

# DISTRICT OF SEHEL T

## Delegation of Flood Control Requirements Exemptions Bylaw No. 533, 2014

### A bylaw to delegate flood control requirement exemptions

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**WHEREAS** Section 320 of the District of Sechelt Zoning Bylaw No. 25, 1987 contains Flood Control Requirements;

**AND WHEREAS** Section 910 (5) of the *Local Government Act* provides that the District of Sechelt may issue flood control requirements exemptions to persons for a building or structure in relation to a specific parcel of land;

**AND WHEREAS** Section 154 (1) of the *Community Charter* provides that a council may, by bylaw, delegate certain powers, such as the issuance of a flood control requirements exemptions, to a designated employee of a municipality;

**AND WHEREAS** the District of Sechelt wishes to delegate the issuance of flood control requirements exemptions to the Director of Development Services in order to reduce the development processing time;

**NOW THEREFORE**, the Council of the District of Sechelt in open meeting assembled enacts as follows:

#### **Title**

1. This bylaw may be cited for all purposes as “District of Sechelt Delegation of Flood Control Requirements Exemptions Bylaw No. 533, 2014”.

#### **Definitions**

2. In this bylaw:

**District** means the District of Sechelt, a municipality incorporated under the *Municipal Act*;

**Council** means the elected Council of the District.

#### **Delegation of Issuance of Flood Control Requirements Exemptions**

3. Council hereby delegates to the Director of Development Services, herein referred to as the ‘Delegate’, all of the powers, duties and functions of Council under Section 910 (5) of the *Local Government Act* in respect of issuing Flood Control Requirements Exemptions to Section 320 of District of Sechelt Zoning Bylaw No. 25, 1987 to persons for a building or structure in relation to a specific parcel of land.

### **Reconsideration by Council**

4. Any owner of property that is subject to a decision under Section 3 who is dissatisfied with the decision is entitled to have the decision reconsidered by Council in accordance with this section.
5. 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 owner, a reconsideration notice in writing, which must set out all of the following:
  - (a) the name of the delegate who made the decision, the date of the decision 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 considered by the owner to be relevant to the reconsideration by Council.
6. A reconsideration application must be considered by Council at a regular meeting of Council held within four weeks after the date on which the reconsideration notice is delivered to the District's Corporate Officer.
7. The Corporate Officer must:
  - (a) place each reconsideration notice on the agenda for a regular meeting of Council in accordance with Section 6;
  - (b) 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.
8. In reconsidering a decision, the Council must consider the material that was considered by the Delegate in making the decision.
9. 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.
10. Council is entitled to adjourn a reconsideration of a decision.

11. After having reconsidered a decision, Council may either:

- (a) confirm the Delegate's decision;
- (b) modify the Delegate's decision; or
- (c) set aside the Delegate's decision and substitute a decision of Council.

**Scope of Bylaw**

12. For clarity, subject to the *Community Charter Act* and the *Local Government Act*, unless a power, duty or function of Council has been expressly delegated by this bylaw, or another District bylaw, all of the powers, duties and functions of Council remain with Council.

**Delegation to Persons Holding Position**

13. 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 persons who from time to time is the deputy of that person so appointed by Council.

**No Delegation by Delegate**

14. 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 A FIRST TIME THIS	5th	DAY OF	February, 2014
READ A SECOND TIME THIS	5th	DAY OF	February, 2014
READ A THIRD TIME THIS	5th	DAY OF	February, 2014
ADOPTED THIS	19 <sup>th</sup>	DAY OF	March, 2014

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Mayor

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Corporate Officer