

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 or resolution~~ under the authority of the Chief Building Official or by such an employee as designated by the Chief Building Official of the **Corporation** of the Town of St. Marys.

2.2 PERMITS, CERTIFICATES, AND LICENCES

No permit, certificate, or licence shall be issued by the **Corporation** of the Town of St. Marys 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.

Nothing in this By-law shall operate or cause to relieve any **person** from the obligation to obtain any license, permit, authority or approval lawfully required by a government authority having the jurisdiction to make such requirements and/or regulations. This By-law shall not be effective to reduce or mitigate any regulations lawfully imposed by a government authority having the jurisdiction to make such requirements and/or regulations.

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, 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 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 APPLICATION FOR BUILDING PERMIT**~~

~~In addition to all requirements of the **Corporation's** Building By-law, or any other by-law of the **Corporation**, every application for a **building** permit shall be accompanied by a plan in duplicate, a copy of which shall be retained by the **Zoning Administrator**, drawn to scale and showing the following:~~

~~2.5.1 The true dimensions of the **lot** to be built upon or otherwise **used**.~~

~~2.5.2 The location and dimensions of all **existing buildings** and **structures** on such **lot**;~~

~~2.5.3 The proposed location, height, and dimensions of any **building, structure, or use** proposed for such **lot**;~~

~~2.5.4 The proposed location and dimensions of any **yards, setbacks, parking spaces, loading spaces, driveways, landscaped open spaces**, and any other information as the **Zoning Administrator** considers necessary to determine whether every such **building, structure, or use** conforms with the requirements of this By-law; and~~

~~2.5.5 A statement or affidavit signed by the owner or designated agent indicating the **existing use** of the **lot** and **buildings** and/or **structures** thereon and all proposed changes to the **use, buildings** and **structures** and giving all information necessary to determine if such **use, buildings** and/or **structures**, and proposed changes conform with the requirements of this By-law.~~

~~2.6 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**.~~

2.7 VIOLATIONS AND PENALTIES

2.7.1 Every **person**, not being a corporation, who **uses** or **alters** the **use** of any **lot**, or **erects, alters, or uses** any **building** or **structure** on a **lot** in a manner contrary to any requirements of this By-law, or who causes or permits such **use, erection, or alteration**, or who violates any provision of this By-law or causes or permits a violation, shall be guilty of an offence and upon conviction is liable on a first conviction to a fine of not more than \$25,000 (exclusive of costs) and on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which such **person** was first convicted pursuant to Section 67 of the ~~Planning Act R.S.O. 1990, as amended~~ Planning Act R.S.O. 1990, c.P.13, as amended, or any successor legislation.

- 2.7.2 Every corporation that **uses** or **alters** the **use** of any **lot**, or **erects, alters, or uses** any **building** or **structure** on a **lot** in a manner contrary to any requirements of this By-law, or that causes or permits such **use, erection, or alteration**, or that violates any provision of this By-law or causes or permits a violation, shall be guilty of an offence and upon conviction is liable on a first conviction to a fine of not more than \$50,000 (exclusive of costs) and on a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which such corporation was first convicted pursuant to Section 67 of the ~~Planning Act R.S.O. 1990, as amended~~ Planning Act R.S.O. 1990, c.P.13, as amended, or any successor legislation.
- 2.7.3 Every fine under this By-law shall be recoverable pursuant to the Municipal Act, as amended, and the Provincial Offenses Act, as amended.
- 2.7.4 ~~Where a person is guilty of an offence under the provisions of this By-law and 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 the expense of the person or corporation.~~ Where a **person** is guilty of an offence under the provisions of this By-law and 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 the expense of the **person** or **corporation**, as provided under Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, or any successor legislation.
- 2.7.5 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 326 of the Municipal Act, R.S.O. 1990, as amended~~ Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended or any successor legislation.

~~2.8~~ — 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.~~

~~2.9~~ — CONFORMITY INFORMATION

- 2.9.1 ~~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:~~

- ~~(a) — an application fee in an amount as established by Council for such written information;~~

~~(b) — 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;~~

- (c) 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**;
- (d) 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.

2.9.2 The **Zoning Administrator** reserves the right to waive the requirement for any of the information referred to in Subsection 2.9.1 above if it determines that such is not necessary to satisfactorily respond to the request for conformity information.