Agenda - Council - March 23, 2005

Report - Standing Policy Committee on Protection and Community Services - March 11, 2005

Item No. 3 Amendments to Mosquito Control By-law No. 101/2003
File PA

STANDING COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submits the following to Council:

1. That the amendments to the Mosquito Control By-law No. 101/2003 as outlined in the administrative report dated February 23, 2005 be approved.

2. That the Chief Administrative Officer be authorized to enter into agreements with Capital Region Municipalities to apply the public notice provisions of the Mosquito Control By-law in their jurisdictions for the purpose of providing notice to their residents.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report - Standing Policy Committee on Protection and Community Services - March 11, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection and Community Services and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 11, 2005, the Standing Policy Committee on Protection and Community Services concurred in the administrative recommendation and submitted its recommendation to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

RE:	**Amendments to Mosquito Control By-law**
FOR SUBMISSION TO:	**Standing Policy Committee on Protection and Community Services**
ORIGINAL REPORT SIGNED BY:	**Ursula Stelman, Director Community Services Department**
REPORT DATE:	**February 23, 2005**

RECOMMENDATION(S):

- That the attached amendments to the Mosquito Control Bylaw No. 101/2003 be enacted by Council.
- That Council authorize the CAO to enter into agreements with Capital Region municipalities to apply the public notice provisions of the Mosquito Control By-law in their jurisdictions for the purpose of providing notice to their residents.

REPORT SUMMARY:

Key Issues:

- The By-law currently permits specific Insect Control Branch employees to enter private property to enforce the By-law pursuant to a public notice of inspection. The City Charter requires that these appointments must be renewed annually. The attached by-law amendments renew these appointments.

- In addition, where larviciding on private property is provided as a service (ie. where no by-law enforcement is taking place), the attached amendments will clarify that the annual notice that the City of Winnipeg currently publishes in newspapers constitutes adequate notice to individual property owners to allow City crews to conduct their traditional nuisance mosquito larviciding campaign.

- The attached amendments also change the term "mosquito breeding site" to the more scientifically accurate "larval and pupal development site".

- Council authorization would allow Capital Region municipalities in which City crews have traditionally operated as part of the City's nuisance mosquito larviciding campaign to serve notice of the campaign using the public notice provisions of the By-law.

    - The City of Winnipeg Charter permits the City to agree with other municipalities that a City by-law will also have effect in that municipality.

- Since the City of Winnipeg carries out nuisance larviciding in both the City of Winnipeg and the surrounding Capital Region municipalities, their adoption of the section of the City of Winnipeg Mosquito Control By-law that relates to public notice would ensure that consistent public notice was being issued in all areas in which the City was delivering a service.

Implications of the Recommendation(s):

General implications:

For the organization overall &/or for other departments
X For the community and/or organizations external to the City
Involves a multi-year contract
Comment(s): City residents will get the same notice that they have in previous years. Capital Region municipalities will be able to take advantage of the public notice provisions in the By-law to notify their residents about the larviciding campaign.

Policy implications:
X No
Yes Comment(s):

Environmental implications:
X No
Yes Comment(s):

Human Resources implications:
X No
Yes Comment(s):

Financial implications:
X Within approved current and/or capital budget
Current and/or capital budget adjustment required
Comment(s):

REASON FOR THE REPORT: Council approval is necessary to enact by-law amendments and to authorize the CAO to enter into agreements with Capital Region municipalities.

HISTORY:

The City of Winnipeg has been providing nuisance and vector mosquito control services since 1927. The largest and most effective component of this service consists of treating larval development sites to prevent the development of mosquito larvae into adults. Not only is larviciding the most effective means of controlling mosquitoes, it also raises fewer environmental and human health concerns than adulticiding (fogging).

In 2003, the City adopted a by-law that required the owners of property on which "mosquito breeding sites" were located to take steps to eliminate them or to larvicide the larvae in them. The by-law also took advantage of a provision in the new City Charter that allowed public notice of inspections to enforce the By-law rather than individual notice to every property. However, the Charter requires that, when a public notice of inspection program is utilized, the inspectors authorized to inspect must be reappointed by by-law annually.

The City of Winnipeg has conducted larviciding for nuisance mosquitoes within Winnipeg and the Capital Region municipalities surrounding Winnipeg for many years This program benefits both Winnipeg and the other municipalities. Since 2002, the Province of Manitoba and the surrounding Capital Region municipalities have contributed $1,000,000 annually to the costs of this expanded nuisance larviciding program. The City of Winnipeg also enters into annual service level agreements based on full cost recovery with the Province of Manitoba to conduct West Nile virus larviciding in some of the surrounding Capital Region municipalities.

