

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 143-2003

A By-law to regulate standing water in The Corporation of the City of Vaughan.

WHEREAS pursuant to section 130 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, a municipality may pass by-laws for the regulation of matters not specifically provided for in the Act or any other act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS health officials, including the Acting Medical Officer of Health for The Regional Municipality of York, have confirmed that standing water provides a breeding environment for mosquitoes that may carry the West Nile Virus and constitutes a danger to the health of the inhabitants of The Corporation of the City of Vaughan;

AND WHEREAS pursuant to section 427 of the *Municipal Act, 2001*, a municipality may require by by-law that a matter or thing be done and, in default of it being done by the person directed or required to do it, the matter or thing may be done by the municipality at the person's expense and the costs of so doing may be added to the tax roll and collected in the same manner as taxes;

NOW THEREFORE the Council of The Corporation of the City of Vaughan enacts as follows:

1. DEFINITIONS:

For the purpose of this By-law, the following words have the following meanings:

- 1.1 "City" means The Corporation of the City of Vaughan;
- 1.2 "Debris" means any material whatsoever capable of holding water including, without limiting the generality of the foregoing, tires, cars, boats, garden fixtures and containers of any kind;
- 1.3 "Depression" means any natural or man-made condition on property that is capable of holding water for more than four (4) consecutive days, but does not include a municipally owned stormwater management facility;
- 1.4 "Excavation" means any man-made condition on property that is capable of holding water for more than four (4) consecutive days, but does not include a municipally owned stormwater management facility;
- 1.5 "Medical Officer of Health" means the Medical Officer of Health or any Acting Medical Officer of Health for the Region of York;
- 1.6 "Municipal By-law Enforcement Officer" means a Municipal By-law Enforcement Officer appointed by the City;
- 1.7 "Natural Body of Water" means a creek, stream, bog, marsh, fenn, river, pond or lake created by the forces of nature and which contains water;
- 1.8 "Owner" means the person(s) that appears on the last assessment roll for the City;

- 1.9 "Person" includes an individual, corporation, partnership or association;
- 1.10 "Property" means any land or structure in private ownership in the City, including any yard or vacant lot;
- 1.11 "Standing Water" means any water (excluding a Natural Body of Water and a municipally owned stormwater management facility) that is found on the ground, in a Depression or Excavation, or in or on any structure or Debris.

2.0 GENERAL:

- 2.1 No person during the months of April to October inclusive in any year, shall keep any property unless it is free of:
- (a) Depressions and Excavations capable of holding standing water for more than four (4) consecutive days, except for Depressions or Excavations on lands zoned agricultural and which relate to farming operations; and
 - (b) debris of any kind capable of holding standing water for more than four (4) days.
- 2.2 No person shall keep a swimming pool, hot tub, wading pool, artificial pond or fountain on any property unless it is maintained in good repair and working condition.
- 2.3 Any person owning or occupying a property where there is located a natural body of water, a Depression, an Excavation (whether or not such Depression or Excavation is related to farming operations), a structure or debris capable of holding standing water for more than four (4) days shall take the steps stipulated in any Order that might be made from time to time by the Medical Officer of Health which are required to remedy a condition or situation on the property which is considered to be a hazard or dangerous to public health, including but not limited to requirements for the filling of the body of water, draining of the body of water or treatment, application of larvicides to the water or removal of the structure or debris.
- 2.4 Where a property is not maintained pursuant to the requirements of this By-law, the City may send a Notice of Violation to the owner of the property requiring the owner to comply with the requirements of this By-law within the time specified in the Notice of Violation.
- 2.5 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 the Notice of Violation on the owner.
- 2.6 Whenever this By-law directs or requires any work to be done pursuant to a Notice of Violation, in default of it being done by the person directed to do it, such work shall be done by the City or its agents at the expense of the owner and the City may recover all expenses incurred in doing the work in the same manner as municipal taxes.

3.0 PENALTY:

Everyone who contravenes a provision 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, R.S.O. 1990, c.P.33, as amended.

READ a FIRST, SECOND and THIRD time and finally passed this 26th day of May, 2003.

Michael Di Biase, Mayor

J. D. Leach, City Clerk