

## By-law 2016-160

### A By-law of the City of Greater Sudbury to Amend By-law 2009-101 being a By-law of the City of Greater Sudbury to Require the Clearing of Yards and Certain Vacant Lots

**Whereas** the Council of the City of Greater Sudbury deems it desirable to amend By-law 2009-101 being a By-law of the City Of Greater Sudbury to Require the Clearing of Yards and Certain Vacant Lots in order to provide for certain additional fees;

**Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:**

#### Enact Section 22.1

1. By-Law 2009-101 being a by-law of the City of Greater Sudbury to Require the Clearing of Yards and Certain Vacant Lots, as amended, is hereby further amended by enacting the following section 22.1 immediately after section 22 and before section 23:

#### "Attendance Fee

"22.1(1) An enforcement attendance fee in an amount determined in accordance with the City's Miscellaneous User Fee By-law then in effect shall be payable on a time spent basis:

- (a) for the second and each subsequent inspection conducted by a by-law enforcement officer to ascertain compliance with a notice, direction or order pursuant to this By-law, which is conducted after the specified date for compliance; and
  - (b) in the event that a by-law enforcement officer attends any remediation directed by or conducted by the City, pursuant to this By-law as a result of a failure to comply with an order made pursuant to this By-law.
- (2) Any fee under subsection 22.1(1) shall be payable:
- (a) in accordance with the provisions of the City's Miscellaneous User Fee By-law then in effect; and
  - (b) in addition to any fine levied upon conviction of an offence under this By-law, and whether or not there is a charge laid, and whether or not any charge laid leads to a conviction."

Replace Subsection 23(4)

2. By-Law 2009-101 being a by-law of the City of Greater Sudbury to Require the Clearing of Yards and Certain Vacant Lots, as amended, is hereby further amended by repealing subsection 23(4) and enacting the following subsection 23(4) in its place and stead:

“23(4) Where a person disagrees with all or any part of the content of a Notice as confirmed or altered by the General Manager, the person may appeal the decision to the Hearing Committee within five (5) business days of the deemed receipt of the General Manager’s decision by submitting a written request to the General Manager and paying of an administrative fee in an amount determined in accordance with the City’s Miscellaneous User Fee By-law then in effect. Upon timely receipt of the fee and the written request, the General Manager shall request the City Clerk to schedule a hearing.”

Transition


3. Where a part of a by-law is repealed by this By-law, the repeal does not:
- (a) affect the previous operation of the part of the by-law so repealed;
  - (b) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the part of the by-law so repealed; or
  - (c) affect any offence committed against any part of the by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

Effective

4. This By-law shall come into full force and effect upon passage.

**Read and Passed in Open Council** this 9th day of August, 2016

  
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Mayor

  
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Deputy  
Clerk