

## BY-LAW NO. 73-2004

### A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE AUTHORIZING THE ENTRY UPON ADJOINING LANDS FOR THE PURPOSE OF MAKING REPAIRS, ALTERATIONS OR IMPROVEMENTS

**Whereas** Section 130 of the Municipal Act, S.O. 2001 permits a municipality to regulate matters related to the health, safety and well-being of the inhabitants of the municipality and;

**Whereas** it is deemed desirable to update the existing Right-of-Entry By-law;

**Now Therefore** the Corporation of the Council of the Town of Carleton Place enacts as follows:

#### DEFINITIONS

- I. (a) **"Building"** means any structure used or intended for supporting or sheltering any use or occupancy
- (b) **"Chief Official"** means the Chief Building Official of the Corporation of the Town of Carleton Place or his authorized assistants
- (c) **"Town"** means the Town of Carleton Place
- (d) **"Corporation"** means the Corporation of the Town of Carleton Place
- (e) **"Permit"** means the permission or authorization, in writing, to enter upon adjoining land, and
- (0) **"Work"** means the repair, alteration or improvement of a building or fence

#### APPLICATION FOR A PERMIT

2. No person shall enter onto adjoining lands in accordance with this by-law without obtaining a Right-of-Entry Permit from the Chief Official.
3. The applicant shall:
  - (a) identify and describe in detail the work to be covered by the permit for which an application has been made.
  - (b) describe the land on which the work is to be done, by a description that will readily identify and locate the building lot as well as the adjoining premises.
  - (c) state the name, address and telephone number of the applicant and the adjoining property owner upon whose land permission is sought to enter.
  - (d) be accompanied by the permit fee prescribed by Section 6 hereof, and

- (e) be accompanied by the deposit in cash prescribed by Section 5 hereof
4.
    - (a) the Chief Official shall establish the amount of the deposit which shall be sufficient to pay for the cost of restoring the adjoining land to the same condition it was in prior to entry.
    - (b) the deposit referred to in subsection (1) hereof, shall be retained by the Corporation until the applicant has made such restoration to the satisfaction of the Chief Official.
    - (c) In the event that the applicant fails to do such work to the satisfaction of the Chief Official within thirty (30) days of notice in writing to the applicant, the deposit shall be forfeited and paid by the Corporation to the owner of the land entered.
  5. The fee for a Right-of-Entry Permit shall be twenty-five (\$25.00) dollars, which is non-refundable.

#### **CONDITIONS OF PERMIT ISSUANCE**

6. A Right-of-Entry permit is issued on condition that:
  - (a) the repairs, alterations or improvements to a building, fence or other structure are made only to the extent necessary to effect such repairs, alterations and improvements.
  - (b) the adjoining land shall be left in the same condition it was in prior to such entry, and
  - (c) the entry shall be only for the period of time specified in the permit.
7. No permit shall be issued by the Chief Official under this by-law unless he has had an inspection made of the building, fence or structure to be repaired, altered or improved and of the land to be entered and has been satisfied that entry upon such land is necessary for the purpose of making such repairs, alterations or improvements.
8. It shall be the duty of every person entering upon adjoining land, pursuant to a permit issued under this by-law, to leave such land in the same condition it was in prior to such entry.
9. No person shall fail to permit a Right-of-Entry Permit holder to enter and repair, alter or improve in accordance with the provisions of the permit.

#### **ENFORCEMENT**

10.
  - (a) Any person who contravenes any of the provisions of this by-law and the procedures with respect thereto is guilty of an offence and the

enforcement and the penalty imposed thereunder shall be subject to the provisions of *the Provincial Offences Act, R.S.O., 1990, Chapter P. 53* and any amendments thereto, and the penalty for the commission of any such offence shall be as provided for in the said *Provincial Offences Act*.

- (b) This by-law shall be enforced by the Municipal By-law Enforcement Officer and/or by an Officer of the Carleton Place Detachment of the Ontario Provincial Police.

J) **SEVERABILITY**

11. Should any section, subsection, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid


**REPEAL**

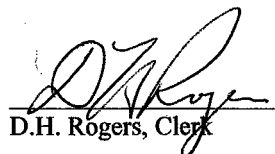
12. By-law 26-87 and amendments thereto are hereby repealed in their entirety.

**SHORT TITLE**

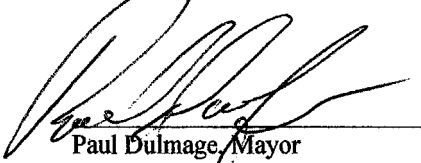
13. This by-law may be cited as The Right-of-Entry By-law

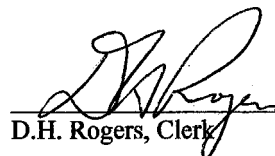
READ A FIRST TIME THIS 26<sup>TH</sup> DAY OF OCTOBER 2004

  
Paul Dulmage, Mayor

  
D.H. Rogers, Clerk

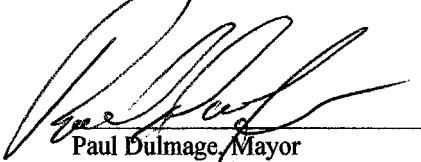
READ A SECOND TIME THIS 26<sup>TH</sup> DAY OF OCTOBER 2004

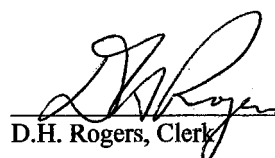
  
Paul Dulmage, Mayor

  
D.H. Rogers, Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 26<sup>TH</sup> DAY OF OCTOBER 2004

READ A SECOND TIME THIS 26<sup>TH</sup> DAY OF OCTOBER 2004

  
Paul Dulmage, Mayor

  
D.H. Rogers, Clerk