

WHAT IS A POWER OF ENTRY BY-LAW?

The Power of Entry By-law allows enforcement officers to enter on land at any reasonable time for the purpose of carrying out an inspection to determine if a municipal by-law or a condition of a municipal license is being complied with.

DOES THIS BY-LAW GIVE MORE POWER TO MUNICIPAL ENFORCEMENT OFFICERS IF APPROVED?

Municipal Enforcement Officers already have legislated authority to enter onto land to conduct inspections under certain by-laws. For example, the Building Code Act and the Planning Act allow officers to conduct inspections for property standards and zoning matters.

Many Newmarket by-laws already provide for officer authority on land including; the Sign By-law, Fortification By-law, Animal Control By-law and others.

The proposed Power of Entry By-law is intended to update certain by-laws that address exterior health and safety matters such as: the Fence By-law, Pool Enclosure By-law, Noise By-law, Standing Water By-law, and Refrigerator By-law, among others. The Power of Entry does not give the municipality the right to enter a dwelling unit without the owner's consent or a warrant.

WHAT IS THE TOWN'S MUNICIPAL BY-LAW ENFORCEMENT PHILOSOPHY AND PRACTICE?

Newmarket's enforcement philosophy and practice includes a balanced approach which is focused on obtaining compliance through education and working collaboratively with owners or occupants of property. Enforcement officers follow established internal and legislated procedures when conducting enforcement of community standards. Officers will always attempt to contact an owner/occupant before conducting an inspection and wear uniforms with identification. A door knocker is left at the property if an owner/occupant is not home with the officer contact information.

HOW WILL THIS BY-LAW CHANGE HOW OFFICERS CONDUCT INSPECTIONS?

There will be no noticeable change to the current practice regarding property inspections by officers. This by-law will simply provide officers with the ability to deal with issues of health and safety on properties in a timely manner, if a situation requires it. For example, should there be a complaint regarding an improperly secured pool enclosure, the Officer would attempt to reach the owner/occupant to rectify the situation and if not successful, this By-law would allow the Officer to enter onto the property to inspect the safety hazard and take appropriate action.

DOES THIS BY-LAW ALLOW OFFICERS TO COME INTO MY DWELLING?

No. This By-law only applies to exterior lands. An Officer may only conduct an interior inspection with the permission of an owner/occupant or by warrant/court order.

WHAT IF I HAVE MORE QUESTIONS ABOUT THIS BY-LAW?

For more information, please call 905-895-5193 or email info@newmarket.ca

