

BY-LAW NUMBER 185 OF 1992  
OF THE CITY OF SARNIA

"A By-Law to Authorize Entry onto Adjoining Land"

WHEREAS Section 210(64) of the Municipal Act, R.S.O. 1990 c. M. 45 authorizes Council to pass a By-Law to permit an owner or occupant of any building, fence or other structure or the agent or employee of such owner or occupant to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building, fence or other structure;

AND WHEREAS it is deemed expedient to pass a By-Law for that purpose;

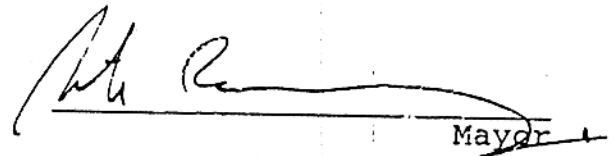
NOW THEREFORE the Municipal Council of The Corporation of the City of Sarnia enacts as follows:

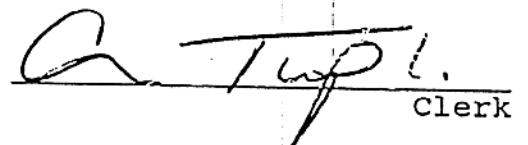
1. Subject to Subsection 2, an owner or occupant of any building, fence or other structure in the City of Sarnia or the agent or employee of such owner or occupant is hereby authorized to enter upon any adjoining land for the purpose of making repairs, alterations or improvements to such building, fence or other structure, but only to the extent necessary to effect such repairs, alterations or improvements.
2. Except with the consent of the occupier of any adjoining land, no person shall enter upon such adjoining land pursuant to the authority granted in Section 1 without first making reasonable effort to notify the occupier of such adjoining land, at least 48 hours prior to such entry.

3. The right of entry granted in Section 1 shall only be exercised during daylight hours.
4. No person shall carry out such repairs, alterations or improvements so as to create a hazard to the occupier of the adjoining land.
5. Such repairs, alterations or improvements shall be carried out within a reasonable period of time and as part of continuous process and not intermittently, so as to minimize the inconvenience caused to the occupier of the adjoining land.
6. Upon completion of the repairs, alterations or improvements, the adjoining land shall be left in the same condition it was in prior to such entry.
7. No person shall prohibit or prevent anyone from exercising the right of entry herein authorized or obstruct or interfere with the carrying out of such repairs, alterations or improvements.
8. Nothing in this By-Law affects a right to bring a civil action for damages or otherwise arising out of the entry upon any adjoining land.
9. Nothing contained in this By-Law shall be construed as authorizing or permitting the removal of fences or other structures from any lands without the permission of the owner thereof nor shall this By-Law be construed as authorizing or permitting the excavation of any land without the permission of the owner thereof.

10. Any person who contravenes any provision of this By-Law is guilty of an offence and upon conviction, is liable to the provisions of the Provincial Offences Act.
11. The short title of this By-Law is the "Adjoining Land" By-Law.
12. This By-Law shall be administered by the Planning and Development Department.
13. This By-Law comes into force and effect on the day it is finally passed.

FINALLY PASSED this 19<sup>th</sup> day of October, 1992.

  
Mayor

  
Clerk

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READINGS:

FIRST: OCTOBER 19<sup>TH</sup> 1992

SECOND: OCTOBER 19<sup>TH</sup> 1992

THIRD: OCTOBER 19<sup>TH</sup> 1992

THE CORPORATION OF THE CITY  
OF SARINIA (DGM:df)  
Legal Services  
City Hall  
Sarnia, Ontario  
N7T 7N2