

COMMITTEE OF THE WHOLE MAY 20, 2003

STANDING WATER BY-LAW – WEST NILE VIRUS

Recommendation

The Director of Legal Services, in consultation with the Commissioner of Legal and Administrative Services, recommends that a By-law to regulate standing water be enacted.

Purpose

The purpose of this report is to consider the need for a by-law to regulate standing water on private property.

Background - Analysis and Options

On May 12, 2003 Council requested that staff review the need for a by-law to regulate standing water on private property.

In an effort to reduce the breeding of mosquitoes infected with the West Nile Virus, reports prepared by Region of York health officials have encouraged area municipalities to take steps available at this time to control conditions where breeding would occur, such as enacting a stagnant or standing water by-law. The existing property standards by-law for the City does not deal with these types of conditions. Given this, should Council wish to proceed with action to control standing water in the municipality, a separate by-law should be enacted.

A by-law in a form similar to the Newmarket By-law recently enacted has been drafted. The draft by-law would permit the City to require owners of private property to keep it free of excavations of any kind and debris that could hold standing water. It also requires owners of private property to keep swimming pools, hot tubs, wading pools, artificial ponds or fountains in good repair and working condition. The intention here is to attempt to preclude the development of conditions of standing or stagnant water and mosquito breeding sites.

The draft by-law, treats natural bodies of water (created by forces of nature which contain water, i.e. lakes, ponds, streams, etc.) and depressions (may be natural or man-made conditions capable of holding water for more than 4 days, i.e., ditches, drainage works, etc.) on private property somewhat differently. In such cases the Medical Officer of Health would be required to make an Order that the Owner take whatever steps are appropriate to remove conditions considered to be hazardous. The City's by-law requires that such owners take the steps stipulated under an Order of the Medical Officer of Health. These provisions would cover rural areas and farms.

There are two enforcement provisions in the Bylaw, one for conviction of an offence under the Provincial Offences Act, with a fine. The maximum fine under the Act is \$5,000.00. Also, should the City be required to carry out work on private property because an owner has failed to do the work specified in a Notice of Violation, then the City may do the work and recover the costs in the same manner as taxes.

With the assistance of Corporate Communications, bylaw enforcement staff will be conducting a public education campaign to advise Vaughan residents of the Bylaw requirements. Cooperation from residents will be critical in the effort to reduce the breeding of mosquitos.

Conclusion

In the ordinary course, bylaw enforcement staff respond on a complaint basis, but they will be proactively enforcing this bylaw given the nature of potential hazards.

Attachments

None

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Respectfully submitted,

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