

The Corporation of the City of North Bay

By-Law No. 2022-73

Being a By-Law to Amend By-Law No. 2022-28, as amended, (Clean Yards By-Law)

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25 provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 127 of the *Municipal Act, 2001* provides that a municipality may require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings and for regulating when and how such matters shall be done and for defining "refuse";

AND WHEREAS section 128 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS section 131 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that any person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence and section 429 thereof provides that a municipality may establish a system of fines for offences under a by-law;

AND WHEREAS section 435 of the *Municipal Act, 2001* provides conditions governing the exercise of a power of entry for municipalities to enter onto lands to inspect for the purposes of this By-law;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with a by-law, or an order made under a by-law, or court order made under section 431 of the *Municipal Act, 2001*;

AND WHEREAS sections 444 and 445 of the *Municipal Act, 2001* provide that, if a municipality is satisfied that a contravention of a by-law passed under the *Municipal Act, 2001* has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and to do work to correct the contravention;

AND WHEREAS section 446 (1) of the *Municipal Act, 2001* provides that if a municipality has the authority under that Act or any other Act, or under a by-law under the *Municipal Act, 2001* or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in

default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense;

AND WHEREAS section 446(2) of the *Municipal Act, 2001* provides that a municipality may enter upon land at any reasonable times for the above purpose;

AND WHEREAS section 446(3) of the *Municipal Act, 2001* provides that a municipality may recover the cost of doing a thing or matter required above from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS section 391 of the *Municipal Act, 2001* provides that a municipality may impose fees or charges on persons for services or activities provided by or on behalf of it, and for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board;

AND WHEREAS the Council of The Corporation of the City of North Bay passed Resolution No. 2022-229 at its Regular Meeting on the 28th day of June 2022, authorizing the amendment of the penalty provision of By-Law 2022-28;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY ENACTS AS FOLLOWS:

1. That paragraph 5.6.1 be deleted and the following inserted in lieu thereof:

“5.6.1 A person who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.”

2. This By-Law comes into force and effect upon being passed.

Read a First Time in open Council this 12th day of July, 2022.

Read a Second Time in open Council this 12th day of July, 2022.

Read a Third Time in open Council and passed this this 12th day of July, 2022.

Mayor Allan McDonald

City Clerk Karen McIsaac