

BY-LAW NUMBER 2009-055

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

**BEING A BY-LAW TO PROVIDE POWERS OF ENTRY FOR THE
PURPOSE OF INSPECTION**

WHEREAS Section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection;

AND WHEREAS Section 438 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the power to pass by-laws providing that the municipality may undertake inspections pursuant to orders issued under Section 438;

AND WHEREAS Sections 435 and 437 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, set out certain additional powers and restrictions in regard to the power of entry;

AND WHEREAS the Corporation of the Township of Uxbridge wishes to pass a By-law allowing for the entry on land for the purpose of carrying out an inspection to ensure that its By-laws, directions, orders and conditions of a licence are being complied with;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF UXBRIDGE HEREBY ENACTS A BY-LAW AS FOLLOWS:**

1. In this By-law:
 - (a) "Building" means any structure consisting of a roof supported by walls or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, goods, chattels, or equipment and includes a carport;
 - (b) "By-law" means a by-law passed by Council pursuant to the *Municipal Act*;
 - (c) "Township" means the Corporation of the Township of Uxbridge;
 - (d) "Council" means the Council of the Corporation of the Township of Uxbridge;
 - (e) "Dwelling" means any room, place or part of a Building actually being used as a dwelling;
 - (f) "Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended from time to time; and
 - (g) "Officer" means each of
 - (i) a Municipal Law Enforcement Officer appointed by Council to enforce a By-law or a direction or order of the Township made under the *Municipal Act* or made under a By-law; and
 - (ii) a police officer employed by a municipal police force, the Ontario Provincial Police or the Royal Canadian Mounted Police.

2. Subject to Section 3, an Officer may enter on land and into a Building at any reasonable time for the purpose of carrying out an inspection to determine whether or not any of the following are being complied with:
- (a) A By-law;
 - (b) A direction or order of the Township made under the Municipal Act or made under a By-law;
 - (c) A condition of a licence issued under a By-law; or
 - (d) An order made under Section 431 of the Municipal Act.
3. An Officer exercising a power of entry shall not enter or remain in a Dwelling except in accordance with the restrictions set out in Section 437 of the Municipal Act.
4. An Officer exercising a power of entry may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person who, in the Officer's opinion, possesses special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
5. A person is guilty of an offence if the person:
- (a) refuses or neglects to produce for inspection any document or thing required by an Officer pursuant to paragraph 4(a); or
 - (b) refuses or neglects to provide information required by an Officer pursuant to paragraph 4(c).
6. Subject to section 7, this By-law prevails to the extent of any conflict between this By-law and any other by-law of the Township.
7. This By-law does not restrict the Township's or an Officer's rights conferred by the Municipal Act or any other Act or regulation respecting entry to Buildings, Dwellings or lots.

READ A FIRST, SECOND and THIRD time and finally passed on the 27th day of April, 2009.


BOB SHEPHERD

MAYOR


DEBBIE LEROUX
CLERK