

COMMITTEE OF THE WHOLE-MAY 5, 2003

REQUEST FOR BY-LAW TO REGULATE STANDING WATER ON PRIVATE PROPERTY (WEST NILE VIRUS)

Recommendation

Councillor Ferri recommends:

1. That Vaughan Council directs staff to review the need for a by-law that regulates standing water on private property and that a report from staff be brought back to the next Committee of the Whole, and
2. That this matter also be discussed with the Acting Regional Medical Officer of Health in context of the required report in recommendation #1 above.

Purpose

To establish a By-law that would address the concerns about standing water on private property as it relates to the West Nile Virus.

Background - Analysis and Options

The Town of Newmarket has recently adopted a new By-law that regulates standing water on private property. Standing water often provides a breeding environment for mosquitoes that may carry West Nile Virus and thereby could endanger the health of the residents.

City staff should be directed to discuss this potential health risk with the Acting Regional Medical Officer of Health and report back on the need for the City to pass a by-law pursuant to Section 130 of the Municipal Act, S.O. 2001, c.24. In accordance with the Act, a municipality may regulate matters for the purpose related to health, safety and well being of the inhabitants of the municipality.

This By-law should allow the City of Vaughan to inspect complaints on private property in relation to standing water and provide for enforcement of the By-law where private owners do not meet the requirements of the By-law.

Conclusion

In recent weeks all members of Council have received numerous calls and complaints about stagnant water and areas of ponding where mosquitoes prevail on neighbouring properties. Residents are looking towards this Council for leadership in combating West Nile Virus this year. A By-law regulating standing water on private property would serve to show residents of Vaughan our commitment to protecting their health.

Attachments

Sample By-law from the Town of Newmarket

Report prepared by:

Respectfully submitted,

Councillor Mario Ferri, Ward 1

26.2



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2003-57

A BY-LAW TO REGULATE STANDING WATER IN THE TOWN OF NEWMARKET

WHEREAS pursuant to Section 130 of the Municipal Act, S.O. 2001, c. 24 a municipality may regulate matters for the purposes related to the health, safety and well being of the inhabitants of the municipality;

AND WHEREAS standing water provides a breeding environment for mosquitoes that carry the West Nile Virus and thereby endangers the health of the inhabitants of the Town;

AND WHEREAS pursuant to Section 427 of the Municipal Act, S.O. 2001, c. 24 a municipality may enact a by-law to require that a matter or a thing be done and in default, the matter or thing may be done by the municipality at the person's expense and further that the costs of so doing may be added to the tax rolls and collected in the same manner as taxes;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

Definitions:

1. For the purpose of this By-law:
 - (a) **Debris** shall mean any material whatsoever capable of holding water and without limiting the generality of the foregoing includes tires, cars, boats, containers of any kind and garden fixtures;
 - (b) **Depression** shall mean any natural or man made condition on property that is capable of holding water for more than four consecutive (4) days but does not include a municipally owned stormwater management facility;
 - (c) **Medical Officer of Health** refers to the Medical Officer of Health for the Region of York;
 - (d) **Municipal By-Law Enforcement Officer** means a Municipal By-Law Enforcement Officer appointed by the Town of Newmarket;
 - (e) **Natural Body of Water** refers to a creek, stream, bog, marsh, fenn, river, pond or lake created by the forces of nature and which contains water;
 - (f) **Owner** means the person(s) that appear on the last assessment roll of the Town of Newmarket;
 - (g) **Person** includes a natural individual, corporation, partnership or association;
 - (h) **Property** means any land in private ownership in the Town of Newmarket including yards and vacant lots;
 - (i) **Standing Water** means any water, other than a natural body of water that exists on a permanent basis or contained within a municipally owned stormwater management facility, that is found either on the ground or in debris as defined in this by-law;
 - (j) **Town** means the Corporation of the Town of Newmarket

26.3

General

1. THAT no person shall keep a swimming pool, hot tub, wading pool, or artificial pond unless it is maintained in good repair and working condition;
2. AND THAT no person shall permit a depression, excavation, swimming pool, hot tub, wading pool, artificial pond or debris located on his property to contain standing water for a period in excess of (4) days;
3. AND THAT any person owning a property in the Town of Newmarket upon which a Natural Body of Water exists shall, when advised by the Medical Officer of Health that a medical hazard exists, take the steps contained in any Order issued by the Medical Officer of Health to remedy the situation. Not limiting the foregoing, such Order may include a direction to fill or drain off the body of water or the treatment of the same with a larvicide;
4. AND THAT when a property is not maintained pursuant to the requirements of this by-law, the Town shall send a Notice of Violation to the owner of the property requiring the owner to comply with the requirements of the by-law within the time specified in the Notice of Violation;
5. AND THAT Service of the Notice of Violation may be made by first class mail or may be delivered by hand to the address of the owner shown on the last assessment roll, and such service shall be deemed to be good and sufficient service of notice on the owner;
6. AND THAT whenever this by-law directs or requires any work to be done pursuant to a Notice of Violation, in default of its being done by the person directed to do it, such work may be done by the Town or its agents at the expense of the person and the Town may recover all costs incurred in doing the work by adding the costs to the tax roll and collect them in the same manner as municipal taxes;

Penalty

7. AND THAT anyone who contravenes any provisions of this by-law is guilty of an offence and upon conviction is liable to a fine pursuant to the provisions of the Provincial Offences Act, as amended;
8. AND THAT this by-law shall be known as the "Standing Water By-law".

ENACTED THIS 28TH day of APRIL, 2003

Original signed by
Tom Taylor, Mayor
D. Humeniuk, Acting Mayor

Original signed by
Anita Moore, Town Clerk
A. Moore, Town Clerk