

## **Proposed Draft By-law**

# **The Corporation of the Town of The Blue Mountains**

## **By-Law Number 2021 – XX**

### **Being a By-law detailing certain Delegation of Powers and Duties by the Municipality**

Whereas subsection 5(3) of the *Municipal Act 2001*, chapter 25, S.O. 2001, (“the Act”), as amended, states that a municipal power, including a municipality’s capacities, rights, powers and privileges under section 9, shall be exercised by by-law;

And Whereas subsection 23.1 of the Act states that Council is authorized to delegate certain powers and duties;

And Whereas section 270 of the Act states that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties;

And Whereas, Council of the Town of The Blue Mountains enacted the “Delegation by Council of Powers and Duties” Policy, being Policy No. POL.COR.07.04 on January 28, 2008, by By-law 2008-10”;

And Whereas, Council of the Town of The Blue Mountains held a Public Meeting on February 8, 2021 to receive comments regarding proposed changes to the “Delegation by Council of Powers and Duties Policy, POL.COR.07.04”, and has received Staff Report FAF.21.056 “Followup to the Public Meeting for Revisions to the Council Delegation of Powers and Duties” on April 6, 2021;

And Whereas Council of the Town of the Blue Mountains deems it appropriate to update the delegation of powers and duties and herein delegates portions of these authorities and responsibilities to qualified “others” as specified below.

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That Council delegate to the Director of Planning and Development Services, or designate, the authority to review and comment on “red line” (i.e. minor changes that would not require another public meeting) revisions to Draft Plan of Subdivision/Condominium to the County of Grey;
2. That Council delegate to the Director of Planning and Development Services, or designate, the authority to perform Minor Site Plan approvals that would otherwise be in compliance with applicable Zoning By-law and would not generate extensive site works and where staff would not ordinarily recommend a Site Plan Agreement as being required;
3. That Council delegate to the Director of Planning and Development Services, or designate, the authority to review and comment on Niagara Escarpment Development Permit Applications that would otherwise be in compliance with zoning regulations were they in effect. Any application that would not be in compliance shall be reviewed by Council;
4. That Council delegate to the Director of Planning and Development Services, or designate, the authority to execute Model Home and/or Temporary Sales Office Agreements required for sales and display where permitted by zoning regulations and contemplated by development agreement;
5. That Council delegate to the Chief Building Official, or designate (Deputy Chief Building Official in consultation with the Director of Planning and Development Services), authority to execute agreements with Contract Code Consultants and Registered Code Agencies to perform specified functions with regard to the Building Code Act, S.O. 1992;

6. That Council delegate to the Chief Building Official, or designate (Deputy Chief Building Official in consultation with the Director of Planning and Development Services), authority to execute Conditional Building Permit Agreements made under the Building Code Act, S.O. 1992;
7. That Council delegate to the Town Treasurer, or designate (Deputy Treasurer), Director of Legal Services, and Director of Planning and Development Services, or designate authorization of reduction of Letters of Credit related to progress of development works subject to recommendations by Town staff;
8. That Council delegate to the Director of Operations, or designate, the authority to approve Municipal Consents under Franchise Agreements addressing use of public highway allowances by public corporations and utility and service providers;
9. That Council delegate to the Director of Legal Services authority to approve Certification of Title Applications, noting no objection to land description for development land, subject to review and recommendation by Town staff;
10. Tree Preservation Agreements, in a form approved by the Director of Legal Services, required by a Subdivision Agreement and Tree Preservation By-law as approved by the Town, be delegated for execution by the Director of Planning and Development Services;
11. Delayed Demolition Agreements, in a form approved by the Director of Legal Services, be delegated for execution by the Chief Building Official, or designate (Deputy Chief Building Official in consultation with the Director of Planning and Development Services);
12. Alteration of Grade/Fill Permits and associated Agreements, in a form approved by the Director of Legal Services, required under the Town's Alteration of Grade/Fill By-law, be delegated for execution by the Chief Building Official for building related permits and the Manager of Development Engineering for development related permits and/or Agreements;
13. Municipal Clearances to the County of Grey with respect to Draft Plan Approval to facilitate registration upon fulfillment of conditions and supported by appropriate documentation be delegated to the Director of Planning and Development Services, or designate;
14. The provision of consent to the County of Grey with respect to a Draft Plan extension be delegated to the Director of Planning and Development Services provided:
  - a. Municipal services continue to be available;
  - b. New legislation, regulations, policies and/or by-laws would not preclude the proposed development; and
  - c. The request for Draft Plan extension does not apply to a Draft Plan where approval has been granted for more than 10 years.

