

The Corporation of the Town of Grimsby

By-law 19-100

A By-law to establish a Code of Conduct for Building Officials at the Town of Grimsby

Whereas the Province of Ontario, through Section 7.1(1) of the *Building Code Act* mandates a municipality to establish and enforce a Code of Conduct for the Chief Building Official and Inspectors;

Now therefore the Council of the Corporation of the Town of Grimsby enacts as follows:

1. Introduction

- 1.1 The Town of Grimsby maintains this Code of Conduct in accordance with the provisions of the *Building Code Act*. Building Officials undertake building inspection functions that ensure the quality, structural integrity and safety of buildings. The conduct and behaviour of the Building Officials reflects the Town of Grimsby's commitment to the highest standards of professionalism, technical competence, skill, honesty, fairness and independence. Building Officials shall observe this Code of Conduct as it pertains to situations that bear on their responsibilities.

2. Purpose and Overview

- 2.1 To promote appropriate standards of behaviour and enforcement actions by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the Building Code.
- 2.2 To prevent practice which may constitute and abuse of power, including unethical or illegal practices, by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the Building Code.
- 2.3 To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code Act* or the Building Code by the Chief Building Official and Inspectors.

3. Enforcement Guidelines

- 3.1 Compliance with this Code of Conduct shall constitute a condition of employment as a Chief Building Official or Inspector appointed under the *Building Code Act*. Any appointed Chief Building Official or Inspector who fails to act in accordance with the provisions of this Code may be subject to disciplinary action appropriate to the seriousness of the breach. All allegations concerning a breach of this Code shall be made in writing.
- 3.2 Any person who has reason to believe that this Code of Conduct has been breached may bring the matter to the attention of the Chief Building Official. Where the allegation concerns the actions of the Chief Building Official, the matter may be brought to the attention of the Department Head to whom the Chief Building Official reports.
- 3.3 Any Chief Building Official or Department Head who receives information in writing concerning a breach of this Code shall review the allegations of breach and, where justified, shall direct an investigation. Where appropriate, the Chief Building Official or Department Head shall recommend disciplinary action in accordance with the employment standards of the place of work. All

- communications received by a Chief Building Official or Department Head concerning a breach of this Code shall be held in confidence.
- 3.4 Disciplinary action arising from violations of this Code of Conduct is the responsibility of the Corporation of the Town of Grimsby and the Chief Building Official and will be based on the severity and frequency of the violation in accordance with employment laws, standards and relevant agreements.

4. Code of Conduct

In exercising powers and performing duties under the *Building Code Act*, the Chief Building Official and Inspectors shall:

- 4.1 Exercise powers in accordance with the provisions of the *Building Code Act*, the Building Code and other applicable law that governs the authorization, construction, occupancy and safety of buildings and designated structures and the actions, duties and qualifications of Chief Building Officials and Inspectors;
- 4.2 Act to identify and enforce compliance where significant contraventions of the Act or regulations are known to exist;
- 4.3 Apply all relevant building laws, regulations and standards in a consistent and fair manner, independent of any influence by interested parties;
- 4.4 Not accept any personal benefit which may create conflict with their duties, or perform duties where a personal interest may create a conflict;
- 4.5 Act honestly, reasonably, professionally, efficiently, in a timely manner, and with integrity, objectivity and impartiality, in the discharge of their duties;
- 4.6 Obtain the counsel of persons with expertise where the Chief Building Official or Inspector does not possess sufficient knowledge to make an informed judgment;
- 4.7 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;
- 4.8 Maintain current accreditation to perform the functions assigned to them;
- 4.9 Not act as a designer or constructor of a building within the Town of Grimsby, except where it is reasonably unavoidable such as for a Building Official's own dwelling unit, provided the Building Official has declared such potential conflict to their supervisor, who has implemented measures in the workplace to remove the Building Official from any conflict which may arise; and
- 4.10 Not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.

5. Public Notice

- 5.1 The Code of Conduct shall be brought to the attention of the public via the Town website and made available upon request.

Read a first time this 18th day of November 2019.

Read a second and third time and finally passed this 18th day of November 2019.



J. Jordan, Mayor



S. Kim, Town Clerk