

SECTION 2 – INTERPRETATION

2.1 GENERAL

The interpretation and application of the provisions of this By-law shall be held to be the minimum requirements for the promotion of the health, safety, comfort, convenience and general welfare of the inhabitants of the Township of Tay.

2.2 SCOPE

No building, structure or land shall be used, and no building or structure shall be hereafter erected, altered, or enlarged, within the corporate limits of the Township of Tay except in conformity with the provisions of this By-law.

2.3 ADMINISTRATION AND ENFORCEMENT

This By-law shall be administered and enforced by the Zoning Administrator or such other person as Council shall designate and no permit for the use of land or for the erection of any building or structure or approval of any municipal license within the jurisdiction of Council shall be issued where the proposed use, building or structure would be in violation of any provision of this By-law.

2.4 OBLIGATION

Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of the Ontario Building Code Act, or any other by-law of the Municipality, where the obligation to obtain any permit, license, authority or approval is otherwise lawfully required.

2.5 GREATER RESTRICTIONS

This By-law shall not be effective to reduce or mitigate in any way any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

2.6 INSPECTION – INSPECTION OF PREMISES

The Manager of Planning and Development Services, or any other officer designated by Council to enforce the provisions of the Zoning By-law shall have the powers authorized by Section 49 of the Planning Act, R.S.O. 1990, as amended.

2.7 VIOLATION AND PENALTIES

The conviction of an offender upon the breach of any of the provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any such provision and any court of competent jurisdiction may convict any offender repeatedly for repeat breaches of the By-law.

Any person who contravenes any provision of this By-law is guilty of an offence, and for the purposes of this By-law, each day that a breach of this By-law continues, shall constitute a separate offence and on summary conviction, the offender shall be liable to a fine under the provisions of The Planning Act, being Chapter P.13 of the Revised Statutes of Ontario, 1990, as amended from time to time.

2.8 RESTRAINT

In case any building or structure is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or structure, or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the insistence of any ratepayer, or of the Corporation of the Township of Tay, pursuant to the provisions of The Planning Act. R.S.O. 1990, c.P.13, as amended.

2.9 COMBINED USES

Where more than one use is to be established on a lot, the greater use requirements shall be applied and become the combined use minimum or maximum as applicable.

2.10 METRIC CONVERSION

The conversion of Imperial units of measurement to Metric units of measurement, and the associated decimals involved, shall not in itself result in the creation of non-conforming uses, buildings, or structures, in the interpretation and administration of this By-law.

2.11 CONFORMITY WITH THIS BY-LAW

No person shall change the purpose for which the land, building or structure is used, or erect any new building or alter any existing building or convey lands from any existing parcel if the effect of such action is to cause the original, adjoining or remaining lands, buildings or structures to be in contravention of this By-law.

2.12 INTERPRETATION OF TERMS

For the purpose of interpretation and application of the provisions of this By-law the word "altered" when used in reference to a building or part thereof, shall mean a change in the total floor area or an addition made to a building or a change made in the type of construction of the exterior walls or roof thereof. When used in reference to a building lot, the word "altered" shall mean a decrease in the width, depth or area of any required yard, or a change in the location of any boundary of such lot with respect to a public highway or land way, whether such alteration is made by conveyance or alienation of any portion of the said lot, or otherwise.

2.13 VALIDITY

Any section, clause or provisions of this By-law, including anything contained in Schedules A, B, C, D, E, F, G, H, I, J, K, L, M, and N attached hereto, if for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole, or any part thereof other than the section, clause or provisions so declared to be invalid, and is hereby declared to be the intention that all 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 invalid.

2.14 IMPLEMENTATION

All By-laws in force within the Township of Tay regulating the use of land and the character, location and use of buildings and structures shall be, and the same are amended insofar as it is necessary to give effect to the provisions of this By-law and the provisions of this By-law shall govern.