



# THE CORPORATION OF THE CITY OF PORT COQUITLAM

## BYLAW NO. 3876

### A Bylaw to Delegate Authority and Establish Procedures for Delegated Authorities

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*WHEREAS the Community Charter empowers Council, by bylaw, to delegate certain powers, duties and functions, including those specifically established by an enactment, to its members, committees, officers, employees or another body established by the Council;*

*NOW THEREFORE the Council of the City of Port Coquitlam, in open meeting assembled, enacts as follows:*

#### CITATION

1. This Bylaw may be cited for all purposes as the “Delegation of Authority Bylaw, 2014, No. 3876”.

### **PART I: DELEGATED AUTHORITIES & PROCEDURES**

#### ANIMAL CONTROL

2. The Manager of Bylaw Services is delegated the authority to enter into, and deliver on behalf of the City, partnership and service agreements relating to animal control. Signing authority for these agreements is delegated to the Manager of Bylaw Services.

#### BYLAW ENFORCEMENT

3. It is acknowledged by the Council of the City of Port Coquitlam that by virtue of their appointment, Bylaw Officers are “Peace Officers” in the course of performing their duties. A Bylaw Enforcement Officer may exercise the following powers on behalf of the City:
  - a) enforcement of the City’s regulatory bylaws and related policies;
  - b) entry onto or into private premises to verify compliance with the Council’s regulations, prohibitions or requirements pursuant to Section 16 of the *Community Charter*;
  - c) the service of summons pursuant to Section 28 of the *Offence Act*;
  - d) for certainty, the issuance of Municipal Ticket Information as provided by the Ticket Information Utilization Bylaw, 1992, No. 2743 and the Bylaw Notice Enforcement Bylaw, 2012, No. 3814.
  - e) in accordance with Section 70(1)(b) of the *Police Act* upon the appointment of a Bylaw Officer by the City of Port Coquitlam Council or delegate, each employee must complete the Oath/Affirmation in BC Regulation 136/2002M199/2002 (see Schedule A).

## **BUSINESS LICENSING**

4. The Manager of Planning and the Manager of Bylaw Services are delegated the authority to suspend or cancel a business licence for reasonable cause pursuant to Section 32 of the Business Bylaw, No. 3725.
5. The Manager of Planning and the Manager of Bylaw Services are delegated the authority to attach conditions to a business licence pursuant to Section 5.1 of the Business Bylaw, No. 3725.
6. If the Manager of Planning or the Manager of Bylaw Services has refused to grant a Licence or has imposed a term of condition that the applicant considers is unreasonable, the applicant who is subject to the decision is entitled to have Council reconsider the matter. The applicant may submit a request for reconsideration in writing to Council. This request will be placed on the next reasonably convenient Council Meeting Agenda and Council will provide a final ruling on the matter.

## **FINANCE**

7. The Committee of Council is delegated the authority to accept the annual municipal financial statements pursuant to Section 167(1)(b) of the *Community Charter*.
8. The Committee of Council is delegated the duties and functions pursuant to Part 6 - Division 2 Audit of the *Community Charter*.

## **LAND USE AND DEVELOPMENT APPROVALS**

9. The Committee of Council is delegated the authority:
  - a) to issue development permits under Section 920 of the *Local Government Act*;
  - b) to renew temporary use permits under Section 921 of the *Local Government Act* in areas of the City designated under Section 920.2 for such temporary uses;
  - c) to issue and renew heritage alteration permits under Section 972 of the *Local Government Act*;
  - d) to issue time extensions for Council consideration of adoption of a Zoning Bylaw amendment for a period of up to one year from the initial one-year period; and,
  - e) to authorize notice of a proposal for a development variance permit or a temporary use permit under Section 922 of the *Local Government Act*.
10. The Director of Development Services is delegated the authority to issue development permits (small lot) under Section 920 of the *Local Government Act* where the developments are:
  - a) for new single residential buildings in the RS4 zone;
  - b) designed in accordance with the Intensive Residential Guidelines for Small Lots of the Official Community Plan; and,
  - c) in compliance with the regulations of the Zoning Bylaw.
11. The Director of Development Services is delegated the authority to issue development permits (coach house) under Section 920 of the *Local Government Act* where the coach house is:

