

OFFICE CONSOLIDATION

TOWN OF PELHAM ZONING BY-LAW NO. 1136 (1987), as amended

(This Office Consolidation Edition is prepared for purposes of convenience only.

For accurate reference recourse should be had to the original by-law(s) and amendments and Orders of the Ontario Municipal Board.)

SECTION 2 - ADMINISTRATION AND ENFORCEMENT

2.1 REQUIREMENTS FOR BUILDING PERMITS

In addition to all of the requirements of the building by-law or any other by-law of the Corporation, no building permit shall be issued in respect to the erection or alteration of a building or structure until the following have been submitted to, and approved by, the Chief Building Official to his satisfaction:

- (a) two (2) copies of a site plan, one copy of which shall be retained by the Chief Building Official, drawn to scale and showing:
 - (i) the dimensions of the lot to be built upon or otherwise used;
 - (ii) the location of all existing buildings, structures or uses on the lot;
 - (iii) the proposed location and dimensions of any building, structure or use proposed for such lot; and,
 - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas and loading spaces;
- (b) a statement, signed by the owner, disclosing the specific existing or proposed use for each existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law; and,
- (c) two (2) copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same upon completion of the proposed erection or alterations and when the redistribution of all topsoil has been completed.

2.2 ISSUANCE OF BUILDING PERMITS

Notwithstanding the provisions of the building by-law or any other By-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

(2.3 OCCUPANCY PERMITS - deleted as per By-law No. 1609 (1993))

(2.4 REQUESTS FOR AMENDMENTS - deleted as per By-law No. 1609 (1993))

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2.3 INSPECTION

- (a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law enforcement officer of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 16 of *The Provincial Offences Act*.

2.4 VIOLATIONS AND PENALTIES

- (a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof, shall forfeit and pay a penalty not exceeding ONE THOUSAND DOLLARS (\$1,000.00) exclusive of costs for each such offence, and every such penalty shall be recoverable under *The Municipal Act* and *The Provincial Offences Act*.
- (b) Each day of violation shall constitute an offence.
- (c) Any building or structure which contravenes any requirement of this By-law may be removed or altered at the instance of the Corporation, pursuant to the provisions of *The Municipal Act*.

2.5 REMEDIES

Where any building or structure is erected, altered, reconstructed or extended, or part thereof is used, or any lot is used, in contravention of any 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 relevant provisions of *The Planning Act* and/or *The Municipal Act*.

2.6 VALIDITY

If any section, clause or provision of this By-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to

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be invalid, and is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

2.7 BY-LAWS REPEALED

By-law No. 279 of the Town of Pelham and all amendments thereto are hereby repealed, save and except for:

- (i) Those amendments to By-law 279 of the Town of Pelham which are adopted by Council but which have not taken effect as of the date of passing of this By-law, but which will be deemed to be amendments to this By-law on the date that they take effect.
- (ii) The provisions of By-law No. 279, as they apply to those lands shown on Schedules "A", "A1", "A3", "A4", "A5" and "A6" attached hereto and forming part of this By-law and designated as "Lands to which By-law No. 279, as amended, applies and provisions of this By-law shall not apply to such lands.

2.8 BY-LAWS INCLUDED

Zoning By-laws 1146, 1160, 1178, 1204, 1212, 1217, 1234, 1235, 1239, 1240, 1241, 1246, 1247, 1254, 1259, 1261, 1264, 1265, 1271, 1277, 1283, 1284, 1285, 1299, 1302, 1304, 1317, 1324, 1326, 1331, 1334, 1352, 1353, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1372, 1383, 1391, 1392, 1401, 1411 and 1428 having come into force in accordance with the provisions of Section 21 and 30 of the Planning Act are hereby incorporated into this By-law

(NOTE: For Office Consolidation purposes, By-law amendments subsequent to By-law No. 1428 have also been included in this document.)