



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-17

A BY-LAW TO DELEGATE ADMINISTRATIVE MATTERS TO STAFF.

WHEREAS Council of the Corporation of the Town of Newmarket adopted the recommendations in Corporate Services (Legal Services) Report 2016-02 respecting the update of the delegation by-law;

AND WHEREAS Council directed staff to prepare the updated delegation by-law for Council approval;

AND WHEREAS it is deemed expedient to incorporate into this by-law previously approved delegations of authority and to consolidate all by-laws that delegate administrative responsibilities to staff;

AND WHEREAS Section 9 of the *Municipal Act 2001*, S.O. 2001 c. 25 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act* or any other Act;

AND WHEREAS Section 227 of the *Municipal Act 2001*, S.O. 2001 c. 25 provides that it is the role of officers and employees of the municipality to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions;

AND WHEREAS Council may pursuant to Section 23.3 of the *Municipal Act 2001*, S.O. 2001 c. 25 delegate its powers, duties and functions subject to the limitations as set out in the *Municipal Act 2001* and any other applicable Act(s) in order to maximize administrative and operational efficiency;

AND WHEREAS in order to manage and improve customer service, as well as expedite the conduct of the Town's business in a more efficient and effective manner;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. This by-law may be cited as the Delegation Authority By-law.

INTERPRETATION

2. In this by-law

"Council" means the Council of the Corporation of the Town of Newmarket.

"Highway" means any public highway, road or street under the jurisdiction of the Town and shall include any bridge, sidewalk, boulevard, median, lane, alley, square or thoroughfare.

"Mayor" means the Mayor of the Corporation of the Town Of Newmarket.

"Procurement By-law" means the Procurement By-law in effect from time to time.

"Town" means the Corporation of the Town of Newmarket.

DELEGATION OF AUTHORITY

3. Council hereby delegates to those persons holding the position set out under the heading "Approval Authority" in Schedules "A" to "E", to this by-law, the powers, duties and functions of Council as set out in those Schedules subject to any terms, conditions or limitations on that delegated authority.
4. Council hereby delegates to those persons, positions and offices listed in paragraph 6 herein the authority to prepare and execute any documents or contracts not specifically listed on Schedules "A" to "E" to this by-law if the document or contract is necessary to give effect to an agreement or action approved by Council.

DELEGATION TO PERSONS HOLDING POSITION

5. Where this by-law delegates a power, duty or function to a named position, the delegation is to the person who, from time to time, holds the position and to any person who, from time to time, is the Deputy or Assistant Director or designate of the person who holds the position. In the event that any position under the heading "Approval Authority" in Schedules "A", "B", "C", "D" and "E", is renamed, this by-law continues to apply to such renamed position.
6. In the event that any named position is both approval authority and signing authority in connection with any delegated function as set out in Schedules "A" to "E", the approval authority shall be the direct supervisor of the position that has signing authority for the delegated function.

APPOINTMENT OF SIGNING OFFICERS

7. Subject to the requirements of this by-law and any statute regarding the execution of any particular kind of document an employee or officer of the Corporation, who at the time of execution of any document holds any of the following offices or positions, is a signing officer of the Corporation and has authority to execute the document on its behalf:
 - a) the Mayor
 - b) the Chief Administrative Officer
 - c) the Town Clerk
 - d) the Commissioner of Development and Infrastructure Services, the Commissioner of Corporate Services and the Commissioner of Community Services
 - e) the Treasurer
 - f) the Municipal Solicitor
 - g) the Directors of Finance, Planning and Building Services, Legislative Services, Public Works Services, Recreation and Culture, Corporate Communications, the Managers of Human Resources, Information Technology, Customer Services, Procurement, Operations and the Fire Chief.
8. Unless otherwise required by statute or this by-law, a document may be executed by the signature of one or more signing officers and when so executed the document may be endorsed with the words "I/We have authority to bind the Corporation", or any similar words indicating the authority of the signing officer.

9. Any document executed under this by-law shall clearly indicate by way of a stamp on the face of the document that it has been reviewed and approved by those named positions or departments in connection with any delegated function as set out in Schedules "A" to "E".

NO DELEGATION BY A DELEGATE

10. A person to whom a power, duty or function has been delegated under this by-law has no authority to further delegate to another person any power, duty or function that has been delegated by this by-law.
11. Where this by-law delegates a power, duty or function to a named position, such power, duty or function includes all authority necessary to do all acts required to carry out the authority delegated under this bylaw.
12. Notwithstanding the Delegation of Authority provided for herein, if in the opinion of the person to whom a matter has been delegated, or in the opinion of the Chief Administrative Officer, the matter is one that ought to be reviewed by Council, such matter shall be considered by Council prior to approval.
13. Any reference in this by-law to an Act, includes any amendments to the Act and any successor Act.
14. That By-laws 2007-114 and 2008-62 are hereby repealed.

