

## **SECTION 2**

### **APPLICATION AND ADMINISTRATION**

#### **COMPLIANCE WITH BY-LAW**

**2.0** No person shall use any land or alter, erect or use any building or part thereof within the limits of The Corporation of the City of Peterborough except in conformity with the provisions of this By-law.

**2.1** No building or part thereof, altered or erected in contravention of this By-law shall be used by any person so long as such building or part thereof continues to contravene the provisions of this By-law.

**2.2** No lot shall be reduced in area by the conveyance, mortgage or other alienation of a part thereof which results in any non-conformity to the provisions of this By-law, or any increase in the extent of any legal non-conformity. If any such reduction occurs, such lot and any building thereon shall not thereafter be used by any person unless and until the provisions of this By-law are complied with, or until a minor variance is granted by the Committee of Adjustment in respect of any such non-conformity. (94-32)

**2.3** Section 2.2 shall not apply to a lot reduced in area by a conveyance to, or an expropriation by, the City of Peterborough or other expropriating authority. In the case of any such reduction, compliance with the provisions of this By-law shall be determined by reference to the lot as it existed prior to the conveyance or expropriation, excepting the minimum motor vehicle parking requirements pursuant to Section 4 of this By-law which shall be determined by reference to the reduced lot. (94-32)

#### **ENFORCEMENT**

**2.4** This By-law shall be administered and enforced by such person or persons as shall be appointed from time to time by By-law of The Corporation of the City of Peterborough as "Zoning Officers" or "By-law Enforcement Officers".

#### **RESTRICTIONS FOR ENTRY OF DWELLING UNITS**

**2.5** No persons enforcing this By-law shall enter any place actually being used as a dwelling unit or part thereof without the consent of the occupant except under the authority of a search warrant issued under Section 142 of The Provincial Offences Act, R.S.O. 1980, Chapter 400.

#### **SITE PLAN CONTROL**

**2.6** Nothing contained in any Site Plan Control By-law or in any site plan agreement entered into thereunder shall be construed as relieving any owner of lands within the zoned area from the obligation of complying fully with the provisions of this By-law.

#### **BUILDING PERMIT**

**2.7** No building permit shall be issued where a proposed building, proposed structure or alteration to any existing building or structure would contravene any of the provisions of this By-law.

#### **REQUEST FOR AMENDMENTS**

**2.8** An application for an amendment to this By-law shall be accompanied by a fully completed copy of the appropriate application form provided by the City and by such application fee as may be established from time to time by Council.

#### **MINOR VARIANCES FROM THE PROVISIONS OF THIS BY-LAW**

**2.9** An application can be made to obtain a minor variance from the provisions of this By-law in accordance with The Planning Act.

#### **RISK, EXPENSE AND COMPLIANCE**

**2.10** The facilities, landscaped open space areas, or other matters required by this By-law shall be provided and maintained at the sole risk and expense of the owner of the lands in respect of which such matters are required hereby, and the said owner shall at all times be obligated to ensure compliance in all respects with this By-law.

### **VIOLATIONS AND PENALTIES**

**2.11** (i) Every person who erects, alters or uses any building, structure or lot, or part thereof, in a manner contrary to any provision or requirement of this By-law, or who causes or permits any such erection, alteration or use or in any other way violates any provisions hereof or causes or permits such a violation, shall be guilty of an offence and, upon conviction therefor, shall be liable to pay a penalty as prescribed by The Planning Act, S.O. 1983, c.1, and successor statutes thereto, which fine may be recoverable pursuant to The Provincial Offences Act, or successor statutes.

(ii) Each day of violation of any provision of this By-law shall constitute a separate offence.

(iii) Where a conviction is entered for a violation of this By-law in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

### **VALIDITY AND SEVERABILITY OF SECTIONS**

**2.12** If any section or provision of this By-law, including anything contained in any schedule attached hereto, is 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 hereof, other than the section or provisions so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections and provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more sections or provisions hereof shall have been declared to be invalid.

### **EVIDENCE IN CERTAIN PROCEEDINGS**

**2.13** For the purpose of any prosecution or proceeding in regard to the operation, conduct or use of an adult entertainment parlour, or body-rub parlour, the advertisement of such services at a premises or in a place, is admissible in evidence as prima facie proof that the premises or place (or part thereof) is being used as an adult entertainment parlour or body-rub parlour, as the advertisement indicates. (By-law 1985-140)

**2.14** This By-law may be recited as "The Zoning By-law".