


POLICY

	Policy:	Code of Conduct for the Chief Building Official and Inspectors		
	Department:	Office of the Chief Administrative Officer		
	Division:	Office of the CAO	By-law No.:	N/A
	Administered By:	Chief Administrative Officer	Approval Date:	Aug. 10, 2020
	Replaces:	N/A		
	Attachment(s):	N/A		

1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to the promotion of appropriate standards of behavior and enforcement actions by the chief building official, deputy chief building official and inspectors. Through the promotion of appropriate standards of honesty and integrity in the exercise of the performance of a duty under the *Building Code Act, 1992*, as amended, (the *Building Code*) this policy will prevent practices which may constitute an abuse of power, including unethical or illegal practices.

2. PURPOSE

- 2.1. This policy promotes appropriate standards of behaviour and enforcement of actions by the chief building official, deputy chief building official and inspectors in the exercise of a power or the performance of a duty under the *Building Code* in accordance with Section 7.1(1).
- 2.2. This policy prevents practices which may constitute an abuse of power, including unethical or illegal practices, by the chief building official, deputy chief building official and inspectors in the exercise of a power or the performance of a duty under the *Building Code Act, 1992*.
- 2.3. This policy requires honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code Act, 1992* by the chief building official, deputy chief building official and inspectors.

3. SCOPE

- 3.1. This policy applies to the chief building official, deputy chief building official and inspectors appointed by the Municipality, pursuant to Section 7.1(1) of the *Building Code Act, 1992*, as amended.
- 3.2. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

4. DEFINITIONS

Chief Building Official(s) are those individuals appointed by By-law through the Council of the Town of Amherstburg as a Chief Building Official under section 3 or 4 of the *Building Code Act, 1992*.

Inspector(s) are those individuals appointed by By-law through the Council of the Town of Amherstburg as inspectors under section 3, 3.1, 4, 6.1. or 6.2 of the *Building Code Act, 1992*.

Common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

5. INTERPRETATIONS

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a By-law or Town policy shall be deemed to be a reference to the most recent passed policy or By-law and any replacements thereto.

6. GENERAL CONDITIONS

6.1. Code of Conduct

- 6.1.1. The chief building official, deputy chief building official and inspectors appointed under the *Building Code Act, 1992* are required to:
 - 6.1.1.1. Act in the public interest, particularly with regard to the safety of buildings and structures;
 - 6.1.1.2. Conduct themselves with a high degree of personal integrity and ethics, and in particular they should not place themselves, or permit themselves to be placed, in a position which would constitute, or on an objective basis give a reasonable apprehension, of a conflict of interest or breach of trust;
 - 6.1.1.3. Exercise powers in accordance with the provisions of the Act, the *Building Code Act, 1992* and other applicable law that governs the authorization, construction, occupancy and safety of buildings and designated structures;
 - 6.1.1.4. Apply all relevant building laws, regulations and standards in a consistent and fair manner, independent of any influence by interested parties;
 - 6.1.1.5. Act honestly, reasonably and professionally in the discharge of their duties;
 - 6.1.1.6. 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.
 - 6.1.1.7. Not accept any personal benefit which may create a conflict of their duties;
 - 6.1.1.8. Not perform duties where a personal interest may create a conflict; and,

- 6.1.1.9. Not act beyond their level of competence or outside of their area of expertise or qualifications as a registered Building Official.

6.2. Allegations of Contraventions

- 6.2.1. All allegations of contraventions under this Code of Conduct must:
 - 6.2.1.1. Be signed and submitted in writing by the complainant to the Department Director or designate within one (1) year of the alleged contravention having taken place; and,
 - 6.2.1.2. Indicate how the contravention violates this Code of Conduct with specific reference to the applicable section of this policy. The complainant and complaint information will be subject to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*.
 - 6.2.1.3. Any person who has reason to believe the Code of Conduct has been breached shall bring the matter to the Department Director or designate.

6.3. Enforcement Guidelines

- 6.3.1. Compliance with this code of conduct shall constitute a condition of employment as a chief building official, deputy chief building official, or inspector, appointed under the *Building Code Act, 1992*.
- 6.3.2. Upon receiving a complaint, the Department Director or designate shall review the allegations of the breach and, where warranted, shall recommend to the CAO that an investigation be conducted and that an investigator be appointed.

6.4. Contravention of Code of Conduct

- 6.4.1. Where there is a finding of contravention(s) of this policy, the investigator shall recommend any sanctions in accordance with the Town's discipline policy.
- 6.4.2. Any appointed individual who fails to act in accordance with the provisions of the Code of Conduct may be subject to disciplinary action appropriate to the severity of the breach.

7. RESPONSIBILITIES

- 7.1. **Council** has the authority and responsibility to:
 - 7.1.1. Ensure the *Code of Conduct for the Chief Building Official and Inspectors* is adopted in accordance with the *Building Code Act, Section 7.1(1)*.
 - 7.1.2. Appoint Chief Building Officials and Inspectors.
- 7.2. The **CAO** has the authority and responsibility to:
 - 7.2.1. Investigate, or delegate responsibility to investigate, written allegations of any breach of the Code of Conduct.
 - 7.2.2. Ensure adherence and enforcement of the Code of Conduct.

- 7.3. **The Department Director** has the authority and responsibility to:
 - 7.3.1. Receive and review written allegations of contravention of the Code of Conduct.
 - 7.3.2. Report written allegations of contravention of the Code of Conduct to the CAO.

- 7.4. **The Chief Building Official** has the authority and responsibility to:
 - 7.4.1. Adhere to the *Code of Conduct for the Chief Building Official and Inspectors*.
 - 7.4.2. Report any suspected contraventions of this policy to the Department Director.
 - 7.4.3. Promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code*.

- 7.5. **The Deputy Chief Building Official** has the authority and responsibility to:
 - 7.5.1. Adhere to the *Code of Conduct for the Chief Building Official and Inspectors*.
 - 7.5.2. Report any suspected contraventions of this policy to the Department Director.
 - 7.5.3. Promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code*.

- 7.6. **Inspectors under the Building Code** have the authority and responsibility to:
 - 7.6.1. Adhere to the *Code of Conduct for the Chief Building Official and Inspectors*.
 - 7.6.2. Report any suspected contraventions of this policy to the Department Director.
 - 7.6.3. Promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code*.

- 7.7. **Staff** have the authority and responsibility to:
 - 7.7.1. Report suspected contraventions of this policy to the Department Director.

8. REFERENCES AND RELATED DOCUMENTS

- 8.1. *Building Code Act, 1992, S.O. 1992, c. 23*
- 8.2. *Discipline Policy*
- 8.3. *Duties Policy*
- 8.4. *Conflict of Interest Policy*
- 8.5. *Accountability and Transparency Policy*
- 8.6. *Complaint Protocol for Municipal Employees*
- 8.7. *Code of Conduct for Staff Employees*