ENACTED THIS 25th DAY OF APRIL, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Additional areas: D&I Delegation of the final acceptance and assumption and works under plans of subdivision

DELEGATION BY-LAW 2016-17

COMMISSION	SCHEDULE	PAGE(S)
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SCHEDULE "A"

PROCEDURE FOR APPROVAL OF ADMINISTRATIVE,
OPERATIONAL OR TECHNICAL MATTERS

CORPORATE SERVICES

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SCHEDULE "A"

PROCEDURE FOR APPROVAL OF ADMINISTRATIVE, OPERATIONAL OR TECHNICAL MATTERS

CORPORATE SERVICES

	TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
1.	Land acquisition for service easements	Approval of land acquisitions for municipal service easements and execution of Easement Agreements	<i>Municipal Act</i> 2001, S.O. 2001 C.25 s. 9, 11, 23, 4 and 271	a) Upon recommendation by the Director of the applicable department or the Development Coordination Committee that a land acquisition is necessary for the purposes of a municipal service easement; b) The land to be acquired shall be transferred at no cost to the Town other than disbursements relating to the preparation and conveyance of the easements and; c) Easement agreements shall be in the form approved by the Municipal Solicitor.	Development Coordination Committee or Director of applicable department	Commissioner of applicable department	
2.	Applications made to the Town for funding	Applications to the Town for compensation, funding or other forms of subsidy related to any activity, program, construction, event, or other expense. May include but are not limited to culture and recreation grants, downtown events, or community improvement program grants.	Annual budget	Expenses must be: • provided for in the approved annual budget; • within the established criteria for each applicable grant. Council will receive an annual information report listing the granting programs, the amount of funds disbursed, and the recipients.	As applicable within each established granting program.	Director of applicable department	

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TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
3. Applications made by Town for funding	Applications to any Federal or Provincial Government department, Ministry, agency or fund for compensation, funding or other forms of subsidy related to any Town programs, operations or approved capital project and subsequent submissions, declarations or representations required for processing the application or the receipt of funds		As determined by the federal or provincial government department, Ministry, agency or fund	Department that is responsible for the program, operation or capital project to which the application relates	Treasurer or Director of the applicable department or as required under the specific funding application	2007-114
4. Execution of Contracts for goods and services and award of tenders		<i>Municipal Act</i> 2001, S.O. 2001, C. 25 s.270 as amended; By-law 2011-74	In accordance with the Procurement By-law.	In accordance with the Procurement By-law.	In accordance with Procurement By-law 2011-74	2007-114
5. Write off administrative errors	Accounts receivable – write off interest and penalties added to trade account receivable balances as a result of administrative errors	<i>Municipal Act</i> 2001, S.O. 2001 sections 9, 11, 23.3, and 345(7); <i>Assessment Act</i> , R.S.O. 1990, c.A.31	a) Where interest and penalties of less than \$5,000.00 have been added to a trade account receivable balance and those individuals consulted are in agreement that the charge resulted in an administrative error; and b) In the event that interest and penalties of greater than \$5,000.00 have been added to a trade account balance, the matter shall be brought before Council for approval.	Finance	Director of Finance or Treasurer or Council, as applicable or council if greater than \$5,000	2007-114
6. Endorse cheques	Endorsement of cheques in the amount of \$0.00 to \$100,000.00	<i>Municipal Act</i> 2001, S.O. 2001 Section 287	The signatures on any cheques in the amount of \$0.00 to \$100,000.00 may be mechanically or electronically reproduced	Finance	Treasurer and one of: Commissioner of applicable department or Chief Administrative Officer And either the Mayor or Regional Councillor	2007-114

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7.	Endorse cheques	Endorsement of cheques in the amount of \$100,000.01 or more	<i>Municipal Act</i> 2001, S.O. 2001 Section 287	The signatures on any cheque over \$100,000.01 shall be original signatures	Finance	Treasurer or Commissioner of applicable department or CAO And either the Mayor or Regional Councillor	2007-114
8.	Securities investment	Power to invest in securities as prescribed by Regulation and establish written procedures and policies for the investment program	<i>Municipal Act</i> 2001, S.O. 2001 Section 418, Regulation 438/97	In accordance with the Investment Policy as adopted by Council.	N/A	Treasurer	None
9.	Non-material financing leases	Financing leases requiring payment by the municipally beyond the term of Council, without Material Impact (see FIN 1-01 for definition) to the Town.	FIN 1-01, Ontario Regulation 49/94	Subject to conditions in policy FIN 1-01.		Treasurer	
10.	Interim tax bills	The ability to issue interim tax bills.	<i>Municipal Act</i> S.342	The Treasurer may issue interim tax bills equal to 50% of the previous year's annualized taxes in advance of the approval of tax rates for the coming year. The Interim Bill is shown as a reduction on the final bill.		Treasurer	
11.	Interim spending authority	The authority to spend in advance of the approval of an annual budget.	<i>Municipal Act</i> S.23	Staff are authorized to make payments necessary to support ongoing business prior to the approval of an annual budget. Total spending is not to exceed 50% of the approved budget for the previous year. There is to be no new expenditures, no enhancements, or new spending prior to Council approval of the new budget.		Treasurer	

