

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
6/13/2017

SUBJECT:	SUBMITTED BY:
New Business – Adopt Codes to address mosquitoes in abandoned swimming pools to prevent the spread of West Nile Virus	David Fieldman Village Manager

SYNOPSIS

At the request of Commissioner Waldack, consideration of whether to adopt codes that would address mosquitoes in abandoned, neglected or untreated swimming pools to prevent the spread of West Nile Virus has been placed on the New Business Agenda. Pursuant to Village Council policy, this topic shall be a discussion item only to allow for the Council to direct staff to prepare an action for consideration at a later date.

STRATEGIC PLAN ALIGNMENT

The goals for 2015-2017 include *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the June 6, 2017 Village Council meeting. Pursuant to Village Council discussion, a report on current Village policies and procedures regarding stagnant water as it relates to neglected swimming pools is attached.

RECOMMENDATION

Action at the discretion of the Village Council.

BACKGROUND

Commissioner Waldack requested that the Village Council consider the adoption of codes to address mosquitoes in abandoned, neglected or untreated swimming pools to prevent the spread of West Nile Virus. The proposal is as follows:

Staff propose codes and other tools that may be necessary to stop the spread of mosquitoes in abandoned, neglected, or untreated swimming pools (and possibly other unmaintained ponds or water features) that can become breeding sources for the spread of West Nile Virus.

Currently, no codes or enforcement is available to address even the most egregious problem pools. The intent is not to police every pool, but to allow enforcement in problem areas or neighborhood complaints. This can be a matter of life or death.

REASON: West Nile Virus and other diseases are carried by mosquitoes. As reported by Mayor Tully, WNV and other diseases are a growing threat in DuPage County. WNV can be deadly and has killed in our area.

If you Google articles on WNV prevention and the warnings all agree that standing water is a breeding source, recommending to remove items such as cans and tires. Recycle bins need to have holes to drain water. They all agree that swimming pools left untreated and even covered can be a major breeding ground. Left to its own, a swimming pool can breed tens of millions of mosquitoes in just a few summer months.

At the present time, there are no enforcement tools that can require a resident to maintain pools (possibly fountains and standing ponds) in a manner that will prevent the breeding of mosquitoes. Staff should review actions of other states, such as California, where abandoned swimming pools have been addressed.

The Municipal Code currently addresses stagnant water and mosquitoes in Chapter 13, Sections 13.9 through 13.14. It is unlawful for any person to keep any body or collection of water to stand on their property in which mosquitoes breed or are likely to breed. The code is applicable to many areas which could collect stagnant water, including but not limited to depressions, fountains and swimming pools.

The code also offers approved methods for property owners to treat the stagnant water to prevent mosquito breeding. The Village can issue violations regarding stagnant water and if the violation is not addressed within three days, the Village can treat the stagnant water and bill the offending property owner for the Village's costs.

The Village has addressed stagnant water concerns a handful of times over the past few years and has successfully brought the properties into compliance without having to treat the water ourselves.

ATTACHMENTS

Staff report

Stagnant Water Concerns

Introduction

At the June 6, 2017 Village Council meeting, the Village Council requested staff review the current policies and procedures regarding stagnant water as it relates to neglected swimming pools.

History of Neglected Swimming Pool Code Enforcement

Since the beginning of 2016, the Village has received four concerns regarding abandoned pools:

- Vacant home with above ground pool. This complaint was primarily concerning aesthetics as a neighbor was in process of selling their home. The above ground pool was removed in a timely manner.
- Vacant home with an in-ground pool. This complaint was primarily based on aesthetics and security of the pool. This foreclosed home has a cover over the abandoned pool which prevents water from stagnating in the bottom of the pool. The pool cover is properly installed with no low spots where water could collect.
- Occupied home with unused in-ground pool. This complaint was based on a concern about stagnant water. The property owner regularly pumps out the in-ground pool to ensure there is no stagnant water.
- Occupied home with unused in-ground pool. This complaint was based on a concern about stagnant water. Staff notified the owner of the code violation for stagnant water on June 6th. Staff confirmed with the property owner on June 9 that he will be biological mosquito control pellets and treating the stagnant water this weekend. Staff will confirm this application on Monday.

