

# THE RURAL MUNICIPALITY OF EAST ST. PAUL

## BY-LAW NO. 2003 - 13

### **Being a By-law of the Rural Municipality of East St. Paul to prevent mosquito breeding and otherwise suppress and control mosquitos.**

WHEREAS Section 232(1)(a) of The Municipal Act authorizes a Municipality to pass by-laws respecting the safety, health, protection and well-being of people;

AND WHEREAS Section 232(1) (c) of the Municipal Act authorizes a Municipality to pass by-laws respecting activities or things in or on private property.

AND WHEREAS the Council of the Rural Municipality of East St Paul deems it necessary and expedient to enact a by-law to prevent mosquito breeding and otherwise suppress and control mosquitos.

NOW THEREFORE BE IT and it is hereby enacted as a by-law of the Rural Municipality of East St Paul as follows.

#### **Short Title**

1. This By-law may be referred to as “**The Mosquito Control By-law**”.
2. In this By-law

**inspector** means employee or other person that the Council of the Rural Municipality of East St. Paul to whom 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 mosquitos 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 mosquitos 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 Rural Municipality of East St. Paul 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 person**

4. The inspectors to whom the Council of the Rural Municipality of East St. Paul 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 Municipal Act and, for those purposes, have the powers of a “designated employee” under The Municipal Act.

**Inspection programs conducted by public notice**

- 5(1) In order to determine whether this By-law is being complied with, the council of the Rural Municipality of East St Paul may conduct an inspection program by public notice in accordance with the Municipal Act.

**Persons designated to conduct inspection program by public notice**

- 5(2) Any person designated by the Council of the Rural Municipality of East St. Paul as a designated person in accordance with Section 4 hereof shall be eligible to enter on an inspect land in accordance with a public notice of an inspection to determine whether this By-law is being complied with.

**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 Municipal Act.

### **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 on the assessment roll 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 Municipal Act to the Council of the Rural Municipality of East St Paul

DONE AND PASSED by Council of the Rural Municipality of East St. Paul, in open meeting duly assembled this 13th day of August A.D. 2003.

Originally Signed By Lawrence Morris  
Deputy Reeve

Originally Signed By Jerome Mauws  
Chief Administrative Officer

Read a first time this 9th day of July , 2003.

Read a second time this 13th day of August , 2003.

Read a third time this 13th day of August, 2003.