

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2003) – 17192

A By-law to regulate Standing Water and to adopt Municipal Code Amendment #304 amending the Corporation of the City of Guelph's Municipal Code

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

AND WHEREAS the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7* authorizes the Medical Officer of Health to act to prevent the spread of disease;

AND WHEREAS standing water provides a breeding environment for mosquitoes that may carry the West Nile Virus and other mosquito borne diseases and thereby endangers the health of the inhabitants of the City of Guelph through the spread of disease;

AND WHEREAS pursuant to Section 427 of the *Municipal Act, 2001, S.O. 2001, c.24* a municipality may enact a by-law to require that a matter or 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;

THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

Definitions:

1. For the purpose of this By-law:

- (a) **By-law Enforcement Officer** - shall mean a person duly appointed by the City to enforce this By-law;
- (b) **Catch Basin** - shall mean a structure which intercepts storm water runoff for transmission to a sewer or other outlet and includes a sump in which Standing Water can accumulate;
- (c) **Debris** - shall mean any material whatsoever capable of holding Standing Water and without limiting the generality of the foregoing includes tires, cars, boats, containers of any kind, garden fixtures and wading pools;
- (d) **Depression** - shall mean any natural or man made condition on a Property that is capable of holding Standing Water;
- (e) **Medical Officer of Health** - refers to the Medical Officer of Health for Wellington – Dufferin - Guelph or his or her designate;
- (f) **Natural Body of Water** - refers to a creek, stream, bog, marsh, river, pond or lake created or maintained by the forces of nature and which contains water and also includes man-made ponds;
- (g) **Owner** - means the Person(s) that appear on the last assessment roll of the City of Guelph;
- (h) **Person** - includes a natural individual, corporation, partnership or association;
- (i) **Property** - means any land in private ownership in the City of Guelph including yards and vacant lots;
- (j) **Protected** - means being equipped with a screen to prevent the entry of mosquitoes;
- (k) **Standing Water** - means any water which is not continuously in movement by natural or mechanical means that is found in a Catch Basin, Debris or Depression as defined in this By-law but does not include a Natural Body of Water or water contained within a City owned drain, Catch Basin or stormwater management facility;
- (l) **City** - means The Corporation of the City of Guelph.

General

2. No Person shall:
 - (a) permit Standing Water on a Property to accumulate in any Debris unless Protected or unless the water is replaced every 4 days;
 - (b) permit Standing Water on a Property to accumulate in any Depression;
 - (c) permit Standing Water on a Property to accumulate in a Catch Basin unless the Catch Basin has been effectively treated with a larvicide;
 - (d) permit a swimming pool, swimming pool cover, hot tub or artificial pond located on a Property to contain Standing Water.

Natural Body of Water

3. Every Owner of a Property in the City upon which a Natural Body of Water exists shall, when advised by the Medical Officer of Health that a health hazard exists in all or part of the City, comply with any Order issued by the Medical Officer of Health under the *Health Protection and Promotion Act, R.S.O. 1990, c. H.17* or any other legislation, to remedy the situation within the time specified in the Order. Without limiting the foregoing, such Order may include a direction to treat the Natural Body of Water with larvicide.

Administration

4. When a By-law Enforcement Officer determines that a contravention of this By-law exists, he or she may issue a Notice of Violation to the Owner of the Property to remedy the contravention within a time specified in the Notice of Violation.
5. A Notice of Violation may be delivered to the Owner of the Property by hand or first class mail to the address of the Owner shown on the last assessment roll. Such service shall be deemed to be good and sufficient service of the Notice of Violation on the Owner immediately at the time of hand-delivery or five days after the date on which it is mailed.
6. Whenever any work is required to be done in accordance with this By-law pursuant to a Notice of Violation, in default of the work being done by the Person directed to do it within the time prescribed in the Notice of Violation, such work may be done by the City or its agents at the expense of the Person and all expenses incurred by the City from such remedial work may be added to the tax roll for the Property and collected in the same manner as taxes.
7. Any Person who fails to comply with a Notice of Violation issued under this By-law is guilty of an offence and upon conviction is liable to a fine pursuant to Section 61 of the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.
8. This By-law shall be known as the “Standing Water By-law”.
9. This By-law is hereby adopted as Municipal Code Amendment #304 amending the Corporation of the City of Guelph’s Municipal Code.

PASSED this FOURTEENTH day of JULY, 2003.

Original Signed by:
Karen Farbridge - Mayor

Original Signed by:
Lois A. Giles - Clerk