- a) designed in accordance with the Intensive Residential Guidelines for Coach Houses of the Official Community Plan; and,
  - b) in compliance with the regulations of the Zoning Bylaw and Parking and Development Management Bylaw.
- 12.** The Director of Development Services is delegated the authority to issue watercourse development permits under Section 920 of the *Local Government Act* where the works are:
- a) located in an agricultural, single residential or duplex zone;
  - b) in compliance with the watercourse protection guidelines of the Official Community Plan; and,
  - c) in compliance with the regulations of the Zoning Bylaw.
- 13.** The Director of Development Services is delegated the authority to issue an amendment to a permit providing for a minor alteration or change which:
- a) would not change the intent of the design, and
  - b) would not vary any bylaw with the exception of the following:
    - i. Zoning Bylaw bicycle facilities regulations,
    - ii. Zoning Bylaw recycling facilities regulations, and
    - iii. Parking and Development Management Bylaw regulations for parking space, loading space and aisle dimensions.
- 14.** The Director of Development Services is delegated the authority to extend the date of expiry of a permit other than a Temporary Use Permit where, in the sole opinion of the Director of Development Services, no circumstances have arisen to require an amendment or reconsideration of the permit.
- 15.** In exercising the authority delegated by this Bylaw, the Committee of Council and Director of Development Services shall do so in accordance with the relevant policies, guidelines and regulations of the Official Community Plan and Zoning Bylaw.
- 16.** An applicant for a permit who is denied the permit by a decision by the Director of Development Services is entitled to reconsideration. The applicant may submit a request for reconsideration in writing to the Committee of Council and this request will be placed on the next reasonably convenient meeting of the Committee of Council. If the issue is not resolved at this meeting, the applicant may request that the matter be considered by Council, who will provide a final ruling on the matter.
- 17.** The Committee of Council and Director of Development Services are delegated not only the authority to issue certain permits, but also to amend and cancel permits and to take such action as would be within the authority of Council if an owner fails to comply with a term or condition of a permit.
- 18.** Signing authority for land use and development permits issued pursuant to this section is delegated to the Director of Development Services.
- 19.** For clarification, the delegation to the Committee of Council of the authority to issue permits includes all the authorities of Council in relation to those development permits, including the authority to vary or supplement a bylaw under Division 7 or 11 of Part 26

of the *Local Government Act* and the authority to impose conditions and requirements and set standards on the issuance of a permit.

21. For clarification, the delegation to the Committee of Council of the authority to issue development permits and heritage alteration permits includes the authority to establish a permit expiry date, impose conditions, require undertakings, determine if an undertaking has been breached and enter on the land and carry out the demolition, removal or restoration at the expense of the owner, give and publish notices, and hear objections.

### **LANDSCAPE SECURITIES**

22. The Committee of Council is delegated the authority to require landscape securities in relation to development permits and temporary use permits.
23. The Director of Development Services is delegated the authority to require landscape securities in relation to development permits (small lot) or coach house and watercourse development permits located in an Agricultural A, Single Residential RS or Duplex RT zone.
24. The Committee of Council is delegated the authority to determine if a condition in a permit respecting landscaping in relation to development permits and temporary use permits has not been satisfied and the Committee of Council may then undertake the work, apply the security and otherwise administer the security pursuant to Section 925 of the *Local Government Act*.
25. The Director of Development Services is delegated the authority to determine if a condition in a permit respecting landscaping in relation to watercourse development permits located in an Agricultural A, Single Residential RS or Duplex RT zone has not been satisfied and the Director may then undertake the work, apply the security and otherwise administer the security pursuant to Section 925 of the *Local Government Act*.

