

CITY OF FORT ST. JOHN

BYLAW NO. 1703, 2004

A Bylaw to Delegate Council Authority

Short Title

1. This Bylaw may be cited as “City of Fort St. John Delegation of Council Authority Bylaw No. 1703, 2004”.

Definitions

2. In this bylaw:
 - (a) “*Charter*” means the *Community Charter*
 - (b) “*Act*” means the *Local Government Act*
 - (c) “City” means the City of Fort St. John, a municipality incorporated under the *Community Charter*
 - (d) “Council” means the elected Council of the City.

Land Use Approval Delegation

3. Council hereby delegates to the City’s Approving Officer all of the powers, duties and functions of the Council in respect of:
 - (a) development permits under Section 920 of the *Local Government Act*,
 - (b) temporary commercial or industrial use permits under Section 921 of the *Local Government Act*.

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 4 who is dissatisfied with the decision 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 within 30 days after the decision is communicated in writing to the:
 - (i) 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,

Reconsideration by Council (continued)

4. (c) a reconsideration application must be considered by Council at a regular meeting of Council held at least two weeks after the date on which the reconsideration application is delivered to the City,
- (d) the Corporate Officer must:
 - (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 Fort St. John Development Approval and Permit Procedures Bylaw No. 1331, 1997 or the *Local Government Act*, and
 - (iii) before each reconsideration by Council, deliver to each Council member a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered,
- (e) in reconsidering a decision the Council must consider the material that was considered by the delegate in making the decision,
- (f) 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,
- (g) Council is entitled to adjourn a reconsideration of a decision, and
- (h) after having reconsidered a decision, Council may either confirm the decision or may set aside the decision and substitute the decision of Council.

Scope of Bylaw

6. For clarity, subject to the *Act* or *Charter*, 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

7. 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 and to any person who from time to time is the deputy of that person so appointed by Council.

No Delegation by a Delegate

8. 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.

READ FOR A FIRST TIME THIS 19th DAY OF July, 2004

READ FOR A SECOND TIME THIS 19th DAY OF July, 2004

READ FOR A THIRD TIME THIS 19th DAY OF July, 2004

ADOPTED THIS 9th DAY OF August, 2004

STEPHEN H. THORLAKSON
MAYOR

CAROL SUSAK, DIRECTOR OF
CORPORATE ADMINISTRATION