



The Municipal Corporation of the Town of Fort Erie

By-law No. 10-2016

Being a By-law to Re-establish the Committee of Adjustment and to Authorize the Delegation of Approval Authority for Uncontested Consent Applications to the Director of Community and Development Services and to Repeal By-law Nos. 6-70, 206-99 and 7-2000

Whereas By-law No. 7-2000 was passed on January 10, 2000, to re-establish the Committee of Adjustment, and to make appointments thereto; and

Whereas By-law Nos. 6-70 and 206-99 are previous by-laws regarding the Committee of Adjustment which should be repealed as a matter of housekeeping; and

Whereas Report No. CDS-09-2016 was considered at the Council-in-Committee meeting held on January 11, 2016, and subsequently approved by Council to authorize staff to prepare a by-law to re-establish the Committee of Adjustment and to authorize the delegation of approval authority for uncontested Consent applications for the purposes of leases, mortgages and easements, to the Director of Community and Development Services and to repeal By-law Nos. 6-70, 206-99 and 7-2000; and

Whereas it is deemed desirable to re-establish the Committee of Adjustment and to authorize the delegation of approval authority for uncontested Consent applications for the purposes of leases, mortgages and easements, to the Director of Community and Development Services and to repeal previous by-laws;

Now therefore the Council of the Town of Fort Erie enacts as follows:

1. **That** a Committee of Adjustment is re-established for the Town of Fort Erie.
2. **That** the Committee shall be composed of seven (7) citizen appointees who shall hold office for the term of Council.
3. **That** members of the Committee shall hold office until their successors are appointed, and are eligible for reappointment, and where a member ceases to be a member before the expiration of his or her term, Council shall appoint another eligible person for the unexpired portion of the term.
4. **THAT** three (3) members shall constitute a quorum.
5. **THAT** subject to Section (4) above, a vacancy in the membership or the absence or inability of a member to act does not impair the powers of the Committee of Adjustment or of the remaining members.

- 6. **THAT** the members of the Committee of Adjustment shall elect one of themselves as Chair, and, when the Chair is absent through illness or otherwise, the Committee may appoint another member to act as Acting Chair.
- 7. **THAT** the Committee of Adjustment shall appoint the Planning Officer, who is seconded to the Committee of Adjustment, as Secretary-Treasurer.
- 8. **THAT** the members of the Committee of Adjustment shall be paid such compensation as the Council may provide.
- 9. **THAT** the Secretary-Treasurer shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the Committee, and Section 253 of the *Municipal Act* applies with necessary modification to such documents.
- 10. **THAT** in addition to complying with the requirements of the Planning Act, the Committee of Adjustment shall comply with such rules of procedure as are prescribed.
- 11. **THAT** approval authority for uncontested Consent applications for the purpose of leases, mortgages and easements is delegated to the Director of Community and Development Services.
- 12. **THAT** the powers of the Committee of Adjustment shall be in accordance with Section 45 and 53 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended, save and except for uncontested Consent Applications for the purposes of leases, mortgages, and easements delegated to the Director of Community and Development Services.
- 13. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.
- 14. **THAT** By-law Nos. 6-70, 206-99 and 7-2000 are repealed.

Read a first, second and third time and finally passed this 18th day of January, 2016 .

Mayor

Clerk

I, _____, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 10-2016 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____.