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12.	Increases and offsets in budgets	Where authority has been given in the Capital Budget for a particular project, an increase to the approved amount is authorized under certain conditions.	Policy FIN 2-01	Subject to conditions in policy FIN 2-01.	As set out in policy FIN 2-01.	As set out in policy FIN 2-01.	
13.	Temporary Occupancy License Agreements with Upper Canada Mall	License	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	Agreement to be in substantially the same form as the Agreement attached hereto as Appendix 8.	Legislative Services	Town Clerk	2001-163 2007-114
14.	<i>Liquor License Act</i> Applications	Application	<i>Liquor License Act</i> , R.S.O. 1990 c. L. 19	<p>The Town may advise the Registrar of Alcohol and Gaming of no objections to an Application for License to sell liquor unless the applicant fails to satisfy one or more of the following conditions:</p> <p>a) having regard to the applicant's financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the applicant's business;</p> <p>b) the past or present conduct of the applicant affords reasonable grounds for belief that the applicant will not carry on business in accordance with the law and with integrity and honesty;</p> <p>c) the applicant or an employee or agent of the applicant makes a false statement or provides false information in an application under the <i>Liquor License Act</i>;</p> <p>d) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of the <i>Liquor License Act</i> or the</p>	Legislative Services, Planning and Building Services, By-laws, Municipal Solicitor, Mayor, Regional Councillor, Ward Councillor and Fire Chief	Town Clerk or Licensing Officer or Council in the event of objections	2007-114

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			<p>e) the premises, accommodation, equipment and facilities in respect of which the license is to be issued are not, or will not be, if the applicant is licensed, in compliance with the Liquor License and the regulations; or</p> <p>f) the license is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the premises are located.</p> <p>In the event of objections, the matter shall be brought before Council.</p>			
15. Filming Applications	Application	<p><i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3(2)</p> <p>Town of Newmarket Policy on Filming on location CORP. 1-04</p>	In accordance with the terms and conditions of the Town of Newmarket Policy on Filming on location as amended from time to time.	<p>Commissioner of applicable department; Clerk; Planning and Building Services; By-laws; Engineering Services; Public Works Services; Parks; Recreation and Culture (when filming takes place in Recreation and Culture facilities); Economic Development; Fire Chief and York Regional Police or as otherwise directed under the Policy on Filming on location or amended or any successor Policy</p>	Town Clerk	2007-114

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16.	Municipal Flag Policy	Administration of flag procedures	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3, CORP. 1-05	In accordance with the Flag Policy and Procedures as adopted by Council.	N/A	Town Clerk	None
17.	Sign variance policies	Amending the Policies and Procedures for Sign Variances as required	Council Extract dated Sept 21/09 <i>Municipal Act</i> , 2001, S.O. 2001 C.25 sections 10(2), 10, 99, 23.3	Erection and Maintenance of Signs and advertising devices by-law 2009-79, Section 36	Legal; Planning and Building Services; By-laws; Engineering Services; Finance; Recreation & Culture; Public Works Services; and Fire	Director of Legislative Services	2001-2 2009-79 2007-114
18.	Approval of Noise Exemptions		<i>Municipal Act</i> 2001, s.o.c 25 Section 129 and Noise By-law 2004-94 as amended	As provided for in the Noise By-law.	Legislative Services; Planning and Building Services; Engineering Services	Director of Legislative Services/Town Clerk	n/a
19.	MFIPPA Requests	Designating the Town Clerk as the "Head of the Municipality" for the purposes of administering MFIPPA requests.	<i>Municipal Freedom of Information and Protection of Privacy Act</i> RSO 1990, Section 3	As are set out in the <i>Municipal Freedom of Information and Protection of Privacy Act</i> .		Town Clerk	2011-85

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20.	Private By-law Enforcement Officers	Appointment of private By-law Enforcement Officers and Routine Agreements with companies engaged to enforce parking restrictions on private property.	<i>Police Services Act</i> , R.S.O. 1990 c.P.15 s.15, <i>Municipal Act</i> 2001, S.O. 2001 sections 100, 100.1, 101 and 102; By-law 1993-62	a) The Director of Legislative Services is authorized to effect the appointment of Private By-law Enforcement Officers, as defined in the <i>Police Services Act</i> , R.S.O. 1990 c.o. 15 as amended to enforce the parking by-laws of the Town and for the purposes of the <i>Provincial Offences Act</i> , R.S.O. 1990 b) The Director of Legislative Services may revoke the appointment of Private By-law Enforcement Officer by giving written notice to the said person if they are no longer employed by a company to provide parking enforcement on private property. If any person who has made application and has been refused appointment or any person who has had their appointment revoked may appeal the decision to Council, and the decision of Council shall be final and binding.	By-laws	Director of Legislative Services	1999-154 2007-114
21.	Encroachment Agreement	Encroachment Agreement (including incidental documents or forms to give effect to Agreement)	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	a) Agreement to be in a form approved by the Municipal Solicitor; b) nature of the agreement is minor as determined by all applicable departments and agencies; and c) any permit, legal fees or other costs as determined by the Town from time to time are paid by the Applicant.	Public Works Services; Planning and Building Services; By-laws; Commissioner of applicable department; Municipal Solicitor; Engineering Services; Fire Department, if applicable; Insurance Claims Adjuster	Municipal Solicitor, Director of Public Works Services, or Director of Planning and Building Services	2007-114
22.	Loan discharges	Discharges of loan agreements and mortgages registered on properties located within the Town to secure loans		All conditions of the loan agreement or charge must be satisfied.	Legal, Planning and Building Services; By-laws; Finance; Recreation & Culture	Municipal Solicitor or Commissioner of applicable department	

