

SECTION 2 - ADMINISTRATION AND ENFORCEMENT

2.1 Administration

This By-law shall be administered by the Manager of Planning Services or such other person as the Council of the Corporation of the Municipality of Leamington designates.

2.2 Consents, Licences and Permits

No consent, municipal permit, certificate, or licence shall be issued for a proposed use of land or a proposed erection, alteration, enlargement or use of any building or structure that is in violation of any provisions of this By-law.

In particular, no lot shall be changed in area, depth or width, either by the conveyance of land or otherwise, so that the lot coverage exceeds the maximum permitted by this By-law, or so that the existing or resulting lot area, lot width or yards will be less than the minimum permitted by the provision of this By-law unless the necessary variances have been granted by the Corporation of the Municipality of Leamington's Committee of Adjustment.

2.3 Buildings to be Moved

No building shall be moved within the limits of the Corporation of the Municipality of Leamington or shall be moved into the Corporation of the Municipality of Leamington from outside, without a permit from the Chief Building Official or such other person as the Council of the Corporation of the Municipality of Leamington designates. The applicant shall be responsible for providing all other required notifications and obtaining all other required approvals.

2.4 Building Permits

In addition to fulfilling the requirements of this By-law, no person shall erect, occupy, alter or enlarge any building or structure until a building permit, pursuant to the *Building Code Act* and regulations thereto has been applied for and received from the Chief Building Official.

2.5 Inspection of Premises

- a) Subject to subsection 2.5 (b) of this By-law, the Chief Building Official or any employee of the Corporation of the Municipality of Leamington acting under direction may, at any reasonable hour, enter and inspect a property where there is reason to believe that any land has been used or any building or structure has been erected, structurally altered or enlarged, or used, in violation of any of the provisions of this By-law.
- b) Except under the authority of a search warrant issued under *The Planning Act*, an officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

2.6 Injunction

In case the whole or any part of any building or structure is or is proposed to be used, erected, structurally altered, enlarged or extended or the whole or any part of any lot is or is proposed to be used, in contravention of this By-law, such contravention may be restrained by action of the Corporation of the Municipality of Leamington or of any ratepayer pursuant to the applicable law in force at the time of such contravention.

2.7 Violations and Penalties

Any person convicted of a breach of any of the provisions of this By-law shall be liable to a fine not to exceed the maximum amount stipulated in the *Planning Act*, as amended, exclusive of costs, for each offence, and every such penalty shall be recoverable under the *Provincial Offences Act*, as amended.

2.8 Lands under Water

All lands under water of Lake Erie and various watercourses within the Corporation of the Municipality of Leamington are subject to this By-law in addition to the requirements of both federal and provincial legislation. All lands under water not zoned Environmental Protection (EP) shall be used in accordance with the zoning of abutting or riparian lands and the regulations of this By-law.

Where an encroachment onto the bed of the waterbody is proposed, permission to construct or install the in-water and/or shoreline structure or facility shall only be permitted if approval to occupy the area has been obtained from relevant Conservation Authority and/or the Provincial or Federal Government having jurisdiction.