

SECTION 2

ADMINISTRATION

2.1 RELATIONSHIP WITH OTHER BY-LAWS

- a) No permit, licence or permission shall be given by the Corporation of the City of Owen Sound where the said permit, licence or permission is for a proposed use of land or proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provision of this By-law.
- b) Nothing in this By-law shall relieve any person from complying with the requirements or other municipal by-laws, as amended from time to time, of the Corporation or the obligation to obtain any other license, permit, authority or approval lawfully required by a government authority or conservation authority having jurisdiction to make such restrictions

In the event of conflict between this By-law, as amended from time to time, and any other by-law, the more restrictive or the by-law imposing the higher standards shall govern and apply unless the contents clearly requires otherwise.

2.2 VIOLATIONS, PENALTIES AND REMEDIES

In accordance with Section 67 of the Planning Act, R.S.O., 1990, as amended, the following penalties shall apply:

- a) 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 to a fine in accordance with Section 67 of the *Planning Act*.

In addition to any other remedy or any penalty provided by law, the court in which a conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of an offence.

Where a person fails to comply with the provisions of this by-law, the City may take such actions as necessary to effect compliance with those provisions at the person's expense, in accordance with the Municipal Act.

2.3 ILLEGAL USES

No building or structure illegally erected, no use illegally established and no lot illegally created prior to the date of passing of this By-Law shall become legal solely by reason of the passing of this By-Law. Where such building, structure, use or lot is in conflict with one or more provisions of this By-Law, such activity will remain illegal and shall not be deemed to be legal in this By-Law, except where specifically provided for.

2.4 MINOR VARIANCES AND REQUESTS FOR AMENDMENTS

The Committee of Adjustment for the City of Owen Sound, upon application to the Committee, may authorize a minor variance in accordance with Section 45, Subsections 1 and 2 of the *Planning Act* from the provisions of this By-law, in respect of any land, building or structure or the use thereof, as in the opinion of the Committee, is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the Committee the general intent and purpose of this By-law and the City of Owen Sound Official Plan are maintained.

2.5 MINOR ZONING BY-LAW AMENDMENTS

A Committee of Council or an individual who is an officer, employee, or agent of the City of Owen Sound, upon application, may authorize a minor zoning by-law amendment in accordance with Section 39.2 of the *Planning Act* from the provisions of this By-law, in respect of a by-law to remove a Holding Symbol and a by-law to authorize the temporary use of land, buildings or structures in accordance with subsection 39 (1) of the *Planning Act*.

2.6 NIAGARA ESCARPMENT DEVELOPMENT CONTROL AREA

Any land, building or structure identified within the Niagara Escarpment Development Control Area are subject to the Niagara Escarpment Plan and any permit requirements of the Niagara Escarpment Commission.

2.7 TRANSITION

Where a building permit has been lawfully issued for the construction of a building prior to the effective date of this By-law and where the yard requirements for said building are found to be in contravention by no more than 0.03 m, the non-conforming yard shall be deemed to conform with the requirements of this By-law.