

A bylaw of the Town of Creston to delegate powers, duties and functions to municipal officers.

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WHEREAS under Section 146 of the *Community Charter*, the Council must, by bylaw, establish officer positions in relation to the powers, duties and functions under sections 148 and 149 and assign powers, duties and functions to its officer positions;

AND WHEREAS the *Officers and Employees Bylaw No. 1642, 2006* establishes municipal officer positions for the Town of Creston;

AND WHEREAS under Section 154 of the *Community Charter*, Council may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees;

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

## Part 1 Citation

1.1 This bylaw may be cited as "Delegation of Authority Bylaw No. 1855, 2017".

## Part 2 Severability

2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

## Part 3 Definitions

3.1 In this bylaw, unless the context otherwise requires,

"**TOWN**" means the Town of Creston.

"**COUNCIL**" means the Council of the Town of Creston.

"**OFFICER**" means a person holding the offices of the Town of Creston as set out in the *Officers and Employees Bylaw No. 1642, 2006*, as amended or replaced from time to time.

## Part 4 Delegation of Persons Holding Officer Positions

4.1 Where this bylaw delegates a power, duty or function to a named position, the delegation is to the person who holds the position and to any person who is from time to time the deputy of that person.

## Part 5 No delegation by Persons Holding Officer Position

- 5.1 A person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function that has been delegated in this bylaw.

## Part 6 Land Use Agreement Delegation

- 6.1 Council hereby delegates to the Town Manager and Director of Municipal Services all of the powers, duties, and functions of Council in respect to the approval, amendment, execution or discharge (where appropriate and no longer required) of the following:

- 6.1.1 Easement agreements
- 6.1.2 Statutory right-of-way agreements
- 6.1.3 Encroachment agreements
- 6.1.4 Covenant agreements
- 6.1.5 Works and Services agreements
- 6.1.6 Latecomer Charge agreements
- 6.1.7 Latecomer Charge waiver agreements

- 6.2 Council hereby delegates to the Town Manager and Director of Municipal Services all of the powers, duties, and functions of Council in respect to the waiver of a fee payable to the Town of Creston for the use of municipal property as follows: **BL#1864**

- 6.2.1 Park rental booking fees as per Schedule 8 (Parks and Community Services) of the Fees and Charges Bylaw No. 1763, 2011 as amended or replaced from time to time, when the applicant is a registered, locally-based non-profit organization. **BL#1864**

- 6.3 Council hereby delegates to the Town Manager and Director of Municipal Services all of the powers, duties, and functions of Council in respect to the issuance of Commercial Vendor Permits for Town parks and public places as per Section 6.5.3(i) of the Parks, Trails and Public Places Regulations Bylaw No. 1788, 2014, as amended or replaced from time to time. **BL#1870**

## Part 7 Development Permit Delegation

- 7.1 Council hereby delegates to the Town Manager and Director of Municipal Services all of the powers, duties and functions of the Council in respect of:

- 7.1.1 Development permits under Section 489 of the *Local Government Act* for subdivisions, changes in colour schemes, signage, and any other developments or exterior renovations that do not exceed \$100,000.00 in value.

- 7.1.2 Minor revisions to all development permits in accordance with the intent of the Development Permit Area Guidelines of the Official Community Plan Bylaw.
- 7.2 The delegation under Section 7.1 of this Bylaw does not include:
  - 7.2.1 Development permits that do not meet the established Official Community Plan Development Permit Area guidelines or require a variance; and
  - 7.2.2 Development permits within a development permit area where a concurrent rezoning and development permit application is required.

## **Part 8 Reconsideration by Council**

- 8.1 An applicant may have a decision of the Town Manager or Director of Municipal Services (the 'Delegate(s)') in relation to a development permit, reconsidered by Council by submitting a written request for reconsideration to the Corporate Officer or his/her designate, within thirty days after the decision is delivered to or made available to the applicant.
- 8.2 The request for reconsideration must include the following:
  - (a) The applicant's address for receiving correspondence related to the request for reconsideration;
  - (b) A copy of the written decision;
  - (c) Reasons why the applicant wishes the decision to be reconsidered by Council;
  - (d) The decision which the applicant requests be made by Council;
  - (e) Reasons in support of the decision requested from Council; and
  - (f) A copy of any documents which support the applicant's request for reconsideration by Council.
- 8.3 At the reconsideration of a decision, the applicant is entitled to be heard by the Council in person or by a representative.
- 8.4 The Council may, following completion of its reconsideration, do one or more of the following:
  - (a) Confirm all or part of the Delegate's decision.
  - (b) Amend the Delegate's decision or make a new decision.
  - (c) Set aside all or part of the Delegate's decision and substitute the decision of Council.
- 8.5 The Council may adjourn a reconsideration to another date, if required, under this section.

## Part 9 Notice of Reconsideration

9.1 The Corporate Officer must, upon receiving an application for reconsideration:

- (a) Place the request for reconsideration on the agenda for a regular meeting of Council to be held at least two weeks after the date on which the request for reconsideration is delivered to the Corporate Officer.
- (b) Notify the applicant of the date for reconsideration by regular mail sent to the applicant's address provided under Section 8.2.
- (c) If the Town Manager or Director of Municipal Services provided notice to any person other than the applicant regarding the initial application for a development permit, in addition to the notice requirements under Section 9.1(b), similar notice must be given of the reconsideration.

READ A FIRST TIME by title and SECOND TIME by content this 10<sup>th</sup> day of January, 2017.

READ A THIRD TIME by title this 10<sup>th</sup> day of January, 2017.

ADOPTED this 24<sup>th</sup> day of January, 2017.

“Ron Toyota”  
Mayor Ron Toyota

“Bev Caldwell”  
Bev Caldwell, Executive Assistant

INDEX OF AMENDING BYLAWS

Bylaw #1864 ..... Adopted January 23, 2018  
Bylaw #1870 ..... Adopted June 12, 2018

NOTE TO USERS

*"WHEREAS each bylaw consolidation shall be proof, in the absence of evidence to the contrary, of the original bylaw, of all bylaws amending it and of the fact of passage of the original and all amending bylaws",* pursuant to 'Authority to Consolidate Municipal Bylaws No. 1533', which was adopted on the 11th day of June, 2001.