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23.	Housekeeping real estate matters	Matters affecting land addressing for housekeeping purposes, including but not limited to title corrections, historical land conveyances, etc.		a) The nature of the matter is minor and approved by all applicable departments and agencies; b) that the form, terms and conditions of all agreements are satisfactory to the Municipal Solicitor; c) that any permit, legal fees and other costs as applicable and determined by the Town from time to time are paid by the Applicant; and such other reasonable conditions as are necessary in the opinion of the Municipal Solicitor.	As determined by the Municipal Solicitor	Municipal Solicitor	2007-114
24.	Land registration documents	Registration of agreements, liens, or restrictions on title and execution of electronic documents	By-law 1999-34, By-law 2001-96, Building Code s. 15-1	As required under the authority for the agreement/restriction on title or other documents to be electronically registered. The order is to be released subject to fulfillment of the conditions of the enacting authority.	Subject to enacting authority.	Municipal Solicitor	
25.	Agreements with Abutting Landowners	Agreements with Abutting Landowners (including Landscape license, parking agreements and easements) including incidental documents and forms to give effect to Agreement, including access easements.	Municipal Act 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	a) The nature of the agreement is minor and approved by all applicable departments and agencies; b) that the form, terms and conditions of all agreements are satisfactory to the Municipal Solicitor; c) that any permit, legal fees and other costs as determined by the Town from time to time are paid by the Applicant; and d) such other reasonable conditions as are necessary in the opinion of the Municipal Solicitor.	Public Works Services and Engineering Services; Planning and Building Services; By-laws; Legal Services and Finance	Municipal Solicitor or Commissioner of applicable department	2007-114

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26. Agreements affecting land	Agreements affecting land, including , but not limited to agreements with Lake Simcoe Conservation Authority, Newmarket Tay Power, Hydro One, Consumers Gas or other utility companies, York Region or any other government or public authority respecting road widenings, easements, minor conveyances, encroachment agreements, shared use agreements, approved capital projects, cost sharing agreements for approved capital projects, license agreements or similar matters		a) The nature of the agreement is minor and approved by all applicable departments and agencies; b) that the form, terms and conditions of all agreements are satisfactory to the Municipal Solicitor; c) that any permit, legal fees and other costs as applicable and determined by the Town from time to time are paid by the Applicant; and d) such other reasonable conditions as are necessary in the opinion of the Municipal Solicitor.	Engineering Services; Public Works Services; Planning and Building Services; Legal Services and Finance	Municipal Solicitor or Commissioner of applicable department	2007-114
27. Releases from covenants	Releases and Discharges of lands from covenants and conditions set out in the deeds for properties located within the Town or Development Agreement	Municipal Act 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	Confirmation from all applicable departments that the terms and conditions of the Agreement or document that created the covenant or condition have been satisfied and said covenant or condition is no longer required by the Town.	Engineering Services and Public Works Services; Planning and Building Services; By-Laws; Legal Services and Finance	Municipal Solicitor or Commissioner of applicable department	2007-114
28. Releases of Affordable Housing charges	Releases of Affordable Housing charges (including release of charges in favour of the Town) and release of easements no longer required by the Town		a) All conditions of the charge must be satisfied. b) Confirmation from all applicable departments that the terms and conditions of the Agreement or document that created the covenant or condition have been satisfied and said covenant or condition is no longer required by the Town.	Engineering Services and Public Works Services; Planning and Building Services; By-Laws; Legal Services and Finance	Municipal Solicitor or Commissioner of applicable department	2007-114

	TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
29.	Taxation Assessment Appeals	Initiate and file notices of assessment appeal, for any property in the Town of Newmarket, with the Assessment Review Board. Withdraw any appeal filed by the Town of Newmarket. Attend before the Assessment Review Board on property tax or assessment matters as a party to all appeals whether filed by the Town of Newmarket or another person, entity or agent. Execute settlement agreements, on behalf of the Town of Newmarket, reached in the course of a taxation or property assessment appeal.	Assessment Act	Appeals may be withdrawn should it be determined that it is not in the Town's best interest to proceed.	Financial Services	Treasurer or their designate	
30.	Compliance Audit Committee	To establish, in response to any compliance audit applications received, panels of three (3) persons from the Council-approved roster of individuals to serve as the Municipal Election Compliance Audit Committee.		Council has the option of appointing the citizen members of the Town's Audit Committee or commencing a separate recruitment effort.		Town Clerk	

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SCHEDULE "B"

PROCEDURE FOR APPROVAL OF ADMINISTRATIVE,
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COMMUNITY SERVICES

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SCHEDULE "B"

