

CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2008-22

A BY-LAW TO AMEND BY-LAW NUMBER 2005-67 BEING A BY-LAW TO REGULATE THE SUPPLY AND USE OF WATER WITHIN THE SERVICED AREA OF THE CORPORATION OF THE TOWN OF NEWMARKET.

WHEREAS the provisions of Section 11 (2) of the *Municipal Act*, 2001, S.O. 2001 c.25, as amended, permit municipal corporations to pass By-laws for the regulation of public utilities and systems that provide water services to the public;

AND WHEREAS, the Council of the Corporation of the Town of Newmarket enacted By-law 2005-67 to regulate the outdoor use of water in order to promote water conservation, and to ensure a continued and abundant supply of water within the serviced area of the Town of Newmarket;

AND WHEREAS it is deemed necessary to amend certain sections of said By-law Number 2005-67.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT Section 6 – Enforcement of By-law 2005-67 be replaced with Sections 6A – Enforcement and 6B – Powers of Entry, as follows:

Section 6A – Enforcement

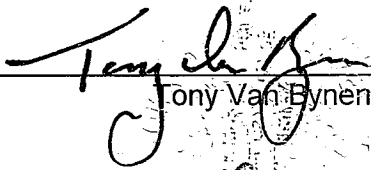
- 6A.1 Every person who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues;
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 6A.2 For the purposes of this By-law, “multiple offences” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 6A.3 For the purpose of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.


Section 6B – Powers of Entry

- 6B.1 The Town may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) the provisions of this By-law;
 - b) an order issued under this By-law; or

- c) an order made under Section 431 of the *Municipal Act*.
- 6B.2 Where an inspection is conducted by the Town, the person conducting the inspection 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 and extracts;
 - c) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification; 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 inspection.
- 6B.3 The Town may undertake an inspection pursuant to an order issued under Section 438 of the *Municipal Act*.
- 6B.4 The Town's power of entry may be exercised by an employee, officer or agent of the Town or by a member of a police force with jurisdiction, as well by any person under his or her direction.

ENACTED THIS 14TH DAY OF APRIL, 2008.


Tony Van Bynen, Mayor


Liz Gibson, Deputy Clerk