

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. #3128 (2010)

Being a by-law to delegate the authority for considering applications for minor variances and consents, to provide for compensation for the members of the Committee of Adjustment, and to adopt Policies, Procedures and Conditions for the Operation of the Committee of Adjustment, and to establish a Tariff of Fees under the Planning Act.

WHEREAS pursuant to Section 54(1) of The Planning Act, R.S.O. 1990 Chapter P. 13 that the council of a Regional Municipality may, by by-law, delegate to the council of a constituent local municipality the authority for the giving of consents under Section 53 in respect of land in the local municipality,

AND WHEREAS pursuant to Section 54(2.1) of the Planning Act, the delegation of authority to give consents is deemed to include the authority to give approvals under Section 50(18) and to issue certificates for validation under Section 57 of The Act,

AND WHEREAS, the council for the Regional Municipality of Niagara has provided for this delegation through the adoption of Regional Municipality of Niagara By-law #185-1999,

AND WHEREAS pursuant to Section 54(2) of the Planning Act, that such council may, in turn, by by-law, delegate the authority to a Committee of Adjustment,

AND WHEREAS pursuant to Section 44(1) of the Planning Act that the Council of the Municipality may by by-law constitute and appoint a Committee of Adjustment composed of such persons, not fewer than three, as the Council considers advisable,

AND WHEREAS Section 44(9) of the Planning Act, provides that the members of the Committee of Adjustment shall be paid such compensation as the Council may provide,

AND WHEREAS pursuant to Section 69(1) of the Planning Act, the Council may, by by-law, establish a tariff of fees for the processing of applications;

AND WHEREAS Section 23.21(b)(ii) and (2) permit a municipality to delegate legislative and quasi-judicial powers under the Planning Act to individuals appointed by its council;

AND WHEREAS Section 238(2) of the Municipal Act, as amended, requires that every local board shall adopt a procedure by-law for governing the calling, place and proceedings of meetings;

AND WHEREAS the Committee of Adjustment is a local board as defined in the Municipal Affairs Act, R.S.O. 1990, c.M.46;

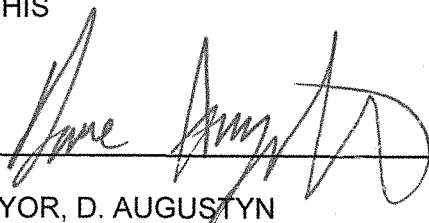
AND WHEREAS Section 239 of the Municipal Act, as amended, requires all meetings of a local board to be open to the public and prohibits a meeting to be closed to the public during the taking of a vote unless provided in the exceptions, set out in Section 239;

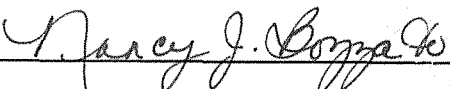
NOW THEREFORE the Council of the Corporation of the Town of Pelham HEREBY ENACTS AS FOLLOWS:

1. THAT a Committee of Adjustment be appointed composed of such persons, not fewer than three, as the Council considers advisable, for considering applications for minor variances and consents, and:
2. THAT remuneration for the Committee of Adjustment shall be as set out in Schedule "A" attached hereto and forming part of this by-law.
3. THAT mileage shall be paid to each member of the Committee of Adjustment as determined annually;

4. THAT the authority for the consideration of and granting/refusal of consents for lands within the Town of Pelham, as delegated by the Regional Municipality of Niagara By-law No. 185-1999 to the Town of Pelham is hereby, in turn, delegated to the Committee of Adjustment;
5. THAT the operation of the Committee of Adjustment shall be subject to the policies, procedures and conditions as set out in Schedule "B" attached hereto and forming part of this by-law, including provision of notice for meetings;
6. THAT the fees for processing of applications shall be as set out in the current Town of Pelham By-law to Establish Fees and Charges to be Collected by the Corporation of the Town of Pelham;
7. THAT By-law #3005 (2008) be and is hereby repealed; and
8. THAT this by-law shall come into force and take effect on July 19, 2010

READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED BY COUNCIL THIS
19th DAY OF JULY, 2010.


MAYOR, D. AUGUSTYN


CLERK, NANCY J. BOZZATO