

BY-LAW 2011-246

**A BY-LAW TO AMEND BY-LAW 2009-101,
BEING A BY-LAW OF THE CITY OF GREATER SUDBURY
TO REQUIRE THE CLEARING OF YARDS**

WHEREAS the Council of the City of Greater Sudbury deems it advisable to amend By-law 2009-101;

NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY HEREBY ENACTS AS FOLLOWS:

1. By-law 2009-101, a By-law of the City of Greater Sudbury to Require the Clearing of Yards is hereby amended by:

- (a) inserting in Section 1 of the By-law after “General Manager” and before “Industrial Waste “, the following definition of “Hearing Committee”

“Hearing Committee” means the Hearing Committee authorized pursuant to the City’s Procedure By-law, as amended or replaced from time to time”;

- (b) repealing Section 23 and enacting the following section 23 in its place and stead:

23. (1) The City’s Hearing Committee shall hear appeals under Section 23(4).

(2) A person served with a Notice who disagrees with all or any part of its content, may submit an objection in writing to the General Manager within five business days of his or her deemed receipt of the Notice. The General Manager is authorized to conduct a review and to revoke, confirm or alter all or part of the Notice. Written notice of the decision of the General Manager shall be provided to the person who filed an objection.

(3) Prior to altering a Notice issued by a Police Officer, the General Manager shall consult with the Chief of Police or his or her designate.

(4) Where a person disagrees with all or any part of the content of a Notice as confirmed or altered by the General Manager, he or she may appeal to the Hearing Committee by submitting an appeal in writing

addressed to the City Clerk within five business days of the date of deemed receipt of the General Manager's decision, along with an appeal fee in the amount of \$100.

(5) The City Clerk shall schedule a hearing of any appeals filed before the Hearing Committee as soon as reasonably practicable, and shall advise the person appealing of the time and place of the hearing at least ten days prior to the hearing.

(6) At any such hearing, the person appealing may present evidence and make submissions regarding the Notice.

(7) At any such hearing, the Hearing Committee may proceed to consider the matter, whether or not the owner is in attendance, and may confirm, amend or revoke all or part of the Notice or may add conditions to a Notice.

(8) A decision of the Hearing Committee with respect to any Notice is final and binding, takes effect upon the rendering of the decision by the Hearing Committee and is not reviewable by City Council.


(9) In the event the Hearing Committee revokes the Notice, the Appeal fee shall be refunded.

(10) For the purposes of this Section 23, all notices shall be given and deemed received in the same manner as service of a Notice under section 15."


2. Any appeal commenced before the effective date of this By-law shall be continued before the Hearing Committee as if made to the Hearing Committee.

3. This By-law shall come into force and effect as of January 1st, 2012.

READ AND PASSED IN OPEN COUNCIL this 9th day of November,
2011.



Mayor



Clerk