And Further that, with the enactment of this By-law, that By-law 2009-85 "Being a By-law to Amend a Policy of the Town detailing the procedure for delegation by Council of powers and duties" be repealed in its entirety.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2021

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Alar Soever, Mayor

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Corrina Giles, Town Clerk

## Tracked Changes

### The Corporation of the Town of The Blue Mountains

#### By-Law Number ~~2009-85~~ 2021 – XX

Being a By-law ~~to amend a policy of the Town detailing the procedure for delegation by Council of powers and duties~~ detailing certain Delegation of Powers and Duties by the Municipality

Whereas subsection 5(3) of the *Municipal Act 2001*, chapter 25, S.O. 2001, (~~“the Act”~~), as amended, states that a municipal power, including a municipality’s capacities, rights, powers and privileges under section 9, shall be exercised by by-law;

And Whereas subsection 23.1 of the Act states that Council is authorized to delegate certain powers and duties;

And Whereas section 270 of the Act states that a municipality shall adopt and maintain a policy with respect to the delegation of its powers and duties;

~~And Whereas Council are desirous of delegating certain powers to staff in accordance with Staff Report PL.09.134;~~

~~And Whereas it is deemed expedient by Council to amend a previously approved Delegated Policy to include these further delegations;~~

And Whereas, Council of the Town of The Blue Mountains enacted the “Delegation by Council of Powers and Duties” -Policy, being Policy No. POL.COR.07.04 on January 28, 2008, by By-law 2008-10”;

And Whereas, Council of the Town of The Blue Mountains held a Public Meeting on February 8, 2021 to receive comments regarding proposed changes to the “Delegation by Council of Powers and Duties Policy, POL.COR.07.04”, and has received Staff Report FAF.21.056 “Followup to the Public Meeting for Revisions to the Council Delegation of Powers and Duties” on April 6, 2021;

And Whereas Council of the Town of the Blue Mountains deems it appropriate to update the delegation of powers and duties and herein delegates portions of these authorities and responsibilities to qualified “others” as specified below.

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

- ~~1. That Town Policy POL.COR.07.04, “Delegation by Council of Powers and Duties”, is hereby further amended with the addition of the following delegated powers:~~
- ~~2-1.~~ That Council delegate to the Director of Planning and Development Services, or designate, the authority to review and comment on “red line” (i.e. minor changes that would not require another public meeting) revisions to Draft Plan of Subdivision/Condominium to the County of Grey;
- ~~3-2.~~ That Council delegate to the Director of Planning and Development Services, or designate, the authority to perform Minor Site Plan approvals that would otherwise be in compliance with applicable Zoning By-law and would not generate extensive site works and where staff would not ordinarily recommend a Site Plan Agreement as being required;
- ~~4-3.~~ That Council delegate to the Director of Planning and Development Services, or designate, the authority to review and comment on Niagara Escarpment Development Permit Applications that would otherwise be in compliance with zoning regulations were they in effect. Any application that would not be in compliance shall be reviewed by Council;
- ~~5-4.~~ That Council delegate to the Director of Planning and Development Services, or designate, the authority to execute Model Home and/or Temporary Sales Office Agreements required for sales and display where permitted by zoning regulations and contemplated by development agreement;

