

Section 1 ADMINISTRATION

Explanatory Note

Section 1 identifies the administrative controls and requirements of the By-law. It names the By-law, states its relationship with other by-laws, defines the area to which it applies, how it is to be enforced, etc. In essence, it identifies the legal parameters within which the By-law functions.

1.1 Title

This By-law shall be known as the Zoning By-law or By-law No. _____ of the Corporation of the Township of McGarry.

1.2 Applications and Plans

In addition to the requirements of any Building By-law, every application for a building permit shall be accompanied by a plan, drawn to scale and showing the following:

- (a) The true shape, dimensions and/or legal description of the lot to be built upon or otherwise used;
- (b) The proposed location, height and dimensions of any building, structure or use proposed for such lot;
- (c) The proposed location, setback, height and dimensions of yards, landscaping, off-street parking spaces and off-street loading spaces required by this By-law;
- (d) The location of all existing buildings or structures on the lot, including the lot area, lot coverage of existing and proposed structures;
- (e) A statement, signed by the owner disclosing the current use of all existing and proposed uses of land, buildings or structures and such other information as may be required to determine whether the uses conform with the requirements of this by-law.

1.3 Defined Area

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Township of McGarry.

1.4 Effective Date

This By-Law shall come into full force and effect on the date of passing by Council, in accordance with Section 34 of the *Planning Act*, R.S.O. 1990, as amended.

1.5 Enforcement

This By-law shall be administered by the Zoning Administrator or such other person as may from time to time be designated by Council, and no permit for the use of land or for the erection or use of any building or structure or approval of application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use would be a violation of any provision of this By-law.

1.6 Inspection of Land, Buildings and Structures

- (a) Subject to Sections 49 and 49.1 of the *Planning Act*, R.S.O. 1990, the Chief Building Official or other such person as may from time-to-time be designated by Council or any person acting under his or her instructions, and upon producing proper identification, is hereby authorized to enter, at all reasonable times, upon any property or premises for the purpose of carrying out his duties under this By-law.
- (b) Notwithstanding any provisions of Section 1.6(a) hereof to the contrary, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit without obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, except under the authority of a search warrant issued under Section 158 of the *Provincial Offenses Act*.

1.7 Penalty

- (a) Every person who violates any of the provisions of this By-law is guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding Twenty-Five Thousand Dollars (\$25,000.00), on a first conviction, and Ten Thousand Dollars (\$10,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.
- (b) Where a corporation is convicted under subsection (a), the maximum penalty that may be imposed is Fifty Thousand Dollars (\$50,000.00) on a first conviction and Twenty Five Thousand Dollars (\$25,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.
- (c) In the case where any building or structure is erected or altered, or any part thereof is used, or any lot is 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 *Municipal Act* or the *Planning Act* in that behalf.

1.8 Validity

Should any Section or part of a Section of this By-law or Schedule hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of this By-law as a whole or any part thereof other than the part declared to be invalid.

1.9 Other By-laws, Licenses, Permits and Regulations

Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the area affected by this By-law, or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the Corporation or by any other law and restrictions lawfully imposed or in force by an authority having jurisdiction to make such restrictions.

1.10 Conflict

In the event of a conflict between this By-law and amendments thereto, and any general or special By-law, the most restrictive By-law shall prevail.

1.11 Interpretation

(a) Interpretation

The *Legislation Act*, S.O. 2006 applies to this By-law.

(b) Definitions

Definitions are given in this By-law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-law or any requirement enacted in a substantive provision of the By-law.

All terms shown in bold italicized font (e.g. *hotel, place of amusement, alter, interior side yard, place*) in this By-law are defined in Section 3.

(c) Citation

This By-law may be cited by its long title (“A By-law to Regulate the Use of Land, Buildings and Structures within the Township of McGarry”), its short title (“Township of McGarry Zoning By-law”) or its by-law number, and any such citation is to be taken as meaning the By-law as amended.

(d) Gender Neutrality

This By-law is gender neutral and, accordingly, any reference to one gender includes the other.

(e) Reference

Appendices, diagrams, glossaries, explanatory notes, headings, indices, marginal notes and references to former enactments or enabling legislation after a section or

other division of the By-law, do not form part of the By-law and are inserted for convenience of reference only.

(f) Measurement

This By-law utilizes the metric system to establish measurements when such measurements form part of a regulation or a requirement. Imperial measurements are inserted for convenience of reference only. In this By-Law, the word 'shall' is mandatory; words in the singular include the plural; words in the plural include the singular; words in the present tense include the future. Where linear distances other than those referring to vertical measurements are specified, such linear distances are to be measured on a horizontal plane.