### **LIQUOR AND CANNABIS LICENCES**

26. The Committee of Council is delegated the authority to adopt a resolution on a liquor licence application submitted in accordance with the *Liquor Control and Licensing Act* (LCLA) to the Liquor and Cannabis Regulation Branch or to make a decision to opt out of providing comment on the application.
27. The Director of Development Services is delegated the authority to provide comment to the Liquor and Cannabis Regulation Branch on a special occasion liquor licence application submitted in accordance with the *Liquor Control and Licensing Act* (LCLA).

### **CANNABIS RETAIL LICENCES**

28. The Committee of Council is delegated the authority to adopt a resolution on a cannabis licence application submitted in accordance with the *Cannabis Control and Licensing Act* to the Liquor and Cannabis Regulation Branch or to make a decision to opt out of providing comment on the application.

## **NOISE CONTROL BYLAW EXEMPTIONS**

29. The Director of Engineering and Public Works, the Manager of Infrastructure Planning, the Manager of Building, and the Manager of Bylaw Services are delegated the authority to grant exemptions to the Noise Control Bylaw No. 2891.

## **NOTIFICATION**

30. The Corporate Officer and Assistant Corporate Officer are delegated the authority to publish newspaper notices required under the *Local Government Act* and the *Community Charter*.

## **OFFICERS**

31. Pursuant to Section 154(3) of the *Community Charter*, the Chief Administrative Officer is delegated the authority to appoint a person to fill an officer position and to hire or to suspend an officer of the City. The Chief Administrative Officer must report such decisions to Council at its next meeting.

## **PARKS AND RECREATION AGREEMENTS**

32. The Committee of Council is delegated the authority to enter into, and deliver on behalf of the City, partnership and service agreements relating to recreation, parks, cultural, special events, and library services. In exercising this delegated authority, the Committee shall do so in accordance with the relevant purchasing policies, guidelines and regulations of the City. Signing authority for these agreements is delegated to the Director of Recreation.

## **PURCHASING**

33. The Departmental Directors are delegated the authority to enter into contracts for the purchase of goods and services. In exercising this delegated authority, the Directors shall do so in accordance with the relevant purchasing policies, guidelines and regulations of the City.

## **RENTAL FEE WAIVERS**

34. The Committee of Council is delegated the authority to waive rental fees for City-owned facilities.

## **STRATA LOT OWNERSHIP**

35. The Corporate Officer is delegated the authority to exercise the powers of the City at any annual general meeting or a special general meeting of the strata corporation on behalf of the City as an owner of one or more strata lots within a strata development.
36. The authority delegated by this Bylaw is not limited, but is general and the Corporate Officer may vote, propose and second motions, participate in discussions, and do any and all other things that the City as the owner of the strata lot is entitled to do at strata corporation meetings.

37. The Corporate Officer may consent to the waiver of the holding of an annual or special general meeting of the strata corporation and may consent in writing to its resolutions.

### **TREE PERMITS**

38. Committee of Council may consider a decision of the Parks Section Manager with respect to the issuance of a tree cutting permit.

### **PART II: ADMINISTRATIVE AUTHORITIES**

39. The Director of Engineering and Public Works, Director of Development Services, Corporate Officer, Manager of Development Engineering, Manager of Engineering Projects and Budgets and Supervisor of Design and Technical Services are delegated the authority to enter into and deliver on behalf of the City, the following:

- a) statutory rights of way for municipal services
- b) easements for the benefit of or burdening City property
- c) encroachment agreements
- d) highway reservation agreements
- e) Section 219 covenants *Land Title Act*,
- f) subdivision and development servicing agreements
- g) latecomer charge waiver agreements
- h) releases and modifications of the agreements listed in this section.

40. The Director of Development Services and Corporate Officer are delegated the authority to file notices of permits issued pursuant to this Bylaw in the Land Title Office.

41. Except for specific provisions in this Bylaw, any contract, agreement, debenture, plan or other document or instrument to be executed or approved on behalf of the City shall be executed by the Mayor and the Corporate Officer.

