

## By-law 2016-162

### **A By-law of the City of Greater Sudbury to Amend By-law 2010-188 being a By-law to Prohibit, Regulate and Control Discharges into Bodies of Waters Within City Boundaries or into the City Sanitary Sewers, Storm Sewers, Sanitary Sewage Works and all Tributary Sewer Systems**

**Whereas** the Council of the City of Greater Sudbury deems it desirable to amend By-law 2010-188 being a By-law to Prohibit, Regulate and Control Discharges into Bodies of Waters Within City Boundaries or into the City Sanitary Sewers, Storm Sewers, Sanitary Sewage Works and all Tributary Sewer Systems in order to provide for certain additional fees;

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

#### Enact Section 36.1

1. By-law 2010-188 being a By-law to Prohibit, Regulate and Control Discharges into Bodies of Waters Within City Boundaries or into the City Sanitary Sewers, Storm Sewers, Sanitary Sewage Works and all Tributary Sewer Systems, as amended, is hereby further amended by enacting the following section 36.1 immediately after section 36 and before section 37:

“**36.1-(1)** Where the General Manager, a Compliance Officer or other By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the General Manager, a Compliance Officer or other By-law Enforcement Officer may make an order requiring the person who contravened this By-law or who caused or permitted the contravention to discontinue the contravening activity. The order shall set out reasonable particulars of the contravention, and where applicable, the location of the land on which the contravention is occurring and the date by which there must be compliance.

(2) Where the General Manager, a Compliance Officer or other By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, an order may be made requiring the person who contravened this By-law or who caused or permitted the contravention to correct the contravention. The order shall set out:

- (a) reasonable particulars of the contravention;
- (b) particulars of the location where the contravention occurred;
- (c) any work to be done or steps to be taken to comply with this By-law;
- (d) the date by which the work must be done or steps taken; and

- (e) provide that if any work specified is not completed by the date specified to the satisfaction of the General Manager, a Compliance Officer or other By-law Enforcement Officer, that the General Manager, a Compliance Officer or other By-law Enforcement Officer may cause the work to be done at the expense of the Owner.

(3) Pursuant to subsection 445(3) of the *Municipal Act, 2001*, as amended, an order pursuant to subsection 36.1(1) or 36.1(2) may require the work to be done even though the facts which constitute the contravention of the By-law were present before this By-law making them a contravention came into force.

(4) Service of an order issued under this By-law shall be given to each person, by delivering personally to the person, or by mailing to each owner of the property by registered mail at the address recorded for that property in the tax rolls of the City.

(5) Every person who is served with an order under this By-law shall comply with the requirements of the order within the time period specified in the order.

(6) An 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 General Manager, a Compliance Officer or other 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 General Manager, a Compliance Officer or other 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.

(7) Any fee under subsection (6) 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."

Effective

2. 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