PROCEDURE FOR APPROVAL OF ADMINISTRATIVE, OPERATIONAL OR TECHNICAL MATTERS

COMMUNITY SERVICES

ITEM	TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
1.	Joint Use Agreements	Review, revise and execute all on-going joint use agreement with user groups who have joint use of Town buildings or parts thereof where the original use is maintained in accordance with Town Standards and Policies (i.e. Tennis Club, Curling Club)	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	a) Original use is maintained in accordance with Town standards and conditions. Consideration to be given to any Town concerns, requirements or issues related to the facility prior to renewal; b) The necessary certificate of insurance is filed.	Public Works Services; Parks; Recreation and Culture; Municipal Solicitor; Insurance Claims Adjuster; Finance Services	Director of Recreation and Culture	2007-114
2.	Joint Use Agreements with Separate and Public School Boards	Review, revise and execute all on-going joint use agreement with user groups who have joint use of Town buildings or parts thereof where the original use is maintained in accordance with Town Standards and Policies	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	a) Original use is maintained in accordance with Town standards and conditions. Consideration to be given to any Town concerns, requirements or issues related to the facility prior to renewal; b) The necessary certificate of insurance is filed.	Public Works Services; Parks; Recreation and Culture; Municipal Solicitor; Insurance Claims Adjuster; Finance Services	Director of Recreation and Culture	2007-114
3.	Rental Booking	Events at Town facilities and/or on Town property involving animals	By-law 2008-62	Events be required to adhere to the Animal Control By-law, 2009-19, as amended	Recreation and Culture	Director of Recreation and Culture	2007-114

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ITEM	TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
4.	Negotiation, execution and termination of Third Party Advertising/ Sponsorship/ Naming Rights Agreements	Agreement pursuant to which a payment of money or provision of things of value to the Town provides the ability to advertise, sponsor, or receive recognition through Town programs or activities.	Municipal Act 2001, s.o. c 25 Section 227	<p>Staff will seek out marketing/sponsorship opportunities with third parties who reflect the values and maintain operation policies that are not in conflict with the Town's values, mandate or operating policies, have a positive public image and reflect a high level of integrity.</p> <p>Sponsorship agreements that have a value of greater than \$30,000 annually will be presented to Council.</p> <p>Staff will maintain a list of partners interested in providing sponsorship/advertising/naming partnerships. Staff will periodically provide opportunities for expressions of interest in such partnerships with the Town.</p> <p>The Town reserves the right to terminate an existing sponsorship agreement should any of the following occur:</p> <ul style="list-style-type: none"> • The sponsor organization uses the Town's name outside the parameters of the sponsorship agreement, without prior consent; • The sponsor organization develops a public image inappropriate to the Town's values and/or objectives. 	Recreation & Culture; Corporate Communications; Procurement Services; Legal Services	Manager of applicable department	

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SCHEDULE "C"

PROCEDURE FOR APPROVAL OF ADMINISTRATIVE,
OPERATIONAL OR TECHNICAL MATTERS

DEVELOPMENT & INFRASTRUCTURE SERVICES

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SCHEDULE "C"

PROCEDURE FOR APPROVAL OF ADMINISTRATIVE, OPERATIONAL OR TECHNICAL MATTERS

DEVELOPMENT & INFRASTRUCTURE SERVICES

TYPE OF AGREEMENT	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
1. Cash-in-Lieu of Parking	Application to pay the Town a certain sum of money in lieu of providing parking spaces required by By-law.	Cash-in-Lieu of Parking Policy, Development and Infrastructure Services/Planning and Building Report 2014-07	Staff are delegated the authority to negotiate and execute agreements subject to conditions set out in the Cash-in-Lieu of Parking Policy.	Engineering Services; Public Works Services; Planning and Building Services; By-laws; and Ward Councillor.	Director of Planning and Building Services	
2. Road Closure	Temporary or short-term highway closures (7 days or less) for repairs and/or improvements to a highway (including road cuts) or services/utilities under or adjacent to a highway	Municipal Act 2001, S.O. 2001 C.25 sections 9 and 23.3	a) Upon recommendation by Public Works Services; b) in the event of any emergency as determined by the Director of Public Works Services and/or Director of Engineering Services, or in the event that capital improvements to a highway must be completed as determined by the Director of Public Works Services and/or the Director of Engineering Services, the road may be closed without prior notification; and c) all applicable departments, agencies and residents shall be notified of the highway closure as soon as possible.	York Region Police; Manager of Medical Emergency Services; Commissioner of applicable department; Engineering Services; Public Works Services; Planning and Building Services; By-laws; York Region Transit; York Region Rapid Transit; Fire Department; Parks; Recreation and Culture; Mayor; Regional Councillor and Ward Councillor.	Manager of Operations	2007-114
3. Road Closure	Authorization of temporary or short term highway closures (4 days or less) for social, recreational or community purposes	Municipal Act 2001, S.O. 2001 C.25 sections 9, 11 and 23.3(2)	a) Applicant to provide a certificate of Insurance in a form satisfactory to the Clerk; b) applicant to comply with all applicable by-laws;	York Region Police, Manager of Medical Emergency Services; Commissioner of applicable department; Public Works Services; Engineering Services; Legislative	Manager of Operations	2007-114

