

Article 8. Nuisances

Effective January 1, 2009, as Amended through January 1, 2009

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Article 8. Nuisances

Effective January 1, 2009, as Amended through January 1, 2009

The purpose of this Article is to abate nuisances in the County such as abandoned cemeteries, excessive noise, weeds and unkempt vegetation, abandoned motor vehicles and mosquitoes.

DIVISION 1. IN GENERAL.

Sec. 801. Nuisance; defined.

It shall be unlawful for any person having an ownership or leasehold interest in property, having a contractual obligation to manage property, or occupying property, to create, commit, conduct, promote, facilitate, permit, fail to prevent, let happen, or to allow to remain any nuisance in or on such property. For the purpose of this Development Code, the term nuisance is defined to mean any condition that tends to the immediate annoyance of the public in general, or is manifestly injurious to the public health, safety and welfare of the citizens of Camden County. A nuisance includes, but is not limited to, the keeping, depositing, or scattering on or over the property dead animals, stagnant water, decayed vegetables or fruits, filthy privies, unkempt stables, junk, trash, litter, or debris, or any dilapidated furniture, appliance, machinery, equipment, building material, junked motor vehicle, boat, or other item which is wrecked, junked, dismantled or inoperative condition, and which is not completely enclosed within a building or a dwelling, or anything having an offensive odor.

Sec. 802. Enumeration of nuisances.

- (1) The various nuisances described and enumerated in this section shall not be deemed to be exclusive but shall be in addition to all other nuisances described and prohibited in this Code.
- (2) The following are declared to be nuisances:
 - a. *Things interfering with peace or comfort.* Sounds, animals or things that interfere with the peace or comfort or disturb the quiet of the county.
 - b. *Obnoxious, offensive odors.* The emission of obnoxious and offensive odors; the tainting of the air rendering it offensive or unwholesome so as to affect the health or comfort of reasonable persons residing in the neighborhood.
 - c. *Discharging of offensive matter.* The placing or throwing or discharging from any house or premises and flow from or out of any house or premises, of any filthy, foul or offensive matter or liquid of any kind, into any street, alley or public place, or upon any lot or ground.
 - d. *Water pollution.* The obstruction or pollution of any watercourse or source of water supply in the county.
 - e. *Emission of dense smoke.* The emission of dense smoke from any fire, chimney, engine, oil burner or other agency in the county so as to cause disturbance or discomfort to the public. For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart as published and used by the United States Geological Survey shall be the standard for such grading; and smoke shall be defined and declared to be dense when it is of a degree of density of number 3 on the chart, or greater, for more than six minutes in any one hour, whether such period of time is consecutive or not.
 - f. *Vacant lots.* Any vacant lot whereon debris is permitted to accumulate and remain in such a manner as to create a fire hazard or other hazard to the public health, safety and welfare or create a breeding ground for any disease vector.

- g. *Nonconforming structures, machines, etc.* Any building, business, thing, machine or machinery, erected, repaired, conducted, maintained, operated or used contrary to or in violation of any of the fire and safety regulations of this Code, state law or county ordinance.
- h. *Animal enclosures.* Any enclosure in which any animals are kept, dog kennels or runs and other animal or fowl pens wherein manure, dung, filth or litter is allowed to accumulate or create a breeding ground for any disease vector.
- i. *Dead animals.* The carcass of any dead domesticated animal on any premises within the county.
- j. *Depositing trash, garbage, refuse, etc., on private or public property.* The depositing and leaving on private or public property of trash, garbage, refuse, scrap building materials, paper, cardboard containers, brick, cement rubbish, tree residue, cans, containers, or any other rubbish and trash that is a menace to public health and safety in the county or that unreasonably annoys others.
- k. *Unsafe vehicles, machinery, etc.* Unsheltered (outdoor) storage of old, unused, stripped, junked, and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind that is no longer safely usable for the purposes for which it was manufactured for a period of 30 days or more (except in licensed junkyards). The absence of a license plate for the current year and/or the absence of a current motor vehicle registration shall be prima facie evidence that such vehicle is junked.
- l. *Gutters or spouts.* Any gutter or spout that creates an unsanitary condition or conveys filth into any street, lane or alley of the county.

Sec. 803. Abandoned cemeteries and burial grounds.