DISCUSSION:

- *Current Service Delivery*

Before conducting its annual larviciding campaign, the City publishes notices in local newspapers informing the citizens of Winnipeg of the mosquito control services that the Insect Control Branch intends to provide on both public and private property. The types of registered control products that may be used are set out in this notice and individuals who have questions or objections to the use of these products on their property are given a telephone number to call. Although the City has authority to seek a judicial warrant to enter when an owner or occupant objects to the City's entry for larviciding purposes, the City has not to date found it necessary to take this step. For the most part, the public has been cooperative with the City's larviciding efforts and, in those few situations where objections have been raised, the City has been able simply to by-pass that property without significant effect on the program's effectiveness.

The City has traditionally extended its larviciding program for nuisance mosquitoes to an area immediately surrounding the City in neighbouring Capital Region municipalities. In recent years, the Province and these municipalities have begun contributing financially to the costs of the campaign beyond the City limits and it is now a more cooperative program which is seen to benefit local municipalities as well as the City itself.

- *Proposed Amendments*

The attached proposed amendments to the Mosquito Control By-law:

- change the term "mosquito breeding site" to the more scientifically accurate "larval and pupal development site";

- reappoint employees of the City who are authorized to act as inspectors under the public notice provisions of the Mosquito Control By-law; and

- provide for notice to property owners through publication of a public notice in a newspaper where larviciding on private property is provided as a service (ie. where no by-law enforcement is taking place). This notice will be much the same as the notice that has been provided in previous years for the nuisance mosquito larviciding campaign and will ensure that entries to provide the service of larviciding involves the same form of notice as entries for inspection to ensure compliance with the By-law.

- *Public notice in surrounding Capital Region municipalities*

The Municipal Act, which governs Capital Region municipalities in which City crews conduct larviciding operations, requires that municipalities serve notice on property owners and occupants by personal service or by sending it to each property by registered mail, fax or deliver. Where this is impossible, the municipality may serve the notice by posting it at the municipality offices. Due to the impracticability of sending notices to each property that will be larvicided, but desiring more visibility than a notice posted in the municipal offices, some municipalities may prefer notifying property owners about the larviciding campaign by publishing a notice like the City. Although notification in this way does not appear to be possible under The Municipal Act, the City of Winnipeg Charter permits the City to agree with other municipalities that a City by-law will also have effect in that municipality.

If Council authorizes the CAO to enter into these agreements, a Capital Region municipality that wishes to do so could have the provisions of the Mosquito Control By-law that relate to public notice apply in that municipality and could then serve its residents by public notice. In fact, the City's notice could be expanded to include these municipalities as well. If the Capital Region municipalities all entered into these agreements adopting the City's notice requirements, no further action would be required by the municipality or City for providing notice. The same public notice would serve as published notice for the City and the municipalities.

This would ensure that the City of Winnipeg is providing public notice consistently within both the City of Winnipeg and the surrounding Capital Region municipalities when carrying out nuisance mosquito larviciding.

Project Name: **First Year of Program** 2005

Amendments to Mosquito By-law

	2005	2006	2007	2008	2009
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
External	-	-	-	-	-
Grants (Identify)	-	-	-	-	-
Reserves, Equity, Surplus, Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

There are no financial implications associated with this report.

"Original signed by"
Cindy Fernandes, B. Comm (Hon), CMA
Acting Manager of Finance & Administrative Services

IN PREPARING THIS REPORT THERE WAS CONSULTATION WITH, AND CONCURRENCY BY:

- Legal Services

THIS REPORT SUBMITTED BY:

Community Services Department
Prepared by: Kelly Goldstrand, Manager of Community Resource, Protection & Safety Services
File No.

3136

THE CITY OF WINNIPEG

BY-LAW NO. 34/2005

A By-law of THE CITY OF WINNIPEG to amend the Mosquito Control By-law No. 101/2003.

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

1. The Mosquito Control By-law No. 101/2003 is amended by this By-law.

2. Section 2 is amended by striking out the definition of *"**mosquito breeding site**"* and substituting the following in alphabetical order:

> ***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.*

3. The By-law is amended by striking out *"mosquito breeding site"* wherever it appears in the By-law and substituting *"larval and pupal development site"*.

4. Subsection 5(2) is amended by striking out *"By-law No. 58/2004"* and substituting *"By-law No. 34/2005".*

5. Section 7 is repealed and the following is substituted:

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.

DONE AND PASSED, in Council assembled, this day of , 2005.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of Community Services

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services