



By-law No. 2003-118

“A By-law to Regulate Standing Water in The City of Owen Sound”

**Originally Passed and Enacted July 21, 2003**

<b>Amended by By-law:</b>	<b>Passed On:</b>
Not Amended	

***Consolidated Version***  
*Revised and Verified February 7, 2014*

*Consolidated for Convenience Only*

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk’s Department.

**BY-LAW NO. 2003-118**

**THE CORPORATION OF THE CITY OF OWEN SOUND**

**A BY-LAW TO REGULATE STANDING WATER IN  
THE CITY OF OWEN SOUND**

WHEREAS pursuant to Section 30 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 standing water provides a breeding environment for mosquitoes that carry the West Nile Virus and thereby endangers the health of the inhabitants of the City; 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 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 cost 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 CITY OF OWEN SOUND ENACTS AS FOLLOWS:

**Section 1 - Definitions:**

1. For the purpose of this By-law:
  - 1.1 **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.
  - 1.2 **Depression** shall mean any natural or man made condition on property that is capable of holding water for more than four consecutive days but does not include a municipally owned storm water management facility.
  - 1.3 **Medical Officer of Health** refers to the Medical Officer of Health for the City of Owen Sound and the County of Grey.
  - 1.4 **Natural Body of Water** refers to a creek, stream, bog, marsh, fen, river, pond or lake created by the forces of nature and which contains water.
  - 1.5 **Owner** means the person(s) that appear on the last assessment roll for the City of Owen Sound.
  - 1.6 **Person** includes a natural individual, corporation, partnership or association.
  - 1.7 **Property** means any land in private ownership in the City of Owen Sound including lands and vacant lots.
  - 1.8 **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.

**Section 2 - General**

- 2.1 No person shall keep a swimming pool, hot tub, wading pool or artificial pond unless it is maintained in good repair, the water is circulated and filtered or chlorinated or otherwise treated.

2.2 No person shall permit a depression, excavation, cover of a swimming pool or hot tub, wading pool, artificial pond or debris located on his/her property to contain standing water for a period in excess of four days.

2.3 Any person owning a property in the City of Owen Sound upon which a natural body of water shall exist, when advised by the Medical Officer of Health that a medical hazard exists, shall 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 off the body of water or the treatment of the same with a larvicide.

2.4 When a property is not maintained pursuant to the requirements of this By-law, the City shall send 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.

2.5 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.

2.6 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 City or its agents at the expense of the person and the City may recover all costs incurred in doing the work by adding the costs to the tax roll and collect them in the same manner as municipal taxes.

### **Section 3 – Penalty**

3.1 Any person 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.

3.2 This By-law shall be known as the “Standing Water By-law”.

### **Section 4 – In Force**

4. This By-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 21<sup>st</sup> day of July, 2003.

Signature on File

Mayor

Signature on File

Clerk