Pursuant to O.C.G.A. sec. 36-72-1 through sec. 36-72-3, regarding abandoned cemeteries and burial grounds, Camden County is authorized to provide such services, to include but not limited to, fill dirt and inmate labor to maintain, preserve, and protect abandoned cemeteries or any burial ground in the unincorporated areas of Camden County due to human remains and burial objects being a nonrenewable heritage of the people of Georgia which should be protected.

Sec. 804. Nuisances prohibited.

It shall be unlawful for any person to maintain or permit the existence of any nuisance on any property within the county.

Sec. 805. Issuance of summons for abatement.

Whenever any nuisance exists within the county, or whenever any condition shall exist on any property within the county that is required or subject to be demolished, removed or abated under any of the ordinances of the county, and the owner or other responsible person refuses or fails after reasonable notice to demolish, remove or abate the nuisance, the Planning Director, may issue a summons and cause the nuisance to be served upon such owner or other person responsible for such condition, describing the condition complained of and specifying the ordinances or parts of ordinances claimed to be violated by the nuisance, and requiring such person to appear before the magistrate at a time, date and place specified in the summons, to show cause why such condition should not be demolished, removed or abated.

Sec. 806. Order for abatement.

- (1) If the magistrate at the hearing required by Sec. 805 shall determine that a condition does exist as alleged that constitutes a nuisance or a condition which under this Code or the ordinances of the county is required or subject to be demolished, removed or abated, the judge shall issue his order

and judgment so finding and shall order the property owner or other person responsible for the condition to demolish, remove or abate the condition within a period of time to be fixed by the judge. The order shall provide how the condition is to be abated, including but not limited to rehabilitation or demolition of any buildings or structures located on the property in question. The order shall further provide that if the property owner or other person responsible for the condition shall fail to comply with the order within the time specified, the county shall be authorized to proceed without further notice to demolish, remove or abate such condition and to take whatever action is deemed necessary to demolish, remove or abate such condition; and the expense shall be charged against the owner of the property in question and shall be a lien against the property upon which the condition existed, ranking equally with the lien for county taxes.

- (2) Execution shall issue for such costs as in the case of county taxes, and the procedure for the enforcement of the execution shall thereafter be the same as in the case of county taxes.

Sec. 807. Nuisances constituting imminent danger.

Whenever any condition shall exist that constitutes an immediate and grave hazard to public health and safety requiring immediate action, the condition may be abated or otherwise remedied summarily and without following the procedures set forth in Sec. 805 and Sec. 806.

Sec. 808. Service on nonresidents and others.

Whenever it shall be necessary for the county to proceed under Sec. 805 and Sec. 806 and the owner of the property or other responsible person resides outside the county, or cannot be found after diligent search, service of the notice required by Sec. 806 shall be made by posting a copy of the notice on the property involved, and by publishing the notice in a newspaper having general circulation in the county once a week for four consecutive weeks, the last notice to be not longer than ten days or less than one day prior to the hearing. Where the address of the person to be served is known, or where there is a last known address, a copy of the notice shall also be mailed to the person at such address by certified mail. In all cases where personal service cannot be made upon such person within the county, the case shall proceed as quasi in rem, and the execution shall issue in rem.

Sec. 809. Other powers preserved.

Nothing in this article shall in any way affect the power and authority of the magistrate to punish for any violations the conditions may constitute, nor shall it affect the power and authority of the judge to punish by contempt the failure to comply with his order.

DIVISION 2. NOISE CONTROL.

Sec. 810. Loud; unnecessary; unusual.

It shall be unlawful for any person to make, continue or cause to be made any loud, unnecessary or unusual noise or any noise that unreasonably or unnecessarily annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the county. The provisions of this section shall not apply to or be enforced against:

- (1) Any vehicle of the County government while engaged in necessary public business.
- (2) Excavations or repairs of streets by or on behalf of the County or state at night when public welfare and convenience renders it impossible to perform such work during the day.
- (3) The use of amplifiers, loudspeakers or sirens in the course of public addresses or warnings made by authorized personnel of the County.

Sec. 811. Enumeration.

The following acts, among others, shall constitute a violation of this article; but such enumeration shall not be deemed to be inclusive of all acts in violation of this article:

(a) Horns; signaling devices.

The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the county except as a danger warning; the creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for an unreasonable period of time; the use of any signaling device, except a police whistle or one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is held up for any reason.

(b) Radios, phonographs, other machines or devices that produce sound.

The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(c) Loudspeakers; amplifiers; other devices for production of sound.

The using, operating or permitting to be played, used or operated of any radio receiving set, musical instruments, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound that is cast upon the public streets.

(d) Yelling, shouting, hooting, whistling, singing.

Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.

(e) Animals and birds.

Except in the A-F and A-R zoning districts, the keeping of any animal or bird that will disturb the comfort or repose of any persons in the vicinity by making long, continual or frequent noise.

(f) Exhausts.

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device that will effectively prevent loud or explosive noises.

(g) Defect in vehicle or load.

The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(h) Loading; unloading; opening boxes.

The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.

(i) Construction or repairing of buildings.

The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except on urgent necessity in the interest of public health and safety, and then only with a permit from the county building official, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed by the board of commissioners for periods of three days or less while the emergency continues. If the board of commissioners determines that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways from 6:00 p.m. to 7:00 a.m., and further determines that loss or inconvenience would result to any party in interest, the board may grant permission for such work to be done from 6:00 p.m. to 7:00 a.m., upon application made at the time the permit for the work is applied for or during the progress of the work.

(j) **Schools, courts, churches, hospitals.**

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in session or adjacent to any hospital, and which unreasonably interferes with the work of such institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed about such institutions indicating the presence of such institutions.

(k) **Hawkers, peddlers, vendors.**

The shouting and crying of peddlers, hawkers and vendors that disturb the peace and quiet of the neighborhood.

(l) **Noises to attract attention.**

The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale by creation of noise.

(m) **Transportation of metal rails, pillars or columns.**

The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(n) **Pile drivers, hammers, other such appliances.**

The operation from 6:00 p.m. to 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, without a special permit from the board of commissioners.

(o) **Blowers.**

The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases of fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(p) **Sound trucks.**

The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles during such hours or in such places or with such volume as would constitute such use a public nuisance.

DIVISION 3. VEGETATION.

Sec. 812. Certain weeds, grasses and plants declared a nuisance; exemptions.

- (1) Any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the county, and any weeds, grasses or plants other than trees,

bushes, shrubs, flowers or other ornamental plants growing to a height exceeding 12 inches anywhere in the county are declared to be a nuisance, subject to abatement as provided in this Division.

- (2) Garden flowers, vegetables, cultivated agricultural crops, ornamental shrubbery and trees shall not be considered weeds, grass or vegetation within the meaning of this Section.
- (3) The requirements of this Division shall not apply to any area set aside for the preservation of natural vegetation, such as a vegetative zoning or stream buffer, or a natural resource or conservation easement; or to any property located within the CP or the LCI zoning district, or to any property located within the BD, FH or RCP zoning overlay.

Sec. 813. Height permitted.

It shall be unlawful for the owner, lessee, tenant or other person having the possession and control of real property, or responsible for its management, maintenance or upkeep, to permit the growth and accumulation of weeds, grass or other vegetation to a height in excess of 12 inches above the ground.

Sec. 814. Notice to abate.

- (1) For a violation of this Division, the owner of the property shall be given notice to remove excess growth within seven days from the receipt of the notice. Such notice may be served personally, or may be served by registered or certified mail, or by attaching a copy of the notice to the principal entrance of the building, and shall contain a description of the location of the property upon which such condition exists.
- (2) Where notice is given by registered or certified mail, the depositing of such notice in the United States mail by registered or certified mail, return receipt requested, addressed to the owner of the property at the address shown on the latest ad valorem tax return of such owner for such property shall constitute sufficient service of such notice, where the return receipt shall be duly returned signed by the addressee or someone residing on the premises, or where the return receipt or other notification from the federal postal service indicates that the notice was refused, or that there was a refusal to sign the return receipt or that delivery of the notice at such address could not be made.

Sec. 815. Abatement of county; notice of abatement.

