

**REPEALED BY THE NEIGHBOURHOOD LIVEABILITY BY-LAW NO. 1/2008
JANUARY 23, 2008
(effective November 1, 2008)**

CONSOLIDATION UPDATE: MARCH 23, 2005

THE CITY OF WINNIPEG

**THE MOSQUITO CONTROL BY-LAW
NO. 101/2003**

**A by-law of THE CITY OF WINNIPEG to
prevent mosquito breeding and otherwise
suppress and control mosquitoes.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short Title

1. This By-law may be referred to as **"The Mosquito Control By-law"**.

Definitions

2. In this By-law

Inspector means the Director of Community Services and any employee of the City to whom the Director of Community Services has delegated authority to carry out powers, duties or functions under this By-law.

amended 58/2004

larval and pupal development site includes a low-lying area, receptacle or any other place or thing that contains mosquitoes in the egg, larval or pupal stages of development or in which mosquitoes in those stages of development can reasonably be expected to be found in the appropriate environmental conditions.

added 34/2005

larvicide means any chemical or combination of chemicals, other compound or any material used for destroying mosquitoes at the larval stage of development.

low-lying area means an area in which standing water is able to accumulate or other wet location where mosquitoes are or are likely to congregate or breed at any stage of development and includes pools, ponds, sloughs, lakes, and ditches, whether natural or created by humans, but does not include flowing rivers and streams.

mosquito means any insect of the family classification of Culicidae in any stage of its development.

mosquito larva means a mosquito in the larval stage of development.

owner means a person in whose name a subject property is registered.

property means real property within the boundaries of the City of Winnipeg but does not include the interior of a building.

receptacle means an object in which standing water can accumulate and which mosquitoes can breed as a result of its location and position and includes but is not limited to such objects as basins, barrels, pots, cans, tarpaulins, swimming and wading pools, boats, canoes, spare tires and clogged eavestroughs and drainpipes.

Prohibition on larval and pupal development site

3. No person may permit a larval and pupal development site to exist on property of which he or she is the owner or occupant.

amended 34/2005

Powers of designated employees

4. The Director of Community Services for the City of Winnipeg and inspectors to whom the Director has delegated these powers may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law and to provide services or do work in accordance with The City of Winnipeg Charter and, for these purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.

amended 58/2004

Inspection programs conducted by public notice

5(1) In order to determine whether this By-law is being complied with, the Director of Community Services may conduct an inspection program by public notice in accordance with *The City of Winnipeg Charter*.

amended 58/2004

Employees designated to conduct inspection program by public notice

5(2) Employees of the City of Winnipeg who hold the following positions within a period of one year after the coming into force of By-law No. 34/2005 are hereby appointed as designated employees for the purpose of entering on and inspecting land in accordance with a public notice of an inspection to determine whether this By-law is being complied with:

amended 34/2005

- (a) Administrative Coordinator of Environmental Health Services;
- (b) Entomologist – Insect Control Services;
- (c) Entomology Technicians; and
- (d) Entomology Technical Assistants.

amended 58/2004

Orders to deal with larval and pupal development site

6(1) Where an inspector finds one or more larval and pupal development sites on a property, the inspector may order the owner or occupier to implement a program or measure for the elimination of the site or the prevention and control of mosquito breeding in the site and the order shall specify a reasonable time for compliance.

amended 34/2005

Possible orders

6(2) A program or measure under subsection (1) ordered by an inspector may require several actions or options for preventing or controlling mosquito breeding, including one or more of the following:

- (a) relocating, resituating or repositioning receptacles so that they will not permit the accumulation of stormwater;
- (b) removing obstacles to the drainage of stormwater from eavestroughs, drainpipes, and similar sites;
- (c) eliminating low-lying areas by filling them in or elevating them, installing or creating a system of drainage or taking some other action to prevent the possibility of the accumulation of storm water;

- (d) introducing fish or other natural organisms to ornamental ponds and other similar sites in order to reduce or eliminate the proliferation of mosquito larvae through breeding;
- (e) draining or cleaning receptacles on a regular basis;
- (f) applying a larvicide to a larval and pupal development site;
added 34/2005
- (g) taking other actions to eliminate or reduce the possibility of mosquito breeding.

Continuing actions

6(3) An order made under subsection (1) may specify a continuing action or series of actions to be taken.

Notice

7(1) An order to remedy a contravention of this By-law must be issued in accordance with *The City of Winnipeg Charter*.

7(2) Notice of entry for the purposes of larviciding as a service on private property may be given by annually publishing in a newspaper having general circulation in the city a notice setting out the purpose for which entry is being made, the chemical or biological agents employed and the dates between which entries to private property may take place without further notice and, pursuant to section 119 of The City of Winnipeg Charter, the requirements for giving notice of entry for these purposes are hereby varied.

amended 34/2005

Address for service

8. Where an address for service of an order or notice is required, the following shall be used:

- (a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property; and
- (b) if the person to be served is the occupant of real property, the street address for that property.

Appeals

9(1) An appeal from an order to remedy a contravention of this By-law may be made in accordance with *The City of Winnipeg Charter* to a hearing body consisting of

- (a) the Chief Administrative Officer of the City;
- (b) the Chief Financial Officer of the City;
- (c) the Director of Planning, Property and Development; and
- (d) the Director of Water and Waste;

or their delegates.

Chair and vice-chair of hearing body

9(2) The Chief Administrative Officer of the City or his/her designate shall serve as the chairperson of the hearing body referred to in subsection (1) and the Chief Financial Officer of the City or his/her designate shall be the vice-chairperson.

Panels permitted

9(3) The hearing body shall sit in panels of three members selected by the chairperson.

Rules of practice and procedure

9(4) Sections 54.10 and 54.11 of the Procedure By-law apply to hearings conducted under this section and the hearing body may adopt other rules of practice and procedure.

DONE AND PASSED in Council assembled, this 28th day of May, 2003.