

**CORPORATION OF THE COUNTY OF LAMBTON**

**BY-LAW NO. 26 OF 2003**

**"A By-Law of The Corporation of the County of  
Lambton to regulate Standing Water"**

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**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 the 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 the mosquitoes that may carry the West Nile Virus and thereby endangers the health of the inhabitants of the County of Lambton 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;

**NOW THEREFORE** the Council of The Corporation of the County of Lambton enacts 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 but does not include a municipally-owned drain or stormwater management facility;
- (c) Medical Officer of Health refers to the Medical Officer of Health for Lambton County;
- (d) Natural Body of Water refers to a creek, stream, bog, marsh, river, pond or lake created or maintained by the forces of nature, which contains water and includes spring fed man-made ponds;
- (e) Owner means the person(s) that appear on the last assessment roll of the municipality in which a property is located;
- (f) Person includes a natural individual, corporation, partnership or association;
- (g) Property means any land in the County of Lambton not owned and occupied by the Crown, an agency of the Crown, or a municipal government;
- (h) Public Health Inspector shall mean a person appointed as a Public Health Inspector under the *Health Protection and Promotion Act, R.S.O. 1990, c. H.7*;
- (i) Standing Water means any water which is not continuously filtered and in movement by mechanical means that is found either on the ground or in any object or debris as defined in this by-law but does not include a natural body of water that exists on a permanent basis

- or is contained within a municipally-owned drain or stormwater management facility;
- (j) County means The Corporation of the County of Lambton.

### **General**

2. No person shall from April 1 to October 31 of any year:
- (a) permit standing water to accumulate in debris, deep ruts and holes, excavations, depressions or any unprotected or unused wells on his/her property;
  - (b) permit a swimming pool, swimming pool cover, hot tub, wading pool or artificial pond located on his/her property to contain standing water.

### **Natural Body of Water**

3. Every person owning property in the County of Lambton upon which a Natural Body of Water exists shall, when advised by the Medical Officer of Health or his/her designate that a health hazard exists, comply with any Order issued by the Medical Officer of Health 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. The Medical Officer of Health, Public Health Inspectors or employees of the County of Lambton Community Health Services Department shall enforce the provisions of this by-law.
5. When the Medical Officer of Health, Public Health Inspector or an employee of the County of Lambton Community Health Services Department determines that a contravention of this by-law poses a threat to the health, safety and well being of the inhabitants of the County, he/she may issue an Order to remedy the contravention within a time specified in the Order.
6. An Order issued by the Medical Officer of Health, Public Health Inspector or employee of the County of Lambton Community Health Services Department may be delivered by first class mail or by hand 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 Order on the Owner five days after the date on which it is mailed, except in the case where the Order is delivered to the Owner personally where service is considered effective immediately.
7. Whenever any work is required to be done in accordance with this by-law or pursuant to an Order issued by the Medical Officer of Health, Public Health Inspector or employee of the County of Lambton Community Health Services Department in accordance with this by-law, in default of the work being done by the person directed to do it within the time prescribed in the Order, such work may be done by the County or its agents at the expense of the person and the County may recover all costs incurred in doing the work by adding the costs to the tax roll of the local municipality where the property is located for collection in the same manner as municipal taxes.

### **Penalty**

8. 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, R.S.O. 1990, c. P.33*, as amended.

**In Force**

9. This by-law shall come into force and take effect on the day of the final passing thereof.

FINALLY PASSED this 28<sup>th</sup> day of May, 2003.

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Todd Case, Warden

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Linda Ross, Clerk