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TYPE OF AGREEMENT	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
	involving a stationary barricade		c) applicant responsible for clean up and restoration of street in question at close of event; d) such other reasonable restrictions as in the opinion of the Director of Public Works Services and Director of Engineering Services may be required; d) and all applicable departments, agencies and residents shall be notified of the highway closure.	Services; Planning and Building Services; By-laws; York Region Transit; York Region Rapid Transit; Fire Chief; Parks; Recreation and Culture; Mayor; Regional Councillor and Ward Councillor		
4. Municipal Access Agreements	Municipal Access Agreements	Municipal Act 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	a) Agreement to be in a form satisfactory to the Director of Public Works Services and Municipal Solicitor; and b) any permit, legal fees or other costs as determined by the Town from time to time shall be paid.	Commissioner of applicable department; Engineering Services; Public Works Services; Commissioner of Legal Services; Municipal Solicitor.	Director of Public Works Services	2007-114
5. Pre-Servicing Agreement	Pre-Servicing Agreement	Municipal Act 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	Agreement to be in substantially the same form as the standard Agreement attached hereto as Appendix 2.	Development Coordination Committee	Director of Engineering Services	2001-113 2007-114
6. Heritage Easements	Heritage Easement Agreements	Ontario Heritage Act, R.S.O. 1990 c. 0.18 s.37; Municipal Act 2001, S.O. 2001 C.25 sections 9 and 23.3; By-law 2003-141	In accordance with the terms, conditions and provisions of By-law 2003-141 as amended or any successor By-law; and Agreement to be in substantially the same form as the standard form Heritage Easement Agreement attached hereto as Appendix 7.	Heritage Newmarket; Planning Department; Municipal Solicitor	Director of Planning and Building Services or as otherwise directed by By-law 2003-141 as amended, or any successor By-law	2004-207 2007-114

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TYPE OF AGREEMENT	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
7. Site Plan Review	Application consideration		<p>a) Any industrial, commercial or institutional building not abutting residential;</p> <p>b) Any industrial, commercial or institutional building abutting residential but not exceeding 5,000 square feet in size;</p> <p>c) Any development not being undertaken by public authorities and/or agencies, i.e. Federal, Provincial, Regional, Town, School Boards, and Hospital;</p> <p>d) Any development not within a Community Improvement Plan Area and not within Special Policy Areas; and</p> <p>Any parking area not abutting residential. The Staff Development Review Team will review the above types of applications to ensure compliance with Town bylaws and standards, to assess community impact in connection with noise, dust, odour, traffic, visual (height), grading, interface compatibility, etc. All development applications will require a registered Site Plan Agreement and submission of securities from the owner. Members of Council will be advised of all applications and any Member of Council or Applicant may request that a Delegated Site Plan Review application be "bumped up" to a Full Site Plan Review.</p>	Staff Development Review Team and Fire Chief	Director of Planning and Building Services	2007-114
8. Temporary Sales Office	Agreement or structure	Municipal Act 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	Agreement to be in substantially the same form as the standard Agreement attached hereto as Appendix 1.	Development Coordination Committee and Building Services	Director of Planning and Building Services	2001-113 2007-114

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TYPE OF AGREEMENT	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
9. Site Plan Agreement	Agreement (including amendments to Site Plan Agreements)	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3; <i>Planning Act</i> s.41(7)	Agreement to be in substantially the same form as the Standard Agreements attached hereto as Appendix 5A and 5B. Any amendments to Site Plan Agreements shall be limited to non-financial or other minor conditions.	Site Plan Review Committee; Technical Review Committee; Planning and Building Services; By-laws; Municipal Solicitor; Engineering Services and Public Works Services and Fire Chief	Director of Planning and Building Services	2007-114
10. Subdivision	Subdivision Agreement (including amendments to Subdivision Agreements)	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3; <i>Planning Act</i> s.51(26)	Agreement to be in substantially the same form as the Standard Agreements attached hereto as Appendix 4A and 4B. Any amendments to subdivision agreements shall be limited to non-financial or other minor conditions.	Engineering Services; Public Works Services; Planning; Parks; Municipal Solicitor; Town Development Coordinator and Fire Chief	Development Coordination Committee	2002-9 2006-177 2007-114
11. Spine Servicing Agreement	Spine Servicing Agreement	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	Agreement to be in the standard form approved by the Municipal Solicitor and Development Coordination Committee.	Development Coordination Committee and Fire Chief	Development Coordination Committee	2007-114

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TYPE OF AGREEMENT	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
12. Model Home Permits, Acknowledgement and Indemnity	Issuance of Model Home Permits, Agreements of Undertaking, Acknowledgement and Indemnity	Municipal Act 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	a) Agreements to be in substantially the same form as the Agreements attached hereto as Appendix 6; and b) the maximum number of model home permits issued in respect of any one development shall not exceed 10% of the lots draft approved; c) the Undertaking, Acknowledgement and Indemnity – Model Home permit must be executed by the Builder and the developer; d) performance security in an amount determined as reasonable by the Chief Building Official for the first model home permit and in such other amount for every additional two model homes is filed with the Town; and e) provided the Director of Public Works Services and Director of Engineering Services and the Director of Planning have no objection to the issuance of model home permits.	Development Coordination Committee; Building Services; Director of Public Works Services; Director of Engineering Services; and the Director of Planning	Development Coordination Committee, Chief Building Official or Director of Planning and Building Services	2007-114

