

By-law 2016-163

A By-law of the City of Greater Sudbury to Amend By-law 2010-214 being a By-law of the City of Greater Sudbury Respecting the Supply of Water, the Management and Maintenance of the Waterworks Systems of the City

Whereas the Council of the City of Greater Sudbury deems it desirable to amend By-law 2010-214 being a By-law of the City of Greater Sudbury Respecting the Supply of Water, the Management and Maintenance of the Waterworks Systems of the City in order to provide for certain additional fees;

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

Replace Section 11

1. By-law 2010-214 being a By-law of the City of Greater Sudbury Respecting the Supply of Water, the Management and Maintenance of the Waterworks Systems of the City, as amended, is hereby further amended by repealing section 11 and enacting the following section 11 in its place and stead:

“Offence

11.-(1) Every person who contravenes any of the provisions of this By-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

(2) For the purposes of subsection 11(1), each day on which a person contravenes any of the provisions of this By-law shall be deemed to constitute a separate offence under this By-law.

(3) The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of compliance with the obligations under this By-law.

(4) The making of a false or intentionally misleading statement or representation in any agreement or request for permission provided for by this By-law shall be deemed to be a violation of the provisions of this By-law.

Enact Sections 12.1 to 12.6

2. By-law 2010-214 being a By-law of the City of Greater Sudbury Respecting the Supply of Water, the Management and Maintenance of the Waterworks Systems of the City, as amended, is hereby further amended by enacting the following sections 12.1 to 12.6 immediately after section 12 and before section 13:

"Right of Entry - Inspection

12.1-(1) A By-law Enforcement Officer may enter on private property at all reasonable times to ascertain whether there is compliance with:

- (a) the provisions of this By-law; or
- (b) a direction or order or notice given under this By-law.

(2) Despite subsection 12.1(1), entry into a dwelling unit shall be effected only in accordance with the *Municipal Act, 2001*.

Order to Discontinue

12.2 Where the By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the 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.

Order to Comply

12.3-(1) Where the 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, where applicable;
- (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 By-law Enforcement Officer, that the By-law

Enforcement Officer may cause the work to be done at the expense of the owner.

(2) Pursuant to subsection 445(3) of the *Municipal Act, 2001*, as amended, an order pursuant to subsection 12.3(1) 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.

Service of Orders

12.4 Service of an Order issued under section 12.2 or subsection 12.3(1) shall be given to each person, by delivering personally to the person, in which case service will be effective immediately; by mail, in which case service will be effective on the 5th day after mailing; or by posting in a conspicuous place on the property affected, in which case, service will be effective on the 3rd day after posting.

Comply with Order

12.5 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.

Attendance Fees

12.6-(1) 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 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 12.6(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."

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



Mayor



Deputy
Clerk