- (1) Upon the failure to comply within the required time by the owner of the property when properly notified pursuant to the provisions of Sec. 814, the county is authorized to enter upon the property; and to cut and remove the weeds, grass and vegetation. The county shall undertake the work with county forces or issue a lot cleaning order to a contractor, who shall promptly perform the work and submit his bill to the county. The county shall determine the cost of using county forces or shall inspect the work, and if satisfactory, shall approve the contractor's bill for payment, and forward the cost to the county treasurer for payment.
- (2) The county treasurer shall promptly send to the owner of the property a statement of account demanding payment on or before a date named in such demand, which shall not be earlier than 15 days or later than 45 days after payment to the contractor or completion of the work by the county.
- (3) If payment under subsection (2) of this section shall not have been made on or before the date named, the county treasurer shall issue a notice directed to the owner of the property and signed by the magistrate, notifying such owner to show cause before the judge at a time and place and on a date named in the order why execution should not issue against the property for its approval amount.
- (4) If it shall appear at such hearing that the property was in violation of this Division, that the notice required of Sec. 814 was given, that the work was performed and the cost was incurred by or paid

by the county, and that the county has not been reimbursed, execution shall issue for such amount, signed by the county treasurer and shall be executed in the same manner as tax executions are executed.

- (5) If the owner of the property is unknown, or cannot be located, the provisions of subsections (2) and (3) of this section shall not apply, but in lieu thereof a notice shall be published once a week for four weeks in a newspaper of general circulation in the county, which notice shall be addressed "To Whom It May Concern," shall describe with reasonable particularity the property involved, a statement of the amount due for the removal of the weeds, grass or other vegetation, and shall notify all persons interested to show cause before the magistrate at a time and place and on a date named in the notice why execution should not issue *in rem* against the property for such amount. In such event, subsection (1) of this section will apply, but the execution shall issue against the property in rem.

Sec. 816. Remedies.

The remedies provided in this division are cumulative of all other remedies the county has for the accomplishment of the objectives set forth in this Division. Nothing in this Division shall be construed as relieving any person from the obligation to comply with this Code, all ordinances, laws or regulations of the county, or to permit the maintenance by any person of a nuisance; and any nuisance shall be subject to be abated in the manner provided by law.

DIVISION 4. ABANDONED MOTOR VEHICLES.

Sec. 817. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a motor vehicle or trailer:

- a. Left by the owner or some person acting for the owner with an automobile dealer, repairman or wrecker service for repair or for some other reason and has not been called for by such owner or other person within a period of 30 days after the time agreed upon; or within 30 days after such vehicle is turned over to such dealer, repairman or wrecker service when no time is agreed upon; or within 30 days after the completion of necessary repairs;
- b. Left unattended on a public street, road, highway or other public property for a period of at least five days and when it reasonably appears to a law enforcement officer that the individual who left such motor vehicle unattended does not intend to return and remove such motor vehicle;
- c. Lawfully towed onto the property of another at the request of a law enforcement officer and left there for a period of not less than 30 days without anyone's having made claim;
- d. Lawfully towed onto the property of another at the request of a property owner on whose property the vehicle was abandoned and left there for a period of not less than 30 days without the owner's having made claim; or
- e. Left unattended on private property for a period of not less than 30 days without anyone's having made claim.

Motor vehicle or vehicle means a motor vehicle or trailer.

Owner of a Vehicle means the owner, lessor, lessee, security interest holders, and all lien holders as shown on the records of the state department of revenue.

Sec. 818. Abandoned motor vehicles prohibited.

It shall be unlawful for any person either as owner, occupant, lessee, agent, tenant or otherwise to store or deposit, or cause or permit to be stored or deposited, any abandoned motor vehicle upon any public or private property within the county.

Sec. 819. Removal Required.

Any abandoned, junked or discarded motor vehicle shall be removed upon ten days' written notice to the owner or occupant of any premises upon which the motor vehicle is stored or deposited, or to the owner if the identity of such owner of the motor vehicle can be ascertained through license plates or otherwise. If such motor vehicle is not removed after ten days' written notice, the sheriff shall remove the motor vehicle or cause the removal and sale at the cost of the owner or occupant of the premises, or the owner of such motor vehicle if such owner can be ascertained. Sale shall be made to the highest of two bids obtained from dealers in such property.

Sec. 820. Notice to owner and state.