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TYPE OF AGREEMENT	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
13. Fence variance policies	Amending the Policies and Procedures for Fence Variances as required	Council Extract dated Sept 21/09 <i>Municipal Act, 2001, S.O. 2001 C.25 sections 10(2), 10, 99, 23.3</i>	Bylaw 2009-79 Erection and Maintenance of Signs and advertising devices Section 36	Legal; Planning and Building Services; By-laws; Engineering Services; Finance; Recreation & Culture; Public Works Services and Fire	Director of Planning and Building Services	2001-2 2009-79 2007-114
14. Conditional Building Permit	Authority to enter into an agreement for a conditional building permit.	<i>Building Code Act S.O. 1992 Chapter 23, as amended</i>	The Chief Building Official has discretion to issue a Conditional Permit where unreasonable delays would occur if a Conditional Permit is not granted.	Municipal Solicitor; Planning Services; Building Services; Engineering Services	Chief Building Official	
15. Approve application for Heritage permits	Approval of applications for Heritage Permits for buildings designated under Part IV of the <i>Ontario Heritage Act</i> . (Individual Designation)	<i>Ontario Heritage Act</i> Section 33.15	d) Applies to all alterations to a property designated under Part IV of the <i>Ontario Heritage Act</i> e) Does not apply to applications for demolition or removal of a designated building from a property. Where a heritage permit is denied, the applicant can appeal this decision to Council.	Heritage Newmarket Advisory Committee; Ward Councillor; Planning and Building Services	Director of Planning and Building Services or Senior Planner – Community Planning	
16. Approve application for Heritage permits	Approval of applications for user Permits for buildings designated under Part V of the <i>Ontario Heritage Act</i> . Within a Heritage Conservation District	<i>Ontario Heritage Act</i> Section 33.15	a) Applies to all alterations to a property designated under Part V of the <i>Ontario Heritage Act</i> b) Does not apply to applications for demolition or removal of a designated building from a property. Where a heritage permit is denied, the applicant can appeal this decision to Council.	Lower Main Street South Advisory Group; Ward Councillor; Planning and Building Services	Director of Planning and Building Services or Senior Planner – Community Planning	

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TYPE OF AGREEMENT	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
17. Approval of Final Acceptance & Assumption of Subdivision Works	Final Acceptance & Assumption of Subdivision Works	s.51(25) <i>Planning Act</i> and applicable Subdivision Agreement	a) Final acceptance and assumption of subdivision works shall be reviewed upon receiving a recommendation from the Town's 'Checking Consultant'; b) All applicable departments shall be notified of the request for final acceptance and assumption for their review and recommendation.	Engineering Services, Public Works Services, Planning, Finance, Legal Services	Director, Engineering Services	

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SCHEDULE "D"

PROCEDURE FOR APPROVAL OF ADMINISTRATIVE,
OPERATIONAL OR TECHNICAL MATTERS

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

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SCHEDULE "D"

PROCEDURE FOR APPROVAL OF ADMINISTRATIVE, OPERATIONAL OR TECHNICAL MATTERS

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

ITEM	TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
1.	Acquisition of Lands	The acquisition of land or any interest in land (except for a leasehold interest) including agreements of purchase and sale respecting road widenings, minor conveyances, remnant pieces of land and approved capital projects.	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11, 23.3 and 270	a) That sufficient funds be available within the departmental budgets approved by Council; b) the acquisition price shall be at or below fair market value; c) fair market value shall be determined by appraisal, including the criteria to determine value, unless an appraisal would not be practical or economical; d) the authority related to fair market value shall only be exercised in accordance with the financial limits set out in the Procurement By-law (By-law 2011-74 as amended from time to time or any successor By-law); and e) the acquisition shall be on terms and conditions and in a form satisfactory to the Municipal Solicitor.	Development Coordination Committee; Planning; Commissioner of applicable department; Recreation and Culture; Engineering Services; Public Works Services; Municipal Solicitor (where practical)	Chief Administrative Officer and Municipal Solicitor	2007-114
2.	Acquisition of Lands	The negotiation of the acquisition of land or any interest in land (except for a leasehold interest) not otherwise	<i>Municipal Act</i> , 2001, S.O. 2001 C.25 sections 9, 11, 23.3 and 270	a) That sufficient funds be available within the property reserve accounts; b) property must be for purposes associated with Town Initiatives such as but not limited to the protection of environmental land, open space, parks, trails and operations facilities; c) the acquisition shall be on terms and	Chief Administrative Officer; Mayor; Engineering Services; Public Works Services; and Commissioner of applicable department or Municipal Solicitor (where practical)	CAO	2007-114

