

THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 03-107

BEING A BY-LAW TO REGULATE STAGNANT WATER IN THE CITY OF PETERBOROUGH

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

AND WHEREAS the Council of The Corporation of the City of Peterborough has been advised by the Medical Officer of Health that stagnant water, especially in an urban setting, can provide a potential breeding environment for mosquitoes that carry the West Nile Virus, thereby endangering the health of the inhabitants of the City of Peterborough;

AND WHEREAS, pursuant to Section 427 of the *Municipal* Act, 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 cost of so doing may be added to the tax bills and collected in the same manner as taxes;

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. For the purposes of this By-law:
 - (a) "City" means The Corporation of the City of Peterborough;
 - (b) "Medical Officer of Health" refers to the Medical Officer of Health for the Peterborough County City Health Unit;
 - (c) "Owner" means any person or entity having care and control of a property, and includes the person or entity that appears as owner on the last assessment roll of the City of Peterborough;
 - (d) "Property" means any real property in private ownership in the City of Peterborough, and specifically excludes any real property owned by Her Majesty In Right of Canada, Her Majesty In Right of Ontario, the City of Peterborough, the County of Peterborough, or any School Board;
 - (e) "Stagnant Water" means water which has existed, or is likely to exist, on any property for a period in excess of four (4) days, and which, in the opinion of the Medical Officer of Health, is a potential breeding environment for mosquitoes that carry the West Nile Virus.
2. In the event that the Medical Officer of Health, or his or her agent, finds stagnant water on any property, the Medical Officer of Health may give written notice to the owner of the property that the owner is required to take specified steps to eliminate the potential breeding environment for mosquitoes that carry the West Nile Virus.
3. In giving written notice pursuant to Section 2 of this By-law, the Medical Officer of Health shall have regard for any other applicable federal or provincial law or regulation, and no step specified in such written notice shall be inconsistent with, or contrary to, any such law or regulation.
4. Any owner, who receives a written notice from the Medical Officer of Health pursuant to Section 2 of this By-law, shall comply with the written notice, including obtaining any necessary permits or approvals, within such time as is stipulated in the notice.

5. In the event that an owner fails to comply with Section 3 hereof, any steps required to be taken by the owner pursuant to the written notice of the Medical Officer of Health may be taken by the City, or its agent, at the owner's expense, and the City may recover all costs incurred in taking such steps by action, or by adding the costs to the tax roll and collecting them in the same manner as municipal taxes.
6. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to any penalty as provided for in the ***Provincial Offences Act***.

By-law read a first and second time this 23rd day of June, 2003

By-law read a third time and finally passed this 23rd day of June, 2003

(Sgd.) Sylvia Sutherland, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk