

**THE CORPORATION OF THE CITY OF ROSSLAND**

**Bylaw No. 2592, 2015**

**DELEGATION BYLAW**

A BYLAW TO DELEGATE DEFINED AUTHORITIES TO OFFICERS OF THE CITY AS PROVIDED IN THE  
*COMMUNITY CHARTER, SBC 2003, c.26*

WHEREAS pursuant to provisions of Section 154, the *Community Charter* empowers a municipal council to delegate its powers, duties and functions, including those specifically established by an enactment, to its officers and employees, its committees or its members or to other bodies established by Council:

AND WHEREAS Council considers that there are a number of circumstances where such delegation would foster good government;

NOW THEREFORE, the Council of the Corporation of the City of Rossland, in open meeting assembled, enacts as follows:

**Title**

1. This Bylaw may be cited for all purposes as "*The City of Rossland Delegation Bylaw 2592, 2015*".

**Definitions**

2. In this Bylaw:

"Administration" means Chief Administrative Officer, Corporate Officer or Deputy Corporate Officer;

"Approving Officer" means the City's approving officer under section 77 of the *Land Title Act*;

"Chief Administrative Officer" or "CAO" means the person appointed under section 147 of the *Community Charter*, his or her deputy, or a person designated by Council to act in the place of the chief administrative officer;

"City" means The Corporation of the City of Rossland;

"Council" means the elected Council of the City;

"Planner" means the person holding the position of Planner for the City, or a person designated to act in place of the Planner;

“Works and Services” include all responsibilities as required by the city of Rossland Subdivision and Development Servicing Bylaw (#1999), as amended, or by other legislation;

“Statutory Right-of-Ways” are formal registrations on property for a specific use including but not limited to one or a combination of stormwater/sanitary/domestic water conveyance, access, recreation trails, snow storage and other as may be required.

### **Land Use Approval Delegation**

3. The Planner, or, in the absence of the Planner, the Chief Administrative Officer may do any of the following:

a) exercise the powers, duties and functions of the Council as approving authority under section 242 (10) of the *Strata Property Act*, [*Approval for Conversion of Previously Occupied Buildings*], other than in relation to proposals involving relocation or displacement of existing occupants, in a residential building;

and

b) amend development permits for signs in the Downtown Development Permit Area, as established in the *City's Official Community Plan*, where only the colour or wording of a sign is proposed to be changed.

### **Reconsideration by Council**

4. All of the following apply to any decision by a delegate under section 3:

(a) any owner of property that is subject to a decision under section 3 who is dissatisfied with the decision or any person who believe that their interest in property is affected is entitled to have the decision reconsidered by Council in accordance with this section;

(b) an owner who wishes to have a decision reconsidered by Council must apply for the reconsideration by delivering to the Corporate Officer/Deputy Corporate Officer or delegate, within thirty (30) days after the decision is communicated in writing to them:

(i) the name of the delegate who made the decision, the date of the decision and the nature of the decision;

(ii) reasons why the owner wishes the decision to be reconsidered by Council;

(iii) the decision the owner requests be made by Council, with brief reasons in

- support of the requested decision; and
- (iv) a copy of any materials considered by the owner to be relevant to the reconsideration by Council;
- (c) a reconsideration application will be considered by Council at a regular meeting of Council, held at least thirty (30) days after the date on which the application is delivered to the Corporate Officer, Deputy Corporate Officer or delegate; subject to compliance with any notice and other procedural requirements;
- (d) the Corporate Officer/Deputy Corporate Officer or delegate will:
- (i) place each reconsideration application on the agenda for a regular meeting of Council in accordance with section 4(c);
  - (ii) give notice of each reconsideration by Council in accordance with any notice requirements in respect of the original application that are set out in the *City of Rossland Development Procedures Bylaw* or the *Local Government Act*; and
  - (iii) before each reconsideration by Council, include the materials that were considered by the delegate in making the decision that is to be reconsidered in the agenda package for each Council member;
- (e) in reconsidering a decision the Council will consider the material that was considered by the delegate in making the decision; any further information subsequently provided to Council by the person making the appeal or the delegate; and any other information considered by Council to be relevant to the matter being reconsidered;
- (f) at a reconsideration of a decision, the owner may speak to Council about the matter; and Council may hear from any other person whom it considers is affected by the decision or who may provide information relevant to the matter;
- (g) Council may adjourn a reconsideration of a decision; and
- (h) after having reconsidered a decision, Council may either confirm the decision or may vary or set aside the decision and substitute the decision of Council.

