

The Corporation of the City of Kawartha Lakes

to

REPORT BLDG 2019-001By-Law 2019-

FILE NO. _____

A By-law to Amend the Building By-Law 2012-019,

in the City of Kawartha Lakes

Being a by-law under the Building Code Act respecting permits and related matters in the City of Kawartha Lakes, (Amendment #5)

Recitals

1. Whereas Subsection 3(1) of the Building Code Act, 1992, S.O. 1992, chapter 23, provides that the Council of the Corporation of the City of Kawartha Lakes is responsible for the enforcement of the Building Code Act, 1992 within the City of Kawartha Lakes; and
2. Whereas Section 7.1 of the Building Code Act, 1992 requires the principal authority to establish and enforce a code of conduct for the chief building official and inspectors;
3. This By-law amends Section 1.00 Definitions and Interpretation and adds Schedule 'C'.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019- .

Section 1.00: Definitions and Interpretation

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

"Definitions" All defined terms in the amending By-law take their meaning from By-law 2012-019 of the City of Kawartha Lakes;

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: Amendment to 2012-019

2.01 **Section 1.07:** Insert new Section 1.07 as follows:

1.07 **Code of Conduct for Building Officials:** Chief Building Official, Deputy Chief Building Officials and inspectors appointed by Council under subsection 3(2) of the Building Code Act, 1992, shall be governed by the Code of Conduct set out in Schedule "C" to this By-law, with respect to exercising powers and performing duties under the Building Code Act.

Section 3.00: Amendment to Schedules to By-law 2012-019

3.01 **Schedule "A":** Schedule "A", attached to and forming part of this by-law, is added as Schedule "C" to By-law 2012-019.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Chief Building Official is responsible for the administration of this by-law.

4.02 **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 [redacted] day of [redacted], 2019.

Andy Letham, Mayor

Cathie Ritchie, City Clerk

Schedule A – By-law 2019-

Schedule C – By-law 2012-019

CODE OF CONDUCT FOR BUILDING OFFICIALS

Purpose

The purposes of this code of conduct are:

- To promote appropriate standards of behaviour by building officials in the exercise of their powers and performance of their duties.
- To prevent practices which may constitute an abuse of power, and
- To promote appropriate standards of honesty and integrity.

Standards of Conduct and Professionalism

Building Officials undertake at all times to:

1. Act in the public interest, particularly with regard to the safety of buildings and designated structures;
2. Maintain their knowledge and understanding of the best current building practice, the building laws and regulations relevant to their building certifying functions;
3. Commit themselves to a process of continuous education so as to constantly be aware of developments in building design, practice and the law relevant to their duties;
4. Comply with the provisions of the *Building Code Act*, the Building Code and any other Act or applicable Law that regulates or governs Building Officials of their functions;
5. Avoid situations where there may be, or where there may reasonably appear to be, a conflict between their duties to their clients, their profession, their peers and the public at large and their personal interests;
6. Not act beyond their level of competence or outside their area of expertise;
7. Apply all relevant building laws, regulations and standards strictly and without favour and independent of the influence of interested parties or members of municipal council;
8. Perform their inspections and certifying duties impartially and in accordance with the highest professional standards;
9. Not divulge any confidential or sensitive information or material, that they became privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy;
10. Extend professional courtesy to all;
11. Not act officiously or permit personal feelings, prejudices, animosities or friendships to influence decisions;
12. Recognize the appointment under the Building Code Act as a symbol of public faith;
13. Maintain current accreditation to perform the functions assigned to them;
14. Take all reasonable steps to ascertain and document all available facts relevant to the performance of their duties; and,

15. Demonstrate compliance with all regulations and standards that govern building construction, health & safety or other matters related to their status as a building official.

Guideline for responding to misconduct allegations

The *Building Code Act* provides that the performance of Building Officials will be measured against this code of conduct. In response to any allegation of a breach of this code, the Chief Building Official shall direct an investigation and where appropriate, recommend disciplinary action against any Building Official who fails to comply with this code of conduct. Where the allegation is against the chief building official, the Director of Development Services and/or the Chief Administrative Officer will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official or the Director of Development Services and/or the Chief Administrative Officer will have regard to the relevance of the conduct to the official's powers and responsibilities as well as the severity of any misconduct.