

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW #9-2017

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 Section 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 section 425 of the *Municipal Act*, 2001, S.O. 2001 c. 25 as amended, authorizes a municipality to provide offences for a contravention of a by-law:

NOW THEREFORE the Council of the Municipal Corporation of the Municipality of the Township of Armour enacts as follows:

SECTION 1- DEFINITIONS

- (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) "Council" means the Council of the Municipal Corporation of the Township of Armour;
- (d) "Dwelling" means any room, place or part of a building actually being used as a dwelling;
- (e) "Land" means any private property, premises, grounds, yards or vacant lot and includes any building or structure thereon not actually 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.
- (h) "Township" means The Municipal Corporation of the Township of Armour;

SECTION 2- POWERS OF ENTRY

- 2.1 An officer may enter upon 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.

SECTION 3- INSPECTIONS

- 3.1 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.

SECTION 4- OBSTRUCTION

- 4.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under the Municipal Act or under a by-law passed under this Act.
- 4.2 Any person who has been alleged to have contravened any of the provisions under the Municipal Act or under a by-law passed under this Act, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered an Officer in the execution of his/her duties.

SECTION 5- OFFENCE, PENALTIES AND ENACTMENT

- 5.1 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 3.1 (a); or
 - (b) refuses or neglects to provide information required by an Officer pursuant to paragraph 3.1 (c); or
 - (c) hinders or obstructs, any person who is exercising their duties pursuant to section 4.1.
- 5.2 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine not to exceed the maximum provided under the Provincial Offences Act, exclusive of costs, and every such fine shall be recoverable under the Provincial Offences Act.
- 5.3 This By-law shall take effect upon its passing.

Read in its entirety, approved,
signed and the seal of the
Corporation affixed thereto and
finally passed in open Council this
14th day of February, 2017.

Original signed by Bob MacPhail
REEVE

Original signed by Wendy Whitwell
CLERK-ADMINISTRATOR

Township of Armour

By-Law #9-2017

Part I Provincial Offences Act

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Refuses to produce for inspection any document or thing	s. 5.1 (a)	\$200.00
2	Refuses to provide information required by an Officer	s. 5.1 (b)	\$200.00
3	Hinder or obstruct an Officer	s. 5.1 (c)	\$350.00

NOTE: The penalty provision for the offences indicated above is Section 5.1(a-c) and 5.2 of By-Law #9-2017 and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.