- (1) Any person who removes a motor vehicle from public or private property at the request of someone other than the owner or who stores any motor vehicle that has been left unattended shall seek the identity of the owner of such vehicle and shall, within 15 days of the day such vehicle became an abandoned motor vehicle, give notice in writing to the state department of revenue and the Georgia Bureau of Investigation, stating the manufacturer's vehicle identification number, the license number, the fact that such vehicle is an abandoned motor vehicle, and the present location of such vehicle, and requesting the name and address of all owners, lessors, lessees, security interest holders and lien holders of such vehicle. If a person removing or storing the vehicle has knowledge of facts that reasonably indicate that the vehicle is registered or titled in a certain other state, he shall check the motor vehicle records of that other state in the attempt to ascertain the identity of the owner of the vehicle.
- (2) Upon ascertaining the owner of such motor vehicle, the person removing or storing such vehicle shall, within three days, by certified or registered mail, notify the owner, lessors, lessees, security interest holders, and lien holders of the location of such vehicle and of the fact that such vehicle is deemed abandoned and shall be disposed of if not redeemed.
- (3) If the identity of the owner of such motor vehicle cannot be ascertained, the person removing or storing such vehicle shall place an advertisement in a newspaper of general circulation in the county where such vehicle was obtained or, if there is no newspaper in the county, shall post such advertisement at the county courthouse in such place where other public notices are posted. Such advertisement shall run in the newspaper once a week for two consecutive weeks or shall remain posted at the courthouse for two consecutive weeks. The advertisement shall contain a complete description of the motor vehicle, its license and manufacturer's vehicle identification numbers, the location where such vehicle was initially left unattended by the owner, the present location of such vehicle, and the fact that such vehicle is deemed abandoned and shall be disposed of if not redeemed.

DIVISION 5. MOSQUITO CONTROL.**Sec. 821. Nuisance declared.**

A violation of any provision of this Division is a nuisance.

Sec. 822. Keeping water in which mosquitoes may breed.

- (1) It shall be unlawful to have, keep, maintain, cause or permit within the county any collection of standing or flowing water in which mosquitoes breed or are likely to breed unless such collection of water is so treated as to effectually prevent such breeding.
- (2) The collections of water prohibited by subsection (a) of this section shall be those contained in ditches, pools, ponds, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs (except horse troughs in frequent use), urns, cans, boxes, bottles, tubs, buckets, defective house roof gutters, tanks of flush closets, or other similar water containers.

Sec. 823. Treatment of collections of water.

The method of treatment of any collections of water that are specified in Sec. 822 directed toward the prevention of breeding of mosquitoes shall be approved by the health officer¹ and may be one or more of the following:

- (1) Screening with wire netting of at least 16 meshes to the inch each way, or with any other material that will effectually prevent the ingress or egress of mosquitoes.
- (2) Complete emptying every seven days of unscreened containers, together with their thorough drying and cleaning.
- (3) Using a larvicide approved and applied under the direction of the health officer.
- (4) Covering completely the surface of the water with kerosene, petroleum or paraffin oil once every seven days.
- (5) Cleaning and keeping sufficiently free of vegetable growth and other obstructions, and stocking with mosquito-destroying fish.
- (6) Filling and draining to the satisfaction of the health officer, his agent or accredited representative.
- (7) Proper disposal by removal or destruction of tin cans, tin boxes, broken or empty bottles and similar articles likely to hold water.

Sec. 824. Mosquito larvae as evidence of breeding.

The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there; and failure to prevent such breeding within three days after notice by the health officer, his authorized agent or representative shall be deemed a violation of this article.

Sec. 825. Failure to remedy conditions after notice.

Should the person responsible for conditions giving rise to the breeding of mosquitoes fail or refuse to take necessary measures to prevent the breeding, within three days after due notice has been given to him, the health officer or his authorized agent is authorized to do so; and all necessary costs incurred by him for this purpose shall be a charge against the property owner or other person offending, as the case may be.

Sec. 826. Right of entry of health officer.

For the purpose of enforcing the provisions of this Division, the health officer, or his duly accredited agent under his authority, may at all reasonable times lawfully enter in and upon any premises within his jurisdiction.

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¹ The "health officer" is the Manager of the Environmental Health Section of the Camden County Board of Health.