

**SECTION 2**

**ADMINISTRATION, ENFORCEMENT, AND PENALTIES**

**2.1 ADMINISTRATION**

This By-law shall be administered and enforced by such person or persons as shall be appointed from time to time by by-law of the Corporation.

**2.2 PERMITS, CERTIFICATES, AND LICENCES**

No permit, certificate, or licence shall be issued by the Corporation where such permit, certificate, or licence is required for any use of land or the erection, alteration, enlargement, or use of any building or structure that is in violation of the provisions of this By-law.

**2.3 INSPECTION OF PREMISES**

2.3.1 The Zoning Administrator, Chief Building Official, or any employee of the Corporation acting under the direction of the Zoning Administrator is hereby authorized, at any reasonable time and upon producing proper identification, to enter upon any property or premises for the purpose of discharging his duties under the provisions of this By-law, on or in respect of which the Zoning Administrator believes on reasonable grounds that a contravention of this By-law is occurring.

2.3.2 Notwithstanding the above, the Zoning Administrator, Chief Building Official, or any employee of the Corporation acting under the direction of the Zoning Administrator shall not enter any building, structure, or part thereof which is being used as a dwelling without requesting and obtaining the consent of the property owner or occupant, first having informed the owner or occupant that the right of entry may be refused and entry made only under the authority of a search warrant issued under the Provincial Offenses Act.

**2.4 BUILDING PERMITS**

Notwithstanding the provisions of the Corporation's Building By-law, or any other by-law of the Corporation, no building permit shall be issued where the proposed building, structure, or use would be in violation of any of the provisions of this By-law.

**2.5 MOVING OF BUILDINGS**

Any building or structure that is moved from within the boundary of the

Corporation or from beyond the boundary of the Corporation to a site within any zone category established by this By-law shall be considered as being a new building or structure and shall be required to comply with the provisions of this By-law. Further, no building or structure shall be moved within the boundary of the Corporation or shall be moved into the Corporation limits from outside without a building permit issued by the Corporation.

## **2.6 VIOLATIONS AND PENALTIES**

2.6.1 Every person who contravenes this By-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable.

- (a) on a first conviction to a fine of not more than \$25,000.00; and
- (b) on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which such person was first convicted.

2.6.2 Where a corporation is convicted under subsection 2.6.1, the maximum penalty that may be imposed is,

on a first conviction a fine of not more than \$50,000.00; and  
on a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided in subsection 2.6.1.

2.6.3 Where a person who is guilty of an offence under the provisions of this By-law has been directed to remedy any violation and is in default of doing such matter or thing required, such matter or thing shall be done at his expense.

2.6.4 Where a person has refused or neglected to reimburse the Corporation for the cost of work, matter, or thing done, the cost may be recovered by the Corporation in the like manner as municipal taxes or other method as referred to in Section 427 of the Municipal Act, R.S.O. 1990, as amended.

2.6.5 Notwithstanding the above-noted provisions, if Section 67 of the Planning Act, R.S.O. 1990 is amended, the amended fines shall be deemed to apply to this By-law.

## **2.7 REMEDIES**

In case any building or structure is to be erected, altered, reconstructed, extended or part thereof is to be used, or any lot is to be used, in contravention of any of the requirements of this By-law, such contravention may be restrained by

action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the Planning Act, and the Municipal Act, R.S.O. 1990, as amended.

## **2.8 CONFORMITY INFORMATION**

2.8.1 Any person requiring written information from the Corporation as to whether a lot is being used or that the use and/or location of any buildings and structures situated thereon is in conformity with the provisions of this By-law shall provide the following to the Zoning Administrator:

- an application fee in an amount as established by Council for such written information.
- a plan of survey signed by an Ontario Land Surveyor showing the boundaries of the lot in question and the location of all buildings and structures situated on the lot.
- a statement or affidavit signed by the owner of the lot indicating the exact use of the lot and of all buildings and structures situated on the lot.
- any other information as may be required by the Zoning Administrator to assist in determining whether the use of the lot and the use and location of the buildings and structures conform to the provisions of this By-law.

2.8.2 The Zoning Administrator has the authority and right to waive the requirement for any of the information referred to in Subsection 2.8.1 above if he determines that such is not necessary for him to satisfactorily respond to the request for conformity information.