#### **COURT INJUNCTION**

5. (a) Council hereby delegates to Administration to bring proceedings in court to enforce, or prevent or restrain the contravention of any of the following:
- a provision of any bylaw of the City;
  - any covenant provided to the City under section 219 of the *Land Title Act*;
  - any provision of the *Community Charter, Local Government Act*, or a

regulation under those Acts; including, without limitation, proceedings to halt the construction of a structure that is apparently in contravention of the *British Columbia Building Code* or a bylaw of the City.

- (b) The Administration notifies Council at the next meeting when a Court Injunction has occurred.

#### **MUNICIPAL PROPERTY**

6. Subject to any restrictions and requirements of the *Community Charter, Local Government Act* or other statute, regulation or bylaw, as applicable, the Chief Administrative Officer may, on behalf of the City, exercise the following powers:
- to negotiate and execute the lease with direction from Council
  - to negotiate and, following Council approval, execute agreements for: encroachment on highways vested in the City or other property owned by the City; and a license for access, use or occupation of City property; and to release or discharge of rights-of-ways, land use covenants or encroachment agreements when the terms and conditions of the agreement of the have been met;
  - to secure the purchase of goods and services in accordance with the City's purchasing policy; and
  - to enter and execute agreements for capital projects which have been approved by Council

#### **SUBDIVISION PLANS**

7. The Approving Officer, or in the absence of the Approving Officer, the CAO as deputy of the Approving Officer, may approve and execute:
- subdivision plans
  - statutory rights-of-ways
  - Land Use covenants (including restrictive covenants) as defined under Section 219 of the *Land Title Act*

#### **WORKS AND SERVICES AGREEMENTS**

8. The Planner or in the absence of the Planner, the Chief Administrative Officer may enter into Works and Services Agreements for the security of construction in relation to a development.

**SCOPE OF BYLAW**

9. For clarity, unless a power, duty or function of Council has been expressly delegated by this Bylaw or another City Bylaw, all of the powers, duties and functions of Council remain with Council.

**DELEGATION TO PERSONS HOLDING POSITION**

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

**NO DELEGATION BY A DELEGATE**

11. For clarity, 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 by this Bylaw.

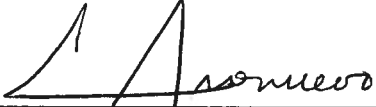
**ENACTMENT**

12. If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.
13. Bylaw No. 2473, 2010, cited as the City of Rossland Delegation Bylaw and any of its amendments are hereby repealed.
14. This Bylaw shall come into full force and effect on the final adoption thereof.

READ A FIRST TIME  
READ A SECOND TIME  
READ A THIRD TIME  
ADOPTED

this 25<sup>th</sup> day of May, 2015  
this 8<sup>th</sup> day of June, 2015  
this 22<sup>nd</sup> day of June, 2015  
this 13<sup>th</sup> day of July, 2015

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Deputy Corporate Officer

Certified a true copy of Bylaw No. 2592, 2015

Dated at Rossland this 14<sup>th</sup> day of JULY, 2015

A handwritten signature in black ink, appearing to read 'Cynthia Anonuevo', is written over a horizontal line. The signature is stylized and cursive.

Cynthia Anonuevo  
Deputy Corporate Officer