

THE CORPORATION OF THE TOWN OF KEARNEY

By-Law No.2025-25

**Being a By-law to adopt a Code of Conduct for the Chief Building
Official and Building Inspectors for the Town of Kearney**

WHEREAS Clause 7.1 (1) of the *Building Code Act, 1992*, as amended, requires Municipalities to establish and enforce a Code of conduct for chief building officials and inspectors;

AND WHEREAS the Council of the Corporation of the Town of Kearney considers it desirable and expedient to adopt a Code of Conduct;

AND WHEREAS the Code of Conduct will be available for public viewing on the Town's website or by attending the Municipal Office and requesting a copy of the Code of Conduct;

NOW THEREFORE the Council of The Corporation of the Town of Kearney enacts as follows:

- I. **THAT** Council hereby adopts the Code of Conduct for the Building Official and Inspectors substantially in the format attached hereto as Appendix 'A' and forming part of the By-law;
2. **AND THAT** this By-law shall come into full force and take effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached hereto, this 17th day of April, 2025.

APPENDIX 'A'

The Code of Conduct applies to the Chief Building Official and Building Inspectors appointed under the *Building Code Act, 1992*, S.O. 1992, c. 23 ("*Building Code Act*") in the exercise or the performance of a duty under the *Building Code Act* or O. Reg. 332/12 (the "Building Code").

1. The purpose of this Code of Conduct is:

- (a) to promote appropriate standards of behaviour and enforcement actions by the Chief Building Official and Building Inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the Building Code;
- (b) to prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and Building Inspectors in the exercise of power or the performance of duty under the *Building Code Act* or the Building Code; and
- (c) to promote appropriate standards of honesty and integrity in the exercise of power or the performance of duty under the *Building Code Act* or the Ontario Building Code by the Chief Building Official and Building Inspectors.

2. To ensure appropriate standards of behavior, the Chief Building Official and Building Inspectors **shall**:

- a) strive to behave in a professional, courteous and objective manner when dealing with any person;
- b) treat all persons with respect, integrity and honesty.
- c) (c) treat all persons in a fair manner regardless of past interactions, personal feelings or opinions;
- d) always first attempt to resolve any violation of the *Building Code Act* or the Building Code in a co-operative manner; and
- e) process complete permit applications in the order they were received, whenever possible.

3. To ensure appropriate standards of enforcement, the Chief Building Official and Building Inspectors **shall**:

- a) always act in the interest of the health and safety of the public;
- b) be committed to continuous learning including keeping up to date with any changes to the *Building Code Act* and Building Code, and completing any training required by the Ministry of Municipal Affairs and Housing;
- (c) only conduct reviews/inspections for fields in which they are qualified to do so;
- (d) hold all builders to the same set of standards as outlined in the *Building Code Act* or Building Code;
- (e) not ignore a violation of the *Building Code Act* or Building Code and shall act to enforce compliance; and
- (f) consult with the Chief Building Official before issuing any orders against any projects.

4. To prevent unethical/illegal practices the Chief Building Official and Building Inspectors shall **not**:

- (a) accept any gifts, favours, hospitality or entertainment from any person and avoid all circumstances that could comprise professional integrity;
- (b) not seek or accept full time, part time, contract or any other form of employment from any builder, contractor or developer; and
- (c) perform any service for a local builder, local contractor or local developer which may be construed as creating a conflict of interest. If there is any doubt as to whether a conflict of interest exists, approval from the Chief Building Official (in the case of Building Inspectors) and Chief Administrative Officer (in the case of the Chief Building Official) must be granted before the performance of service.

5. In the event of a complaint under the Code of Conduct:

- (a) if the complaint is against:
 - (i) a Building Inspector, the Chief Building Official shall review the complaint, or;

APPENDIX 'A'

(ii) the Chief Building Official, the Clerk- Administrator (Clerk/CAO) shall review the complaint.

(b) all complaints shall be reviewed thoroughly and investigated, if warranted;

(c) any investigation may be conducted internally or externally at the discretion of the Clerk -Administrator (Clerk/CAO)

(d) nothing herein shall obligate the investigator to conduct an investigation if he or she determines that there are no reasonable or probable grounds to substantiate a finding of a contravention, breach or violation of the Code of Conduct.

6. If an investigation regarding a complaint under the Code of Conduct is conducted:

(a) the person making the complaint shall provide a complete written account of the alleged contravention, breach or violation, including all relevant particulars, matters, witnesses and documents that may be pertinent to a proper assessment of complaint;

(b) the Chief Building Official or Building Inspector shall be provided with a copy of the complaint and all records related thereto submitted by the person making the complaint and be allowed to provide a written response within fourteen (14) days if they wish;

(c) the person making the complaint shall be provided with a copy of the Chief Building Official or Building Inspector's response and all records related thereto provided under Section 6(b) and be allowed to provide a written reply within ten (10) days if they wish;

(d) the investigator may, but is under no obligation, to seek any additional information as he or she considers relevant from any persons; and

(e) the investigating official may take into account the employment record of the Chief Building Official or Building Inspector.

7. Breach of the Code of Conduct:

(a) If, after conducting an investigation, the investigator determines a complaint is substantiated, in whole or in part, the Chief Building Official in the case of a complaint against a Building Inspector, or the Chief Administrative Officer in the case of a complaint against the Chief Building Official, will determine the corrective action and/or disciplinary action arising from the violation(s) of this Code of Conduct.

(b) Any action taken as a result of a breach of this Code of Conduct will be based on the severity and/or frequency of the contravention, breach or violation in accordance with relevant employment standards, and may include, but is not limited to the following corrective or disciplinary action:

- (i) an apology;
- (ii) a reprimand,
- (iii) counseling;
- (iv) education and training;
- (v) warning;
- (vi) suspension / leave without pay;
- (vii) demotion;
- (viii) transfer;

(ix) dismissal.

(c) There is no requirement that the findings of the investigator be made public.