

## **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 (the Act), states that a municipal power, including a municipality's capacities, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do so otherwise;

And Whereas Section 11 of the Act enables a local municipality to enact By-laws to regulate highways including parking and traffic on highways;

And Whereas Section 23.1 of the Act authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to certain statutory restrictions'

And Whereas section 23.2 of the Act authorizes the municipality to delegate a legislative power of a minor nature including the power to close a highway temporarily;

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, by By-law 2013-26, deemed it expedient to delegate the temporary closing of municipal highways for the purposes of construction, repairing or improvement of such highways or any works under, over, along, across or upon such highways to the appropriate staff person, on behalf of Council;

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;

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

1. In this by-law:
  - a. "Council" shall mean the Council of The Corporation of the Town of The Blue Mountains
  - b. "Highway" shall mean a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.
  - c. "Town" shall mean the Corporation of the Town of The Blue Mountains
2. Council, pursuant to Section 23 of the Act, hereby delegates to the Director of Operations or his designate, the authority to temporarily close a Highway under the jurisdiction of the Town for any period of time during the construction, repairing or improvement of such Highway or any works under, over, along, across or upon such Highway.
3. Where a Highway is closed pursuant to this By-law, a reasonable temporary alternative route shall be provided and kept in repair for traffic and for all property owners who cannot obtain access to their property by reason of such closing.

And further that, with the enactment of this By-law, that By-law 2013-26 "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 ~~2013-26~~ 2021 – XX

Being a By-law ~~to detailing certain~~ Delegation of e-Powers and Duties ~~of Council~~ by the Municipality

Whereas subsection 5(3) of the Municipal Act 2001, chapter 25, S.O. 2001, as amended (the Act), states that a municipal power, including a municipality's capacities, rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do so otherwise;

And Whereas Section 11 of the Act enables a local municipality to enact By-laws to regulate highways including parking and traffic on highways;

And Whereas Section 23.1 of the Act authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to certain statutory restrictions'

And Whereas section 23.2 of the Act authorizes the municipality to delegate a legislative power of a minor nature including the power to close a highway temporarily;

~~And Whereas Council deems it expedient to delegate the temporary closing of municipal highways for the purposes of construction, repairing or improvement of such highways or any works under, over, along, across or upon such highways to the appropriate staff person on behalf of Council;~~

~~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, by By-law 2013-26, deemed it expedient to delegate the temporary closing of municipal highways for the purposes of construction, repairing or improvement of such highways or any works under, over, along, across or upon such highways to the appropriate staff person, on behalf of Council;~~

~~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;~~

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

1. In this by-law:
  - a. "Council" shall mean the Council of The Corporation of the Town of The Blue Mountains
  - b. "Highway" shall mean a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.
  - c. "Town" shall mean the Corporation of the Town of The Blue Mountains
2. Council, pursuant to Section 23 of the Act, hereby delegates to the Director of ~~Engineering and Public Works~~ Operations or his designate, the authority to temporarily close a Highway under the jurisdiction of the Town for any period of time during the construction, repairing or improvement of such Highway or any works under, over, along, across or upon such Highway.

3. Where a Highway is closed pursuant to this By-law, a reasonable temporary alternative route shall be provided and kept in repair for traffic and for all property owners who cannot obtain access to their property by reason of such closing.

And further that, with the enactment of this By-law, that By-law 2013-26 “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

**Original By-law**

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

**BY-LAW No. 2013 – 26**

**Being a By-law to delegate powers and duties of Council**

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

**AND WHEREAS** Section 11 of the Act enables a local municipality to enact By-laws to regulate highways including parking and traffic on highways;

**AND WHEREAS** section 23.1 of the Act authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body subject to certain statutory restrictions;

**AND WHEREAS** section 23.2 of the Act authorizes a municipality to delegate a legislative power of a minor nature including the power to close a highway temporarily;


**AND WHEREAS** Council deems it expedient to delegate the temporary closing of municipal highways for the purposes of construction, repairing or improvement of such highways or any works under, over, along, across or upon such highways to the appropriate staff person on behalf of Council;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS HEREBY ENACTS AS FOLLOWS:**

1. In this By-law:
  - 1.1 **"Council"** shall mean the Council of The Corporation of the Town of The Blue Mountains.
  - 1.2 **"Highway"** shall mean a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.
  - 1.3 **"Town"** shall mean The Corporation of The Town of The Blue Mountains.
2. Council, pursuant to Section 23 of the Act, hereby delegates to the Director of Engineering and Public Works or his or her designate, the authority to temporarily close a Highway under the jurisdiction of the Town for any period of time during the construction, repairing or improvement of such Highway or any works under, over, along, across or upon such Highway.
3. Where a Highway is closed pursuant to this By-law, a reasonable temporary alternative route shall be provided and kept in repair for traffic and for all property owners who cannot obtain access to their property by reason of such closing.

This By-law shall come into full force and effect upon final passing thereof.

ENACTED AND PASSED this 17<sup>th</sup> day of June, 2013

  
D.R. McKinlay, Deputy Mayor

  
Corrina Giles, Clerk