- ~~6-5.~~ That Council delegate to the Chief Building Official, or designate (Deputy Chief Building Official in consultation with the Director of Planning and Development Services), authority to execute agreements with Contract Code Consultants and Registered Code Agencies to perform specified functions with regard to the Building Code Act, S.O. 1992;
- ~~7-6.~~ That Council delegate to the Chief Building Official, or designate (Deputy Chief Building Official in consultation with the Director of Planning and Development Services), authority to execute Conditional Building Permit Agreements made under the Building Code Act, S.O. 1992;
- ~~8-7.~~ That Council delegate to the Town Treasurer, or designate (Deputy Treasurer), Director of Legal Services, and Director of Planning and Development Services, or designate authorization of reduction of Letters of Credit related to progress of development works subject to recommendations by Town staff;
- ~~9-8.~~ That Council delegate to the Director of Operations, or designate, the authority to approve Municipal Consents under Franchise Agreements addressing use of public highway allowances by public corporations and utility and service providers;
- ~~10-9.~~ That Council delegate to the Director of Legal Services authority to approve Certification of Title Applications, noting no objection to land description for development land, subject to review and recommendation by Town staff;
- ~~11-10.~~ Tree Preservation Agreements, in a form approved by the ~~Town's solicitor~~ Director of Legal Services, required by a Subdivision Agreement and Tree Preservation By-law as approved by the Town, be delegated for execution by the Director of Planning & Building Services and Development Services;
- ~~12-11.~~ Delayed Demolition Agreements, in a form approved by the ~~Town's solicitor~~ Director of Legal Services, be delegated for execution by the Chief Building Official, or designate (Deputy Chief Building Official in consultation with the Director of Planning and Development Services);
- ~~13-12.~~ Alteration of Grade/Fill ~~Permits and associated~~ Agreements, in a form approved by the ~~Town's solicitor~~ Director of Legal Services, required under the Town's Alteration of Grade/Fill By-law, be delegated for execution by the ~~Manager, Building & By-law Services~~ Chief Building Official for building related permits and the Manager of Development Engineering for development related permits and/or Agreements;
- ~~14-13.~~ Municipal Clearances to the County of Grey with respect to Draft Plan Approval to facilitate registration upon fulfillment of conditions and supported by appropriate documentation be delegated to the Director of Planning ~~& Building~~ and Development Services, or designate;
- ~~15-14.~~ The provision of ~~comments-consent~~ to the County of Grey with respect to a request for Draft Plan extension be delegated to the Director of Planning ~~& Building~~ and Development Services with it being noted that the Director will report to Council, or the appropriate committee thereof, in instances where provided:
- Municipal services (sewer, water, etc.) are no longer available to service the proposal; and continue to be available;
  - New legislation, regulations, policies and/or by-laws would not preclude the proposed development; and
  - The request for Draft Plan extension does not apply to a Draft Plan where approval given prior to December 13, 2002 has been granted for more than 10 years.

And ~~F~~ further that, with the enactment of this By-law, that By-law 2009-85 "Being a By-law to

Amend a Policy of the Town detailing the procedure for delegation by Council of powers and duties” be repealed in its entirety.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Alar Soever, Mayor

\_\_\_\_\_  
Corrina Giles, Town Clerk

**Original By-law**

**THE CORPORATION OF THE TOWN OF  
THE BLUE MOUNTAINS**

By-law No. 2009 - 85

**Being a By-law to amend a policy of the Town detailing the procedure for  
delegation by Council of powers and duties**

**WHEREAS** subsection 5(3) of the Municipal Act, 2001, chapter 25, S.O. 2001 (the Act), as amended, states that a municipal power, including a municipality's capacities, rights, powers and privileges under section 9, shall be exercised by by-law;

**AND WHEREAS** subsection 23.1 of the Act states that Council is authorized to delegate certain powers and duties;

**AND WHEREAS** section 270 of the Act states that a municipality shall adopt and maintain policies with respect to certain matters including delegation by Council of powers and duties;

**AND WHEREAS** Council are desirous of delegating certain powers to staff in accordance with Staff Report PL.09.134;


**AND WHEREAS** it is deemed expedient by Council to amend a previously approved Delegation Policy to include these further delegations;


**NOW THEREFORE** Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. THAT Town Policy POL.AD.07.04, "Delegation by Council of Powers and Duties", is hereby further amended with the addition of the following delegated powers:
  - k) Tree Preservation Agreements, in a form approved by the Town's solicitor, required by a Subdivision Agreement, be delegated for execution by the Director, Planning & Building Services.
  - l) Delayed Demolition Agreements, in a form approved by the Town's solicitor, be delegated for execution by the Chief Building Official.
  - m) Alteration of Grade/Fill Agreements, in a form approved by the Town's solicitor, required under the Town's Alteration of Grade/Fill By-law, be delegated for execution by the Manager, Building & By-law Services.
  - n) Municipal clearances to the County of Grey with respect to Draft Plan Approval to facilitate registration upon fulfillment of conditions be delegated to the Director, Planning & Building Services.
  - o) The provision of comments to the County of Grey with respect to a request for Draft Plan extension be delegated to the Director, Planning & Building Services, with it being noted that the Director will report to Council, or the appropriate committee thereof, in instances where:
    - a) municipal services (sewer, water, etc.) are no longer available to service the proposal; and,
    - b) legislation and/or by-laws would preclude the proposed development.

**AND FURTHER** that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 14 day of December, 2009

  
Ellen Anderson, Mayor

  
Stephen Keast, Clerk