Current Swimming Pool Maintenance Ordinances

Section 303.1 of the International Property Maintenance Code requires that all swimming pools shall be maintained in a clean and sanitary condition, and in good repair. The Village can use this code section if a swimming pool has been found to be neglected, in need of repair or has an issue with stagnating water.

History of Stagnant Water Reports

Since the beginning of 2016, the Village has received 13 reports of stagnant water. They fall into the following categories:

- Drainage ditches or low areas in public rights-of-way (9)
 - All instances addressed by Village staff
- Swimming pools (2)
 - See above

- Construction excavation (1)
 - Site was visited and no standing water was found. Construction started soon after initial site visit.
- Resident collecting water in buckets (1)
 - Resident removed water collection buckets

Current Stagnant Water and Pool Maintenance Ordinances

Chapter 13, Health & Sanitation, of the Municipal Code addresses mosquito control and the removal of stagnant water to prevent the breeding of mosquitos. Chapter 13 is summarized below:

- Collection of stagnant water in which mosquitoes breed or are likely to breed is illegal
- Stagnant water can be contained in ditches, pools, ponds, excavation, depressions, fountains, cisterns, tanks, barrels, urns, buckets, defective roof gutters and other locations
- Treatment methods include:
 - Wire mesh screening
 - Emptying unscreened containers
 - Use of approved larvicide
 - Cover surface water with paraffin oil
 - Cleaning out stagnant water
 - Filling or draining container
 - Proper disposal of container
- Homeowners have three days from receipt of notice to property treat stagnant water
- If no treatment is completed, the Village has the right to enter the property and treat the stagnant water
- Any incurred expense, including an administrative fee, is billed to the property owner
- If payment is not received, the Village can lien the property

Abatement

The Village is licensed to treat public property such as ditches but is not licensed to treat private property. Village applied larvicides can kill larvae for up to 150 days. A homeowner can purchase low cost biological treatments at home improvement stores that kills mosquito larvae for up to 30 days. If a homeowner does not comply with Village regulations, the Village would contract out a licensed private property mosquito abatement professional to treat the stagnant water.

Neighboring Community Regulations

Staff undertook a review of three nearby communities:

- Naperville -
 - The Naperville regulations are very similar to Downers Grove regulations with minor deviations on penalties and lien procedures. Naperville provides offenders

3 days to abate the violation. There are no additional stagnant water or abandoned pool regulations.

- Oakbrook -
 - The Oak Brook regulations note that stagnant water is considered a nuisance. The amount of time for compliance is dependent on the severity of the situation as assessed by the code official. There are no additional stagnant water or abandoned pool regulations.
- Glen Ellyn -
 - Their regulations note that stagnant water is a nuisance and violations are processed as such. The offender has the amount of time as prescribed by the code official to correct the situation. There are no additional stagnant water or abandoned pool regulations.

California Regulations

At the height of the foreclosure crisis and continuing today, California cities and counties are using aerial surveillance to check on abandoned swimming pools:

- https://www.trulia.com/voices/Property_QandA/Concern_about_the_green_abandoned_swimming_pools-110705
- <http://abcnews.go.com/Business/Economy/story?id=5359148&page=1>
- <http://www.sutter-yubamvcd.org/neglected-swimming-pools>

As requested by Council, staff has completed a review of regulations in three randomly selected California communities. In many instances, communities offer mosquito eating fish or other suggested means to manage stagnant water.

- San Diego County
 - Their regulations note that stagnant water is a nuisance and violations are processed as such. The offender has the amount of time as prescribed by the code official.
 - They also have documentation on their website regarding abandoned pools: http://www.sandiegocounty.gov/content/sdc/deh/pests/wnv/prevention/chd_wnv_green_pools.html
- Pacificia
 - Their regulations note that stagnant water is a nuisance and violations are treated as such. The offender is given a reasonable time period to correct the violations.
- Alhambra
 - Their regulations note that stagnant water is a nuisance and violations are treated as such. The offender is given a reasonable time period to correct the violations.

