

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 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 any matter or thing is required to be done by a person or corporation under the provisions of this By-Law, Council may direct that in default of it being done by said person or corporation, such matter or thing may be done by the City at the sole expense of the person or corporation and the expenses thereof with interest may be recovered by the City in accordance with the provisions of the *Municipal Act* given appropriate notice.

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(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 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.

2.6 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.