

The Corporation of the City of Kenora

By-law Number 31 - 2014

A By-law to amend By-law Number 94-2006 to Delegate Authority to Authorize Variances from the Provisions of the Fence By-law

Whereas Council adopted Fence Regulation By-law Number 94-2006 on the 26th day of June, 2006; and

Whereas at a meeting held March 11, 2014 it was deemed necessary and expedient to amend the by-law to meet changing requirements; and

Whereas Section 23.1 of the Municipal Act, 2001 authorizes a municipality to delegate its powers and duties under this or any other Act to a person or body, subject to certain restrictions; and

Whereas the Council of the Corporation deems it expedient to delegate minor legislative matters with respect to the Fence By-law, in which Council has explicitly provided for the terms and conditions under which the powers shall be exercised;

Therefore the Council of the Corporation of the City of Kenora enacts as follows:

1. That the City of Kenora's Planning Administrator and the Chief Building Official, or in their absence, the Property and Planning Manager, are hereby delegated as being appointed officers of the City to exercise Council's powers or authority under 23.1 of the Municipal Act, 2001 as amended, to approve variances to the City of Kenora Fence By-law and to impose conditions to the variance(s).
2. That notwithstanding the provisions of Section (1) of this By-law, where an application is referred back, or requested to be referred back, to Council, Council's power and authority with respect to all powers or authority under section 23 of the Municipal Act, shall be retained;
3. That notwithstanding the provisions of Section (1) of this By-law, Council shall retain all powers and authority under the Municipal Act where:
 - a) That the City of Kenora's Planning Administrator and/or the Chief Building Official at his/her sole discretion refers the matter to Council; or
 - b) That the applicant requests in writing that the matter be referred to Council for a review of the decision or decision; or
 - c) That any member of City Council may make a request in writing, to the Property and Planning Manager, that the request for a variance to the City of Kenora Fence By-law be referred to the Council. Upon receipt of such request, the Property and Planning Manager, or, in the absence of the Manager, Planning Administrator and/or the Chief Building Official shall refer the matter to Council for decision.
4. That notice of receipt of an Application for variance from the City of Kenora Fence By-law shall be circulated to the Mayor and members of City Council at the same time as it is circulated to the internal technical departments and external agencies for review and comment.

5. That the scope of the delegated authority shall not be exceeded by the delegate.
6. That delegates shall ensure the consistent and equitable application of Council policies and guidelines.
7. That By-law Number 94-2006 is hereby amended by adding a new Section 12 for purposes of the above provisions outlined in this by-law and thereby the parent by-law is hereby re-numbered accordingly.
8. That this By-law shall come into force and take effect from and after the final passing thereof.

By-law read a First and Second Time this 18 day of March, 2014
By-law read a Third and Final Time this 18 day of March, 2014

The Corporation of the City of Kenora:-

_____ **Mayor**
David S. Canfield

_____ **Deputy Clerk**
Heather Lajeunesse