

TOWNSHIP OF PLYMPTON-WYOMING
ZONING BY-LAW 97 OF 2003

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, Chap. P. 13 as amended from time to time, allows a governing body of a Municipal Corporation to pass By-laws to regulate the Use of land and the character, location and Use of Buildings and Structures;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Plympton-Wyoming as follows:

SECTION 1 - ADMINISTRATION, ENFORCEMENT & INTERPRETATION

1.1 ADMINISTRATOR

This By-law shall be administered by the Person designated by the Council of the Town of Plympton-Wyoming as "Zoning Administrator".

1.2 TITLE

This By-law shall be known as the Zoning By-law of the Corporation of the Town of Plympton-Wyoming

1.3 APPLICATION

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Town of Plympton-Wyoming.

1.4 SCOPE

No lands shall be used and no Buildings or Structures shall be Erected, Altered, enlarged or used within the Town of Plympton-Wyoming except in conformity with the provisions of this By- law.

1.5 REPEAL OF EXISTING BY-LAWS

From the coming into force of this By-law, all previous By-laws passed under Section 34 of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended, or a predecessor thereof, shall be deemed to have been repealed.

1.6 VALIDITY / SEVERABILITY

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.7 EFFECTIVE DATE

This By-law shall be deemed to be valid and to have come into force on the day of passing hereof.

1.8 COMPLIANCE WITH OTHER RESTRICTIONS

This By-law shall not reduce any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

Where an act or statute of Provincial or Federal Parliament is referenced in whole or in part in this By-law, it shall include the current act or statute, all amendments and successors.

1.9 ENTRY AND INSPECTION OF PREMISES

Pursuant to Section 49 of the Planning Act, R.S.O. 1990, Chap. P. 13, as amended, a By-law Enforcement Officer, building inspector or any Person acting under his or her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention of this By-law is occurring.

A By-Law Enforcement Officer, building inspector 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 issued under Section 158 of the Provincial Offences Act, R.S.O. 1990, Chap. P.33 as amended.

1.10 VIOLATIONS AND PENALTIES

Pursuant to Section 67 of the Planning Act, R.S.O. 1990, Chap. P. 13 as amended, any Person who contravenes this By-law is guilty of an offence and on conviction is liable:

- a) on a first conviction to a fine of not more than \$25,000; and
- b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the Person was first convicted.

Where a corporation is convicted for contravening this By-law the maximum penalty that may be imposed is:

- a) on a first conviction a fine of not more than \$50,000; and
- b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

1.11 RESTRAINING VIOLATIONS

Any violation of this By-law may be restrained by action at the instance of a ratepayer or the Corporation of the Town of Plympton-Wyoming pursuant to the provisions of Section 327 of the Municipal Act 1990, Chap. M. 45, as amended.

1.12 LICENSES AND PERMITS

No municipal permit, certificate or license shall be knowingly issued, where such is required, for a proposed Use of land or proposed erection, Alteration, enlargement or Use of any Building or Structure which is in violation of any of the provisions of this By-law. The issuance of any permit, certificate or license shall not, however, constitute an acknowledgement that the provisions of this By-law have been complied with.

1.13 REQUESTS FOR AMENDMENTS AND FEES

Applications for minor variances from the provisions of this By-law may be made to the Municipality to be heard by a Committee of Adjustment pursuant to Section 45 (1) of the Planning Act, R.S.O. 1990.

Applications for permission to extend or enlarge a legal Non-Conforming Use may be made to the Municipality to be heard by a Committee of Adjustment pursuant to Section 45 (2) of the Planning Act, R.S.O. 1990.

Applications for amendments to this By-law may be made to the Municipality to be heard by Council pursuant to Section 34 (10) of the Planning Act, R.S.O. 1990.

A fee as prescribed by the Corporation's By-law, which sets a tariff of fees, shall accompany every application requesting an amendment or minor variance to this By-law.

Any Person may appeal to the Ontario Municipal Board against a decision of either the Committee of Adjustment or Council by filing with the secretary-treasurer of the Committee of Adjustment or the Zoning Administrator of the Municipality a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by the prescribed fee pursuant to Section 34 (19) or 45 (12) of the Planning Act, R.S.O. 1990.