### **PART III: EXERCISE OF DELEGATED AUTHORITY**

42. Where a committee, officer, or employee holding a position with delegated authority pursuant to this Bylaw decides not to exercise their delegated authority under this Bylaw, in their sole discretion and for reasons of complexity, visibility or any other circumstance, the matter will be considered by Council. These decisions are not open for reconsideration by Council.

43. If two members of Council provide a written request to the Corporate Officer that they wish to have all members of Council consider a matter that has been delegated to a committee, officer or employee at least 24 hours prior to the decision being made, the matter must not be considered by the delegated authority and shall be considered by Council.

44. For clarity, unless a power, duty or function of Council has been expressly delegated by this Bylaw, all of the powers, duties and functions of Council remain with Council.

45. A committee, officer or employee holding a position with delegated authority may not further delegate the delegated authority.

46. In the absence of an officer with delegated authority or an employee holding a position with delegated authority, the person named to act in the capacity of the officer or the position is delegated the applicable authority delegated by this Bylaw.
47. If the title of a committee is changed by the Mayor or the title of a position is changed by the Chief Administrative Officer, the delegated authority of this Bylaw shall continue to apply to the applicable committee or position.

**REPEAL**

48. The “Delegation Bylaw No. 3820” and all amendments thereto, are hereby repealed.

*Read a first time for the Municipal Council this 8<sup>th</sup> day of September, 2014.*

*Read a second time for the Municipal Council this 8<sup>th</sup> day of September, 2014.*

*Read a third time for the Municipal Council this 8<sup>th</sup> day of September, 2014.*

*Certified in accordance with the Bylaw authorizing the revision.*

*Adopted by the Municipal Council of the Corporation of the City of Port Coquitlam this 15<sup>th</sup> day of September, 2014.*

**GREG MOORE**  
Mayor

**CAROLYN DEAKIN**  
Acting Corporate Officer

**RECORD OF AMENDMENTS**

<b>Bylaw</b>	<b>Section</b>	<b>Date</b>
4094	Committee name change	2018 11 27
4103	Cannabis retail licences	2019 02 05
4109	Tree Permits	2019 02 26
4194	Peace Officer and TUP approval	2020 10 27
4203	Sections 4-6	2020 12 15
4215	Sections 11 and 22	2021 02 09

SCHEDULE A

**PEACE OFFICER RESOLUTION**

1. *As per the authority at section 36 of the Police Act, R.S.B.C. 1996, c. 367, as amended, the City of Port Coquitlam ("City") through its Mayor and Council or delegate appoints **(INSERT NAME)** as a bylaw enforcement officer for the City commencing **(DATE)** for the purposes of enforcing all City's bylaws and in accordance with the statutory authority granted within the Community Charter, S.B.C. 2003, c. 26, as amended, is authorized to exercise such statutory authority.*
2. *For the purposes of this resolution the City also designates (insert full legal name here) as a peace officer, as that term is defined in section 29 of the Interpretation Act, R.S.B.C. 1996, c. 238, as amended, for the preservation and maintenance of public peace within the City, with the full powers, privileges and responsibilities of a peace officer while carrying out their duties for the City.*
3. *This appointment will expire immediately when (insert full legal name here) is either no longer employed by the City; is no longer appointed to the position of bylaw enforcement officer; or if City Council rescinds their appointment.*

As per the oath of office, it is taken under the authority of section 70 of the *Police Act* and B.C. Reg. 136/2002. Consider the following:

I, **(insert full legal name here)**, do solemnly affirm that:

- a) I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors; and
- b) I will faithfully, honestly and impartially perform my duties as bylaw enforcement officer for the City of Port Coquitlam.

Solemnly affirmed by me, at the City of Port Coquitlam, Province of British Columbia, on **(insert day, month, year here)**.

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(Insert full legal name here), Bylaw Enforcement Officer

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A Commissioner for Administering Oaths