

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, as amended, (“Act”) 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 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 the Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. Council hereby delegates Site Plan Approval pursuant to Section 41 of the *Planning Act* to the Director of Planning and Development Services, or his designate, with such delegation limited to those developments that are in conformity with the applicable Zoning by-law. Where an owner or his designated agent does not agree with the terms and/or conditions of a delegated Approval, the owner and/or agent may request that Council review and/or modify such terms and/or conditions of the Approval.
2. Council hereby delegates authority to the Mayor and Clerk to execute Site Plan Agreements, Subdivision/Condominium Agreements, Pre-Servicing Subdivision Agreements and Consent Agreements, subject to appropriate internal controls including receiving advice from the Chief Administrative Officer, Director of Planning and Development Services and other Town employees, officers and/or agents as are deemed necessary.

And further that, with the enactment of this By-law, that By-law 2012-76 “Being a By-law to delegate certain power or authority” 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

Tracked Changes

The Corporation of the Town of The Blue Mountains

By-Law Number ~~2012-76~~ 2021 – XX

Being a By-law detailing certain to Delegation of e Certain Powers and Duties or Authority by the Municipality

Whereas subsection 5(3) of the *Municipal Act, 2001*, chapter 25, S.O. 2001, as amended, (“Act”) 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 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;~~Whereas section 23 of the Municipal Act authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in the Municipal Act provided Council is of the opinion that the power being delegated is of a minor nature;~~

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 the Planning & Building Committee of Council at its meeting of December 4, 2012 considered and adopted the recommendations contained in Staff Report PL.12.146 with respect to certain matters to be delegated;

And Whereas Council at its meeting of December 17, 2012 considered the recommendation of the Planning & Building Committee and the recommendations contained with Staff Report PL.12.146 with respect to certain matters to be delegated;

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.

~~And Whereas Council has determined that the powers to be delegated are of a minor nature;~~

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

- ~~1. (a) “Chief Administrative Officer” means the Chief Administrative Officer, or his designate, of the Corporation of the Town of The Blue Mountains.~~
- ~~(b) “Council” means Council of the Corporation of the Town of The Blue Mountains.~~
- ~~(c) “Director” means the Director, Planning & Building Services, or his designate, of the Corporation of the Town of The Blue Mountains.~~
1. Council hereby delegates Site Plan Approval pursuant to Section 41 of the *Planning Act* to the Director of Planning and Development Services, or his designate, with such delegation limited to those developments that are in conformity with the applicable Zoning by-law. Where an owner or his designated agent does not agree with the terms and/or conditions of a delegated Approval, the owner and/or agent may request that Council review and/or modify such terms and/or conditions of the Approval.

~~2.—~~

~~3.2. _____ Notwithstanding section 2 of this By-law, where an owner or his designated agent does not agree with the terms and/or conditions of a delegated Approval, the owner and/or agent may request that Council review and/or modify such terms and/or conditions of the Approval.~~

~~4. Council hereby delegates authority to the Mayor and Clerk to execute Site Plan Agreements, Subdivision/Condominium Agreements, Pre-Servicing Subdivision Agreements and Consent Agreements related to Section 41 (Site Plan Approval), Section 51 (Plans of Subdivision) and Section 53 (Consents) of the Planning Act, subject to appropriate internal controls including receiving advice from the Chief Administrative Officer, Director of Planning and Development Services and other Town employees, officers and/or agents as are deemed necessary.~~

~~5.3. _____ The delegation set out in Section 4 of this By-law is subject to appropriate internal controls including receiving advice from the Chief Administrative Officer, Director of Planning and Development Services and those other Town employees, officers and/or agents as are deemed necessary.~~

And further that, with the enactment of this By-law, that By-law 2012-76 "Being a By-law to delegate certain power or authority" 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

THE CORPORATION OF
THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2012- 76

Being a By-law to delegate certain power or authority

WHEREAS section 23 of the *Municipal Act* authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in the *Municipal Act* provided Council is of the opinion that the power being delegated is of a minor nature;

AND WHEREAS the Planning & Building Committee of Council at its meeting of December 4, 2012 considered and adopted the recommendations contained in Staff Report PL.12.146 with respect to certain matters to be delegated;


AND WHEREAS Council at its meeting of December 17, 2012 considered the recommendation of the Planning & Building Committee and the recommendations contained with Staff Report PL.12.146 with respect to certain matters to be delegated;


AND WHEREAS Council has determined that the powers to be delegated are of a minor nature;

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

1. (a) "Chief Administrative Officer" means the Chief Administrative Officer, or his designate, of the Corporation of the Town of The Blue Mountains.
- (b) "Council" means Council of the Corporation of the Town of The Blue Mountains.
- (c) "Director" means the Director, Planning & Building Services, or his designate, of the Corporation of the Town of The Blue Mountains.
2. Council hereby delegates Site Plan Approval pursuant to Section 41 of the *Planning Act* to the Director with such delegation limited to those developments that are in conformity with the applicable Zoning By-law.
3. Notwithstanding section 2 of this By-law, where an owner or his designated agent does not agree with the terms and/or conditions of a delegated Approval, the owner and/or agent may request that Council review and/or modify such terms and/or conditions of the Approval.
4. Council hereby delegates authority to the Mayor and Clerk to execute Agreements related to Section 41 (Site Plan Approval), Section 51 (Plans of Subdivision) and Section 53 (Consents) of the *Planning Act*.
5. The delegation set out in Section 4 of this By-law is subject to appropriate internal controls including receiving advice from the Chief Administrative Officer, Director and those other Town employees, officers and/or agents as are deemed necessary.
6. This By-law comes into full force and effect upon the date of enactment thereof.

Enacted and passed this 17th day of December 2012.


Ellen Anderson, Mayor


Corrina Giles, Clerk