

# CITY OF PRINCE RUPERT

## PRINCE RUPERT DELEGATION BYLAW NO. 3320, 2011

A BYLAW TO PROVIDE FOR THE DELEGATION OF POWERS, DUTIES AND FUNCTIONS OF COUNCIL TO CERTAIN COUNCIL MEMBERS, COMMITTEES, OFFICERS, EMPLOYEES OR OTHER BODIES ESTABLISHED BY COUNCIL

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WHEREAS pursuant to section 154 of the *Community Charter, SBC 2003, c. 26*, Council may by bylaw delegate powers, duties and functions to council members, council committees, officers, employees or other bodies established by Council;

AND WHEREAS the City has designated Development Permit Areas in its Official Community Plan;

AND WHEREAS Council is desirous of delegating some of its authority to issue Development Permits to certain officers and employees of the City in prescribed circumstances;

NOW THEREFORE the Council of the City of Prince Rupert, in open meeting assembled, ENACTS AS FOLLOWS:

### DELEGATION OF DEVELOPMENT PERMIT ISSUANCE IN CERTAIN PRESCRIBED CIRCUMSTANCES

1. Council delegates to the City Planner (defined in this Bylaw as the "Delegate") the exercise of the powers, duties and functions of Council in respect of the issuance of the following classes of Development Permits:
  - (a) any development in which the value of construction is \$100,000.00 or less.
2. In exercising the power delegated by section 2, the Delegate must consider the relevant guidelines, objectives and policies in the City's Official Community Plan, the Zoning Bylaw and other relevant bylaws, as they may be amended or replaced from time to time.
3. Any Development Permit for which the Delegate issued a Development Permit from July 25, 2011 until the enactment of this Bylaw is hereby ratified and confirmed.
4. For certainty, the delegation of the power to the Delegate to issue a Development Permit within the scope of this Bylaw includes all the powers of Council in relation to the Development Permit, including the following:
  - (a) power to supplement a bylaw;
  - (b) power to impose conditions and requirements, including the power to require security;

- (c) power to set standards on the issuance of a Development Permit, but not the power to vary a bylaw or a provision of a phased development agreement;
- (d) authority to sign and issue a Development Permit within the scope of this Bylaw and to amend the Development Permit within the scope of this Bylaw and to cancel a Development Permit issued if an owner fails to comply with a term or condition of a Development Permit; and
- (e) filing in the Land Title Office a Notice of Development Permit issued under this Bylaw.

#### **NOTICE OF DELEGATE'S DECISION**

5. The Delegate must send a notice of his decision in writing to the registered owner of the property who applied for the Development Permit or the agent who applied for the Development Permit on the owner's behalf.
6. The notice will be deemed to have been received by the owner, or their agent, eight days after the notice is mailed at any post office box in Prince Rupert, British Columbia.

#### **RECONSIDERATION OF DELEGATE'S DECISION BY COUNCIL**

7. The owner of land that is subject to the decision of the Delegate is entitled to have Council reconsider the matter under the procedures set out in this Bylaw.
8. The owner must apply for the reconsideration by delivering to the Corporate Administrator's office, and providing a copy to the Delegate, within 30 days after the decision of the Delegate is deemed to be received by the owner or their agent, a reconsideration application in writing, which must set out all of the following:
  - (a) the date of the decision of the Delegate and the nature of the decision;
  - (b) reasons why the owner wishes the decision to be reconsidered by Council;
  - (c) the decision the owner requests be made by Council, with brief reasons in support of the requested decision; and
  - (d) a copy of any materials of the owner which they consider to be relevant to the reconsideration by Council.
9. Reconsideration must be considered by Council at a regular meeting of Council held at least two weeks and not more than six weeks after the date on which the reconsideration application is delivered to the Corporate Administrator.
10. Before each reconsideration by Council, each Council member is entitled to receive a copy of the materials that were considered by the Delegate in making the decision that is to be reconsidered, plus a copy of any additional materials submitted by the owner, by the Delegate or by other persons.

11. The person who applied for reconsideration is entitled to receive a copy of all documents which Council will consider, including any additional materials submitted to Council by the Delegate or by other persons.
12. In reconsidering a decision, the Council may consider the material that was considered by the Delegate in making the decision and any further materials delivered by the owner or by the Delegate or by other interested persons. Council may also view the subject property and obtain other information about the property and the proposed development.
13. At a reconsideration of a decision, the owner and any other person who is interested in the decision are entitled to be heard by Council, either directly or through an agent.
14. At the time of reconsideration, the Delegate may address Council or respond to its questions.
15. Council is entitled to adjourn a reconsideration of a decision.
16. After having reconsidered a decision, Council may either confirm the decision of the Delegate, vary the decision or set aside the decision and substitute the decision of Council.
17. The Corporate Officer must deliver to the person who applied for reconsideration a written notice of Council's decision, which notice will be deemed sufficiently sent to the owner if mailed at a post office box in Prince Rupert, British Columbia.
18. If a matter has been reconsidered and decided by Council under this Bylaw, a person may apply again to the Delegate for a Development Permit for the same or substantially the same development, but despite any other provision of this Bylaw, no person may apply again to Council for reconsideration of the same or substantially the same matter for a minimum of six months.

#### **LIMITATION ON DELEGATION AND SCOPE OF BYLAW**

19. Council shall retain concurrent authority for all powers, duties and functions expressly delegated by this Bylaw and none of Council's powers, duties or functions shall be denuded by this Bylaw.
20. For clarity, any power, duty or function of Council that has not been expressly delegated by this Bylaw shall remain with Council.
21. If 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 and to any person who from time to time is appointed by Council as the deputy of that person.

22. For certainty, 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.
23. Council authorizes the Mayor and the Corporate Administrator, or either of them, to execute covenants and other documents related to the issuance of a Development Permit issued by the Delegate under this Bylaw.
24. This Bylaw may be cited as “**Prince Rupert Delegation Bylaw No. 3320, 2011**”.

READ A FIRST TIME THE 24<sup>th</sup> DAY OF October, 2011.

READ A SECOND TIME THE 24<sup>th</sup> DAY OF October, 2011.

READ A THIRD TIME THE 24<sup>th</sup> DAY OF October, 2011.

FINALLY CONSIDERED AND ADOPTED THIS 14<sup>th</sup> DAY OF November, 2011.

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MAYOR

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CORPORATE ADMINISTRATOR