

SECTION 2: ADMINISTRATION AND ENFORCEMENT

2.1 ADMINISTRATION

This By-law shall be administered by the person or persons designated by the Council of the Corporation of the Town of Fort Erie.

2.2 VIOLATIONS AND PENALTIES

(a) Every person or corporation who uses or alters the use of any land or uses or alters or erects any building or structure in a manner contrary to any requirements of this By-law or causes or permits a violation is guilty of an offence and every person upon conviction is liable,

- (i) on first conviction to a fine of not more than \$25,000.00; and
- (ii) 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 the person is first convicted.

And every corporation on conviction is liable,

- (i) on first conviction to a fine of not more than \$50,000.00; and
 - (ii) 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.
- (b) Where a conviction of a person or corporation occurs, the court in which the conviction has been entered or, any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or corporation convicted. Such order may include the removal of a building or structure which contravenes the By-law.

2.3 LICENCES AND PERMITS

No municipal permit, certificate or license shall be issued where the said permit is required for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or use of any building or structure that is in violation of any provision of this By-law.

2.4 OCCUPANCY CERTIFICATES

(a) No building which is the principle use erected or altered hereafter on any lot in any part of the zoned area shall be occupied or used for any purpose unless an

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Occupancy Permit has been issued by the Chief Building Official in respect of the said building.

- (b) An Occupancy Permit shall be issued in respect of a building only after:
 - (i) an application for such Occupancy Permit has been submitted in writing to the Chief Building Official, at least 10 days prior to the intended date of occupancy, by the owner of the lot upon which the said building is being erected or altered or by a duly authorized representative thereof; and
 - (ii) the erection or alteration of the said building has been substantially completed in accordance with the provisions of this By-law, the non-completion of minor details not exceeding 10% of the value of the work as set out in the building permit issued therefore by the Chief Building Official not to amount to, or be considered substantial non-completion.
- (c) All applications for an Occupancy Permit in respect of a building shall:
 - (i) be made on the appropriate form provided by the Corporation;
 - (ii) be accompanied by a plan or plans showing the dimensions of the said building in relation to all lot lines and to any other building on the lot; and
 - (iii) include a description of the proposed use or uses of the said building and of any other uses on the lot.
- (d) An Occupancy Permit issued in respect of a building shall cease to have effect and shall become null and void where:
 - (i) any alteration is made to the dimensions, location or use of the said building, or to the number of parking spaces or loading spaces provided therefore, as a result of which alteration part or all of the said building or the lot on which the said building is located fails to comply with one or more of the provisions of this By-law; or
 - (ii) a building permit is issued for altering the said building, in which case the Chief Building Official may, at his discretion, issue a temporary Occupancy Permit where it is considered desirable that the occupation or use of part or all of the said building continue throughout the duration of work relating to such alteration.
- (e) The Chief Building official shall keep on file a record of all Occupancy Permits and any owner of, or other person having a proprietary interest or tenancy interest in a building in respect of which an Occupancy Permit has been issued shall, upon written request to the Chief Building Official, be provided with a copy of such Occupancy Permit for a fee to be determined from time to time by Council.

2.5 INSPECTION

- (a) Subject to Clause (b) of this Subsection, the Chief Building Official or 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, R.S.O. 1980, or any successors thereto.

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 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 REPEAL OF EXISTING BY-LAWS

From the coming into force of this by-law, the provisions of all previous by-laws passed under Section 34 of The Planning Act, R.S.O. 1990, or a predecessor thereof, are hereby repealed.