

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2016 - \_\_\_\_

A BY-LAW TO CREATE THE OFFICE OF THE CHIEF BUILDING OFFICIAL  
FOR THE CITY OF KAWARTHA LAKES

**Recitals**

1. The Office of the Chief Building Official was created by By-law 2002-183.
2. There is a need to update the by-law to reflect legislative authority to create this position.
3. Section 3(2) of the Building Code Act 1992, S.O. 1992, c.23 states the council of each municipality shall appoint a chief building official and such inspectors as are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction.
4. It is preferable that the by-law creating the position and subsequent by-laws appointing various persons to that position from time to time be separated for administrative purposes.
5. This By-law will replace By-law 2002-183.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-\_\_\_\_.**

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

**“Act” or “Building Code Act”** means the Building Code Act 1992, S.O. 1992, c.23.

**“Chief Administrative Officer” or “CAO”** means the person who holds that position and his or her delegate(s) or, in the event of organization changes, another person designated by Council;

**“Chief Building Official”** means the person appointed by Council pursuant to the Building Code Act to hold the office of chief building official for the City and is ultimately responsible to Council as defined in the Act.

**“City”, “City of Kawartha Lakes” or “Kawartha Lakes”** means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

**“City Clerk”** means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

**“Council” or “City Council”** means the municipal council for the City.

**“Director of Development Services”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

1.02 **Interpretation Rules:**

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Establishment of Office
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- 2.01 **Office Established:** The office of Chief Building Official for the City is established.
- 2.02 **Reporting Relationship:** For administrative purposes, the Chief Building Official shall report to the Director. Pursuant to provincial law (including the Building Code Act), the Chief Building Official is directly responsible to the Council for certain matters, and is authorized to act independently of Council for specified statutory duties as set out in the legislation.
- 2.03 **Responsibilities:** The duties and responsibilities of the Chief Building Official are set forth in the Statutes and Regulations of the Province of Ontario and in the By-laws and Policies of the City which exist or which may be passed in future.
- 2.04 **Employment Detail:** The salary, benefits and conditions for service of the Chief Building Official shall be established by the Chief Administrative Office, in consultation with the Director, and reviewed as required, in accordance with general employment or contractual arrangements with the person appointed to hold the office.
- 2.05 **Appointments:** Appointments to the position of Chief Building Official and Acting Chief Building Official shall be made by Council under separate appointment by-laws from time to time.
- 2.06 **Appointment of Acting Chief Building Official:** The Chief Administrative Officer is authorized from time to time to recommend directly to Council the appointment of an alternate to act as the Chief Building Official on a temporary basis in the absence of the Chief Building Official for any reason.

Section 3.00: Administration and Effective Date
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- 3.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.
- 302 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Andy Letham, Mayor

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Judy Currins, City Clerk