



## **BY-LAW NO. 2007-0106**

A By-law to set the powers and conditions for officers conducting inspections and exercising a power of entry for a municipal by-law

**WHEREAS** section 8 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides a municipality may pass by-laws to regulate or prohibit any matter, require persons to do things or provide for a system of licences respecting the matter;

**AND WHEREAS** section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides a municipality 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 425 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes a municipality to provide offences for a contravention of a by-law;

**AND WHEREAS** section 436 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides a municipality may pass by-laws authorizing the power of entry for the purpose of inspecting land to determine compliance with a by-law, direction, order, or condition of license.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

### **SHORT TITLE**

The short title of this By-law is the *Power of Entry By-law*.

1. In this By-law:

**Council** means the Council of the Corporation of the Town of Halton Hills;

**Land** means any private property, premises, grounds, yards or vacant lot and includes any building or structure thereon not actually used as a dwelling;

**Officer** means a, police officer or municipal law enforcement officer or other person appointed by by-law to enforce the provisions of a By-law of the Town;

**Town** means The Corporation of the Town of Halton Hills.

### **Application of By-law**

2. The provisions of this By-law shall apply to by-laws lawfully enacted by the Town before this By-law came into force.

### **Power of Entry**

3. (1) An officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

(a) a by-law enacted by Council;

- (b) a direction or order made under the *Municipal Act, 2001*, S.O. 2001, c.25 or a by-law enacted thereunder by the Town;
  - (c) a condition of a licence issued under a by-law enacted by Council.
- (2) For the purposes of an inspection under subsection (1) the officer 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 possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (3) A sample taken under clause (2) (d) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- (4) If a sample is taken under clause (2) (d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken.
- (5) A receipt shall be provided for any document or thing removed under clause (2) (b) and the document or thing shall be promptly returned after the copies or extracts are made.

#### **Obstruction**

- 4. 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, 2001*, S.O. 2001, c.25 or under a by-law passed under this Act.
- 5. This By-law shall come into full force and effect on its date of passing.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 12<sup>th</sup> day of November, 2007.

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MAYOR – Rick Bonnette

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CLERK – Karen Landry