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ITEM	TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
		provided for in an approved budget.		conditions and in a form satisfactory to the Municipal Solicitor. d) the terms and conditions of any Offer to Purchase shall include a term that the Offer is conditional upon approval by Council; and e) Council shall approve any Offer to Purchase.			
3.	Surplus Lands	Dispositions of land or any interest in land (except for a leasehold interest) Agreements of Purchase and Sale	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11, 23.3 and By-law 1995-43; Sale of Land By-law 1995-43	Disposal of surplus lands will follow the process and conditions set out in policy LEGAL 1-01.	Legal; Planning and Building Services; By-laws; Engineering Services; Finance; Recreation & Culture; Public Works Services; and Fire	Chief Administrative Officer and Municipal Solicitor	2007-114
4.	Leases		<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	a) Rent be at fair market value; b) That fair market value be determined by appraisal including the criteria used to determine value, unless an appraisal would not be practical or economical; c) The authority related to fair market value shall only be exercised in accordance with the financial limits set out in the approved budget; d) The lease shall be on terms and conditions and in a form satisfactory to the Municipal Solicitor; e) Renewal of existing leases is delegated to staff provided that the terms are equal to or better than the terms approved by Council for the initial term of a lease.	Municipal Solicitor and Commissioner or Directors of applicable Department; Engineering Services; Public Works Services	Chief Administrative Officer; Director of the applicable department; or Commissioner of applicable department.	2007-114

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ITEM	TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
5.	License Agreements		<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11 and 23.3	a) Rent be at fair market value; b) That fair market value be determined by appraisal including the criteria used to determine value, unless an appraisal would not be practical or economical; c) The authority related to fair market value shall only be exercised in accordance with the financial limits set out in the Procurement By-law as amended or any successor Procurement By-law.	Municipal Solicitor and Commissioner or Directors of applicable Department; Engineering Services; Public Works Services	Chief Administrative Officer; Director of the applicable department; Commissioner of applicable department	2007-114
6.	Remnant Lands	Dispositions of remnant pieces of land through the subdivision and/or site plan process.	<i>Municipal Act</i> 2001, S.O. 2001 C.25 sections 9, 11, 23.3 and By-Law 1995-43	Disposal of surplus lands will follow the process and conditions set out in policy LEGAL 1-01. If the remnant piece is part of an unopened road allowance, notice of the disposition shall be provided to all utility companies.	Legal; Planning and Building Services; By-Laws; Engineering Services; Finance; Recreation & Culture; Public Works Services; Fire; including Development Coordination Committee	CAO and Municipal Solicitor	1995-43
7.	Section 275 powers	Restricted powers during 'name-duck' Council.	<i>Municipal Act</i> 2001, S.O. 2001 section 275 ss. 3	The CAO is delegated the ability to exercise powers listed under section 251 (3) of the <i>Municipal Act</i> , subject to previously existing Town policies.	Municipal Solicitor and Commissioner or Directors of applicable departments	CAO	

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ITEM	TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	AUTHORITY	FORMER BY-LAW NO.
8.	General operating agreements and agreements required by law	Standard agreements to facilitate the daily operations of departments and agreements to carry out works within the scope of Council-approved projects.	<i>Municipal Act 2001</i> , s.o. c 25 Section 227	Staff are delegated the ability subject to signing authority approval set out in this bylaw to prepare and sign such agreements as are necessary for the corporation's operations or are required under provincial or federal legislation. Such agreements must either have no budgetary impact or be provided for in an approved budget.	Applicable operating department	Director of the applicable department	
9.	Administrative policies and powers	Adoption, amendment, and execution of administrative powers and policies	<i>Municipal Act 2001</i> , s.o. c 25 Section 227	The CAO is delegated the ability to adopt, modify, execute, and repeal such policies as are necessary for the management of employees, contractors, and daily operations of the Town.	Such departments or positions as are deemed necessary at the discretion of the CAO.	CAO	

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SCHEDULE "E"

PROCEDURE FOR APPROVAL OF ADMINISTRATIVE,
OPERATIONAL OR TECHNICAL MATTERS

CENTRAL YORK FIRE SERVICES

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SCHEDULE "E"

PROCEDURE FOR APPROVAL OF ADMINISTRATIVE, OPERATIONAL OR TECHNICAL MATTERS

CENTRAL YORK FIRE SERVICES

ITEM	TYPE OF AUTHORITY	MATTER TO BE APPROVED	LEGISLATIVE AUTHORITY	TERMS, CONDITIONS AND LIMITATIONS	COMMENTING DEPARTMENTS	APPROVAL AUTHORITY	FORMER BY-LAW NO.
1.		Updating Town Emergency Plan	<i>Municipal Act</i> 2001, S.O. 2001 sections 9 and 23.3 <i>Emergency Management and Civil Protection Act</i> R.S.O. 1990, c.E-9; By-law 2004-208 as amended	a) Make changes that are necessary including, but not limited to, all contacts, names, titles, phone number amendments related to changes in the organizational structure, procedures, editorial changes and other pertinent information required to keep the Plan up-to-date and accurate; and b) Updated plan to be submitted by the Town Clerk and circulated by the Town Clerk to all departments, agencies, government bodies and affected persons.	All	Fire Chief	2007-114

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