

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

BY-LAW NO. 2006-01

A BY-LAW TO REGULATE STANDING WATER IN THE TOWNSHIP OF MCGARRY

WHEREAS pursuant to Section 130 of the Municipal Act, 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 standing water provides a breeding environment for mosquitoes that carry the West Nile Virus and thereby endangers the health of the inhabitants of the Town;

AND WHEREAS pursuant to Section 427 of the Municipal Act, S.O. 2001, c.24 a municipality may enact a by-law to require that a matter or a 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;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Township of McGarry 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 for more than four consecutive (4) days but does not include a municipality owned storm water management facility;
 - (c) Medical Officer of Health refers to the Medical Officer of Health or designate (i.e. public health inspector) for the Region of Temiskaming;
 - (d) Municipal By-Law Enforcement Officer means a Municipal By-Law Enforcement Officer appointed by the Town of Temiskaming Shores.
 - (e) Natural Body of Water refers to a creek, stream, bog, marsh, fenn, river, pond or lake created by the forces of nature and which contains water;
 - (f) Owner means the person(s) that appear on the last assessment roll of the Township of McGarry;
 - (g) Person includes a natural individual, corporation, partnership or association;

- (h) Property means any land in private ownership in the Township of McGarry including yards and vacant lots;
- (I) Standing Water means any water, other than a natural body of water that exists on a permanent basis or contained within a municipality owned storm water management facility, that is found either on the ground or in debris as defined in this by-law;
- (j) Town means the Corporation of the Township of McGarry.

General


1. No person shall keep a swimming pool, hot tub, wading pool, or artificial pond unless it is maintained in good repair and working condition;
2. No person shall permit a depression, excavation, swimming pool, hot tub, wading pool artificial pond or debris located on this property to contain standing water for a period on excess of (4) days;
3. Any person owning a property in the Township of McGarry upon which a Natural Body of Water exists shall, when advised by the Medical Officer of Health that a medical hazard exists, take the steps contained in any Order issued by the Medical Officer of Health to remedy the situation. Not limiting the foregoing, such Order may include a direction to fill or drain of the body of water or the treatment or the same with a larvicide;
4. When a property is not maintained pursuant to the requirements of this by-law , the Township of McGarry shall send of a Notice of Violation to the owner of the property requiring the owner to comply with the requirements of the by-law within the time specified in the Notice of Violation.
5. Service of the Notice of Violation may be made by first class mail or may be delivered by hand to the address of the owner shown on the last assessment roll, and such service shall be deemed to be good and sufficient service of notice on the owner.
6. Whenever this by-law directs or requires any work to be done pursuant to a Notice of Violation, in default of its being done by the person directed to do it, such work may be done by the Town or its agents at the expense of the person and the Town may recover all cost incurred in doing the work by adding the costs to the tax roll and collect them in the same manner as municipal taxes.

Penalty

7. Everyone 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, as amended.

8. This by-law shall be know as the ("Standing Water By-Law").

READ A FIRST AND SECOND TIME THIS 10TH DAY OF JANUARY, 2006.
READ A THIRD TIME AND FINALLY PASSED THIS 10TH DAY OF JANUARY
2006.


REEVE


ACTING CLERK-TREASURER