THE CITY OF WINNIPEG

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 City Entomologist or any employee of the City to whom the City Entomologist has delegated authority to carry out powers, duties or functions under this By-law.

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.

mosquito breeding 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.

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 mosquito breeding sites

3 No person may permit a mosquito breeding site to exist on property of which he or she is the owner or occupant.

Powers of designated employees

4 The City Entomologist and inspectors to whom the City Entomologist has delegated authority may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with The City of Winnipeg Charter and, for those purposes, have the powers of a "designated employee" under The City of Winnipeg Charter.

Inspection programs conducted by public notice

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

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 this By-law 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:

(a) City Entomologist;
(b) Entomology Technicians; and
(c) Entomology Technical Assistants.

Orders to deal with mosquito breeding sites

6(1) Where an inspector finds one or more mosquito breeding 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.

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 mosquito breeding site;

(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.

Service of orders

7 Any order to remedy a contravention of this By-law must be issued in accordance with The City of Winnipeg Charter.

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 day of May, 2003.

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Mayor

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City Clerk

Approved as to content:

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Director of Community Services

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services