act, approved the tenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, six hundred forty-one), entitled "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," are hereby amended to read as follows:

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 [the right to enter] *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

Eradication of mosquitoes.

Sections 4 and 6, act of July 10, 1935, P. L. 641, amended.

Secretary of Agriculture.

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 [the land] *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.*

Estimate of
money required
annually.

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, [such] *for the use of the commission, the amount of money [as shall be agreed upon by the mosquito extermination commission and the county commissioners] 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*

* "sum" in original.

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.

Section 2. Said act is hereby amended by adding thereto, after section seven, a new section to read as follows:

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

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Said act further amended by adding section 7.1.

Act not applicable to counties of the first class.

Act effective immediately.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 215

AN ACT

To amend sections one and two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, six hundred forty-one), entitled "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," by providing for abolition of existing mosquito extermination commissions, after popular referendum.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections one and two of the act, approved the tenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, six hundred forty-one), entitled "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," are hereby amended to read as follows:

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

Eradication of mosquitoes.

Sections 1 and 2, act of July 10, 1935, P. L. 641, amended.