



THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW NUMBER 049-2015

A BY-LAW TO AMEND BY-LAW NUMBER 052-2014 BEING A BY-LAW TO PROVIDE MAINTENANCE AND PROTECTION OF BOULEVARDS WITHIN THE TOWN OF COBOURG

WHEREAS pursuant to provisions of section 11 (2) (6) of the *Municipal Act, 2001*, S. O. c. 25 as amended provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS section 11 (2) (8) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting the protection of persons and property;

AND WHEREAS section 27 (1) of the *Municipal Act, 2001* grants a municipality the power to pass by-laws in respect of highways over which it has jurisdiction;

AND WHEREAS section 28 (2) of the *Municipal Act, 2001* grants a municipality jurisdiction over all road allowances located in the municipality that were made by the Crown surveyors [subsection 28 (2) (a)] and all road allowances, highways, streets and lanes shown on a registered plan of subdivision [subsection 28 (2) (b)];

AND WHEREAS section 391(1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws imposing fees or charges on any person for services or activities provided by the municipality or done on behalf of it;

AND WHEREAS section 436 (1) of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this by-law;

AND WHEREAS section 444 of the *Municipal Act, 2001*, provides that a municipality may make an order to require a Person to discontinue contravening a by-law and to do the work required to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a Person's expense which that person is otherwise required to do so under this by-law, but has failed to do so and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS it is deemed advisable to amend By-law No. 052-2014;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. THAT **Section 2** of By-law No.052-2014 be amended to include the following:

2.0 GENERAL PROVISIONS

2.5 For boulevards on which the owner or occupier of commercial or residential property fronting upon any boulevard has either installed, or has allowed to remain, rocks, trees, shrubs, other types of vegetation or any other type of decorative covering or fencing, such owner or occupier shall ensure that such coverings and physical structures, in the opinion of the Director of Public Works or designate, do not obstruct, interfere with, impede, or affect the following:

- 1) Road maintenance including snow removal;
- 2) Utility services;
- 3) Pedestrian use of sidewalks;
- 4) Traffic sight lines in compliance with Town of Cobourg Comprehensive Zoning By-law;
- 5) Clearance of at least 1.5 meters from any fire hydrant or fire hydrant valve in compliance the by-law to provide for the regulation of water supply in the Town of Cobourg ("Water Conservation By-law").
- 6) Public health or safety.

2. THAT **Section 3** of By-law No. 052-2014 be amended to include the following wording;

3.0 PENALTY

3.1 (1) Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act, R.S.O. 1990, c.P.33*, and the *Municipal Act, 2001*, as both may be amended from time to time.

3. THAT the following sections be added to include the following wording:

4.0 INSPECTION

4.1 An Officer acting under this By-law may, at any reasonable time, enter and inspect any property, including all buildings and structures thereon, to determine any one or both of the following:

- a) Whether there is compliance with this By-law; and
- b) Whether there is compliance with any order made under this Bylaw.

5.0 EXEMPTIONS

5.1 This By-law shall not apply where the Obstruction is permitted under a valid and binding encroachment agreement or permit between a Person and the Town of Cobourg.

5.2 This By-law shall not apply to any sign that is in compliance with the Town of Cobourg Sign By-law.

6.0 WORK ORDER

6.1. A By-law Enforcement Officer may enter upon any land or property at any reasonable time with proper identification to determine if the owner is complying with the provisions of this by-law and may take photographs of the property's condition.

6.2. Where a property is not maintained in accordance with the requirements of this Bylaw:

- a) the Town may serve the owner a Work Order in writing directing the owner of the property to bring the property into conformance with the requirements of this By-law; and
- b) the owner shall repair, remove or clean up all contraventions identified on the Work Order within seven (7) days of the Work Order being served.

7.1 SERVICE

7.1 Service of any document, including an order, under this By-law may be given in writing in any of the following ways and is effective:

- a) when a copy is delivered to the Person to whom it is addressed;
- b) on the 5th day after a copy is sent by registered mail to the Person's last known address;
- c) where service is unable to be done under subsections 6.1 (a) or (b), notice maybe given by placing a placard containing the terms of the document or order in a conspicuous place on the property to which the document or order relate and shall be deemed to be sufficient service on the Owner or Occupant.

8.0 FAILURE TO COMPLY

8.1 Where an owner, having been served with a Work Order, fails to comply with the Work Order within the time specified, a By-law Law By-law Enforcement Officer or the Town's employees or agents authorized for this purpose may, upon producing appropriate identification when requested, enter onto the property at a reasonable time and carry out any or all of the work described in the Work Order.

9.0 RECOVERY OF COSTS

9.1 Where the Town, its employees or authorized agents have performed the work required to bring the property into compliance with the Bylaw, all expenses incurred by the Town in doing the work as well as any related fees, shall be deemed to be a debt to the Town and may be collected by action or the costs may be added to the tax roll for the property and collected in the same manner as taxes.

10.0 This By-law shall come into full force and effect upon the date of its passing.

READ a first, second and third time and finally passed in Open Council this day of May 19 , 2015.


MAYOR


MUNICIPAL CLERK